Prevention or Perversion

The Call, Vocation and Membership of the Christian Brothers

Barry M Coldrey
'Very earthy considerations and ambitions can creep into the lives of men who had set out with the highest ideals.' Morrissey, T. *As One Sent: Peter Kenny, S.J., 1779 - 1841*, Four Courts Press, Dublin, 1996, p. 106

'O for an asylum for all the misfits we have...' Young, R, (Province Leader, St Mary's Province, Australia), to Duffy, L, (Assistant), 17 December 1953
Brother Barry Coldrey was contracted on various tasks concerning the child migration and sexual abuse crises in the Congregation, 1991-98, and, separately was reporting to the Superior-General, Brother J C Keating, after a semi-secret meeting at the Brothers house in Port Moresby on 3 December 1990.

As a result the following books or 'pieces of writing' — relevant to the abuse crises were completed during those and succeeding years. These are:

- **The Scheme: The Christian Brothers and Child care in Western Australia, Argyle-Pacific, Perth, 1993**

This book is a commissioned work and intended for the general public. It was published as part of the Christian Brothers Jubilee celebrations in Western Australia. In so far as The Scheme deals with the issue of physical and sexual abuse, the book is very frank bearing in mind that the book is a Jubilee history and is attempting a balance over a large scale. This book would be still available from the Christian Brothers Province Office, P. O. Box 1129, Bentley Delivery Centre, WA, 6983,Australia Hardcover, Price: $A 39.95

'A Secret Report ...' This handwritten document was written in 1993 and intended for the (then) Congregation Leader, Colm Keating and other prominent members of the Congregation. It was presented to Brother Keating in person in early January 1994. What happened to the report since then is a long story ... at the moment I do not have a copy ... and its contents are never intended to be made public. It is not available. (About 3-4 times a year there is a request for a copy)
‘Religious Life without Integrity’: The Sexual Abuse Crisis in the Australian Catholic Church. Tamanaraik Press, Melbourne, 1999. This book would, in an earlier age, have been called ‘The Confessions of a former church investigator’. It is the reflections of a person who has worked for ten years or so on the child sexual abuse crisis as this has affected the Australian Catholic Church and its religious orders. This book is formal in tone and academic in style and while intended for the serious reader, it was never likely to get to the so-called ‘man in the street’ who would never grind his/her way through this sort of writing.

Prevention or Perversion’: A Study of the Call and Vocation of the Christian Brother. This document readable in its present form. It is being written for the delegates to the wave of Chapters which the Congregation is experiencing over the next year or so. Since the Provincial Chapters are open or fairly open Chapters, this document may be saved for the General Chapter and it may not obtain an airing at all. It is probably too tough for a mass Chapter audience which could at times include Network members.

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15 December 2005

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Introduction
Introduction

As early as 1861, the then Superior-General, Brother Michael Riordan, sent a circular to all members of the Congregation on a subject of 'so painful a nature' that 'we prefer to throw a veil over its naked deformity' - the resort by those unable to win the trust of their pupils to the humiliating alternative of enforcing submission by coercive measures'. The solemn tone of his pronouncement would suggest that he was warning the Brothers against sexual molestation of pupils; however, it appears to be concerned with excessive use of corporal punishment.

It is not clear on the current level of research at what date the leaders of the Congregation recognised they had a sexual molestation problem among a minority of the Brothers. The spectacular depredations of Philip Carmody in Western Australia came to light in 1918, and the Provincial did not speak as if the case was unique; on the contrary. Certainly by the 1930s, an Irish Assistant to the Superior-General, Brother Canis Butler, appeared to consider that dealing with abuse allegations was an occupational hazard for a member of the General Council.

The Irish-born Brother Severin Traynor had been unceremoniously sent from Perth (Australia) to Dublin in 1934 after molesting pupils (when headmaster) at a Brothers school in the city. In fact, Traynor arrived in Eire before anyone was apprised of the reason for his coming, except what the man himself revealed. Butler advised the Provincial in Sydney that this was rather bizarre and wrote, 'normally in these circumstances' there were written details of the allegations and an estimate of the likelihood that they were true. The phrase 'normally in these circumstances' suggests that Traynor's crime was neither a unique nor even rare event.

Be that as it may, during the following thirty years, the Provincial Council(s) had to deal with many abuse allegations - in a Congregation which was growing rapidly until the mid-1960s. It is important to see how they managed the aftermath of these complaints of molestation of pupils. There were formal
procedures, based on Canon Law and these procedures were taken seriously and used, effectively in some situations, less effectively in others.

After the second Vatican Council and amid widespread prosperity in the Western world and rapidly changing social values, many Brothers left the Congregation - an attrition rate which has continued. Fewer young men joined; very few after 1975. The overall numbers declined from some 3900 in the early 1960s to some 1400 at the turn of the millennium.

However, with the abuse crisis of the last fifteen years, there is a renewed focus on the issue and attempts to grapple with the problem to prevent its recurrence. It is the stance of this paper, however, that the Congregation requires formal procedures under its ‘membership’ provisions to face the facts that some Brothers conduct can be, or has been, so unsatisfactory and productive of such scandal that — in rare cases — they may have to be forced to seek other career opportunities.

The informing ideas behind my research are:

The sexual abuse crisis is the major issue confronting the Catholic church in Australia during the last fifteen years; the major concern, not the only one. The sexual abuse crisis is a great scandal for the community; it confronts every expectation which people have of Christian Brothers (and priests).

These are the reasons:
➢ everybody understands matters sexual;

➢ Catholic church leaders tend to lecture the Australian community — both church members and people generally — on moral concerns, which are often sexual matters or issues related to sexuality;

➢ church leaders always takes a hard line on sexual matters;

➢ Catholics are aware that the Latin (majority) section of the Catholic church has a celibate priesthood (in theory) and that members of Religious Congregations are celibate (in theory); the majority of the Australian community who are not church members, if they have heard of the Catholic church at all, are aware that its clergy are male and celibate (in theory)

➢ Hence, the crisis which has demonstrated that a considerable minority of priests and male members of religious congregations have molested children; and that this is 'the tip of an iceberg of infidelity' in matters of clerical celibacy. A fairly large minority of Catholic priests/Brothers have found celibacy impossible to observe consistently.

➢ The community, both Catholic and others, feel let down in their expectations of prominent religious leaders, some of whom have been behaving hypocritically over an extended period; community anger reflects the sense of being deceived; of feeling foolish.

➢ The phenomenon is being widely researched; and it is scarcely inappropriate that some of the writers in the area are members of Catholic religious orders committed to the three vows, including celibacy.

➢ In associations, the inappropriate or criminal actions of some members can gut the reputation of the whole body

The objectives of serious research in the sexual abuse area are to:

➢ minimise the number of crises occurring in the future, by clarifying the problem areas in the past. Those who refuse to learn from history tend to repeat it, and

➢ since some crises or scandals will recur, to focus thinking on the appropriate and effective means to dealing with the scandal(s) so that a time-bomb for the future is not created
There are those who will say that painful research and writing such as this are no longer required. 'We' have learned our lessons; the past has been placed in context and behind us; in the future things will get better. A cynic might add: things can only get better in this matter.

This perception, expressed often in various ways, may turn out to be accurate. However, this is not the writer's view, though it is accepted that we are in areas where informed people may reasonably differ. Over the last two-three years, three Brothers have been in trouble with the law over Internet crime: presumably using the medium to solicit sex with underage children. One, at least, was a PLT team member in his province; and all have acted in the clear knowledge of the consequences of such actions. It is now twenty years since the sexual abuse crisis began to convulse the church in the English-speaking world. It is not likely that these three offenders are 'merely the tip of the iceberg'. On the other hand, it is probable that there have been others who have not, to date been apprehended.

On another level, Congregation policies — Province by Province — have improved since the early 1990s and the 'he's been a little silly' syndrome. However, the Congregation has yet to confront the reality that some men (perhaps) who took their vows in good faith (hopefully) may be incapable of living their vows as life has shaped them, as the years have passed, in the light of the 'sex revolution' in Western countries. It is time the issue was faced, in the light of the experience of the past.

Scandal

Then there is the issue of scandal. When the writer was on the job no executive member of any Brothers PLT/CLT ever mentioned the issue of scandal in this context unless the words were placed into the conversation by someone else.

We need to be clear what 'scandal' means; it is not the same as 'scandalise' and an example may assist. The issue is not a minor one.

'Father Meaney' is working near the sacristy where old 'Mrs O'Farrell', the sacristan, is sorting the vestments. 'Father Meaney'
cracks his finger with the hammer and swears — loud and clear. ‘Mrs O’Farrell’ is shocked, ‘scandalised’ — just fancy a man of God using such vile words! We laugh. It may be distasteful to ‘swear’ but it is not sinful and ‘Father Meaney’ did have provocation; it is not his routine practice.

Moreover, and this is the punch line: ‘Mrs O’Farrell’ is not being drawn from faith in Christ or his Church by Father’s swearing; it gives her a talking point at bingo and around the parish: ‘Wouldn’t you think...’ However, in the case where ‘Father Meaney’ — and many other priests and Brothers — are found clearly to have ignored their vows of celibacy and/or broken the criminal law in a serious way, scandal is given; i.e. people, especially younger people, are drawn away from God.

‘They’re no better than anybody else’ ‘They’re all at it; only the unlucky ones got caught’ I have heard these comments myself; and more than once and in many variations on the same theme. The perceived behaviour of the priests justifies the lay person’s ignoring of the church’s moral law or his/her religious obligations.

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Action before History

What follows below is a long, strongly historical treatment of the sexual abuse phenomenon in the Congregation. While sexual discussion = something interesting (for most people, most of the time) — what follows may be too long for some, and so the writer will make some of his suggestions or recommendations in points form at the start for those who do not wish to read far:

- The membership statement for the Congregation needs to be rewritten (each Chapter) to reflect changing rhetoric.

- The membership statement needs to make it clear — as a guide to actual practice — that temporary or perpetual profession does not guarantee a life-long meal ticket no matter how the Brother lives. There are minimum standards of behaviour anticipated. Public scandal is worth avoiding.

It might be worth a 'great debate' in the Congregation as to just what those minimum standards are.

In the Australian church there are two important documents developed during the 1990s, revised and released again recently: Integrity in Ministry (Principles and Standards for Catholic Clergy and Religious in Australia) and Towards Healing (Principles and Procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia). Some Provinces of the Congregation have produced documents along the same lines. There may need to be a Congregation document (one should be sufficient) along the same lines, or one for guidance to be developed in each Province according to the local scene, plus the law and customs of the given nation.

- Such a document or series of statements, attractively produced and disseminated, may need to be revised every Chapter as the scene develops and language dates.

- In dealing with the situations where Brothers have public problems with their vows (usually with chastity involving
celibacy) the Brother-in-difficulties is not the only one to be considered, though he is to be considered. The thoughts below discuss options which apply to perpetually professed Brothers who are having public problems in coping with their celibacy vows:

(a) The Contract

(b) Exclaustration

(c) Encompass

(d) Canon Law

(e) The Spiritual Solution

The Move Overseas

- An acceptance that we, the Christian Brothers, have had many problems over the demands which permanent celibacy places on weak human nature.

- Therefore, there needs to be even more care at the entry and training level that the demands imposed by celibacy are recognised – especially at the point of decision to accept candidates for perpetual profession.

- At a much bigger level, we should consider whether we require another level of membership between the vowed and the Edmund Rice Family as we understand things at the present time.

- The level of membership to which great thought could be given could involve (a) full time members but full time members with (b) no vows, living in communities with (c) house rules (sure) but no Constitutions; and (c) no permanent arrangement, embracing both married and single members, members free to depart at any time.
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The persistence of gross sexual problems

One Brother’s letters to a past pupil

These letters arrived with me, snail mail, in the back streets of Thornbury, Melbourne, in 2001. The point being if the letters can arrive here; they can be current and around anywhere.

Obviously the letters (photocopies) did not come from the Brother, whom I do not know and have not met; nor did the letters come from ‘the boy’ – now adult – directly though they must have come from him, indirectly. God alone knows how many copies are in circulation.

The letters, edited here, reveal a sad, pathetic situation. The Brother thinks ‘the boy’ is his great buddy; but – from other sources – far from the reality.

Why the letters sent to me? It was probably because I am known widely to have researched in the area, covered by men such as Richard Sipe and Father Tom Doyle.

In the context of the CHAPTER SEASON, the moral of the letters for me, the moral which I share with you executives is that the letters reveal a man who is in the wrong place in the vowed life involving celibacy. The Brother here wants intimacy, sexual intimacy; he wants to be married ... and my researches once showed that there is a tendency when such cases come to light to try to ‘save’ the Brother’s vocation by persuasion, encouragement, bribery when all he wants to be is married. That is my view, though it is recognised that the Brother’s age, mental health, finance and many other factors can be involved in such decisions.
Hi, Bob,

Wow — a letter from Bob! How many years has it been? It was worth the wait ... I am delighted we are writing again.

Bob. I really liked what you had to say about recovery, etc. You are codependent also? WOW. Me too ... It seems I am always falling in love. I knew I was ‘sick’ but I never knew what to do about it. Being a Brother, I too often feel like I have an image to keep up and I am reluctant to really share with a fellow human. I have this idea that I am supposed to be a better human — not subject to such things as codependency, sexual addictions, extreme loneliness.

I often feel that if I didn’t have a dick, I’d be a saint. I think I am the horniest person God placed on this or any other planet. Do I act on my horniness? Very seldom! But, in the past four or five years I have become addicted to adult bookstores. It seems whenever I drive by one, I have to stop and see what the action is.

Fortunately for me, I have inexpensive tastes ... so I don’t buy porn and very seldom rent an XXX video but I do pop a very quarters into the booths just to see what happens. Well, how shocked are you so far? Is this the same Brother *** who taught me at ****? Yes ... I am absolutely bisexual in my fantasies ... I seldom act my fantasies out but there is something about me that is addicted to oral sex. I am *** years old and masturbate about twelve times a week. How is that for addiction?

I’ve known that my dick poses a problem for quite some time, but would never admit it to myself. Not until I felt my life getting out of control — especially with my religious commitments and all. Bob, the one thing that has pulled me through all of this is that I have never given up on prayer. Otherwise, I would have totally collapsed long ago.

I’d love to see you again Bob!

(Other evidence to give context is that Brother had "Bob" as teenager at age 16 give Brother oral sex in a school bus one evening years previously)

(Second letter)

I have a very dependent addictive personality. For someone who gets transferred around so much as I do, what makes life tough, it takes me a long time to recover. Living out in this fucking desert is no help either ... I am getting better - until somebody else zips into my life.
I must tell you something before I go any further. I am really happy that you and I are back in touch with each other. I have thought so much recently about ...., meeting you after work, drinking beer, and just talking. After leaving ***, I missed you for a long time. It took me quite a while before I found another student I could trust and relax with. I need that in my life.

... I might be in *** for a few days around *** I'll give you plenty of warning. Hey, want to go back to that topless bar for old times sake? Remember that night?

I sure hope you don’t mind me writing about this, but ... you beat it five times a week when you were married? Did I read that correctly? Hey, Rob, excuse me and my stupidity but in the back of my mind I thought that marriage and its almost unlimited access to sex would of make beating off kind of unnecessary ... Why do I feel like a kid just entering puberty now?

I used to let my masturbation really cause almost unlimited guilt but I just couldn’t quit. God, did I try. Many years ago, as part of recovery, I finally got rid of the guilt associated with it. Well, almost all the guilt...I am not an evil person because I play with my 11.5 inch tool. Damn ... almost a foot. When I was in high school, I used to keep track on a calendar so I could go to confession and confess the correct number. Old habits are hard to break. I still do that ... but not to confess. Just for the fun of it. June? 19 times

(Third letter)

I am also glad that you and I are back in touch. I thought of you often these past 15-20 years. I think I kind of scared you years ago when I confided in you that some of my male students had ‘turned me on’ I regretted writing that. ... I am glad I can write to you again — and just be me — let my hair down and not always have to be Mr Perfect, Brother *** Know what I mean? Anyway — am I gay? No. Am I bi-sexual? Yes - like 65% to 35% ... 65% for the chicks - Bring ‘em on! Keep in touch, Bob. Hey, how’s your prayer life?

Your buddy,

Bob.
Christian Brothers of Ireland: Dismissal of Brothers from the Congregation

❖ Short summary of the background to abuse allegations from the 1920s to the 1960s.

❖ Theory of sanctions (including dismissal) - Canon Law (Old Code)

Practice

Temporary professed
Perpetually professed
The crisis procedure
The baseball syndrome
Detailed studies
Hubert Hansen
Thomas McSweeney
Nicholas Murphy
Severin Traynor
Vincent Keenan
Lewis Levander
Laurie Murphy
In the great majority of the forty-eight cases, the allegations involved the less serious types of sexual assault; most charges referred to incidents involving immodest touching or fondling but not sodomy, intercourse or oral or anal sex. Over that lengthy period, there is not a single case of oral sex alleged, and only two or three cases of anal rape. In a narrower time-frame, the years between 1922 and 1954, some 36 cases of sexual abuse were alleged. Of these only two cases involved Brothers ministering in Western Australia and none made reference to the four orphanages. These two cases involved Brothers Hubert Hansen and B. S. Smith.

An analysis of the cases considered during the years 1922 to 1964 by the Provincial Council (Sydney, NSW) show that of the thirty-
six cases, eight Brothers were either expelled or directed to seek dispensations from their vows; eighteen were given Canonical Warnings; four matters were referred to the General Council of the Congregation; and in six cases - a small minority - the Brothers denied (successfully) the allegations. One of the "minor" cases is referred to in the following:

> I had to change a young man from Lewisham over the weekend. "Interference" with boys principally in a less serious form but two or three cases of indecent touching momentarily. (Young to Clancy, 29 September 1953)

In these six cases where Brothers denied the allegations, it was held that there was not sufficient evidence or that the matter required further investigation. In the majority of cases where Brothers were expelled or told to seek dispensations, they admitted the charges, or part of the charges, alleged against them. In the cases where the Brothers were given a canonical warning, the charges involved allegations such as hugging and kissing, immodest touching without exposure on the part of the Brothers; touching the genitals of sleeping boys, handling the genitals of boys or embracing or touching boys indecently outside their clothes. The more drastic and odious forms of sexual abuse were rarely involved. 'Being alone with a boy' is referred to in the following case: Brother C.F. (Tardun, 1940). The writer is Superior, Max Fagan:

In the early part of the year, there was nothing reprehensible in Brother C's conduct. After August, he showed carelessness in his spiritual exercises and a tendency to hold aloof from the community. He showed a particular affection for a boy. There were no fewer than five occasions when Brother C was found with this boy when he (Brother C) should have been somewhere else. There is no evidence of any improper conduct between Brother C and the boy, but the Principal thought it prudent to change Brother C from Tardun.
Ground Rules for Relations with Young People

The Constitutions of the Congregation provided some guidance concerned the relationship of individual Brothers in their relationships with boys. Chapter 8 Rule 91 provided that ‘while Brothers should cherish affection for all their pupils especially the poor, they are forbidden to manifest a particular relationship with any of them. They must not fondle their pupils, and unless duty and necessity should require it, a Brother must never be alone with a pupil.’

In the Constitutions, Chapter 13 is concerned with Visitations, and there Rule 413 provided that ‘each Brother is bound to inform the Visitor spontaneously if there exists any practice in the community contrary to the spirit of our vocation, or, if there is any inobservance which his conscience tells him should be disclosed.’ This reporting mechanism within the congregation was important in that it provided a regular means by which abuse cases or suspicions of abuse (physical/sexual) could be reported to the executive.

There is no doubt that the Congregation leaders both in Dublin/Rome and in Australia were aware of the danger of child abuse occurring in their schools and institutions. There were frequent warnings by the Provincials and Superior-Generals to Brothers to be alert to the temptation of becoming too close to the boys. Members of executives were alert to these problems during the annual Visitations and there were various references to complaints of favouritism for boys, particular affection for boys and the dangers of any boy ever entering a Brother’s bedroom for whatever purpose - no matter how innocuous. In boarding establishments where the Brothers bedrooms were often annexes to separate dormitories, boys were not to be treated for cuts, bruises or minor ailments in a Brother’s bedroom.
The Clontarf Boys Town 'Visitation Report' (1951) had a document annexed to it headed 'Points arising out of the Visitation'. Seventeen points were appended including one that a Brother should be careful at all times to preserve the greatest reserve with the boys, special care being required in the dormitories. The 'hands off' rule was to be the Brothers safeguard. The points were left by the Visitor as recording support for the Superior's policy as it stated that many of the issues discussed in the document had already been addressed by the Superior.

This system of Visitation was in place throughout the years from the 1920s to 1960s, and each community was visited annually by a member of the Provincial Council. There was also a visit by the Superior-General or by a member of his council every five years until 1946 and thereafter sexennially. The Apostolic Visitor inspected each community between 1943 and 1946.

Once a complaint was raised, the executive or the local Superior conducted an investigation. If the executive member felt that the allegation was accurate, or the Brother admitted to abusing a child, a variety of responses could come into play. If the incident was deemed (relatively) "minor" - according to the lights of the time - for example, 'indecent touching momentarily outside the clothing', a canonical warning could be given to a particular Brother. In more serious cases, stronger action was taken, and occasionally Brothers were dismissed from the Congregation or (more often) advised to seek a dispensation. Brothers not yet under final vows were dismissed.

In all of this, certain assumptions are being made:

- The actions of priests and church workers are judged through a narrow prism; much is expected of them
- A few decisively bad actions will undo much good - by the individual and by his organisation
- In due course, in a more educated, and media-hungry world, the misdeeds of religious men will be exposed;
This gives scandal in its strict meaning of leading people away from God; some people faced with clerical shortcomings find it hard to separate the man from the God he serves, or should be serving;

There has been a sense that some religious leaders, vocal on all manner of issues, strict and decisive, are strangely unwilling to discipline offenders in spite of the exceptional pressure to do so.

Euphemisms

Brother executives could be prompt and effective in dealing with abuse allegations, but they made life harder for themselves by the fog of euphemisms which they used constantly to describe sexual abuse complaints. This euphemistic rhetoric blunted their realisation that sexual abuse was a crime and among the most serious in the criminal code.

Few executives were as direct as Brother J.P. Noonan when he advised a former Brother, dismissed for sexual offences committed in the antipodes, against returning down under: 'If you fancy imprisonment for your offences, Australia is the best way of securing it.' (Noonan to Traynor, n.d. c. March 1937. Australian correspondence, G.A. Noonan did not suffer fools gladly.

The use of euphemisms ran the whole gamut from the fatuous: 'He’s been a bit silly' to the more appropriate 'offended grossly' and included 'very serious misdemeanors', 'immoral happenings', 'improper familiarity with boys', 'interfering with boys', 'certain intimacies with boys', 'indecent touching', 'fondling' and 'a second vow problem'. 'Fondling' was a silly term because in the period. It could mean both indecent assault (a crime) or simply breaking the prudent teacher's guide to avoid touching the pupils. The case mentioned last was a foolish cliche because it need have nothing to do with sexual abuse at all - 'a second vow problem' often referred to affairs with adult women.
It is possible that one of the current ‘Four Directions’ – ‘Growth through our Fragility’ – could come to operate as a euphemism for blurring the seriousness of the sexual scandals for the Congregation. The idea could be implied or gain credence that ‘Well every Brother has some problem or another’; ‘Silas is overweight and it’s his own damn fault’; ‘Greg scratches his nose (or behind) just before he makes an important statement’; ‘Mike is inclined to drink too much and become garrulous’; ‘Bert is in a relationship with Mary-Ellen (or Chris!); Sid is molesting kids ...’ It’s all the same. Ho, Hum - no one’s perfect!’

Then there is the Macbeth syndrome: ‘I have supp’d full with horrors ...’

### Australian Province(s) Sexual Abusers

In the following real names are used for abusers who are dead, who have not surfaced during the abuse crisis of the last ten years, and are presumed deceased. The initials are used for abusers who are alive or probably alive.

Overall, the list understates the number of abusers because it has to give the benefit of any doubt to an accused - and because of the tendency for many of these cases not to be revealed. Rape and molestation regularly go unreported - and because a number of recent cases are unresolved.

Philip Carmody, L.H.M., D. Boulter, S. Marques, A. Angus, Hubert Hansen, Matt Thyer, C. Foy, P.F, Lewis Levander, Vincent Keenan, Enda Hynes, Thomas Mc Sweeney, Nicholas Murphy, Severin Traynor, Cajetan Mc Allen, Kieran Byrne, Claver Baumgartner, John Gladwin, Francis Greaney, Michael Evans, Brother B.S.Smith,
Observations

➢ In a distinctive way, the abuse problem among the Australian Brothers has been an orphanage phenomenon. As many as 20% of Brothers (+ Chaplains) working in these places offended.

➢ After the residential care institutions, the problem has clustered around the rural boarding schools and/or their (former) branch primaries: e.g. Mount Carmel College, Charters Towers and St. Patrick’s College, Ballarat.

➢ After these institutions and boarding schools, the problem could surface - more rarely - in the ordinary day schools, more likely in large, (more) anonymous communities which were used to hide Brothers with problems, e.g. High School, Lewisham.

➢ Over all it is possible to propose a realistic rate of 5-10% of Brothers who molested a boy or boys since World War I. It is difficult to be more precise.

➢ Quite naturally, a number of Brothers have left to marry after having an affair or affairs with women. Some have settled to Religious life after concluding such a relationship.

➢ Gay sex has occurred and is desperately covered up for Brothers but has been very rare among the Brothers in their own communities. 'One of two Brothers have had, have? or have died from HIV/AIDS.

The author is asked sometimes why he continues to research in the highly controversial and distressing areas of physical and sexual abuse in residential care, British and Maltese child migration to Australia and the sexual abuse crisis in the Catholic Church. Since the question has been posed on a number of occasions, the following reply is available to a number of interested parties.
In the author’s opinion, the sexual abuse crisis is the major issue confronting the Catholic Church in Australia during the last fifteen years; the major concern, not the only one. The sexual abuse crisis is a great scandal for the community. It confronts every expectation which ordinary people held of priests and members of Religious Congregations.

These are the reasons:

- everybody understands matters sexual;
- the Catholic church leaders tend to lecture the Australian community — both church members and people generally — on moral concerns, which are often sexual matters or issues related to sexuality;
- the church always takes a hard line on sexual matters;
- Catholics are aware that the Latin (majority) section of the Catholic church has a celibate priesthood (in theory) and that members of Religious Congregations are celibate (in theory); the majority of the Australian community who are not church members, if they have heard of the Catholic church at all, are aware that its clergy are male and celibate (in theory).

- Hence, the crisis which has demonstrated that a considerable minority of priests and male members of religious congregations have molested children; and that this is ‘the tip of an iceberg of infidelity’ in matters of clerical celibacy. A fairly large minority of Catholic priests/Brothers have found celibacy impossible to observe consistently.

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The phenomenon is being widely researched; and it is scarcely inappropriate that some of the writers in the area are members of Catholic religious orders committed to the three vows, including celibacy.
The reasons why the author continues to keep abreast of research on violence and sexual abuse issues in traditional residential care owes something to the above. In part, the issue is linked with the general sexual abuse crisis in the Australian Catholic church.

It is important that church leaders learn from the errors of the past in traditional residential care with a view to eliminating their repetition in future work with poor, deprived, marginalised members of the community. There were classic problems with traditional institutional child care which can be identified, discussed and — hopefully — not be repeated.

The core problems in traditional residential child care were:

- **(Priorities)** Church and Congregation leaders proclaim(ed) that charitable work with the most marginalised in the community was close to their hearts and the hearts of their Founders but rarely resourced traditional care in accord with their rhetoric. Rhetoric and reality diverged — often to an extraordinary extent in practice.

- Church workers assigned to traditional residential care were often (NOT always) among the least qualified within the given religious congregation. Their training was minimal or non-existent. Some this showed; sometimes not.

- In Catholic care, the lack of gender-balance on staffs, especially gender balance in more significant leadership roles, was a critical problem. This was most starkly present where unqualified men were expected to provide mothering for young children. The scene was tailor-made for abuse and — not unnaturally — abuses occurred.

- A 'culture of violence' developed from the explosive mixture of difficult, deprived, abandoned children; staff who were ‘almost as deprived as the youngsters for whom they were trying to care’ (sometimes) and community complacency. There were ambiguous limits where punishment was concerned.

- Violence was linked to the fairly widespread sexual abuse in a number of residential care institutions.
In view of this, some of the lessons to be learned are:

- Ministry with members of the chaotic underworld in society demands skills which many members of caring organisations do not necessarily possess, no matter how sincere they might be. Selections need care; appropriate training is critical.

- Rhetoric and resources need to be closer together. Sometimes no involvement at all is preferable to a poor performance, since the repercussions of unsatisfactory care can continue down the years. Scandals over the activities of a few people can (apparently) vitiate the work of many people.

- When new ministry is undertaken, the legal framework within which the members will minister needs to be clear.

- In avoiding abuse situations, staff gender-balance is the most important single issue in minimising the risk of abuse — physical or sexual — occurring.

'I have supp’d full with horrors...'
(Macbeth)

The issues and problems are current. Within the last week the author wrote to the Congregation leadership team along the lines below. There is a good deal of history in this document but the issues are not merely of historical interest. They are current and urgent and will not go away.

In the letter below, three issues were raised with the Congregation Leadership Team: the cases of

- Brother in a perfectly legal and almost open sexual relationship with a woman;
the Brother involved in gay sex as a defence against being tempted to molest children;

the Brothers with HIV/AIDS

the issue of internet sex

At the 3-31 May Congregation Leadership Team Visitation in St Patrick’s Province comes to an end may I make a couple of reflections on matters which affect the Province or appear to matter to the Province at the present time and were once in the area of my official studies. These matters are still relevant in early 2006 as the Brothers SOFCO experience in Brisbane approaches.

Visitation Reflections: The Brother in a Relationship

Since the Brother ‘in a relationship’ these days is often

• well-known;

• perhaps has had/has not a position of leadership and responsibility

• been around the Institute and Province for many years;

• towards the end of his normal working life ... and so on ... authority can seem paralysed in dealing with the situation, which does give scandal as Brother is breaking the most prominent of his vows. If him, why not me any other Brother could ask? Sex is addictive and bad conduct is contagious. Months, even years, pass. Inertia is the name of the game.

There can be a problem knowing the facts of the case, and those in authority may not wish to inquire too closely. However, it is my opinion that the facts in these cases can be known or discovered,
sometimes just by discussing the matter with the man himself, otherwise by more formal investigation.¹

'Some might say that with 'everyone' sympathetic to the Brother 'in a relationship' the whole thing might not matter much. My own view is that the quiet private scandal is a permanent problem and in these cases matters often get into the public eye with very open public scandals. The question is: how break the bottleneck?

There are two basic reasons why a Brother in this dilemma simply does not seek his dispensation legally and leave the Congregation to marry his friend:

- Brother in his 40s or 50s has been in religious life so long that he (and she) are not sure they can 'make it on the outside'; most of their friends are in religion or among people close to the Institute;

- Brother has no serious money available, and his earning capacity may be modest or he (and she) may fear that it is limited and we have the classic situation described in the 'memories of Jesus': 'To dig I am unable; to beg I am ashamed'.

'What should be done? Are we in a situation where the Brother should be arraigned before Canon Law — as it were — and be expelled formally 'with bell, book and candle'? In a word: 'no'. However, he should be encouraged to leave and — rather than being bribed to stay (which seems more the norm) — he should be bribed to leave (for everybody’s sake). Sex is addictive; unsatisfactory conduct is contagious.

'In dealing with problem (a) above, Brother can (indeed) be assured that the Edmund Rice Family offers the structures for him (and partner) to be deeply involved 'with the Edmund Rice thing' if they choose. Many married people are. The Edmund Rice

¹ The writer does NOT suggest that Knights of the Southern Cross be arranged to hang around the man or follow him in the street.
Network offers a way to involve former vowed members in the work of Edmund Rice — a situation which did not exist previously. This is a real plus.

'The problem of financial security is also solvable. Its critical aspect is housing. Day-to-day support is available from a job or jobs (s/he); social security and the Old Age pension. At the point a Brother leaves the congregation after many years service, he has usually been treated generously (in recent years) ... but the generous payment pales when the cost of housing is considered. Housing is the critical thing. This is my suggestion:

'The Congregation/Province — after some discussion with 'Brother' — arranges to purchase a house in an average suburb (like Thornbury or Pascoe Vale) and keeps ownership of that property but makes it available to ex-Brother and partner for the rest of his (and her) life in a tight legal arrangement, which includes the following:

- a rental which is well-below market value, but sufficient to cover rates and taxes and basic upkeep, but not to make a profit for the Congregation on the deal;

- if ex-Brother and partner come into money and wish to strike out on their own as it were, well the house belongs to the Brothers, and

- an arrangement for old age provision can be made too. In fact, quite a deal can be done with social security itself.

'Housing is the critical thing, and if the Institute keep ownership of the house, the asset is not lost permanently to the Congregation. Day-to-day support is really available from many sources. Housing is not.

'The bottom line after much discussion, perhaps: Brother in a relationship — after the facts are acquired — is confronted and suggested that he either
➢ terminate the sexual relationship which is clearly against his commitment and scandalising the province community, or

➢ leave the Institute, 'and in view of his magnificent service over many years we are willing to make a most generous offer to see you and partner well settled for the future.'

'Now suppose that this is attempted and in spite of the generous arrangement, Brother (and partner) 'dig in their heels' and say, in essence: 'We are not giving up our relationship' and we/he, is/are, not leaving the religious life', so there!

'What then? In my view, as the saying is, 'when we get to that bridge we jump off it' — but more seriously, wait, pray and hope that the idea germinates over time; and if at the end of that 'time' for the idea to germinate, and Brother is still adamant for a sexual relationship and religious life at the same time, then it might indeed be appropriate to call for assistance from 'Rome' and Canon Law. One would hope it does not get to that stage.

**Warning signs; dysfunctional religious life**

'In the earlier situation, one of the warning signs that a Brother's spiritual and possibly sexual life is dysfunctional is if he ceases to show any interest in religious exercises AND ceases to attend morning liturgy and especially if he ceases to attend his SUNDAY Eucharist.

'In such a situation it is worth 'keeping one's ear to the ground' and perhaps worth investigating since it is reasonably clear in one or other case that Brother is in a relationship and does not wish to go to Mass and thence to communion and make a bad communion, as we have all been taught. If this is the motive it is a good motive, but the matter requires sorting as the British say—especially if a sexual relationship is involved.
'Of course, a Province Leader/CLT member might say with Shakespeare's *Macbeth*, 'I have supped full of horrors; direness familiar to my slaughterous thoughts cannot once start me!' but then Macbeth was not concerned with the quality of spiritual life in a religious institute or concerned with the pervasive effect of scandal.

**Fear of molesting and gay sex**

The state of the province under this heading is unclear. Homosexuality has not been a big problem among the Brothers in the Oceania region, but there have been cases:

- in the training colleges of the past
- and with a few Brothers on the mission

There never has been any gay activity to speak of between adult Brothers in the Congregation. When I was studying the issues (1991-98), out of all the 2500 men who served in the Institute in Australia since World War I, there was only one likely case where adult professed Brothers were probably in a relationship.

Brothers' gay relationships with outside men are another matter and my impression was, and is, that these have been fairly rare also. However, there is a sense around that one or two cases in the not-so-distant past have been covered by appointing the Brother(s) to long term positions of responsibility in house and/school.

There is some sense around too — but no clear evidence has come to me — that a Brother or Brothers who have been in trouble with boys (not necessarily involving court appearances) and since then have been involved in casual adult sex with outsiders to protect themselves against a recurrence of temptations to molest boys.
At least it is a possibility that you should, I suggest, bear in mind. In this section I am talking of the Brothers of the six sections of the Oceania Region. There is some evidence that gay sexual activity has been more common in the North American area of the Congregation. 'Those who refuse to learn from the past tend to repeat it.'

The Disease Metaphor

By the 1940s, some executives were clear that while certain sexual offenders among the Brothers had done the wrong thing and could amend, there were others who had a problem for which there appeared to be no cure, i.e. the courses and therapy available over the last ten to twenty years were not available 40 or 50 years ago. The disease metaphor was used increasingly to describe the situation. In 1950, the Provincial, Brother I.L. Mackey, described sexual abuse as 'an incurable disease' and in another letter within a month, described the phenomenon as 'almost an incurable disease.' In 1953, in reference to the allegations against Brother N.M., the Provincial, Brother S R. Young, mused to the Superior-General in Dublin: 'I have my own beliefs about this trouble as a disease.' The problem was: what to do about those who had caught the 'disease' since the 'disease' was a crime - and strongly condemned in the Bible?

Membership of the Congregation

During the years under discussion, the average aspirant to the Congregation was a teenager, often as young as thirteen years of age - normally fifteen to sixteen. Occasionally an older man entered in his twenties. If the aspirant's secondary education was not completed - the usual situation - he finished his studies under the New South Wales system at the Brothers training college at Strathfield, a Sydney suburb. After graduation from high school the young man commenced his formal religious training.
This lasted two years, but was preceded by a short six-week Postulancy during which those who obviously had no aptitude for the religious life were encouraged to leave. This type of situation is referred to in the following correspondence of a Novice Master to the Superior-General: ‘Two of my young men have been advised by their confessor to leave because each is finding the second vow too difficult. There is the question of falls.’ (Kilmartin to Clancy, n.d. October 1962)

Meanwhile, the two years of training satisfied teacher training requirements according to the Victorian Council of Public Instruction for registration as a primary teacher. It was late in this period that three years training for registration was enacted and the training of young Brothers was adjusted - commencing in 1958.

Those entering the Congregation in that era were not tested psychologically for their suitability for the demands of what was an intense and sparse existence: the apparatus for psychological testing was not available until the 1960s. Those who offered themselves carried a doctor’s certificate of normal good health; a letter of recommendation from the parish priest, which was in a sense, a recommendation of their family life. They also required the recommendation of all (or nearly all) of the Brothers who knew them and/or who had taught them, since almost all who volunteered had been educated in one of the Congregation’s schools and so were well-known to many Brothers. These could, separately and collectively, make a reasonable estimate as to their suitability.

When psychological testing came into vogue in the 1960s, Congregation executives tended to oppose its use in the routine testing of aspirants; they permitted professional help where, for one reason or another, a trainee was showing unusual or exceptional problems, such as is referred to in the following excerpt from a 1961 letter:

We have had to wait on a psychiatrist’s report for Brother A.H. He left from the Novitiate (some months ago) and returned and is now about to go into the schools. He has a Second Vow problem
and could be a menace with youngsters.  
(Levander to Clancy, 14 December 1961)

In fact, as this is being written, AH is in jail for child sexual crimes in Australia, almost forty years after Levander made the comment in the above letter. The offences for which AH was convicted were not committed while he was a member of the Congregation.

After the two years of training, a young Brother took his first annual vows and was posted to a community and school; or to alternative work, usually in one of the farm schools. The years passed. Along the way, many who joined had meanwhile left or had been asked to withdraw as unsuitable for the demands of the Congregation. In the case of the Brothers who persevered, their annual vows were renewed for six years before each was permitted to take perpetual vows. Before each renewal of annual vows, the young Brother had to pass the scrutiny - the annual consideration of his performance in school and community - by the Provincial Council.

While most Brothers did pass this scrutiny if they wished to remain, some did not. Acceptance was not automatic or a mere formality. In due course, when the young man reached the age of at least twenty-five years and had made annual vows for at least six years, he was permitted to apply to make perpetual vows. In these years it was expected that a person was sufficiently mature to make a final decision whether he wished to remain in the Congregation or leave; likewise the Congregation executive was expected to make a final decision as to his suitability.

However, where human beings are concerned, nothing of this nature can ever be final. Problems unforeseen at the time of final vows can arise later. In fact, over the years many Brothers finally professed have left often to get married. Only a small minority of those who once served as Christian Brothers since Edmund Rice’s time have died in the Congregation. On the other hand, it is a principle of common law that a corporate body has the right to dismiss any member who is a serious danger to its reputation or its
best interests. Thus the **Rules and Constitutions of the Congregation** had procedures for the exclusion of even finally-professed Brothers in certain rare circumstances.

# Exiting the Congregation

The 1923 Directory outlined an impressive list of ‘grave causes entailing dismissal from the Congregation of Brothers or temporary and perpetual vows’. These included:

1. Deceitful concealment at the time of profession of vows of some grave cause for exclusion;
2. habitual acts of disobedience in grave matters, if the disobedience is considered deliberate, obstinate and public;
3. incorrigibility in fomenting dissension or rebellion, and in instigating divisions;
4. **grave faults against morals**;
5. habitual transgressions of the Constitutions in important matters to the scandal of seculars or of his Brothers, as for example, staying out of the House till a late hour, leaving the House at night, dispensing with the principal spiritual exercises, such as Meditation, Mass, Annual Retreat, etc.;
6. continuing to hold clandestine correspondence with seculars, which is likely to compromise the interests or reputation of the Congregation;
7. any habitual misdemeanor which injures to a notable extent the well-being and the honour of the Congregation.

This was a formidable list and a humorist might wonder how anybody stayed at all in the Order. However, there was only ONE of the ‘grave causes’ which came into play to any degree, i.e. ‘**grave faults against morals**’; and the issues which concerned either sexual molestation of minors or fornication/adultery with consenting adult ‘members of the other sex’ in the quaint phrase of the time.
Homosexual liaisons within the communities of Oceania were extremely rare; gay sex with outsiders was more a problem, but not a large problem. Gay relationships have become common in the general Western community and more socially accepted.

There is only one possible case of a homosexual relationship between community members which came to light in my research and that was between two Brothers at St Joseph's Farm and Trade school, Bindoon around 1950.

Canons 646 - 662 of the (then) Code of Canon Law, and Constitutions 211 - 224 of the Brothers (then) Rule and Constitutions, defined the conditions to be observed regarding departure or dismissal from the Congregation. In the case of a Brother of temporary profession accused of a grave moral fault, he could be either dismissed mid-year if the allegation was proven and very serious; or his vows could be allowed to lapse and not be renewed at the end of the year. This was in the case of behaviour deemed - according to the lights of the time - as less serious. In the equivalent situation for a Brother of perpetual profession there were two procedures.

I am not unmindful of the failure (to reform) of others when given a second chance. The whole business (child molestation) seems almost an incurable disease and there is the possibility that only a fraction of the cases ever reaches us and then they are usually denied. On the other hand, malicious accusations can be, and have been made. We must do our best and try to be just to everyone. (Mackey to Clancy, c. March 1950)

The Crisis Procedure

Constitution 222 provided that 'in the case of grave external scandal or a serious imminent injury to the community' the erring Religious may be dismissed immediately 'by the higher Superior with the consent of his Council, or even, if there by danger of delay and time does not admit of recourse to the higher Superior, with the consent of the local Superior, with the consent of his
council and the local Bishop.’ In this situation, the Religious must put off the religious habit and the case must be submitted without delay to the judgment of the Holy See’. The crisis procedure presumed that guilt was either admitted, or was clear and overwhelming. It was under this procedure that Philip Carmody was forced from the Congregation in 1918, after his crimes against some of the boys at Clontarf orphanage over the previous two years.

The baseball syndrome

In other abuse cases, not deemed to present a crisis, a slow-moving procedure was designed to protect a finally-professed Brother from hasty dismissal where allegations might be false, exaggerated or reconstructed from misunderstandings or human silliness. In these cases there had to be at least three offences of the same type (over some time) or if they were of a different type, of such nature that ‘when taken together they manifest perversity of the will resolved on evil’.

There might be only one continuous offence which, despite repeated admonitions, had virtually become threefold. It was not necessary that reasons for dismissal be proven by judicial process, but the reasons had to be made clear to the accused Brother who then had the right and opportunity to show his innocence. In addition, Brother had the right of appeal to Rome - to the Sacred Congregation for Religious - against any decree of dismissal and pending the result of such an appeal, which would take months, the decree of dismissal had no effect.

Every decree of dismissal had to be confirmed by the Sacred Congregation for Religious. Thus a perpetually-professed Brother had the right of appeal to both the Superior-General and to Rome. In those senses, the power of executives in the Australian Province(a) was limited and the final decision in matters requiring dismissal of Brothers remained with the Sacred Congregation for Religious in Rome.
Over the years, and in the light of Canon Law and its own Rules and Constitutions, the Congregation developed a number of rules of thumb to deal with members whose conduct - mainly in sexual matters - was not merely inappropriate or unbecoming, but posed a serious threat to the community's life and reputation. Some of these rules were easier to apply than others, the easiest to implement being those which referred to younger members of the Congregation:

- a young man in training (pre-1960s) who showed any gay tendencies was encouraged to seek advice from a priest and leave the Congregation;

- a young Brother teaching in the schools and who molested a boy(s) or who was the object of an credible allegation of sexual impropriety, was dismissed. This dismissal could be immediate the molestation was deemed very serious and widely known, or at the termination of his annual vows or before final profession.

A reader saturated with the media coverage of sexual abuse in the 1990s may reply that every case of sexual abuse of children in serious, more so if the molester is working in one of the caring professions and in a special position of trust. A Christian Brother carried a double trust; he was both a school master and a religious leader; any sexual aberration was extremely serious. This is the current perception.

Twenty years ago, let alone fifty years ago, perceptions varied. Thresholds of public tolerance have shifted, probably irreversibly, and in this respect for the better. People will not accept what they would once tolerate. It was believed that if a church worker was confronted with a credible sexual abuse allegation and he was shamed he could take himself in hand and not repeat the offence. It was also believed that in most cases, except the most glaring and public, this approach was worth trying.
Principles, rhetoric and theory are not sufficient in a study such as this. We must view the higher Superiors grappling with particular situations as these presented themselves. Molestation of pupils by a young Brother did not occur often, but occurred sufficiently to call for a consistent response. In November 1948, a primary school pupil at a Melbourne College approached a senior Brother after school one day and said that Brother [REDACTED] had ‘done a wrong thing to him’.

The staff member marched straight to the headmaster’s office with the allegation and the response was swift and decisive. Brother [REDACTED] was on the overnight ‘Spirit of Progress’ to Albury, NSW and a member of the executive in Strathfield was on the corresponding train from Sydney to meet him at the Brothers monastery in the border town. After the confrontation, the erring young man was sent to his parents home ‘dressed in ordinary secular attire’. It was late in the year and formal dismissal proceedings were not commenced; the young Brother was not permitted to renew his vows. At Christmas, the Province Leader reported the events in abbreviated form to the Superior-General in Dublin:

[REDACTED] was rejected for vows ... His was a very bad case and he had to be sent at short notice to Albury...pending instructions from me. He was given leave of absence and sent to his home...We had not discussed dismissal for him which he so richly deserved. (Mackey to Noonan, 17 December 1948)

The policy that no young Brother who abused a boy sexually (even once) could be finally professed in the Congregation, was redefined by Superior-General, Brother E.F. Clancy, in the case of a young man whose offense came to light in Sydney during 1953. In September, a PLT member mentioned in a letter that Brother M.P. had been changed ‘over the weekend’ from Lewisham to Wollongong because of ‘interference’ with boys ‘principally in a
less serious form, but two or three cases of indecent touching momentarily'. (x) (Young to Clancy, 29 September 1953)

A few days later, in another letter, Brother Young wondered whether the young man should be accorded a further period of trial as he was impressed with many of his religious dispositions'. He added: 'I had two long talks with him... I would like to have your opinion about his plea for consideration. I would like to know whether the Sacred Congregation for Religious would countenance a further trial for such a one?' Young again used the 'disease metaphor' to try to explain the fairly widespread molestation problem in the Australasian province: 'I have my own beliefs about this trouble as a disease'. (x) (Young to Clancy, 8 October 1953)

In another letter written ten days later, but before Clancy had the opportunity to respond, Young mentioned the same matter in the context of other problems he was facing. There was (another) young Brother 'a sad case, appears to be good but with that terrible weakness and most anxious not to be sent away'.

Clancy had still not replied by the end of the month and Young returned to his theme in the four letter he had written about molestation cases in as many weeks: 'N.F. has applied for vows but I feel he will not get through; M.P. is another who, in spite of his lapse, I would be inclined to give a chance to'. (Young to Clancy, 31 October 1953) This time, the Superior-General did respond and he was adamant that young Brothers who offended in sexual matters (with boys) should not be permitted to renew their vows: (x)

I am not of your opinion in regard to Brother M.P. unless his lapse was something short of interference. For anyone with the tendency there is always the danger of further outbreak and we are bound to protect both the boys and the good name of the Institute. It could well mean that a boy who has been the victim of such a weakness on the
part of his teacher would have a moral collapse, and be in serious danger of losing his soul. God has been extraordinarily good in protecting us from scandal in the past. I feel that we are bound to do all that we can to remove every possible danger of any recurrence of this sad weakness. **So for my part, I would not accept for renovation of vows, any Brother of Temporary Profession who shows that he is afflicted with the weakness.** (Clancy to Young, 9 November 1953)

This was an affirmation of a long-standing policy; more rule-of-thumb, which had rarely been expressed so clearly and unambiguously before. Interestingly, in two cases which followed this directive, a Provincial did permit two young Brothers under suspicion of having dealt indecently with boys or at risk to doing so, to renew their annual vows for a year or so. However, when the men reached the time to take their final vows both were rejected at scrutiny.

Some of the Brothers was a young man whose hugging and kissing a boy at Clontarf orphanage was the subject of pejorative comment in the 1959 Visitation report. Brother L.M. claimed - so the Brother Visitor reported - that he did not regard his action with the boy as fundamentally wrong’. Brother J.L. Carey, who made that Visitation, commented: (x)

> He is neat and tidy and quite a good carpenter. 
> (However) he has not the maturity which his years should give. His inexperience and his self-assurance make him an easy mark...I impressed on him the gravity of such compromising incidents both to himself and the good name of the Order. (Carey, J.L. Visitation Report, Clontarf Orphanage, July 1959, Westcourt Archives)

This young man was transferred to St. Mary’s Agricultural School, Tardun (via Geraldton, WA), but two years later was rejected at the scrutiny and left the Congregation.
In Melbourne, three years later, another young Brother was the subject of similar concern and after an extended trial was dismissed before taking his final vows. Brother [REDACTED] entered the Congregation during the late 1950s, but left the novitiate alleging problems keeping his second vow. After sometime working, he was permitted a further trial at his own request and he returned to the training house. There was a sense that problems were persisting and he was placed under a psychiatrist.

Times were changing; psychologists and psychiatrists services were being enlisted to assist aspirants to the Congregation and to advise superiors over Brothers with problems. As he finished his training and was about to go into school, Brother F. J. Levander, one of the executive, wrote: 'we had had to wait on a psychiatrist’s report for Brother ... He is about to go into school. He has a second vow problem and could be a menace with youngsters.' (x) (Levander to Clancy, 14 December 1961)

However, the psychiatrist’s report was guardedly reassuring and the young man remained at this stage. However, it seems clear that he did offend or that there were allegations and suspicions. Time passed; nothing decisive was done. However, as Brother approached final profession, Brother Levander wrote again to the Superior-General regarding his concerns, now of some years standing. (Levander to Clancy, 13 December 1965)

I still do not recommend Brother [REDACTED] for final vows. The risk is too great ... Failings of this kind leave a scar on the memory and there is always the danger of circumstances arising that tempt the individual to repeat the action.

Levander’s worries carried weight. In the eventuality, Brother failed the scrutiny and left the Congregation. The pattern was clear: in apparently every single case, a young Brother who was the subject of a credible sexual abuse allegation was never permitted to take final vows.
The Brother Perpetually Professed

The rules for dealing with a Brother of perpetual profession accused of molesting a pupil (and other public 'second vow problems') was based on Canon Law clarified over time; and were applied with some consistency but without the effectiveness as was the case with junior Brother accused.

There were good reasons - easily understood - why this was so. When a Brother made his permanent commitment to God in the Congregation, this commitment was for life. It was the equivalent of a commitment in traditional Christian marriage, and was not to be easily broken either by the man himself or by the Congregation. The Brother could not leave easily; the superiors could hardly expel him. In attempting to adjust the dilemma which arose when the man-of-God failed to observe the minimum demands of Religious life in a public way, the Congregation had the following procedures which flowed from the Canon Law principles outlined already:

- The evidence against the Brother was collected in a straightforward way; i.e. the oral or written statements of the victim(s) of the alleged abuse or their parents.

- There was a weakness in that wider-ranging investigations were rarely if ever undertaken; the only statements taken were from the victim(s) who made allegations.

- The Brother was confronted with the accusations by the Provincial and responded by admitting or denying them. In the former case, matters could be finalised without all PLT members knowing about the matter.

There were sanctions: reprimand, Canonical Warning, advice to the Brother to seek a discreet dispensation from his vows (i.e. resign), or advice that the procedures for his expulsion would be set in train. A Canonical Warning was a formal warning that if the Brother's conduct persisted he could be expelled. In theory, after three Canonical Warnings, if the Brother still persisted in his offence(s), he could be expelled.
If the accused Brother denied the charge(s), the case was sometimes discussed by the whole Provincial Council. At the conclusion, the Council voted secretly on guilt or otherwise, and if the majority voted that the charges were proved the whole matter was placed in the hands of the Congregation Leadership Team.

The vast distance between Australia and Ireland/Rome and other factors could modify the formal arrangements outlined.

If the Superior-General and his council concurred with the guilty verdict, they passed their decision for expulsion to the Sacred Congregation for Religious in Rome.

A Brother accused who steadfastly maintained his innocence despite these guilty verdicts had three levels of appeal: he could request a review of his case to the Provincial Council, to the General Council and to the Sacred Congregation for Religious.

All these procedures could be used, but not often. In most situations, allegations against a Brother, no matter what their content or source, were handled between the accused and the Province Leader, and other members of the PLT (or CLT) were only sometimes involved.

However, the full time-consuming process was in place to protect a member of the Congregation who had made Perpetual Profession - promised a permanent commitment in this Order - against a harsh, hasty or ill-informed decision when he was confronted by a serious allegation which he strenuously denied.

(Brother James Platell) 'I do not think we could expel him for being difficult and mental. As to the Canonical Warnings: the past ones are now too distant to count against. They must come rather near each other and be more or less on the same matter.'

(Clancy to Mackey, 27 May 1953)
In an earlier place the author referred rather flippantly to 'the baseball syndrome' - three strikes and you're out! This is a reference to the fact that in some situations, never defined precisely, and applied in the muddled human way, a Brother who was accused of a serious fault - including that of molesting a child - and who was found guilty or admitted the breach, could be given a second chance after a formal or CANONICAL warning.

The Brother was placed on notice that a repeat of his offence could lead to his expulsion. In fact, a Brother was allowed two Canonical Warnings after which a third offence was taken as proof that he was either helplessly weak or showing 'perversity of the will bent on evil' as one translation from (Latin) Canon Law expressed things rather grimly.

Canonical warnings and dismissal proceedings were used for grave public faults against morals, and could not be used to expel a member who over the years had become eccentric, difficult or neglectful of the routines of Religious life.

Sexual abuse of minors has become a mercilessly painful issue in the 1990s, and coupled with the betrayal of trust by a priest, Brother or lay church worker, it has become almost unbearable for the average Catholic. Florid, aggressive media reporting of a small number of sensational cases has fanned the flames of outrage, embarrassment and confusion. Hence, it will be asked: how could a Province Leader in the 1930s to the 1980s merely reprimand, or issue a Canonical Warning, to a confrere who had molested a pupil and permit the Brother’s return to the classroom, where he could, and occasionally did re-offend?

The question is asked repeatedly and the question is fair and deserves a considered answer. There are reasons for the
apparently inappropriate or inadequate response. Some perceptions differed before the shift in social attitudes which occurred some ten to twenty years ago. Moreover, knowledge of the long-term psychological harm that sexual abuse could cause the victim was less understood.

The Sydney journalist & author, Alan Gill has defined this perception well in a recent article: 'Society generally, and the Church accordingly, worked on the basis that if a person was caught, confronted and shamed, they could make a fresh start somewhere else and would not offend again.' (Gill, A. 'A problem of trust', Australian Catholics, October 1993, p. 21)

In addition, religious executives judged certain forms of sexual molestation as more vicious than others - as does the criminal law. Nowadays, with child abuse high on the public agenda, there is a popular tendency to view all sexual abuse of equal gravity. The shame and seediness of pederasty has blurred distinctions of category.

However, some years ago, a Province Leader who could and did commence expulsion proceedings for a Brother who slept with a boy, considered a Canonical Warning sufficient in the case of a confrere credibly accused of furtive, grotty indecent touching. This applied for a first and second offence.

Living and learning is filling me more and more with admiration for the actual wording of the Rule and with the conviction that we must insist, really insist, on a high standard of observance, or see to it that the corruptors are cut off from the body...Briefly, he is guilty of adultery with a married Catholic woman on several occasions. She was a member of the Ladies Committee at the College. We have a few in the Province who are not making any serious effort, seemingly, to fulfil the obligations that they freely took upon themselves, and they are a source of scandal to those who are fundamentally good. I would like to see these disturbers given canonical warnings, and if they set their minds on continuing with their evil ways, we should dismiss them. (Duffy, L. to Clancy, 24 August 1952)
There is much evidence in the Congregation archives of leaders grappling with the wide-ranging dimensions of abuse allegations. A few examples will show the whole gamut of troubled human experience they faced. Brother A.B. was one who had already received a Canonical Warning before this 1953 incident occurred which sparked a brief investigation.

The parish priest of a north Queensland country town approached a Province Leadership Team member on Visitation with an allegation, the statement being made outside the confessional by one of the boys at the adjacent Brothers school. The lad alleged that Brother had examined his (the boy’s) hernia wound and swollen testicles handling the latter. When he was confronted with the allegation, Brother denied everything except that he had examined the wound at the request of the boy.

The PLT Team Member attempted to probe the truth; he interviewed the boy, but found the teenager evasive - ‘a second year (Grade VIII) lad of dull mentality’ - he wrote. Later the Province Leader reported on the outcome: ‘The boy was very hesitant about the whole thing and would not write anything down’. After discussion, the executive did not send Brother A.B. his second Canonical Warning. In the light of the inconclusive investigation he was given the benefit of the doubt but issued with ‘a severe warning for his indiscretion’. (x) (Young to Duffy, 24 November 1953)

On the other hand, with the fault of Brother B.S. at Clontarf in 1959, the executive were divided as to whether a Canonical Warning was sufficient as a response to his offence. The Assistant, Brother P. L. Duffy, felt that the question of expulsion might be a more appropriate response. He wrote to the Province Leader in Melbourne: (x)
Unfortunately that sort of trouble never seems to be very far away, and it does much dreadful harm - especially to the boys concerned and to others who may hear of it. Please God, we will be preserved from the scourge in the future. I am glad that you have given the C.W. I believe that there is no other course to follow but to impress upon transgressors the seriousness of the fault and the scandal which accompanies it. (Duffy to Garvey, 20 June 1959)

After discussion, the PLT did not move to expel Brother B.S. who was nearly 60 years old at the time his offence came to light. The Provincial’s actions remained: a letter detailing the seriousness of the matter and including a Canonical Warning. Meanwhile, Brother B.S. was transferred from a boarding school in distant Perth to a day school in suburban Melbourne where any opportunity to re-offend would be substantially less.

These two cases provide a small, but typical, sample of the Christian Brothers executive dealing with allegations against confreres where a Canonical Warning was considered an appropriate sanction. However, at this stage an intelligent and compassionate reader may ask: what was done for the victim(s) of abuse? How was s/he assisted to cope with its traumas? Is it a fact that concern for the Congregation and the rehabilitation of the abuser was always placed before pastoral concern for the victim?

The question is reasonable, but there are answers. Before a child or teenage victim could be assisted (in say 1962) there had to be an acceptable way to render the assistance. Psychiatrists and psychologists services were available in the 1960s, but were rarely mentioned in that context. It was presumed that the victim(s), with the resilience of youth, would survive the experience and put it behind them. There was sometimes a fear that the victim might be scandalised; that s/he might suffer a religious or moral collapse because the abuser was a spiritual teacher and considered about suspicion.
There was little or no understanding of the possible long-term psychological effects of sexual abuse. The term ‘Post-Traumatic Stress Disorder’ did not exist. Professional counseling was for the distant future. It was taken for granted that the support of family and friends and the healing balm of time would deal with the abusive experience. Often it did; not always, however.

Dismissal or Resignation?

It is normal in companies, offices, clubs, associations and societies for a member guilty of harming the organisation's interests severely or ‘behaviour unbecoming a member’ to be offered the choice of quiet resignation rather than suffer the traumatic experience of expulsion. There were circumstances when Christian Brother executives took this approach. These were the situations where a Brother who had offended was confronted and told that if he did not request a dispensation, procedures to expel him would be initiated.

During the years of the Second World War, at least three Brothers were encouraged to make similar decisions for similar reasons: problems with their second vow. It is not possible to know whether any or all involved criminal activity; fornication was contrary to the second vow, but was not a crime! The correspondence of this period was terse, to save space; and sometimes slightly encoded, in the spirit of the times! In April 1944, Brother Mackey wrote to Superior-General, J.P. Noonan: 'We recently had to recommend a change of occupation to F.W.H. He was hopeless with his second, though loyal in all other respects. The Provincial's policy in this case was consistent with a statement he made in a later piece of correspondence: ‘...once a person gets into a hopeless position, it would be better for all if he were to move on without delay. The bad example does incalculable harm and such, I think, has been the case with 272’.

However, not all Brothers who committed a serious fault or who were alleged to have offended were willing to leave quietly and not all were given that option. Such was the case with Philip Carmody who was expelled from the Congregation in 1918. In a similar way to this dismissal, the expulsion of Brother Bernard Hanson from the Congregation was a model of correct and effective procedure.
You will find that this particular weakness is difficult to root out. It is remarkable that it tends to break out time after time...One of the greatest troubles with the weakness is the hard that is done to the boys. Boys find it hard to forget anything of this nature, especially on the part of one whose office is to deplore such conduct and there is the danger that the same weakness may manifest itself in the boys when they are placed in somewhat the same circumstances. (Duffy to Lacey, 6 May 1954)

The following is an excerpt from a recent memoir by Morris West, one of Australia's most celebrated authors and perhaps Australia's most famous former Christian Brother. West joined the Congregation in 1930 and left (freely) in 1941 prior to his final profession. His comments supply background and context to the world in which many of these offences occurred:

'I was born into an Irish-Australian Catholic family at a time when the Irish memory of persecution was still vivid, when (some) advertisements for staff in my home town still carried the phrase: "No Catholics, no Irish, no Jews need apply"...Our pastors were men who had left their homeland to keep the faith alive in a far and alien country. We were an excluded and exclusive community. We learned rough politics because we had to claw our way to influence in a community still dominated by the Imperial English.

'When I was very young, not yet fourteen, I joined as a postulant, the Congregation of the Christian Brothers of Ireland, my old teachers. My family life was not happy; my father and mother were separated. Still, I could not complain of lack old love because I had it in full measure in the extended Irish family. On my part, the decision to join the Congregation was an act of flight; for the Congregation it was part of a programme called 'fostering vocations', but in fact, as I see now, a seduction of the young and immature into a choice which they were quite unready to make.

'My sojourn in the Congregation lasted twelve years and ended on the eve of my final vows with an agonised decision to return to a world of which I was almost totally ignorant. In the religious life I met a few saints, a number of emotional cripples, some brilliant scholars, a
largish number of ordinary men as myself (!), and a small number of malicious folk, whom even today, I cannot remember without a pang of resentment.

‘In the Congregation, I had my first experience of techniques designed to wash the human brain and bend the human spirit. They were practised by my novice master, who, though long dead, I still regard as an ignorant and coarse man, psychologically maimed, anti-intellectual, spiritually blind, who did grave and sometimes irreparable damage to many of the youths in his charge...My novice master was a loveless man. He had never experienced love, therefore, he could not give it. So he lived out his life by text and rote and ritual. With males he was always in contest. With women, although he was a big athletic fellow, he was so afraid that he scuttled away when they approached.

‘I lost my virginity (the night I left the monastery) to the first woman who showed me love and sympathy. West, M. A View from the Ridge, Harper Collins, Sydney, pp. 5-34.
Case Studies: Executives addressing gross sexual misbehaviour by Brothers

Brother Bernard Hansen

Bernard Hansen was born in 1907 at Bunbury, W.A. and entered the Congregation in 1925. By 1926, he was teaching in Wollongong, NSW. The first time he is mentioned in the scrutiny notes was in 1929 and there are no critical comments. In that year, he taught in the Brothers school in Mackay (Qld.) and Hansen stayed in that north Queensland community for four years. The 1930 scrutiny notes were basically positive, but include one critical item: ‘Regular at exercises, studies well, successful in school, obliging, but inclined to fondle the boys’. In the 1990s, ‘fondling the boys’ would mean only one thing: sexual abuse. In 1930, the word could mean that, but it could mean a tendency to touch them anywhere. What had Hansen done?

The casual, unstressed tone of the comment suggests that the writer felt that the young Brother should be warned about touching the boys at all, not that he was dealing indecently with the children, in which case the writer’s reproof would have been much more strident. There were no further critical comments in scrutiny and Bernard Hansen was finally professed in 1932.

After his profession, Hansen was stationed in one or other Western Australian community until his expulsion eleven years later. In 1937, he was in the tough mining town of Kalgoorlie and here there was an allegation of sexual misconduct. Hansen was warned; it is not clear if that was a formal Canonical Warning or a more casual piece of advice. He was transferred to the college in Geraldton. Hansen was in this port city for the remainder of his time in the Congregation.
If Hansen committed offences before 1943, there is no record of them. In that year, he was reported to the Superior, Brother I.A. Keenan, by the father of one of the boys that Hansen had molested. Keenan appears to have acted entirely competently as headmaster in dealing with the case. He investigated and took written statements from eight boys who alleged sexual assault by Hansen and then reported the affair in detail to the executive in Strathfield. A PLT member on visitation in Western Australia, went to Geraldton to investigate. Brother Hansen was withdrawn from the school and sent to Strathfield to discuss his future.

It was an era when keeping voluminous records was not in vogue. What happened when Hansen arrived in Sydney is clear in outline but details are sparse. At the Provincial Council meeting, 10 November 1943, the members voted to dismiss Hansen from the Congregation. It was wartime. In normal circumstances the Province executive would have advised the General Council of their decision regarding Hansen and left further developments to them. The General Council would have endorsed the decision in Sydney (or set it aside); and if it agreed with the Provincial Council, requested the dispensation from the Sacred Congregation of Religious. In addition, Hansen could have appealed and that would have meant further discussion in Rome.

However, since the war was raging and communication with Italy was difficult or impossible such matters were referred to the Apostolic Delegate in Canberra.

As it happens, Hansen did appeal against his dismissal and the Provincial Council considered his defence on 21 December 1943. The appeal was rejected unanimously and the council advised Hansen to apply for a dispensation. He did so, and the Apostolic Delegate granted the dispensation from vows on 28 December - just one week later. The speed with which the delegation handled the dispensation request suggests they were briefed fully in advance.

The only clear record we have of the charges against this Brother are contained in the brief Minutes of his appeal hearing with the
Provincial Council on 21 December, of which the following are relevant facts not mentioned already.

(Business) To hear the appeal of Brother Bernard Hubert Hansen against his dismissal on charges of having interfered indecently with boys at Geraldton, eight boys being named. The incidents had occurred during the year at intervals; one boy had been seriously interfered with on at least six occasions. There were suggestions that this type of thing had been going on for years...He was alleged to have visited the dormitory at 2.30 a.m. and at least uncovered another boy on several occasions. Brother Hansen denied all ill intent or action. On occasions, he said, he had found boys restless in the dormitory and had tried to soothe them by rubbing their abdomen. His hand may have touched their private parts. He had done this to two boys. Later he admitted that it had happened to other boys. Later again, he admitted having lain on a boy’s bed. Later he admitted having put his feet beneath the bedclothes.

It was plain from the content and tone of these minutes that the Provincial Council thought Hansen completely guilty and his defence ridiculous. A vote was taken and resulted in a unanimous decision for dismissal. Hansen departed the Congregation and is presumed dead. He never surfaced in any context in the current controversy which dates from 1987.

There are many reasons for the decline in popularity of organisations like ours, but I would argue that their demise has been accelerated by two particular aspects: (a) Many organisations have been discredited and even effectively destroyed by the actions of a small number of their members whose behaviour has impacted on the public perception of the organisation regardless of their record of service to the community in general (over many years). (Davies, J., Camp Chief, Lord Somers Camp and Power House, Annual General Meeting, 23 May 2000, The Journal, Volume 50 No 4, July 2000, p. 6)
Thomas Mc Sweeney

The trials of Congregation executives grappling with the problems posed by a Brother who was a serial child molester are illustrated dramatically in the fifteen year saga surrounding Brother Thomas Mc Sweeney who was dismissed from the Congregation at the end of 1948.

This Brother came first to the attention of the Provincial Council as a result of an abuse allegation in late 1934 when he was 47 years old. Brother W.M. Mc Carthy, an Irish Assistant to the Superior-General, on Visitation in Australia, reported the allegations to Dublin:

There are two cases of Brothers interfering with boys: T.Mc Swiney (sic.) and Enda Hynes. The former was a gross offence and deserves expulsion but when it was reported the (Provincial) Council was scattered and nothing more was done than to change these Brothers to other communities. Yesterday the Council considered both cases. I advised Brother Provincial to get them to apply for dispensations. He has not yet decided.

It is clear that Mc Carthy was not fazed by hearing of the abuse allegation; and he implies that he is used to decisive action being taken in such cases. On the other hand, he did not know or did not mention what was to be a crucial hidden defender in the long saga which was to follow the allegation against Mc Sweeney: the latter had a brother in the Congregation, Berchmans Mc Sweeney, who was a prominent member of the Australasian province. His feelings were being taken into account.

In Dublin, the Superior-General, Brother J.P. Noonan, felt that the PLT in Australia were too slow in addressing such complaints, and he wrote in some urgency in a piece of correspondence which amounts to a general policy statement:

Even if both of your accounts had been as full as they could be, the General Council could not act with the cases at that stage. Constitution 365 (4) indicates what is to be
done before such cases are referred to the General Council.

There has been too much delay, it appears to me, in dealing with these two cases. It is not fair to the Congregation or to our pupils whose guardians we profess to be to keep a corrupter of youth on the staff. The secular state would not do this. Our standard should not be lower.

Cases of indiscipline or of scandal of the kind with which we are now dealing must be dealt with at once. In the case of both T. Mc Swiney (sic.) and E. Hynes who are reported for misconduct with boys you should complete your Council and, having got all the information about the charge that you can procure, call the accused to hear the charges and make his defence. If the Council decide that this is a case for expulsion, the Brother is to be informed of the next step, namely to refer the whole case to the General Council which will decide whether he is to be expelled or not.

When this is announced to him he may be told, and it is well to tell him that he may ask for a dispensation and what instead of the sentence of expulsion being pronounced against him he will get a dispensation from his vows and will escape the odium of expulsion. It is better for all concerned that this method of getting rid of the offender be used. With this knowledge expressed in this way, I leave it to you and your Council to deal with these two Brothers. Of course, you are aware of what is called ‘summary dismissal’ when the case is so bad and so evident that time is not permitted to have recourse to the long process mentioned.

It was April 1935, before Hanrahan replied and he reported that the PLT in Sydney had decided for leniency towards Brother Mc Sweeney and gave him a canonical warning. There the matter rested. Mc Sweeney had been saved by the general inertia in
handling his case and by the Province Leader’s sympathetic approach. In addition, there were two hidden defenders both at this stage and during the long fifteen years, hidden defenders which were paralysing decisive action:

- Mc Sweeney had a prominent brother in the Congregation;
- The Provincial Council considered Mc Sweeney so incompetent that he could not survive outside the structures of religious life.

Three years later, there were further complaints against Mc Sweeney. One of the executive had alerted the Superior-General and Noonan wrote to his counterpart in Sydney, Brother Hanrahan: ‘I am acknowledging receipt of a letter from Br Francis Keniry telling me of the repetition of the former offence by Brother Thomas Mc Sweeney and that he is to apply for a dispensation. I regret the relapse and await the application.’

However, mail moved slowly and two days earlier, 25 April 1938, Hanrahan had written to Noonan and the plan to force Mc Sweeney to apply for a dispensation from his vows was already fading. In this letter the case was outlined with nauseating detail of which the following is a brief excerpt:

I interviewed the boy who is eight years old. The boy said he was going up the stairs to his class when Brother Mc Sweeney called him. When he went into the room, Brother Mc Sweeney invited him to ‘squeeze him’. He (the boy) did so. It was then a flow of ‘water’ took place coming on his hand. Brother Mc Sweeney then pushed him away and later washed and dried his hand.

Hanrahan followed this letter with further correspondence a few days later and suggested another solution: ‘Perhaps the Sacred Congregation of Religious might consider that in a case such as this, the man be given other work away from children’. The Provincial thought that the man’s problems grew from personal
inadequacy, that he was not normal and as a result was incapable of making a living for himself.

In the light of this analysis, Hanrahan wrote again to say that McSweeney had been given ‘his second and final canonical warning’ and had been permitted to remain, but had been given work - gardening - outside the school scene. This work was, however, at the Brothers training complex at Strathfield where there were numerous under-age trainees.

That decision was made in May 1938. However, war came in September of the following year and had considerable impact on religious life. Many young Brothers left the Congregation and in the circumstances Brother McSweeney was back in school by 1940. In that year, he molested at least one boy, but this lad did not make the allegation until 1945 when he was a young trainee Brother.

The years had passed since 1938 and the Australasian province had a new executive. Brother T.L. Mackey was an altogether more determined character than his predecessor on sexual abuse questions. Mackey called his council together to consider the novice’s allegations against McSweeney and ‘a unanimous verdict was given against him’. The question was: what to do next? The man deserved expulsion but even Mackey wanted the Superior-General’s advice on this, and in cryptic style summarised the scene for his superior in Dublin:

He has had two previous (Canonical) warnings. Extenuating circumstances are: age, lapse of time since the occurrences - about five years, during which no similar incident has come to our notice, mental weakness, the shock to his brother, his general helplessness. Whatever your decision, he must never be allowed back to active work, and in any case, we shall probably have to support him at least in part. (Mackey to Noonan, 31 August 1945)

Noonan replied in two letters, 4 and 11 February 1946. He wanted McSweeney to go, even if the Congregation had to support him ‘until he will be eligible for the Old Age pension’. Of course, the best plan was to assist McSweeney to find a job. In his second
letter, Noonan stressed that Mc Sweeney would have to go - with offences at Geelong, Rozelle (Sydney) and Tamworth - there was little option - but he should be given the opportunity to request a dispensation, thereby avoiding the stigma of expulsion.

Almost two more years passed. In fact, Mc Sweeney had been dismissed from the Congregation by 21 March 1946, but he had the right of appeal to the General Council and to the Sacred Congregation of Religious. He exercised both these rights. Time passed. On 6 April 1946, Mackey wrote:

He has not yet given me his decision, nor do I think him capable of arriving at a decision. For many years, perhaps all his religious life, he has been a little queer. It might be charity to suspend sentence passed on him until he erred in some way again. He would have to be kept in a place like Leura. He is like a child and would be quite incapable of looking after himself in the world.

However in Dublin, Noonan was not convinced. Finally, on 17 January 1948, the Superior-General wrote to the Procurator in Rome to arrange for the SCR to dispense Mc Sweeney from his vows at the same time as they confirmed his dismissal from the Congregation. On 24 March 1948, Noonan wrote to Mackey indicating that the SCR had finalised the paperwork as requested.

Three months later, Mc Sweeney was still with the Congregation in Sydney, considering a further appeal to the Sacred Congregation - 'sparring for time' - as the Provincial said. Mackey felt that he was 'quite unemployable'; 'had no friends to whom he could go'; and 'was adamant against going into an old person's home, feeling and looking too young for it'.

In this state of mind, Mc Sweeney appealed to the SCR against his dismissal. Five to six months passed before Rome confirmed the arrangements as before. Noonan wrote: 'The Sacred Congregation expects us to carry out the decision: that is quite evident'. Thus, by early 1949, Mc Sweeney had left the Congregation.
There was an ironic, even bizarre sequel. For years, provincials had said Mc Sweeney was unemployable, but, immediately he was hired by the Jesuit Fathers as a lay teacher at Riverview (Sydney), a very exclusive Catholic Boys College. Brother Mackey may have felt a trifle silly as he reported to Dublin, 1 February 1949:

He has been fortunate to get a place with the Jesuits at £400 per annum, but I fear he will not hold it for long. He is no disciplinarian, but a muddler!

With that Thomas Mc Sweeney passes into history and is presumed deceased. Whether he abused other boys when he worked for the Jesuit Fathers is unknown.

Marcian Quaine

(Duffy, L P, to Garvey, 28 October 1953) There is an important matter that I want you to give your attention to. It concerns the Superior of Launceston, Brother Marcian Quaine. When I was in Australia on the Visitation, I was told that Brother Marcian, during his period at Parade, was careless with regard to his relations with the boys, and that during physical culture exercises, on some occasions, put his hands on the private parts of one or more of the boys, during balancing exercises, for example. This came to me from a boy who was concerned, and it came in an indefinite sort of way, and only after I had left Tasmania and finished the Visitation there. If I went back specially to Launceston, or if I called Brother Marcian over to Melbourne, it would have given rise to undesirable comment, and it is not the sort of thing I could write about. Now I see from the Second Consultor's Visitation Report, which I want you to read again, that Brother Marcian is upset. The Consultor attributes this to trouble with a difficult Parish Priest in the person of Dean Upton. That may be the correct diagnosis, but Brother may be troubled with the other matter also. I would like you to make it your business to meet Brother Marcian, and assure yourself that there is no irregularity about the matter that I have raised. You can tell him that it has been brought under your notice.
that he was careless in the past in the matter, and ask him what truth there is in the report. You can approach the matter with all kindness, and let him see that you want to help him. If he is still being troubled in the same way, he will need a pretty straight talk. If he has gone astray in the matter in Launceston, you will have to consider transferring him. If you want further observations about this from me you can write to me, but I think you ought not to postpone too long straightening out the question. Maybe the incident in Parade was a passing phase. I have good reason to believe that it happened, and that kind of weakness does not easily die. '(Correspondence, St Patrick’s Province, Australia, File 2433, Box 217, Generalate Archives)

Brother Garvey comes across as the Province Leader who was unable to act decisively on sexual molestation cases

Duffy wrote to Garvey again, 12 December 1953, a follow-up letter on the above; nothing had happened in the interim. On 23 December 1953, Garvey wrote to Duffy, ‘What if you write to him since you are in possession of the information... it is a delicate matter.’

In Rome, Brother Clancy wrote to a PLT Team Member in Melbourne to try to obtain action, 7 January 1954. ‘The question does not lend itself to treatment by letter...’

On 28 April 1954, Brother Garvey (finally) wrote to Duffy - some six to seven months after the matter came up in the first place.

Shortly after my return I received word from the Provincial of the North that a boy in the Juniorate had repeated what you had already mentioned after hearing a talk on purity by Brother Borgia (Duffy). We discussed it in Council and I decided to send the Second over to interview Brother Marcian. The PLT Team Member had a good cloak for the visit. The Archbishop had purchased some fifteen acres of land near Ulverstone which he is hoping will some day be an Agricultural school under the Brothers. The
Second went to Ulverstone direct. Brother Marcian admitted indiscretions at Parade and said he had repeatedly asked for a change from there on account of his weakness, but without success. Brother Marcian received salutary advice, and the Brother Consultor thinks that owing to Brother Marcian's good religious spirit things should be all right. He seems to be doing very well in Launceston. Perhaps he will resign at the end of the year. If so, I feel sure the Council will accept it. The boy who reported to Brother Borgia was an Old Paradian, who had been at work for three years or so before going on to the Juniorate.

(Duffy to Garvey, 6 May 1954) I am glad that you have had Brother Quaine's attention directed to the matter mentioned. You will find that the particular weakness is difficult to root out. It is remarkable how it tends to break out time after time... One of the greatest troubles with the weakness is the harm that it does to the boys. Boys seem to find it hard to forget anything of the nature, especially on the part of one whose office is to deplore such conduct, and there is the danger that the same weakness may manifest itself in the boys when they are placed in somewhat the same circumstances. I believe also that Brother Quaine is a very good Brother... It would probably be a help for him to be out of office.

**Nicholas Murphy**

The system for expelling a delinquent Brother worked in the case of Thomas Mc Sweeney but it did not work quickly or effectively. The reasons for this have been canvassed in some detail already and need not be repeated. It was very different in the case of **Brother Nicholas Murphy**. He was accused on or about 12 January 1956, of anally raping a teenager in his class and was out of the Congregation by the end of the month: the Superior-General wrote to the Brother S. R. Young, enclosing the 'Decree of Dismissal for Mr. R. Murphy' on 28 January. Why was Nicholas Murphy ejected so promptly?
He was one of the strange men who had joined the Order, stayed during training and eventually been finally professed, after which Superiors wondered why he had ever joined, stayed and been allowed to make final profession. His lifestyle was persistently unsatisfactory. This comment does not refer just to his molesting children.

Murphy was considered mentally unstable and had been difficult all his religious life. His superiors wanted him to leave.

He committed a series of sexual abuses on a boy, including at least one case of anal rape which appeared - understandably - as over-the-top abuse.

Nicholas Murphy entered the Congregation in his teens and did his novitiate in 1935. He was at the Brothers College at East St. Kilda in 1941 and his Superior, Brother B. Crennan, was unsatisfied with his attitude or performance. Crennan's comments were pungent and damming: 'Makes no effort to live the community life'; 'furtive in manner and an opportunist' and 'there seems to be trouble in the family'. In spite of this damming report, Murphy was permitted to take final profession. The PLT did hesitate, but finally allowed him to proceed. They, or rather their successors, were to rue this decision.

On 25 September 1953, Brother Young confided to Clancy his long-running problems (unspecified) with Murphy: 'My biggest personnel worry is what to do with Nicholas Murphy. I'd sing a Te Deum if he were to apply for a dispensation. I have just finished a letter to him, the strongest I have ever written to anyone'.

The Australian assistant, Leo Duffy, made a similar comment later in the year: 'What an amount of trouble poor Nicholas Murphy has caused during the years!' (Duffy to Young, 10 December 1953) The crisis came two years later, just before Christmas 1955 when the parish priest of Flemington, a Sydney suburb, brought allegations of sexual abuse against Murphy. The victim was a seventeen year-old boy in his class. The teenager was interviewed twice, both before and after Christmas and both the priest, and (later) the
Brothers believed what he had to say, the following being the preliminary account in the files:

We had this case before us for the past two days. The charge was that he (Nicholas Murphy) had been guilty of sexual assault on a boy in his class (Fourth Year), a lad of seventeen. The charge was made by Monsignor Kerr, P.P. Flemington in an interview with Br. J.A. McGlade. The boy is not in his parish but word had come to the Monsignor thro' the mother of a classmate of the boy. The lad himself knew nothing of the approach to the monsignor, in fact did not know that his classmate knew anything about the assault or assaults.

Independently of this, the boy had come up at the end of the year to talk the thing over with Brother Athanasius but had missed him. In the meantime, Brother A, had the interview with the Monsignor and obtained his sanction to have the late interviewed. Brother A. interviewed him just before Christmas and brought me over when he had finished listening to what the boy had to tell.

(There is then the account of Brother N. Murphy taking the boy to a remote beach on the north shore and stripping and raping him.) It was the most awful account of this kind of thing I had ever heard. I brought the boy back on the 26th to make further study of him, to try to get any flaw in his story but with Brother Athanasius was convinced of the truth of what he told. I speak of story. Actually the boy had no prepared story; that was obvious. He merely answered questions. You will wonder why a boy of seventeen would himself to such abuse. The answer is, of course, fear. To understand you would have to know Nicholas. (Young to Clancy, 13 January 1956)

In essence, the molestation charges against Murphy were as follows:
that he had been dealing indecently with the boy at various places around the school, in the hall, at physical education, over some weeks;

that at the commencement of the school holidays, he had taken the boy for an outing to a secluded place on the north shore near Roseville and forced the lad to submit to anal sex.

For reasons unclear, the Council waited from Boxing Day until the 12 January 1956 with what was an extremely serious allegation. It was the holiday period in Australia.

When confronted with the charges, Murphy admitted the trip to Roseville, but denied any wrongdoing. He did not convince. The Council believed that his defence was a tissue of lies and contradictions and voted unanimously that he was guilty of the charges preferred and that the case should go to the General Council without delay. The Provincial requested Clancy to deal with the matter as quickly as possible.

A round of meetings ensued. Murphy met Cardinal Gilroy and the Apostolic Delegate and had two more interviews with the Provincial Council. This meant much embarrassment to the executive because they had to provide both church leaders with background to the case and the revolting nature of the allegations - allegations which they believed were true.

At this stage Murphy was still a member of the Congregation and his offences were committed as a Brother. 'It has been a nightmare for us here' Young confided to his friend, Leo Duffy in Rome. (Young to Duffy, n.d. c. 20 January 1956)
The General Council were insulated by many thousands of kilometres from the action in Sydney. They were concerned but not with the immediacy of the executive in Sydney. Since the Cardinal and the Apostolic Delegate were both involved, Brother Clancy urged some limited delay. He wrote:

*We examined the case very fully and from your very excellent report on it and we have no doubt of his guilt. However, as there is a question of the Cardinal and the Apostolic Delegate we await further - or shall I say - more recent developments, before making the final decision. Murphy himself has written to us to say that the Apostolic Delegate was sending us a statement of the case and to await its arrival. As it is a question of the A.D. we will await it. I do not know what value Murphy's message to us may have but if it were genuine, we prefer to wait. We hope to hear from you after you have seen both the cardinal and the Apostolic Delegate.*

In view of the urgency - and Young's desperation - the General Council was in touch again four days later. The Superior-General dismissed Murphy from the Congregation and he left. He had been a member of the community at the High School, Lewisham.

There is one final matter which merits a mention now that the players are all dead. When accused, Murphy counter-charged that he had been molested by the Novice Master, Patrick Harty, during his novitiate year. At the time, the PLT 'laughed aloud' at the suggestion and perhaps they were correct. Murphy had lived a chaotic Religious life and had very little credibility.

The descriptions and insinuations of the blizzard of trouble Nicholas Murphy caused is consistent with the results of molestation as a teenager or young man by a revered authority figure. That is all: 'consistent with' - **there is no proof**. Much of what happened in the Australasian province(s) during the thirty to forty years after 1930 would make more sense if the Novice Master was molesting even a small number of the trainees, but could have happened for other reasons.
Severin Traynor

The crisis which led to Brother S. Traynor leaving the Congregation is fairly easy to document from sources in Australia, but his background is not. He was an Irish Brother who arrived on the Australian mission probably during the 1920s.

He was one of two successive headmasters at St Thomas’s Boys School, Clifton Hill, who molested certain boys during the 1930s. Brother L. Conlon (Consultor) mentioned this to the Superior-General, Brother J.P. Noonan on 12 December 1936: ‘He is accused of bad and low conduct and the accusations are well-founded’. The reasons are now unclear, but Brother Traynor was moved from Clifton Hill to the Brothers school at Highgate, a suburb of Perth - still as headmaster.

The PLT may have wished to encourage his reform after the shame of his (presumed) first fall. Brother Hanrahan, the Province Leader, was unaware that recidivism was very likely in these cases. Apparently, at the senior boys annual Retreat during the first year of his new Western Australian appointment, Traynor dealt indecently with three of the teenagers in their separate bedrooms. One or other of the abused, or their parents reported the matter – to whom is unclear. The provincial took no immediate action; he was due in Perth in a few weeks time on visitation and probably intended to investigate the Traynor affair when he arrived in Western Australia.

Time passed. Meanwhile, while on his way to Perth and still in Adelaide, Brother Hanrahan met Archbishops Prendiville (Perth) and Mannix (Melbourne). Traynor’s situation was discussed. However, Hanrahan was a further three weeks around Adelaide before he left for Western Australia. Mannix had told his episcopal colleagues of ‘Traynor’s immoral dealings with boys at Clifton Hill (Victoria)’.

Prendiville was furious that Traynor had been posted to his diocese – as a headmaster – after his immoral (and illegal!) activities in Victoria. He was livid that Traynor had re-offended in
Highgate and weeks were passing with nothing being done about the situation. Conlon later reported the crisis as follows:

Dr. Prendiville asked to see me at seven p.m. He was very worked up and excited. He said: "If Brother Traynor is not out of the house before Monday morning I shall go up myself on Monday and close the school." The Archbishop told me that Brother Traynor's fall was the severest blow he had received since he became Archbishop. Falls of this kind are becoming frequent in Australia; this is most unfortunate. We profess the highest form of moral and religious conduct, yet some of our own members condescend (sic) to the most revolting forms of immorality. While we are human we shall have falls of this kind, but I think that more could be done to reduce such dreadful happenings.

Dr Prendiville's confrontation had its desired effect. Traynor was to be returned to Ireland post haste. Folk memory has it that two priests escorted the offending Brother from Perth to Fremantle, placed him on a ship bound for Southampton, waited until the vessel sailed and then returned to Perth.

Some letters have been lost and the exact sequence of events is unclear. The Archbishops wanted the erring Brother out of the country; the Provincial Council wished to place Traynor's case in the hands of the General Council. Since Traynor was Irish-born, both bishops and PLT wanted him back where he came from.

In fact, Brother Traynor reached Dublin via England on 5 January 1937, and was lodged in Moran's hotel in the city until Brother Noonan could arrange an interview. On the following morning, but before Noonan had seen Traynor, he (Noonan) wrote to Brother Tevlin, a PLT member in Sydney, regarding some of the bizarre characteristics of the Traynor case. The letter is dated, 6 January 1937, and the relevant section reads as follows:

The variety of cases that occur in dismissing members is large. Although the rules laid down are minute, they do not appear to cover all. We must only do our best and be as fair as we can in the particular case considered. Traynor has reached Dublin. His case as it appears now is different from
any other I know. We have to rely on the accused for details of the charges. In cases of this kind that I have dealt with we had statements from the aggrieved parties. The case is referred to the General Council, 12,000 miles away and we do not know who the aggrieved are. We have no one to say to us: “I have interviewed these boys and this is what they say; (or) here are their written statements or the statements which they made to me and which I read for them and they signed them. From what I have learned of the boys they are truthful and I do not think there has been any collusion between them to injure the accused.

At this stage Noonan appeared to have a good deal of sympathy for his Irish confrere and was concerned that the two Archbishops were well aware of the situation, thereby lowering the reputation of the Congregation in their eyes. However, that was in the morning and a few hours later, he interviewed Traynor and all was revealed. ‘He told me the whole ugly story’, Noonan confided to Tevlin, in a further letter on the following day, 7 January 1937. He added:

He told me the whole ugly story - in Loyola (Retreat House), with two, perhaps three of his boys: R.D., L.H. and (perhaps) C.D. I give the names lest they may be required later. After the deeds, he apologised, urged them to tell all in confession and went to the Sacrament himself. All occurred in the boys separate bedrooms. He was in a wretched state and expressed his dearest wish to be retained. I told him the procedure and outlined the view that the G(general) C(ouncil) would be likely to take. Our duty is to protect the children entrusted to us; to safeguard the reputation of the Congregation and to be just to all.. I gave him until today to consider whether he would risk expulsion by appearing before the Council, or apply voluntarily for a dispensation.

Traynor took the Superior-General’s advice and in fact, proved relatively easy to eject from the Congregation; others who ‘dug in their heels’ were harder to move. Meanwhile the weeks passed; Traynor remained in Dublin. Then it came to the attention of the
Superior-General that Traynor was writing letters to both secular friends and Brother-Superiors in Australia requesting money to pay for his return passage to the antipodes (as a layman). This seemed quite irrational to Noonan, who advised Traynor: 'If you fancy imprisonment for your offenses, Australia seems to the best way of securing it'. Negotiations followed. Traynor had few prospects in Eire and the General Council wanted him to disappear into the United States.

Traynor, on the other hand, felt he had friends in Australia who did not know (or did not care) about his sexual abuse of certain boys in both Melbourne and Perth. It should be explained that friendly correspondence had followed Traynor to Ireland. In the end, Brother Noonan prevailed. He was able to advise Hanrahan in Sydney that Traynor had accepted a one-way ticket to the United States 'a couple of weeks ago. I paid his passage, about £20.' The date was 16 April 1937, and Severin Traynor was to disappear from history. In fact, two years later, he was back in Dublin teaching at Wesley College on the south side. However, there is no more of him in the Christian Brothers story.

In regard to the questions you raise, it is to be borne in mind that though the individual may promise that he will henceforth observant of the particular Vow, the Institute has to guard its reputation and act the part of the visible Guardian Angel as it were, of the pupils entrusted to its care. These individuals have been guilty of overt acts and their weakness is likely to manifest itself again. How often these things have been long going on to the great moral harm of the boys before the sad happenings come to light. As Domestic Brothers the danger exists too. It is less painful on the culprit to seek his exeat than to have him dismissed. If dismissed he has to seek the dispensation too. The Congregation is not bound to ask for a dispensation for a Brother, but in charity it does to speed up the release at times. The Brother is free to couch his letter in any way he chooses; in a case like the one you mention, the applicant may address his letter to the Brother Provincial or the Superior-General in some way like this: 'For reasons
known to you, I am asking you to apply for a dispensation for me from the perpetual vows pronounced by me in the Congregation of the Christian Brothers, Butler, S.H. to Tevlin, J.B., 13 October 1936.

Vincent Keenan

The executive handling of the aftermath of the sexual abuse by Severin Traynor was effective in Dublin after a good deal of procrastination in Australia. On the other hand, the 15 - 20 year saga over Vincent Keenan’s varied offences against boys drifted for years without conclusive handling.

In a letter of 9 April 1940, Brother Hanrahan announced that Vincent Keenan had both offended recently and had ‘several years ago written about the difficulties he had of a moral nature’. At that time - 1929 - Hanrahan had advised him to be assiduous in observing the Rule and all would be well. The Province Leader cannot be blamed (in 1929) for having little concept of the paedophile’s attraction to children. Keenan did offend and somewhere during the 1930s, he received his first Canonical Warning.

Now (1940), he had abused boys again. Two spiritual advisors suggested he apply for a dispensation. ‘One said he was unfit constitutionally for the life’, Hanrahan reported, and as Provincial he endorsed Keenan’s request for a dispensation from his vows. However, an unusual complication arose when the papers arrived from Rome. Keenan refused to accept his dispensation, saying that ‘he was appalled by the loss of his vocation’. At this stage the actual allegations against Brother Keenan were discussed by the executive in Sydney.

In what followed there was a hidden defender: there were three Keenan brothers in the Australasian Province; and the other two were prominent men. Meanwhile Brother Conlon, of the PLT reported to a regular correspondent, Brother W. M. Mc Carthy, 27 July 1940: ‘Vincent Keenan was tried ( Canonical Trial) for offences
against boys on Tuesday...bad and degrading. He appealed to be retained. He was let off with a second warning and a penance'.

Three days later, Brother Hanrahan expressed the events in a letter to Dublin, understating what had actually occurred:

It is reported that he made a suggestion to a boy to uncover but the boy refused I spoke to him on the matter and he admitted the incident. It occurred at his last place of abode. He said that he was taking every precaution where he is now and that everything is quite correct. However, we considered the matter in Council and by a vote of three to two it was decided to report it to you. An incident similar to the one just mentioned took place in 1929 at Bundaberg (Queensland). The view that the Council took then was that there was no evidence that a wrong action would have occurred. I am giving this from memory as there is no record of the decision of the Council. He was changed and I am assuming that there was a warning given. Last year, we regarded that as the first warning.

There were a cluster of reasons why Brother Hanrahan was minimising the problem that Vincent Keenan's conduct posed: there was no sense that sexual abuse involved criminal conduct and no realisation that if Keenan had committed offences in 1929 at Bundaberg and more recently - as reported - there were probably other offences committed in the intervening years which had not come to light. In addition:

Brother Keenan wished to stay the upheaval of the war years placed exceptional strain on the Australian province - for numbers;

Moreover, he had two brothers in the Congregation and they were prominent. This placed a constraint on the executive dealing effectively with Keenan.

Time passed. It was war time and correspondence moved slowly and uncertainly. When he finally heard of these events, the
inclined to agree that the probability is against him. In many ways he is excellent - loyal, efficient, hard-working, and apart from this a fine man - but he does seem a self-satisfied type. He and Brother O’Connor are regular to all appearances, and the Brothers generally know nothing of the troubles they may have; hence the greater danger of scandal.

Meanwhile, Brother Keenan continued in school; matters drifted, and two and a half years passed. In 1948, there was a further offence, about the same time as Brother Francis Greeley offended in a similar way. The Provincial wrote to the Superior-General, 24 November 1948:

It appears definite that he should never be allowed near a schoolroom again. I think he will agree to apply for his dispensation ... In both cases (Greeley and Keenan) there was hope that a rehabilitation had taken place (but) usually the dog returns to his vomit where the Second Vow is concerned.

Keenan did apply for his dispensation and arranged a teaching job (!) outside the Congregation. Two months after the previous letter, Mackey wrote to Clancy advising that ‘Keenan has been given leave of absence to enable him to commence work this month before his dispensation arrives’. The Provincial added: ‘A good man in many respects but incorrigibly and dangerously weak’.

Failings of this kind leave a scar on the memory and there is always the danger of circumstances arising that tempt the individual to repeat the action...The fear of scandal does not seem to worry people with these tendencies.- Levander to Clancy, 13 December 1965
Brother Lewis Levander

The strange case surrounding Brother Lewis Levander began in 1930, climaxed in 1950 and was ended with his death in a motor vehicle accident in 1956. In 1950, after much soul-searching, the PLT decided to give Lewis Levander another chance. He had a brother in the Congregation who was prominent in its affairs and destined to become more so.

Lewis Levander joined the Congregation in the late 1920s and in 1930 was teaching at the high school, Lewisham. In the suffrages at the end of the year prior to his possible renovation of annual vows, there were many critical comments; indeed all the letters were critical. The Superior wrote: 'His case is very serious. He is severe in school; there will be no limit to his conduct if he is professed perpetually'. Nevertheless, Brother Lewis was readmitted to his annual vows.

By 1932, he was stationed at the NSW rural city of Wagga. The scrutiny notes were again critical, and the Superior wrote: 'His character is difficult to discuss on paper, a problem that sets one thinking.' In April 1950 - eighteen years later - this man, now a member of the PLT wrote: 'I formed the impression that things - relations with boys - were not right, but there was nothing definite'. Nevertheless, Lewis Levander was finally professed in what was, plainly, a parody of common sense.

In 1941, there were serious allegations of sexual abuse against him - from boys in the boarding school at Abergowrie in far North Queensland where he was stationed. Brother Levander defended his reputation furiously, denouncing the boys for attempting to frame him. There was a Canonical Trial at the Brothers headquarters at Strathfield, a Sydney suburb at the conclusion of which the PLT voted unanimously in his favour. He was acquitted.

However, in the mid-1940s, there was another complaint from a young Brother in his second year of training. This young man mentioned that during his school years something - left vague and
undefined - had happened at a cadet camp during the school holidays. There is no definite charge beyond the suggestion that 'Brother Levander had been too free with the boys when they were dressed only in bathing costume'. Levander was not told of the complaint; the matter rested.

In 1950, matters came to a head in a strange way. On 18 February 1950, Province Leader, Brother I.L. Mackey, wrote to Clancy in Dublin. Three days before, two letters two letters had landed on his desk simultaneously:

- one letter from the superior of St. Pius X College, Chatswood, Brother Carter; and

- another letter from Br Levander himself.

Brother Carter said that the parish priest of Chatswood had called at the Brothers monastery two days before, interviewed Brother Levander and told him to apply for a dispensation from his vows immediately, or he (the parish priest) would go to the authorities with certain information about him (Levander). Carter remarked that the priest had said nothing whatsoever to himself about the whole matter 'he has taken full responsibility for everything apparently'

Brother Levander's own letter requested a dispensation from vows: 'I have taken this step only after mature consideration and on the advice of a religious priest to whom I recently put the whole case'. (Levander to Mackey, 15 February 1950) Three days later, Mackey reported to Clancy:

At the request of the Superior (Brother John Carter) I went to Chatswood last night to talk things over with Brother Lewis (Levander). The parish priest, Father O'Flynn is a saintly type. Last year he had a bad nervous collapse and had to be away from his parish for 8 - 10 months. They think he still shows traces. He made no accusations against Brother Levander, but recommended him to seek a dispensation because of his weakness, suggesting even that he should walk out
if there was any hitch. Brother Lewis consulted an M.S.C. (Missionary of the Sacred Heart) who advised him to get a dispensation. Later he went to a saintly Passionist, Fr Francis Clune, who said that on no account should he. However, Fr. O'Flynn (the parish priest) had told him that if he didn't get a dispensation he would report him to the authorities and he would be expelled. Br Lewis would make no admissions, nor did I wish him to. He said his religious life had long been a sham.

There followed a frenetic series of meetings over the next couple of days: at one point Levander wished to withdraw his application; at another, Brother Carter interviewed the parish priest who reiterated that if Levander did not seek a dispensation Levander would be reported 'to the authorities'. At this, Levander advised that he wished to proceed with his dispensation, as Mackey advised Leo Duffy, 20 February 1950:

- He did not wish to face an enquiry;
- He feared what might come to light in such an enquiry.

Brother Levander was sent to the School for the Blind at Castle Hill without duties to await developments and Mackey added to Duffy: 'It seemed easy for the Council to read between the lines as previous instances over the years had occurred - in those cases Br Lewis had denied the accusations - but there was always anxiety about him in his relations with the boys. The Provincial Council voted unanimously in favour of endorsing his application...he (Levander) said that nothing had happened in the last three months that could in any way he misinterpreted'.

This is the year 1950, and communications moved slowly by 1999 standards. On 27 February 1950, and unaware of all the brouhaha in Sydney, Clancy wrote to his Provincial in Australia: '

This Levander case is not too clear as there is no definite charge. Then he, himself, has not made an application for dispensation. Do you think there is no
possible chance for him? You see that one of the confessors told him not to apply for a dispensation. I shall await hearing from Brother Lewis before asking for the dispensation.

In understanding the correspondence of the next month, we must bear in mind consistently that the letters moved slowly and men were writing when mail was on the way to them that might have clarified or modified what they were saying. Brother Leo Duffy wrote to Mackey on 1 March 1950, 'I am sorry you have all these troubles with you' and added:

It is hard to know just what the position is. If Father Clune (the Passionist priest) knows all there is to be known and still urges him to remain in the Institute, we think his advice should be followed in spite of the threat to inform 'the authorities'. We presume he means the ecclesiastical authorities. Obviously he has serious grounds for his threat. At the same time his view may be out of harmony with the view of the Sacred Congregation on the matter, and maybe he has panicked somewhat. If we knew just what it is that the parish priest could charge Lewis with, we would know what to do...(Lewis Levander) will have to see down for the Brother Pro-Superior General, or for the Sacred Congregation, sufficient reason to justify his application for a dispensation. We feel that it is neither correct nor just that the question of remaining in the Institute, or of withdrawing, should be more or less decided by the Parish Priest. The Sacred Congregation is the authority for such matters. So until we hear further from you, or from Brother Lewis we will take no action.

Two days later, Mackey advised the Superior-General that he endorsed Levander's request for a dispensation: 'He is one of those sad cases where a man has given the best years of his life to the Congregation, and has his interests only in the Congregation and its welfare, but evidently finds it hard or impossible to conquer weakness. I feel it is a case you must decide. The parish priest, Father O'Flynn, has not referred to case to me nor do I think it wise to approach him'. Mackey mentioned that the year had started badly with allegations against Br M.R. 'which may have to be referred to you'.
On 7 March 1950, Mackey wrote again to Dublin after he had interviewed Lewis Levander for a second time. He was sure by this time that Levander wished to remain in the Congregation and he mused:

It seems definite that he has a weakness in dealing with the boys, and it is difficult to say if such weakness would show itself again if he were given a chance. At the moment there seems to be nothing that would justify his dismissal, and the attitude taken by Father O’Flynn almost amounts to dismissal without preferring any charge or giving any opportunity for defence. Personally, I would be in favour of giving him a further chance to prove himself, though it would be necessary to investigate any charge Father O’Flynn might decide to make against him. I have not thought it wise to go near Father as I think he has handled the matter incorrectly and unwisely.

A few days later the correspondence continued - Mackey favoured giving Levander another chance despite a sense that ‘the whole business’ (paedophilia) seems ‘almost an incurable disease’. On the other hand, there was a positive aspect: ‘he has had a good shaking-up which should do him permanent good’.

It was not until 15 March 1950, that a detailed letter was penned by the Superior-General; he had at last received Lewis Levander’s letter. Clancy noted that Levander did not wish to leave the Congregation and his sympathies were with this man; he was not happy with the attitude of the parish priest of Chatswood who took the first initiative in the matter. The other factors weighing on his mind included ‘the divergent opinions of the confessors’, ‘his years in religion’ and ‘his very, very excellent brother’. The possibility had been mooted that Brother Levander could be given work away from direct contact with young people. He added:

The action of the parish priest has struck me from the very beginning as...unjust. What exactly are the charged against Brother Lewis? He, himself, says that the priest accused him of “impropriety in my conduct
with boys”. What is the force of “impropriety”? Many men - many minds. What is very serious for one may not be equally so for another...there is the nearness to scandal and that may be very serious indeed. Hence, before I make a decision, what am I to ask from the Sacred Congregation of Religious? I want exact information; if you do not have it, please interview Brother Lewis yourself.

The three factors which were keeping Lewis Levander in the Congregation were:

- the use of euphemisms by all involved to describe what he had done, avoiding the almost certain outline of criminal conduct;

- the fact that Lewis’s brother, Brother Jerome Levander, was so prominent in the Congregation;

- Lewis Levander exercised his right to silence; he said nothing except in the vaguest way of what his own conduct had been.

The days passed. Leo Duffy mentioned to Mackey on 27 March, that the Superior-General was awaiting some definite information as to Lewis Levander’s behaviour; and Clancy himself made another request for further intelligence four days later. In mid-April, Mackey replied. He had interviewed Levander twice; he had been busy and he wanted time to think things over.

Brother John Carter (Superior at Chatswood), at Levander’s request, had approached the parish priest and asked that if Levander were given work away from children, would he withdraw his threat to expose Levander’s past wrongdoing. Father O’Flynn agreed that this was reasonable. At the actual interviews Levander managed to avoid saying anything as to what precisely he had done which led to Father O’Flynn’s making the original move to force Levander to leave the Congregation.
On 18 April, Brother Clancy wrote intimating that the General Council still did not have precise information on which to base its judgment in the case. He wished to know specifically two matters: what were the previous times when Levander had been the object of abuse allegations; and had the man ever received a formal Canonical Warning for his conduct? Meanwhile, the mood of the General Council was that while Levander would probably remain in the Congregation, he should receive a Canonical Warning. Mackey replied in some detail on 28 April 1950, to the Superior-General’s request. There were three previous allegations or intimations regarding Levander’s inappropriate conduct in the past:

- **1941** - allegations of abusing students at the Agricultural College, Abergowrie, far North Queensland. Canonical trial, vote in favour of Brother Levander.

- **1945** - a young trainee at Strathfield complained of ‘looseness of conduct some years earlier at a cadet camp’. No action; Levander not informed of the complaint.

- **1933-34.** ‘The Second Consultor was in Wagga with Brother Lewis and formed the impression that things were not right, but there was nothing definite’.

Mackey summed up his view: ‘The repetition of the accusations suggests that there must be ground for them...I am not aware that he was ever given a Canonical Warning...I think he is very loyal to the Congregation but is weak in these matters. I think he should be given another chance’. This view was adopted.

Brother Lewis Levander was killed in a motor vehicle accident, 13 March 1956. This was reported by the Province Leader to the Superior-General, 14 March, ‘the death of Brother Lewis yesterday came as a shock to all.’
The sexual abuse of a child by a priest/Brother frequently develops gradually and presents several complicated features:

- the sexual contact arises from a relationship involving immense trust on the part of the minor;

- the child (teenager?) is vulnerable in that the priest or Brother is seen as the agent of God;

- an affectionate relationship often precedes the sexual contact so that the child feels that he (or she) has a very special relationship with the Brother or priest;

- the abused child often feels powerless to reveal the abuse;

- sometimes threats by the perpetrator reinforce the secrecy which allows the abuse to start and continue in the first place;

In the past, when the abuse was revealed, the child victim was rarely handled in a responsible, pastoral manner by bishops. Sipe, A.R.W. ‘Preliminary Expert Report in the case of Fr Rudolph Kos’, http://www.thelinkup.com/sipe.html
Brother Laurie H Murphy

On 23 January 1999, the West Australian reported that a District Court Judge, George Sadleir, has ruled that 81 year-old Brother Lawrence D Murphy is too ill to stand trial on child abuse charges...Murphy had an underlying pathological infirmity of the mind which would make him unable to follow court proceedings or properly defend the charges.' The judge granted a stay of proceedings and it was understood that Murphy's condition would not improve, so that the stay of proceedings would be permanent.

The VOICES sexual abuse survivor organisation, based in Perth, Western Australia had Laurie Murphy at the top of its abuser table; 47 of its members alleged sexual abuse by this man. The next alleged perpetrator on the list had 15 claimants against him. Since many of the charges appear to have been well-founded; Laurie Murphy was arguably close to the Christian Brothers worst offender in sexual abuse matters in Australia. He was alleged to have abused boys at

- St. Mary's Agricultural School, Tardun (WA) in the early 1940s;
- Castledare Junior orphanage, Perth, 1944 - 1953;
- Clontarf Senior orphanage, Perth, 1954 - 1956;

Christian Brothers College, Wakefield Street, Adelaide

'Very earthy considerations and ambitions can creep into the lives of men who had set out with the highest ideals.' Morrissey, T. As One Sent: Peter Kenny, S.J., 1779 - 1841, Four Courts Press, Dublin, 1996, p. 106

Laurie Murphy was born in Adelaide, South Australia in 1917 and attended the Brothers College in Wakefield Street. After leaving school with good passes in his senior examination, he worked in a city office for three years and applied to join the Congregation in
1938 when he was 21 years old. Murphy was considerably older on entry than his average young contemporary who was normally 15-16 years of age, even as young as 13 years of age when he applied to join. Murphy was also better educated than most and possessed work experience. Inexplicably and foolishly he elected to be a non-teaching or 'coadjutor' Brother. Equally foolishly his choice was allowed to stand without demur.

During the 1940s and 1950s, 'coadjutor Brothers' were second-class citizens in the Congregation. Almost all were engaged in farm work and maintenance - often in child care roles (without a shred of appropriate training) in orphanages, industrial schools and farm schools. Lay-Brothers had existed in the Congregation since its earliest days. The Christian Brothers were essentially an educational Order, most of the members were engaged in teaching. The Congregation had been founded at a time when teaching had midway status between a trade and a nascent profession. However, there were always some young men who wished to contribute to the Brothers mission and who felt called by God to the Congregation but who lacked either the educational background, the aptitude for study or an interest in teaching. Such were admitted as 'coadjutor Brothers'.

However, they did not have the status of the Congregation members engaged in teaching; they did not have chapter rights, they could not be appointed Superiors of communities and they wore a modified form of the religious habit. The coadjutor Brothers rarely had professional preparation of any kind for their work in the Congregation and after eighteen months of postulancy and novitiate they were usually placed in one or other of the farm schools, which were residential care facilities, in Eire called 'industrial schools'.

Laurie Murphy's choice to be a coadjutor Brother flew in the face of his qualifications and aptitudes. In fact, from the commencement of his first mission at St. Mary's Agricultural School, Tardun in 1939, he was continually employed in the work of the schools - without any training. He was never missioned as a cook or a farmer and it seems he had no aptitude for either avocation. However, as a coadjutor Brother he could not hold any
office in the Congregation and his superior talents at Castledare were never rewarded. It is my belief that he drifted into sexual abuse of children as a power thing, as a compensation for his treatment by the Congregation. His foolish decision to be a lay Brother was his own, however; he created his own dysfunction.

However, when Laurie Murphy entered, he carried an enthusiastic reference from his parish priest (Semaphore, S.A.), 10 February 1938:

> Lawrence Murphy is an exemplary Catholic young man...he has proved a veritable right hand, assisting (in the parish) in any work whatsoever...He is possessed of great initiative, organising ability and capacity for hard work...His departure from Semaphore will be a very distinct loss to both parish priest and parish.

By September 1939, Murphy was at Tardun and his Superior, Max Fagan wrote approvingly: 'He is regular, dutiful, willing and promises to become very efficient.' Within a short time, the world was at war and by 1942 Tardun was attempting to cope with three times as many boys as the facilities allowed. Many had been evacuated from Perth and Geraldton. What followed was not a happy period - at least for the pupils. Michael Murray, a former child migrant friendly to his former carers, has written: 'His (Murphy's) behaviour was consistently beyond the pale of common sense and gumption...a figment of a twisted, tyrannical mind that could not cope with the absolute power he had over sixty or so boys.' (Murray, M.J. 'Michael of Bristol, Australia 1939 - 1946: Reminiscences of an English Child Migrant', Unpublished mss in the possession of its author.)

Murray does not accuse Laurie Murphy of being a child molester; Murphy was too severe and consistently difficult and irrational in his management of the young teenagers. There is support for this view in the 1942 comments for Scrutiny. Brother H. Sandy, the Superior, described Murphy as 'quite satisfactory', but Brother J. Platell wrote that Murphy was too severe on the boys, and Brother I. Kerwick wrote a negative report 'lacking in particulars', the Provincial noted tersely.
He was very unpopular with the Tardun boys. There is a folk memory of an attempt to murder Brother Murphy when a tile was thrown at him by a boy working on the roof of one of the buildings. There were certainly allegations of sexual misconduct, perhaps true, perhaps in revenge for 'the pants-down floggings meted out to boys at the back of the classroom' to which Murray refers in his memoirs.

Murray recalls that Brother Murphy had the dangerous habit of taking boys back to his room after 'lights-out' and talking with them into the night. Murray was one of the boys - on occasions - and he recalls nothing untoward occurring. However, either some were abused and made allegations or they saw evil where there was only foolhardy behaviour. The two senior Brothers in the community, Fagan and Sandys heard the statements of the boys and interviewed Murphy. They felt he was innocent, and there seem to have been four reasons for their opinion:

- One of the boys whom others alleged was molested, denied that anything happened;
- Neither Brothers Fagan nor Sandy thought much of the teenagers who accused Murphy;
- Murphy denied the allegations;
- The English boys had a reputation for boy-on-boy sexual activity

At the 1943 scrutiny, Brother Sandys recommended Murphy's admission to vows but suggested a change from Tardun 'to live down the gross accusations of evil boys'. Max Fagan also wished Murphy well, but said he was 'unfit for schoolwork because of severity and an unsympathetic attitude'. Fagan suggested he be given work on the farm.

As his Superior recommended, Murphy was changed to Strathfield and remained there two months. It is reasonable to presume that the executive were quietly assessing his character
and potential. They appear to have decided that while he had difficulty managing teenagers, he might well be a success with small boys and so he was appointed to the staff of St. Vincent’s Junior Orphanage, Castledare in the suburbs of Perth. He was to remain there for eleven years, and if the recent allegations are accurate it was there that he molested many students.

At the annual Visitation (1944), the PLT member, Brother F. Doyle, was very impressed with the community and its youngest member. He had stayed at Castledare nine days and wrote: ‘Observance is excellent. There are excellent Religious on the staff. Brother Hyacinth is doing very good work among the boys. He is a very capable young man and an excellent religious - inclined to asceticism.’

In the following year, the Visitation was done by Brother J.C. McCann who alone of the Visitors made the pertinent comment: ‘It is an anomaly to have an untrained coadjutor Brother doing full-time work in the classroom as a teacher.’ The point was never picked up. Meanwhile Murphy was finally professed at the end of 1945 having passed the scrutiny easily.

In the following years, the Visitors were increasingly impressed with his work: in 1947 he was referred to as ‘the most effective man on the staff’ with ‘an uncanny skill in getting the most out of the boys’. He was described as one who now used corporal punishment sparingly, and as a result there was ‘a good and happy spirit among the boys’. The Visitor added: ‘I cannot imagine the place functioning without him.’

The tone of Visitation Reports remained thoroughly approving during the following years. However, it was during this time that many boys were allegedly abused. One, (then) Brother A. Mc Gregor wrote to the author in September 1989:

I remember my innocence that first night; and how my indignation erupts every few years since. All were asleep in the sub-junior dorm. Who knows what time it was, when he woke me up and told me to follow him. I followed him along the second storey veranda
from our wing into his (bed)room. I wanted to sleep and had no suspicion of what was to happen. How innocent I was of sex... After getting out of his bed I was not aware of what had taken place. A Brother had me in bed with him and I wanted to be left alone to sleep. It was a new experience for me ... Brothers could do no wrong.

There is no hint anywhere until late 1956 that Murphy's superiors had any inkling that abuse was taking place. The 1950 Visitation Report referred to 'the extraordinary influence of Brother Hyacinth over the boys'; 'the excellent work being done in the classes'; 'how gifted a teacher he was'. This surprise at Murphy's 'mesmeric influence' over the youngsters was to become a concern by 1952 - not a concern that Brother was abusing children but a worry that his extraordinary presence was leading the youngsters to ignore or reject other staff members.

In 1954, Murphy was changed to St. Peter's (Senior) orphanage, Clontarf, also adjacent to the Canning River and close to Castledare. The abuse of boys continued - as Brother Mc Gregor testified. However, the Clontarf boys were older and less under Murphy's spell. It was only a matter of time before someone(s) complained. In 1956, a lad accused Murphy of 'interfering with him' to the Director, Br. B. Doyle. It is not clear who this boy was; it is fairly clear a number of boys were being molested. Folk memories turn up a number of possibilities such as the following:

- VY [REDACTED] who made allegations against Murphy around this time to Brother J.L. Carey and decades later to the authors of Lost Children of the Empire in 1989;

- Mr. [REDACTED] (then Br. [REDACTED], S.J.) in an interview referred to an altercation in the classroom when [REDACTED] one of the boys, called Murphy a 'pooper' in front of the class.

Brother Doyle was aware that a certain lad, [REDACTED], was often seen with Brother Murphy and had a reputation among the boys of being Murphy's 'pet'. Doyle questioned [REDACTED] and found
that Murphy had molested him. Doyle questioned other boys - how far the interrogations went is not clear, but one thing was evident: Murphy had a reputation for molesting some boys and the reputation was probably justified. Brother Doyle, therefore, wrote to the Province Leader in Melbourne acquainting him with the situation and requesting a change for Brother Murphy. In the event he was changed after Christmas to a day school - Christian Brothers College, Wakefield Street, Adelaide. It is not clear whether he was given a Canonical Warning or indeed, what passed between Murphy and his superiors. It is possible that paperwork concerning this man has been destroyed or removed from the main archives.

Brother Murphy’s transfer to another school after some sort of confrontation, whether in Perth or Melbourne, would have been considered adequate in the mid-1950s. It seemed to be a first offence or localised series of offences. In this context, Alan Gill, the Sydney journalist has written:

We did not realise that it was a personality disorder...we did not realise the tragic effect it could have on the victim(s). All clerics and religious should be made aware of the seriousness of criminal behaviour, especially with children. Society generally, and the church accordingly, worked on the basis that if a person was caught, confronted and shamed, he could make a fresh start somewhere else and wouldn’t offend again. (Gill, A. ‘A problem of trust’, Australian Catholics, October 1993, p. 21)

Brother Murphy was fourteen years at his next appointment during which time he served under four headmasters. Each of the four is alive and each is adamant that until the 1970 allegations, made when Brother J.V.Bourke was headmaster, they heard nothing against Murphy regarding child molestation. With the advantage of hindsight and in view of certain allegations it is likely that he did molest some boys over the years at this college. In October 1970, a parent or parents accused Murphy of abusing their sons sexually. Brother Bourke did not care to confront him personally and so he contacted the PLT in Perth and the Province
Leader, Brother F.J. Levander, sent Brother R.B. Healy, one of his executive, to Adelaide to investigate, remarking: 'Hy (Murphy) has been at it before, so the allegations are probably true.' Brother Levander could remember the reasons for Murphy's change from Perth to Adelaide in 1956.

In his investigation, Brother Healy found the boys evasive as to what had actually occurred. Brother J.V. Bourke, the headmaster, persuaded the parents not to lay charges and Murphy was changed to Whyalla, a mining-industrial centre remote from Adelaide. Murphy was permitted to go into school. In the 1971 Visitation of the Whyalla community, PLT member, Godfrey Hall, presumed that Murphy had acted criminally with boys in Adelaide when he wrote:

I think he realises and appreciates the sensitive treatment of his problem by the Provincial Council and that he has been given excellent conditions under which to rehabilitate. He appears to have settled down since his transfer to Whyalla last October. (Woodruff, J.C. 'Visitation Report, 6 July 1971)

After two years in Whyalla, he was transferred back to a school in suburban Adelaide and gradually moved of the classroom. Some years later, in 1981, he left the Congregation of his own volition. The Provincial, Brother L. Bowler, wrote: 'Throughout the last twenty years of his life he has been unsettled and hard to satisfy.' Whether Murphy's discontented, unsettled state was due to unpleasant memories or not, he has been named repeatedly as a child molester since the controversy over the orphanages commenced in 1987. He has always denied any wrongdoing but he does not convince. In 1999, criminal proceedings against him were stayed indefinitely because of his physical and mental state.
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A Christian Brother and teacher at a number of schools, Brother [REDACTED] was, on his own admission involved in sexual assaults on numerous pre-pubescent boys over many years.

He had been confronted first in 1984 with allegations of molesting a boy, which he admitted. He sought therapy after disclosing an assault on another boy to the then Province Leader in August 1987. He was threatened with dismissal from the Congregation but a decision was made that treatment would be more appropriate and this prompted him to commence therapy.

When Brother [REDACTED] disclosed his ‘difficulties’ to Brother McDonald in late 1987, he minimised the extent of the assaults. Brother McDonald said that the understood that the complaints had been reported to the police and that there had been an investigation but that no charges had been laid. Brother [REDACTED] was interviewed by detectives in 1988 but had no further contact with police following this meeting.

When Brother McDonald became Province Leader in 1991, he believed that [REDACTED] had received counselling but was not convinced that the matter had been dealt with sufficiently. He took it upon himself to make regular checks on [REDACTED]’s ministry and progress, and tried to ensure that he was in a position where his access to children was minimised. He recommended that Brother [REDACTED] undergo assessment for treatment whilst overseas on a study course, as there was no appropriate treatment in Australia. [REDACTED] was assessed and commenced immediate residential treatment at the Saint Luke Institute, a mental health hospital in Maryland (US) in September 1994.

[REDACTED] has since returned to Australia where he is receiving therapy in another state, including sessions with a psychiatrist, a psychotherapist and a spiritual director, along with group work, all of which was funded by the Congregation. As a result of his therapy he admitted to his sexual offenses and gave permission to Brother McDonald to be informed of this.
was interviewed by the Royal Commission. He said that it was not until he was threatened with dismissal that he realised that his actions were criminal; rather, he had interpreted them as ‘positive relationships’ with boys. He said that he viewed his vow of chastity as ‘applying primarily to heterosexual relationships’ and that sexual conduct had not been the subject of discussion within the Order. He had commenced when he first commenced teaching when he was seventeen, and his victims had included children from various families whom he had befriended — the offenses being committed in their homes — as well as boys in a residential care institution.

Brother

The first allegations against Christian Brother, occurred when he was a staff member at St Patrick’s College, Strathfield during the late 1970s.

One former student claimed that he was abused sexually at an orientation camp at **Orford** in 1980, while some seven Years 11 & 12 students have complained that Brother had attempted to grab their genitals in the school’s changing room after football training. The statement regarding the Oxford camp was as follows:

'It started at the beginning of 1980. I was starting sixth form at St. Patrick’s College in Strathfield. We had an orientation camp ... at a place called Orford. Brother was going to be form master and coach of the First XV rugby union team. I wanted to make the First XV. We stayed down there two or three nights. On the last night we were all bunked up in our dormitories and Brother was walking through the dormitory with a torch checking on the kids. He woke me up and said: 'Come with me. I want to talk with you.' I went with him to his room.'

He had a bottle of scotch there and a bottle of coke. He said: 'Pour yourself a drink and pour me one too.' I had taken my guitar and a kazoo on the trip just to muck around with. He then said he had found the kazoo and discovered that it was filled with marijuana ... I had not taken any with me on the orientation camp... I was frightened.
(Later) He said: ‘Come over here and give me a hug ... I thought it was very strange. I didn’t know what he was trying but I knew it was getting a bit weird. Then he put his hands down to my pants and tried to pull my pants down. He said: ‘Lift up your bum and let me pull down your pants.’ I said: ‘No”. I then realised what was happening and pushed him away ... I don’t know if it was the grog or fear or disgust but I threw up.

It is not clear if the Provincial Council was informed of these allegations or whether they remained in house at St. Patrick’s College. However, [REDACTED] was soon appointed Principal of Edmund Rice College, Wollongong, where he flourished as a prominent community figure. He wrote a column for the Illawarra Mercury, had a radio show, and worked in various charity organisations. His style was extrovert, populist — the teenager’s friend. [REDACTED] was very well-liked in Wollongong.

A number of senior students made allegations against Brother [REDACTED]. On one occasion in 1984 when one lad was staying at the parish presbytery, Brother [REDACTED] had gone to his room and indecently assaulted him. About a month later, the lad informed Bishop Murray of the incident. Although Bishop Murray assured him that his complaint would be treated seriously, he heard no more about the matter.

The years passed. This young man, now in his early twenties — and having heard that other boys had suffered similar assaults by Brother [REDACTED] — discussed the matter with Father Morrie Crocker, a parish priest in a suburb (Berkeley) of Wollongong. Crocker advised the boys to make statements to the Wollongong police.

The boys followed Crocker’s advice and approached the police. However, after an investigation, a decision was made not to charge Brother [REDACTED]. The reasons were given as follows:

- ‘the offenses took place too long ago’
- ‘conviction was doubtful’
• ‘no supporting medical evidence’
• ‘the court experience would be harrowing for all concerned’

After taking office as Province Leader in July 1991, Brother Julian McDonald, was briefed by his predecessor concerning the allegations swirling around Brother [REDACTED]. He was told that Brother L. Needham had dealt with the matter and that the police and Director of Public Prosecutions had determined that the question would not proceed further.

In 1991, the mother of one of the boys (now young men) contacted Brother McDonald, as a result of which he concluded that the allegations should be investigated further. After discussing the investigation with Bishop Murray, and sought advice from the police chaplain, Brother McDonald indicated to the police that he would like the matter re-investigated. It is not clear what followed from this recommendation.

Meanwhile Brother McDonald had questioned [REDACTED] and another Brother, William Hocking concerning allegations of sexual abuse of boys residing at ‘Eddy’s Place’, a youth refuge in Wollongong, adjacent to Edmund Rice College, a ministry in which both [REDACTED] and Hocking were involved. Both Brothers denied the allegations.

Brother [REDACTED] was principal at Edmund Rice College for ten years. However, in 1992 Brother Mc Donald was sufficiently concerned at the drift of events to terminate his position at the college and advised Evans that he would have difficulty recommending him for any further teaching positions. Thereafter, Brother Mc Donald sought to supervise Brother [REDACTED] by requiring regular meetings and contact with his psychologist.

In 1993, Brother [REDACTED] went on leave from the Congregation and was subsequently offered a position with the Department of Juvenile Justice, and later with a college of Technical and Further Education (TAFE) in northern New South Wales. The latter was an administrative position. Brother McDonald was not asked for any reference for either of these positions. In a personal letter to
Brother McDonald, dated 19 October 1993, Brother — on leave, but still a member of the Congregation — revealed directly for the first time that he had sexual problems.

Meanwhile, over a year before this, Operation Paradox received an anonymous call that Brother was suspected of interfering with young children. Operation Paradox dispatched a report to detectives in Wollongong. However, the Patrol Commander was provided with a report to the effect that nothing adverse was known about either individual. The author of this report admitted to the NSW Commission on Police Corruption (Paedophilia) that no check had been made of any intelligence reports, nor had the file on the earlier matter been obtained.

The matter became public when (the late) Father Morrie Crocker informed a reporter of the complaints and a number of ‘boys’ (now young men) related their stories to the Illawarra Mercury, which published the reports of its investigation on the 27 October 1993. On the same day, Wollongong police interviewed about the allegations. He declined to take part in a recorded interview, but denied the accusations.

Six old boys of Edmund Rice College, Wollongong, came forward, signed statutory declarations and denounced for having molested them as senior schoolboys at the college. There was — perhaps understandably — a blurring of the differences within the boys allegations between illegal behaviour and ‘conduct unbecoming’ a religious man, not however, illegal behaviour:

- illegal behaviour: e.g. fondling the boys genitals, propositioning (underage children) for sex; attempted sexual penetration — all illegal; and

- plying senior boys with alcohol to the point of intoxication; showing them pornographic videos — ‘conduct unbecoming’ a priest or Brother.

The allegations against may be judged from the statement of ‘Mark’, one of the Edmund Rice College lads to sign a statutory declaration.
It started when I was in fifth and sixth form at Edmund Rice. I was in the football team and had a lot to do with [REDACTED]. In 1982, my family went away on holidays and I stayed at home with a mate. [REDACTED] and (Fr) Peter Commensoli and another Christian Brother I don’t know – he wasn’t from the school – asked the two of us up to the parish (presbytery) at West Wollongong for dinner. This was the Little Flower Church where Fr Commensoli was Parish Priest.

They pumped us full of grog to the point where I couldn’t walk. The next thing I know, I’m in Brother [REDACTED] car and he is giving me a hand through the front door of my home. I crashed again and he must have put me to bed. When I came too, [REDACTED] was sitting on the bed with his hands wrapped around my penis. As soon as I woke up, he backed off right away. I don’t know how long he had been there or what he had been doing.

Mark said Brother [REDACTED] put a brave face on it and said ‘see you later’ and left. ‘I was pretty unconscious at the presbytery. My mate was pretty drunk as well. Anything could have happened.’

‘Mark’ added that there was another incident with [REDACTED] when a group went to Sydney with the Principal for a Conference. They stayed overnight at a motel – [REDACTED] sharing a room with ‘Mark’ who alleges ‘he was constantly saying “come over and lie on my bed” trying to get me to sleep in bed with him. In addition to ‘Mark’s’ testimony, there was that of ‘Barry’:

I was in the fifth form or early sixth form when [REDACTED] came to the school. He started to become a good friend of mine ... He was interested in my family life, how I was doing at school and in sport. He came on as a real friend. I took him at face value ... One night ... sixth form ... I was down at a pub in town drinking with classmates. I used to walk home, four or five kilometres.

I was walking past the West Wollongong presbytery ... light on ... guest room ... I had stayed there before ... [REDACTED] there having a drink with (Fr) Peter Commensoli ...
In the wake of the expose in the Illawarra Mercury, 27 October 1993, additional allegations were made to the police concerning both [REDACTED] and his friend, Father Peter Commensoli. They were published in subsequent editions of the paper. In the uproar which followed these allegations [REDACTED] was forced to take indefinite leave from his position as Project Manager of the Coffs Harbour campus of the University of New England - even though he still had not been charged with any crimes.

Further inquiries in relation to [REDACTED] led to a decision to charge him, but before he was arrested in committed suicide, 14 December 1994. Some time before these events [REDACTED] had applied for, and been granted dispensation from his vows.

Brother Edward V Dowlan

Brother E V Dowlan was born in 1950 and entered the Congregation in 1969. After training he taught at the following schools

St Alipius's Primary School, Ballarat, 1971

St Thomas More College, Forest Hill, 1972

St Patrick's College, Ballarat in 1973–4

Christian Brothers College, Warrnambool, 1975–6

St Brendan's College, Devonport, 1977–80

St Augustine's Boys Home, Geelong, 1981

Cathedral College, East Melbourne, 1982-5

Catholic Regional College, Geelong, 1987-93.

Brother pleaded guilty of sixteen counts of indecently assaulting eleven male students under the age of sixteen between March 1971 and July 1982. Two counts were committed while Brother Dowlan
was teaching at St Alipius's Primary School, East Ballarat, four counts at St Thomas More College, Forest Hill, seven at St Patrick's College, Ballarat and three while he was teaching at Cathedral College, East Melbourne. The charges were specimen charges.

In July 1996, he was sentenced in the County Court to nine years, eight months jail, with a minimum of six years. On appeal this sentenced was reduced by around one-third in length of time. (Coddington, D, *The Australian Paedophile and Sex Offender Index*, Mount View Trust, Sydney, 1997, pp 100-1)

was a day student in Form 1 at St Patrick's College, Ballarat in 1973. At first it began innocently enough. Peter would be sitting at his desk — the old wooden two-seater type — when Brother Dowlan would bend over him and squeeze his shoulders. Sometimes he would rub the young boy's chest. It began to get a little uncomfortable when Brother Dowlan's hands strayed a little lower and squeezed the cheeks of his bottom.

It wasn't long before became aware of the 'down the back of the classroom' punishments that Brother Dowlan gave out liberally. The class would be told to copy something from the blackboard and anyone who turned around would be in big trouble. Meanwhile, Dowlan would take a boy to the back of the classroom and 'do things' to him.

Of course, you can hardly be a normal kid in Form 1 without putting a foot wrong and sometimes you would be down the back of the classroom facing Brother Dowlan's punishments. Dowlan would grab his penis and pull it downwards until the boy cried out in pain. Other times, Dowlan would squeeze his testicles really tight. He never reached into his pants; he always did it through his clothes.

In Term 2, started boarding at St Pat's. His mother, Patricia, had been diagnosed with cancer and while she was getting treatment, and his brother, Neil, had to board.
At St Pat’s, boarders were victims on call twenty-four hours a day. During study sessions, Brother Dowlan would slide into the other side of the boy’s desk and press the boy’s genitals through his school shorts. A lot of the time, Dowlan would keep back on purpose just to do this to him. Dowlan would also make him do study classes on the weekends and fondle him again...and Dowlan always seemed to be there when was showering or dressing. tried never to be the last one in the shower when Brother Dowlan was supervising.

As if what was putting up with wasn’t bad enough, one night in mid-1973 was to change the young boy forever. had a shower and hopped into bed around 8.30 p.m. A while later he was woken by Brother Dowlan. ‘Get out of bed and come with me’, he ordered.

was led to the change rooms where Brother Dowlan closed the door firmly behind them and told to pull down his pants. was scared. He had put up with the regular fondling because he had no other options but this was different. He began to cry as Brother Dowlan directed him to lean forward and put his hands on the bench. knew without looking that the thing he could feel rubbing up against his anus was Brother Dowlan’s penis...and then the twelve-year-old boy was anally penetrated by the Christian Brother. Frantically, he tried to make him stop and did the only thing he could think of – he yelled out: ‘I’ll tell my mum’

‘No, you won’t. I have something that will change your mind,’ said Dowlan menacingly.

The rape stopped and the beating began. Dowlan removed his leather belt and beat with the buckle end. He strapped the boy ten times then stopped. ‘Are you still going to tell your mother?’ Weakened by the assault, still managed to say yes.

‘No one will believe you. I am a Brother and they will say you’re a little liar.’ Dowlan continued beating until he wept that he wouldn’t tell anyone.

‘Just remember if you do, I will still be here.’
was returned to his dormitory where he lay in bed and cried all night.

One day in mid-1973, the St. Pat’s matron rang Patricia, and told her that had reported sick for school complaining of pains in the stomach.

At the doctor’s surgery, insisted on going in by himself. After a couple of minutes, Patricia was called into the doctor’s office. stood there in his underwear, covered in bruises and welts from his waist to the tops of his legs – Patricia even saw bruises on his groin.

(told his mother it was Brother Dowlan, but did not tell her regarding the sexual abuse which preceded the beating)

Patricia was incensed about the beating. She telephoned the local police officer and told him to come to her house and look at her son. The police officer saw the bruises and left – only to return later with some other guests – Brother Nangle, the St Pat’s headmaster, Father Davey, the school chaplain – and Brother Dowlan himself. The four men crowded into Patricia’s home and discussed the situation. Brother Nangle took Patricia aside. ‘Don’t think about your immediate family. Think about your extended family,’ he said in a smooth, quiet voice. Nangle knew that one of the Christian Brothers who had recently taught at St Pat’s was her sister’s brother-in-law. ‘What effect do you think it would have on them if you had a Christian Brother charged?’

Brother Nangle’s smooth voice was telling her that had done something wrong and Brother Dowlan had simply punished him ‘too forcefully’.

Finally giving in to the pressure, Patricia agreed not to lay charges and to return to St Pat’s on the condition that Brother Dowlan have no contact with her son. Nangle agreed quickly.