COMMISSION TO INQUIRE INTO CHILD ABUSE

PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIIDGE, DUBLIN 4

ON TUESDAY, 6TH JUNE 2006 - DAY 224

EVIDENCE OF FR. MICHAEL HUGHES

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY
MR. FRED LOVE

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I hereby certify the following to be a true and accurate transcript of my shorthand notes of the evidence in the above-named action.

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MEMBERS OF THE COMMISSION PRESENT:

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COUNSEL FOR THE COMMISSION:  MS. K. FERGUS SC
MR. P. WARD BL

Instructed by:  MS. E. McHUGH

FOR THE OBLATES OF MARY IMMACULATE:

MR. C. MAGUIRE SC

Instructed by:

MR. M. DOULING BL

Instructed by:  LAVELLE COLEMAN

Instructed by:  MR. T. O'LEARY SC

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THE HEARING COMMENCED AS FOLLOWS ON TUESDAY, 6TH JUNE 2006:

THE CHAIRPERSON: Good morning.

MS. FERGUS: Good morning, Chairman, this is the final institution in our Phase...(INTERJECTION).

THE CHAIRPERSON: Just give the cameras a chance. Very good.

MS. FERGUS: Good morning, Chairman, as I was saying this is the final institution in our Phase III public hearing. Today's public hearing is in relation to St. Conleth's Reformatory School in Daingean run by the Oblates of Mary Immaculate in Ireland. Fr. Michael Hughes, the Provincial (sic) Archivist the Oblates, will be giving evidence today, as he did in Phase I of our hearings on 9th May 2005.

The Commission has heard evidence at Phase II from 28 complainants, two institutional responses and two individual respondents at the private hearings. I am going to -- as the usual, I am going to hand over to Mr. O'Leary.

MR. O'LEARY: Indeed. I think Mr. Maguire wants to say something before we start.

THE CHAIRPERSON: Before we do that we will have Fr. Hughes sworn.
FR. MICHAEL HUGHES, HAVING BEEN SWORN, WAS EXAMINED, AS FOLLOWS, BY MR. O'LEARY:

THE CHAIRPERSON: Please sit down, Fr. Hughes. Yes,

Mr. Maguire.

MR. MAGUIRE: Chairman, just two matters and I don't think there will be a problem about them but they both relate to documentation. In respect of documents which were furnished to us by the Commission on 31st May, which are documents to be relied upon, which may be relied upon by counsel, in that there are documents which we can't seem to locate elsewhere so they are new to us. It is a Department of Education file 285. Now, it doesn't cause us a problem to deal with them as far as we are aware, but I thought I would just mention that.

I suppose it is more pertinent because, as you know, present witness, he is not the Provincial, he's the Archivist in the Order and he operates from the documents that obviously we all have been operating from in relation to dealing with matters.

Also, Chairman, we have received two lever arch folders on Friday at 5:00 p.m I think in relation to the documents which are apparently are now being relied upon.
THE CHAIRPERSON: Which Mr. O'Leary is going to rely on.

MR. O'LEARY: Yes, that's right. It is something, Chairman, that we can deal with during the course of the hearing, if it arises. There is nothing new in the documents, I believe, I think Mr. Maguire accepts that. They are simply for ease of reference from time to time but all the documents will be in the possession, I think, in any event of Fr. Hughes.

THE CHAIRPERSON: Yes. The way we have approached this, Mr. Maguire, is that the more time a witness has had the documents the more we can expect him or her to be familiar with them and vice versa. Obviously, somebody may well say "yes, no problem because I remember this or I am familiar with that", or "I know the general area so this doesn't surprise me." Sometimes, not always. But on other occasions, if that happens -- Fr. Hughes, if it happens that you are not in a position, let us know and we will see what we are -- we are not here to sort of set traps for people. We want to get the information that we have. So if you have a problem with it tell us, we'll do something about it to meet that situation.

MR. O'LEARY: Absolutely, Chairman.

THE CHAIRPERSON: That's the way to do that.

MR. O'LEARY: Indeed. If it arises it arises, but I will
Fr. Michael Hughes

certainly try to avoid any... (INTERJECTION).

THE CHAIRPERSON: No, carry on as you would
normally and we will deal
with any issues that arises.

MR. MAGUIRE: I accept that what
Mr. O Leary is true, that
we have had the documentation in question, I am just
pointing out... (INTERJECTION).

THE CHAIRPERSON: No, I understand,
Mr. Maguire, and even if
someone says, "look, I know I should be familiar with
this but I just don't happen to be", we will deal with
that situation.

1 Q MR. O LEARY: I am obliged, Chairman.

(To the witness) Just briefly. Fr. Hughes, I think
you, in fact, gave the opening statement and prepared a
statement for the purposes of this Commission; isn't
that right?

A Yes.

2 Q I think in that such will establish your
qualifications, you effectively are a professional
archivist; is that correct?

A I wouldn't call myself professional, self-taught.

3 Q Self-taught archivist. But you were given the job by
the Provincial?

A Yes, that's right.

4 Q To prepare a statement based on your self-taught skills
as an archivist; is that right?
A. That's right, yes.

Q. And that formed the basis of your statement and indeed your evidence in what we call Phase I of the Inquiry; is that right?

A. That's right, yes.

Q. And in terms of the documents that you analysed, were there personnel files in being, or did you interview the various Brothers, I am not going to mention their names, but how did you come to the, shall we say, facts that are stated in your statement?

A. Do you mean with regard to personnel?

Q. Yes.

A. There are personnel files, of course, which have been the subject of discovery and given to the Commission. And with regard to interviewing former staff members, many of whom of course are dead now, we had the -- we did have a plan, as I explained I think in the first hearing, that we thought when the thing first started that we should conduct a little inquiry to see what we could find out. But this was immediately superseded by Garda inquiries and court proceedings.

Q. Yes.

A. And this Inquiry, so we had to drop that of course. So the only interviews I did, and they were quite a number of them who were in connection with summons -- plenary summons and the complaints that came to the Commission and things like that.

Q. I know, I understand that. I know you didn't conduct your own inquiry, I am not asking that, but you did
Fr. Michael Hughes

1 interview the Brothers who were still alive or able to help you in relation to the matter; is that right?
2 A. That's right, that's right.
3 10 Q. How many of those were there? How Brothers did you interview who actually worked in Daingean?
4 A. There would have been about a dozen, I think. Some of them have died since, I should say.
5 11 Q. And I think did two give evidence in the Phase II Inquiry, I am not going to go into their names obviously?
6 A. In Phase II, yes, two of them did.
7 12 Q. Of the 11?
8 A. Yes.
9 13 Q. You yourself then, I presume, as part of the job you were given by your Provincial, you attended the Phase II part of this Inquiry; is that right?
10 A. I did, yes, I did.
11 14 Q. For the, as Ms. Fergus says, 28 complainants and indeed the two Brothers, you were there; is that right?
12 A. I was there, yes.
13 15 Q. I presume you heard what was said?
14 A. I did.
15 16 Q. And I want to ask you in that period of time, let's call it over the last year or so, did you go back to the various Brothers that you had spoken to for the purpose of making your original statement, when you had heard what had been said at the private part of the hearings at Phase II?
16 A. No.
Do you understand the point I am making, you know, you would have heard various allegations and I will go into them not in terms of specific ones but in general terms, let's say of sexual abuse, you were aware of some allegations being made of sexual abuse; isn't that right?

A. Yes.

Is that correct?

A. That's correct, yes.

You heard that, you were here, it was not actually physically here, but you were in a room when those allegations were made; isn't that right?

A. That's right, yes.

I see. Did you, on foot of hearing that information, including, it appears to be, allegations of rape, allegations of forced oral sex, allegations of voyeurism where one Brother measured the growth of the penis of one of the pupils?

A. I never heard that.

You never heard that? Did you hear about the allegations of rape?

A. I think so yes.

You think so?

A. Yeah, I did.

So we are on common ground here. You did hear that; didn't you?

A. Oh yeah.

You would have heard allegations of sexual assault, including oral sexual assault, did you hear that?
Fr. Michael Hughes

1. A. Yes.
1. 25 Q. You did, okay. You would have heard that in certain instances this would have happened on a number of occasions, isn't that right, you heard that, that was the allegation?
1. A. Yes, yes.
1. 26 Q. Is that right?
1. A. Yes.
1. 27 Q. I see. What I am suggesting to you now, is that when you heard all of this did you go and continue on your inquiries on foot of what you yourself had heard over a long number of days of hearings?
1. A. Well, as I understood it, there was absolute confidentiality surrounding those hearings and I really don't see how I could have gone to question people on the basis of what I heard in those hearings, frankly.
1. 28 Q. You mean you wouldn't even have asked them generally about whether or not they would have known that these types of things were going on?
1. A. I had already asked them those questions before.
1. 29 Q. And you felt that nothing you had heard during the inquiry... (INTERJECTION)
1. A. No, no.
1. 30 Q. Nothing at all?
1. A. No, no.
1. 31 Q. Were you shocked by what you heard during the Phase II of this Inquiry?
1. A. You must realise that we had the written complaints previously, so you couldn't say I was shocked in the
sense that I hadn't heard of them before. And I...(INTERJECTION)

Q. I understand. But there is a difference, isn't there?
A. That's right.

Q. Involving somebody much older than them and they of a particular age. Did that have an effect on you?
A. An emotional effect, do you mean?
Q. Yes.
A. I am not a very emotional person.

Q. You are not an emotional person?
A. No. Naturally I am very disturbed if such things should be true.

Q. Yes?
A. Let me see now. What you are really asking me, I think, is what my judgment on those hearings was, is that what you are asking me really?

Q. I am not, in fact. I am saying when you heard these people giving evidence what effect did it have on you? You say you are not emotional, it had no effect on you; is that right?
A. Well, naturally it was very unpleasant, yes.

Q. Very unpleasant?
A. Yes.

Q. Did some of the images remain with you, what had been
Fr. Michael Hughes

1 said?
2 A. No.
3 40 Q. They didn't?
4 A. No. I haven't allowed it to affect me psychologically, if that's what you mean.
5 41 Q. You hadn't?
6 A. No.
7 42 Q. And that's something that you intentionally did, you set out to do?
8 A. I think one has to, I mean how can one carry on if one's going to break down.
9 43 Q. Yes. Would some of the testimony, if you hadn't, as it were, hardened yourself, might it have caused you to break down?
10 A. I don't know.
11 44 Q. You don't know?
12 A. No.
13 45 Q. But you remember what was said, don't you? Do you remember what was said or have you screened it out now?
14 A. Well I remember in a general way, yes.
15 46 Q. In a general way?
16 A. Yes.
17 47 Q. Well, I mean, be clear, I am not going to mention any people's names, do you understand?
18 A. Yes.
19 48 Q. But just in specific example, do you remember the concept of what was called "the gobbler's cup", that the boys within -- do you understand what I mean?
20 A. I do.
Q. That the boys within Daingean itself would mark out the person who was being subject to abuse, according to themselves, and that they would actually mark the cup of the boy who was being abused because nobody wanted to drink out of "the gobbler's cup", do you remember that?

A. Yes.

Q. For me, do you understand, and I know it is difficult for you, but that has a kind of searing resonance, do you understand what I mean by that, that expression, "the gobbler's cup", you would agree with that?

A. Yes.

Q. For instance, it is unlikely that anyone would make up such a term is that right?

A. I think so.

Q. Yes. And, therefore, it is likely that that is true; isn't that right?

A. Yes, yes.

Q. And therefore if that is true, it was likely that there was some form of sexual abuse taking place in Daingean; isn't that right?

A. Yes.

Q. Yes. In relation to your study of Daingean, I presume just on a personal basis you had no knowledge of what went on or you were never appointed or attached to Daingean at any stage yourself; isn't that right?

A. As I explained in the first hearing, I was there for -- as a student, doing supervision during two summers for short periods.
Q. Short periods of time?
A. Yes. That would be on the square, as they called it, or playground.

Q. Yes. You would have also heard then from people giving evidence, sworn evidence before the Phase II Inquiry, of what they would regard as the regime of physical abuse that took place, that was taking place at the time? You heard that, didn't you?
A. I did.

Q. So again, so we are in agreement, as it were, and I don't think at this stage we need to refer to a document but certainly if you wish to, please do so.
A. No, you go ahead.

Q. But in general terms use would have heard of not just an organised system of discipline, do you understand, not just the organised one where there was a dean of discipline, and there was a -- well, we will get on to the Punishment Book and whether or not that was there or not, all of that organised side but there was also what appeared to be a random form of physical violence meted out to the students, what I mean by that is punches being delivered, straps being used in the yard, individual Brothers taking responsibility to mete out physical punishment. Did you hear that?
A. I did, yes. But whether I accept it or not is another question.

Q. That's fine. But you heard those, we'll call them allegations for the purpose of our discussion?
A. Yes.
So you know what I am talking about; isn't that right?

A. Yes.

Why do you say you don't accept it?

A. Because I think some evidence about physical abuse was certainly credible.

Was credible?

A. Some of it was, yes.

Which one, or which parts?

A. I would have to go into each particular case and I can't do that.

All right, that's fair enough.

A. But some, I think, was exaggerated.

Well, do you accept, for instance, that individual Brothers kept straps with them?

A. Very few of them did actually, according to the information I was given by the surviving members.

Well I am not going to name him but you know that one of the Brothers who gave evidence, and it is only one of two so you should remember generally what he said now?

A. Yes.

He said that he carried a strap with him personally for 21 years?

A. Well...

Just let's go through it here. For 21 years, and he only stopped carrying that strap when a boy robbed it off him, do you remember that evidence?

A. I think I do, yes.

So he was carrying the strap around for 21 years and he
said that he administered the punishment when a problem arose?

A. Yes.

Q. So it wasn't a controlled situation, would you accept that?

A. I would not, no.

Q. Why?

A. Because it was recognised that while there was, as you say, the kind of more serious corporal punishment that was administered only by the prefect, that it was permissible and it was permissible I think by rules recognised by the Department of Education, that lesser punishments could be administered by staff members.

Q. Maybe I didn't make my question clear. I wasn't suggesting that whether or not it was acceptable or not, we will get on to that, but do you accept that that happened, that Brothers went around with leather straps themselves administering punishment?

A. Oh yes.

Q. Do you think that was a controlled situation?

A. Controlled? Would you say what you mean by that?

Q. Well, you had Brothers who were there, they may have been looking after different parts of the activity, the farm, whether it be on the turf batch or the bakery, or even in control of the yard itself. Do you understand, different Brothers doing different things?

A. Yes.

Q. And they had a leather strap with them isn't that right?
1. Yes.

76. And they, it appears to me, felt free to administer punishment when and if they felt it arose, isn't that the situation?

77. They did have that permission.

78. Yes. Wouldn't that, just using your knowledge and common sense of life, couldn't that lead to physical abuse?

79. It could, yes, yes.

80. Do you think it did?

81. I am sure it did sometimes, yes.

82. Yes, thank you. In relation to the boys themselves, there appears to be evidence from Phase II, but again I am being general in relation to comments I make to you, and you may agree with me that there was a hierarchy within the boys themselves, do you understand, that is there were leaders and there were people who, shall we say, weren't leaders?

83. That's always true.

84. That's always true. I think there was evidence during the course of the Phase II hearings of this concept of fishes, you understand the word I use, I think it was mentioned, that the people at the bottom of the pile, I think, were fish and one worked one's way up; is that right? You heard that anyway?

85. Yes, well I think that wasn't so much the leadership issue, that was that a newcomer was called a fish. He could easily become a leader very quickly if he was...(INTERJECTION).
Fr. Michael Hughes

Q. Yes, within time. But there was a hierarchy within the boys; isn't that right?
A. Well I suppose so, yes.

Q. Well it appears clear?
A. Well there were leaders and followers, yes.

Q. And there appears to have been a situation where there were almost gangs of boys, would you accept that?
A. There were gangs sometimes, yes.

Q. Yes. And obviously, that gang situation could lead to conflict, isn't that right, between the boys?
A. Yes, yes.

Q. And I go back to the word control I used earlier in relation to the physical abuse between the individual Brothers and individual boys?
A. Uh-huh.

Q. But do you feel that the situation about the boys, there being gangs there, was out of control?
A. I don't think it was out of control, no. I think obviously at times there were disturbances, but I think -- I mean, I would agree that the discipline in the school was severe, I have said that before.

Q. Yes.
A. And it was severe for the very purpose of making sure staff did keep control. To that effect it was intended as a protection of the children.

Q. Yes?
A. By being severe. I mean, these lads were not small boys, very often they were 16, 17 years of age, you know.
Fr. Michael Hughes

Q. Yes?
A. If there hadn't been a very strong discipline imposed it would have descended into chaos, there is no doubt about it.

Q. I will ask go back to that in a second and I am grateful for that answer. The disturbances you are talking about, presumably, are the riots; is that right?
A. Yes, what were sometimes called the riots, yes.

Q. But I mean there was one riot in 1958, I believe, when the guards had to be called to actually stop the riot; is that right?
A. It was kind of nipped in the bud, as they say.

Q. It was what, sorry?
A. Nipped in the bud, as they say.

Q. By the guards' arrival?
A. None of these riots really got out of control because they were spotted as brewing and...(INTERJECTION).

Q. Excuse me?
A. The staff were able to see that they were kind of being prepared and to take measures to stop them developing into being too serious.

Q. But one of the riots involved implements. Evidence was given of knuckle dusters, knives, iron bars?
A. That's right.

Q. All of which the boys had in their possession; is that right?
A. That's right. They were collected over a period of days and deposited here and there.
Q. Yes.
A. Thankfully they never used them.

Q. Oh I understand that, because the guards arrived?
A. Yes.

Q. But doesn't it suggest to you an institution where boys are allowed collect iron bars, knives, knuckle dusters and engage in a riot, an institution that is wholly out of control?
A. No. Because the riot never happened.

Q. Well the guards were called?
A. Yes, because they stopped it happening. As regard the collecting the things, well there were workshops there, they were metal workshops with tools and equipment of that nature, well boys, naturally, could get hold of these things and use them for wrongful purpose.

Q. And therefore in terms of how the boys got on with each other, if they were able to secrete away these weapons and implements and iron bars, presumably the supervision was somewhat faulty, wasn't it?
A. That's a good point. Supervision say in the 1950's, which is the kind of period you are talking about really.

Q. Yes?
A. There was an average of 150 boys during that period and the staff were, let's say, 20 or something like that, I can't be too precise over a ten year period. So the supervision ratio, so to speak, was very low by modern standards.

Q. Was it too low?
A. Well, if you had that number of children in a facility today you would have to have a 3:1 kind of staff. You would have to have a staff of about 400 I think. So clearly, by today's standards it was clearly very much too low. I think one would have to say that unless there were bound to be times when the children had enough freedom to -- well, to do their own thing.

Q. To do what they wanted to do?
A. I would see that as a positive thing in many ways. I mean, they were not over regimented in that sense. I don't know what kind of a school it would have been if they had a staff member breathing down their necks every moment of the day. But I do concede that the supervision, the numbers available for supervision were very low.

Q. Very low. And because -- sorry, I don't -- as you know, I don't want to stop you in any way. Have you finished?
A. Yes.

Q. They were low.
A. Yes.

Q. And because they were so low, which may be to do with resources which I am not ascribing blame, do you understand, but because they were in fact so low it meant that, I suggest to you, Father, that to try and maintain order excessive punishment had to be meted out, which wouldn't have had to happen if there was enough people properly supervising?
A. Well I would say there is some truth in that, I am
quite prepared to say that. I would like to say something else as well.

108 Q Sorry.

A I didn't notice that. I am so concentrating on yourself.

THE CHAIRPERSON: You just knocked the microphone over.

A I am concentrating on yourself.

109 Q MR. O'LEARY: I think the stenographer picked it up. Please don't, I am not -- as the Chairman said, I certainly am not setting any traps for you. This is a matter where we try to tease out a lot of things.

A No, I have a lot of things I would like to say to you. Take with regard to supervision and staff numbers, the school was only set up to have a certain number of staff, there are only a certain number of staff rooms. I mean, the expectation of what the numbers of the staff would be, was that there would be around 20, 24 staff members. That is what was expected. It was the common understanding, I would think at that time, that that was the kind of ratio you would expect to have. That is what the accommodation was provided for. But given the nature of the population, and the stresses and so on, I do agree that it was on the low side.

110 Q Yes. It is funny, and I am going to go back to something that you said there, but since it comes up and I know you want to discuss various things with the Inquiry. The various stresses involved?
1 A. That's right.
2 111 Q. You make a reference in your opening statement which relates to -- and I think you will know what I am talking about?
3 A. I do.
4 112 Q. The fact that towards -- from the mid-1960's on certainly there appears to be documented evidence of extreme stress?
5 A. Yes.
6 113 Q. Leading in fact to nervous breakdown with a number of Brothers who were actually operating in Daingean; is that correct?
7 A. That's correct, yes.
8 114 Q. I have not cited them; it doesn't matter, but for the purpose of this discussion, I presume you were able to extract that from the personnel files of the various Brothers involved. Is that right, or how did you come to that conclusion?
9 A. Well it was stated very clearly in documents, yes.
10 115 Q. From your work as an archivist what were the reasons for that overwhelming stress and indeed in some cases leading to nervous breakdowns, in your view?
11 A. Well, I would say that there was a shortage of staff at that time period you mentioned.
12 116 Q. Yes.
13 A. It was heightened because some of the more able members and more in their prime of life members of staff were at that time sent off to train. One went off -- well, there were three went off to train, to study various
trades, like horticulture and metal work.

Q. So the age profile was quite high?
A. It was raised as a result of that. So that was the situation, they were in a difficult situation.

Q. They were, shall we say, over 40 certainly, in fact at one stage all of them were over 40?
A. I would say they were, but there may have been one or two who were not, but I can't remember offhand.

Q. I think I can mention his name because there is absolutely no allegations against him personally, Fr. McGonigle in relation to it, there was reference in Fr. McGonigle's book of recollections, do you understand what I am referring to there?
A. Yes.

Q. His summary of his years in Daingean?
A. Yes.

Q. To this idea of Brothers coming in, working all year round, seven days a week, and I think only in the mid-1960's having a day a week off; isn't that right?
A. Well it was in the 1970's.

Q. Or in the 1970's, sorry. So again, that led to a very stressful environment for the Brothers; isn't that right?
A. It did, yes.

Q. Again, unfortunately, from your own knowledge of human nature, I suggest to you that people are more likely to lash out and use excessive punishment when they are so stressed that they are treated for nervous breakdowns?
A. Well, that is a possibility, yes. We are talking about

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possibilities. It is also a possibility, the other thing, that they would also become vulnerable to being bullied themselves, which is just as bad.

Q. I understand. Well indeed, and just taking that possibility and you have accepted my contention of the possibility, and that seems to be fair enough, but taking your own suggestion that means that you have vulnerable Brothers?

A. Yes.

Q. And I wonder is that a particularly healthy state, for someone to be involved in supervising the people in Daingean?

A. No, no, it wasn't. I accept that, yeah.

Q. So either way, it is not good; isn't that right?

A. Oh it certainly isn't, yeah.

Q. And indeed, vulnerable Brothers may indeed form friendships with boys as well, given their vulnerability; isn't that right?

A. Well, that's speculation. You can speculate.

Q. I suppose you have heard the evidence yourself in relation to that?

A. Well, if you are asking me what I thought of the evidence, I don't myself think that there was evidence of widespread sexual abuse from the staff. That was my reading of it.

Q. That was your reading of it?

A. Of the hearings. A lot of evidence was given, but a lot of evidence was challenged.

Q. And oh I see, so what you are suggesting is that the
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Fr. Michael Hughes

evidence is only credible if not challenged?
A. No, effectively challenged.

Q. I presume that's a matter for the Commission?
A. But you are asking me these questions.

Q. Oh, I am yes.
A. And you are saying that there was evidence of this, but I would say it is also true that the evidence was challenged.

Q. But are you suggesting -- sorry, I thought we had come to an agreement about that, but let's be clear about this, because I represent people who were in Daingean, you understand that?
A. Yes.

Q. Are you suggesting that there was no sexual abuse by Brothers of pupils in Daingean?
A. I couldn't suggest it, no.

Q. But what are you suggesting?
A. I am suggesting that there wasn't evidence of widespread sexual abuse.

Q. Oh, it wasn't widespread, I see. So therefore, may I infer from that you are you are accepting there was some sexual abuse in Daingean?
A. I accept that there was evidence, on which the Commission will make its judgment.

Q. I see. Well, I think we might agree to differ on that one and move on, since the Commission has heard all that evidence?
A. That's right.

Q. In relation to Daingean itself at the time, and it was
obviously the time that we are relating to both 1950's and 1960's in particular, there was an awareness, would you accept, by the Order and the Brothers and indeed Fr. McGonigle himself when he goes into detail in his -- and I use the word book, but his commentary perhaps?

A. Memoir.

Q. Memoir. That there was sexual abuse or what he terms "peer abuse", would you accept that?

A. Yes.

Q. And that that peer abuse was well known, as it were, to the staff in Daingean; is that right?

A. Yes, and they were watchful for it.

Q. Was there any training, do you know, for the Oblates in relation to those matters?

A. No, no. Do you mean psychological sort of training?

Q. Yes, training in relation to this might happen, you are dealing with an institution of, as you say, a number of hundreds of boys, of a certain age and how do you deal and/or control this?

A. It was seen as a moral problem

Q. A moral problem?

A. Yes.

Q. Does that mean that if one engaged in peer abuse it was seen as a moral lapse?

A. Yes. The school rules refer to immorality as being something that was -- you know, it was against the law of God, I think it says.

Q. It is rule ten; is that right?
Fr. Michael Hughes

1  A. I don't know.
2   146 Q. Anyway, we will accept that it is in the rules; is that right?
3  A. Yes.
4   147 Q. I think phraseology effectively is that it is not just a rule of the school, it is a rule against God; isn't that right?
5  A. That's right.
6   148 Q. I think there is also in rule 17 of the 21 rules, and I think we will agree on this without having to go through all the documentation, that friendships between older and younger boys should be discouraged; isn't that right?
7  A. They were very strongly discouraged and there were -- so far as is possible, there were two sections, as you know, not so much on age as on size, by which the bigger boys and smaller boys were separated.
8   149 Q. Were separated?
9  A. Both for play and for eating and for dormitories.
10  150 Q. But again those two rules effectively, although it is not stated in rule 17, but I presume the idea of a friendship between the younger and older boys could always have had a sexual connotations, in terms of avoiding that type of difficulty; is that right?
11  A. That's right.
12   151 Q. Obviously much a physical connotation as well as in terms of bullying, I accept that completely. Therefore, two of the 21 rules in Daingean related to, what we will call generically, in some way as peer
abuse; is that right?

A. I thought there was only one, it was dealt with, yes.

Q. And the others were fully aware of it?

A. Yes. You are talking about training and what you are really talking about is the psychiatric services that might be available and things like that, psychological.

Q. There wasn't any of that presumably?

A. No, and it just wasn't available, was it.

Q. Can I just ask you this question and I am sorry and I hope I haven't cut you off.

A. Yes.

Q. But can I ask you this question?

A. Yes.

Q. Were you aware of the possibility as an Oblate, and you yourself said you spent some time there in Daingean, of the difficulty of not just peer abuse, but abuse between Brothers and students?

A. No, no.

Q. You weren't?

A. No, it didn't enter into people's heads.

Q. That's what I am going to ask you about. If you were so alive to the danger of abuse amongst boys, do you understand, the sexualization of boys and their age etc., surely logically it must have entered into your heads about the possibility of Brothers who were working there full time without even a day off and abuse between them and boys?

A. No, I don't think it does follow logically at all.

Q. It doesn't?
A. No. The fact of the matter is that in society at that time, and I think Fr. McGonigle in the memoir that you are talking about, kind of reflects on that, and he says "well, we see now how widespread sexual abuse is".

Q. Yes.

A. And we reflect back, say, to 1960's, we didn't have the slightest idea it existed but now in the light of our knowledge today we can't help but think or ask "my goodness, was this happening then too?"

Q. Yes.

A. But it is coming as a -- the question coming to him as a complete surprise, because it just wasn't on people's minds in those days. I think you know yourself that if you look at books at that time on, say, family law and things like that, I checked this out, you wouldn't find a chapter on abuse, it just wasn't there. Certainly, I was a newcomer to Ireland at that time, you may see I am not a native of Ireland.

Q. Excuse me?

A. I am not a native of Ireland.

Q. I see. Sorry.

THE CHAIRPERSON: He thought you might have guessed.

A. I was a newcomer in the country and I thought you were all saints, frankly.

Q. MR. O'LEARY: Sorry, Father, did you in fact get training yourself when you were trained with the Oblates in relation to your own sexuality?
Q. Yes. So it is referred to as a moral lapse or something of that nature; is that right?
A. Yes. Sexual morality was studied.

Q. How detailed was that?
A. Well, quite detailed.

Q. It was?
A. Oh, yes.

Q. So you did study about your own sexuality then?
A. Well in that sense, yes. But it wasn't presented in the sense that you are talking about now, like as you would now. I mean, we are very conscious now that when they are candidates for ordination they are -- they have to be screened to make sure that they have a healthy sexual outlook and that kind of thing. But that didn't exist in those days.

Q. So there was no screening and there was no training in relation to that; is that right?
A. There was screening in the sense that training went on for a long time, over a seven year period, and in that time people's character would reveal itself. There was screening in that sense. I mean, people who were weren't suitable left, or asked to leave. There was a seven year screening period.

Q. Did you think that all the Brothers who were there at time that you were there, did you think they were all suitable?
A. They were all very good men.
Fr. Michael Hughes

Q. How long were you there?
A. Well only for a few weeks you know, two summers. But I knew them outside that context, you know, we are members of the same Order.

Q. You see, Fr. McGonigle suggests, and we can go into all the details because he does, as you know, and this is not an adverse comment on his memoirs, but he does...
A. It is meandering.

Q. Yes. It goes into areas at different chapters and revisits them again at later chapters, but perhaps we might agree on the general tone of what he says? He expresses that he himself was naive now in retrospect in terms of not being aware...(INTERJECTION)?
A. That was the point I was making.

Q. But it is an important word, that he was naive himself in relation to the possibility of Brothers sexually abusing boys; isn't that right?
A. Yes, we were all naive then, yes.

Q. And did that naivety, would you accept, probably lead to a lack of supervision, because you weren't -- you felt, well, this possibility didn't exist?
A. Well, I see what you mean.

Q. Do you see the point I am making?
A. Yes, I do. And I think he himself says reflecting on that situation and the life that was there and the school at the time obviously there could have been occasions when the staff member might get a boy alone and offences might take place. It is imaginable. But at the same time you should realise that although the
area of the school was quite large, a few acres, there were 150 boys there and there were more than 20 adults. There wasn't a lot of privacy, that would be one of the problems of it, there wouldn't have been a lot of intimacy in that sense of psychological, you were leading a very public life all the time. So it would only be by taking very special measures that a staff member would be able to commit offences of that kind, I think so. I think the physical situation would suggest that. It would have to be done in a very covert way.

Q. Well, indeed, I suppose that's the nature of sexual abuse; wouldn't you accept that?
A. Yes.

Q. Isn't that right?
A. That's right.

Q. And the supervision, in relation to that aspect of supervision, doesn't it also reflect on the discipline, because again without going into the meandering part four and part nine of Fr. McGonigle's memoirs, but I think we can agree on this, he suggests in relation to physical punish, do you understand, as opposed to the sexual abuse, that he didn't feel it was part of his job to supervise the physical punishment; isn't that right?
A. That's right, yes.

Q. And he does suggest, and I think you will be able to agree with me here, that in retrospect maybe he should have taken a far greater supervisory role in ensuring that the physical punishment was appropriate?
A. I think he would agree with that. But just by way of kind of explanation, and he does say also in his memoir that he did have complete trust in his staff.

Q. Yes.

A. And he does say also that he was very, very busy.

Q. Yes.

A. He was an extremely busy man.

Q. Yes.

A. Well there is a limit to what you can do.

Q. I understand the explanation.

A. But even so; I would accept that he would accept himself that it would have been better if he had exercised a stronger supervisory role, yes.

Q. Correct. And that he was wrong in effect, and it is an awful thing to say, but he was wrong in retrospect to trust his staff in that way, to allow them to be unsupervised; isn't that right?

A. It was a management failure, definitely, yes.

Q. It was a management failure?

A. Yes.

Q. At one stage, and I know it is going to be hard for you to deal with this, but it is about that management failure and I am trying to make it as easy as possible for you because I do want to hear what you have to say in relation to it. Fr. McConigle refers to the fact that he felt isolated from the Oblates as well from time to time, not now the people who were below him in terms of the hierarchy, do you understand, the Brothers, but it appears implicit to the, shall we say,
Provincial or the leaders of the Order. You know what
I am referring to there?

A. I would.

Q. He felt he didn't get enough help in effect; isn't that
right?

A. That's right. And I would say this is one of the
points I would like to make, if I may.

Q. Please do.

A. That having reflected upon all that, I do think there
was a management failure in that sense.

Q. Please do.

A. Yes.

Q. Clearly when the Oblates were there convinced and
trying their best to do something for these boys who
obviously very badly needed help, I mean that was why
we became involved in that line of work in the first
place. But looking back now at the running of the
institution over those years, especially in those
latter years, I would say it is clear there was
management failures. In many cases, I think we
referred it do it yourself, it was due to lack of
resources, both monetary resources and at times in that
period in the late 1960's, as you refer to manpower
resources.

Q. Yes.

A. I really think that with hindsight we should have faced
the fact that resources were inadequate and we should
have withdrawn from the school.

Q. You should have withdrawn?

A. Yes. That is really what we should have done.
Q. Yes.
A. I would say we carried on, I mean optimistic that things would improve and eventually they did improve.
Q. Hoping against hope, in effect, that things would get better?
A. Yes, that's right. And eventually things did improve.
Q. Would you be able to date that for me, when they actually improved?
A. By the time the 1970's came there was a very big difference in the school. That day off was a symptom
Q. A huge advance, yes.
A. The biggest sign of it is the fact that at the beginning of the 1970's we were able to put into the work three priests who were being trained for it in America and in Bristol universities.
Q. Did their training -- I find this fascinating, I hope the Commission does as well, did their training, do you know, involve training in relation to the possibility of sexual abuse and how to watch out for that between -- not just peers now, between the Brothers and boys?
A. Can I refer you again to Fr. McGonigle's invaluable memoir? He remarks there that he went to conferences all over the place.
Q. Canada, I know what you are referring to.
A. He went to Britain, to the continent, I don't know about Canada. But anyways, he mixed in the world of professionals who were involved in care. And he says in all those meetings he went to, in all the
discussions with all these very responsible people, never once was this topic brought up on the agenda.

Q. So is the answer to that you don't know where they were trained in the 1970's or they weren't?
A. I would say they were still in a -- as society was there were still in a stage of naivety.

Q. If it improved in the 1970's, would you accept then that during the 1950's and 1960's you shouldn't have been running the school?
A. What improved was the availability of a lot of facilities that hadn't been available in the 1950's and 1960's.

Q. Resources in effect?
A. Yes, but resources that you wouldn't expect to find in the 1950's.

Q. One resource you could have found in the 1950's would be extra Brothers, is that right, extra people, bodies?
A. Extra people. But again when you go back to those times and you look at the documentation you don't find any sense there that there was a pressure on staff, you don't find it there in the same ways as you do in the 1960's. The staff were overwhelmed, the staff were under big pressure. They seemed quite able to cope.

Q. But it is definitely there in 1960's; isn't it?
A. It is definitely there in the 1960's.

Q. And no extra resources were given during that period, even though Brothers would have been presumably taken off the rota and removed from their duties because of nervous breakdowns?
There were new Brothers going in there, but not enough.

Q. Not enough?
A. Not enough, yes.

There was this controversy in respect of physical punishment that I want to go back to, because it is more chronologically correct to do so and that is what arose out of the Kennedy Report. You know what I am referring to?
A. Yes.

Q. And it appears the first writing of the report or the investigation in 1968 with ultimately the report being produced in 1970; isn't that right?
A. Uh-huh.

Q. And it appears again from the documents, we can refer to them, but I think we can probably agree, and if we disagree we will certainly look at all the documents, but it appears from that, that there was concern, at least one could say, from the members of the Kennedy Commission, I think referred to by Mr. Barry, who was the secretary of the Department of Education at the time, in respect of the type of physical punishment that was there at time, that is children, boys being struck on the bare backside, do you understand the point I am making?
A. I do, yes.

Q. And I think Fr. McGonigle, and for the purpose of clarity there is no question that he was physically doing it himself, he wasn't charged at the time, eventually came around to agree with their position...
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that that practice should be stopped; isn't that right?
A. That's right.

Q. And that the Department's view at the time, or the people who were on the Commission, felt that that practice potentially exposed those who were meting out that type of punishment, that is striking people, I think, usually with the leather strap, I think was the normal form as part of the, shall we say, discipline on the bare backside, that that exposed them potentially to criminal liability; isn't that right? There was some talk about that, whether they were right or wrong but that was certainly talked about at the time; is that right?
A. It seems to be, yes.

Q. That seems to be right. Eventually there seems to be some toing and froing about as to what would and would not be included in the final report itself, but eventually in any event that practice stopped in 1970; isn't that right? Is that correct?
A. Yes, yes. I would say it was about 1970. I would just like to be clear about this.

Q. Please do.
A. What Ms. Kennedy asked for, she said she wasn't asking that corporal punishment would stop, she was asking that it would stop being administered in that way.

Q. I know that, yes, I know that. I mean corporal punishment was not outlawed even in schools or any other area for some years thereafter?
A. That's right, yes.

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Q. But this now, I thought I had made it very clear in describing it, this was a situation whereby, and it was part of the structure of discipline in Daingean, that boys would be brought into a room it might be an office or it might have been downstairs, depending, or the washroom perhaps, but that boys would be made bend over, as it were, they would drop their trousers and that would expose their bare buttocks?

A. That's right.

Q. They would then -- the discipline of being struck with a leather strap by one of the Brothers would take place; isn't that right?

A. That's right.

Q. That was the practice?

A. That was the practice.

Q. That existed up to 1970; isn't that right?

A. That's right, yes.

Q. I see. And that was the practice...(INTERJECTION)?

MR. MAGUIRE: I am sorry, Chairman.

MR. O'LEARY: Sorry.

MR. MAGUIRE: I am sure it is not intentional on my friend's part, but he is inclined to cut the witness off when the witness is about to...(INTERJECTION).

MR. O'LEARY: I'm sorry. I am terribly sorry.

MR. MAGUIRE: And particularly one instance is just a moment ago where he was talking about the question of the
Kennedy Report and his view of the Kennedy Report.

MR. O'LEARY: Very good.

MR. MAGUIRE: I would ask that he wouldn't cut off the witness.

MR. O'LEARY: I think Mr. Maguire would accept that it is not intentional.

THE CHAIRPERSON: It clearly isn't because you keep apologising, Mr. O'Leary.

MR. O'LEARY: I do. When it does happen I do say I am sorry. I am terribly sorry about that.

MR. MAGUIRE: I don't want to interrupt, Chairman.

THE CHAIRPERSON: I understand.

MR. O'LEARY: Very well. I think I may have cut you off and it appears that I and again I am sorry about that. In relation to something you want to say about the Kennedy Report, Mr. Maguire suggests?

A. The mind moves on.

Q. Yes.

A. I think that something should made clear about that, yes. Many years ago, this may seem again a collateral factor, Ms. Kennedy was the judge sitting in the Dublin Children's Court at that time.

Q. Yes.
A. She was sitting right through this period, you know, from 1967, 1968 right through to the time the school closed and she did continue to send children to the school. In fact, I went through and I counted the number of committals that she made in that period, during this very period when she was concerned about corporal punishment and so on, she still had no hesitation in committing boys to school. There was 177 committals she made, I have counted them. That I think puts it in some perspective, puts her concern in some perspective. She was concerned about the way corporal punishment was administered but she wasn't so concerned that she stopped committing boys to the school. That is one point. Another point is that the Department, I think, did say at that time that they had no knowledge that corporal punishment was being administered in this way.

Q. That they had no knowledge of it?

A. They did say that and they did say it was against their regulations. I said they need to show that, I think I said in the last hearing. But something has come to my attention since then in the discovery of the departmental documentation, which is that they did know about it and that they did approve of it, certainly in 1953, when Dr. McCabe investigated corporal punishment in the school, made a full report on it, examined the boys, questioned the boys, questioned the staff, explained it all, exactly as you have described it. It was the same then. She said, "well, so far as I can
see there is not a mark on these boys that shows they have been punished", and basically that she approved of the school. The Department said yes, Dr. McCabe put in a good report and that was the end of the matter. Have you seen that report? Do I need to give you the reference.

**THE CHAIRPERSON:** No, no, I think this was discussed in the opening phase. I think you discussed this when questioned by Mr. McGovern.

**MR. O'LEARY:** Indeed. I mean it is a matter between effectively the Oblates and the Department.

**THE CHAIRPERSON:** No, but Fr. Hughes directly asked us the embarrassing question as to whether we were aware of it. Well we are aware of it. Yes, I have the reference in the transcript.

A. Because ...(INTERJECTION).

**THE CHAIRPERSON:** I am sorry, Mr. O'Leary, I am not saying you shouldn't ask questions about it.

**MR. O'LEARY:** I am not asking questions at all about it, but this is the one and two points that the witness wants to make. I am not asking questions at all.

**THE CHAIRPERSON:** What Fr. Hughes is saying is that this form of punishment --
Mr. O'Leary: I know what he was saying.

The Chairperson: -- was made known. The Department knew about this.

This is flogging on the stairs, is what we are talking about.

A. Well flogging on the bare buttocks. The stairs is something ...(INTERJECTION).

Q. The Chairperson: The location, I thought, was not in dispute?

A. Well the location I think, yes.

Q. The Chairperson: I mean, the location within the buildings. Strictly speaking, flogging on the bare buttocks. I am not trying to be contentious about this, I am just trying to recall what's the evidence about it.

A. So far as the State is concerned, the evidence as I heard it, was that that was in the 1960's. In the 1940's when the stairs didn't exist and the 1950's. It was normally in another room.

Q. Mr. O'Leary: I don't think we are going to quibble about the location so much?

A. I am not either.

Q. But I'm not too concerned about historically what occurred in the 1950's or the Department of Education's knowledge, do you understand I am not concerned about that?

A. Well I think we have to be concerned about the whole period, 1940's to the...(INTERJECTION).
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1 227 Q. You may well do, but for the purpose of who I am acting for, do you understand, it doesn't concern me, the question that I asked is in relation to the fact that when the Kennedy Commission in 1968 examined the school?

6  A. Yes.

7 228 Q. As a result of their concerns about the practice we have described involving the flogging on the bare buttocks, that practice was stopped; isn't that right?

10  A. That's right. And it just shows how times change.

11 229 Q. Well that may well be the case. But we are in agreement about that; isn't that right?

13  A. Oh definitely.

14 230 Q. And we are in agreement that this practice, whether or not it was approved by the Department of Education, do you understand that doesn't concern me in the slightest, but this practice of discipline was carried out in the 1950's and the 1960's, perhaps in different locations, in Daingean; isn't that right?

20  A. Yes, and we have never disputed that.

21 231 Q. Indeed. And in relation to that practice of discipline there was also discipline for people, let's say, who either absconded or who may have been involved in a riot, let's say, or indeed may have been involved, as you pointed out, in planning of a riot, they would have formed into the category of what you regard as that type of abuse; isn't that right? Is that right?

28  A. Sorry, that type of abuse? Do you mean that type of punishment?
1 232 Q. Yes, indeed, flogging, yes.
2 A. I would like to point out again, that the word flogging was used -- Dr. McCabe in 1953 addressed this issue of flogging.
3 233 Q. Yes?
4 A. Because it was the word used by the complainant in that case. But whenever Dr. McCabe used the word she would put it in inverted commas because she was obviously rejecting that it was an appropriate word. I think you would agree and you obviously read Fr. McConigle's memoir very carefully.
5 234 Q. I did indeed.
6 A. He also says somewhere there that the word flogging was not one that was known to him when he was in the school. So when you talk about punishment, yes, I just can't see what this flogging, it is a very pejorative word. As I say, Dr. McCabe ruled it out.
7 235 Q. THE CHAIRPERSON: Is it the word we are debating now?
8 A. Well, it is a very heavy word.
9 236 Q. THE CHAIRPERSON: But is that what we are...(INTERJECTION)?
10 A. It is.
11 237 Q. THE CHAIRPERSON: Because certainly my understanding was that was the expression that was used to describe this form of punishment, I didn't think anybody raised questions of lexicography about it. I may be totally wrong, but my understanding was this arose at the time before the

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Kennedy Report was punished, the Kennedy Committee was dealing with it, most of this is a matter of public controversy. Fr. McGonigle and Mr. MacCrudaithe were engaged over the years in different publications, they followed each other around with letter and counter letter. So of all the issues that arises in our Inquiry, this is one that has been well travelled?

A. That's right.

238 Q. **THE CHAIRPERSON:** You could find out exactly what the controversy was by reading a number of newspapers; isn't that right?

A. That's right.

**MR. O'LEARY:** I agree, Chairman, I think the Father opposed to the use of my word flogging, but I thought that that was the correct word to use.

**THE CHAIRPERSON:** I am surprised to find there was unease over the word flogging, I would have to say, even without inverted commas, maybe we should put it in inverted commas, maybe so.

239 Q. **MR. O'LEARY:** We can call it the procedure perhaps.

(To the witness) In any event we know clearly what we are talking about, it is only semantics in terms of how we describe it?

A. Yes.

240 Q. This is the punishment whereby someone is struck with a
strap on the bare buttocks; is that right?

A. Yes.

Q. I will call it the procedure from now on?

THE CHAIRPERSON: Please don't.

Q. MR. O'LEARY: I am obliged.

(To the witness) It occurred it was the way boys were disciplined in certain instances; is that right?

A. Yes.

Q. Is that correct?

A. Yes.

Q. And there was a discipline book in being; is that correct?

A. Yes.

Q. But we don't have it now, is that correct?

A. That's correct, yes.

Q. So we can only rely on the various prefects of discipline to say that there was, in fact, a Punishment Book; isn't that right?

A. No. There are two -- well two pieces of evidence.

The one is a reference to it in an inspector's report in the 1940's, the second is in the famous memoir, though I admit this is not a contemporary record, a long time after the event. But Fr. McGonigle does say there when they were considering early release of a boy, or something like that, one of the things they would do would be to look at the Punishment Book to see is he being well behaved or not. So again, that's pretty good evidence, I think, that there was a
Punishment Book in the 1960's.

Q. Well, it perhaps is Fr. McConigle's own difficulty in that regard in terms of the way he writes his memoir. But he says at page 10 of part 4, do you understand, and I will draw your attention to it if necessary, but I think you will agree with me, he says at page 10, part 4:

"There were records of boys who got the strap, but I never saw them."

A. I missed that reference now.

Q. Yes.

A. But he does also say the other thing.

Q. Yes. You see, it kind of seems to fit in with his view of discipline because, as you know and I already referred to it briefly previously, that in the same part four at page 6 and 7 he says:

"I would have to say I didn't know how many slaps they had, I didn't regard it as part of my duty to supervise that."

Do you understand?

A. That's right, yes. But he does also say, when they were considering whether a boy could be released early, or something like that, the prefect would bring out the book and give the information as to whether he had been well behaved or not.

Q. So we don't know, he says he didn't see it in one instance but he did in the other?

A. That's right, maybe in different context.

Q. Yes. Do you know how many straps, we will use that

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1. word perhaps?
2. A. Straps, yes.
3. 252 Q. That they got dependent on their crime or misdemeanor?
4. A. Do you mean the evidence given in Phase II?
5. 253 Q. Or from any records that you might have?
6. A. Well we don't have records, as you know.
7. 254 Q. So you don't really know how many straps were given?
8. A. Well, the evidence that I heard, and the Commission heard obviously, I thought generally speaking it was up to six straps, you know.
9. 255 Q. How do you know that?
10. A. From what we heard in the evidence.
11. 256 Q. Well there is one gentleman and I am not going to mention any names?
12. A. Well I haven't finished yet. I said there was evidence to that effect but there was a lot of contradictory evidence as well, some spoke of an incredible number of straps, which is maybe what you were going to say now. You have to come to a balanced view of the evidence, the Commission does. I can't say anymore than that really.
13. 257 Q. I understand. But I am just saying, just so we will be clear about it, that there were many instances, but one instance is that a boy says that that he was struck 140 times with a leather strap, so many times in fact that five different Brothers had to administer that punishment?
14. A. That's right.
15. 258 Q. That was said, you accept that?
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259 Q. Yes. And we don't have, whether or not it ever existed, we will leave that to the Commission as well, but we don't have a discipline book which should have recorded the numbers of straps and for the punishment for which they were meted out; isn't that right?

A. That's right, but I think we have given an adequate explanation about the records, that they were entrusted to the Department of Education, that they were lying around in their archives over the years, that they were only recovered piecemeal. I mean, they hadn't been cataloged and stacked away neatly. They were recovered piecemeal and released to us in different segments as they found them. And obviously there is still lots and lots of records we don't have, but not just the Punishment Book.

Q. Not just the Punishment Book?

A. Not just the Punishment Book, there is lots of records we don't have.

Q. Can I ask you this question and it relates to the very first -- one of the first questions I asked you, did you ask any of the Brothers, given that you didn't have the evidence in writing, how many times they would use the strap for various different punishments when you were preparing your statement?

A. Oh yes, you mean -- are you talking about the prefect now or?

Q. Yes?
Fr. Michael Hughes

Unfortunately the prefect, there was only one prefect alive and his evidence was that he gave certainly not more than six straps.

Q. Did you interview him in detail about that?
A. Oh I did yes. But I would say now, I am referring there to a prefect, the last prefect probably.

Q. In terms of time?
A. Who hasn't been the subject of great controversy.

Q. What time did he serve there?
A. Oh he was in the school from 1940.

Q. But in terms of being a prefect?
A. He was a prefect only from about 1969.

Q. 1969?
A. Yes.

Q. I see.
A. And he wasn't a man who was involved in great controversy, I would say.

Q. So none of the other prefects who were there prior to 1969 were able to help you; is that right?
A. Well they were all dead, yes.

Q. So how can you -- with respect to you, and I know it is a difficult job you are doing, but how can you then say, when we don't have any record, that in your view the average stroke was six or seven?
A. Well I read very carefully the transcripts of the hearings in Phase II and while admitting that there are a lot of -- there is a great variety of evidence given, generally speaking I thought the answer to that question was between two and six.
Very well. You say something interesting, perhaps, in your opening statement and it is stated -- I wonder was it just a frame of mind at the time, but you say it is:

"It is not easy to persuade those with positive stories to come forward as they want to preserve their anonymity."

That's right, yes.

What steps did you take to go and go through the old roll register of the boys and ascertain what their positive views were of their time in Daingean, what steps did you take?

Personally I didn't but some of my colleagues did.

You didn't?

No. But some of my colleagues did.

How did you come to the conclusion that:

"It is not easy to persuade those with positive stories to come forward as they want to preserve their anonymity."

How did you come to the view that their anonymity was the problem?

Because they said so.

To who?

To my colleagues.

Your colleagues?

Yes.

You didn't embark on that?

No, I didn't do that.

You didn't think that was wise?
A. Well, I can't do everything.

Q. You can't do everything, I see. I presume you accept in relation to the buildings and I think this is common case, but if we are just clear about this, the buildings weren't great to start with and there were severe problems in getting them properly improved in the 1940's and 1950's because of financial resource reasons; is that right?

A. Yes.

Q. And they were in a fairly bad state; isn't that right?

A. That's right.

Q. I think that you -- I suppose the Brothers would say they may have done their best but they were far from adequate in the circumstances; do you accept that?

A. The premise you mean?

Q. Yes?

A. Oh definitely and undoubtedly. I mean...(INTERJECTION)

Q. Sorry?

A. There are documents listing their imperfections at great length.

Q. Sorry, I didn't mean to cut you off.

A. For example, some of the buildings were unsafe. There was minimum heat, although the dormitories apparently were reasonably well heated but the rest of the building wasn't. There was a lack of insulation. Everybody, staff and boys, suffered from the cold. But even more than that, perhaps the dismal effect of an environment that is dilapidated would have been psychologically bad for everyone. But we were
constantly making effort to get improvements. You know, of course that the buildings were State property, you appreciate that. It wasn't an Oblate's property. It was Board of Works and it was very, very difficult to get them to do anything about it.

Q. And in terms of... (INTERJECTION)?
A. I think all the evidence on that is with the Commission.

Q. It is indeed. In terms of education, do you think that was sufficient in the circumstances?
A. Again it is not an easy question to answer.

Q. No.
A. No. I mean, you talk about this. I would go back to the Cussen Report, I think. You have read the Cussen Report I am sure, and it makes a very clear distinction between schools, industrial schools, and reformatories, where they have agricultural training and schools where they have industrial training, in the more technical sense. The Cussen Report pointed out that in Ireland, this is in 1936, in Ireland in 1936 the greatest area in which people get employment is farming and so they very strongly approve of a farming industrial training, if I could put it that way, for children in these various schools. They did recommend that some special school would be set up nearer a big city for a more modern industrial kind of a training. But in that context it is quite clear that Daingean falls into the bracket of an agricultural setting, where training would be around the farm and that this was the norm.
Fr. Michael Hughes

If you read the Cussen Report it is very clear.

Yes, I mean, that certain of the boys would be, let's say, dependent on their age or experience, whether they finished -- any formal education they had had, would be sent out to do the bog batch, the farm some sent to the bakery, etc.; isn't that right?

Well they nearly all had -- were over the school age. In the orphanage their primary age limit. But there was, as you know, a school in the -- on the premises.

That's right. How many of the boys went there though really?

That was for about 40 boys and it was a remedial programme for boys who had neglected one way or another to require basic skills of reading and writing. So there was that. Apart from that then there was various trades, boot making and tailoring and carpentry. And there were, from the 1950's, beginning about 1950, there were technical classes which were staffed by the Offaly County Vocational Educational Committee. Those teachers, there were usually two of them, were paid for by the Offaly County Authority. So those were the programmes that were on offer, so to speak.

Now, by time we come to the 1960's it is realised that more formal education was needed and an effort was made to get the Department of Education to recognise that. You see, up until 1967, I think it was, the Department didn't recognise that there was a school on the premises in the sense of a national school. It paid
for no teachers. The only teachers that were paid for were these from the vocational. So beginning in about 1966, a concerted effort was made by Oblate authorities, and this is where Oblate management showed a bit of strength I thought, went to the Minister and asked for the school to be recognised, you know, in an official way so that it would become possible to have paid teachers just as you have in any other part of the country.

It is incredible to think that all those years the school had to manage without that. What Fr. McGonigle actually wanted was much more than a, you know, basic primary education, he recognised that when you have boys 14, 15, 16, 17 even, you can't treat them as if they were primary school pupils. It took the Department little time to recognise that. What Fr. McGonigle wanted was a special school.

The Minister, I think it was, Mr. Collie at the time in 1966 seemed favourable towards that. However, it went into the wheels of the Department and what came out was a national school with primary education. Gradually, first of all, for 40 pupils then for 80, then it was realised that even those boys who were in the technical classes they also needed remedial education in the basic subjects. So really we need education of that kind for the whole school, not just for those who were not in the technical school. Ultimately that was
recognised in 1970.

So Fr. McGonigle wrote at that time, this is the biggest advance that the -- or the biggest benefit that the Department of Education has conferred on this school since the foundation of the Department. The Department became responsible for the school in about 1924. Finally, they recognised it as a special school with a high -- relatively high then number of paid teachers, trained teachers. But, of course, this was also the very time when the school was being phased out.

So the story of education is a long one. If you go back to the very beginning of the reform movement, when it was started in the 1850's, it was generally recognised that the best place to have a reformatory was on a farm. In fact, the reform boys were usually called colonists in those days if you look at the literature. The idea was having boys then who had the problems, having them live in a close community life, active work, active leisure, active sport and with just some academic remedial facilities that this mix and this way of life would have a character forming influence on them and help them to have a better future. That was the kind of unsophisticated, you might say, vision of what it was all about.

This is the vision, I would say, that was still being
endorsed by the Cussen Report in 1936 and it only began
to be questioned in the 1960's, when it was felt, well,
first of all, that far greater attention needed to be
given to psychological and psychiatric services because
the children had very great problems in those areas.

what was I going to say? So, yeah, the changes then.
It was realised that there was a need for a new kind of
a reformatory then, one that wasn't so agriculturally
based, if I can put it that way, but that it would be
more geared to a formal education, that is what the
struggle at that level was all about from-- in the
latter half of the 1960's, culminating in the
recognition of the school in 1970 as a special school.

I would recommend myself to the Committee, if I may
with respect, the document written by Mr. Cullinan from
the Department, Thomas Cullinan, I think his name is, a
highly respected man, who sums up the situation pretty
well.

Q. Thank you. Are you finished? The situation in respect
of the school, and you have described it in terms of
education there, most of the boys weren't given a
formal education during the 1950's and 1960's; isn't
that right?

A. Well there would have been about 40 in the technical
school, about 40 were having remedial and the rest
would have been engaged in whatever trades and
activities of that kind that existed.
Okay. And therefore they would be sent out in effect to do their various trades, whether they be the bog batch, etc.?

A. That's right, yeah.

You have described, I think rather tellingly, the bleak aspect of the place, given that the buildings were in bad condition; is that right?

Especially in the 1960's. By that time dilapidation had gone beyond the point of return. Again if I may recommend a document that I thought captured it, I would recommend Michael Vines article in the "Irish Times" in May 1966, which I am sure you are familiar with it, but I would think that that told it as it was.

You have described the understaffing and the, shall we say, decreasing difficulties in terms of motivation of the staff in the 1960's; is that right?

Definitely and not least amount of those influences was the constant disappointment of the promises of help from the Department. And there are other areas of management beside Oblates. The constant failure to deliver on promises. Right through the 1950's and the 1960's a constant failure to deliver on promises of improvement.

You have you have described, or agreed, that there was serious discipline problems from time to time in Daingean, including riots; isn't that right?

In the period 1940 to 1973 I think there were three of these disturbances, yes.

And you have described the hierarchy of boys and boys
running in gangs in Daingean; is that not right?

A. Well your language is a bit colourful, I think.

Q. You don't disagree with me, do you?

A. I disagree with your language.

My language, I see.

A. When you have boys you have gangs and there is nothing sinister about that.

Q. Well it is not a good sign, you would accept, of any institution if there are three riots, one of which the boys are preparing iron bars, knuckle dusters and knives, that's not a good sign; is it?

A. No, but what is it a bad sign of, that's the question.

Q. Well it might be a sign that the boys were unhappy and wanted a mutiny and break out of the institution; isn't that right?

A. It was certainly bad, yes.

Q. It was bad?

A. Yes. I mean, they were locked up there, they were sent there against their will and I think anybody who is locked up against their will wanted to get out, wants to get away. So I think from that point of view there is nothing surprising in that.

Q. It is not surprising?

A. I don't say it is not surprising that they would riot, I say it is not surprising that they would want to get away.

Q. Yes. If they were rioting to get away and to mutiny against the Order --

A. Well...(INTERJECTION).
Q. I will just finish my question and you can answer. If that is the case they knew if they got away they would probably be caught again but they just wanted to get out, it is not a good sign of what was going on in the school; is it?

A. One would have to make an inquiry into that. The Gardaí did make an inquiry into these events and their general finding was that it was just boys wanted to get away, it wasn't they had any special grievances. That was the Garda's conclusions, it was boys being boys and quite -- well, they were pretty tough boys some of these boys.

Q. And you heard the evidence given in Phase II in relation to the details of physical abuse with people being punched and hit, not just with straps but with anything that people could get their hands on in one instance, hurleys, ropes and straps. You heard all that; didn't you?

A. Yes.

Q. And in one instance a boy being punched and his testicles being driven into his stomach, he felt, did you hear that?

A. I heard that, yes.

Q. Doesn't that -- and all the allegations of sexual abuse and lack of control, doesn't it all add up that, in fact, there was no control in Daingean?

A. I would say that is a completely false picture.

Q. In fact, for the boys there and indeed members of the Brothers as well it was a living hell?
Fr. Michael Hughes

A. Completely false picture.

MR. O LEARY: Thank you.

A. Thank you.

END OF EXAMINATION OF FR. HUGHES BY MR. O LEARY

THE CHAIRPERSON: All right. Who is next? sorry, Ms. Fergus.

MS. FERGUS: Just one thing I want to explore with you, Father.

THE CHAIRPERSON: It makes sense for everybody to ask the questions, Mr. Maguire, and to come back to you. If Ms. Fergus has anything, it gives you an opportunity to pick up on anything that you wanted to pick up on.

FR. MICHAEL HUGHES WAS QUESTIONED, AS FOLLOWS, BY THE COMMSSION:

MS. FERGUS: The Oblates have articulated their aims in reformatory schooling in a number of documents, which I will open, in the 1950's and, in fact, I think in your general statement to the Commission that accompanied the response to the complainant's statements?

A. Yes.

I am going to open a document dated 9th October 1954. This is in the document you gave me, is it?

A. Yes. This was written by the Resident Manager at the

Gwen Malone Stenography Services Ltd.
Day 224
time, Fr. Reedy, to the Minister for Education. I will give you the reference number. DEDAN 0285, page 10. I think it is in the second -- there you are.

A. Is this the one addressed to General Mulcahy?

Q. That's correct, that's the one. In that document Fr. Reedy describes the aims and purposes of the school, I will just open that passage, he says:

"The reformatory is primarily a school, not a prison."

I should interject that this was written because of the position at the school due to falling numbers and he was appealing to the Minister for Education for a review of the numbers being sent to school. He says:

"The aim and purpose of this school is to instruct boys in religion and develop their moral sense. We try to build up character by replacing bad habits by good, thus making better boys and men. Teaching of trades, et cetera, is merely subsidiary, all the school activities are intended to keep the boys healthily occupied. These activities are but a means to the proper development of character. This process takes time.

Very many of these boys, when they come here, are so warped in outlook and character that it takes at least 12 months before any sign of change for the better takes place. Even when positive signs of proper development followed by a period of progress are evident there are many relapses and periods of instability. Not all are reformable. Some fall away when exposed to temptation, either through a weakness of mentality or of will.

However, reformation can only begin when the boy has adjusted himself to a more or less normal outlook and has
become receptive of instruction and amenable to discipline."

Would you accept that that encapsulates the sense of the aims and purposes of the reformatory and what the Oblates were trying to do?

A. At that period I would say yes, yes. It would get modified later on, but you want to go on a bit. But yes, it was reflecting obviously what the manager was...(INTERJECTION).

Q. Was feeling?

A. Yes.

Q. Would you accept that in the 1950's, at least, the Oblates, the Order, failed to achieve these aims by allowing the situation to develop and remain unchanged over that period, where the boys and staff were living in the substandard and appalling conditions that have been describe in contemporaneous documents?

A. I would say it is very hard to measure to what extent they succeeded and to what extent they failed. They were obviously working under great difficulties, but I think the judgment of the men at the time, it seems to me, was that they were doing enough to make it worthwhile, I wouldn't say they had a sense of failure. They had a sense of great difficulty, of the great difficulties that they were facing, but I wouldn't say they had a sense of failure.

Q. It is not so much that they had a sense of failure, but do you think they failed to achieve their aims?
A. What would you take as a measure of success? I think they felt that sufficient people went out and were able to live a normal life again, if I can put it that way, to make it worthwhile, yes.

Q. Would you accept that following hearing on the Phase II, or the Phase II evidence, that was given by complainants, that there were a large number of students who went through the reformatory in Daingean who feel anything but that?

A. Yes, I think -- you know, several times in the two hearings we have had before, well in the two public hearings, one in module one, the emergence hearing, and then in Phase I of this module, we said quite clearly that we recognise that many of the boys went on from Daingean to lead sad and tragic lives. Those were the words I used, I think, and that the Provincial used when he spoke. But also pointing out that many went on to live productive and fruitful lives.

Q. Do you think that the Oblates bear -- you mentioned earlier on, I think, in response to Mr. O'Leary, that lack of resources and lack of finances were the main reasons why that situation pertained as it did in Daingean, in terms of appalling buildings and poor conditions for staff and pupils. Do you think it is fair and reasonable of the Oblates to rely as heavily as you do on the lack of resources to justify what has been described in the documentation about the conditions?

A. Well, it depends what kind of resources you are
referring to, you see. I think Fr. Reedy in one of these documents that you have there, does say that ultimately it isn't a question of material resources, it is a question, as he says in that quotation you gave there, on what's going on inside a person. And the lack of resources that was fatal for the work ultimately was the lack of assessment of the true needs of pupils before they ever came near the school. And then the lack of psychiatric services to help the boys to deal with their real problems. These were the most serious missing resources.

Q. But what about the lack of a decent place to have their evening meal in and proper cutlery?

A. I agree totally, yes. I mean, the refectory, we were never tired of bringing it to the attention of the Board of Works, whose refectory it was, that this was a -- we found this somewhere or other, the references to the intervention made by an Oblate priest called Fr. O'Driscoll and it was he, I think, who did the basic research, that made it public, that this was a British cavalry stables and that the boys were -- a 200 year old cavalry stable, that the State had provided as the refectory for the boys in the reform school and he was extremely angry and he wrote to the authorities about it.

Q. He did indeed. Again, you are saying it was the State, lack of the State's funds, the State's fault, what about the Oblates? Could they have done anything, do you think, on reflection?
A. We could have marched out, yes.

Q. That's it?

A. Yes.

Q. You could have done nothing to improve the conditions at that time?

A. No. Believe it or not, we were very poor in those days, we didn't have two ha'pennies to rub together, frankly.

Q. I am just wondering about that in terms of -- following the letter from Fr. Reedy to General Mulcahy, the Secretary of the Department of Education wrote to the Minister and said he was going take a trip himself to Daingean?

A. Oh, yes, the famous letter, yes.

Q. It is quite a long letter and I am not going to go through it in full detail, I will give the reference, DEDAN 0285 at page 31. He paid a visit and it appears that it was a very long visit, he was there for the entire day?

A. No, it was a portion of the day he says he was there.

Q. I accept you might know that more clearly. But he certainly had a long visit?

A. No, I think he says quite clearly it was only a portion of the day.

Q. Well, he was there for the evening meal included in this day and he looked around and he's very critical of the conditions, very critical of the conditions?

A. He is, yes.

Q. He describes the conditions for the boys and contrasts
Fr. Michael Hughes

1. That with the conditions for the milking herd, where they had a beautiful cut stone building which was well maintained and cleaned, who paid for that and looked after that?

A. That would have come out of the funds generated from the farm presumably.

Q. It seems to have been quite a large farm it says it was 220 acres; is that right?

A. Yes.

Q. It had 30 milking cows, I think he describes. Do you think anything could have been done for the boys to improve their situation with some of the funds that were raised through the farm?

A. Well I suppose maybe it could, instead of doing that work they could have done other works. But I think the school had taken the very firm position, "look, this is your building, you, the State, it is your building, you put it in order".

Q. That was back in the 1950's?

A. Yes.

Q. And you continued in that school until the Kennedy Commission decided, or suggested, that it was closed down immediately?

A. Yes, that it should be closed down, I think it should be clear, because of the nature of the premises and not for any other reason.

Q. Why did the Oblates stay through the 1950's and 1960's if they felt it so strongly?

A. I think I mentioned earlier on, optimism, I think it
was a mistake.

Q Just one last quotation from that letter from the Departmental Secretary, he says:

"Fr. Reedy, the principal, is, I understand, generally popular with the boys."

THE CHAIRPERSON: Sorry, Fr. Hughes says they should have withdrawn from the school, he says in hindsight they should have withdrawn from the school, clearly they were management failures, you face up to that very clearly?

A Yes.

THE CHAIRPERSON: That's what he said to Mr. O’Leary.

"Clearly there were management failures. In hindsight we should have withdrawn from school. The Oblates should have withdrawn from the school. Eventually things should have improved in the 1970’s."

MS. FERGUS: There is one final thing I want to put to see what Fr. Hughes has to say about this comment in the same document where he says:

"Fr. Reedy, the principal, is, I understand, generally popular with the boys, calls them scouts but I doubt very much if there is any real attempt made to reform these boys as one ordinarily understands the term. I doubt also the...read to the word...and general attitude of the Fathers in..."
charge of these boys are the right ones for the purposes of the school".

Do you have any comment to make on that as a criticism?

A. I would say there was a strange relationship between the Department and the school. I mean, obviously, the Department had a big responsibility for the school but they were far from accepting it. There was what I would describe as a very uneasy relationship between them. I don’t think it was helped by these remarks, which were not made to the Oblates on this, they were made in-house so to speak, inside the Department, and so far as I know he never did anything else about it afterwards so it couldn’t have been very close to his heart. There was an uneasy relationship between the school and the Department and there are many of these kind of passing remarks in the interdepartmental notes that go around. I am sure you have seen them in the documentation. I wonder why they didn’t speak about -- you know, deal with it in a more open way rather than making remarks, as it were, in secret. I think it would have been good to hear what they had to say when they questioned themselves.

MS. FERGUS: Thank you.

END OF QUESTIONING OF FR. HUGHES BY THE COMMISSION

THE CHAIRPERSON: Very good, thank you very much. The Department
doesn't want to ask my questions?

**MR. DIGNAM**: No.

**THE CHAIRPERSON**: Very good. Thank you very much. Mr. Maguire?

**FR. HUGHES WAS THEN EXAMINED, AS FOLLOWS, BY**

**MR. MAGUIR E:**

**Q.** **MR. MAGUIRE:** Fr. Hughes, just to be clear about it, I think that it has been pointed out that you are here -- you are, first of all, an archivist, is that correct, with the Order?

**THE CHAIRPERSON:** Mr. Maguire, just a basic housekeeping point. Do you see the black microphone that is in front of Mr. O'Leary would you mind just putting that in front of you and pressing the little button so that it is red. One is for the stenographer and the other is for -- thank you very much

**Q.** **MR. MAGUIRE:** Fr. Hughes, just to get your position clear. You are an archivist with the Order, is that correct?

**A.** That's right.

**Q.** And you have been, obviously, authorised to give evidence on behalf of the Order to come here and to talk about matters for the Order; is that right?

**A.** That's right, yes.

**Q.** I think that you have indicated that, aside from two
Fr. Michael Hughes

short periods when you were a student for a couple of
weeks in two summers, that you didn't have any
involvement at all with the school, or certainly
anything to do with the management or the organisation
of the school as such?

A. That's right.

Q. You mentioned, and it has just been referred to now in
relation to the management failures which you have
acknowledged on behalf of the Order and you have
clearly done that here, and you followed on by saying
that you feel with hindsight that the Order perhaps
should have withdrawn from the institution, that that
was a way that it could have been dealt with. It
didn't do that and it continued on in hope that things
would improve and, as you point out, they ultimately
did improve but the school was ultimately closed down.
The failures at the management level that you have
referred to, did they impact on the boys as far as you
are concerned?

A. They must have, yes.

Q. What is the Order's view now of those failures, those
management failures which you have acknowledged?

A. Well, we are sorry. We apologise for them. We
apologise for not withdrawing earlier. There was one
insight you know that Fr. McGonigle had into this thing
which I think says it all. I did quote it in the
hearing previously but I think it does deserve a second
hearing, if I can find it now. It says it all I think.
He was writing to a probation officer on 14th November,
1969. This is on the disks that the Department of Education provided us with, disk No. 1, File 247 at page 13. He says this, he's talking about a particular boy who had very serious psychiatric problems and he was in the school. I call him Q.

"Since the other boys, who were more disturbed than Q have gone home..."

I think on holidays or something. Or maybe not, because it was November.

"...I think he is better..."

He's settling down better in the school.

"...but there is always the danger that someone with disrupting tendencies could use a boy like Q just to "keep the pot boiling". My greatest fear, however, is that when a boy like him who is not delinquent per se..."

Meaning that this boy wasn't really a delinquent, he was a boy with troubles and serious problems.

"...not delinquent per se but only by accident on account of his deep disturbances, is not treated for his real sickness then the traumatic effect of his being forced to live in a delinquent environment is bound to be most detrimental. And when finished here there is every possibility that he will just return to his deviant behaviour immediately on being released. So, no one is being just and fair to anyone. Without their knowing the reasons why or the wherefores such boys kick back against society for the injustices towards them"
There was a clear recognition there that boys had been sent to the school, that it was an injustice to send them there and that it would do them more harm than good, and that the only remedy of that of course was that they would have been sorted out before they started. Eventually Fr. McGonigle was persuaded that the days of residential care were over, and I am sure you have read that in the documents. He found himself in trouble with both the Department of Education and his own Superiors for suggesting that and he did actually have to accept to go on to become involved in the new facility in Scoil Ard Mhuire.

In the light of that then there were boys like that being sent by to courts to the school, unassessed, without the availability in the State or to the school of a psychiatric service to deal with these problems. We should have seen that and said, look, we can't go on with this.

Q. You say that many of the school staff were not professionally trained, as they are today; is that correct?

A. That's right. Well that was true of course of all care staff at that time. There wasn't a care profession at that time, it was just coming into being.

Q. And that there weren't sufficient psychological and psychiatric supports to cater for the needs of the pupils, such as the one that you have just referred to there?
A. Yes.

Q. And you have apologised for the impact that had on the boys. Did it also effect the Oblate's that were in the school?

A. Clearly, as we have seen, and as I think I have said to the counsel there, the stresses on the staff in the late 60's were very grave and I think one has to say that our management failed its men by allowing them to be in such a situation.

Q. Now with regard to both physical and sexual abuse then, what's your attitude on behalf of the Order in relation to that?

A. If I can refer to my notes here. Well, obviously, with regard to these complaints it is the Commission which will make its mind up. But if there were acts of physical and sexual abuse then unreservedly apologise for them and condemn them. But we do have to point out the serious difficulties, very serious difficulties that there are in the way of coming to conclusions in this regard. You know, the members of the staff who are still alive and who have been accused deny any wrong doing. Many of those accused are dead and cannot defend themselves or give their account of events that occurred some thirty to sixty years ago. So these, I think, are real difficulties in the way of coming to a decision about these matters.

Q. But if the Commission makes findings that there were instances of sexual abuse, what do you say about that?

A. Well, we acknowledge that the consequences for the boys
affected are incalculable and we are deeply sorry for that.

With regard to corporal punishment, and there has been reference here this morning and, obviously, there has been reference in the hearings to allegations of corporal punishment, what do you say about that?

Well, again, the infliction of excessive corporal punishment would have serious psychological effects for the boys. We accept and we don't argue that the punishment as described by some of the complainants in Phase II was unreasonably severe. We acknowledge too that punishment, for example for absconding, attempting to escape and that kind of thing, was over severe in itself, quite apart from the way that it was administered, but it was an excessive punishment for running away. We do remind ourselves and the Commission that corporal punishment was a standard practice at that time in primary and secondary schools. It not only sanctioned corporal punishment but laid down regulations for it. It didn't become illegal here in Irish schools until 1982, more than a decade after Fr. McGonigle phased it out from his school.

I would like on behalf of the Oblates to acknowledge these shortcomings, to acknowledge that they had serious consequences for the boys in our care and that we unreservedly apologise for that.

Can I ask you some general questions in relation to the reformatory system you have talked about it again here this morning. Do you think that in general terms that
the reformatory system could ever actually have worked as it was devised?

A. Yes, I have given some reflection to that. It is not an easy question to answer obviously, you know, with kind of yes or no. Looking at it I would say that it does seem to have worked quite well up until the 1920's. Thereafter there were difficulties. Briefly, there were the upheavals in the 1920's, which were difficult for everyone. Then came the Second World War and all the shortages. Then the slow pace at which the economy progressed to what we have today here in Ireland, with a result that there were not the resources in the State to cope with all of society's needs. I would say that unfortunately politics instead of dealing with that situation in a transparent way worked to conceal the true state of affairs.

To all this we can add the slow pace of the development of childcare policy and childcare training here in Ireland. In a word, disadvantaged children stood very low in society's priorities in the years in question. I would say that the poverty of a school like St. Conlath's was a choice that society made.

MR. O'LEARY: Mr. Chairman, I don't want to interrupted my Friend, but I wonder whether or not the Chairman and Commission are aware that I think, in fairness to the Father, he is reading from a prepared statement as such. If that is allowable it is allowable.
THE CHAIRPERSON: It is an inquiry.

MR. O'LEARY: Very good. I just wanted to make sure that you were aware of it, that's all.

THE CHAIRPERSON: I am aware now.

MR. O'LEARY: I am obliged.

MR. MAGUIRE: I don't know what the significance of the interrupt is. The witness has notes and it is clear he has been using them in answer to all the questions that have been asked beforehand. It is not a question of statement.

THE CHAIRPERSON: Speaking for myself, Mr. O'Leary and Mr. Maguire, if somebody is reading from something at this point in our investigation I have no discomfort with it because it may indicate that it is more reflected upon, which is specifically what Fr. Hughes said.

MR. O'LEARY: Very well.

THE CHAIRPERSON: Because in other circumstances I could understand somebody being asked a question, even at the end by his own counsel, I could understand somebody giving an answer and feeling afterwards -- and we have sometimes said 'well, look, if you really felt it was important write into us afterwards and say what I really meant was'. I mean it is for us to consider it.

MR. O'LEARY: In terms of submissions, yes. Very well.
THE CHAIRPERSON: Sorry, where we were was, Fr. Hughes, you were saying that, let me go back a tiny bit, that the way disadvantaged children were dealt with was... (INTERJECTION)

A. Well they were low in priorities.

THE CHAIRPERSON: Was in effect a decision.

You said something of that kind.

A. Yes. I think I go to Fr. McGonigle, he was making his appeal for help and somebody I think in the Department said, "well, Father", he said, "there are no votes for reformatory schools". It had no weight then in the battle for money. And this is what so incensed Fr. O’Driscoll.

THE CHAIRPERSON: I thought you were meaning something a little further when you said about disadvantage and poverty, because I thought you were going beyond just money.

A. Well I am talking about the priorities of... (INTERJECTION)

THE CHAIRPERSON: You carry on and I can ask these later.

A. I am talking about the assignment of the resources of society to the needs of society, and the needs of these disadvantaged children were down there.

THE CHAIRPERSON: Yes. Please take up where you left off, by note, statement or otherwise.
A. That is my first reflection. The second reflection is that the various agencies involved in this work do not seem to have worked well together. It is not a joined-up system. With respect, Judges did their own thing. They had a distrust to the reformatories, for example. The Department's of Education and Justice don't seem to have been working as a team. The Department of Finance was in a world of its own and, as I have said already in evidence, the Department of Education and the school were very uneasy partners.

I don't exclude the school from all blame in that. I know that vexed question about accounts and the schools like ours not rendering financial accounts, to this date that was an extraordinary thing. But we have seen also how the Department's cast a very dark eye on the schools.

Thirdly, my final reflection would be that it obviously militated against the success of the school that the boy were in the school against their will, as coercion is not a good basis for human growth. The absence of other facilities and the disturbed nature of many of the boys led to more and more emphasis on containment. The containment. If the element of voluntary presence could have been introduced, as it was in a sense at the foundation of the system in the 19th century, I think system as we envisaged it could have worked more successfully. What I am referring to there, as you
know, is the fact that these reformatories were set up originally as a better alternative to actual prison. So, rather than being sent to the adult prisons they were being given the chance to go to this better environment. If they didn't measure up to that then back to prison they would go. So there was a sense there in which there was a voluntary commitment there. Not much maybe, but some.

If the school had been allowed to be a completely open school and if there had been a separate closed school for the recalcitrant it would have been much better. The problem of dealing with disturbed boys doesn't seem to have been solved yet, but we do stand over the essential idea of our reformatory, that involving boys in trouble in an active and busy community life of work, sport, and education could be very beneficial, with the provisos already made as to resources, assessment and commitment. Those are my few reflections.

Q. MR. MAGUIRE: You have made your acknowledgments and you have apologise in relation to that and the work of the Commission, obviously, is to come to a conclusion as to the evidence that it has heard. As far as the Order is concerned I think it awaits and looks forward to the result of the finding of the Commission. Has the process been of use, of benefit, the whole process?

A. Well I think it has, yes. It is a process. We have
seen it as a process of moving forward. Each phase has its own importance. In Phase I, I was asked about the -- I think Judge Ryan asked me if I had been empowered to make concessions, or some such word like that and I said, yes, we had discussed it but we felt that the time to do that was after the evidence had been heard in Phase II and that it is what the process was. I can understand people are very impatient and want to get to the end, but we have listened to the evidence, it was shocking in the sense that the counsel said and we have accepted a lot of it. But what we would think is that there is a balance to be struck, that some of the things that the complainants said go in a very exaggerated way in one direction. But on the other hand it would be foolish for us to be going too far in the other direction. I think we rely upon the Commission to come to a balanced judgment in the light of all the evidence.

**MR. MAGUIRE:** I don't have any further questions.

**END OF EXAMINATION OF FR. HUGHES BY MR. MAGUIRE**

**THE CHAIRPERSON:** Thank you very much. Now Mr. Lowe, have you anything to ask Br. Hughes?
FR. HUGHES WAS FURTHER QUESTIONED, AS FOLLOWS, BY THE COMMISSION

348 Q MR. LOVE: You talked earlier about management having failed because of lack of resources and looking through McGonigle's papers, and so on, he is constantly complaining about the lack of resources. But, however, there doesn't seem to be within the Oblates thinking any idea that the system itself might have been wrong, of putting 150 plus boys who had committed crimes together in an all male environment may not have been beneficial. And as late as 1968/69, 87,000 was to be spent in upgrading kitchen and classrooms, just before the school closed. Was there any thinking within the Oblates, who set themselves up as experts in this field, of a new system which might deal better with it than the old system of Daingean?

A. Yes. One of our priests, as you know, went to the States and came back full of new ideas. For one thing, and I think again as Fr. McGonigle explains, when corporal punishment was phased out it left a situation of great indiscipline in the school and that added to the stresses that we were talking about earlier on. I would remind you that when corporal punishment was abolished in the State in 1982 special services were set up to help the staff of schools deal with this situation, the new situation of discipline caused by this complete change of outlook, you know no corporal
punishment. I am afraid there was nothing like that available in Daingean. So the man in question then, he came back and he was able to put in place a different system of discipline based on rewards and punishment -- rewards and privilege, points for good behaviour and so on, and giving boys privileges for good behaviour and taking them away for bad behaviour and so on. But he also expressed great skepticism about the system itself and he put forward the view to the Department and to the Oblates that the days of residential care were over for boys like this. He argued it out and he persuaded Fr. McGonigle and they fought it out in the Department. But the Department was horrified at this idea and spoke with the Provincial and persuaded him to speak to Fr. McGonigle to back away from that. Which is what happened.

**MR. LOVE:** Okay, thank you.

**THE CHAIRPERSON:** Now Ms. Shanley.

**MS. SHANLEY:** If I could just ask you one question, Father. What presence does the Oblate Order have in Ireland today?

**A.** What houses?

**Q.** **MS. SHANLEY:** Yes.

**A.** We have mainly parish work. We have some retreat work. One of our most prominent ministries would be the pilgrimage to Lourdes, annual pilgrimage to Lourdes and the events surrounding the shrine we have in Inchicore of Our Lady of Lourdes.

**Q.** **MS. SHANLEY:** Are you nationally
organised as an Order? Do you have senior personnel in Ireland or are you linked with the British?

A. As a group we span both sides of the water, yes. The headquarters is here in Ireland.

Q. MS. SHANLEY: The headquarters of the whole Order?

A. No, the whole Order is an international Order. But it is spread all over the world. Our section of it.

Q. MS. SHANLEY: But your section is headquartered here?

A. Yes. We are a province, if you call it that. The headquarters is in Dublin, yes.

Q. MS. SHANLEY: And you have senior personnel located here in Dublin?

A. Oh yes.

Q. MS. SHANLEY: Are you part of that senior?

A. I have been, yes.

Q. MS. SHANLEY: Are you now part of the senior personnel of the Order?

A. Well I am just about past all of that. I’m a senior citizen now. You are wondering why I am here maybe, why I am taking this role? Is that it?

Q. MS. SHANLEY: Yes. I suppose in a way I am wondering. I suppose the Oblates were responsible for running one of the
most important institutions in childcare over many, many decades and I am just wondering that they aren't represented at decision making level, if you like, at this Inquiry.

A. Oh. Well, I am delegated by the Provincial to represent him. I do have some experience. Maybe I don't know if it is relevant, but I was a member of the Board of Management in Scoil Ard Mhuire for about four years.

358 Q MS. SHANLEY: Sorry to cut across you, and I don't mean to interrupt you, but why were you delegated? Why did the management of the Order themselves not choose to attend?

A. This particular job fell to my lot because I was the archivist. Because it is very largely a matter of history, of sifting through documents and handling documents. I mean an archivist may sound to you like somebody in a back room somewhere, but as archivist I have received all the complaints, I have been responsible for responding to them. I have been in the front line of the work then all along. I have been responsible for, with the legal team obviously, for responding to them all. Generally then I have been the independent lead person in the whole Inquiry. Again, another aspect is that I do really feel that in a question like this, and it is an historical inquiry, the question of authority, in a sense that you are talking about, it doesn't really enter a lot into it.
I mean facts are facts, history is history and I just know a lot more about it than the Provincial does. His authority -- he couldn't have answered these questions that have been put to me.

MS. SHANLEY: Okay. Thank you for that.

THE CHAIRPERSON: Just arising out of and following on from that, Father, was there a decision made 'how are we going to deal with this? Oh, we will get Fr. Hughes the archivist to deal with it?'. Was a decision made? How did that decision come to be made?

A. It grew I think. It just grew.

THE CHAIRPERSON: So whose call was it in the end?

A. Oh, the Provincial.

THE CHAIRPERSON: And he's the Provincial for the UK and Ireland; is that right?

A. That's right.

THE CHAIRPERSON: And the Oblates are an international Congregation of course.

A. Yes.

THE CHAIRPERSON: And the headquarters are?

A. In Rome.

THE CHAIRPERSON: In Rome. The other Provinces of the Order, have they run reformatory or industrial schools?

A. That's a hard question because it is a fairly big
Order.

Q. **THE CHAIRPERSON:** If you don't know that's all right.

A. I long, long time ago we did have a reformatory in Australia, but that was ages ago. We gave that up long before all these present troubles started.

Q. **THE CHAIRPERSON:** Are we talking in the 50's or the 20's?

A. I would say back, yeah, in 20's. I couldn't be too sure now but it was a long, long time ago. Apart from that we have been involved -- as you know there are a lot of inquiries in Canada about Indian schools and things like that.

Q. **THE CHAIRPERSON:** Yes.

A. The Oblates were quite prominent at missionaries in Canada so naturally we were caught up in that whole inquiry as well.

Q. **THE CHAIRPERSON:** Is there an international exchange of information between different provinces of the Congregation?

A. Yes. Yes, we have quite good intercommunications, yes.

Q. **THE CHAIRPERSON:** So would people from Canada have said 'look, we have been having terrible trouble with allegations, some of them are true, some of them are not. Or the whole system or we are looking at it again'. Would that be something that is reflected in the transactions of the provinces?

A. In an informal way, yes. There hasn't been enough
commonality between the two situations. It would be, you know, a question of exchanging of ideas really in such very different situations. Naturally, I would be interested in what they do and they are interested in what we do. But I wasn't, as it were, a situation where they would cooperate so to speak.

Q. THE CHAIRPERSON: Was there a body of information or knowledge or expertise available?

A. No. Not that I am aware of.

Q. Not that you are aware of?

A. Not that has happened to me, no.

THE CHAIRPERSON: All right, thank you very much.

END OF FURTHER QUESTIONING OF FR. HUGHES BY THE COMMITTEE

MR. MAGUIRE: Just before you conclude, Chairman, because there seems to be some confusion in relation to this, you will recollect that when Fr. Murphy was sworn.

THE CHAIRPERSON: That is right, at the emergence hearings, yes.

MR. MAGUIRE: He was the then Provincial of the Order and attended as such and said all he had to do.

THE CHAIRPERSON: It is perfectly true that the first hearing was the
emergence hearings way back in 2004, in July 2004 when we got started, and it was indeed Fr. Murphy.

MR. MAGUIRE: His term of office, if that's the right word to use, has only just come to an end in fact in the last month. But he was here at the hearings and he was here attending. I think I am just slightly concerned that there be some view being taken that it was being dealt with at a lesser level or something of that nature.

THE CHAIRPERSON: I think that was the purpose of Ms. Shanley's questions and, certainly, that was the area that I was interested in, as to how the decision and what was it, and we have had the answer to that and it is better to say it out straight and ask the question. But thank you, and you are right to point out that Fr. Murphy, the Provincial, did in fact attend and give evidence at the hearing.

MR. MAGUIRE: And also I attended some of the sessions as well.

THE CHAIRPERSON: I see, very good.

A. He attended all the Phase II sessions, pretty well all of them.

THE CHAIRPERSON: Very good. Thank you very much.

MR. MAGUIRE: I am obliged.

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