COMMISSION TO INQUIRE INTO CHILD ABUSE
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIDGE, DUBLIN 4

ON WEDNESDAY, 31ST MAY 2006 – DAY 222

EVIDENCE OF SR. UNA O’NEILL

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY
MR. FRED LOWE

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:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

COUNSEL FOR THE COMMISSION: MS. K. FERGUS BL
                             MS. C. MCGOLDRICK BL

Instructed by:               MS. E. MCHUGH

FOR THE SISTERS OF CHARITY:  MR. N. BUTLER SC

Instructed by:               ARTHUR COX

                                           MR. J. MAHER SC

Instructed by:               MICHAEL LANNIGAN

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THE HEARING COMMENCED AS FOLLOWS ON WEDNESDAY, 31ST MAY 2006:

THE CHAIRPERSON: Good morning.
MS. McGOLDRICK: God morning, Chairman.

This is the Phase III public hearing in relation to St. Joseph's Industrial School in Kilkenny. This morning we are hearing the evidence of Sister Una O'Neill, who is Superior General of the Order.

THE CHAIRPERSON: Good morning, Sr. O'Neill.

Just before we start, Ms. McGoldrick, I should mention that we are also having a Phase III hearing for St. Patrick's, Kilkenny but we are not going to have any hearings into St. Patrick's today, we will do that tomorrow. We anticipate that St. Joseph's will finish today but we won't start on St. Patrick's until tomorrow.

SR. UNA O'NEILL, HAVING BEEN SWORN, WAS QUESTIONED, AS FOLLOWS, BY THE COMMISSION:

1 Q. MS. McGOLDRICK: Good morning, Sr. Una. I think you are the Superior General of the Sisters of Charity in Ireland; is that correct?
A. That's right.

2 Q. How long have you held that position?
A. For 11 years now.
3 Q. I think you gave evidence in relation to Phase I on St. Joseph's school on 1st November 2005?
   A. Yes.
4 Q. After that we had 25 hearings in relation to -- in Phase II, five of whom were people who made complaints about the school?
   A. Yes.
5 Q. Two were individuals who had positive experiences of their time as a resident in the school?
   A. Yes.
6 Q. And the remainder were a combination of Sisters who were resident in the school, lay workers and volunteers who spent time there?
   A. Yes.
7 Q. Did you attend all those hearings?
   A. I did, yes.

MS. McGOLDRICK: They are the questions I have for the moment.

Mr. Jeremy Maher, instructed by Michael Lannigan will ask you questions next. I will follow with some questions and then your own counsel Mr. Nick Butler, instructed by Arthur Cox will have some questions for you.

A. Thank you.

END OF QUESTIONING OF SR. O'NEILL BY THE COMMISSION

THE CHAIRPERSON: Very good. Now, Mr. Maher.

MR. MAHER: Thank you very much,
SENATOR: Mr. Maher, just before you do that. You will find a button on the microphone in front of you and a red light will show if you press that and then everybody can hear you. I can hear you all right but I am sure nobody else can. That's all right.

MR. MAHER: Thank you, Senator.

THE SENATOR: What you were saying was you were going to ask some general questions in the first place.

MR. MAHER: Yes. Can you hear me, Sister?

A. I can, yes, indeed.

Q. One of the expressions that you use in your evidence,
and indeed in the statement which preceded your
evidence, was that the school in question was an
artificial construct. I am just wondering what exactly
do you mean by that concept?
A. In various ways St. Joseph's, as all Industrial Schools
or orphanages were indeed, were referred to as
institutions, they were referred to as schools, they
were referred to as homes. Now, in the final analysis
I am not sure they were any of those things. I think
they were an amalgam of all three. In that sense, I
mean it was an artificial construct. It wasn't a home
in the way in which we understand it, although the
Sisters did everything possible to make it into a home.

It wasn't a school in the sense that we understand it
like a boarding school because the children didn't have
families in many case to whom they could go home, they
were committed from the courts.

And it wasn't an institution only, in the sense that it
was the other elements of home and education were part
of what was in St. Joseph's. I think that's what I
meant.

Q. I see. So you are saying that it would be, in a sense,
artificial to compare it to a family situation?
A. Indeed I would, yes. Though having said that, I would
also maintain at this stage, listening to all the
evidence that was in the first and second phases, I
would have to say that St. Joseph's maybe stand out in
some sense in its efforts to turn the institution, the school, into a home insofar as that was humanly possible. Often without much support from the Government agencies, I would add.

Q. Yes. But insofar as you say that it would be artificial to compare it with a family?
A. Yes.

Q. Is it not the case that in your evidence to the Commission, which I think you gave on the 1st November 2005, and in particular at page 149, that you thought -- I will just give you an opportunity to find that.
A. Is that in the proposed evidence or in the transcript?
Q. No, that's in the actual transcript of your evidence.
A. Page?
Q. 149.

THE CHAIRPERSON: Would you mind quoting the passage that you are referring to.

Q. MR. MAHER:
A. Yes. It is the very top of page 149 and you say, Sister, in fact, I will go back a little bit to be fair to you, the bottom of page 148.

"In terms of us reconciling it, I myself have struggled for ten years to try and understand this and try to understand both realities and the only comparison I can make is that to an ordinary family."

A. Yes.

Q.
"Which can, in many instances, be an extremely happy positive place for children to grow up in. At the same time you can have terrible abuse going on within the same family".

A. Yes, I don't see any conflict between that and what I'm saying. Because, in fact, that is what I would see happened in St. Joseph's, that in many elements you could compare it to a family, in many elements you couldn't compare it to a family. But it was a family, a huge family in many of the elements of its daily life. And so what I am saying there is that if you take a small family and a child can be abused by an uncle or an aunt or whoever, and that can go on and the parents don't know about it, how much more so can that go on in an institution where you have so many children and so few carers. That was the comparison I was making.

Q. I understand that comparison, but I am going to put it to you that the ordinary family wouldn't include an aspect which involved abuse both physical and sexual of the type that we have seen in St. Joseph's in Kilkenny?

A. Indeed, I would hope it wouldn't. But that would be precisely where the difference would lie. You have a huge institution, you have shortage of staff, you have financial restrictions, you have people trying to make the place as homely as possible for the children. You have the day-to-day running of that institution, which involved in its later stages houses that were out many in community. In its earlier days you had it on the -- when the abuse was occurring, of the boys particularly,
you had them housed over in a separate unit, the institution itself was divided into different units. So I think one can take elements and compare them in the way I have done and I don't think it is -- what would I say, I don't think it is unreal of me to do so.

Q. Again in the -- sorry, in the proposed evidence which you give and you gave evidence in respect of this, you said that "preadmission trauma"?

A. Yes.

Q. "Preadmission trauma had led to severe behavioural and emotional difficulties and problems".

A. That's true.

Q. I am just wondering where's the evidence for that, Sister?

A. Well, if you were at the private hearings you would have heard the evidence of it. I don't know if I can mention this, but only five of the ladies came to the Commission finally, I think the majority of those, if you listened to their stories and certainly in relation to St. Patrick, if you listened to the stories of what went on prior to them coming in, the anguish of those people as they spoke about their separation from their families. You know, a father who had a number of children marrying another woman after their mother had died and then taking her seven children and putting his own away. It is there.

Q. You are saying basically it is the evidence that was given in private?
A. No, not only. I am also saying it is in the records there of the children, well in the later stages.

Q. When exactly?

A. I would say probably from the 1970's on, it was very difficult to get information. Can I just say, in speaking with the past residents, as lately as last Sunday where we had a reunion in St. Joseph's, and even speaking to them day, last Sunday, some of them spoke to me about what happened to them before they come in. It has been in the public papers, one or two or three children, more than three, have gone on public record about their family circumstances prior to coming in. So we do know it and that evidence can be adduced to the Commission if they need it.

Q. Are you suggesting therefore that it was in the main preadmission trauma which led to the severe behavioural and emotional difficulties and problems which were faced by the children?

A. No, I couldn't make a general statement like that. I would need to look at each child and each child's record and see how the disturbance would have developed. I couldn't say that, no.

Q. Because is it not the case that no psychological or psychiatric assessment was normally made of a child before they entered into the institution?

A. That would certainly be true. I am not sure now if in the 1980's or 1990's there would have been the involvement of psychiatrists and social workers. There wouldn't, no, not in the 1950's, 1960's, 1970's there
would have been no assessment, that I know of, made.

Q. 1950's, 1960's or 1970's?

A. I wouldn't be certain of dates now, I am sorry. I doubt in the 1970's either. No, I doubt in the 1970's.

Q. What I am wondering in this case is how you can say to the Commission that preadmission trauma was what led to severe behavioural and emotional problems and how can the Commission be certain that it wasn't trauma that occurred to the children when they were in the school?

A. Could you give the reference to that and I might be able to answer it?

Q. Page 111 of the proposed statement?

A. Oh, that's in the general summary.

Q. Yes.

A. Where is it exactly, please?

Q. "In the 1980's", paragraph two, do you see that?

A. Yes.

Q. "In the 1980's and 1990's"?

A. 113, is it?

Q. 111?

A. Oh, I beg your pardon. Yes.

Q. I will just read it out for you:

"In the 1980's and 1990's the nature and degree of trauma suffered by the children prior to admission led to severe behavioural and emotional difficulties".

A. Yes, I would say that's true of the 1980's and 1990's and I would say that we have evidence of that in individual records. Certainly, in the daily diaries for that time, they go into great detail in relation to
the state of mind and heart of those children in the 1980's and 1990's.

If you look at the records and if you read the records of those children and you read the daily diaries they are very, very minute in their daily detail of what went on in discussions with psychiatrists, social workers. And in many cases you will find that there is a lot of interaction with the families, but that the children come back from the families more disturbed than when they go home. That's in the diaries so we do have evidence of that.

Q. I am trying to analyse what you are saying. You are drawing a distinction between the 1950's, 1960's and 1970's and the 1980's and 1990's?

A. In terms of evidence, yes.

Q. Dr. Paul McQuade, I think, Sister, and if you disagree, feel free to disagree, he would have been regarded in the 1970's as perhaps the preeminent child psychiatrist in this country?

A. Well, certainly he would have been very well thought of, yes.

Q. I think you are aware of the fact that he wrote to the Resident Manager concerning certain matters which were causing him to be worried about the children; is that correct?

A. That's right, yes.

Q. I will just get the reference to that. Yes, it is a letter of 12th December 1973 and it is in the
Department of Education's discovery, folder 1. DEJK 059-124/1. I might just repeat that, that's DEJK 059-124/1.

A. Do you have any idea where it is in my evidence? I am sorry, it is just that I can't...(INTERJECTION)

38 Q. Page 88.

A. 88. Oh, yes I have it actually open.

39 Q. I just want to ask you about that letter?

A. Of course.

40 Q. Do the Commission have that? This letter, do you have it, Sister?

A. I don't actually have the letter, I have it somewhere but I don't know where it is.

THE CHAIRPERSON: Take your time, don't worry.

41 Q. MR. MAHER: I think it is dealt with at page 88 of your...(INTERJECTION).

THE CHAIRPERSON: Can we just make sure that Sr. O'Neill has a copy of it or can you refer her to where it is.

A. Was it in the file that -- Mr. Lannigan's file?

THE CHAIRPERSON: Is it in the documents? I know what Mr. Lannigan is saying where it is, I know it is in the Department of Education discovery but is it in the file of documents that is Mr. Lannigan gave us to be given to Sister Una?

MR. MAHER: It is.

THE CHAIRPERSON: Very good. Can we locate
A. Is it in the first, under the pink?

THE CHAIRPERSON: In which of the tabs is it?

MR. MAHER: I will have to ask Ms. McGoldrick to assist.

THE CHAIRPERSON: We will just flick through it until we find it.

MR. MAHER: It is not actually in that booklet. I am sorry about that.

THE CHAIRPERSON: I think, Mr. Maher, I think sensible thing to do...(INTERJECTION)

A. Maybe somebody else will have it for me.

THE CHAIRPERSON: Leave this to me. Let me make a suggestion first and then we will see if everyone agrees with it. If you have a look at the document, take a second to look at it. If you are comfortable discussing it with Mr. Maher, well and good we simply proceed without more ado. If not, we will ask Mr. Maher to leave it for the moment and we will come back to it, having given her an opportunity of thinking about it. I think that's the sensible way of dealing with it.

A. Yes, I am fine. Thank you.

THE CHAIRPERSON: Very good. Now Mr. Maher. Do you want to put that up on the screen?

MR. MAHER: I have given my copy to the
Sister. We will find another copy.

THE CHAIRPERSON: we don't have a problem about somebody being named, I take it, in this instance.

A. Certain Sisters are named in it. But it is not...(INTERJECTION).

THE CHAIRPERSON: It is not anything to do with abuse or anything like that, or any allegation.

A. No, not at all.

Q. MR. MAHER: I am not sure that everyone will be able to read that. It is a letter from Dr. Paul McQuade dated 12th December 1973; isn't that correct?

A. Yes, it is.

Q. It is addressed to Reverend Mother Conception, who is Sr. Joseph Conception, who was Resident Manager I think between 1972 and 1985; is that correct?

A. I will just check it. I am sure it is. December 1972 to December 1985, yes.

Q. This letter records the fact that at that time there were 80 children in the care of St. Joseph's in Kilkenny; isn't that correct?

A. Yes, that's correct.

Q. Of those 80, I think that 32 were disturbed; isn't that correct?

A. That's correct, yes.

Q. I will read out exactly what Dr. McQuade says, he says:
"We estimate that out of the 80 children in your care there are 12 seriously disturbed, six boy and six girls, and another 20 children who are sufficiently disturbed to be obvious and of these 17 are boys. This means that somewhat less than half of your children are emotionally disturbed or seriously behaviorally disorganised."

A. Yes.

47 Q. Then he sets out the breakdown of the children between the different groups. I will just draw your attention to the very last paragraph:

"I think these figures are sufficiently serious to warrant immediate discussion with your staff and the Congregation as to what should be done to remedy the situation.

I would suggest that perhaps you get," then we go to the next page, "in touch as soon as possible with the Department of Education to bring to their attention the figures and to discuss with them the implications for extension of your services."

Then he says:

"It seems likely that if adequate provisions are not made for these children that they will emerge in late adolescence as problems to the community and you have had a number of experiences of this kind in the shape of, etc.

I should be pleased to hear how your thinking proceeds on this matter and I assume that you will let me know if I can be of further assistance in this matter".

A. Yes.
48 Q. What I am wondering about that letter, Sister, is that it doesn't suggest on the face of it, at least, that this was disturbance that predated these children's admission to St. Joseph's?

A. It doesn't suggest the opposite either.

49 Q. I see. Well, is there any evidence to suggest that these children to whom Dr. McQuade refers were disturbed prior to their admission to St. Joseph's?

A. I would have to go back to the files and look at those, I couldn't answer that just off the top of my head. I do know that Dr. Birch got involved in that and wrote a letter. Indeed, so too did a member -- a person who was doing voluntary work in St. Joseph's, wrote to the Department expressing great concern about the children who were being admitted and the fact that they were disturbed and traumatised. Now I can't get the reference immediately.

50 Q. I am sure your counsel will be able to get that for the Commission?

A. Yes.

51 Q. There was a suggestion there that you -- or not you obviously, but Sr. Joseph Conception, that this was such sufficiently serious to warrant discussion with the staff and to warrant discussion with the Congregation?

A. Yes.

52 Q. Can you tell the Commission was that taken up, did such discussion take place?

A. I have no evidence to say that it was or wasn't.
I see. Is there any evidence to suggest that the
Department of Education were contacted as suggested by
Dr. McQuade?

And there is no evidence to suggest they weren't.

Is there any evidence to suggest...(INTERJECTION)?

THE CHAIRPERSON: You would expect, Sister,
records to be kept?

I would.

THE CHAIRPERSON: If Sr. Conception was
having meetings with
somebody surely we are not entirely neutral on it, in a
well ordered organisation there would be a paper trail.
"Met such and such today." Is it good enough to say,
"Well, maybe is it, and maybe it isn't"?

Well I think that...(INTERJECTION).

THE CHAIRPERSON: If there is no paper there,
if there is no record
surely the only safe assumption is that it didn't
happen?

Now, given my experience of reading through all the
records I don't think I could agree with you on that. I
mean there are huge gaps where you expect something to
be written and then there are things written that you
wonder why they were written at all. I am not
disagreeing with you. Now, looking back on it, one
should have kept a complete record of every single
thing that happened. I wonder if we went back to the
children's files, for instance, would we find that
individual help was given. I know there was great
discussion about the need for tutors, a need for the children to be helped to settle into St. Joseph's before they were sent out to new schools. I know all of that took place. I just don't know...(INTERJECTION).

Q. THE CHAIRPERSON: Am I misunderstanding this, or is there an implicit threat in Dr. McQuade's letter, because he says discuss with the Department of Education, blah blah blah, "the implication for extension of your services". If I got that letter I would be a little worries?

A. Indeed, as would I.

MR. MAHER: Chairman, I should say, before Mr. Butler says, he has kindly brought to my attention, that there is a letter -- it is not a letter, it is a memo which is to be found in the Department of Education discovery at DEJK 059-131 and it says:

"Visit to Kilkenny. PO McHugh," I think, "PO, and I visited as follows on 29/4/1974."


MR. MAHER:

"1. St. Joseph's residential home. we were shown over the home and also over the group homes outside the main site by Sr. Joseph Conception, manager. In particular we discussed with her the problem of emotionally disturbed children in the home. Her need in this regard is for part time teaching help in evenings to supervise study.

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The difficulty here is in making any special payment outside the capitation grant. The matter would be one of employing additional part time help different in principle from any other staff employment.

It would be useful to discuss the general problem with Dr. McQuade. The VC might be approached to see if they could help."

I am not sure. It is probably:

"The VEC might be approached to see if they could help".

THE CHAIRPERSON: In fairness this is a letter that Sr. O'Neill hadn't seen.

A. No, I have seen it.

THE CHAIRPERSON: So she hasn't had an opportunity of trawling through and excavating. So we have to bear that in mind and this is a good example of how one shouldn't jump to conclusions. Thank you very much.

Q. MR. MAHER: Sister, apart from that, which would seem to suggest that the Department of Education were contacted, is there any other indication in the papers that there was any follow-up given to the suggestions of Dr. McQuade?

A. If I had known you were going to ask that question I could have pursued an answer, in objective fact. Just off the top of my head I can't, sorry.

Q. Would it be fair to the Sister, if I came back to it at the end to give her an opportunity to deal with it?
THE CHAIRPERSON: I think Mr. Maher, my suggestion is this, that if Sr. O'Neill wants to revisit this, having excavated whatever documents are there, look through it, that Mr. Moore can write in to us with a response, if it is appropriate and necessary we will communicate with Mr. Lannigan to see if there is a rebutter or a surrebutter, or whatever it is, called for. But in circumstances where something hadn't been flagged, there is a lot of information which you have flagged and we would expect obviously Sr. O'Neill to have familiarised herself with the documents that you have flagged. It is not that it is impossible to discuss it but it creates a certain difficulty and I think we have just seen one of the possibilities for an assumption that wouldn't be warranted when one talks about it.

Anyway, it is clearly an important letter and we would certainly welcome any extra information that's there and thank you for drawing our attention to it, Mr. Maher.

Q. MR. MAHER: Sister, if I pass then from for the moment. I am still dealing here with your general remarks in the case. Would it be fair to characterise the thrust of your evidence to the Commission as a denial that religious women were the perpetrators of abuse?

A. Are you talking about my own Congregation, Sisters?

Q. Yes.
A. Oh, yes, absolutely.

Q. And a denial that they were colluders in abuse?

A. Absolutely.

Q. In other words, there was no question here of a cover up?

A. Absolutely not.

Q. Your evidence, can I suggest to you, is characterised by an expression of sorrow and regret for what occurred in St. Joseph's, Kilkenny?

A. Indeed those two words wouldn't even describe what the experience has been of this unfolding of abuse in St. Joseph's for the Sisters who were there at the time.

Q. Yes. Is there a distinction to be drawn between your expression of sorrow and regret and the absence of the use of the word "apologise"?

A. I think from the very beginning the relationship between the Congregation and St. Joseph's has been of paramount importance to us. When all of this knowledge of abuse began to unfold and emerge our primary thrust, apart from the legal angle of it, was to try and maintain our relationship with the children. Now, we have to managed to -- I am using "we" in the -- we have managed to do that even though at times their legal advisors would have warned them or advised them not to keep in contact, especially with Sr. Conception, because it might compromise their cases.

I have only to refer to the reunion last Sunday where
one of the men who had a case in the High Court was there with his partner, the children, the relationship with Sr. Conception, with the rest of us, with the other children was as it had been. For that I am most grateful and that, I think, is where -- I have spoken to any child, any past resident who approached me, we have facilitated every past resident who requested to meet with any Sister who was there at the time and that has been the thrust of our way of dealing with the situation.

When the people were convicted of abuse we did give a public expression of regret. But we have pursued it at a personal level rather than at a public media level, tried to. We have not succeeded in all cases.

67 Q. I will come back to my original question.
A. Yes.

68 Q. Which is: Is there a distinction to be drawn between expressions of regret and sorrow and the concept of an apology?
A. Are you asking a legal question?

69 Q. I am asking you to answer the question.
A. I don't understand it.

70 Q. Are you going express an apology to the victims of child physical and sexual abuse in St. Joseph's in Kilkenny?
A. If an apology were in anyway to link us with the David Murrays and Myles Bradys of this world then in no way would an apology be given. And that, I think, creates
a dilemma for us, in the sense that what's the
difference between saying that we are deeply sorry for
what happened to our lads and saying we -- whatever,
using more formal legal language. A parent whose child
has been abused would not say "I apologise", he would
cry with the child and say he was sorry that this
happened. I am not sure I understand the distinction
you are making.

Q. One of the other thrusts of your evidence is that for
the Sisters involved and for the Congregation it was, I
think your expression was, an incredulous experience to
discover of the abuse?

A. Incredible I think I would have said. Maybe it was
written wrongly. It was.

Q. And that you had reposed your trust in the male staff?

A. Indeed we did.

Q. And that you had relied upon them particularly because
they had been trained and vetted by professionals?

A. Yes.

Q. So isn't that suggesting to the Commission that the
Sisters of Charity can't be held to blame for what the
childcare workers did, but some others should? In
other words the persons who vetted or trained them?

A. But, you see, this whole question of vetting, if I were
to go out in the morning and vet people to be employed
in my school I can get a Garda check, I can do all the
vetting in the world and it won't -- the person's not
going say "I'm a pedophile". Vetting has limited
ability to discover the inclinations of people to abuse
children, I would respectfully suggest to you. I am not sure I hold accountable for the abuse the people who abused (sic).

Certainly there were failures, there were system failures, there were failures on everyone's part, if you want to call them failures. But I certainly would hold responsible the people who abused the children. I would have to say that listening in both the private hearings and at the court cases, the amount of conflict of evidence, the amount of different memories of what happened, who said what, who understood what, I still haven't sorted. I have no answer to say other than that these people abused the children.

Q. Do you accept that?
A. But sure we always accepted that. Of course they did abuse the children, they have been convicted in court.

Q. Do you accept the findings of fact that have been made by the various judges of the High Court in relation to residents of your institution?
A. Which facts now are you talking about?

Q. Sister, you know that there have been three cases?
A. That's right.

Q. There is the case of Martin Delahunty, there is the case of David Connellan?
A. That's right.

Q. And there is the case of Raymond Noctor?
A. Yes.

Q. In each of those cases the judges made findings of fact
in relation to abuse?

A. They made a lot of findings, yes, they did.

Q. Do you accept those findings?

A. I would need to reread those. I would obviously accept whatever the judges finding were. Even within that, I attended only one of them fully, I think. I attended a second one most of the time, the third one I wasn't there at all. I would accept that the judges themselves found it difficult to reconcile the different interpretations, the different memories, the different experiences. I think that's evident.

MR. BUTLER: Sorry to interrupt, but could I make a suggestion and it might be helpful all around that specific findings be put to Sister.

MR. MAHER: I was kind of hoping I could do this in my own way.

MR. BUTLER: Of course Mr. Maher can do this in his own way. It is just a suggestion, I am trying to be helpful.

THE CHAIRPERSON: It is very hard for a witness -- I mean, it is very hard for somebody to say, "well, do you accept?" "Well, I accept the whole thing" "Is it the whole thing or everything or some specific thing?"

Mr. Maher, I am concerned about something a little more and that is is it suggested that we are bound by the
findings? In a case between A and B, on evidence heard in that court, in that case and if the judge says on the evidence here "I accept that Mr. Jeremy Maher's recollection is correct about how the accident happened and I don't accept -- I think Mr. Nicholas Butler is mistaken in his recollection of how the accident happened."

If there happens to be a commission of inquiry many years later into road accidents and how they were handled or something is that commission bound by that finding, that Mr. Jeremy Maher was correct in saying it was a blue car and Mr. Butler was wrong in saying it was a green car?

MR. MAHER: I don't make the case that the Commission is bound the facts but I certainly make the case that given the proximity in time between these hearings and the hearings before judges of the High Court, that is something to which the Commission should have due regard.

THE CHAIRPERSON: I think that's the very point that Mr. Butler has expressly made. And I think he might probably want to go further in asking us to make certain findings and pointing to what he would regard as helpful findings to him in relation to who knew what and when, insofar as that issue arises, I think that would be Mr. Butler's point. If people have points they want to make about
that, again they can make that, bear that in mind for a submission.

But I wouldn't get into too much detail, Mr. Maher, is what I am really saying. Because even if you and Sr. Una O'Neill were entirely in agreement as to what she accepted, I am not sure that we would regard ourselves as bound, subject of course to what you and Mr. Butler may submit.

A. Is it my place to make a remark about that?

THE CHAIRPERSON: By all means to, it is a public inquiry.

A. What I feel about that is, you see, I was at some of those courts cases and I was at the Commission. Now, I mean the courts heard evidence in one particular way and from the particular children. But Commission heard evidence in another kind of way, which was very different to the court way and other things kind of -- what I am saying is I haven't the truth and you haven't the truth and you haven't the truth, none of us has an monopoly on the truth but it is in sharing all that hopefully we will get to some kind of a conclusion about it. Maybe that's not appropriate.

THE CHAIRPERSON: I agree entirely with the first bit of what you said. It is the second bit, the last bit, I am not so sure about.

A. I don't remember what I said.

THE CHAIRPERSON: Thanks very much. Yes,
Q. MR. MAHER: Sister, can I turn specifically then to the question of discipline, punishment and physical abuse?
A. Yes.
Q. The first thing I want to ask is, as I understand it, there was an obligation under the rules of the Industrial Schools to have what is known as a Punishment Book?
A. That's right, yes.
Q. Am I correct in thinking that there isn't available in this Commission a copy of the Punishment Book?
A. That's correct.
Q. Could you assist the Commission as to why that is?
A. No. In my evidence before -- at the first phase, we have no evidence of a Punishment Book having been there and there is no memory in the people whom I asked of a Punishment Book being there. We were supposed to have it, we didn't have it.
Q. I see.
A. Having said that, in the daily diaries later on in the 1980's every punishment is listed, as far as I can gather, because it is a daily diary and we have many of those.
Q. You make the case to the Commission that there is, to use your own expression, "no evidence" from the material of severe corporal punishment or any evidence of beatings being common practice? In other words, you are saying there is no evidence, so far as you can
determine, that there was severe corporal punishment?

A. I think I may two, three exceptions. I say that the
two men who were convicted of sexual abuse also
perpetrated severe physical abuse on the boys and I
also make the exception of one particular care worker.

Q. Yes. Was that a female or a male?
A. A female, yes. She was a house parent.

Q. Yes. I am not sure what the position is of the
Commission in respect of names?
A. She was a Sister, yes.

Q. She was a nun?
A. She was, yes.

Q. Is that the 1990 incident?
A. Yes.

Q. Isn't it the case that there was another member of
staff, I am going to refer to as Ms. TC?
A. Yes.

Q. And she also physically abused the children; isn't that
correct?
A. I suppose I am so fixed on the sexual abuse there that
I am not certain about that.

Q. Yes.
A. But she was hard on the children, certainly, I am not
sure I heard the word physical abuse used in relation
to her.

Q. This is one of the expressions that seems to feature in
this Inquiry, the use of the expression "hard on the
children", what are the Commission to understand by
that impression?
A. I think it has become in some ways clear to me that 
many of the care workers in those earlier days, I am 
talking about the 1940's, 1950's, 1960's, even up until 
the 1970's, and particularly the Sisters, seem to have 
related to the children in the same way as they had 
 Experienced family relationships. I can think of two 
of them for whom it would be maybe opposites. I think 
Sr. Conception, who said in her evidence that she was 
never slapped as a child, therefore she never in all 
her years in St. Joseph's touched a child, slapped a 
child.

I am thinking of another who said in the family she 
came from, maybe she didn't say this in the Commission, 
I would have to check that, that her parents would slap 
her when she was bold and the slaps were fairly hard 
slaps and she said that's the way she related to the 
children.

So when you say "hard on the children", if I say my 
father was very strict and you say your father was very 
easy, it is very difficult to define what the 
difference is.

The reason why I ask you this is because, as I 
understand it, the reason why Mr. David Murray was 
dismissed was because he was "hard on the children"?

A. That's right.

So I am wondering really whether "hard on the children" 
can be read as violent?
A. Well, there were a number of phrases used, you know. I mean when the lad came to Sister -- the lad that she trusted and the child came to Sr. Conception in the end and said "we can't put up with it anymore, he's at us." That was the point at which she said -- when it was used then in another context, if I say that somebody was hard on the children, I certainly wouldn't be using it in the way in which it was used regarding David Murray.

Q. Yes. Mr. Connellan in his evidence to the High Court in the case of David Connellan. I have copies of this for you, Sr. O'Neill, and indeed for the Commission. (SAME HANDED TO THE WITNESS).

I am only dealing here for the moment with physical abuse. Will I hand in copies of this?

MS. SHANLEY: This is the judgment, is it?

MR. MAHER: Yes.

MS. SHANLEY: We have that.

Q. MR. MAHER: It is going back to Ms. TC, Sister?

MR. LOWE: The name is showing at the top.

Q. MR. MAHER: I see that. He alleged in that case that -- and the expression is used, quoted verbatim, you see it there at line 1, 2, 3, 4, 5, 6, 7.

A. What page are you on?

Q. Page 6, line 9?
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1 A. Yes.
2 102 Q. He alleges that TC "literally just beat the shit out of him", do you see that?
3 A. Yes, I see that.
4 103 Q. What have your own investigations into that revealed?
5 A. I didn't do any investigation into David Connellan and his court case.
6 104 Q. He also says at page 7, and I am talking here about the paragraph which begins a little more than halfway down the page, he said that the abuse -- and I won't mention the name he said that:
7 "The abuse both physical and sexual at the hands of this person lasted for about three years. He said it was very very frequent and very very hard to live with. He said there was times when he could not go to school because of a rash on his legs and his backside due to the fact that she would not change his sheets and pyjamas and beat him regularly".
8
9 A. I am not prepared to comment on his evidence, I mean this has just been put before me now, I would need go and talk to people concerned and find out what their understanding of it was.
10 105 Q. So can the Commission take it that this was a case in which you did not appear?
11 A. No, I was not there. No, we were not there for that.
12 106 Q. This was a case, I think, in which the State had taken over the running of it?
13 A. That's right. Excuse me, Sr. Conception was sent for, for one day, I think Mr. Moore accompanied her, I
wasn't there, and she was asked to give evidence about
schooling and stuff like that, I think.

107 Q. That would suggest, Sister, that there were regular
acts of severe violence taking place in St. Joseph's in
the early 1970's?
A. I think it suggests that David Connellan says there
were. I don't think it suggests anything more to me.

108 Q. Mr. Connellan then was transferred to Summerhill in
1973?
A. That's correct.

109 Q. And the house master, as we know, was a David Murray?
A. That's right.

110 Q. Just so that the picture in respect of David Murray is
clear, he started work, I think, in about 1972; isn't
that correct?
A. Yes.

111 Q. And he left in 1976; is that correct?
A. Yes.

THE CHAIRPERSON: I think that's right.

112 Q. MR. MAHER:
whit weekend of 1976?
A. I would have the date somewhere now.

113 Q. In any event, Mr. Connellan in his evidence to the
court described Mr. Murray as a monster?
A. Yes.

114 Q. A very violent man?
A. Yes.

115 Q. Who beat them frequently with his fists and often
resulted in bleeding and even, he said,
semi-consciousness?
A. Uh-huh.

Q. Would you like to comment upon that evidence?
A. No, I would not like -- I am hearing this for this time.

Q. Are you saying that you didn't know about the judgment of the High Court in this case?
A. I didn't read the judgment, I knew the judge had found that a certain amount of money was awarded. But I didn't read the judgment.

Q. You didn't read the judgment?
A. No, why would I?

Q. I thought that you were here to give evidence in respect of this period?
A. I didn't think I was here to give evidence in relation to High Court judgments, I must confess.

Q. Did you know, Sister, that Mr. Murray had kept an Alsatian at the premises?
A. I did, yes.

Q. Can you tell the Commission what the name of the dog was?
A. No, I can't. Why is that important, that I would know the name of the dog that Mr. Murray kept?

Q. Sister, the name of the dog was "Thunder"; isn't that correct?
A. I don't know.

Q. Was it a policy amongst the Congregation to allow house masters to keep Alsatian dogs in the 1970's in St. Joseph's?
A. If you had asked me -- told me you were going to ask me
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that question I would have asked the Congregation.

Q. Because Mr. Murray, I suggest to you, used this dog to
intimidate the children?

A. That is true.

Q. You accept that?

A. I do indeed, yes.

Q. Can I suggest to you that in St. Joseph's that the
keeping of an Alsatian dog by a house master was
totally inappropriate?

A. No, I wouldn't accept that, I would have thought that
you could interpret it another way. That here was a
childcare worker, trained, and he brings a dog into the
premises, we have a dog in Our Ladies hospice because
it helps the patients to -- in their healing and in
their care. So, in retrospect of course it was
dreadful what he did with the dog, but at the time it
would have been seen that something that contributed to
the homeliness of the place.

Q. An Alsatian dog?

A. I mean an Alsatian dog, a Rottweiler, a Terrier.
What's the difference between an Alsatian dog and any
other dog in the sense? Are you
saying...(INTERJECTION).

Q. Seeing as you have asked me, I would suggest to you
that the major difference is that an Alsatian dog would
be associated with violence?

A. I am not aware of that.

Q. The threat of violence?

A. I hope nobody here has an Alsatian dog, if that's the
case.

Q. Sister, sorry to interrupt you, but you have spoken about your evidence being based upon, in part at least, conversations which you have had with former residents; isn't that correct?

A. Yes, indeed.

Q. Did you discuss Mr. Connellan's experiences with him at any time?

A. No, I have never spoken with him. I have met him at the past pupil's reunions, he wasn't at the one on Sunday, but I have never spoken with him nor has he asked to speak with me. One of our dilemmas is we always wait until the children come to us, we don't impose ourselves on them, he has not asked to speak with me. I will be happy to do so at any time if he does.

Q. Did you speak to Mr. Noctor, Raymond Noctor?

A. I met him on Sunday, yes, and spoke with him.

Q. You are aware that he told the High Court in February 2005 that he had been beaten with a hurley?

A. Yes.

Q. Well, was there a policy in the school at the time of allowing members of staff to use a hurley to inflict punishment?

A. Absolutely not.

Q. He also says that he was beaten with a brush and with a strap?

A. He does.

Q. What do you say about that?
1 A. I say there was no policy about that. I accept that he 
2 was, that his evidence is that he was. And I accept 
3 that various different implements may have been used, 
4 like a strap or a stick. 
5 137 Q. And that a threat to kill him was made by -- this is at 
6 page...(INTERJECTION)? 
7 A. David Murray. 
8 138 Q. This is at page 437 of the judgment in the Noctor case, 
9 that a threat to kill him was made? 
10 A. I remember him saying that, yes, that Murray threatened 
11 him. 
12 139 Q. Murray brought him out at night-time? 
13 A. Brought him out and showed him the cabbage plot and 
14 said he would bury him there if he told anyone. 
15 140 Q. Yes. I know that Sr. Joseph Conception maintains that 
16 she was present in Summerhill on a regular basis; isn't 
17 that correct? 
18 A. She used go over in the evenings, yes. 
19 141 Q. I think, in fact, she also said she used go daily and 
20 in evenings? 
21 A. Yes, I think you are right. Yes, i think so. 
22 142 Q. How did she miss all this, Sister? 
23 A. She missed it all because David Murray was so clever in 
24 his activities that he was able to pull the wool over 
25 so many people's eye, as is the practice of pedophiles. 
26 He would have been alert to anything in relation to 
27 those boys in so far as she was able. I mean the girls 
28 would say that she spoiled the boys in fact. Now, I 
29 mean the boys suffered enormous hurt, physical and
emotional and every other way, and in retrospect you would say how could she not have seen it. I mean, how can a mother not see that a child has been abused by somebody. I have no answer to that.

Q. It is just that the injuries of which Mr. Noctor complains were of serious physical abuse?
A. Yes.

Q. Would they not have been apparent to somebody?
A. If they were apparent they would have been treated and there is no evidence to say they were treated so they must not have been apparent. She would not have left a child in pain or a child who was hurt without attention from a doctor.

Q. Insofar as Mr. Murray is concerned, complaints were made by the boys in respect of him; isn't that correct?
A. Yes, they were, yes.

Q. I have to be very careful to say of a physical nature?
A. Yes, that's right.

Q. Well they say it was sexual?
A. Well it is the language, that's the whole debate, as the Commission themselves have said on a number of occasions it is up to them to reconcile the different interpretations.

Q. The language that Sr. Joseph Conception uses is that "Mr. Murray was nagging them"?
A. "Was at them."

Q. "At them and hard at them"?
A. Yes. And it was interesting in the -- well, I don't know if I can talk about this. A psychiatrist during
the private hearings was asked what he would understand by the phrase "at them", and then he was asked, maybe I don't know who, the chairperson, "what would you be looking for?" He said he would not be looking for sexual abuse or even physical abuse if a child said, "somebody is at me." He said, "I would want to know is anybody being unkind to them." So it was a phrase that was certainly not understood in terms of sexual or physical abuse.

Q. Mr. Murray's tenure in the school came to an end?
A. It did.

Q. He left halfway through his tenure, is that not correct?
A. That's right, yes.

Q. Can you shed any light on why he left?
A. I think that's in my evidence.

Q. He went elsewhere?
A. He went to Drogheda hoping for an increase in wages and the conditions there didn't suit him there for some reason and he came back to Kilkenny.

Q. Is there any evidence to suggest that inquiries were made by Sr. Joseph Conception or by anyone else from the place that he had gone as to why he wanted to come back?
A. No. And I have spoken -- we have spoken with the Sisters in the school, was it Drogheda or Dundalk, one of those places, and their response to me when I made the inquiry was to the effect that he just wasn't happy because he wasn't in charge of the group. There was a
Sister in charge of the group and he was her assistant and he wanted -- the position wasn't the position he wanted. He had been in charge of the group in Kilkenny.

Q. So he returned to the same position in Kilkenny?
A. He did.

Q. And took up again as house master in Summerhill?
A. As I understand it, yes.

Q. In the intervening period, another man who was not yet been brought before the courts was the man in charge, is that correct, BOR, are you familiar with him?
A. I am -- what's the name? I am sorry, I don't know who you are referring to.

Q. We will just assist you, Sister, by making a written note of it. (NOTE HANDED TO SISTER).
A. Oh yes, I have heard his name, yes.

Q. Just so that the members of the Commission aren't in the blind about this, would you mind handing that into them (SAME HANDED TO THE COMMISSION)?

THE CHAIRPERSON: Very good.

Q. MR. MAHER: He's a man in respect of who complaints were made; isn't that correct?
A. I have just gone blank now. I don't remember. I remember his name. I am not aware of -- am I aware of? I don't know if I am aware of complaints being made against him. There were allegations made against many of the staff.

Q. Yes. So allegations made against many of the staff?
A. Different kinds of allegations.

MR. BUTLER: Could I just suggest that Mr. Maher might be more specific, it might help jog the memory because this does come as a surprise to the witness when documents were put to her to help her prepare her evidence and to have things put to her. I am not making a technical objection because they were not included in the documents.

THE CHAIRPERSON: It is difficult for somebody to deal with things that have not been flagged. The advantage of having things flagged is, I suppose to put it bluntly, one can criticise the witness for not being familiar with things. But if it is not flagged, it often puts the witness in a very difficult position, who might give some incorrect factual information. Take it completely innocently, someone might say something completely wrong and then have to be writing in to correct it and giving the wrong impression. That's the difficulty.

MR. BUTLER: If I may say so, Chairman, all the more so in the context of somebody who doesn't have firsthand knowledge of any of these.

THE CHAIRPERSON: Precisely, yes. It is probably not terribly illuminating, Mr. Maher, to be debating something that we cannot really debate. We are aware -- if it has

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happened in our private hearings, we know where we are, we have to comply with the legislation, we know where we are going. If it is something else, it is very difficult to discuss something in the dark, even though it is very proper that perhaps it should be in the dark. But it is very difficult to do it.

**MR. MAHER:** Chairman, the position is that following consultation with my solicitor and Mr. Byrne, we -- or Mr. Lannigan, flagged certain judgments of the High Court which we intended to rely on and I am not seeking to depart from anything that's isn't in the judgments.

**THE CHAIRPERSON:** I understand. It is not a criticism, Mr. Maher.

**MR. MAHER:** I know it is not a criticism. I do not to be unfair to the witness. But I do like to point out that we did flag...(INTERJECTION).

**THE CHAIRPERSON:** Rightly or wrongly, Sr. Una is not familiar with the detail of the judgments other than, I assume, the one that she attended. That's rightly or wrongly.

A. I didn't think I would be asked about the High Court judgments.

**THE CHAIRPERSON:** I understand. There it is, that's the situation, Mr. Maher. But it doesn't stop you making any point that you want to make by reference to the judgments in the course of a submission. I mean, I don't want in
any way to inhibit you. I may say, Mr. Maher, I am a
little bit -- let's put it this way, I am a little bit
doubtful as to the impact, even if Sr. O'Neill agreed
to that, entirely with you about what is said in the judgment.

MR. MAHER: I am not really putting
what it says in the
judgment.

THE CHAIRPERSON: All right. I said it
before, so I don't want to
weary you with that.

MR. MAHER: I understand that. I am
not going weary you,
Chairman, on it either.

Q. THE CHAIRPERSON: Sister, can I ask you a
question, arising out of
what Mr. Maher is saying. Obviously, an issue
canvassed in the judgments and an issue that we have to
look at is what was the state of knowledge of the
management of the institution, to call it that? What
was the state of knowledge of the management of
St. Joseph's in view of certain things that were said
by the boys? One of them undoubtedly is, as you say,
that this person was at them? Now, we now know what
that meant. So, doesn't it follow from this, it
strikes me there are two possibilities, "I, the
management, knew about it and weren't able to
comprehend it in some way, didn't handle it properly."
That's possibility no. 1.
Possibility No. 2 is faced with information of a complaint by boys, possibly not that clearly expressed, the management didn't find out what the true complaint was. The second point is still a very serious failure, one would think. Because if I am in charge of a home, or whatever, and a child comes with a complaint, surely I should be aware, I should have enough skill to find out what the real complaint is.

Now, that's is question, it is a comment, it is an observation, I would like to know what you think about it because it strikes one as being a criticism. Assuming the completely innocent explanation that the management did not work it out, why on earth didn't they. Why didn't they say, "what do you mean he's at you?" And go down and check with the other children. "Is he at you?" It is not such a mystery or it is not a technical term. Can you understand what I'm saying? That's my puzzle.

A. I can understand what you are saying because I would have struggled with this as well and I am not sure that I can give you an answer. I am not sure I can give you an answer. I tried, we tried to set it back and of course nobody wants to hear this, I know, but maybe you do, to set it back within the context of that time.

Q. THE CHAIRPERSON: This is the early 1970's.

A. It is the early 1970's and within the context of everything that was going on at that time in that place. Now, I could be wrong here, but it was at
maximum three and at minimum two of the boys who say they told her.

Q. THE CHAIRPERSON: Yes.
A. The others, we have written letters saying "we, the boys, know you did not know." So I struggle with all that.

Q. THE CHAIRPERSON: That controversy has raged?
A. I would love to come with and meet answers to what you are saying.

Q. THE CHAIRPERSON: That controversy has raged of course and some people say, "we support the management and the manager and we think she was great and therefore we believe that she couldn't have known." And it is all reflected in some of the judgments, but I am going a little further and saying suppose one child came and says to a manager, to somebody in charge, today, "somebody is at me"?
A. Yes, for sure.

Q. THE CHAIRPERSON: Well manifestly.
A. Absolutely, you would do it today. Well, you would do it, I might do it, someone else might do it, somebody else might not do it. Today, obviously, you would do it. The child wouldn't even need to say "at me", the slightest complaint would be investigated. But I think there is an ocean of knowledge and understanding that we have gained in that time. If I thought for one minute that we knew and did nothing I would say it. But I cannot come to that conclusion in all honesty in everything that I have heard and read. That we knew...
and did nothing.

That's at a certain level. I mean, at a legal level you can argue balances of probabilities.

Q. THE CHAIRPERSON: I am not talking at a legal level?

A. No, you are not and I appreciate that. Could I just say, that anyone who knows or knew Sr. Conception would not accept that she knew and did nothing. There are other ways of putting it, as you have said in your first two alternatives. You know, if you watch her relationship with these very same boys, even on Sunday, you would know, you would believe that they do not think that she knew they were being abused. What she thought, what she didn't think, what they said, what they didn't say, that's another issue. But their relationship with her, thank God, is undamaged. I feel that if they seriously believed that she knew and did nothing they certainly wouldn't be in a relationship with her today and they are.

Q. THE CHAIRPERSON: I am not asking you to decide that issue --

A. I can't, no.

Q. THE CHAIRPERSON: -- because I am simply taking the alternative, which is the position that --

A. And I couldn't.

Q. THE CHAIRPERSON: -- possibility B that she didn't know, I am saying if
she didn't know --

A. Why didn't she...(INTERJECTION).

Q. THE CHAIRPERSON: -- but she was told these things it would have meant -- sorry, would it not have meant that she should have inquired and not just take it and assume that if somebody says, "he is at me", or even then. I mean it is not that long ago. I wanted to offer you an opportunity and it is a difficult one. All right.

Q. MR. MAHER: Thank you very much.

Coming back to that,

Sister, you are suggesting that if a child had complained of sexual assault that something would have been done, isn't that effectively what you are saying?

A. Yes, I am saying that. I mean, in the private hearings that was gone into in great detail, as to what was said, the language that was used and there is conflicting evidence there, even from the people who went to Sr. Conception and to another Sister. They even said -- their own testimony is conflictual, within their own testimony, as to what was said and who said what and if it was said and if it was not said.

Q. The incident which occurred in the 1950's, which was referred to at page 1 of the folder 2 of the discovery by the Department of Education and Science?

A. Yes.

Q. Suggests that in 1954, when a girl complained about the conduct of a male employee she wasn't believed?

A. That's right.
Q. Could it not have been exactly the same situation in the 1970's?
A. Are you -- in asking me that question is the presumption being that the child explicitly said he was being sexually abused?

Q. I am asking you to consider whether it is the case that a child may have complained in the 1970s of sexual assaults to Sr. Joseph Conception?
A. I think I have already answered that insofar as I can.

Q. If a child wasn't believed in the 1950's, why would the child be believed in the 1970's?

THE CHAIRPERSON: That's a non-sequitur, Mr. Maher.

MR. BUTLER: It is also a slightly false premise.

THE CHAIRPERSON: There is about ten objections to it, but let's take one. But it is a comment, Mr. Maher.

Q. I accept that, Chairman.

MR. MAHER: Going back to the -- we better deal with the 1954/55 incident. It is a fact that in that case a child complained of sexual assault by a male employee; isn't that correct?

A. We are not sure of the language that the child used and certainly she didn't use the word sexual assault, but she was sexually assaulted, yes.

Q. That only came to light because of the intervention of Dr. Anna McCabe from the Department of Education; isn't that correct?
A. That wasn't exactly true. There was a sequence of events leading up to that and in the course of her going down and inquiring about why the children were going be moved out of St. Joseph's, she then uncovered this when she interviewed each child because the thing was so complex that she needed to interview each child. It was during those interviews that it was discovered.

Q. What was discovered by Dr. McCabe is that, I think, three children had been sexually -- seriously sexually assaulted?

A. Indeed, yes.

Q. What action was taken on foot of that discovery?

A. By?

Q. By the Congregation? The employee I think was dismissed?

A. Oh, I beg your pardon. There was a meeting. I think it was in my first evidence. I think there was a meeting with Dr. Anna McCabe, another member of the Department. Just bear with me while I find that.

THE CHAIRPERSON: This was fairly extensively dealt with, Mr. Maher, in the opening public hearing. I know that Mr. MacMahon, I think, dealt with it.

MR. MAHER: Yes.

THE CHAIRPERSON: I don't want to stop you, but...

MR. MAHER: I only intend dealing with it very briefly.

A. There was a meeting held on 5th November 1954 in
St. Joseph's and Dr. Anna McCabe, Mr. Rafferty, who was the assistant secretary to the Department of Education, the Superior General of the Sisters of Charity and the parish priest and the Resident Manager were there at that meeting and in the course of it a question was asked as to what action should be taken in regard to the employee. The priest requested that no prosecution would be taken against BLANK and he gives his reasons are -- and I quote -- oh, I nearly named him.

"While he deserved penal servitude, the court case would put the convent in great disrepute and four of the children concerned would have to give the necessary evidence, would leave an indelible impression on their minds and on the minds of the other children that could do immense harm."

So, the priest said that he would talk to BLANK and put the fear of God in him and a decision was reached...(INTERJECTION).

THE CHAIRPERSON: we decided not to name.

A. I am sorry.

THE CHAIRPERSON: Don't worry, and I think it happened from time to time. And everybody exercises their judgment about it. I understand. It is difficult, especially when you are reading something and it hadn't been redacted. It is not easy to ignore names.

A. It would appear that Anna McCabe and the priest agreed that there would be no steps taken towards a prosecution. The report then was signed by Mr. Rafferty and Dr. Anna McCabe.
Q. MR. MAHER: In the aftermath -- please continue?

A. I am just saying the Minister obviously agreed with their recommendation and also agreed with Anna McCabe's recommendations concerning the placement of the girls involved.

Q. THE CHAIRPERSON: And the girls were moved?

A. They were, nine of them, I think. Was it? Six or nine. Nine.

Q. THE CHAIRPERSON: And the bishop wasn't told to spare his blushes because of his age and state of health?

A. His hearing was bad.

Q. MR. MAHER: What is interesting about that, as you have described it, is that the Provincial of the Order was involved?

A. Yes, the Superior General.

Q. That the position that you now occupy?

A. Except in those days there would have been no -- subsequent to that we were divided into provinces or regions, so now they would Provincial Superiors and Councils, then the Superior General would have had more immediate contact with all of the houses.

Q. Following on that discovery was any procedure put in place to safeguard children?

A. Not that I know of.

Q. Insofar, I know I am going back to Mr. Murray, insofar as Mr. Murray is concerned why was he actually dismissed what was it that led to his dismissal?
A. If you just give me a moment.

Q. Of course.

A. Yes, the circumstances of David Murray's dismissal we were told that one of the children came to Sr. Conception in the yard and made a complaint again that Mr. Murray was at them and they weren't able to stick it. So she went later on that evening and told him he would have to go because the boys were unhappy.

Q. Yes.

A. And she maintains then that she phoned Mr. Granville and she told him that he had dismissed him. He says that she didn't phone him. That evidence is conflictual. There was no evidence in the Department's records to say she phoned. But she's adamant she did.

Q. I am going to deal with that in a second. But I am just wondering what was it that differentiated the complaint that led to the dismissal from the other complaints that had been made, can you assist the Commission?

A. Yes, I think there were two things that were different. First of all, it was the accumulation of complaints leading up to this particular one. I think also that the boy concerned was a senior boy, she had known him, as she said herself in her own evidence, inside out. She trusted him completely and believed at that point then, given the accumulation of complaints and the fact that he came and said, "we can't put up with it any longer", that galvanised her into action, so far as I understand it.
1 194 Q. Mr. Murray was dismissed?
2  A. He was.
3 195 Q. We know then in 1979 in a document which is in the
4 Department of Education discovery folder 2 at DEJK
5 166-003, I think it is. That Lusk made inquiries from
6 Sr. Joseph. I am just looking for the letter?
7  A. They asked three questions.
8 196 Q. I will just open that for you. It is dated 16th
9 Lunasa, which I think is July 1974 -- August, just goes
to show you:
11 "Dear Sr. Conception, I wish to refer
12 to Mr. David Murray who has been
13 offered a post at house master in Scoil
14 Ard Mhuire, Luisk, Co. Dublin. Mr.
15 Murray has claimed service in your
16 residential house since from 1972 to
17 1976. Perhaps you would be good enough
18 to state: 1- the nature of the post
19 occupied by Mr. Murray; 2- whether the
20 service was full time and satisfactory;
21 3- the first and last date of service".
22 The reply which was sent by Sr. Joseph Conception,
23 which was...(INTERJECTION).
24  A. 21st August.
21 197 Q. It is dated 21st August 1979.
22 "Dear sir, with reference to your
23 letter of 16th August re Mr. David
24 Murray."
25 And it refers to another man, there is no allegation of
26 any nature against him.
27 "Both men were in employment here as 1
28 house father; 2 trainee childcare
29 worker."
Which refers to another man. Can you explain to the Commission why that is Sr. Joseph Conception didn't see fit to warn Lusk, who were about to take him on as a house master that he had been dismissed because he was unsuitable for children?

A. Yes, I think that was explored in the private hearings, particularly by the Chairman. In answer to that Sr. Conception said that people -- well now, she didn't say this, but what came through in the answering was this was a kind of pro forma response and that anyone with a bit of wit would have lifted the telephone and said, "look, you have said and given the basic information about David Murray and what he is like." She says that when anyone phoned her about the reference -- this is on page 30 of her own evidence, that she said that David Murray was unsuitable.

Q. Well I don't have access to that.

A. I appreciate that.

Q. But can you assist me in relation to this, did Sr. Joseph Conception not think it incumbent upon her to lift the phone and warn Lusk as to Mr. Murray's character?

A. I have no idea. The fact was in addition to that that Mr. Granville was on the interviewing board in Lusk and she maintains that she told him, so maybe she thought that he should have known.

Q. This is something that Mr. Granville...(INTERJECTION)?

A. Indeed, he denies that.

Q. Insofar as that ...(INTERJECTION)

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MR. BUTLER: He didn't deny he was on the interview board.

Q. MR. MAHER: But he denies he was told?
A. He does.

THE CHAIRPERSON: The reason why this is exceptionally difficult is that we are also dealing with cases where people have given evidence in the High Court, which has been in public, but obviously we are better off not exploring too much -- well, exploring at all what people said in our private sessions because that's a position we are obliged to respect.

MR. MAHER: Just, as you know, Chairman, and the members of the board will know --

THE CHAIRPERSON: I understand.

MR. MAHER: -- we have no knowledge of what went on in private.

Q. THE CHAIRPERSON: Yes. I suppose the point about the letter, Sister, which is obvious from looking at it, is that by referring to Mr. Murray and a perfectly innocent individual against whom there is no stain or blemish or allegation of any kind whatsoever, by putting them together an impression is being given?
A. One could read that into it.

Q. THE CHAIRPERSON: So on one view, yes, it is very bald but on the other by including two people, one of them -- I mean, that's
really, at the height of it, as what one can gather from simply looking at it. But as you say we have had evidence about the exact circumstances as one would expect and this very issue has been explored up and down. So it is a little bit -- while there it is, that's an issue. But at the same time we can simply draw attention to the fact that it has been explored in a great deal of detail as one would expect.

A. Yes, indeed.

Q. MR. MAHER: Insofar as Mr. Brady is concerned, Mr. Myles Brady, I know that you say that these people were vetted and they were trained and for that reason you have placed trust in them, but Mr. Brady had apparently previously taught in a school, I think, in Durham in England?

A. That's correct.

Q. St. Peter's Boys Catholic School, can you establish as to whether any inquiries were made as to his character in that school before he was taken on?

A. Sr. Conception maintains that she sought references from the school which he had been in prior to coming to Ireland. We know subsequently that although the facts that were presented by the witness in the private hearings were in fact the opposite of what had happened. We know that those references were excellent references because those references got Myles Brady a position in a school in England where he continued to abuse and they didn't even apply to St. Joseph's for references because they were so good. Although indeed
that evidence was -- the opposite evidence was given by a witness in the private hearings, which was a bit confusing.

Q. Dealing then with the issue of when Mr. Murray left -- or Mr. Brady left?
A. June 1977.

Q. June 1977?
A. Yes.

Q. Would the Department of Education advised about that?
A. As far as I...(INTERJECTION)

THE CHAIRPERSON: Sister, I don't think it is fair to say that the opposite evidence was given?
A. Was it not? No. I thought the impression was given that...(INTERJECTION).

THE CHAIRPERSON: A person made it clear that he did not have direct knowledge of his own, he didn't have direct knowledge?
A. Of?

THE CHAIRPERSON: But he was aware of somebody who had -- in fact, it was Mr. Butler and Mr. Moore who very helpfully provided information about a court case that had unsuccessfully been brought and it had been appealed and, as I say, we were grateful to the researches made by Mr. Butler and Mr. Moore for producing the information as to the evidence that had been given.
A. Yes.
213 Q. THE CHAIRPERSON: But certainly nothing was said directly except other than what had been reported by somebody. Isn't that correct, Mr. Butler?

214 MR. BUTLER: What the person did say is that he had considerable inside knowledge from a solicitor in England.

215 THE CHAIRPERSON: I'm sorry, you are right. MR. BUTLER: Who had represented the judgment in a particular way. Somewhere along the lines someone had got the wrong version of events.

217 A. I am sorry, I shouldn't have raised that.

218 THE CHAIRPERSON: Can we please avoid references to what went on in the private hearings before we all get into trouble.

220 A. Yes.

221 Q. MR. MAHER: So, Sister, insofar as Mr. Brady is concerned he was dismissed in the summer of 1977, Whit weekend 1977?

223 A. He was. That's right.

226 Q. As I understand it, Sr. Joseph Conception and a member of the Garda Síochána went to Dublin?

228 A. That's right.

230 Q. He was on some type of weekend off?

232 A. That's right, it was Whit weekend.

234 Q. Apart from the dismissal of Mr. Brady what other steps
were taken to protect future employers and their
charges from Mr. Brady?

A. Future employees? Employers?

Q. Employers and their charges?

A. Well, again I am going have to quote what
Sr. Conception said at the private hearings.

Q. Well you better ask the Chairman about that.

THE CHAIRPERSON: well I think you shouldn't.

A. Well she did explain that insofar as she could.

THE CHAIRPERSON: well then if she did and
she did, in fact, and this
was debated, the trouble is -- the trouble is
Mr. Maher, let's leave aside what the legal
restriction, just for the moment, is. If we have
actually debated it in detail, as I say, as you would
expect it to be debated, it is unsatisfactory to debate
it again in truncated form or using blanks or whatever,
at a subsequent stage in public. And it is clearly
something that we have to look into, investigate,
analyse and report upon. But there is a specific -- I
mean these hearings were held otherwise than in public,
i.e. in private, in camera, whatever one has to say,
and in that situation they are confidential. So there
it is, it is confidential it is confidential, it is
heard in private.

Q. MR. MAHER: Sister, passing then to the
letter from Edward Murphy,
which is at BDKK 01-0051/1 of the diocesan discovery,
do you have that, Sister?
A. Sorry the letter of?

Q. It is a letter from Mr. Murphy?

A. Yes. Yes, I have it.

Q. It is to Sr. Conception with a copy to the bishop; isn't that right?

A. That's right, yes.

Q. I don't know whether this has been debated and I presume that it has been debated to a great deal in private. But can I suggest to you that any person receiving a letter like that should have immediately conducted a detailed inquiry into Mr. Murphy's concerns?

A. Yes, that question was asked in great detail at the private hearings. Can I just refer you to what I said in my evidence in the first hearing?

Q. Yes, what page?

A. This is page 97. This is my own document now. I say there that:

"Sr. Conception did not respond to the contents of this letter in a manner that in hindsight would be deemed appropriate. Myles Brady," I can name him, "was a trained childcare worker. She trusted that he was doing his job in a professional and caring manner. The resignation of the person who wrote the letter is noted in an addendum to.".

That's not particularly relevant. Reading that letter I would have to agree with you, it is a letter that one should have responded to. The Sister in the private hearings did offer an explanation. I don't know if you could call it an explanation, but she commented on it
Q. Thank you for accepting that. It is just in your statement of proposed evidence to which you have referred us, you say that:

"Sr. Conception did not respond to the contents of this letter in a manner that in "hindsight"."

A. Yes.

Q. I have to suggest to you that hindsight is not relevant in the circumstances of this letter?

A. Well, in a technical sense I suppose it is, in hindsight, if I got a letter like that today I would nearly call in the Gardaí. In those days if you got a letter like that I suppose you might not take as dramatic an action. I mean, there would be all kinds of systems in the process today that you have to do this, that and the other. In those days there weren't in any organisation, those systems of child protection.

THE CHAIRPERSON: All right.

Q. Well, I am going suggest to you, Sister, that that letter, even in the 1970's, was a letter of great seriousness?

A. I agree.

Q. And required the recipient, who is in care of children, to inquire into it further?

A. I can't really respond to that without speaking about the private evidence.

THE CHAIRPERSON: I think we will leave it at that.
Q. MR. MAHER: There is one matter, Sister, and I just want to ask you to comment on it. Again, it is in the diocesan discovery. It just goes before this particular letter. It appears to be a handwritten note and it is no. 9 in the diocesan discovery, BDKK 01-0050. Do you have that, Sister?

A. Is it in the beginning of your folder?

Q. It will be put up on the screen for you, Sister. Do you see that note?

A. Oh that one, yes, I do indeed.

Q. Have you any idea whose writing that is?

A. I don't know how to answer that really now, because all of that was explored again in the private hearings. It is Dr. Birch's writing, I understand.

Q. I see. In that note it is clear that reference is made to a threat to resign by Ed?

A. What appears to have happened is that he went to see the bishop and spoke with the bishop on one or two occasions. Sr. Conception wasn't aware that he had spoken to the bishop and then it is difficult. It is written a bit in code, as it would appear, as well, in terms of names and numbers.

Q. To begin with ...(INTERJECTION)?

THE CHAIRPERSON: We may as well know what the note says. The note says:

"Ed approached Sr. A to talk to boys re drunkenness etc. She promised to look into it."
2. She talked to boys one and a half hours, was shocked by what heard.
3. She asked B to stay off when off.
4. Some days later off duty beat a boy badly.
6. Mr. Granville investigating (Ed told) and had seen Ed's letter.
7. Phoned Mr. Granville -- knew nothing of it."

That's what the note says.

Q. MR. MAHER: Can I ask you about that, Sister?
A. Yes.

Q. Doesn't that establish that Mr. Edward Murphy had approached Sr. A to talk about concerns that she had about Myles Brady?
A. We don't know who that person is and we do know that it wasn't Sr. Conception.

Q. I see. The reference to drunkenness, isn't it a fact that -- I am sorry. Is it a fact that Mr. Brady had a problem with drink?
A. Yes, it is.

Q. So isn't the probability that this note refers to Mr. Brady's conduct?
A. I presumed it did. But on the other hand, I think Mr. Murphy said that he never saw him drunk. Or did he? I think he did. Maybe I am wrong now. I thought he said that he never saw him drunk.
Q. The note records that Ed, that would be Mr. Murphy, threaten to resign, but there was an offer of another job, but Mr. Murphy wanted an investigation and the offer was withdrawn?
A. Certainly we are not aware of any offer of another job, whether that was from another place or another institution, I don't know. The bishop must have had some knowledge of another job.

Q. Can I refer you to the letter of Mr. Murphy which we have just looked at, dated 23rd January 1977?
A. Yes.

Q. The very last paragraph:
"Having been assured that there is no chance of transferring to another group, I must therefore with even great reluctance submit this, my resignation."

A. Yes, but that was a transfer within the institution to another group, it wasn't another job.

Q. Is the inference to be drawn from the note, I appreciate this is difficult, is the inference to be drawn from the note that it was made clear to Mr. Murphy that if he withdrew the request for investigation he would be offered another job within the institution?
A. I don't think that's correct. I think Mr. Murphy himself said he wouldn't have used the word investigation. Oh sorry, that's the private hearings. It is all in my heads as a whole, I can't differentiate between the two.
THE CHAIRPERSON: I appreciate the difficulties. I think the best you can do, Mr. Maher, is to draw attention to the documents as they stand, bearing in mind that they are matters that we have been over and they are clearly important matters. It is very hard for a witness not to refer to other matters ranging over possibly what has been said in public at Phase I, as well as what's been said in private.

Q. MR. MAHER: In any event, Sister, we know that Mr. Brady, who was not sacked after the receipt of that letter?

A. That's true.

Q. And it was also a known fact that a visitor to the premises was sexually assaulted by him?

A. That's correct.

Q. Some five months later?

A. That's right.

Q. Just bear with me for a moment.

A. Sure.

Q. Thank you, Sister. I just wanted to ask you finally in relation to a member of the religious order who left in 1990 because she had been severely -- she severally corporally punished three children in her care; isn't that correct?

A. Yes, there were a number of claims against her made by one person, yes.

Q. She left and went, as I understand, on a mission?

A. She did, a year later.
Q. I know that a member of the board asked you a question, I think, at the original hearing as to what steps were taken in relation to that nun, to prevent her coming into close contact with children again?

A. Yes.

Q. And I think your reply was that you were going look into it?

A. That's correct.

Q. Can you assist the Commission in relation to that?

A. Yes, I can. Can I just say about that person that she was taken out by the then Provincial, I presume, within a month of that second meeting between the programme manager, the care staff and the Resident Manager, and it is just interesting that, you know, no allegation was ever proven against the woman and nobody ever said they saw her slapping. She herself said she slapped two of the boys and the guards brought them back and they had gone to the quarry playing and they put some kind of lighting thing into an old woman's letter box and the guards brought them back and she beat them in front of the guards. However, that's not your question. Your question, it was the former Superior General, Sr. Francis Ignatius Fahey, who wrote a letter to the Provincial Superior in Zambia advising her that Sr. BLANK was not be -- sorry, I shouldn't have named her. That that person was not to be placed in charge of children.

Q. So a letter was written?

A. It was written. I think we sent it in. Did we send
it?

THE CHAIRPERSON: Yes.

MR. MAHER: Thank you very much, Sister.

END OF EXAMINATION OF SR. O’NEILL BY MR. MAHER


SR. UNA O’NEILL WAS FURTHER QUESTIONED, AS FOLLOWS, BY THE COMMISSION

MS. McGOLDRICK: Good morning, Sister.

A. Good morning.

Q. Before I deal with some of the issues that may have arisen follow the Phase II hearings.

THE CHAIRPERSON: Ms. McGoldrick, you are not coming into the microphone, if you pull it closer to you.

Q. MS. McGOLDRICK: Sorry. Before I deal with some of the matters that have arisen as a result of hearings in Phase II, I would just like to ask you a couple of questions in relation to non-controversial matters.

A. Sure.

Q. I think in the course of your public evidence at Phase I you mentioned that between 1942 and 1956 some of the
Sisters attended a childcare course in the United Kingdom, could you tell the Committee how that came about?

A. Yes, it goes back to the fact that the Superior General at that time would have had direct contact with the houses throughout the Congregation in different countries and we did have a childcare home in Walthamstowe in London. She became aware of the courses that was there, that had started in 1948, I think, in Cavendish Square. It was set up following the publication of the Curtis Report. And it had the approval of the Home Office, who in fact awarded certificates as well.

We do have a letter of 12th May 1948 describing the contents of the course as six months theoretical and six months practical and of the six months practical, two months were to be spent in a non-Catholic home and four months were to be sent in a Catholic home.

It was then that she decided to send some of the Sisters from Ireland on that one year course. The first two went, I think it would have been -- actually there is a mistake in my original testimony, I discovered the other day, that date is wrong. 1948, I think she sent the first two. Thereafter Sisters went to do the long course and they also did several short courses in the course of the years following.

Q. Who provided the funding for the Sisters to attend that
course?
A. The Congregation paid for the Sisters from Ireland. I think later on there were grants from the Home Office for the Sisters who -- from Walthamstowe who had done the course, but anyone outside the jurisdiction had the pay for the courses. We do have a receipt here of 25th November 1957 to cost of training for 1956/57 course for Sister, and it names two Sisters, £60 sterling each. So that gives an idea of how much it would have cost.
Q. Do we know if any lay staff or lay care workers attend this course?
A. I think there was a course for lay people and this course was set up for nuns, it would appear. Later on, as I understand it, the two amalgamated and I know certainly some of our Sisters would have gone over in the late 1960's who would have done the course there and it would have been for everybody.
Q. How was it decided which Sisters would attend the course?
A. Well, I mean how was it ever decided who did what in that sense? I suppose if Sisters were going to be put into childcare the Superior General decided that she would send them there for the training, I would suspect.
Q. The reason I ask that, is that it would appear that the Resident Manager, Sr. Conception, didn't attend this course?
A. That's right.
Q. Is there any explanation for that?
A. No, and I have no explanation to offer, other than that there is some reference to the fact that managers and Superiors of religious houses could not be released for a full year to do a course because what would happen to the house or to the institution in the meantime? Now, in retrospect you say maybe they should have been the first people to go. But no, she didn't go. She went straight from her training as a Sister to St. Joseph's, Kilkenny.

Q. In terms of how do you think the course influenced the operation of the Industrial School in Kilkenny?
A. I think it was fairly obvious what happened because in England the group system was in operation and the course introduced the Sisters to the group system and part of their course, as I just said, included practical visits to different institutions, different homes to see how the method worked. In fact, there is reference in our annals to say, if I can quote it:

"The training in England has changed the whole attitude to the treatment of Industrial School children."

Now, the Sisters in Walthamstowe had also introduced the group system, with the assistance obviously of whatever Home Office or whatever the Government guidelines over there required it. So the Sisters, they would have seen the group system working and she herself -- because it is evident for two subsequent
homes St. Patrick's, Kilkenny being one and another one
in Dublin where the annals says -- Mother General says
we must introduce the group system. But in
St. Joseph's it just seemed to be a natural consequence
of them coming back and saying this is the best way to
do it. They would have come back then and that was
where the first break up of the institution happened.

Q. I want to discuss in general terms first the
relationship that the Sisters of Charity have with the
particular diocese in which any community is located?

A. Yes.

Q. Just in general terms what is the nature of a
relationship between a Bishop and a community of
Sisters?

A. Well the fact is that as a Congregation we have what
you call central government, which means that, unlike
some other Orders, we are not - how can I put this? -
we are not under the authority, the direct authority of
any Bishop. So we are administered centrally. Now, we
would obviously maintain good relations with the Bishop
and the only canonical requirement is that we inform
the Bishop if we are going to close a house and we ask
his permission, I think, if we are going to open one.
However, having said that it depended on the Bishop.
If the Bishop is interested in what we are doing and if
there is a good relationship between them then there
could be a great deal of interaction between Bishop and
the local community. That would never have happened in
Dublin but it would have happened in other places that
were small. And it obviously happened in Kilkenny.

Q. Has that always been the situation, that he no direct
authority over a community of Sisters?
A. With us. And, in fact, it was one of the things we had
to fight for, because the Bishop of Cork wanted us to
have diocesan authority and we didn't go there for many
years, even though our founder is from there, because
he didn't like the central government idea. So we have
always that had central government, yes.

Q. In relation to discovery that has been made much of the
documentation relates to the relationship between Dr.
Birch, who was Bishop of Ossory between 1964 and 1981?
A. That's right.

Q. The reason I raise the point is that there are two
documents which can be read together and they have the
identification of DEJK059/059 and 60. They are two
documents that record the visit of a person from the
Department of Education and a Mr. Madden, who is a fire
surveyor. Their reason for the visit was dealt with, I
think, in Phase I. But what I think is interesting
from those documents is the degree to which the Bishop
seemed to be able to direct the activities of the
community. For example, he was able to direct that the
play ground in the industrial school would be closed so
that an adoption centre could be built. He was able to
direct that boys would attend schools in the local
community. More particularly, he was able to direct
that two houses would be built in the local community
to accommodate boys who were being difficult. This was
perceived as a bad idea, I think, from the documents, perceived as bad idea by the Sisters and also by the Department of Education.

A. That's the Department's interpretation of it. You are right in the sense that the Department certainly views all of this negatively. That's their interpretation of what happened. There is nothing that the Sisters would have done or been forced to do by the Bishop unless they wanted to do it for the good of the children. So while the Department interprets it as the Bishop coming on the heavy and making these decisions, there is no way, as I would understand, that the Sisters would have done it unless they thought it was for the good of the children.

Q. If I could read out the paragraph.

A. Of course.

Q. This is document DEJK059/059. This is note of Mr. Madden, who is the Chief Fire Surveyor. If you could turn to page 3 of that document. I think at the head of the page it has a handwritten page number of 64.

A. Yes.

Q. The first line is "other proposed developments are"?

A. I don't have a 64 on the top of anything. Oh, I do here. I beg your pardon, I have it.

Q. At the last paragraph on that page is:

"Dr. Birch's reaction to this pressing problem was to direct the Resident Manager to take an option on two three-bedroomed semi-detached houses in a nearby housing estate."
A. Yes.

Q. Then towards the end of the paragraph it states:

"The nuns themselves now realise that a pair of houses half a mile away would represent far more problems than advantages and will endeavour to persuade the Bishop to abandon the scheme. Any such expenditure would obviously be far better employed in building an additional residential block within the present site."

That, to me, suggests that the Bishop at the time had a greater say over the operation of the home than the Department of Education and by the Sisters?

A. Yes, I would think myself that that's what the Department might have thought. But I would suggest that, that was certainly not the reality, that anything the Sisters would have done they would have decided to do on the basis that this was for the best. Actually in relation to that, in a further letter later on I found it interesting in 060/3 with No. 67 on top of it. If you have that. It is not there. Wait until we see. No that's not the one I want. In one of those letters anyway, it is obvious that the Department do not want us. They are certainly not going to finance the new house, which was Beech Park, and they say we are going to persuade the Bishop that we now won't take an option. We went ahead, we moved the children into Beech Park. And Beech Park was one of the great successful small houses in the beginning.
So we went ahead, we did it, we paid for it ourselves, the Department wouldn't give us the money. We were, in fact, doing the group home system and the Department wouldn't support us it would seem to me. But I take your point, that's what is there. But I suspect that anything that the Sisters would have done, they would have done only in the best interests of the children. They would have listened to the Bishop, obviously. But they would have done what they thought was right.

Q. Just along the same lines, if you go back to the episode in 1954 involving the layman in St. Joseph's. There was a great deal of debate as to whether or not the Bishop should be informed?

A. That's right.

Q. The debate was along the lines and the presumption was that this was something that the Bishop should be advised of.

A. Yes.

Q. And how really could they get out of advising him, because he was old and frail and wouldn't appreciate hearing the episode. That also suggests that the Bishop had some sort of a supervisory role over the institution, or even that the Sisters themselves regarded themselves as being under some sort of an obligation to advise the Bishop. Would that be fair?

A. Could I express it just in a slightly different way? I would say that what happened, the abuse of the little girls was just such an appalling thing to happen that the Sisters seemed to not be party even of that
conversation as to what would happen. It seems to have been the Department and the priest on behalf of the Bishop -- well, without the Bishop knowing that he was acting on his behalf -- who made the decision. That would certainly appear to me to be the case, that that decision was made very much by the priest.

275 Q. That even puts it a step further, that the Department of Education would have considered that there was some sort of responsibility to advise the Bishop?

A. I really don't know. It certainly appears that the Bishop -- or the priest had a great deal of influence in that decision.

276 Q. Let me move forward then to the 1970's. We know that Dr. Birch was involved in or had some sort of connection with a complaint that was made in respect of Mr. Brady?

A. Yes.

277 Q. Would you expect -- or would Dr. Birch have had an expectation that if Mr. Murray was removed from his post, or that Mr. Brady was removed from his post for interfering with children, would he have had an expectation of being advised of that.

A. I have no way of knowing. Dr. Birch was extremely socially active, he had set up all kinds of services in Kilkenny, including on our grounds, the social services centre was set up on our grounds, and all these other things we wanted to set up. Whether he would -- I don't know. I would doubt it. He would have had no say in the internal day-to-day affairs of St. Joseph's.
to my knowledge. And I don't think he would have interfered. I think Sr. Conception's general evidence, not private now but general evidence would be that she had very little to do with the Bishop herself. I suspect it was the Superior and himself who might have talked about various matters.

Q. I think at that time the Bishop was very much involved in the operation of the industrial school in Kilkenny, Dr. Birch, at that time, in the 1960's and 1970's was very involved?

A. I think he was very concerned that the best would be done for the industrial school and he certainly was very interested in it. I am not sure how the Sisters would have interpreted that as something that they should kind of take great account of. He did advocate on their behalf and he looked for funding on their behalf. But he would have been going to the Department about many things, all the different services he wanted to set up, and he would have brought the industrial school into it as part of it.

Q. In relation to matters that may have arisen in Phase II and the state of knowledge of the community in Kilkenny in relation to sexual abuse, particularly by Mr. Brady and by Mr. Murray.

A. Yes.

Q. We have heard evidence from the various people who were involved in the removal of Mr. Murray from Kilkenny?

A. Yes.

Q. And I think as you have correctly said there are
different accounts that have been given by different
people of what was said at the time?
A. Yes.
Q. And that is a matter for the Committee to decide?
A. Yes.
Q. In relation to Myles Brady, we know that he was
confronted by Sr. Conception and a volunteer, a member
of the Garda in Dublin, at Whit weekend in 1977?
A. Yes.
Q. In the statement that you prepared for the emergence
hearings in July 2004 you said that the understanding
of Sr. Conception at the time was that Mr. Brady had
been physically abusing the children. Also in your
evidence you said that Sr. Conception would be giving
evidence that her understanding was that he physically
abused the children?
A. Mr. Brady?
Q. Mr. Brady, yes.
A. Did I say that? I did.
Q. If I can refer you to the evidence that you have given
at Phase I of these hearings and if you turn to page
142?
A. Of which now?
Q. Of the transcript, I beg your pardon.
A. Yes.
Q. This is a question, question 404 at the bottom of the
page, and this has been following some debate as to
what was known in 1977 by Mr. Brady. The Chairperson
asked you:
"Q. If I am understanding, there are going to be two positions on that: Sr. Conception is going say she didn't know there were allegations of sexual interference with him at that time."

And you say:

"A. That's right."

Over the page on 143.

A. Yes. If you go back, and maybe I'm jumping on you now, if you go back to question 400 there the Chairperson asked:

"Q. What did they confront him with?
And my answer there was that I had only read the statement of the Garda who accompanied her very lately. It was only then that I became aware that there was a reference to, and I want to use the right word and I can't know what the right word was. Wait until I see now if I can find it. John Tuohy's evidence. Yes, I think I have it here. That was the private hearing, was it?

THE CHAIRPERSON: I am not sure,
Ms. McGoldrick, we need to explore all this. It is going to land us into all kinds of complications, because we have the emergence hearings, Phase I, in public. In the meantime we have private hearings, we have court cases, three, some of which refer to this. We have criminal trials. I mean, we are going to have to make the best of what we have heard. But I am just not sure. Even that last one was
a question put by me trying to posit two different
situations, which was about knowledge and not -- I am
just not sure it is terribly useful.

MS. McGOLDRICK: My question, Chairman, was
going to be, and the same
objection may apply, my question was going to be is her
understanding of what happened in Whit Weekend 1977,
has that changed as a result of what she heard at Phase
II? That was my question.

A. Yes, I can answer that I think. I think I can answer
that. I think that, first of all, the term sexual
abuse was never used in the dismissal at any stage. I
think the word that was used, that Sr. Conception said
was that what Mr. Brady did was improper. I think
that's the way she heard it.

289 Q. THE CHAIRPERSON: But sex was being spoken
of.

A. Indeed, it was.

290 Q. THE CHAIRPERSON: Sex was in people's minds
when the Garda officer and
Sr. Conception confronted Brady in Dublin that Whit
Weekend. And that is contrary, indeed, to what was
said in the question and answer session, to the extent
that that is of significance.

A. Yes, that's true.

291 Q. THE CHAIRPERSON: That is a difference from
that.

A. It is a difference, yes. So, listening to the evidence
of that person and of Sr. Conception I would understand
that in the presence -- I mean, I think Garda Touhy
said that -- or that man who accompanied Sr. Conception
said.

THE CHAIRPERSON: There is nothing terribly
disastrous about mentioning
his name. But I think the difference between the two,
we have the Brady controversy and we have the Murray
controversy, they are different controversies.

A. Yes, they are indeed.

Q. THE CHAIRPERSON: And as to Brady, yes, when
the Garda and the Resident
Manager went to Dublin the allegation was sexual
misconduct?

A. Yes. And it was the man who did all the talking, and
"touched him improperly", that's the phrase Sr.
Conception says that Garda Touhy used. Garda Touhy in
fact himself says it on page -- he says it somewhere
here in his testimony that in the presence of Sr.
Conception Myles Brady admitted that he touched that
boy improperly.

THE CHAIRPERSON: There was an acceptance of
that?

A. Yes, there was.

Q. MS. MCGOLDRICK: The other area I want to
ask you about are the
protocols or procedures that have been put in place
from time to time to protect children.

A. Yes.

Q. I think, Sister, as you rightly said, pedophiles
operate in such a way that they carry out their activities in secret and it is very unlikely that they are going to be caught in the act?

A. That's right, yes.

Q. That has always the case?

A. Yes.

Q. And it is still the case today?

A. Yes.

Q. Therefore, it is very important to put in place procedures to try and prevent the sexual abuse of children.

A. Yes.

Q. In that regard I want to ask you couple of questions that I think arise as a result of the hearings in Phase II. We heard evidence that the community of Sisters in Kilkenny was divided into different work areas?

A. That's right.

Q. Some were involved in social services and some were involved in the care of children in the industrial school?

A. Yes.

Q. We heard evidence of a rule or a practice that where a person who is involved in one particular area of work was privy to information involving the activities of Sisters in other areas of work that was not something that would cross over. They were Chinese walls so to speak. We have heard that, without going into what exactly was said in the private hearings, we have heard that complaints were made to an individual who was not
involved, a Sister who was not involved in the care of children in the residential home.

A. Yes.

Q. And this rule was used to explain why the complaint was not passed on.

A. Yes.

Q. What is this rule and where does it come from?

A. I think I sent in a supplementary statement about that. I made inquiries of various Sisters within the Irish province, including former Superior Generals and former Provincials. The rule wasn't written anywhere, but it was understood that at meal times, when we began to talk at meals, and at recreation time we did not discuss our own ministry. There would have been reasons for that. One would have been that for confidentiality of the people that we were dealing with. I think I say in that, that we would still honour that today. For instance, Sisters working in Our Ladies Hospice wouldn't come back to their Community and discuss patients who were there, their names. They would never talk about that kind of thing. So the confidentiality of the children in Kilkenny would have been paramount.

Secondly, the Sisters were engaged in different ministries, they were trained to do different things. Some of them would have had very high profile jobs, like if you were head mistress of a school. Others might be doing something that was very quiet. So the
whole idea of boasting about your ministry, or making
others feel -- that would be part of the reason for not
talking about it either.

Q. Well this is a slightly different thing. I can
understand what you are saying there and I can
understand how there would be no need to pass an
information to somebody who had no interest in
receiving it?

A. Or no right.

Q. No interest or no right to receive it.

A. Yes.

Q. But supposing somebody came with a concern that was of
great interest to a Sister in a different field of work
and somebody that, if she had that information, she
would be in a position to act on, should that rule
still operate?

A. Oh, it doesn't operate now. Absolutely. She would
immediately go and report it. I mean in each of our
institutions now there are protocols for child
protection and for elder protection, in our hospice and
in the other various nursing homes we have, which would
preclude a situation ever occurring again as what
happened in Kilkenny. We would be under a very serious
obligation if we heard of anything happening that we
would indeed report it.

Now, when Sisters are employed by -- even our own
Sisters working in our own places like St. Vincent's or
Our Ladies Hospice, or whatever -- if you are reporting
to your line manager, first of all, which wouldn't be
Congregation at all, so if I am employed I report to
the person who is the line manager in that particular
institution. So, you know, we would follow the
protocols that any other lay staff would have to follow
in any of our institutions.

Q. But if I go back to the scenario where a Sister is
advised of a serious concern in relation to another
Sister's area of work.

A. Yes.

Q. Was it ever satisfactory that that would not be passed
on? Could it ever be satisfactory, even in the light
of what we have learnt in the recent years? Was that
ever an excuse?

MR. BUTLER: I don't mind this being
pursued in a general way,
but if it is being applied to a specific set of facts
dealt with in Phase II I think the implied premise to
the effect that the reason for not dealing with it, as
Ms. McGoldrick suggested, was this rule or custom of
the Order, I don't think that was, in fact, the
evidence given. The evidence, as I recall, was that
the answer would have been that a suggestion would have
been made to the person to go to the Resident Manager.
Then in a more general context this traditional custom
or rule was elaborated on in a further letter to the
Committee.

Q. THE CHAIRPERSON: I understand. Sister, do
you think that reticence in
discussing -- obviously everybody would respect the idea that if you are a carer in a hospital or working in a doctor's surgery, or whatever it is, you don't come home and blather about your patient. Obviously, everybody accepts that. Whether you are in a religious order or not in a religious order there is no problem about that. And, equally, that it is proper to report to a manager or your boss, whoever it is, everyone agrees with that. I think the question is: Insofar as there is a religious or congregational emphasis on silence or non-communication, do you think that creates a difficulty when you need to have maximum communication? Something like that.

In other words, in a context where people are caring for children, or whatever else happens to be the particularly important issues that have to be communicated, in circumstances where communication is important is it helpful I think is the basic point Mr. McGoldrick is at, is it helpful to have a religious community that regards itself as bound by a rule of not silence, but reticence? Now, something like that. Discuss. There is no perfect way of putting this question, but it is essentially an observation, a question.

A. Isn't it very difficult to communicate what was behind that because the way you phrase it I don't really recognise it. I know exactly what you are saying but I don't recognise it in the way we interacted with each
other in that sense. It would never have been thought of I think that if there was a serious issue it wouldn't have been brought to the appropriate channels. Do you know what I mean? So even in a school we wouldn't talk about our pupils. If something bad happened, say a teacher in a school had -- I don't know what she had done, she had got bad results in the Inter Cert, I don't think a Sister would come back who was the principal of the school and even say that much. She wouldn't say Miss so and so got bad results. It would have been very protective, maybe too protective -- and I think it would be the same today of the institute -- but it wasn't to prevent legitimate conversation. And it certainly wasn't there in anyway intended -- inadvertently it did, perhaps -- but intended to prevent the legitimate process of a complaint that was serious to the Community, and especially to Superior, who was overall in charge of what was going on.

Q. THE CHAIRPERSON: I don't think there is any suggestion that it would be calculated or intended to do that.

A. No.

Q. THE CHAIRPERSON: But to go back to the school thing that you are talking about, Sister. If there is no discussion, for instance about punishment.

A. Yes.

Q. THE CHAIRPERSON: Suppose it is one of those...
schools where, like when I was at school, if there is no discussion about punishment then it might be suggested that it was open to each teacher to decide for himself, in my case, how much punishment he would do.

A. Right.

Q. THE CHAIRPERSON: whereas if you had more discussion it might be said, well, you are more likely to have a standard policy or stop somebody going over the top or losing his head, or whatever it was. So, in that context discussion of the job and the work has relevance. Do you understand? I don't want to box you into a corner.

A. I do, but your analogy falls down really if you think about it, because if you are talking about teachers who are all within a school, working at the same thing the difference from what we are talking about now is that we were engaged in a whole lot of different works. Say we had been a Congregation only engaged in education, like maybe the Brother or the Mercy Sisters, I could imagine them coming back in and talking about what was going on in the school. But there might only have been two Sisters in the school, say, in one of our houses in Dublin. There would be two over at the hospital. There could be three out in social work. That was why we didn't talk about it. And there was one house I can think of where most of the Sisters, funnily enough, were in education. I suspect there a lot of conversation would have gone on around. Maybe.
Q. So the short answer is really that the religious, if that is what it was, practice or understanding you say had nothing to do with the communication or non-communication of relevant information one way or the other.

A. I think that's true. I do think that's true.

Q. Another issue that I think arose in Phase II, a number of Sisters gave evidence who were teaching or looking after the children at the same time as David Murray and/or Myles Brady were working?

A. That's right.

Q. And also a number of lay workers gave evidence as to their recollection of David Murray and Myles Brady. I think in David Murray's case we know that he was the first childcare worker to qualify from the Kilkenny course?

A. Yes.

Q. And it was regarded as a bit of a coup to have him in Kilkenny?

A. Indeed.

Q. And we now that it was very difficult to recruit male staff. So most of them recalled him coming, most of them recalled him being very well regarded by the community, but none of them recalled his departure from the school, or from the institution. None of them recalled that he was fired for being harsh on the
children, or none of them had ever heard of there being any concern at the time. The same can be said in respected of Myles Brady. If you go back, and we are looking at the procedures and safeguards that should be put in place so that pedophiles cannot operate in a residential setting, was that not a failure on the part of the Congregation?
A. Yes, but the presumption, I think, behind your question then is that it was known he was a pedophile therefore, Murray for instance, things should have been put in place. I think, for instance, that they did know he was gone. I think they all said they knew he was gone. I think it was they didn't know why he was gone. Isn't that right?
Q. THE CHAIRPERSON: Was that a failure?
A. Which? That they didn't know why he was gone?
Q. THE CHAIRPERSON: That they didn't know why he was gone?
A. Was that a failure? I don't know. If a teacher in a school was dismissed should you tell the other teachers? I don't know.
Q. THE CHAIRPERSON: well, you were going back to the analogy of the school that you said wasn't the right one. It is hard to think of circumstances where somebody disappears suddenly that you would think it appropriate that nothing would be said.
A. So if you follow that through then, what do you think should have been done? Should she have assembled the staff and said I have dismissed Myles Brady -- or the other man, Murray -- because he was hard on the lads? Maybe. I really don't know. I mean I know what I should do now. I don't know.

Q. MS. McGOLDRICK: To stay on the area of protocol and safeguards. We know that David Murray sexually abused children in the school.

A. Yes.

Q. We know that Myles Brady sexually abused children in the school.

A. Yes.

Q. And there is debate as to whether the children made known that complaint?

A. That's right.

Q. Supposing we take it that no child made an allegation or made any Sister aware that they were being sexually abused does that not also suggest another failure in the system, that the children did not feel free to complain?

A. I think that was explored a fair amount in the private hearings and even the people who said they brought, in one case, brought the child to complain, I mean he gave varying interpretations of what was said, the language that was there to be used, the inability of the child to speak of sexual things and to put words on it. I think it, in retrospect, is a failure of the system.
Sr. Una O'Neill

At the time I don't think the language or the ability
to speak about sexual matters would have been possible.
That was a failure. But if you think of children in a
home, what kind of sex education did any girl or boy in
the 50's and 60's get? I mean, it varied, didn't it?

Q. Is there anything to be read into the fact that the
only complaint that we are certain that was made of a
sexual nature involved the sexual abuse of a child who
was not a resident of the school.

A. Not a resident.

Q. That that child was able to articulate a complaint of
sexual abuse?

A. Well, is there anything to be read into the fact that?
I have never thought about that one. I don't know. If
I can go back. What happen there was the two children
were out with -- I am getting confused now with who
they were out with. Myles Brady, was it? The two
children were out with Myles Brady, they came back, he
told the St. Joseph's child to go and was it make a cup
of tea and do something and in that space of time, two
or three minutes, he assaulted the boy. Now it was the
other little lad who picked up on it, wasn't it, that
something had happened? And it was he who went and
made the complaint. Was it because it was an outside
child? I really don't know. I have never thought

MS. MCGOLDRICK: Thank you Sister.

END OF QUESTIONING OF SR. UNA O'NEILL BY THE COMMISSION

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Gwen Malone Stenography Services Ltd.
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THE CHAIRPERSON: Now Mr. Butler.

Sr. Una O'Neill was then examined, as follows, by Mr. Butler.

328 Q. MR. BUTLER: Thank you Chairman. Just on that, is it your recollection that the complaint to Sr. Conception came from the St. Joseph's boy?

A. It did, yes.

329 Q. Still on that, can you just remind the Commission how quickly Sr. Joseph Conception reacted to that complaint?

A. As in the first one with David Murray she reacted almost immediately once she understood that something serious had to be done. So her reaction to that was almost immediate.

330 Q. You are talking about hours, not days?

A. I am, indeed, yes. Likewise in the case of David Murray.

331 Q. Her first reaction was to call the Garda who had done voluntary work in the school?

A. That's right.

332 Q. And she and he traveled to Dublin?

A. That's right.
Q. Had a conversation with Mr. Brady?
A. That's right.
Q. And dismissed him on the spot?
A. That's right, yes. And, in fact, he made a half page report to his superintendent on the matter. But as no formal complaint had been made it couldn't be pursued and Sister was never asked to make a statement.
Q. Just looking at the speed with which Sr. Joseph's Conception reacted once she got a serious complaint of what she understood to be physical abuse in relation Mr. Murray. How quickly did she react there do you know?
A. Within the same day. That evening she went to Mr. Murray.
Q. And dismissed him?
A. And dismissed him.
Q. On this same theme, Sister, the question of how Sisters in St. Joseph's responded to concerns or worries expressed by children and not exploring them, it was put to you by the Chairman in terms of there being a lack of skill in getting to the bottom of what was wrong.
A. Yes.
Q. In terms of childcare skills -- they are very developed now we know in terms of exploring these matters -- the childcare courses that you refer to, which members of your Order went to from 1948 onwards, have you seen anything in relation to the content of those courses?
A. I have, yes.
339 Q. They are in discovered documentation, and we can send additional copies, but is there anything in the description of the content of the courses dealing with sexual abuse or the safeguards to be taken in relation to possible sexual abuse of children in your care?

A. Not only that, but there is no reference to physical abuse in any of those courses. In fact, I think during the course of the private hearings evidence was given to that effect, that in any of the courses at the time there was nothing on that subject.

340 Q. That was in relation to the new what was regarded as a very progressive course instigated in Kilkenny?

A. That's right, yes.

341 Q. Which Mr. Murray graduated from?

A. That's right. If punishment was mentioned in that course, for instance, it was said it was in relation to the families, not in relation to the institution.

342 Q. Apart from the course that the Walthamstowe Sisters went to and the Kilkenny course, did the Order take any other steps to educate Sisters in childcare who were going to work in St. Joseph's?

A. Yes. A number of them did the course in Cork and the course in Waterford. Now, there were also, in relation to question asked by the Commission's counsel, there were a number of short courses. In fact, I have the timetable, which I found recently in the discovery, for the one that was held in Carysfort, and Anna McCabe was at it. There is a timetable for everything that was dealt with in that and there was no mention in that of...
anything to do with punishment or talk of physical or 
sexual abuse.

Q. Is it the same Dr. McCabe who wrote the report in 
relation to Mr. BLANK's abuse?

A. It was, indeed. There is a little press from the 
paper, there is a little bit in it that lists that she 
was there and various other people.

Q. It was commented on that Sr. Joseph Conception had not 
undergone any formal childcare training?

A. That's right.

Q. Would she have been a minority of the Sisters working 
in childcare in St. Joseph's in that regard or not?

A. At that time she would have been in a minority. In a 
curious way, I suppose, she herself was head of the 
family and she was considered absolutely ideal for that 
position, which in fact in me ways proved to be the 
case.

Q. Am I correct in saying that she had a number of jobs in 
St. Joseph's before becoming Resident Manager?

A. She was, she was in charge of a group herself for many 
years before she actually became Resident Manager.

Q. In terms of her position and, again, the failure to 
uncover what had happened to these sexually abused 
children, I just want to draw your attention to a 
passage. I will just read it to you, there is no need 
to refer to it, from Mr. Connellan's evidence in his 
High Court case. This is what was recited by the 
Judge. I just want to put it to you to see if it is 
consistent with reports you have had from other
children at St. Joseph's. This is Mr. Justice O'Donovan in his judgment at page 14, he quotes Mr. Connellan as saying:

"Indeed, he expressed great gratitude to Sr. Conception for all the help she had given to him after he left St. Joseph's and he said "she is probably one of the best people who has ever walked the earth". He said her only fault was that she was gullible, in the sense that she believed what people employed by her were telling her", and accordingly Mr. Connellan never told her about the things that had happened to him. As he said "Sr. Conception would not have understood."

He's referring to various forms of abuse, including sexual abuse.

A. Yes.

Q. How does that compare with other descriptions of experiences?

A. I think that would be fairly accurate if terms of other descriptions. There are those who would want to believe that she knew and did nothing but they are few, very few, in a tiny minority I would suggest. Anyone who knows the woman and watches her now with these very same children would know that their relationship with her goes beyond their belief or the suffering that they have undergone at the hands of those men.

Q. THE CHAIRPERSON: Do you agree with Mr. Connellan's evidence as to Sr. Conception?

A. Naivety. Do I agree with his evidence? I mightn't express it in those terms.
THE CHAIRPERSON: Let me go on to what I am really concerned about. If she was the sort of person who couldn't have been told about sex abuse understood the question occurs to me whether she should have been in charge of an institution for so long?

A. Yes, but the comment could also be made who would have understood at that time?

THE CHAIRPERSON: No, specifically Mr. Connellan is saying I wouldn't have complained because she wouldn't have understood, which is important.

A. It is important.

THE CHAIRPERSON: If he says somebody is very gullible, or whatever, and wouldn't have been able to -- but that does raise a big question.

A. If you put it in the context of everything else that has been said I think maybe it finds its place within a broader context.

THE CHAIRPERSON: We have to bear in mind that Mr. Connellan's evidence is being recorded and he's give ago few, and let's be realistic. I am asking a more general question. You couldn't have such a person in charge of a childcare centre. You couldn't have a person who was the sort who couldn't be told about something, who wouldn't understand, isn't that right?

A. Absolutely right. But I don't think -- I mean Sr.
Conception is an intelligent woman. She has shown extraordinary.

THE CHAIRPERSON: Mr. Connellan is doing his best for her and he is obviously very fond of her.

A. He is, yes.

THE CHAIRPERSON: And he's aware of the fact that somebody is going to be suggesting that she did know and he's doing his best for her, perhaps.

MR. BUTLER: But perhaps not doing her any favours in the long run.

A. Overstating.

THE CHAIRPERSON: Perhaps he is opening another door.

MR. BUTLER: What I was going to move on to in that very context was really to ask you in terms of her instant grasp of the seriousness of sexual abuse when it was put to her in terms that were clear to her.

A. Yes.

Q. Is that suggestion of gullibility and lack of awareness of the absolute unacceptability, is that consistent with the charge of gullibility?

A. Oh no, I don't think she was a gullible woman at all. I think that at that time the language wasn't there, nor indeed was the understanding. I think one other witness at the -- oh, I better not talk about the
private hearings.

THE CHAIRPERSON: No, wherever we go there is difficulty. There is a real issue between people, and I think it is reflect in the High Court cases, Mr. Butler, in fairness, there is a real issue as to the state of knowledge and it could easily be very unfair, particularly to Sr. Conception, to be getting a half version of what might have been the case, what might not have been the case when in fact we have a full version. It is something we have to worry about, we have to try to reach conclusions to the extent that it is necessary and it is an important feature of this area of St. Joseph's history.

MR. BUTLER: I don't want to stray into submissions now, but the point really I am trying to put across by this evidence is that whilst people's perceptions of her over a long time were very well placed to make these assessments, while they are of great importance of equal importance at least is her own actions when confronted with serious allegations.

THE CHAIRPERSON: Which is a fair submission and point to make.

A. Absolutely.

Q. MR. BUTLER: Could I pass on from that Sr. Una to something Mr. Maher raised in relation to Dr. McQuade's involvement and the identification of certain numbers of disturbed children in his 1973 December letter and
Can you assist the Committee in giving some sort of picture of the psychiatric supports that were arranged for children in St. Joseph's? In other words, did they ever see a psychiatrist or what role did any psychiatrist have in looking after the children's well being?

A. Well, just to give one instance is the fact that she herself would have paid for a psychologist or psychiatrist to come in and do sessions with the children, until she was told by the Department that she should be using their psychiatrist.

Q. This is Dr. Vincent Moloney

A. Dr. Vincent Moloney was a regular visitor. She trusted his advice and he had very high regard, as he heard in private hearings, for her and for her capability in terms of the institution. So he often called in and he often spoke. She would refer to boys to him. And we do have the reports in the boys individual -- I think we sent some of them in actually to Commission, of their interviews with him.

Q. That arrangement, for reasons we needn't go into, came to an end.

A. It did.

Q. On the advice of the Department of Education?

A. Of Mr. Granville, yes.

Q. Thereafter there was still psychiatric support, I think?

A. There was. If you read through the daily diaries there
was. I mean every effort was made between social
workers, psychiatrists and the care assistants to deal
with ever aspect of the children's psychological
health.

MR. BUTLER: Thank you very much.

END OF EXAMINATION OF SR. UNA O'NEILL BY MR. BUTLER

THE CHAIRPERSON: Very good. Now, Mr. Lowe,

have you anything to ask.

SR. UNA O'NEILL WAS FURTHER QUESTIONED, AS FOLLOWS, BY
THE COMMISSION

Q. MR. LOWE: I have just one question.

I read Dr. Paul McQuade's
letter in a very different way from the way that
Mr. Maher read it. It ends with the sentence "if I can
assist you" or something like that, I don't have a copy
of the letter. But it struck me that the whole letter
was describing things as he found it and was giving her
ammunition in order to get additional resources, which
is how she in fact used the letter, because she
appeared to have sent it forward and the Department
said capitation doesn't allow for extra money for
disturbed children?

A. Yes.
Q. MR. LOWE: If I am right, he is describing a set of circumstances where 80 children, 32 were disturbed, and that was not peculiar to December 1973 but had attained beforehand. This is my question: If that was the case, how long was this kind of intake common to the children coming into the school?

A. Could you just remind me what the date of that letter was?

Q. MR. LOWE: It was 12 December, 1973 I think.

A. I link it always with the letter that both the teacher, who also gave evidence for before the Commission, and Dr. Birch wrote where the both of them talk about the degree of disturbance in the children and the fact that there had been a shift in the kind of children being admitted. I suspect that in the earlier years the children who were admitted came from situations where maybe a parent had died, where a parent couldn't care for the children, where the ISPCC felt there was some evidence of neglect, or whatever. In the later years, especially the Health Board children, they would have been taken into St. Joseph's because of serious home disturbances. Now that covers a multitude. So, I would suspect that somewhere around there the kind of -- now, I mean the same kind of children continued to come but that there was a large element of children who were quite disturbed when they actually came in.

Q. MR. LOWE: We are talking from what
A. Let me see, I am no use with dates at all.

MR. LOWE: 60's? I only want an approximation.

A. When did the Health Board take over?

MR. LOWE: 70.

A. 70. Yes, you see you have all that thing in the...(INTERJECTION).

Q. MR. LOWE: The question really is if this had been the situation for some time, why was it not recognised and pushed through earlier?

A. But I think it was recognised maybe not in that professional language, but it was recognised in the efforts, for instance, to get extra tutors to the help the children.

Q. MR. LOWE: Was it raised at the Resident Manager's meetings, and so on?

A. I wouldn't have any notion, I have never read any of those. That would be interesting. I don't know. I don't have access to those.

MR. LOWE: Okay, thank you.

THE CHAIRPERSON: Now Ms. Shanley?

MS. SHANLEY: I have just two brief questions. Firstly, you have spoken a lot about the language that the children would have had available to them to explain what has happened to them. Have you seen Dr. Anna McCabe's
reports from her interviews with the children in 1954?
A. I have.

Q. MS. SHANLEY: Would you accept that they had absolutely no difficulty explaining what was done to them?
A. Yes, and it is in very personal language.

Q. MS. SHANLEY: It is. It is quite explicit and quite unambiguous?
A. It is.

Q. MS. SHANLEY: So certainly in 1954 there was no difficulty in explaining sexual abuse?
A. But remember that these were girls talking to Anna McCabe. You know, boys talking to Sr. Conception, I mean the language -- and when I talk about language I am talking about the use of phrases like "sexual abuse", like "pedophile" and all of those.

Q. MS. SHANLEY: well even not that, but to actually explain what was being done.
A. Sure, sure.

Q. MS. SHANLEY: I am just putting it to you that the language was there, whether it was used or not, the language was certainly there in 1954.
A. Yes, I agree.

Q. MS. SHANLEY: The other question I want to ask you, and it is just
to get back to something you said earlier on at the very beginning, that you had a difficulty apologising for what had occurred in Kilkenny. You said too that you believed that the responsibility for what happened belonged with the abusers.

A. Primarily.

Q. MS. SHANLEY: Primarily. So you would accept some responsibility? I am not clear about this.

A. Sure.

Q. MS. SHANLEY: You made the analogy with a parent and you said that if a child had been abused in a home and the parent wouldn't apologise to the child.

A. Yes.

Q. MS. SHANLEY: I am not so sure you are right. I think if a child is abused by -- if a parent lets a child down in anyway I think it is part of the responsible parent, of the a caring parent.

A. Well, obviously I am not a parent. But I some how can't imagine a parent saying I apologise to you for what happened. I think that a parent would take the child in his or her arms and I am so sorry for what happened.

Q. MS. SHANLEY: Is that not an apology?

A. I presume it was, but it was phrased in a way that gave me to understand there was a difference.

Q. MS. SHANLEY: Then would you be happy to
A. Absolutely, deeply sorry. And we have said it on four occasions, we have said it in public statements.

375 Q. MS. SHANLEY: And you would share in the general apology of the Orders that were made on behalf of the State and then the general apologies that were made?

A. In terms of all that happened in every home, including non-religious ones, I would share in that apology. But I would not be aligning myself with other particular Orders who might have offered public apologies. They did that because they felt that was what they had to do, I presume.

376 Q. MS. SHANLEY: And you don't feel that this is what you should do in this situation?

A. I feel that in our particular situation there is a difference, in that the abuse was primarily perpetrated by people in our employment. If I felt that it was Sisters who had perpetrated sexual abuse I would be -- I don't know that I would even be here. But it would be a different situation.

MS. SHANLEY: Okay, thank you.

END OF FURTHER QUESTIONING OF SR. UNA O'NEILL BY THE COMMISSION

THE CHAIRPERSON: Very good, thank you very much. All right, we will
Sr. Una O'Neill

sit again tomorrow at the same time for St. Patrick's.

THE HEARING THEN CONCLUDED AT 1:07 P.M.

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