

COMMISSION TO INQUIRE INTO CHILD ABUSE
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIDGE, DUBLIN 4

ON TUESDAY, 9TH MAY 2006 - DAY 216

EVIDENCE OF FR. JOSEPH O'REILLY

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY

MR. FRED LOWE

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

MEMBERS OF THE COMMISSION PRESENT:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

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

Instructed by: MS. E. McHUGH

FOR THE ROSMINIANS: MR. D. HARDIMAN SC
MR. E. LEAHY BL

Instructed by: O' DONOVAN

FOR THE DEPT. OF HEALTH: MR. B. O' MOORE SC
MR. C. DIGNAM BL

Instructed by: CSSO

FOR THE COMPLAINANTS: MR. E. McCULLOUGH SC
MR. M. CONNAUGHTON SC

Instructed by: LAVELLE COLEMAN

FOR THE COMPLAINANTS: MR. T. BRACKEN BL

Instructed by: MARGARET CAMPBELL

FOR THE COMPLAINANTS: MR. D. McGRATH SC
MS. S. BERKELEY BL

Instructed by: PEARSE MEHIGAN & CO.

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1 THE HEARING COMMENCED AS FOLLOWS ON TUESDAY, 9TH MAY
2 2006:

3
4 THE CHAIRPERSON: Good morning, everyone.

5 MS. FERGUS: Good morning, Chairman. 10: 31

6 This morning we are Phase
7 III of the Upton and Ferryhouse, the Rosminian
8 Institute. Fr. O'Reilly is giving evidence this
9 morning.

10 THE CHAIRPERSON: Yes, thanks very much. 10: 31

11 Good morning, Fr. O'Reilly.

12
13 FR. JOSEPH O'REILLY, HAVING BEEN SWORN, WAS QUESTIONED,
14 BY THE COMMISSION, AS FOLLOWS:

15 10: 31
16 1 Q. MS. FERGUS: Good morning, Fr. O'Reilly.

17 I am counsel for the
18 Commission. Can I reintroduce you to the Committee for
19 the purpose of the record. You are the Provincial of
20 the Rosminian Congregation and that's a position you 10: 32
21 have held since 2003; is that correct?

22 A. That's correct.

23 2 Q. You were director of Ferryhouse from 1996 until it
24 transferred to lay management and you have no direct
25 personal involvement in Upton? 10: 32

26 A. That's correct.

27 3 Q. So your current state of knowledge of Ferryhouse and
28 Upton stems from enquiries you made with members of the
29 Congregation and a review of the documents?

1 A. That's correct.

2 4 Q. You have also given evidence of course for two days in
3 September 2004 in Phase I of the Ferryhouse
4 Institution and on 26th October 2006 in Phase I into
5 the hearings into Upton. I think you have also
6 attended all of the private hearings to both
7 institutions?

10:32

8 A. That's right.

9 MS. FERGUS: Just so if you understand
10 the purpose of today's
11 hearing, as best you can you are going to deal with
12 questions from parties arising out of what may have
13 been seen as unresolved issues or issues that require
14 further exploration at this juncture. You will be
15 answering questions from Mr. McCullough and Mr. McGrath
16 on behalf of the complainants and perhaps from
17 Mr. Hardiman and myself. I hand you over now to
18 Mr. McCullough.

10:32

10:33

19
20 END OF QUESTIONING OF FR. O'REILLY BY THE COMMISSION 10:33

21

22 FR. JOSEPH O'REILLY WAS EXAMINED, AS FOLLOWS, BY

23 MR. McCULLOUGH:

24

25 5 Q. MR. McCULLOUGH: I represent a number of
26 complaints, Father, and I
27 want to ask you in the first instance about corporal
28 punishment in Ferryhouse and in Upton. One of the
29 things... (INTERJECTION)

10:33

1 THE CHAIRPERSON: Mr. McCullough, sorry, I am
2 finding it a tiny bit
3 difficult to hear.
4 MR. O'BRIEN: I can't hear, I have a
5 hearing problem. 10:33
6 THE CHAIRPERSON: Mr. O'Brien, give me a
7 chance to -- Mr. O'Brien,
8 stop for a second.
9 MR. O'BRIEN: We want to hear what's
10 going on. 10:33
11 THE CHAIRPERSON: I'm trying to tell you. I
12 know Mr. O'Brien has just
13 indicated to me that he can't hear. I am having a
14 slight bit of difficulty.
15 MR. O'BRIEN: Here's the proof I can't 10:33
16 hear, I have a hearing aid
17 and I can't hear with that. Will you please -- we are
18 the people who want to know, not these people who are
19 getting paid.
20 6 Q. MR. McCULLOUGH: One of the things you said, 10:34
21 Father, in September 2004
22 was that you couldn't say how much corporal punishment
23 was meted out, but that it was probably not worse than
24 most homes. You have heard a lot of evidence since
25 then. Do you want to add anything to those comments? 10:34
26 A. Can I just clarify, was I covering the entire period of
27 Ferryhouse? Is your question in relation to the entire
28 period of Ferryhouse?
29 7 Q. I think, Father, in fairness you are covering the

1 period largely up to 1970?

2 A. Certainly, I think, on reviewing whatever documentation
3 we have and having consulted again with people, I would
4 say that corporal punishment in Ferryhouse was at times
5 excessive. 10: 34

6 8 Q. Yes.

7 A. Perhaps it wouldn't be fair -- the comments I made at
8 that time in regard to a comparison with a home perhaps
9 wouldn't be fair. That said, I'm sure that there were
10 many homes in which corporal punishment was also 10: 35
11 excessive.

12 9 Q. Can I look back, Father, at some of the evidence we
13 have heard, without naming the names of any people who
14 gave evidence. I think it is clear from the history of
15 both of the institutions, but in particular for the 10: 35
16 period prior to 1970, that there was a great deal of
17 corporal punishment in both institutions?

18 A. I think there was a considerable amount of -- great
19 deal, yes. Yeah.

20 10 Q. It is also clear that that corporal punishment took 10: 35
21 place all over the premises and not simply in the
22 prefect's office?

23 A. Corporal punishment was generally supposed to be
24 administered in the prefect's office and from what I
25 can ascertain, I would say that it did happen there for 10: 35
26 the most part. I would accept also that it happened in
27 many other places in both Ferryhouse and Upton.

28 11 Q. Yes, you have heard a great deal of evidence which I
29 think you don't doubt, Father, that it happened

1 spontaneously, in quite a number of locations outside
2 the prefect's office?

3 A. Yes, I would agree with that, yes.

4 12 Q. And that everybody, every member of the community who
5 had any contact with boys, was entitled and felt
6 entitled to administer that corporal punishment as he
7 wished?

10:36

8 A. No, I'm afraid I couldn't agree with that. Certainly
9 the prefects administered corporal punishment, often
10 spontaneously for things that happened on the spot.

10:36

11 There were other members of the community who may have
12 had particular roles in regard to the boys whom I
13 accept would at times have administered corporal
14 punishment spontaneously, perhaps like a slap, or a
15 clatter. Some of those people might be people who had
16 direct contact with the boys at times, for example, if
17 there was a bandmaster or somebody else who was
18 directly involved with the boys. But I don't think
19 that every member of the community in every role would
20 have administered corporal punishment, I don't think
21 that we heard evidence that that would be true about
22 everybody. I can think of individuals that we did not
23 hear evidence about.

10:37

10:37

24 13 Q. I asked you about every member of the community who had
25 contact with the boys, they all seem to have been
26 entitled to administer or felt entitled to administer
27 corporal punishment; isn't that correct?

10:37

28 A. I think there are degrees here.

29 14 Q. Yes.

- 1 A. I can't -- I'm not quibbling with what you are saying
2 generally.
- 3 15 Q. The evidence appears to establish that corporal
4 punishment was frequently excessive, both in respect of
5 individual occasions and in respect of the perceived 10: 38
6 offences for which it was administered, would you agree
7 with that?
- 8 A. There are a lot of words in that statement there.
- 9 16 Q. All right, I will break it down.
- 10 A. You mentioned frequently excessive, I don't know that I 10: 38
11 would describe it, from what I heard, as being
12 frequently excessive. I would certainly agree that at
13 times it was excessive.
- 14 17 Q. The Committee has heard evidence of 20, 20 blows being
15 administered to boys, you would accept that occurred? 10: 38
- 16 A. I'm afraid I would, yes.
- 17 18 Q. And that was something that was clearly excessive?
- 18 A. Yes.
- 19 19 Q. The Committee indeed heard evidence that on at least
20 one day in 1954 20 blows were administered to 17 boys 10: 39
21 on the same day. You would agree that that was grossly
22 excessive?
- 23 A. I would.
- 24 20 Q. Would you agree also that the perceived offences for
25 which it was administered couldn't possibly be 10: 39
26 justified, in many cases?
- 27 A. The perceived --
- 28 21 Q. Well, I'm quoting just from the Punishment Book,
29 Father, and you can comment on it?

- 1 A. Please.
- 2 22 Q. There is "giving cheek"?
- 3 A. Yeah.
- 4 23 Q. "Playing soccer frequently"?
- 5 A. Yes. 10: 39
- 6 24 Q. What about those offences?
- 7 A. Well, clearly playing soccer should not have been a
- 8 matter or an issue that people were punished for.
- 9 25 Q. Or giving cheek?
- 10 A. Or giving cheek. I think that really depends on the 10: 40
- 11 circumstances at the time. If a boy is giving cheek to
- 12 a prefect in front of a number of other boys that would
- 13 certainly -- I could see that certainly being an
- 14 occasion for a boy being punished, given the time that
- 15 was in it. 10: 40
- 16 26 Q. Yes. "Talking at mass"?
- 17 A. I think it would depend on the circumstances. I'm not
- 18 defending it, but I think it might depend on the
- 19 circumstances.
- 20 27 Q. "Horseplay, laughing in chapel", could these things 10: 40
- 21 possibly be justified, Father?
- 22 A. I think in the context of the time they could be, yes.
- 23 28 Q. All right, well I will come back to context of the time
- 24 in due course. Would you accept, looking at it
- 25 generally, that the range of offences for which 10: 40
- 26 punishment was administered was surprisingly wide, even
- 27 looking at it in retrospect?
- 28 A. Clearly, I think that there was a wide range of reasons
- 29 for which boys received corporal punishment, it was

1 very wide, I would accept that it perhaps was difficult
2 for children to know at times exactly where the limits
3 were. But I think that was in the context of the time,
4 as it would be today.

5 29 Q. Yes. It appears also from the evidence that it wasn't 10: 41
6 simply the strap that was used to administer
7 punishment; isn't that correct?

8 A. Yes, that's correct.

9 30 Q. You have heard evidence, which I think you don't doubt, 10: 41
10 that bare fists were used from time to time?

11 A. I certainly don't doubt that the open hand was used.

12 31 Q. Do you doubt that people were punched?

13 A. I accept that there may have been occasion when
14 children were punched.

15 32 Q. Do you accept that hurleys were used? 10: 42

16 A. I find that rather difficult to.

17 33 Q. Yet you have heard people say it on more than one
18 occasion?

19 A. I have.

20 34 Q. You accept, I think, that the strap that was used on at 10: 42
21 least some part of this time had coins sewn into it?

22 A. I have heard that said, and I have heard others
23 contradict it, and I quite honestly do not know whether
24 there were coins in it or not.

25 35 Q. Yes. There is a document, Father, called "Statements 10: 42
26 on Issues Concerning St. Joseph's Industrial School,
27 Clonmel", do you remember that document?

28 A. Yes, I think I do.

29 36 Q. Yes. I think that's a document that was compiled by

1 the Rosminians themselves; is that correct?

2 A. There are so many documents, I'm sorry, if I could see
3 the front of it even I would know.

4 37 Q. Yes. It is at A14 in yet another set of books that the
5 Commission has been given this morning. There should 10: 43
6 be two green books in front of the Commission, they are
7 all taken from the discovery and they are organised in
8 a slightly different way.

9 THE CHAIRPERSON: Yes, here we are.

10 MR. McCULLOUGH: I will give Fr. O'Reilly a 10: 43
11 copy.

12 THE CHAIRPERSON: Thank you, yes. (Same
13 Handed to Fr. O'Reilly).

14 38 Q. MR. McCULLOUGH: If you look at divider A,
15 tab 14, Father. It is the 10: 43
16 last tab in divider A.

17 A. Yes.

18 39 Q. Is that a document compiled by the Rosminians?

19 A. That's a document that I compiled myself when I was
20 working in Ferryhouse, in the early perhaps about 2000, 10: 44
21 2001.

22 40 Q. Yes.

23 A. Having discussed a range of issues with a number of
24 people, both members of the Congregation, past pupils,
25 former members of staff, and I compiled this and sent 10: 44
26 it forward to our Provincial in Dublin at the time.

27 41 Q. Yes, and it was in due course discovered to the
28 Commission?

29 A. Yes.

1 42 Q. The fourth page of that Fr. O'Reilly.

2 A. Yes.

3 43 Q. At the top of the page reads as follows:

4 "It seems that a coin or coins were put
5 into the straps used in Ferryhouse,
6 although there is no memory of salt
7 being put on the strap prior to use."

10:44

8 That's something that you wrote, as you say, in the
9 year 2000; is that right?

10 A. That's correct.

10:45

11 44 Q. I take it that that, therefore, was something that you
12 were able to determine prior even to hearing any
13 evidence?

14 A. That's correct. That's correct, yes.

15 45 Q. There can hardly be any doubt, Father, under
16 circumstances where you were able to say that in 2000
17 that such was the case?

10:45

18 A. I can say in that time, and since, I have heard people
19 say that there was a coin or coins inside. But I have
20 also heard other people saying that there wasn't, and
21 so I cannot -- if somebody shows me a strap with coins
22 in it, I will certainly accept it. I just do not know.

10:45

23 46 Q. Including, I think, at least one member of the
24 Rosminians or then member of the Rosminians, who
25 confirmed such was the case?

10:46

26 A. Yes.

27 47 Q. Who gave evidence in the private session?

28 A. Yes.

29 48 Q. And you don't doubt him?

- 1 A. If I say I don't doubt him, do I doubt the people who
2 told me there were no coins in it?
- 3 49 Q. There were particular offences, Father, to which it is
4 clear on the evidence, particular types of punishment
5 were handed out. Boys who ran away were dealt with 10: 46
6 particularly brutally, do you accept that?
- 7 A. I think boys who ran away were dealt with severely,
8 yes.
- 9 50 Q. Mr. McGrath will be dealing with that in more detail,
10 but you would accept, I think, just to ask you one or 10: 46
11 two general questions about it, that beatings were
12 administered to boys who ran away?
- 13 A. Yes, I think boys who ran away were often severely
14 punished because of the problem that it created in the
15 school, the unease that it created among the rest of 10: 47
16 the boys.
- 17 51 Q. For whatever reason they were certainly beaten; isn't
18 that right?
- 19 A. That's correct. Not always beaten, but I accept that
20 often. 10: 47
- 21 52 Q. But that does seem to be the norm, doesn't it, that
22 they were beaten?
- 23 A. I accept that they usually were punished for running
24 away.
- 25 53 Q. And quite severely punished. The Commission has heard 10: 47
26 evidence of really quite extreme and savage punishments
27 for boys who ran away?
- 28 A. I don't think that savage punishments was the norm for
29 boys who ran away.

1 54 Q. Including on at least some occasions public punishment?

2 A. Yes, I accept that, yes.

3 55 Q. And that there were other punishments, including
4 people's hair being shaved off, that were associated
5 with running away; isn't that correct?

10: 47

6 A. For a period of time, yes, I accept that.

7 56 Q. The Commission has also heard evidence, which again I
8 think you don't doubt, that there were particularly
9 unpleasant punishments associated with bedwetting?

10 A. Yes, I accept that boys, regrettably, were punished for 10: 48
11 bedwetting.

12 57 Q. And that it was treated at least for part of the time,
13 as a disciplinary issue?

14 A. Yes, I think that's true. And I think that that was,
15 unfortunately, a fairly widespread view of the matter, 10: 48
16 not just in our schools, in other industrial schools,
17 but in many societies, not just Irish society.

18 58 Q. Yes, there is a letter I'm reading from, from 1962, and
19 I will put it up in just a second, Father, from the
20 manager replying to a complaint that a boy had got a 10: 49
21 cold shower for wetting his bed. The manager replies:

22 "Yes, the boy with others got a cold
23 shower, which was supposed to help
24 better wetters. 99% of this bad habit
is as a result of bad upbringing and
laziness on the part of the boys."

10: 49

26 Tab B11. So hardly sentiments that you can justify,
27 are they, Father?

28 A. They are not sentiments that that I could justify, no.
29 But I think that the issue of bedwetting clearly, at

1 this remove, the response to bedwetting was more than
2 wholly inadequate, it was terrible. It was terrible on
3 boys to be punished for this. And I think that most of
4 us know that it wasn't just a problem, and the response
5 to bedwetting wasn't just a response in these schools. 10:50

6 59 Q. Yes. Father, when you think about what you have heard,
7 and what you have read in your own documents, do you
8 think it would be fair to sum up the regime in those
9 institutions as being brutal?

10 A. I think that the regimes that you refer to, the schools 10:50
11 were wholly inadequate. I think they were
12 fundamentally flawed.

13 60 Q. Would you not agree with brutal, Father, when you have
14 heard what you have heard?

15 A. I would think at times certainly that the punishments 10:51
16 that children received were brutal. But the system as
17 a whole was a hopeless system, that had flaws through
18 it in every regard. The children who were in it had
19 enormous needs, the people who were there to take care
20 of them and to respond to their needs had enormous 10:51
21 needs themselves and weren't adequate to the task, I
22 would say, in many respects. Nor was the system who
23 sent them there anything other than flawed.

24 61 Q. Just thinking about corporal punishment in particular, 10:52
25 Father, that was hardly inevitable, which is something
26 of something of the tenor of some of the evidence we
27 have heard, that it was bound to happen. That isn't
28 so, is it?

29 A. Sorry, can you ask me that again?

- 1 62 Q. It wasn't necessarily so that this amount of physical
2 brutality was going to be visited upon the boys, you
3 could have run a different regime; isn't that right?
- 4 A. Corporal punishment is a trap, if you allow corporal
5 punishment without having the most clear guidelines 10: 52
6 possible, it is a trap, it is a trap for everybody. It
7 is a trap for the boys and it is a trap for the adults.
8 Because what you are saying is it is okay to hit
9 children. And there are times when they do things that
10 are wrong and that are very, very wrong, and that cause 10: 52
11 an enormous problem for the entire institution. So
12 inside yourself you think, "well, it is okay", and the
13 only response is to punish even more. It is a trap.
- 14 63 Q. Can I ask you a thing, Father, about some of the things
15 that might have contributed to it. One of the things 10: 53
16 that I suggest to you contributed to it was the lack of
17 control that was exercised by the management of the
18 schools over the prefects, is that correct?
- 19 A. Yes, I think in retrospect we can say that the overview
20 of the manager -- by the manager and the management 10: 53
21 generally of the prefects wasn't what it should have
22 been.
- 23 64 Q. There was almost no supervision, it appears, of the
24 prefects, that appears to be correct, isn't that right?
25 In this respect; in respect of corporal punishment? 10: 53
- 26 A. I would say that there was a lack of supervision at
27 times, but the manager, the manager would know what
28 amount of corporal punishment was being given out at
29 times. The manager would have had access to the

1 Punishment Books, where it was kept and he would have
2 been able to observe what level of punishment was being
3 given. We know, for example, in Upton, in the 1950's,
4 we understand that one of the managers at that time did
5 give some instructions on how much corporal punishment 10: 54
6 was to be given, and we know that some of the prefects
7 went well beyond what they were told they could give.

8 65 Q. I can imagine, Father, that from time to time, of
9 course it must have happened that a manager intervened.
10 But in general were you not struck in the evidence that 10: 54
11 was given by the autonomy that members of your Order
12 clearly felt they had in relation to corporal
13 punishment?

14 A. You are into the whole thing of the nature of the job
15 of the prefect. The prefect, when you are appointed 10: 55
16 prefect, you had more or less authority for running
17 that entire unit of generally in the order of 80 to 100
18 children. You had a lot of autonomy. You had a lot of
19 freedom to make a lot of the decisions and you had huge
20 responsibility on your shoulders. Clearly, at times 10: 55
21 some prefects were well up to the job and sometimes
22 others weren't. But again, it was in the nature of the
23 job, when you thrust so much responsibility on to one
24 person's shoulder, obviously at times there are things
25 that they are not going to handle right at all. 10: 56

26 66 Q. I'm asking you about the management of the place,
27 Father, that might have contributed to what occurred.
28 Would you agree that those in charge of the boys, it
29 appears on the evidence, that they could do pretty well

1 what they like in terms of imposing corporal punishment
2 on them?

3 A. Certainly it does look like that from the Punishment
4 Book, that at times they felt they could punish well in
5 excess of what would have been the norm. 10: 56

6 67 Q. Can I talk to you about the Punishment Book, Father.
7 There is a Punishment Book for Upton for part of the
8 time; isn't that right?

9 A. That's correct. There is a Punishment Book from about
10 1950, or 1952, until 1963, I think. 10: 56

11 68 Q. I'm not sure I have seen every page of it, but it
12 certainly covers part of the period for Upton. There
13 doesn't appear to be one for Ferryhouse at all; is that
14 right?

15 A. We don't have that. We have not been able to find any 10: 57
16 Punishment Book for Ferryhouse. So obviously we have
17 asked ourselves a question, was there a Punishment Book
18 in Ferryhouse? We feel that there probably was, given
19 that there was a Punishment Book in Upton. Obviously
20 the regimes in both places would have been fairly 10: 57
21 similar and the practices in both places would have
22 been fairly similar in many respects. So we feel there
23 should have been one for Ferryhouse but we do not know
24 what has become of it.

25 69 Q. It is clear on the evidence though, isn't it, Father, 10: 57
26 that a great deal of punishment was administered that
27 never found its way anywhere near the Punishment Book?

28 A. Yes, I accept that.

29 70 Q. When you talk about the Manager finding out what was

- 1 I'm talking about the idea that you might send along a
2 19-year-old fellow and say, "you are now the prefect in
3 charge of 80 boys at Upton or Ferryhouse, off you go."
4 Without, it appears in many cases, him even having much
5 of an opportunity of a conversation with the person he 11:00
6 was replacing?
- 7 A. Clearly the method of appointing people as prefects was
8 wholly inadequate.
- 9 73 Q. And I suppose you would also agree, Father, that part
10 of what contributed to the continuing brutality was in 11:00
11 itself the tradition of brutality, this is the way it
12 had always been?
- 13 A. Obviously you keep using the word brutality, a system
14 of brutality, suggesting a system of brutality, I find
15 it very difficult to go that far. I accept that at 11:00
16 times there was brutality, but if you are talking about
17 a system or a culture of brutality, I find it very
18 difficult to agree with that description.
- 19 74 Q. Could you just go back to Punishment Book for a moment.
20 The 1933 rules were the rules under which both Upton 11:01
21 and Ferryhouse operated for pretty well the entire of
22 the time from 1933 forwards until the 1990's; isn't
23 that right?
- 24 A. That's right.
- 25 75 Q. Those rules prescribe, amongst other things, that a 11:01
26 Punishment Book will be kept and maintained; isn't that
27 right?
- 28 A. Yes.
- 29 76 Q. You have heard quite a number of people describe the

- 1 atmosphere at Ferryhouse and Upton being prison like?
- 2 A. Yes.
- 3 77 Q. Is it not an astonishing reflection, Father, on the
4 authorities who ran those places that they couldn't
5 even or wouldn't even obey that minimum legal standard, 11:01
6 of writing down the number of times that they beat the
7 boys?
- 8 A. Is your question about punishments not being recorded?
- 9 78 Q. Yeah, I am asking you to explain it, Father, to reflect
10 on it and explain how it can be that an Order that ran 11:02
11 a place described as being like a prison couldn't even
12 obey that minimum legal standard, had no regard for
13 that law?
- 14 A. My understanding is that the 1933 rules and regulations
15 allowed for a certain amount of punishment that wasn't 11:02
16 recorded.
- 17 79 Q. Yes, it says:
18 "All serious punishment is to be
19 recorded in the book."
20 Isn't that right? 11:02
- 21 A. Yes.
- 22 80 Q. Rule 12:
23 "All serious misconduct for the
24 punishments inflicted should be entered
25 in a book to be kept for that purpose 11:02
26 which shall be laid before the
Inspector when he visits."
27 I mean, clearly it didn't occur; isn't that right?
28 A. My understanding of that is that, at least their
29 understanding at the time was that not every punishment

1 had to be recorded.

2 81 Q. Do you think they cared, Father --

3 A. Oh I do.

4 82 Q. -- about having to be recorded or not? Well you have
5 heard the evidence of quite serious punishments being 11:03
6 administered under circumstance which clearly wouldn't
7 have led to them being entered in the Punishment Book,
8 and you don't doubt that that occurred?

9 A. I agree that there were punishments, excessive
10 punishment that was administered at times and wasn't 11:03
11 recorded in the Punishment Book. I accept that, yes.

12 83 Q. What I am asking you to reflect on, Father, is how that
13 can be? You were running the Institution along very
14 strict lines, but not for yourself at least in that
15 regard? 11:03

16 A. How that can be is an enormous question, if you don't
17 mind me saying. It is tied up in the entire culture of
18 the place and the entire culture within society. If
19 the State does not respect the place enough to properly
20 finance it then it makes it very difficult for the 11:04
21 people who are administering the system to respond and
22 to provide a very appropriate system, appropriate is
23 not the word that I'm looking for, right. That passes
24 all the way down to people and it passes down from the
25 big boys to the small boys. 11:04

26 84 Q. I understand the point you are making, but what I don't
27 follow is how it excuses or explains a failure to
28 follow a simple rule that is provided for the
29 protection of the children? That's obviously the

1 function of rule 12, isn't it, that some outside
2 authority is going to be able to visit the place and
3 say, "I see that this is the amount of punishment, I
4 understand that amount, it compares well or badly with
5 other places"?

11:05

6 A. Yes.

7 85 Q. That isn't done when minimum punishment provided for --
8 the minimum protection provided by the 1933 rules is
9 not available for the boys, that's correct, isn't it?

10 A. Yes, probably is.

11:05

11 86 Q. Can you offer any view on this; do you think it was a
12 deliberate policy, not to record the entire of what
13 occurred, do you think that this was being hidden?

14 A. No, I don't think it was deliberate.

15 87 Q. Being hidden from outsiders, I mean?

11:05

16 A. I think it probably was more to do with negligence than
17 it being a deliberate policy. But clearly, if the
18 Inspector was visiting the school every year, and she
19 seemed to do throughout the years, the Inspector and
20 others who would have visited would know about the
21 culture that existed with regard to corporal
22 punishment.

11:06

23 88 Q. Do you think that's right, Father, there is no mention
24 of it, no extensive mention of it in any of these
25 reports; is that right?

11:06

26 A. That's right. So why was it that it was never raised
27 in any of the report from the Inspector? I am not
28 saying that to try to defend something.

29 89 Q. Can I go forward in time a bit. We have been talking,

1 I think, mainly about the period up to 1970's, we know
2 that Upton closed in 1966, but corporal punishment
3 continued at Ferryhouse up until the early 1990's;
4 isn't that correct?

5 A. That's correct. 11:06

6 90 Q. The residential... (INTERJECTION)?

7 A. I should clarify that our records seem to indicate that
8 corporal punishment didn't finish in Ferryhouse until
9 1993. We know that in 1982, or thereabouts, it was
10 prohibited by the Department of Education in primary 11:07
11 schools. We know that we sought a clarification from
12 the Attorney General on that matter and we were told
13 that the special schools, the industrial schools, of
14 which Ferryhouse was one, was governed by the 1908 Act
15 and not by ministerial order and that we were entitled 11:07
16 to continue to use corporal punishment in Ferryhouse.
17 We know from a discovery in the Department of Education
18 that that issue was raised several times during the
19 1980's, particularly in the Inspection Report in 1989.

20 11:07

21 I gather that in 1989 a letter did issue or was to
22 issue from the Department of Education about corporal
23 punishment in the special schools. We have not been
24 able to find a copy of that letter in our records. And
25 when we have consulted the people who worked there at 11:08
26 that time, there is no memory of that letter arriving.

27
28 Clearly, we feel that had a letter like that, an order
29 coming from the Department that was specific to the

1 industrial schools, about corporal punishment, we would
2 have adhered to it.

3 91 Q. Okay, if I can just break that down a bit, Father. The
4 Department circular abolishing corporal punishment in
5 national schools was issued, as you say, in 1982; is 11:08
6 that right?

7 A. That's right.

8 92 Q. Fr. Pearse, then the Resident Manager, wrote back in a
9 letter at B6 of these books, dated 7th May 1982 saying
10 that: 11:09

11 "While the general practice, philosophy
12 and ideals of the school would be
13 against the use of any form of corporal
14 punishment, nevertheless because of the
15 nature of the work in which we are
16 involved there may be certain occasions
17 where the manager or deputy might feel
18 that some form of corporal punishment
19 should be used." 11:09

20 Would you agree that was perhaps an understatement to
21 the extent of the use of corporal punishment in
22 Ferryhouse, even in 1982? B6.

23 A. I think in 1982 corporal punishment was still 11:09
24 administered, yes, fairly -- yes, for a range of
25 offences.

26 93 Q. And the letter was going soft on the extent of corporal
27 punishment that was in truth in use in Ferryhouse;
28 isn't that right? 11:10

29 A. I'm sorry, I don't read that from the letter.

30 94 Q. All right. That's a matter of interpretation then, it
31 is for the Commission. In any event, the response of
32 the Department over the page at B7 by a letter dated

1 3rd August 1983, a year later, was to say they had
2 taken advice from the Chief State Solicitor and so on,
3 and to make the point that you have just made, that the
4 industrial schools weren't governed by the same rules?

5 A. (WITNESS NODS). 11:10

6 95 Q. In the third paragraph they asked Fr. Pearse:

7 "To give earnest consideration to the
8 question of statutory rules for the
9 conduct of the school and to draw up a
10 schedule of rules deemed appropriate."

11 In fact, nothing happened on foot of that letter; is
12 that right? 11:10

13 A. I think it is correct that there was no set of rules
14 drawn up at this time. Obviously at this time. Yes.

15 96 Q. And corporal punishment continued? 11:11

16 A. Corporal punishment continued.

17 97 Q. In 1989, as you say, the Department either sent or
18 intended to send a circular specifically abolishing it
19 in industrial schools?

20 A. Yes. 11:11

21 98 Q. But it is clear that that was opposed or the idea of
22 abolishing corporal punishment was opposed by the Order
23 at the time; isn't that correct?

24 A. At what time?

25 99 Q. In 1990, at B4 in that book, Father, there is a 11:11
26 handwritten note, which I think come from the
27 Department's discovery. You see the lower part of that
28 note reads as follows:

29 "It is noted that corporal punishment

1 can still be administered at St.
2 Joseph's. I raised this matter with
3 the Director in my recent visit to the
4 school and who would be strongly
5 opposed to any move to alter this rule
6 No. 13."

5 That was the view of the Rosminian management of 11:12
6 Ferryhouse as late as 1990?

7 A. I think the record shows that there were very few
8 occasions of boys receiving corporal punishment in the
9 late 1990's and in the period that we are talking
10 about. There are a couple of things that you have to 11:12
11 recall that were happening at the time. Ferryhouse was
12 being rebuilt. It was rebuilt over a number of years
13 in the late 1980's, it was an extremely difficult time
14 in the school, with -- it was a very dangerous place to
15 be because of the amount of work that was going on in 11:13
16 the place. It was very unsettling for all of the boys
17 and they took advice on how to handle all of that. I
18 think at the time the threat of corporal punishment was
19 still perceived as being necessary to help them cope
20 with the situation that existed at that time. 11:13

21 100 Q. Do you say, Father, they took expert advice, advice
22 from child psychiatrists or child psychologist?

23 A. They took advice on managing the entire changeover from
24 the old to the new school and on how that was going to
25 affect the -- 11:13

26 101 Q. The children?

27 A. -- staff and the children.

28 102 Q. From what specialty, from what type of person?

29 A. Psychiatry.

1 103 Q. Are you saying, seriously, that in 1990, a child
2 psychiatrist told them that it would be good practice
3 to continue to administer corporal punishment to the
4 boys?

5 A. No, I didn't say that.

11:14

6 104 Q. So the idea that corporal punishment was a good idea
7 was your idea at time in 1990's, not yours personally,
8 but the Rosminian's idea?

9 A. I don't think they ever thought that corporal
10 punishment was a good idea, I think they felt it was
11 one of the things that they needed at that time to help
12 them manage a very difficult situation. They didn't
13 see the alternative.

11:14

14 105 Q. Looking at it now, Father, are you not astonished at
15 that, under circumstances where corporal punishment had
16 been abolished eight years previously for everybody
17 else, that you were still defending it in 1990 and
18 being described as being strongly opposed to its
19 abolition?

11:14

20 A. That's what is described there.

11:14

21 106 Q. Yes. Are you not astonished by that?

22 A. I'm afraid I'm not, no.

23 107 Q. Because you think it was correct to continue to
24 administer it as late as 1990 when the standards of the
25 time certainly couldn't be pointed to?

11:15

26 A. Clearly, I wish that it had been outlawed in 1982,
27 along with every other school in the country.

28 108 Q. It is clear that it didn't go until at least 1993;
29 isn't that right?

- 1 A. 1993. In the period that we are talking about from the
2 late 1980's until 1993, there were a small number of
3 boys who were punished by corporal punishment.
- 4 109 Q. I want to go back a little bit in time, Father, because
5 you were talking about the school Inspection Reports 11: 15
6 and I meant to deal with it then but I forgot to. We
7 have more detailed school Inspection Reports for the
8 early 1980's, is that not correct, they are at A5 and
9 the following indents of that book. Do you see that,
10 Father? 11: 16
- 11 A. Yes.
- 12 110 Q. You are looking at A5 at the one dated 26th October
13 1980, and item 38 has been put up on the screen, it is
14 on the final page. Do you see the item I'm referring
15 to? 11: 16
- 16 A. Yes.
- 17 111 Q. Now, that's information that came from somebody to an
18 inspector in 1980, the name of the inspector is on it.
19
20 "What sanctions are applied to the children? 11: 16
21 Loss of TV, loss of pocket money, early
22 bed/loss of home leave."
- 23 I have looked through it, Father, and there certainly
24 isn't any mention anywhere else in it of any suggestion
25 of corporal punishment. How do you account for that in 11: 16
26 1980
- 27 A. Well, you are asking me to account for Mr. Granville's
28 report, I cannot account for Mr. Granville's report.
29 Mr. Granville well aware that corporal punishment was

1 being used in the school, it was a subject that he
2 discussed with the manager in the school on many
3 occasions.

4 112 Q. That is what I want to ask you about, I know less about
5 it even than you do, because the report is highly 11:17
6 misleading, isn't it, and somebody is giving wrong
7 information; isn't that correct?

8 A. Somebody is giving wrong information or given?

9 113 Q. Somebody is giving wrong information, either the person
10 who gave Mr. Granville the information or Mr. Granville 11:17
11 himself, somebody is passing on incorrect and clearly
12 significantly incorrect information?

13 A. This information is incorrect.

14 114 Q. And incorrect in an obvious and significant way, in
15 that corporal punishment would be quite different in 11:17
16 tenor and nature from what's recorded there; isn't that
17 right?

18 A. I don't know why this information was recorded here,
19 because it was well known to the Inspector that
20 corporal punishment was used in 1980. 11:18

21 115 Q. Well, the same entry appear, Father, for the school
22 Inspection Reports for 1981, which is at the next
23 divider; 1983, which is at the next divider; 1984,
24 which is at the next divider. Then after that it
25 changes in 1985, 1986 and 1987 to say that: 11:18

26 "Each boy's file contains individual
27 details of sanction".

28 A. In other words, possibly the system was changed then.

29 116 Q. Well I don't know, Father, because you have made very

1 detailed discovery of this case and there is little
2 enough that I have seen, in any event, in any
3 individual's file, about corporal punishment after
4 1980; isn't that correct?

5 A. I don't know what you have seen, sir.

11:18

6 117 Q. Do you think that there are a lot of individual entries
7 about corporal punishment for the mid-1980's on?

8 A. Oh yes, definitely. In the boy's files from about 1980
9 or thereabouts the system was used whereby an Incident
10 Report, and it was called an Incident Report, would be
11 made out for when boys were punished. It had to be
12 witnessed, it had to be signed by the boy and by the
13 person who administered the corporal punishment,
14 possibly another person too, I'm not quite sure about
15 that. And that had to be kept on the boy's file.

11:19

11:19

16 118 Q. There is no individual entry in the form for 1985, 1986
17 and 1987 for what the form of sanction was, the
18 question is whether sanction is recorded and the answer
19 is the one I have described to you. But in the ones I
20 have shown to you, you can't say why that information
21 is there; is that right?

11:19

22 A. On the general Inspection Reports?

23 119 Q. Yeah?

24 A. No, I know that the Inspector was aware that corporal
25 punishment was being used in the school at that time
26 and I don't know why that is not recorded there.
27 Perhaps it was recorded somewhere else, I don't know.

11:20

28 120 Q. Father, something you have said a few times, and I
29 think you said in evidence in September 2004 as well,

1 is that to a substantial degree the punishment at
2 Ferryhouse and Upton was reflective of the times. Do
3 you think that's really true?

4 A. I think it is true that people felt generally at that
5 time that corporal punishment was a normal enough
6 response to what they considered as things that
7 deserved it. 11: 20

8 121 Q. You remember evidence that striking at the time, the
9 evidence of your colleague Fr. O' Shea?

10 A. Yes. 11: 21

11 122 Q. And he went -- I can't remember from which institution
12 he went, but he went from one of your institutions to
13 Omeath in 1956, give or take; isn't that right?

14 A. That's right.

15 123 Q. I think Upton. You remember what he said about the
16 difference in atmosphere in the industrial school from
17 which he went to Omeath on the other hand? 11: 21

18 A. Yes.

19 124 Q. He said it was like leaving prison?

20 A. Yes. 11: 21

21 125 Q. He said that there was a difference in type in respect
22 of the amount of corporal punishment being meted out,
23 that it occurred in Omeath, but it was nothing like
24 what occurred in Upton?

25 A. Yes. 11: 21

26 126 Q. Is that on a point of comparison?

27 A. It is, I accept that. But I think it is a very unfair
28 comparison, insofar as he left Upton in 1956 which was
29 a school at that time for in or around 200 boys, he

1 went to Omeath, which would have been a school for
2 around about 40, 50 boys, and clearly there is an
3 enormous difference in working the two different
4 systems.

5 127 Q. But can that be right, Father, doesn't it demonstrate 11:22
6 that your Order, the Rosminians at the time, were well
7 capable of running a humane system, but didn't do so in
8 the industrial schools?

9 A. I think we -- I think that the system that we ran in
10 the industrial schools was not a good system. We 11:22
11 didn't see the options that we had and in retrospect
12 I'm not even sure what options we did have at that
13 time.

14 128 Q. Can I ask you, I will deal with this as shortly as I
15 can, about sexual abuse in the two institutions, in 11:23
16 Upton and in Ferryhouse. You have heard a lot of
17 evidence about that over the past while?

18 A. I have.

19 129 Q. One of the things you said when giving evidence in
20 September 2004, was that you felt that the good of the 11:23
21 children was at least part of the response, or part of
22 the rationale that lay behind the response of the
23 Rosminians to sexual abuse that that they detected. Do
24 you think that's true?

25 A. That the good of the children was part of the response. 11:23

26 130 Q. Part of the rationale behind the response of the
27 Rosminians to sexual abuse?

28 A. I'm afraid I can't clearly recall what I said or what
29 was the context in what I said.

- 1 131 Q. Perhaps it doesn't matter what you said. Do you think
2 that it is fair to suggest to you that the central
3 motive behind the response of your Order to sexual
4 abuse that they detected throughout this period of time
5 was that of protecting the individual who had committed 11: 24
6 the abuse and covering up his misdeeds?
- 7 A. I think that there was a number of motives for the
8 response of people, of the Congregation to people who
9 were found to have been involved in sexual abuse. I
10 think clearly at the time they did not want the scandal 11: 24
11 to be known, because they felt it would affect the
12 entire institution. I think that they had a very
13 immature sort of understanding of what the problem was,
14 and I do think, and I do believe that the Congregation
15 as a whole believed that prefects and our involvement 11: 25
16 with the boys was, as one person put it at the time, a
17 sacred duty. It was regarded as a sacred duty. It
18 wasn't dealt with well, but it was regarded as a very
19 serious thing.
- 20 132 Q. Yes, well, that wasn't quite an answer to what I was 11: 25
21 asking you about, Father. Do you think it is fair to
22 suggest that the central motive behind the response was
23 of protecting the individual and covering up his
24 misdeeds, I suggest to you that when you look at the
25 correspondence, the discovery and you hear the 11: 26
26 evidence, that that is what lay behind the majority of
27 the responses?
- 28 A. No, I don't accept that. I think that the central
29 thing that was behind it was that they did know that it

1 was wrong and that it was hurtful to the boys and that
2 that was the first priority.

3 133 Q. I will look at some of the documentation in a moment,
4 Father. The other thing that you said was that there
5 was an immature understanding of sexual abuse and 11:26
6 indeed I think Fr. Pearse said that even when he was
7 there it never crossed the minds of the staff, the
8 management there that such a thing might happen. But,
9 in fact, when you look through it, there is quite a
10 history of sexual abuse throughout the years, isn't 11:26
11 there, particularly at Ferryhouse?

12 A. At both institutions, unfortunately, there is a history
13 of sexual abuse.

14 134 Q. Not only that, but detected sexual abuse?

15 A. Yes. 11:27

16 135 Q. So it is hard to understand how someone could say that,
17 "we never suspected that this sort of thing might be
18 happening"?

19 A. I think he was speaking for -- I think Fr. Pearse was
20 speaking for himself many years later, and I accept 11:27
21 that it seems extraordinary that something that was
22 known about, you know, at a certain period wasn't
23 passed on, but that is the case. I found that when I
24 came into this job myself, when we began to explore
25 this issue there was no knowledge, I had no knowledge, 11:27
26 nor the people who I was working with, who were in the
27 Congregation for many years before me, they had no
28 knowledge of things that had happened only in the
29 1960's.

- 1 136 Q. I can understand that, because the 1969's are some time
2 ago. But what I do find hard to understand is how
3 people later in 1960's didn't know what had happened
4 earlier in the 1960's under circumstances where, as we
5 heard, those present in the institutions knew why their 11: 28
6 brethren were being dismissed or being sent elsewhere?
- 7 A. Can we deal with specifics because I find it hard to
8 answer a generalised thing like that.
- 9 137 Q. I think you accept, in any event, as you have done,
10 that there was a considerable quantity of sexual abuse 11: 28
11 in both institutions?
- 12 A. I'm afraid I must admit that.
- 13 138 Q. I think you must also accept that such appears to be
14 the case that no complaint was ever made to the Gardaí
15 about any of this until 1995, at the earliest? 11: 28
- 16 A. I'm afraid that is also correct, yes.
- 17 139 Q. I take it you must also accept that whatever the
18 response was, it was never part of the response to seek
19 to understand how individual boys had been affected by
20 the abuse committed against them? That never appears 11: 28
21 to have been investigated in any case of detected
22 sexual abuse?
- 23 A. Yes, I accept that that does seem to be the case, that
24 we have no records of any response in that regard
25 to ... (INTERJECTION) 11: 29
- 26 140 Q. Yes. Equally, there doesn't appear to have been any
27 investigation of whether other boys might have been
28 abused on the occasion that abusers were detected?
- 29 A. Yes, I accept that. In particular, obviously the one

1 case that does come to mind is the case that arose in
2 1979.

3 141 Q. Yes.

4 A. And the advice that -- we sought advice at that time in
5 how to respond to the boys and we received professional 11: 29
6 advice that suggested to us that we shouldn't follow
7 the matter up with the boys.

8 142 Q. I heard that evidence, Father, yes. Can I look then at
9 some of the tenor of some of the responses. In the
10 early days in the 1950's there is a letter dealing with 11: 30
11 a member of the Order at Upton at H1, which is in the
12 second book, Father. It is a letter, Father, to Father
13 General.

14 A. Yes.

15 143 Q. You see, it talks about another sad case, the request 11: 30
16 of a particular brother for a dispensation for his
17 final vows. Then it goes on:

18 "He was here at Upton until a
19 particular date, when he asked for a
20 transfer to Kilmurry as his (as read) 11: 31
21 compos erat et jericulum. He was
22 getting out from here as he was really
23 under suspicion and investigations were
24 being made regarding some serious
25 matters. I regret to say he's most
26 seriously involved in the case of at
27 least two."

28
29 11: 31

30 A. Yes.

31 144 Q. There is a part of that, Father, that brings me back to
32 what I was asking you before.

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"He was getting out from here as he was really under suspicion and investigations were being made regarding some serious matters".

What do you say about that, Father, in the context of what I asked you before? 11: 31

A. Clearly the manager at the time was suspicious that something wrong was going on and he was trying to pursue it, and he did pursue it and the man is moved.

145 Q. It is more, Father, the motive behind what is being done here. What the writer of the letter appears to be saying is here is the problem, the problem was that people were beginning to suspect him, investigations were being made, and it was therefore necessary that he should go, not that he should be disciplined or anything of that nature, but it appeared to be a problem about disclosure; isn't that right? 11: 32

A. It does appear to be that, yes. But I also believe that there would have been a concern for the boys, and that that would have formed part of the motivation for removing people. 11: 32

146 Q. I know that you say that, Father, but you wouldn't find it in the letter, would you?

A. No.

147 Q. Or any trace of it, indeed? 11: 32

A. Well, not in this letter. But I know of another letter from, I think, it is 1963 or 1964, where the phrase that I quoted earlier does speak about the sacredness of the duty of the prefect towards the boys. So there

1 was some sense, and as far as I can recall, it was
2 written by the same man that wrote that letter. I
3 think you will find it also at a later place in that
4 number, it is dated 23rd January 1964.

5 148 Q. What are you looking at? 11: 33

6 A. Towards the end of that section, in which Fr. McFadden
7 says:

8 "I was compelled to make changes owing
9 to the two who failed infidelity to the
10 sacredness of their work among the
11 boys". 11: 34

11 149 Q. If you wouldn't mind telling me what indent that's at,
12 Father?

13 A. At H8 and it is towards the end. So, I'm not saying
14 that there wasn't -- that we weren't motivated by other
15 things, but that at this stage don't seem too lofty. 11: 34
16 But I do also believe that we did move people because
17 we did realise that there was harm being done to the
18 boys and that it was also out of concern for the boys.

19 150 Q. Can I ask you to look at another document, Father, it
20 is at I, which describes, I suggest to you, exactly 11: 35
21 what was happening. This is a letter of 27th December
22 1963?

23 A. Yes.

24 151 Q. Although it is written on Upton notepaper, I think it
25 is talking about events at Ferryhouse when, as I 11: 35
26 understand it, in late 1962 three members of the Order
27 were found to be engaged in sexual abuse of children;
28 isn't that correct?

29 A. Two members.

- 1 152 Q. Two members, sorry. I think the response was to send
2 them to other place; is that correct?
- 3 A. Yes. In the previous September a new manager had been
4 appointed to Ferryhouse, who was himself a past pupil
5 of one of our schools. I can't remember whether it was 11: 35
6 Upton or Ferryhouse, and a few months later he, it
7 would appear from this letter, discovered that two
8 members of the community, one who was a prefect and the
9 other who had a higher position in the administration,
10 if you like, that they were abusing boys, and he spoke 11: 36
11 with the Provincial and he removed them immediately,
12 within a day or two.
- 13 153 Q. So we know that between 1955 and 1959 there were four
14 members of the Upton community detected; isn't that
15 correct? 11: 36
- 16 A. Between 19?
- 17 154 Q. 1955 and 1959, in the 1950's I think there seemed to be
18 four members of the Upton community detected; is that
19 right?
- 20 A. I think that's right. 11: 36
- 21 155 Q. Then in 1962, as you have described, two members of the
22 Ferryhouse community; isn't that correct?
- 23 A. That's correct.
- 24 156 Q. I think you gave evidence before that they were sent to
25 other places; is that correct? 11: 37
- 26 A. That's correct.
- 27 157 Q. And they were places in which they would have had
28 access to children; is that correct?
- 29 A. Yes. They were both assigned to positions which it was

1 thought it would very much limit the access that they
2 would have had to children, in both cases. For what it
3 is worth, as far as we can ascertain there were no
4 complaints against either men from the institutions
5 that they went to.

11: 37

6 158 Q. Yes.

7 A. I'm not making a big point of that.

8 159 Q. No, but isn't that exactly the problem, Father, that
9 the fact that there is no complaint against somebody
10 simply establishes that; isn't that right?

11: 37

11 A. That's right. Clearly, another course of action might
12 have been taken and might have been for the better of
13 everybody.

14 160 Q. Yes. Well, these two members are described in this
15 letter both as being rather indiscreet -- sorry, one is
16 rather indiscreet, the other is very indiscreet; isn't
17 that right?

11: 38

18 A. That's right.

19 161 Q. We have heard what the response is. The final
20 paragraph on the page says:

11: 38

21 "You will fully appreciate in said
22 circumstances how instant action is
23 often necessary and the changes made
24 are a cover up in some respects."

11: 38

25 A. That's correct.

26 162 Q. Isn't that a fair description of exactly what was
27 happening?

28 A. No, I'm afraid you have misunderstood what the cover up
29

1 refers to there. Cover up is simply a term used to
2 mean that we have to do something about making changes
3 immediately and that the changes that are proposed are
4 a sticky plaster attempt at it, it is not meant to be a
5 cover up in the way that cover up might be used 11: 38
6 nowadays.

7 163 Q. I wonder is that right, you made changes, you sent them
8 to somewhere else, I suggest that it was a cover up,
9 you were presenting them as being sent somewhere else
10 in the normal course of events, that's exactly what a 11: 39
11 cover up means; isn't that correct?

12 A. The cover up that is referred to here is not meant in
13 that sense.

14 164 Q. Well, you are saying, Father, it was a cover up in the
15 sense that the true reason for their being sent 11: 39
16 elsewhere wasn't being disclosed to other members of
17 the Order generally; isn't that right?

18 A. Yes.

19 165 Q. I'm suggesting to you, Father, that that's exactly the
20 case, that you were disguising, deliberately disguising 11: 39
21 the true reason for what happened?

22 A. Clearly when, and obviously regrettably, we had to move
23 a number of people previously from other institutions,
24 moving somebody in the middle of a year would draw
25 attention to that matter, because we generally assign 11: 40
26 people to posts of responsibility from September, so it
27 would obviously raise many eyebrows when a person or
28 two people were suddenly moved in the middle of the
29 year. So, there would be some questioning, "why was he

- 1 moved? What was all that about?" People wouldn't be
2 informed about why they were moved, except perhaps
3 those who would be closest to the Provincial or,
4 perhaps, the person in charge of the new institution.
- 5 166 Q. Well, perhaps we will leave the interpretation of that 11:40
6 to the Commission. Moving forward then, in 1979
7 another member of the Order was found to be engaged in
8 sexual abuse in children at Ferryhouse; is that
9 correct?
- 10 A. That's correct. 11:40
- 11 167 Q. That occurred when two boys told the then manager,
12 Fr. Pearse, that such was the case; isn't that right?
- 13 A. That's correct. Fr. Pearse enquired of them why they
14 were upset and they told him.
- 15 168 Q. They had run away? 11:41
- 16 A. They had run away.
- 17 169 Q. He asked them why they were upset and they told him
18 then?
- 19 A. Yes.
- 20 170 Q. The member of the Order who has been convicted since I 11:41
21 think --
- 22 A. Yes.
- 23 171 Q. -- was admitted to hospital and in due course dismissed
24 from the Order; is that correct?
- 25 A. That's correct. He was removed immediately from his 11:41
26 position in Ferryhouse and he was indeed admitted for
27 psychiatric help. That was what they felt at the time
28 was the appropriate response, they couldn't make head
29 nor tail of it and that was what they felt they should

- 1 do.
- 2 172 Q. Yes. We now know, or at least we know from the
3 evidence of the man in question, or he says, that
4 earlier in the year he had been discussing his
5 activities with another member of the Order; isn't that 11: 42
6 right?
- 7 A. You'll have to remind me of this evidence.
- 8 173 Q. He had confided in a Superior, not the Superior of the
9 Order, but a Superior to him in the Order in Dublin
10 earlier in the year? 11: 42
- 11 A. That's his evidence?
- 12 174 Q. Yes.
- 13 A. Yes, sorry, I recall him giving that evidence.
- 14 175 Q. Yes. And if that's so, what would you say about that?
- 15 A. I don't think it is so. 11: 42
- 16 176 Q. You don't think that could be so?
- 17 A. Do you think that is so?
- 18 177 Q. I'm asking you, Father, what you would say to it?
- 19 A. I would find it extremely difficult to believe that a
20 member of the Order would be told by a person that they 11: 42
21 were involved in child abuse and that nothing further
22 happened.
- 23 178 Q. Yes. Well, the standard response, Father, up to then
24 had been to move people somewhere else, so perhaps it
25 wouldn't have been that astonishing? 11: 43
- 26 A. It would be absolutely astonishing, if the response
27 was -- if there was no response.
- 28 179 Q. We know also that... (INTERJECTION)?
- 29 A. Because we do know what the response was at that time.

1 180 Q. We do, from another person?

2 A. We know from several other people what the response
3 was, that the matter was reported to various
4 authorities.

5 181 Q. Not to the Gardaí, Father?

11: 43

6 A. I accept that.

7 182 Q. We will be coming to that. We know also that the same
8 member of the Order said in his evidence that his
9 impression was, when he was present in Ferryhouse, that
10 others knew what he was doing?

11: 43

11 A. I don't believe the evidence.

12 183 Q. It would be very shocking if it was true; isn't that
13 right?

14 A. It would be very shocking if it was true.

15 184 Q. When this member of the community was dismissed from
16 the Order, is Department was informed, later the
17 Department was informed I think in 1980; isn't that
18 correct?

11: 44

19 A. Yes.

20 185 Q. But is it fair to suggest to you that the Order was
21 still concerned for the scandal that would be caused by
22 this matter becoming publically known?

11: 44

23 A. Yes, I think that would be part of the thinking, yes.
24 Nobody wants to have their dirty linen washed out in
25 public, yes.

11: 44

26 186 Q. On 10th February 1980, it is the last document in
27 divider K, your then Provincial wrote to the member in
28 question saying:

29

"It is my unpleasant duty to inform you

1 officially, which I have already done
2 verbally, prior to your hospitalisation
3 where I know Dr. Maloney has done
4 everything on his part that he could,
5 that you have ceased to be a member of
6 our institution of communities. The
7 Vicar General has confirmed, in effect,
8 your automatic expulsion.

11: 45

6 However, every man is entitled to his
7 good name publically, it is up to you
8 to guard this as we will, provide you
9 cooperate with these and similar
10 conditions that follow."

9 Father, what do you think now for this concern of the
10 maintenance of people's good name?

11: 45

11 A. I have read that often and I have wondered about the
12 same issue. I mean, to me he didn't have a good name.

13 187 Q. Yes. And didn't deserve it to be protected?

14 A. But obviously the limits in the boundaries in an issue
15 like this are extremely difficult to clarify. I mean,
16 there is still a debate going on, is there not, now
17 about whether communities should be informed about sex
18 offenders and there are voices for and against that, so
19 where do you draw the limit? Clearly we informed the
20 Department of Education, we informed the Department of
21 Justice through a judge. It was known in official
22 circles, if you like, and we expelled the man from the
23 Order. Should we have told the police? Yes, we should
24 have told the police.

11: 45

11: 46

25 188 Q. Indeed, you eventually came to tell the police, 15
26 years later, is that right, in 1995?

11: 46

27 A. Yes, indeed.

28 189 Q. Even that I think at a time when you were conscious
29 that others had already made allegations against the

1 same man?

2 A. To be quite honest, I can't recall whether there were
3 other allegations made in the time coming up to when we
4 reported it.

5 190 Q. Well, that was Fr. Pearse's evidence in any event, that 11:47
6 while he made the disclosure because the CORI policy
7 was coming into effect it was nevertheless made at a
8 time when he was aware that there were other
9 allegations being made to the police about this former
10 member? 11:47

11 A. Yes. Obviously, in the early 1990's and particularly
12 from 1993 or 1994 on, this matter was in the public
13 domain and was being discussed and we were obviously
14 discussing it quite widely ourselves and we were
15 reviewing constantly what do we do in regard to these 11:47
16 matters. One of the decisions we made was to go to the
17 guards and to make them aware of what we were aware of
18 at that time.

19 191 Q. In every case?

20 A. At that time we were not aware of other matters that 11:47
21 went back to the 1940's, 1950's and 1960's because,
22 clearly, we did not have any documentation.

23 192 Q. That's what I wanted to ask you about, because it
24 brings me to the next member of the Order. There was a
25 complaint made in 1992, you recall this evidence, about 11:48
26 a priest who had been working in a parish in the
27 1980's. Do you recall what I'm talking about?

28 A. Yeah, I think so.

29 193 Q. All right. It transpired that the complaint had also

- 1 been made in the 1980's by the mother of the boy
2 concerned?
- 3 A. Yes.
- 4 194 Q. Who had come over from Cardiff for the day?
- 5 A. Yes. 11: 48
- 6 195 Q. To Dublin?
- 7 A. Yes.
- 8 196 Q. The Provincial at the time appears to have warned the
9 member concerned but had done nothing further; is that
10 right? 11: 48
- 11 A. Yes.
- 12 197 Q. And 12 years later the matter came to light once again;
13 is that right?
- 14 A. Yes.
- 15 198 Q. When the boy concerned, now a young man, say a 11: 48
16 programme about clerical sexual abuse and rang a
17 Rosminian in England?
- 18 A. Yes. This -- can I fill in a couple of bits in that?
- 19 199 Q. Yes, of course.
- 20 A. Obviously, what seems to have happened here is that a 11: 49
21 boy from Cardiff came to visit a member of the
22 Congregation whom he had become acquainted with the
23 previous summer, and in the course of this young boy's
24 stay with us, he was assaulted by the member of the
25 Congregation. The boy returned to his home and he made 11: 49
26 his complaint known to, in fact, as far as I can
27 recall, another member of our Congregation who was
28 based in England and he informed our Provincial at the
29 time, who was the same Provincial who had dealt with

1 the previous case that we have just spoken about.

2 200 Q. Yes.

3 A. Our Provincial spoke with the man who was accused.

4 201 Q. Yes.

5 A. And -- can I come back to what might have been 11: 50

6 discussed a little bit later? When this issue arose
7 again in 1992, there was obviously a new Provincial in
8 place at that time and he responded to the complaint of
9 the boy, he went to see the man that was being accused
10 and removed him from his position immediately. 11: 50

11 Subsequently, he spoke with the Provincial who had been
12 in place in 1980, to try and ascertain what had
13 happened. We had some small documentary evidence,
14 which was a letter -- which I think was a letter,
15 perhaps one or two letters dealing with it. And the 11: 50
16 memory of the Provincial who dealt with the issue in
17 1980 was that he believed the man who was accused when
18 the man said that it didn't happen.

19 202 Q. Yes.

20 A. Obviously... 11: 51

21 203 Q. He was wrong about that?

22 A. Obviously he was wrong about that. It did happen, and
23 the man should have been removed, etc. But he was
24 believed.

25 204 Q. Yes. And furthermore he was... (INTERJECTION)? 11: 51

26 A. And obviously one of the things that we would be
27 reflecting on is how come, within a couple of weeks the
28 same Provincial had responded to two cases, two
29 complaints quite differently. In one case he had

1 believe the complainants and had expelled the man from
2 the Congregation and in the other case he believed the
3 man who was accused.

4 205 Q. Of course in neither case did he follow up with the
5 boys concerned, isn't that right, in the first case he 11: 52
6 didn't have to because the boy concerned had told what
7 had happened. In the second case, as far as I can see,
8 there was no conversation either with the complainant
9 at the time or other boys who this member of the Order
10 might have interfered with previously? 11: 52

11 A. The other boys you are referring to are?

12 206 Q. The member concerned had also worked in the industrial
13 schools previously; isn't that right?

14 A. I'm not too sure what you are suggesting he might have
15 done in that regard. 11: 52

16 207 Q. Can I just put... (INTERJECTION)?

17 A. But I accept that the response -- that there was no
18 follow up with the man concerned, or boy as he was at
19 that stage, the boy in Cardiff, there was no follow up
20 simply because the man was believed. 11: 52

21 208 Q. Can I just summarise what I understand Fr. Pearse said
22 about all this, because it brings me back to a question
23 I was asking you without earlier. In 1992 when this
24 matter came to light that contact was made with the
25 priest in question, who was then working in a parish, 11: 53
26 that he was sent to a programme in Stroud, that he
27 couldn't cope with the restrictions that were placed on
28 him consequent upon what had occurred, that he left the
29 priesthood, and that the connection with Ferryhouse

1 only came to light when in 1994 further complaints were
2 made about this priest?

3 A. Yes.

4 209 Q. And it transpired that he had been in Ferryhouse in
5 1960 and that there were complaints about his conduct 11: 53
6 then?

7 A. He had been in Ferryhouse in?

8 210 Q. In the 1960's?

9 A. Yes, he was in Ferryhouse in the late 1960's. In fact,
10 he was a past pupil of Ferryhouse himself. 11: 53

11 211 Q. But when it came to light that other people were making
12 complaints about his activities in Ferryhouse that the
13 decision was taken to report him to guards? Is that
14 your memory of the matter, your understanding of it?

15 A. Yes, I think that in dealing with him over that period 11: 54
16 of time, from the complaint that was received from
17 Cardiff in 1992, there obviously would have been
18 various discussions with him and he was, as you say,
19 admitted for treatment. I don't think he was as
20 forthcoming as we would have liked him to have been in 11: 54
21 terms of other people that he did abuse. That didn't
22 emerge until around about 1994, when a past pupil came
23 to one of our institutions and made a number of
24 complaints against him. We encouraged that past pupil
25 to report the matter to the Gardaí. 11: 55

26 212 Q. Yes.

27 A. We tried to maintain contact with that past pupil, but
28 the contact broke down. Although there was contact
29 over a number of months, but it did break down. And we

1 did report -- then, obviously, we began to question the
2 man concerned about this complaint and he admitted to
3 this complaint and he gave us reason to believe that
4 there might have been others as well.

5 213 Q. All right. 11:55

6 A. We did then report the matter to the Gardaí. All of
7 that -- a lot of things were happening at that stage
8 around 1994 and we were trying to grapple with them.

9 214 Q. What I want briefly to look at, Father, is I think you
10 are wrong about that, I'm not suggesting that you are 11:55
11 telling a lie, don't misunderstand me, Father, but I
12 think you got that wrong. What I am suggesting to you
13 is when Fr. Pearse investigated this in 1992 he found
14 out then that this man had interfered with at least one
15 boy in Ferryhouse in the 1960's. In 1992 he found that 11:56
16 out?

17 A. Okay, I stand corrected.

18 215 Q. Pardon?

19 A. I stand corrected.

20 216 Q. All right. Well, Fr. Pearse didn't say that, I have to 11:56
21 tell you, but I'm basing that on a report dated 21st
22 August 1992 that Fr. Pearse wrote, which is at divider
23 L, the third page of that. You will see halfway down
24 the first full paragraph he's talking about the
25 incident. Then he said: 11:56

26 "He said there had been an incident
27 with a boy when he was a prefect in
28 Clonmel as a scholastic. He said that
29 he had been abused by other boys but
not by adults at the same time."

1 Do you see that, Father?

2 A. Yes.

3 217 Q. It is obvious, I think, that it was clear to the Order
4 from 1992 at least that there had been sexual abuse of
5 somebody carried out in Ferryhouse in the 1960's by
6 this man? 11:57

7 A. It does.

8 218 Q. Yes. The response, I think, wasn't in fact initially
9 to expel him, isn't that right, it was, to use the
10 phrase in the documentation, to exclastrait (sic) him; 11:57
11 isn't that right?

12 A. No, our response to the man concerned was not to expel
13 him, our response was that there was to be such a limit
14 put on him that he couldn't find himself in a situation
15 like this again. Yes, that was our response at the 11:58
16 time, not to expel him. And I would say that that is
17 still an issue that people are grappling with, what do
18 you do with people that you find in your Congregation
19 are abusers?

20 219 Q. Yes. 11:58

21 A. I would say that there is very divided opinions on
22 that.

23 220 Q. What I'm getting around to in a slightly long winded
24 way, Father, is suggesting this to you, that even in
25 1993, a primary concern was to avoid public 11:58
26 embarrassment, do you agree with that?

27 A. I'm not too sure that it was a primary concern.

28 221 Q. There is a letter that Fr. Pearse wrote to the then
29 Archbishop of Dublin, dated 7th December 1993, and

- 1 A. Yes.
- 2 225 Q. But it is clear that nobody from the Rosminians made a
3 report to the police in 1996, or at some stage until
4 after 1996; isn't that right?
- 5 A. About this man? 12:01
- 6 226 Q. Yes, about this man. There is relatively friendly
7 correspondence going to and fro with him about his
8 laicization and there is a decree of some sort received
9 from Rome, he's laicized, and that's all passed to him.
10 There is no threat, even in 1996, of taking the matter 12:01
11 further; do you agree with that?
- 12 A. I can't recall whether we did or did not report him to
13 the guards.
- 14 227 Q. If it is the case, Father, that you didn't report him
15 to the guards until after 1996, what do you say to 12:01
16 that, in the context of now knowing that you were fully
17 aware at the time that he had abused boys, or at least
18 one boy in the 1960's in Ferryhouse?
- 19 A. In the context of now knowing what we know, obviously
20 if we had our opportunity again we would certainly make 12:02
21 the report to the guards.
- 22 228 Q. I may not have phrased that question quite correctly,
23 Father. If, in 1995, you were willing to report
24 somebody else because of CORI policy, why wouldn't you
25 report this man? 12:02
- 26 A. I can offer you no explanation, we should have reported
27 him in the same way as we did report others. I know
28 that there was some debate going on about, at the time
29 in a number of circles, about what do you do in

1 situations like this, and one of the things that was
2 being said was that a person you reported, if you
3 accused him of something, that basically they could sue
4 you.

5 229 Q. Right. Do you think that was a concern? 12: 03

6 A. It was one of the things that was being said at the
7 time.

8 230 Q. Can I just go back then, Father, to some things that I
9 asked you at the beginning about sexual abuse. I mean
10 it is clear, looking through the history of this, that 12: 03
11 it occurred in every decade in the industrial schools,
12 isn't that right, the Rosminians ran?

13 A. Yes.

14 231 Q. And it is hard to believe... (INTERJECTION)?

15 A. There was one incident in the 1990's. As far as I was 12: 03
16 aware, there was one incident in the 1980's. There
17 were a number of incidents in the 1970's and in the
18 1960's and in the 1950's.

19 232 Q. And in the 1940's, we also know of them?

20 A. Yes. 12: 03

21 233 Q. What I would suggest to you, Father, is it is hard to
22 believe under those circumstances that anybody could
23 say that this wasn't recognised for what it was, and
24 that people shouldn't have been on the look out for it?

25 A. I don't think that there was, I think there was sort of 12: 04
26 a half consciousness about it.

27 234 Q. They were certainly conscious?

28 A. I think there was only a half consciousness about it,
29 and the things that happened in the 1950's, we didn't

- 1 seem to learn properly from them, as we might have
2 done. I think there is loads of reasons for that, and
3 the memory, it didn't seem to burst into our
4 consciousness in the same way as it did in the 1990's
5 and I don't think we would be unusual in that regard, 12: 04
6 unfortunately.
- 7 235 Q. When you look back on it, you will see now that there
8 was clearly consciousness about the legal consequences
9 of sexual misbehaviour amongst the boys as far back as
10 the 1930's and 1940's? 12: 05
- 11 A. Yes.
- 12 236 Q. Boys were prosecuted in the 1930's for things they had
13 done while at Upton?
- 14 A. Yes.
- 15 237 Q. And were at the point of prosecution in the 1940's? 12: 05
- 16 A. In the 1940's, yes.
- 17 238 Q. There is clearly awareness in the institutions of the
18 idea of sexual misbehaviour amongst the boys, the
19 Punishment Book is full of chat about immorality with
20 others; isn't it? 12: 05
- 21 A. Yes.
- 22 239 Q. So it is something that those in charge of the school,
23 at least through all those all periods of time, fully
24 recognised?
- 25 A. Yes. 12: 05
- 26 240 Q. And thinking back on it now, Father, how can you
27 explain what you say is their lack of awareness of the
28 possibility of adult sexual abuse?
- 29 A. I think the awareness was -- I think it was such a dark

1 area that it just didn't -- perhaps we didn't allow it
2 to come into our consciousness in a way that it should
3 have done, that it was kept down because it was such a
4 dark area.

5 241 Q. Yes. Albeit that in the 1940's you threatened to close 12:06
6 the school down because the Department of Education was
7 getting concerned about the consequences for the school
8 management of the outbreak in the 1940's amongst the
9 boys?

10 A. Yes. Yes, the manager at the time threatened that 12:06
11 because of the way that the letter from the Department
12 of Education described the conditions in the school.

13 242 Q. When you look at all that, Father, do you agree that
14 those in charge of the schools must have been aware of
15 this risk and that when they found out about it they 12:06
16 acted largely to protect the reputation of the Order?

17 A. I would say that was certainly one of the motivating
18 factors, I would not deny that.

19 243 Q. Can you help us with this, Father, how do you explain 12:07
20 that in a religious order, how do you explain a desire
21 to protect the institution and the members from the
22 consequences of their crimes as being a serious
23 motivating factor?

24 A. That's difficult to explain now. I think, really, I 12:07
25 think you need to speak to someone who is a bit more
26 expert on the whole matter of institution, closed and
27 open institutions. But obviously the situation in our
28 institutions and in many of the institutions were that
29 they seemed to be fairly self-sufficient, they seemed to

1 be fairly closed. They won't open to influences from
2 outside, to forward thinking and things like that. Nor
3 was society, nor was Irish society at that time.

4 244 Q. Do you think, Father, that part of what lay behind all
5 of that was a tolerance of sexual abuse to some extent? 12:07

6 A. I don't believe that people tolerated it.

7 245 Q. Do you believe that the -- at least, that the lack of
8 screening of members coming into the Order, the lack of
9 training for them, that those issues contributed to it?

10 A. I do think, yes. I do think that they did contribute 12:08
11 to it. But I think that the notions of screening and
12 training are notions that didn't exist to the same
13 degree then as they do now?

14 246 Q. Do you accept, Father, that there must have been a lot
15 more sexual abuse going beyond the stuff that we have 12:08
16 been talking about this morning that was detected?

17 A. I have to say that I accept totally that there are
18 people out there who have also been -- who have been
19 sexually abused in our institutions who have not come
20 forward to this Commission. I know that, and we accept 12:08
21 that, there are people who were abused in our
22 institutions, sexually abused who have not come forward
23 to this Commission, or to any -- or indeed to other
24 forum.

25 247 Q. Much of that, or all of the hidden sexual abuse was 12:09
26 obviously not reported by children, or we must assume
27 that? We must assume that children didn't tell the
28 managers that this was happening?

29 A. Yes.

- 1 248 Q. And why do you think, Father, that the children had
2 such little trust in those who were in charge of them
3 that they couldn't tell them that?
- 4 A. Because I think it was such, there was such shame and
5 blame attached to the whole thing, that it was such a 12:09
6 fearful, dark area in people's lives and they didn't
7 know what to do with it.
- 8 249 Q. Do you think that the nature of the institution must
9 also have had a lot to do with it?
- 10 A. I certainly do. I think the nature of the institution 12:09
11 was such that it did not help children to be able to
12 come forward.
- 13 250 Q. Yes. If you treat children in the way that I have
14 described as brutal, although you don't agree, that you
15 must expect that they would be reluctant to confide in 12:10
16 them?
- 17 A. I accept that.
- 18 251 Q. So there is a connection between the two, would you
19 agree?
- 20 A. I accept that there is a connection between everything. 12:10
21 There is a connection between the financing of the
22 places, between the regard or the disregard that they
23 were held in society. There is a connection between
24 that and the service that we provided or didn't
25 provide. There is a connection between all of those 12:10
26 things.
- 27 252 Q. Just one other thing you said, Father, that I wanted to
28 ask you about when you were giving evidence. That you
29 didn't believe that part of the problem was that you

1 saw the children as being from -- as being lower class,
2 as being from a poor background, that you didn't
3 believe that that contributed to the way in which they
4 were treated. Do you think that's true, having heard
5 the evidence that you have now heard?

12: 11

6 A. I think that people -- that children who came from such
7 backgrounds, that they weren't treated as well as
8 children who came from other backgrounds,
9 unfortunately.

10 253 Q. Partly, I suggest to you, because that was the
11 background from which they came?

12: 11

12 A. Yes.

13 254 Q. Hearing the evidence, there is certainly something the
14 atmosphere of the workhouse about the places as
15 depicted to us by the witnesses; isn't there?

12: 11

16 A. That is really a bit of a generalisation, to comparing
17 it with the workhouses.

18 255 Q. When you think of the education that they got coming
19 out of the industrial schools, you would agree that
20 that was quite inadequate, bearing in mind the fact
21 that you had them captive and that truancy wasn't going
22 to be a problem?

12: 12

23 A. I'd say the education that they received was very
24 mixed. I'd say that there was some children who came
25 with some degree of knowledge already and that we were
26 able to build on that, if you like. I would say that
27 some children seemed to do reasonably well, insofar as
28 they were able to pass their Primary Certificate and
29 there is plenty of record on that. I would say that

12: 12

1 other children did not do well in the system at all. I
2 know that back in the 1930's, in 1936 when the Cussen
3 Commission was sitting that our Provincial at the time,
4 Fr. Hickey, made statements with regard to education
5 that the boys should receive.

12: 13

6
7 On the whole, I would say that many people made a great
8 effort in the education of the boys and did as best
9 they could. But I would say on the whole that the
10 education was probably inadequate, yes.

12: 13

11 256 Q. And, indeed, that the trades after a while became
12 largely irrelevant; isn't that right?

13 A. Yes.

14 257 Q. Nobody seemed to have thought of putting in place
15 trades that might have been useful to them?

12: 13

16 A. No, that's not true. There were a -- it depends on
17 where do you mean by after a while. Clearly the
18 trades, you know, when the schools were developed, were
19 appropriate. There were some changes in the -- along
20 the way at various stages. Obviously, by the 1960's
21 some of the trades that were being used, or that were
22 being taught, weren't suitable. I know that my
23 namesake, Fr. Willie O'Reilly in Ferryhouse, tried to
24 introduce new trades, including mechanics, etc., and a
25 number of other new trades. So he did try to respond
26 to what was obviously not a good situation.

12: 13

12: 14

27 258 Q. Are you struck, Father, looking through the files at
28 the years before the 1970's that there is almost no
29 personal comment about a boy anywhere?

1 A. Which files?

2 259 Q. The boys you maintained about the files, about they
3 attributes as human beings, there is their weight,
4 their size and so on, but almost nothing about them
5 personally. Do you think that must have contributed 12: 14
6 greatly? Do you think the fact that they were treated,
7 I suppose, as persons that you are putting through the
8 system as opposed to being children for whom you were
9 in loco parentis, do you think that contributed greatly
10 to the difficulties many of them faced in their later 12: 15
11 years?

12 A. I wouldn't accept that people were just put through a
13 system. I think that many of the people who worked in
14 the institutions that we had, had great regard for many
15 of the children, and I would say that the children had 12: 15
16 regard for many of them, and that it wasn't just a case
17 of being put through a system. I would accept
18 certainly that the entire system was totally inadequate
19 and contributed so much to many of the problems that
20 people had later on in life, yes. 12: 15

21 260 Q. One of them said, Father, in evidence, that:

22 "Nobody had any responsibility, nobody
23 gave a rat's arse, nobody cared. Beat
24 them and shut them up. We were the
25 scum of the streets of Dublin and
26 Limerick and Cork. We were only scum,
27 that's all we were, make no mistake 12: 16
28 about that."

27 Do you think that's a fair reflection of the way the
28 children felt?

29 A. I accept that that is a fair reflection of how that man

1 felt. I would say that others wouldn't express it in
2 the same terms and I wouldn't question at all that that
3 man felt that way, or indeed, for all I know that he
4 wasn't treated in such a way.

5 261 Q. But more to the point, Father, many others 12:16
6 also... (INTERJECTION)?

7 A. I would say many others did, yes.

8 MR. McCULLOUGH: Thank you very much.

9 Thank you, Chairman.

10 12:16

11 END OF EXAMINATION OF FR. O'REILLY BY MR. McCULLOUGH

12

13 THE CHAIRPERSON: Thank you very much.

14 Mr. McGrath, I was thinking
15 that it might be a convenient time, we have been going 12:16
16 for a good while. You would probably appreciate a
17 break at that stage, Fr. O'Reilly, and we might start a
18 little earlier. Does that discommode you, Mr. McGrath,
19 or is that a convenient way of doing it?

20 MR. McGRATH: It is quite convenient to 12:17
21 me.

22 THE CHAIRPERSON: Does that suit you,
23 Fr. O'Reilly?

24 A. I don't mind if you want to keep going.

25 THE CHAIRPERSON: Maybe we'll carry on for a 12:17
26 while. Very good, we'll
27 carry on for a little while. Please feel free if you
28 find that you would like to break -- what I had in
29 mind, Mr. McGrath, we will break about 12:45 or so, in

1 other words take about half an hour, but at some
2 convenient point at that stage I will intervene, if you
3 want to go on a little further well and good.

4
5 FR. JOSEPH O'REILLY WAS THEN EXAMINED, AS FOLLOWS, BY 12: 17
6 MR. McGRATH:

7
8 262 Q. MR. McGRATH: Fr. O'Reilly, David
9 McGrath, senior counsel,
10 I'm with Ms. Sara Berkeley, instructed by Pearse 12: 17
11 Mehigan, for a number of the past pupils who gave
12 evidence at the Commission. As I understand it, there
13 were something in the region of about 26 past pupils
14 gave evidence to the Commission, or thereabouts, and I
15 think I appear for about half of those pupils. 12: 17

16
17 I just want to discuss with you, first of all, a little
18 bit about the background. I know from previous
19 evidence you have given that the school was taken over
20 by the Rosminians sometime around 1884, on the basis 12: 18
21 that Count Moore who had built the school to give
22 education to poor children in the particular area, and
23 from then on it was the Rosminians who essentially ran
24 it; is that correct?

25 A. That's correct. 12: 18

26 263 Q. At some stage or other it stopped, it would appear,
27 from being a school for local children and turned into
28 an industrial school, about when was that?

29 A. Well, as far as I remember, that's not the case. I

1 think that there was discussions very early on, when
2 the application was being made for the certificate of
3 the school and I think that Count Moore wanted it to be
4 a school particularly for children from the Tipperary
5 area. But as far as I can recall, in discussions with 12: 18
6 the chief inspector, or whoever was in Dublin Castle at
7 time, I think they made the case that a school confined
8 to such a small geographical area wouldn't be
9 acceptable and that there were negotiations on that.
10 Perhaps I can be corrected on that. 12: 19

11 264 Q. As far as you are concerned then, it was an industrial
12 school from quite an early stage?

13 A. Yes, from the beginning.

14 265 Q. It may be a misconception that the general public would
15 have had of industrial schools, but certainly as a 12: 19
16 youngster the mention of an industrial school to me,
17 say in the late 1950's or early 1960's, would have
18 meant somewhere that delinquent children were sent, in
19 other words children who had committed some sort of a
20 crime and they were sent to industrial school for 12: 19
21 correction. But as I understand the way, certainly
22 Ferryhouse and Upton were run and many of the other
23 institutions, in fact industrial schools took in what
24 weren't strictly orphans but were certainly children
25 who had committed no crimes but, in fact, came from 12: 19
26 either poor backgrounds or there was some difficulties
27 at home. Is that the situation in Ferryhouse?

28 A. Yes, I think so. I think that many, if not most of the
29 children had committed no crimes as such.

- 1 266 Q. In fact, of the past pupils, that my solicitors have
2 represented, it would appear that six of them had
3 parents who died and they were from large families; one
4 was the child of an unmarried mother; one was the child
5 of a mother who was in and out of hospital on a regular 12: 20
6 basis; two seemed to be taken into care because they
7 were poor; and two were taken into care because their
8 fathers had gone to England looking for work and that
9 seems to be a fairly regular scenario as far as these
10 children were concerned? 12: 20
- 11 A. Yes, there seems as if there was an enormous cross
12 spectrum of reasons why the boys came in, often to do
13 with circumstances of that.
- 14 267 Q. In fact, of the 12 children or so that my solicitor
15 would have represented, it would appear that all of 12: 20
16 them were there essentially because of the poor
17 backgrounds they were from. Am I correct in
18 understanding that the vast majority of children who
19 were in Ferryhouse were probably there for that
20 particular reason, rather than juvenile delinquency? 12: 21
- 21 A. Yeah, I think it is correct that a minority of boys
22 would have been there for crimes that they would have
23 committed.
- 24 268 Q. Mr. McCullough has dealt in a significant amount of
25 detail with punishment. Am I correct in understanding 12: 21
26 that the punishment that was designed came as a result
27 of the fact that industrial schools were entitled to
28 use punishment and they were really designed to cope
29 with children who were likely to be troublemakers and

1 that's the whole historical type of background of the
2 reason why significant amount of corporal punishment
3 might have been used in this particular institution?

4 A. I'm sorry, can you break that question down a bit
5 please?

12: 22

6 269 Q. I will break it down into the following: This was an
7 industrial school, you were governed by the rules
8 pertaining to punishment under the rules relating to
9 industrial schools; is that right?

10 A. We were governed by the rules, yes, Rules and
11 Regulations, 1933.

12: 22

12 270 Q. So, as far as this is concerned, those were rules that
13 were drafted up in respect of schools that were
14 designed, as I have suggested before, for delinquent
15 children. In other words, children who were likely to
16 cause trouble and that you might have to, to put in
17 inverted commas, sort out; would you accept that?

12: 22

18 A. No, I'm sorry, I don't think that's correct.

19 271 Q. All right, so using that the punishment that was
20 designed was designed in such a way as to take care of
21 or to sort out all the children rather than children
22 who were going cause you difficulty?

12: 22

23 A. I don't think there was any distinction made between
24 the background of the children or who the punishment
25 was suited to.

12: 23

26 272 Q. No, what I'm suggesting to you is that the original
27 design of the punishment was because this was an
28 industrial school, which in fact was to take delinquent
29 children?

1 A. I'm afraid that's not my understanding. The 1908 Act
2 allows for children from a whole range of backgrounds
3 to be admitted to an industrial school, including
4 children who commit offences, children who come from
5 various backgrounds. I think it is section 58. So I
6 would have to presume that the rules that were devised
7 by the Department were devised, you know, knowing what
8 the types of background that the children had in the
9 industrial schools.

12: 23

10 273 Q. All right. Let me move on to something then that you
11 said on the previous occasion that you were giving
12 evidence. At question 157, arising from the booklet of
13 the evidence given on Tuesday, 7th September 2004. You
14 said in answer to question 157:

12: 24

15 "Well, in my time, and before my time,
16 we used a phrase, care, control and
17 education to describe what we are
18 about. I would say that for most of
19 the time that we are talking about
20 education wasn't the top of the list,
perhaps control might have been top of
the list. Care and education at times
priorities changed I'd say."

12: 24

21 Now I just want to discuss that particular proposition
22 with you. Would you accept that the majority of people
23 who gave evidence in relation to their experiences in
24 Ferryhouse, gave as their prime memory of there an all
25 pervading fear and anxiety during their time that they
26 were there?

12: 25

27 A. I would say certainly that we heard, and I accept from
28 evidence from many of the people, that they experienced
29 enormous anxiety and fear in the schools. And I accept

1 that that would have been the case for many of the
2 children.

3 274 Q. They described fear and anxiety because it wasn't just
4 the case of they might have been punished, it was a
5 case of they were waiting to be punished, they knew 12: 25
6 they were going to be punished, they just didn't know
7 when it was going to happen and that was an all day,
8 every day basis?

9 A. I would say that certainly there was a sense in the
10 school, in most of the schools and in our schools, that 12: 25
11 punishment could come at any time, yes.

12 275 Q. Now, in that regard I wanted to ask you something that
13 my friend dealt with in a small way, and I want to come
14 back to it, that's the question of bedwetting. From
15 your institution, we have heard descriptions in terms 12: 26
16 of punishment for bedwetting, you have already had a
17 discussion in relation to the cold showers. Many of
18 the pupils gave evidence to the effect that they
19 weren't allowed drink in the evening times because
20 there was a fear that if they had a drink they would 12: 26
21 wet the bed and that sort of thing. Given how long
22 this institution was open, given the experience that
23 there were in all the other institutions like Artane,
24 Letterfrack, Goldenbridge and everything, you said all
25 the institutions had the same sort of thing, did it not 12: 26
26 occur to anybody before we got into the late 1970's or
27 1980's or whatever, that the system of beating children
28 for bedwetting, for actually making them parade around
29 with sheets over their head, not drinking, that putting

1 them in cold showers, that none of these things quite
2 clearly were working because children who were being
3 beaten on a daily basis were still wetting the bed
4 every night, did it not seem inconceivable that nobody
5 thought that this was wrong and that we had to find a 12: 27
6 different way of doing it?

7 A. It does seem, indeed, inconceivable, that that would
8 have been the case. I do think that people did try to
9 address it in different ways over the years. Very
10 inadequate ways, I accept that totally. 12: 27

11 276 Q. Having described to you the background of the various
12 people who give evidence, that either I or my junior or
13 my solicitors appear for, they went in because of poor
14 background, they went in because their families weren't
15 able to cope with them, their families weren't able to 12: 27
16 feed them. It would appear that they went in because
17 they needed care, they needed education, they needed
18 food. Would you accept that on the basis of the
19 evidence that you have heard, that when you line up
20 that list, care, food or education, that certainly that 12: 28
21 was not provided until very late on in the history of
22 Ferryhouse?

23 A. I will accept that -- I'm sorry, it is hard to know
24 where to begin and end with your question. You know, I
25 would accept that care was not the priority at an 12: 28
26 earlier time. I will accept that education wasn't the
27 priority that it was at a later time. I would say that
28 certainly in the period that generally we are speaking
29 about, from the 1940's on, I would say that the first

1 priority was control. In the terms that we use
2 nowadays care, control and education.

3 277 Q. So when you talk about... (INTERJECTION)?

4 A. I would say that the first priority was to manage this
5 apparently unmanageable system and therefore it was
6 about control. That was the first priority. I would
7 say also that education was a concern and was a
8 priority.

12: 29

9 278 Q. All right. Would you accept that on the basis of the
10 evidence that you heard, that certainly the vast
11 majority of people who left the institution, that we
12 certainly heard giving evidence, left illiterate?

12: 29

13 A. No, I wouldn't accept that.

14 279 Q. Couldn't read, couldn't write?

15 A. I will accept that there are -- that there were, I
16 can't say how many, but that there were people,
17 certainly, who did leave the institutions who couldn't
18 read and couldn't write. I will accept that,
19 unfortunately, that that's probably even the case today
20 for some children who leave the school. Because
21 education and literacy is a very complex issue.

12: 29

12: 30

22 280 Q. I have to suggest to you that it was a lot more than
23 just a few, it was significant numbers were leaving
24 barely able to read, barely able to write?

25 A. Obviously, I don't have the numbers here that refer to
26 the Primary Certificate, but we do know that there are
27 results available from the early to mid-1940's for both
28 Ferryhouse and Upton which showed that in excess of 50%
29 of those who sat the Primary Cert did pass it. I'm not

12: 30

1 saying that they were all the children who were in the
2 school, that all the children who were in the school
3 took the Primary Certificate, but obviously a
4 substantial number did pass it.

5 281 Q. Aren't you aware, and certainly the Committee will be 12: 30
6 aware, aren't many pupils in the industrial schools
7 surprised that they did their Primary Cert and actually
8 surprised that they passed Irish when they couldn't
9 speak a word of it? Haven't witnesses before the
10 Committee indicated surprise when they were told that 12: 31
11 they had got their Primary Certificate, particularly
12 when they got good marks in Irish?

13 A. All I can tell you is the records with regard to the
14 Primary Certificate, as far as I know, were forwarded
15 to us by the Department of Education, I think we found 12: 31
16 some in our own archives, I spoke to the two principals
17 who were in Ferryhouse from 1943 on to 1976, they
18 confirmed to me that boys sat the Primary Certificate,
19 our diaries for the period recorded occasionally, the
20 number of boys who sat for the Primary Cert and passed 12: 31
21 it. I accept -- if it is the case that people don't
22 remember sitting for the Primary Certificate, or that
23 it wasn't conveyed to them at the time that this was
24 what they were doing, that may have been the case.

25 282 Q. I think some have gone further and have suggested that 12: 32
26 their Irish was so poor, in fact they had no Irish, and
27 it was not possible that they could have passed Irish,
28 never mind got a very good mark in it?

29 A. Perhaps I am misunderstanding this, but it sounds to

1 me, I'm asking you, are you suggesting that these
2 figures or these certificates were made up in some
3 shape or form?

4 283 Q. Well, I'm suggesting that there are people who have
5 said in evidence before the Committee that they do not 12: 32
6 remember sitting a Primary Certificate and they are
7 absolutely certain that they did not have enough of the
8 required disciplines to have actually passed those
9 disciplines and yet they are recorded as having passed
10 the Primary Certificate? 12: 33

11 A. I honestly cannot account for that. I would say Irish
12 was a particular difficulty and if we look at the
13 results of the Primary Certs we can see that if Irish
14 had not been one of the subjects, if it had been based
15 solely on English and maths, then a much higher 12: 33
16 percentage of the boys would have passed the Primary
17 Cert. Irish was a particular stumbling block.

18 284 Q. Can I just ask in relation to schooling, I think it is
19 something that may have come up before but it may not
20 have been done in a very detailed way, what checks were 12: 33
21 there done by the Rosminians in relation to checking
22 how various pupils were getting on in the school and in
23 education?

24 A. What checks were done by the Rosminians in regard to
25 how boys were getting on in the school? 12: 34

26 285 Q. Yes? Yeah?

27 A. What period are we talking about?

28 286 Q. We're dealing with the period from 1940 through to
29 1960. Let's start in the 1940's then. Was there any

1 method of you checking up to see whether a child who
2 came in and was illiterate was making any progress
3 whatsoever in terms of learning anything at all?

4 A. As far as I know the primary school was inspected by
5 the Department of Education and I presume that that
6 would have been within the remit of the Inspector to
7 ascertain what the educational standards were. I know
8 that, obviously, boys progressed from one year to
9 another, and that would seem to have been some
10 indication. But I know there was no assessment system
11 as such. 12: 34

12 287 Q. We have had regular evidence from people in the various
13 industrial schools that they were regularly pulled out
14 of class and sent to do something else. Sometimes it
15 was at a certain age because they were sent to do the
16 trades. But regularly, when they were younger, they
17 were pulled out of class to help out on the farm or do
18 some other work around the school and that they were
19 making no progress at school. Now, it would seem to
20 me, besides the inspectors, that surely since you were
21 taking children in, children who were from poor
22 backgrounds, who were not getting an education, some of
23 them were playing truant, some of them were working
24 rather than going to school because the family needed
25 money, that surely the Rosminians would have been very
26 anxious to see that those children, who were in their
27 care for education, were actually progressing. Is it
28 my understanding from what you are saying that it was
29 left to the Inspector turning up to say what how the 12: 35

- 1 education was going?
- 2 A. Education is a particularly difficult area. Obviously
3 some of the other institutions were run by Brothers and
4 Sisters who might have been formed or established as
5 Congregations with a particular characteristic for 12: 36
6 education, for teaching. Unfortunately, that wasn't
7 part of our founding reasons. So, we might not have
8 been as sharp on that issue as other Congregations
9 might have been. That said, I do not accept that there
10 would have been whole scale removal of children from 12: 36
11 the primary school on a daily basis or on a regular
12 basis. Certainly I accept that at times children were
13 removed from class, for example, there were certain
14 times in the year when the school would have been
15 closed so that there would have been picking potatoes 12: 36
16 and other agricultural jobs to attend to. But that
17 would have been a small enough number of days out of
18 the entire school year.
- 19
- 20 Certainly, there might have been children, particular 12: 37
21 children, who were taken out of school for particular
22 reasons from time to time. But I think that on the
23 whole, the children did attend the primary school and
24 would have been there for all the time that they should
25 have been there, with some exceptions. I think that 12: 37
26 the roll books are available to indicate that that was
27 the case.
- 28 288 Q. Again a roll book is something that what you do is you
29 tick off that the pupil was there actually in the

1 class, or he was in the institution, it doesn't
2 necessarily reflect that the person was actually in the
3 class at the time they were ticked off as having
4 attended; isn't that right?

5 A. No, my understanding is that you are ticked off if you 12: 37
6 are in the class.

7 289 Q. Sorry, can I suggest to you, you are ticked off if you
8 were in the class, or somebody wants to give the
9 perception you are in the class. You see, I have to
10 suggest to you the evidence before the Committee has 12: 38
11 been that many pupils went in in the morning and then
12 were pulled out of the school shortly after class
13 started?

14 A. I am sorry, I didn't form that view of the evidence
15 that was given, and it would not be my view of the 12: 38
16 education given to the boys or of the situation that
17 would have pertained with regard to education.

18 290 Q. Can I also suggest to you that if a certain impression
19 wanted to be created when the Inspector came that the
20 people who quite clearly weren't making any progress at 12: 38
21 all could easily be removed from the class on that
22 particular day on the basis that they were sick or
23 whatever, and that the perception then of any inspector
24 would be that those in the class were getting on fine?

25 A. I do not accept that that would have been a practice 12: 38
26 that we would have engaged in.

27 291 Q. Well, given that the practice in Ferryhouse was that
28 excessive punishment was given on a regular basis, that
29 the way of running this school was such as to give

- 1 complete control and a certain amount of rule breaking,
2 as you have admitted to Mr. McCullough, in terms of
3 keeping records in relation to that, I have to suggest
4 to you that one of the things that have come across,
5 both from the hearings and from the evidence the last 12: 39
6 day you were here and today, is that the reputation of
7 the school and the reputation of the Rosminians would
8 have ranked very high in the scale of matters that had
9 to be considered, and that would have, I suggest, give
10 a reason as to why those things I have suggested would 12: 39
11 have been done?
- 12 A. I do not accept that we would have engaged in something
13 that seems to be as deceitful as you are outlining.
14 And I don't think there is any evidence to suggest
15 that. 12: 39
- 16 292 Q. Now, can I ask you about the trades. The trades, I
17 think, were called the shops as well. As I understand,
18 there was a tailor shop, there was a shoemaking shop,
19 weaving and then there was -- was it weaving or was it
20 darning or something of that nature? 12: 40
- 21 A. Yes, darning, a knitting shop.
- 22 293 Q. How long were those allowed to continue in being?
- 23 A. Well, as far as I can recall -- can we go through them
24 one by one?
- 25 294 Q. Sure, we'll go through them one by one. 12: 40
- 26 A. The shoe shop.
- 27 295 Q. Take the shoe shop.
- 28 A. I think it was there until the mid-1970's and I think
29 it was done away with at that time.

- 1 296 Q. Oak. Were the children, in your belief, actually
2 taught how to make shoes or was it just repairs?
- 3 A. Well, I have met past pupils, a couple that come to
4 mind, who told me that they got a trade in shoemaking.
5 So I'm led to believe that some of the boys were taught 12: 41
6 how to make shoes and boots. And I expect that there
7 were some that took to that training, if you like,
8 fairly well, and I expect that there were others who
9 didn't. And I expect that -- my understanding is that
10 a lot of it would have involved repairs more than the 12: 41
11 art or the craft of making the entire shoe.
- 12 297 Q. Now, what about the weaving?
- 13 A. Weaving? I'm afraid I can't say anything of the
14 weaving.
- 15 298 Q. Tailoring? 12: 41
- 16 A. Tailoring, I know that -- I would say that a similar
17 type of approach or standard would apply with regard to
18 the tailoring. I have also met people who left the
19 school and managed to get work as tailors or in that
20 profession generally. I am sure that some did well and 12: 42
21 I'm sure that some didn't do well.
- 22 299 Q. As far as things are concerned, as I understand, much
23 of the evidence that came out, and it would seem to
24 suggest that most people, when you were looking for a
25 job after for them and there seems to be an amount of 12: 42
26 evidence that efforts were made to find people jobs,
27 whatever the standards of those jobs might be, and I
28 will come to that in a moment, that the vast majority
29 of people certainly who gave evidence don't seem to

- 1 have ended up in any of the trades that would have been
2 available in school, they didn't end up as tailors or
3 they weren't put into tailoring, they were put into
4 hotels or they were put into working on farms or
5 something of that nature. Would that be a fair 12: 42
6 description of what most people told the Committee?
- 7 A. It probably would be, yes. I would say it probably is
8 accurate, insofar as I agree with you, that the
9 majority of children did not end up in trades that we
10 taught them, that they would have received some 12: 43
11 education on.
- 12 300 Q. So there might have been some people who ended up in
13 tailoring in some shape or form, some people ended up
14 in shoe manufacture or repair in some shape or form?
- 15 A. Yes. 12: 43
- 16 301 Q. I would have to suggest to you that the vast majority
17 of children who passed through Ferryhouse did not end
18 up with anything useful from the trades that were being
19 taught there, other than maybe an ability to darn
20 socks; would that be correct? 12: 43
- 21 A. I would say that a -- yes, I would agree with that,
22 yes.
- 23 302 Q. So to all intents and purposes, so far as being an
24 industrial school that was going to teach people a
25 trade it was completely, in my respectful submission, 12: 43
26 pointless what you were doing?
- 27 A. I recall reading again in Fr. Hickey's submission to
28 the Cussen Commission in 1936, that he laid great
29 emphasis on agriculture because he said that Ireland

1 would appear at that time to have been predominantly an
2 agricultural country and, it appeared to him at that
3 stage, that that was likely to be the way for the
4 future and he was suggesting that "exceptional
5 facilities for agricultural training should be
6 utilised".

12: 44

7
8 Now, I know, for example, that many boys went on to
9 work in agriculture, got jobs on farms, as farm hands,
10 etc. I would readily admit that it wasn't a glorious
11 job to get and that it was often, really, the bottom of
12 the pile.

12: 44

13 303 Q. Just to continue on that vein. Am I correct in my
14 understanding that really there wasn't a regime there
15 that taught farming, any involvement in general the
16 children had with the farming was either picking stones
17 or picking potato or picking beet or something on the
18 neighbouring farms?

12: 44

19 A. I'd say there wasn't a regime for teaching farming in
20 the same way as there are in some agricultural
21 colleges, I would certainly agree with that. There was
22 always a number of boys who were probably identified by
23 the farm manager as people who might have some
24 propensity in that regard. Some of them were retained
25 in the school to work on the farm later on. I would
26 say the majority of the boys certainly their exposure
27 to farming was probably in some of the less exciting
28 things like picking potato or beet or being involved in
29 hay.

12: 45

12: 45

- 1 304 Q. In fact, something they didn't need to be in an
2 industrial school to learn how to do?
- 3 A. Well obviously at the time the farm wasn't a matter
4 only with regard to training, it was with a view to
5 getting produce for the school. I think there would be 12: 46
6 an experience in most primary schools throughout the
7 country, not just industrial schools, that children
8 were released from school to be involved in hay saving
9 and in bringing in the crops for most of the period
10 that we are concerned with. 12: 46
- 11 MR. McGRATH: Will we leave it there.
- 12 THE CHAIRPERSON: Thank you very much. Very
13 good. We will resume at
14 two o'clock then. Mr. McGrath, have you any idea how
15 long you might be? I'm not trying to constrain you in 12: 46
16 anyway.
- 17 MR. McGRATH: I don't see myself being
18 more than another hour. I
19 have certain areas I want to cover.
- 20 THE CHAIRPERSON: Very good. It is just to 12: 46
21 get a general idea.
- 22 MS. FERGUS: I omitted at the opening to
23 mention Mr. Bracken as
24 well.
- 25 THE CHAIRPERSON: Where does he fit in? 12: 46
- 26 MS. FERGUS: Mr. Bracken will be
27 cross-examining in relation
28 to Upton.
- 29 THE CHAIRPERSON: Very good. Sorry,

1 Mr. Bracken. How long do
2 you expect to be, Mr. Bracken, because a lot of the
3 grounds has probably been covered.

4 MR. BRACKEN: A lot of the ground has
5 been covered. 12: 47

6 THE CHAIRPERSON: It is just to get an idea.
7 Obviously if we could
8 conveniently finish today, that's helpful to us,
9 because it means we can do other things ourselves, do
10 other people, it is helpful to Fr. O'Reilly. Provided 12: 47
11 it is not too much, we wouldn't want to ask anyone to
12 go through a marathon stint, we could always try to
13 force it by continuing late. But we are not going to
14 do that, we are going to consult people's needs. But,
15 again, I mean, ask what questions you want to ask. But 12: 47
16 it is just to get an idea.

17
18 So, all right. Thank you very much, Mr. McGrath. You
19 think you will be something like another hour and I can
20 guess, I am understanding your position, Mr. Bracken. 12: 47
21 Very good. We have a few other parties then after
22 that. All right. Thank you very much.

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24
25 LUNCHEON ADJOURNMENT 12: 48

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29

1 recent times they have discovered and they have heard
2 the figures, they fail to understand why they were so
3 badly clothed, so badly fed, the beds and everything
4 were so bad. Can you give us any details at all as to
5 what happened to the capitation grant?

14: 03

6 A. Well, Mr. McGrath, as far as I'm considered (sic), the
7 decapitation grant was spent on everything that it was
8 supposed to be spent on, in Ferryhouse and in Upton,
9 and presumably in the other schools as well. The
10 running of the place, the maintenance, the repairs,
11 staff who were employed there, lay staff, in whatever
12 capacity and there was always a number of them. For
13 example, the people who were involved in the trades
14 were almost always lay people. Those who were involved
15 in the laundry, and as you will appreciate for upwards
16 of 220, 230 people in the place overall, that would
17 have been a particularly difficult area and there were
18 a number of people involved there. Involved in
19 housekeeping.

14: 03

14: 03

14: 04

20
21 So, I'm sure that in addition to the religious
22 community who lived and worked in the place there were
23 probably another, maybe another dozen people, or
24 perhaps indeed more at times depending on the
25 institution, who were employed there, so they all had
26 to be paid. And as we know, the wages weren't very
27 grate and there were often some disputes about that,
28 but all of that had to come out of the capitation
29 grant. I know that in regard to our two schools, we

14: 04

1 started off with a debt and we always had a debt and we
2 always had an overdraft. Generally, whenever we did
3 any improvements, whether they were by way of
4 structural improvements, which there were done in both
5 schools over the years, very sizable loans had to be 14: 05
6 taken out in order to make those improvements.
7 Clearly, those loans had to be repaid.

8
9 So, I have no doubt that every penny of the capitation
10 grant would have gone towards meeting all of those 14: 05
11 ongoing needs in the place.

12 306 Q. Can you tell us, over the years that the school was
13 open, and we are talking really particularly about the
14 years 1940's, 1950's, 1960's, 1970's, 1980's, at any
15 stage did anyone sit down and work out the figures for 14: 05
16 how much it was actually costing you to run the school
17 and as to how you might be able to increase your income
18 in some way or another?

19 A. I know that clearly this was an ongoing discussion
20 between not just the managers of our two schools, but 14: 06
21 the Resident Managers association and the Department of
22 Education. At different times figures were looked for.
23 For example, I think I recall about 1952 there was a
24 particular exercise done, whereby the Department was
25 provided with an outline of the debts that all of the 14: 06
26 schools had and all of the loans that were outstanding
27 and a suggestion was therefore being made to the
28 Department of Education about the type of income that
29 was needed in order to clear those debts and in order

1 to meet the running costs.

2 307 Q. Was this the situation that you outlined on the
3 previous occasion, relating to the Providence debt of
4 around £70,000?

5 A. I am saying that all of the industrial schools, I can't 14:07
6 recall exactly because I don't have the documents in
7 front of me, but I think around 1951 or 1952, a list --
8 an exercise was done certainly, to try and look at what
9 the financial situation in all of the industrial
10 schools were in order to seek a higher grant from the 14:07
11 Department of Education.

12 308 Q. Given the... (INTERJECTION)?

13 A. I know that, for example, it has to be said that in
14 other jurisdictions, including in Northern Ireland, the
15 grant that was being given for similar type schools was 14:07
16 far in excess of what was given in the Republic. If
17 I'm right, I think in the UK it was four, if not five,
18 times higher than it was in Ireland, in the Republic of
19 Ireland. And in Northern Ireland equally. I think
20 they also had their maintenance grants paid there over 14:08
21 and above capitation.

22 309 Q. Can you understand, on the basis of the evidence that
23 you have heard in relation to how poor the clothing
24 was, how poor the bedding was, how poor the food was as
25 to why all the people who were supposed to be going 14:08
26 into these places for care, going in because the family
27 situation was so dire, the poverty was so dire, that
28 they are now looking and wondering why with the
29 capitation grants that were paid that the food wasn't

1 better, that the clothing wasn't better?

2 A. I'm not quibbling at all with what you are saying that
3 at times clothes were very poor, or that towels or that
4 sheets were in poor condition, I accept that and I can
5 understand why people are saying that. A lot of it 14:09
6 probably does come back, I believe a lot of it comes
7 back to finance. I know that we have handed over
8 whatever we have by way of documentation in that regard
9 to some experts for the Commission and that they are
10 doing, presumably, a report on that. 14:09

11 310 Q. Given that Ferryhouse had its own farm, and we have
12 heard mention of pigs being raised, we have heard
13 mention of potatoes, we have heard people talk about
14 going out to other farms to do work over the summer and
15 that sort of thing, is there any explanation as to why, 14:09
16 one, the quantity of the food was so poor and secondly
17 the quality was so poor?

18 A. I wouldn't make much of the fact that we had a farm.
19 Insofar as I don't think that -- I would say the
20 records show there is few enough religious 14:10
21 Congregations over the years who have made any profit
22 out of farming, any significant profit. But
23 nevertheless it was viewed at the time as a source of
24 produce for the school and, obviously, to some degree
25 it did produce some. I absolutely accept that at times 14:10
26 it was not enough. I absolutely accept that children
27 were hungry, that children were cold. I absolutely
28 accept all of those things.

29 311 Q. Now, we have also had evidence from people who were in

1 the institution about the clothing and how poor it was,
2 and also they were involved in making clothes and I
3 think some of the evidence was -- or for certainly a
4 particular period of Ferryhouse's history, that a lot
5 of the clothes they wore were made on the premises, 14: 10
6 that in itself at that time must have been a
7 significant saving. Any reason as to why the clothing
8 was so poor? Why were children made wear short
9 trousers in cold weather, in a very large place that
10 had no heating whatsoever, made to stay outside in the 14: 11
11 cold?

12 A. It is not true that there was no heating whatsoever.
13 There was indeed heating. I'm not saying that it was
14 great heating, right, and I know that there were
15 attempts to upgrade the heating system at times. And 14: 11
16 not all children were made to wear short pants all of
17 the time.

18 312 Q. Well a significant number of them wore short pants,
19 maybe the older boys didn't, but there was a huge
20 number of children in the institution who were, say, 14: 11
21 below the age of ten and I would suggest to you that
22 all the time summer, winter, autumn, spring, they wore
23 short trousers?

24 A. Well, I know when I was a boy and I was under the age
25 of 10 I wore short pants for most of the year as well. 14: 12
26 I don't accept that children were made to wear short
27 pants the whole year around. I think that there were
28 certainly -- certainly in what was presumed to be the
29 summertime, short pants came in. And that's one of the

1 problems with institutions, the part of the problem is
2 people think on 1st April it is -- you know, it is
3 spring or it is summer and, therefore, the heating goes
4 off and the short pants go on and unfortunately you
5 still get the same type of thing today, you know, 14: 12
6 regardless of what the weather is like.

7 313 Q. One other matter that has arisen on numerous occasions,
8 not just in Ferryhouse but in other institutions as
9 well, is constant refrain that the food for the priests
10 and the Brothers was so much better. Any explanation 14: 12
11 as to why the child got to see what was on the table in
12 the dining room used by the Brothers, it was so much
13 better than what was being fed to children?

14 A. I accept that the food was so much better for the
15 people who lived and worked in the place, yes. I would 14: 13
16 say it was a better quality of food, yeah.

17 314 Q. Why was that?

18 A. I'd say they felt that they needed it. I'm afraid,
19 like, that type of situation happens all over the
20 place, why do people who work in Africa eat better food 14: 13
21 than the people that they are trying to look after?

22 315 Q. In relation to the... (INTERJECTION)?

23 A. Why do parents eat better food than their children?
24 Clearly, it would have been so much better if the food
25 for the children had not been as poor as it was. 14: 14

26 316 Q. Can I just ask you a little bit more about the food
27 scenario, one of the matters that arose when funding
28 was being discussed on the last occasion here, some
29 questions in regard to the farm, and as to whether or

1 not much of the produce from the farm was sold, have
2 you found out any more information about that?

3 A. We have provided everything that we have in regard to
4 farm records to the Commission and I cannot give you
5 off the top of my head what was sold. I don't think it 14: 14
6 was actually contained in the records that we have been
7 able to access, what would have been sold and what
8 would have been provided, would have been kept for the
9 use of the school.

10 317 Q. Now, something that arises in the funding was a 14: 15
11 question that arose in terms of the numbers of children
12 that were in the institution at any given time. It was
13 suggested, I think, by you on the last occasion that
14 you were here that:

15 "A the system of its nature sought to 14: 15
16 or forced managers into trying to have
17 a greater rather than a lesser number
of children."

18 And I want to ask you of the effects of such a
19 situation. First of all, can I take it that what you
20 were saying there is that the more children you had in, 14: 15
21 the more capitation grant you had, therefore you had
22 more money and for that reason there was an incentive
23 for the manager to have more children in the
24 institution?

25 A. Yes, I think that is correct. 14: 15

26 318 Q. Okay. Can I take it that on the debit side of that is
27 that you now have more children being taken care of by
28 the same number of people?

29 A. Yes.

- 1 319 Q. And that puts a greater strain on the resources and, if
2 I may say so, the temper of the people who are trying
3 to control the larger numbers?
- 4 A. I absolutely -- that's why it was a trap, it was a trap
5 for us, if we didn't have an adequate number of 14: 16
6 children then we didn't get a sufficient income. If we
7 had children well in excess of any number, or whatever
8 number it was, then we were into the position of
9 finding that it was more difficult to manage the whole
10 thing. It was a trap. How do you deal with that? 14: 16
- 11 320 Q. Can I take it then that the fact that there was a
12 greater amount of money coming in as the numbers
13 increased did not necessarily mean that there was a
14 greater amount of food available for the children
15 there? 14: 17
- 16 A. I will have to presume, obviously, that with a greater
17 number of children and with a greater income that they
18 had more purchasing power and they could buy more of
19 what they needed.
- 20 321 Q. But it wouldn't necessarily be spent on that, it might 14: 17
21 be spent on paying back the loans or it might be spent
22 on some other area that needed funding, the heating,
23 the lighting or whatever?
- 24 A. But that's the responsibility of a person to try and
25 balance all of these things. I know 14: 17
26 that... (INTERJECTION).
- 27 322 Q. Would you accept that on the basis of the stories that
28 we have been told about their experiences there, that
29 certainly it would not appear that any increase in the

1 amount of money coming in made any difference to the
2 lives of the children?

3 A. I accept that we have heard stories from former
4 residents that are appalling and that spoke about their
5 sense of deprivation and their sense of not having 14: 18
6 enough, and I would have to accept that. I also know
7 that, you know, when we reviewed the records and we
8 reviewed the annual report from the Inspector clearly
9 at times there is a significant problem in the area of
10 food and other supplies and the Inspector points that 14: 18
11 out. She also seems to point out where she sees that
12 there have been improvements made in that regard,
13 including in the area of food, and I accept that people
14 perhaps didn't see that or didn't experience that.

15 323 Q. Now, another area I just want to ask you about is an 14: 18
16 area that was touched on again by my friend earlier,
17 and that's the question, of what you call, of
18 absconding. But I think as all the past pupils have
19 given evidence described as escaping. Now, I think
20 Fr. Pearse, in his evidence on the previous occasion, 14: 19
21 indicated that one of the things he had was a natural
22 concern for the safety of the child when they went out.
23 Whilst I can understand why in his day he might have
24 had that, I have to suggest to you that there was, in
25 fact, other factors at play when somebody escaped, 14: 19
26 particularly in the 1940's, 1950's, 1960's, when there
27 is evidence of a significant amount of severe beatings
28 and a significant amount of sexual abuse, that one of
29 the worries on the mind of prefects, some of whom have

1 been accused of severe beatings and sexual abuse at
2 times, that one of the fears they had when somebody
3 escaped or absconded is that they might actually tell
4 somebody about what was happening in Ferryhouse?

5 A. That's quite possible, but I don't think it would have 14: 20
6 been one of the biggest factors, given that the society
7 that we lived in, in the 1940's, 1950's and 1960's,
8 weren't already very disposed towards the children, you
9 know, and would not have been inclined to believe some
10 of the things that they would have said. 14: 20

11 324 Q. Isn't that a very good explanation for the very severe
12 manner in which absconders or escapees were dealt with?

13 A. I'm sorry, I didn't understand your question.

14 325 Q. Escapees, absconders, whatever you want to call them,
15 the punishments meted out to them were often physically 14: 20
16 beatings when they were captured or brought back to the
17 school. Further physical beating of a severe in the
18 institution, that sometimes could be in public or
19 sometimes in private, often described as a significant
20 number of beatings bending over, with their pants down 14: 21
21 and that may be done in private or in public, and the
22 shaving of the head. I have to suggest to you part of
23 the reason for that very severe beating was that
24 because some of the people who were perpetrating those
25 beatings were making sure that these people understood 14: 21
26 that they didn't do this again, and the reason was that
27 those people had a fear that the information of what
28 they were doing getting out into the public domain?

29 A. I think that the main motivation for punishing boys

1 severely for running away or absconding was because of
2 the effect that it had on the group as a whole and
3 because it led to the possibility that other children
4 would do the same and when your concern is to try and
5 manage a situation that is as difficult as managing 200 14: 22
6 children then you probably will resort to a lot of
7 things to try and manage that as best you can. I think
8 that was the main motivating factor.

9 326 Q. When you were talking about the absconding earlier, one
10 of the things that you spoke about was the fact that 14: 22
11 there were all kinds of problems and all kinds of
12 reasons that might have made children run away, wanting
13 to get back to their families, being lonely or not
14 liking being in an institution, or whatever. Can I
15 take it that given the story that was told to 14: 22
16 Fr. Pearse when he picked up his escapees, that
17 ultimately led to somebody being dismissed from the
18 Order and ultimately being tried and convicted in
19 relation to the abuse, that a lot of the children were
20 escaping because of the beatings, because of the fear 14: 22
21 they were living in and because of the sexual abuse
22 over the years?

23 A. Unfortunately, I would have to agree with you to some
24 extent. Certainly there must have been children who
25 ran away because they felt fear, because they lived 14: 23
26 with a sense of fear, fear that was justifiable insofar
27 as some of them clearly, unfortunately, were indeed
28 abused both physically and sexually. So I accept what
29 you are saying, that some, if not many of those

1 children, would have run away for that reason.

2 327 Q. Now, something I touched on very slightly but I want to
3 spend a little bit more time dealing with it now, and
4 that's the situation with regard to children leaving
5 Ferryhouse, or the institutions, it would appear from 14: 23
6 the evidence that the past pupils have given, that most
7 of them had the fact that they were leaving sprung on
8 them very suddenly. Would that be in keeping with your
9 knowledge?

10 A. No, it wouldn't, it wouldn't. 14: 24

11 328 Q. Okay. Many of them have given evidence that they
12 didn't have birthdays while they were in there,
13 particularly those that went in there very young, so
14 they never knew what age they were and they had the
15 experience of being told, "pack up, you are leaving 14: 24
16 today, or pack up you are leaving tomorrow." You don't
17 accept that that evidence is right? Did they have
18 birthdays?

19 A. Did they have birthdays?

20 329 Q. Were they celebrated? 14: 24

21 A. That's a really hard question. I mean, obviously, they
22 weren't celebrated in a fashion that we would like to
23 celebrate birthdays. I don't know if they were marked.
24 I would suspect that, depending on who the prefect was,
25 if he was aware of a boy's birthday and that sort of 14: 25
26 thing, he might throw some attention to it. I do not
27 accept that boys just had it sprung on them that they
28 were leaving the next day. I think it would have been
29 well known within the place, where you had 200 boys, it

1 would have been clearly established that a boy leaves
2 on his 16th birthday, every boy would have known that.
3 One of the things that was always supposed to be done,
4 and I think it was generally done, was that a boy was
5 provide with a suit of clothes before he left, so 14: 25
6 that's not something that you do at a moment's notice.
7 Normally there would have to be some notice for
8 something like that. I'm not claiming that there was
9 any system or process in place to begin to help a boy
10 to move from this institution towards the outside world 14: 25
11 that there would be nowadays.

12 330 Q. Can I take it then that you accept the evidence that
13 has been given by the various pupils that have given
14 evidence that certainly they were given no instructions
15 about the fact that they were going to find somewhere 14: 26
16 to live, that they would be living somewhere, that they
17 might have to pay rent, that they might have to earn
18 money, or any sort of instruction whatsoever as to how
19 to manage money?

20 A. I would say they received very little preparation in 14: 26
21 that regard, how to manage money. Obviously, boys who
22 did have some home to go to could go to those, would be
23 going to those homes for the most part. There would
24 have been other boys who didn't have homes, and we
25 would have been trying to arrange something for them by 14: 26
26 way of accommodation and jobs. I think that the
27 diaries and other documents will show that there was
28 quite an amount of effort that went in on the part of
29 certain Brothers who were particularly keen to try and

1 place boys in jobs and to find them accommodation.

2 331 Q. I know we have had a welter of evidence in relation to
3 that from the pupils as well and their experiences,
4 many of them had experiences of going to places where
5 they ended up not being paid, almost trapped, living in 14: 27
6 a room in the institution -- or living in the place
7 where they were put to work and not getting paid and
8 ending up having to running away and coming back to
9 Ferryhouse; is that not right?

10 A. I accept that, I accept that particularly, it seems to 14: 27
11 me that, particularly in the area of boys who went to
12 farms, that often they were not treated with, do you
13 know, the type of respect that they should have been
14 treated with. They weren't paid properly, their
15 lodgings and accommodation wasn't what it should have 14: 27
16 been.

17 332 Q. Can I take it then that there wasn't any follow up by
18 Ferryhouse after a boy was placed on the farm to see
19 how he was getting on or to find out, the only time you
20 found out those things happened was if a boy came back? 14: 28

21 A. I think at different times people made different
22 efforts. First of all, it should be said that there
23 was no provision in capitiation grant or in funding for
24 anything to do with aftercare. Yes, there seems to
25 have been some sort of responsibility on the manager to 14: 28
26 make sure that boys were okay. Yes, many boys did come
27 back to Ferryhouse, and to Upton indeed, where the
28 situation that they were in broke down for one reason
29 or another. Some people do not seem to have followed

- 1 up on the situation that the boys were in. But other
2 prefects seem to have followed up and there is
3 documentation to show -- for example, I can remember
4 one Brother in particular, who was a meticulous Brother
5 who used to write to employers and find out the wages 14: 29
6 and conditions of boys. I am not saying that this
7 happened all the time or that everybody was good at it.
- 8 333 Q. The other thing that was quite evident from a lot of
9 the evidence that was given, and I have said this to
10 you already and it was suggested to you, that there was 14: 29
11 many of the boys who left and who couldn't read or
12 write, or could barely read, maybe write their name.
13 Was any effort made in the period before boys left to
14 find out what their education standard was just before
15 they left? 14: 29
- 16 A. There was no system that I know of except the Primary
17 Cert, to ascertain the educational achievement of boys.
- 18 334 Q. Everybody who was in the school didn't get their
19 Primary Cert, we know that?
- 20 A. Yes. 14: 30
- 21 335 Q. Was there a distinction in relation to -- or can you
22 find any distinction in the records, in relation to the
23 types of jobs that people who got their Primary Cert
24 got and those who didn't?
- 25 A. I have seen no records or documentation that studied 14: 30
26 that issue at all.
- 27 336 Q. Was it a concern for the managers when they had
28 somebody who was coming to leaving age and who hadn't
29 done the Primary Cert and clearly wasn't quite up to

1 doing it?

2 A. With all due respect, I would imagine that in cases
3 like that a special effort would have been made to try
4 and find suitable positions for boys that would have
5 been adequate. For example, I remember in one of the 14: 30
6 records where a Brother brings a boy to Dublin, goes to
7 one hotel, I think it is the Gresham, they say, "well,
8 his reading and writing is not adequate." They bring
9 him to another hotel. He brings him to four hotels,
10 the second hotel are prepared to give them job but they 14: 31
11 don't provide accommodation. Eventually he goes to
12 three or four places before he gets -- I know they
13 would have been aware of boys who would have been
14 particularly weak and I would think that an effort
15 would have been made to try and help those boys 14: 31
16 particularly, especially if they didn't have a home to
17 go to.

18 337 Q. Can you explain, if that is so, that somebody had been
19 brought to Dublin, to four different hotels, concern
20 was expressed about his ability or inability to read or 14: 31
21 write, why that didn't send alarm bells throughout the
22 whole of the institution, "we have got a problem here
23 with children who can't even write their own names, we
24 have got to do something about it"?

25 A. Well, in that case what I meant was the standard wasn't 14: 32
26 as high as it should have been, I certainly didn't mean
27 that he couldn't read or write. Now, taking up the
28 main point you are making there, did alarm bells not
29 ring? I would say that at times alarm bells did ring,

1 that people realised that what was being provided
2 wasn't anything like as good as it could be -- could
3 have been. I would say in situations like that, that
4 they just did not know what to do, how to improve the
5 system. But I would also say that there are children 14: 32
6 who are coming out of school nowadays who have a range
7 of educational and learning disabilities and I would
8 say that it is highly likely that we faced at least, at
9 least the same range of educational disadvantage and
10 learning disabilities as there are in society now, and 14: 33
11 we had far less resources to meet them.

12 338 Q. But your whole reason for being there was education and
13 care; isn't that right?

14 A. Education, care, control, if you can put it that way.

15 339 Q. No, your primary reason was education and care. 14: 33
16 Control comes from the number of people maybe you have
17 under your care. But education and care have got to be
18 what the system was designed for. Isn't it clear, on
19 the basis of what the boys have said and what you are
20 saying here, on those two areas, on education and care, 14: 33
21 the system, the Rosminian Fathers failed miserably?

22 A. I have no doubt that there were many areas in which we
23 failed and I have no doubt that the entire system was a
24 failure.

25 340 Q. Well, you only administered a part of that system, 14: 34
26 Upton and Ferryhouse. Now, you have indicated that
27 there are areas where it would appear from time to time
28 it should have been possible for the people running the
29 system to see that things weren't right. First of all,

1 in relation to the bedwetting where you agreed this
2 morning that clearly the system in place to stop the
3 people bedwetting from 1942 to, whatever it was, 1970
4 certainly wasn't working and it didn't occur to anyone
5 to change it or to stop doing what they were doing. So 14: 34
6 far as the care, education and food is concerned
7 nothing seems to have improved really for a significant
8 number of years, although it must have been quite clear
9 to anybody running the system that it wasn't working?

10
11 And in the education area, one of the main reasons why
12 people were sent to Ferryhouse and they were still
13 leaving without education; isn't that right?

14 A. No. No. And no. I didn't say any of those three
15 things that you referred to. 14: 35

16 341 Q. Sorry, are you now saying that you don't accept what
17 you accepted this morning in relation to the
18 bedwetting, that anybody who thought for any length of
19 time about the fact that beating people, putting them
20 into cold showers, not allowing them drink in the 14: 35
21 evening wasn't making any difference to the bedwetting
22 situation? Are you now saying that it should have
23 occurred to somebody who thought about it for a short
24 period when you were implementing those nonstop from
25 1940 on, that really it wouldn't have occurred to 14: 35
26 anyone that maybe we should try something different,
27 that this wasn't work, beating children for bedwetting
28 doesn't stop them bedwetting?

29 A. Obviously it didn't work. But it is not true that

1 nothing was attempted, that that was the only solution
2 offered for the problem.

3 342 Q. Do you accept that people who went in there, in the
4 1940's and 1950's, and people who went there in the
5 1960's, had very much the same story to tell about what 14: 36
6 happened to bedwetters?

7 A. I'd say yes, I would agree with that, yes.

8 343 Q. So it didn't occur to anybody between 1940, say, and
9 1960 that beating them every morning when they had a
10 wet bed wasn't solving the situation? 14: 36

11 A. It is not true that no attempt was made to address the
12 situation. There were various attempts made over the
13 period that you refer to, and it is not true. For
14 example, they did employ a night watchman to go around
15 and to wake children during the night. They did 14: 37
16 attempt to discourage children from drinking before
17 they went to bed. There were a number of other things
18 that they tried. What I'm disagreeing with is that
19 there was no attempt, clearly it was -- I'm not
20 defending that children were slapped for wetting the 14: 37
21 bed, that should not have happened.

22 344 Q. Have you any explanation why in the 1960's they would
23 have been still beating children every morning for
24 wetting the bed, when quite clearly for 20 years it
25 hadn't stopped people from wetting the bed? Can you 14: 37
26 give any explanation? It had to have come to
27 somebody's notice or somebody's attention, or even 10
28 seconds of thinking about it would have made you
29 realise that's not a solution, it isn't going to work,

1 it hadn't worked on anybody for 20 years?

2 A. Yes, I accept that.

3 345 Q. You said no in relation to the education, you don't
4 believe that Ferryhouse failed to educate the people
5 that went through it, in the main? 14: 38

6 A. I don't agree with the generalised way, the whole way
7 that you presented that. Because clearly we do have
8 records of children passing the Primary Cert.

9 346 Q. In terms of the numbers, are you able to help the
10 Commission, in terms of the numbers of people or 14: 38
11 children who went through Ferryhouse, what percentage
12 of them actually passed the Primary Cert?

13 A. Well, if I could search through my documents I can
14 certainly help you there.

15 THE CHAIRPERSON: Well, it is not necessary. 14: 38
16 I don't think the specific
17 figure is needed, if anything turns out well and
18 good. My understanding was that Fr. O'Reilly said that
19 of the boys who did the exam 50% passed. More would
20 have passed if you were able to take out Irish. But, 14: 39
21 of course, there were children who weren't put forward
22 to do the exam so therefore it is not -- that's my
23 understanding of what Fr. O'Reilly was saying.

24 MR. McGRATH: Which would suggest that
25 there was significantly 14: 39
26 less than 50% of the boys who went through the school?

27 THE CHAIRPERSON: Yes, of course, to the
28 extent that the others --
29 yes, of course.

- 1 347 Q. MR. McGRATH: Now, in relation to the
2 stories that we heard about
3 what happened to people after they left the
4 institution, would you accept that the vast majority of
5 stories we heard were very sad tales of life, in terms 14: 39
6 of difficulties with work, difficulties involving
7 people living on the streets, difficulties with regard
8 to their psychological make-up, the psychiatric
9 make-up, that they in the main had serious problems?
- 10 A. Yes, I would accept that pretty much all the stories 14: 40
11 that we heard were stories that expressed very well the
12 misfortune that many people experienced in their life,
13 yes.
- 14 348 Q. It certainly would not appear from those who came and
15 told us stories at the Commission that life was 14: 40
16 anything but a struggle from the time they left
17 Ferryhouse?
- 18 A. Yes, I will accept that, yes.
- 19 349 Q. And that for the vast majority of them life was very
20 bleak? 14: 40
- 21 A. For the vast majority of the people who left the
22 institution or gave their stories?
- 23 350 Q. Gave their stories?
- 24 A. Yes, I would accept that.
- 25 351 Q. And that as far as things were concerned, it certainly 14: 41
26 would be self-evident that if it was a place that was
27 supposed to have cared for them because there was
28 difficulties in their background and a place that was
29 supposed to education them, certainly they were not

- 1 left in a situation where they were able to cope with
2 ordinary every day existence, as the vast majority of
3 people in this room would know it?
- 4 A. I'm sorry, I lost the train of your thought there.
- 5 352 Q. I said that for the vast majority of people who 14: 41
6 certainly told their stories, they could not live life
7 in a normal fashion as say the vast majority of people
8 in this room might have lived their lives?
- 9 A. I would say life is difficult for everybody,
10 Mr. McGrath, and I accept that children who were in 14: 42
11 industrial schools probably had fewer resources and
12 supports in their life to enable them to live their
13 lives.
- 14 353 Q. They also had the legacy of how they were treated in an
15 industrial school? 14: 42
- 16 A. I accept that.
- 17 354 Q. They had the fear, which many of them described, of
18 authority that never left them?
- 19 A. I accept that.
- 20 355 Q. Many of them had psychological problems and psychiatric 14: 42
21 problems, which can only be put down to the treatment
22 they got in care?
- 23 A. Many of them have only -- if that's an absolute
24 statement I couldn't -- I don't accept it. There are a
25 lot of factors in people's lives. 14: 42
- 26 356 Q. You used a phrase when you were giving your evidence a
27 few time, one phrase you used was the system and
28 another phrase you used was the norm at the time. Now,
29 do you think it is an excuse for the manner in which

1 punishment was meted out in Ferryhouse, or in Upton for
2 that matter, that it is an excuse and a legitimate
3 excuse for you to give that that punishment was the
4 norm in society at that time?

5 A. I have said that I recognise and accept that at times 14: 43
6 punishment that the children received in Ferryhouse and
7 in Upton was way in excess of what they should have
8 received.

9 357 Q. Do you accept that it wasn't the norm that was meted
10 out in society at the time? 14: 44

11 A. That's a rather difficult question to answer, because
12 we know that in many, many, many primary schools in the
13 country children received corporal punishment well in
14 excess of what they should have received.

15 358 Q. You have seen the Punishment Book in respect of Upton, 14: 44
16 do you consider that many of the entries to that, in
17 that book are way in excess of anything you might have
18 expected to find in the book?

19 A. Yes, I do, I accept that.

20 359 Q. Do you accept that those punishments were not the norm 14: 44
21 for society at that time?

22 THE CHAIRPERSON: Is that in the Punishment
23 Book?

24 MR. McGRATH: Yes.

25 THE CHAIRPERSON: But he's already agreed 14: 45
26 that that was clearly
27 excessive to Mr. McCullough.

28 MR. McGRATH: But I wonder if the
29 particular phrase

1 . . . (INTERJECTION).

2 THE CHAIRPERSON: He said that, "corporal
3 punishment was at times
4 excessive, it was spontaneous." These are in answer to
5 questions by Mr. McCullough, "different locations in 14: 45
6 Ferryhouse and Upton," not confined, i. e. to the thing.
7 "1954 incident, 20 blows by 17 boys, clearly excessive.
8 Absconded, usually punished for running away severe.
9 Bedwetting punished." We are going over the same
10 ground again. 14: 45

11 MR. McGRATH: It is this particular
12 phrase I want to bury. I
13 want to bury the fact that these could
14 possibly . . . (INTERJECTION).

15 THE CHAIRPERSON: But he hadn't said that, he 14: 45
16 hadn't said --
17 Fr. O'Reilly, to be fair to him, whatever he said or
18 has not said, he has not said, "look, don't let's get
19 carried away, if you look back in the light of the time
20 it wasn't too bad." He hadn't actually said that, he 14: 45
21 said clearly excessive, clearly indefensible, "usually
22 punished spontaneous, excessive."

23 MR. McGRATH: Why has he so much
24 difficulty in accepting
25 what I have suggested to him? 14: 46

26 THE CHAIRPERSON: I won't make a suggestion.
27 What I'm saying, I
28 perfectly understand, and it is not the easiest, either
29 for you or for Fr. O'Reilly, because Mr. McCullough has

1 been over a good deal of the ground.

2 MR. McGRATH: I understand.

3 THE CHAIRPERSON: We are very sympathetic to

4 the situation. And I could

5 quite understand where you were going, just on that 14: 46

6 particular point I think the risk, I suppose,

7 Mr. McGrath is that if you put it slightly differently

8 Fr. O'Reilly slightly quibbles with one bit of it, it

9 now looks like he's retreating from a position taken

10 earlier. I can see the difficulty that you are both 14: 46

11 in, in that regard. I was just trying to help by

12 saying that we have been over that track before, I can

13 reassure you that the point you are making is well

14 established.

15 MR. McGRATH: This, in my view, Chairman, 14: 47

16 is an important point from

17 the conception that the public may have in relation to

18 this particular thing.

19 THE CHAIRPERSON: I understand. Feel free

20 to ... (INTERJECTION). 14: 47

21 MR. McGRATH: A phrase that is regularly

22 used in relation to -- in

23 general parlance when people are talking about what

24 happened in the past industrial schools or schools

25 outside, wasn't that the norm, I want to establish as 14: 47

26 to whether or not Fr. O'Reilly would accept that that

27 phrase, that this was the norm, in fact it was not

28 norm.

29 THE CHAIRPERSON: We were over this the other

1 day in fact, Mr. McGrath,
2 on Thursday last and the point that emerged, and
3 certainly I was happy to make clear, that when I was in
4 school there was corporal punishment, we all knew what
5 was excessive and what was normal. You can't look back 14: 47
6 from today, because everything is excessive from today
7 because there is no corporal punishment permitted. But
8 back in those days, if somebody got a beating one knew
9 whether that was -- well, somebody got corporal
10 punishment, one knew whether that was excessive or not, 14: 48
11 according to one's own notion. Do you know what I
12 mean?

13 MR. McGRATH: Yes, I do. I was in school
14 in the Christian Brothers
15 in the 1970's. 14: 48

16 360 Q. THE CHAIRPERSON: The fact that somebody was
17 subjected to corporal
18 punishment in one way it is misleading to say according
19 to the norms of the time, because according to the
20 norms of the time one knew whether it was excessive or 14: 48
21 not. Would you agree with that, Father?

22 A. I would, yes.

23 THE CHAIRPERSON: I'm sorry, I don't know
24 whether that helps,
25 Mr. McGrath, or not. I understand where you are going. 14: 48
26 I just thought I would try to clarify my understanding
27 of where Fr. O'Reilly stood, based on what he had told
28 Mr. McCullough. Don't feel inhibited.

29 361 Q. MR. McGRATH: Now, I touched on this

1 earlier in relation to the
2 fear and the apprehension and the anxiety that the
3 pupils who have spoken here spoke about it. In that
4 regard was that, in your view, a product of the fact
5 that there were too many pupils and too few staff? 14: 49

6 A. I think that there were a number of factors. I think
7 that at times -- no, can I start again? I think there
8 were many factors, yes. I think there were many
9 children who came into the school afraid, because of
10 circumstances that they had left, whether it was left 14: 49
11 the junior school or left the home. I am sure that
12 many children came to this school, to the schools
13 already afraid and traumatised by things in life, and
14 that what they experienced did nothing to ameliorate
15 that anxiety and fear already in them, and it might 14: 50
16 even have made it worse.

17
18 I would say that there were particular prefects at
19 times who were kind and I would say that there were
20 others who certainly weren't kind. I think that that 14: 50
21 would have been a factor in it. I am sure that the
22 numbers in the school at any particular time would also
23 have been another factor in the whole thing, I think it
24 depends on whether we are talking about 1940 or 1960,
25 because circumstances did change in the schools, did 14: 50
26 improve to some degree. So I think that there are a
27 number of factors, and that the number of children that
28 were in the school at any given time would have been
29 one of the factors.

1

2

We know, for example, in the summertime, when the

3

regime would have been quite different, that the

4

atmosphere in the school would have been quite

5

different, and we don't hear as many complaints from

6

the summertimes as we do hear from other times in the

7

year.

8

362 Q. Do I take it that that means that that fear and

9

anxiety, in your view, comes from the whole essence of

10

control, that was number one in the school, that the

11

fear was generated by the need to control the numbers

12

in the school?

13

A. I don't think I said -- and I wouldn't mean that that

14

was the No. 1 factor, I would say that that was one of

15

the factors. I don't know that I would be in a

16

position to determine which factor was greater than the

17

other. I think it varied from child to child, you

18

know.

19

363 Q. It may have varied from child to child, but there seems

20

to have been an atmosphere in the place which was such

21

that nearly everybody who came before the Committee and

22

told their story did talk about the fear, and being

23

afraid all the time?

24

A. I accept that that is the evidence that we heard and I

25

accept that is people -- that that is their experience

26

in life. There are other reports that come in from the

27

Minister and others -- sorry, from the Inspector and

28

others that express an atmosphere that isn't one of

29

constant fear. But I accept that some children

- 1 experienced that all the time.
- 2 364 Q. You seem to have placed quite an amount of emphasis on
3 the Inspector's reports, but over the period that I
4 have been attending the Committee one of the things I
5 have constantly heard in various institutions was the 14: 53
6 fact that children were given a warning when the
7 inspectors were coming, to be on their best behaviour
8 and not to say anything. Do you believe that children
9 would have spoken up to the inspectors and actually
10 told them this is what's happening or would they have 14: 53
11 kept their mouth shut? Do you think the Inspector was
12 getting the full picture, that children were prepared
13 to go up to the Inspector and actually tell them there
14 was a problem?
- 15 A. Obviously the Inspector wasn't get the full picture, 14: 53
16 insofar as the Inspector was only in the school for
17 maybe a day or two in the year. I accept that no
18 person could have got the full picture in that time.
19 And I accept that when an Inspector would be coming the
20 children would be told to be on their best behaviour. 14: 54
- 21 365 Q. And they would have known implied in that was a threat
22 that if they weren't something drastic was going to
23 happen?
- 24 A. Certainly some children probably did feel and
25 experience that. 14: 54
- 26 366 Q. And not only that, but we have had evidence on
27 occasions where people have said that they did tell
28 people, in fact I think I remember one story where
29 somebody claimed to have told a bishop when he came and

1 as soon as the bishop was gone they were taken and they
2 were beaten? Weren't there instances when people told
3 stories and were beaten afterwards for telling tales?

4 A. I don't know, I don't know of particular instances.

5 367 Q. Did that not come up in the evidence at some stage? 14: 54

6 THE CHAIRPERSON: Which, the bishop?

7 MR. McGRATH: Yes.

8 THE CHAIRPERSON: Not in Ferryhouse it
9 didn't. It came up in

10 Artane, I think. I may be wrong, Mr. McGrath. 14: 55

11 368 Q. MR. McGRATH: Weren't there situations
12 where, from time to time,
13 children in Ferryhouse did say they had told somebody
14 something had happened and shortly thereafter they were
15 marched off and beaten? Would they not have known if 14: 55
16 they stepped out of line and told stories they were as
17 good as "dead"?

18 A. If you have a visitor coming to your place, be it -- I
19 am sure, we know De Valera visited, was it, Upton I
20 think, and I am sure they would have been told 14: 55
21 beforehand to be on their very best behaviour and if
22 they weren't on their very best behaviour, they would
23 have got a clatter, yes.

24 MR. McGRATH: Thank you very much.

25 14: 56

26 END OF EXAMINATION OF FR. O'REILLY BY MR. McGRATH

27

28 THE CHAIRPERSON: Thank you very much,
29 Mr. McGrath. Now,

1 Mr. Bracken, do you have any questions for -- sorry,
2 Mr. Connaughton.

3 MR. CONNAUGHTON: Where do I come in? I am
4 dealing exclusively with
5 Upton and there are just two related matters that I 14:56
6 would like to put to Fr. O'Reilly, if I may.

7 THE CHAIRPERSON: Is Mr. Bracken after you as
8 well. Because we are doing
9 Ferryhouse, we have two for Ferryhouse.

10 MR. CONNAUGHTON: Do you want me to wait? 14:56

11 THE CHAIRPERSON: No, no, not at all. I am
12 just trying to be clear in
13 my mind. I see the point. Yes, Mr. Connaughton.

14 MR. CONNAUGHTON: There are just two specific
15 areas I just wanted to 14:56
16 address.

17

18 FR. JOSEPH O'REILLY WAS THEN EXAMINED, AS FOLLOWS, BY

19 MR. CONNAUGHTON:

20

21 369 Q. MR. CONNAUGHTON: Fr. O'Reilly, Mark 14:56

22 Connaughton is my name, I
23 am with Mr. McCullough, representing a number of
24 individuals but not obviously in this module. I just
25 wanted to take you back to a few things that you said 14:56
26 earlier today and to some things that you said when you
27 were here way back in October 2004. I will tell you
28 exactly what they relate to, they relate to knowledge
29 in relation to sexual abuse and action in relation to

1 sexual abuse and I just wanted to ask you a couple of
2 questions around that.

3
4 You very fairly conceded earlier on that with
5 hindsight, and I am paraphrasing, the Gardaí ought to 14: 57
6 have been informed. The Gardaí ought to have been
7 informed about specific instances. But what you said
8 specifically in this regard I wanted to question you
9 about. You said another course of action might have
10 been appropriate and you clarified that as being the 14: 57
11 guards should have been informed. And you said then
12 separately that there was a sort of half consciousness
13 at the time about what was going on, but there wasn't a
14 full appreciation about what was happening at that
15 time, and that in terms of the action taken, that is 14: 58
16 keeping it internal at the time, that you weren't sure
17 if the primary concern was to avoid embarrassment and
18 you wouldn't accept that cover up was a fair
19 description of what was going on. Then you added that
20 really with the knowledge that we have obtained 14: 58
21 subsequently, then looking back it is something that
22 ought to have been reported.

23
24 I just wanted to put a few specific things to you in
25 this regard. The first one is this, would you agree 14: 58
26 with me in relation to Upton, and I am only asking you
27 about Upton, that in relation to Upton in particular,
28 that in the 1950's there were a number of specific
29 instances that occurred within a relatively short space

1 of time, where people were removed from Upton, and in
2 fairness to you, you dealt with this in your own
3 opening statement to the Committee, there was a very
4 specific instance of somebody being brought into or
5 parachuted into Upton from England. In circumstances 14: 59
6 where, I am going to put the correspondence to you in a
7 moment, it is clear from the correspondence that that
8 person was taken out of England because of a concern
9 that if he remained there he would be brought before
10 the law and charged with criminal offences? 14: 59

11 A. Yes.

12 370 Q. And I suppose the question I am coming around to is
13 this; would you not agree with me that at the time
14 amongst the senior management, and that's my language,
15 amongst the senior management in charge of Upton there 14: 59
16 must have been a very, very concentrated knowledge that
17 there was a genuine problem here, and that what was
18 involved were criminal offences? I mean, you are
19 willing to acknowledge that now, but with something of
20 hindsight. I am really asking you surely it must have 14: 59
21 been apparent to those who were in charge in what was
22 the mother house, so to speak, where the Provincial
23 resided, that this was serious stuff, this was stuff
24 that ought to have been reported to the guards, not now
25 with retrospect, but then without retrospect? 15: 00

26 A. Yes, Mr. Connaughton, yes. In the middle of the
27 1950's, I think there were two or three people who were
28 removed from Upton over a short period of time, because
29 they were found to have been involved in some type of

1 sexual abuse of children, of a child or children there.
2 I can only imagine, looking back into a short space of
3 time, to have come across two or three cases of an
4 issue as troubling as this must have been deeply
5 troubling for the man who was in charge at the time, 15: 01
6 for the manager of the place.

7 371 Q. I think there would have been two people at that time,
8 during that time, I think Fr. Jimmy O'Farrell and
9 Fr. O'Brien would have probably been in charge at that
10 time? 15: 01

11 A. Yes. At this remove, certainly you would imagine, you
12 know, having dealt with an issue like this on a couple
13 of occasions in a short period of time, you would
14 imagine that it might have been, they might have
15 learned something and they might have dealt with the 15: 01
16 second case better than the first and the third better
17 than the second.

18 372 Q. Well, I suppose I am going to put it a little bit more
19 pointedly to you than that. The course of
20 correspondence that has been discovered -- now, I 15: 01
21 appreciate that what you have said in your opening
22 statement is that this course of correspondence came
23 from Rome and not from Ireland and it may be that that
24 correspondence didn't find its way to Ireland at the
25 time, but there was correspondence at that time in the 15: 02
26 late 1950's, which was very pointed, very direct, about
27 these being matters that were criminal offences?

28 A. Yes.

29 373 Q. And I suppose I must, therefore, put it to you that

1 while of course it was difficult for them at the time
2 they surely must have known that what they were doing
3 was suppressing knowledge of the commission of criminal
4 offences, I must put it that way to you?

5 A. Do you mind if we look at that? 15: 02

6 374 Q. I have no difficulty with that at all.

7 A. Do you want to refer to the... (INTERJECTION).

8 375 Q. I would have -- now, I'm sorry, I'm not quite sure, the
9 numbering has gone from the bottom corner of these
10 letters, but the letters in question are all 15: 02
11 concentrated within a short space of time.

12 A. 1959?

13 376 Q. Yes. The three in particular that I wanted to
14 specifically refer to are dated the 4th, the 7th and
15 12th March 1959. And those letters in particular -- 15: 03
16 Father, while we are looking for them, those letters in
17 particular are communications from one of your
18 colleagues in England to Rome, and they concern
19 specifically the gentleman who was sent to Upton from
20 England. I think you know the letters that I'm talking 15: 03
21 about, we'll find them now in a moment.

22 A. I do, yes.

23 377 Q. My solicitor might be able to assist as to where you
24 might be able to find them. G2, thank you very much.
25 I don't know whether the Committee has them. 15: 03

26 THE CHAIRPERSON: I remember the letters
27 anyway, Mr. Connaughton.
28 We can send for them, if we need them.

29 A. Yes, it appears that there was a man who belonged to

1 the English province of the Congregation who came to
2 Ireland I think in 1948, or it might be a year out, but
3 I think it was 1948. He was sent to a convent in
4 Ireland where his sister resided, where his sister was
5 a member. He was sent there because he was obviously 15: 04
6 in trouble in England and he had been found to have
7 been involved in sexual abuse there. He was sent
8 there, it would appear, to get him out of the way, it
9 does appear -- clearly they knew there was a criminal
10 offence involved. While he was there he was in 15: 05
11 correspondence with his Superior in England and his
12 Superior in England was trying to decide what to do
13 with him and they expressed some disbelief that he
14 doesn't really comprehend the seriousness of what is
15 involved. 15: 05

16
17 It was subsequently a short time later, he takes up
18 residence in a monastery, in a contemplative monastery
19 and he's there for ten years. As far as I can
20 ascertain, nothing about his background is known to the 15: 05
21 Irish province, to members of the Irish province at
22 that time.

23 378 Q. MR. CONNAUGHTON: Except they found out
24 subsequently, I think you
25 said that they found out subsequently what his previous 15: 05
26 circumstances had been?

27 A. Subsequently, yes. That was 1948 or thereabouts. In
28 1959 he leaves the monastery, where he was for the
29 previous ten years or so, and he goes to our novitiate

1 house, to our house for the training of our students.

2 379 Q. Is this Kilmurry?

3 A. This is Kilmurry.

4 380 Q. Yes.

5 A. Then a whole course of discussions and correspondence 15:06

6 begin about what's going to happen in regard to him.

7 I'm not too sure what his own preference is, but there

8 is some discussion about where he would go. The

9 discussion seems to be among the Irish, because he's in

10 Ireland, and presumably he's expressing some preference 15:06

11 to stay in Ireland and some other suggestions are made

12 about other places that he might -- both in Italy and

13 in England. Over the short space of maybe over two or

14 three months, perhaps less than three months, two

15 months, the Irish Provincial is informed that there is 15:07

16 a background to this man, other than he had spent the

17 previous ten years in a monastery. They are made aware

18 of the fact that he went there because he was in

19 trouble in England for sexual abuse.

20 15:07

21 It appears that some time around then it must have been

22 accepted by our people, by the people in Ireland, that

23 he was going to remain in Ireland. It seems that the

24 correspondence would seem to indicate that the English

25 province were saying, "we don't want him back here." 15:07

26 So, for whatever reason, it is accepted that he would

27 stay in Ireland and there is a discussion about where

28 he's going to be in Ireland.

29

1 Then we find that the Provincial at the time says that
2 if all else fails, and if nowhere else can be found for
3 him, that he could be allowed to go to St. Patrick's,
4 Upton. Now, I don't have the letter, I'm sure it is
5 here somewhere, but I know that the Provincial at the 15: 08
6 time uses a phrase something in the order of even
7 though there may be grave risk, some phrase like that.
8 So it does appear to me that the Provincial is aware
9 that accepting this man into Upton is potentially
10 posing a grave risk to the children who are there. 15: 08

11 381 Q. Okay. In fact, what I was putting to you was more the
12 knowledge that those in charge in Upton knew, or had in
13 their possession at that time, not so much about this
14 particular individual, but an understanding generally
15 of the seriousness of sexual abuse as a crime. All I 15: 09
16 was putting to you, you haven't agreed or disagreed
17 with me at this juncture, but all I was putting to you,
18 at that time, not now but at that time, they ought to
19 have known that there was an obligation upon them to
20 report matters to the Gardaí, it is nothing that any 15: 09
21 further hindsight was needed for, they knew in the late
22 1950's they ought to have been reporting matters to the
23 Gardaí?

24 A. Yes, I would be inclined to agree with you. Yes, I
25 would be inclined to agree with you. 15: 09

26 382 Q. The second thing I wanted -- and I won't delay you much
27 further, I appreciate you have been giving evidence for
28 a long time. The second thing I want to put to you is,
29 I'm afraid, again quite pointed and it is this: I have

1 to suggest to you, and I will put some specific facts
2 to you in a moment to support this, I have to suggest
3 to you that when you said earlier that cover up wasn't
4 a fair description of what was happening during this
5 period in relation to sexual abuse, that looking at the 15: 10
6 facts as they appear, that there was deliberate
7 concealment and that there was a definite attempt to
8 suppress information, to suppress information from the
9 sight of the appropriate authorities.

10
11 In this regard the specific facts I would like you to
12 consider before answering is the following: Not only
13 the one that I just put to you, that the Gardaí weren't
14 advised or informed, but that there appears to be no
15 documentation in existence that suggests that there was 15: 11
16 even consideration given or advice taken, legal advice
17 for example, as to how this should be dealt with. That
18 there is a complete absence of Irish documentation, in
19 fact, in that particular regard it is something that
20 you acknowledge yourself whenever you were giving your 15: 11
21 evidence at the opening session of this particular
22 module, well not module, but dealing with this
23 particular institution.

24
25 At page 79 in particular you recite -- page 79 of the 15: 11
26 transcript for 26th October 2004, it was immediately
27 after lunch on that particular day and Fr. O'Reilly
28 (sic) went through in some detail how you became aware
29 of some of the information in relation to these

1 matters. But that at the time there appears to be
2 evidence that information was suppressed in relation to
3 sexual abuse, it wasn't just a question of it being
4 dealt with internally, it was a determined decision not
5 to allow its publication in order to protect the name 15: 12
6 of the institution?

7 A. I don't know that I -- I don't see that that is
8 actually right, that there was a deliberate decision to
9 suppress the knowledge.

10 383 Q. Okay, that's your answer. How do you explain the fact 15: 12
11 that on such important matters the very best that
12 occurs is that in correspondence with Rome, which only
13 ends up in Rome, it doesn't get retained on file here,
14 there is no file opened here, that the language that is
15 employed is so circumspect that unless you were in the 15: 13
16 know or had the benefit of the information we now have
17 you would not know what they were talking about?

18 A. But who else would be reading the letters? I mean,
19 they were writing to one another, they knew what they
20 were talking about. 15: 13

21 384 Q. If any authority, any State authority, or the Gardaí
22 were to cause an investigation to be undertaken in
23 Ireland at the material time, what would they have had
24 the benefit of, if in those days without the well
25 developed use of discovery we have now, if they went to 15: 13
26 you for information what would they have got?

27 A. Well, I don't know. I mean, perhaps the people that
28 they were dealing with would know that they had written
29 letters to Rome. I mean, I don't know what the answer

1 to that is.

2 385 Q. I have to put it to you that the sending of information
3 to Rome in the way in which it was sent is in itself an
4 indication of the suppression of information, it is
5 taking it out of this jurisdiction, it is putting it 15: 14
6 away to one side and the individual who is, as it were,
7 guilty of the offence is moved to one side. You remove
8 them from the institution and the record is now
9 expunged?

10 A. Actually I don't see it that way. They wrote to Rome, 15: 14
11 they didn't write just to anybody in Rome, they wrote
12 to the Superior in Rome, Provincials at that time, it
13 would have been their common practice to write probably
14 weekly about the different things that were developing
15 in the province and they would be seeking sometimes 15: 14
16 advice, sometimes permission about what to do in
17 particular situations. I don't think it was a
18 deliberate attempt to conceal something, they were at
19 least being open enough with that person and taking
20 advice on what they were to do in the situation. 15: 15

21
22 I agree with you that, obviously, the authorities
23 should have been informed about these matters. I am
24 not too sure that the answer to that question about why
25 that didn't happen is a simple answer. For example, we 15: 15
26 know in 1979 and in 1980, when we brought these
27 matters, a matter of such seriousness to the attention
28 of the Department of Education and to the Department of
29 Justice through one of their officials, they did not

1 advise us at that time, nor did they, who held very
2 senior positions and who would have been much more
3 aware -- I won't say we were less aware. But they did
4 not follow the correct procedures there.

5 386 Q. Fr. O'Reilly, that's undoubtedly a valid point and I 15:16
6 think we are having another day out in relation to that
7 particular matter. I am going to finish on this. I
8 have to put it to you that another illustration of what
9 I'm talking about is that very example, I know it
10 doesn't relate to Upton except that the person came to 15:16
11 Upton, is the example of what occurred with the
12 individual who was parachuted into Upton, you take them
13 out of the realm of danger, away from the possibility
14 of prosecution and you bury it, and that was what was
15 occurring at the time? 15:16

16 A. That situation was handled incredibly badly. I mean, I
17 would be wondering why they didn't at that stage say,
18 "this is not our problem", and hand it back to
19 somebody. But they obviously felt at the time that --
20 they felt naively that they were able to manage it to 15:16
21 some degree.

22 MR. CONNAUGHTON: Thank you very much,
23 Fr. O'Reilly.

24 THE CHAIRPERSON: Thank you.

25 15:17

26 END OF EXAMINATION OF FR. O'REILLY BY MR. CONNAUGHTON

27

28 THE CHAIRPERSON: Are you all right, Father?
29 Are you still going strong?

1 A. I'm fine.

2 THE CHAIRPERSON: Now, Mr. Bracken.

3

4 FR. JOSEPH O'REILLY, WAS THEN EXAMINED, AS FOLLOWS, BY

5 MR. BRACKEN:

15: 17

6

7 387 Q. MR. BRACKEN: Good afternoon, Father. I

8 am a barrister instructed

9 by Margaret Campbell solicitors. I'm not representing

10 any individual who gave evidence before the Commission 15: 17

11 in respect of Upton, I'm here in a very general sense

12 in respect of Upton. So the questions I want to ask

13 you in respect of Upton are effectively very

14 generalised questions, I'm not going to deal with

15 specific cases or anything like that. 15: 17

16

17 Just in relation to it, I would like to ask you about

18 the Order, the Rosminian Order, who effectively are

19 under the spotlight, who ran that institution. My

20 understanding is that the Rosminians are an Italian 15: 17

21 order, and correct me if I am wrong, founded in 1828 in

22 Italy; is that correct?

23 A. That's correct.

24 388 Q. I think then you spread out around Europe and I think

25 in Britain and in Ireland and you opened many houses 15: 18

26 and you have many congregations here; is that correct?

27 A. We spread from Italy to England and then in the 1840's

28 or so one or two members came to Ireland and we opened

29 our first house in Ireland in 1865, at Upton.

1 389 Q. What was the founding ethos of the Order? I think you
2 made some reference there earlier when you were
3 answering Mr. McCullough, that you weren't really an
4 educational order, that that wasn't your primary
5 function for being founded; is that correct? 15: 18

6 A. Yes, that's correct. I have to get into the history of
7 religious life here, Mr. Bracken, but briefly.

8 390 Q. I don't know if we need that, we might be here until
9 next week perhaps.

10 A. One minute. One minute. Most religious Congregations 15: 19
11 are founded for a specific purpose, to respond to,
12 perhaps, education, or preaching we'll say in the
13 Dominicans, or nursing or the missions, or whatever.
14 Our Congregation didn't have a specific end. The only
15 thing that our founder said was that you are a group of 15: 19
16 people who should come together and do your very best
17 to achieve your salvation, if I can put it like that,
18 that's what he would have said. And you do that by
19 being together and helping one another together, and by
20 responding to whatever particular needs are there and 15: 19
21 to whatever you are asked to do in particular. So it
22 was a fairly general thing, it wasn't a specific thing,
23 like teaching or nursing or preaching or education or
24 anything like that. Thus, for example, we have been
25 involved in a number of different things, including the 15: 19
26 two industrial schools, a school for blind and visually
27 impaired children, ordinary secondary education,
28 parishes, mission work, a range of different things.

29

- 1 Obviously, for us that at times is an enormous
2 advantage, because I can be doing what I'm doing today
3 and tomorrow I can be asked to go to the missions and I
4 can work there for five or six years. I could find
5 myself after that then being asked to go and teach 15: 20
6 somewhere. It has an enormous advantage having that
7 sort of breath, vision. But it also at times has quite
8 a few disadvantages, because we don't always have the
9 type of expertise that we might like to have in some
10 things. 15: 20
- 11 391 Q. But you mentioned there secondary schools, how many
12 secondary schools do you run, or did you run?
- 13 A. We just ran two in Ireland.
- 14 392 Q. Where was those schools?
- 15 A. One is at St. Michael's, Omeath in Co. Louth and the 15: 21
16 other was Rosmini College in Drumcondra in Dublin.
- 17 393 Q. And they were ordinary and, prior to 1968 I presume,
18 fee paying secondary school?
- 19 A. Omeath was a fee paying secondary school. Rosmini
20 College wasn't formed until 1970. 15: 21
- 21 394 Q. But it is just an ordinary secondary school. Is it a
22 day school?
- 23 A. It is a day school. It is now a community school, a
24 public school.
- 25 395 Q. Omeath, was that a boarding school? 15: 21
- 26 A. It was a boarding school up until the late 60's I'd
27 say, and then it was boarding and day pupils.
- 28 396 Q. I presume those schools, prior to the fall off of
29 vocations, would have been primarily staffed by members

1 of the Order, with some lay staff?

2 A. Yes.

3 397 Q. As it was in a lot of religiously run secondary schools
4 in the country?

5 A. Yes. Except Rosmini College never had more than maybe 15: 21
6 two or three Rosminians involved.

7 398 Q. Young men then who joined the Order, I presumed they
8 joined the Order at around the age 18 or 19, and they
9 went to the novitiate for some time?

10 A. That's right. 15: 22

11 399 Q. Were some of those young men then sent to Upton at
12 around the age of 19, after a year in the novitiate?

13 A. We would have had a tradition of sending young men at
14 some stage in their formation process. We call it a
15 formation process, a training process. At some stage 15: 22
16 in the formation process they would be sent to a school
17 or some other establishment or place for practical
18 experience. We would have had men who were sent to
19 Upton as young men.

20 400 Q. And they would have been in charge of a large group of 15: 22
21 boys; is that correct?

22 A. Yes.

23 401 Q. They are the young men then who would exercise
24 discipline over the boys and they would be in charge of
25 those boys, they might have a group under them? 15: 22

26 A. Yes.

27 402 Q. How long would they have been in the novitiate?

28 A. Well the novitiate would have been for two years.

29 403 Q. Would they have had any specific training in dealing

- 1 with young children, on a living basis?
- 2 A. No.
- 3 404 Q. They went in there very green, to say the least?
- 4 A. They would have gone in very green, to say the least.
- 5 Most of the prefects who were in Upton over the years 15: 23
- 6 didn't go directly there from the novitiate. One or
- 7 two of them would have, but others would have had some
- 8 other bits of experience beforehand. Or it would have
- 9 been at a later stage in their studies. But they
- 10 wouldn't have had any training that would have been 15: 23
- 11 appropriate to them.
- 12 405 Q. Were any of these inexperienced young men ever sent to
- 13 Omeath for instance?
- 14 A. Yes, I think so.
- 15 406 Q. What would their function in Omeath have been? 15: 24
- 16 A. Various functions I think.
- 17 407 Q. Would they have a similar role as the role they had in
- 18 Upton?
- 19 A. I really am not too sure about that.
- 20 408 Q. Yeah. But we know that these inexperienced young men 15: 24
- 21 were sent to Upton in charge of large groups of young
- 22 boys?
- 23 A. Yes.
- 24 409 Q. Without much training?
- 25 A. Yes, that's right. 15: 24
- 26 410 Q. And they were, obviously, very ill prepared for the
- 27 job?
- 28 A. They were obviously very poorly, very poorly prepared
- 29 for the job. It was a case really of people having to

1 learn on the job. The presumption was -- well
2 certainly my presumption is that somebody was not sent
3 there unless it was ascertained to some degree that he
4 would have an ability to learn quickly on the job how
5 to manage it.

15: 25

6 411 Q. So he was sent to Upton to get his experience
7 effectively?

8 A. Sometimes, yes.

9 412 Q. To cut his teeth.

10 A. I would say on one or two occasions, yes.

15: 25

11 THE CHAIRPERSON: Am I misunderstanding this,
12 I thought he said something

13 different. I thought the position was that the

14 Brothers who were sent to Upton did not tend to be the

15 very junior people, they tended to have some experience 15: 25

16 before. I am just going on what I am remembering. Am

17 I wrong in this, Father? They tended to get experience

18 somewhere else and then get sent to Upton, but

19 obviously an assessment had to be made could they learn

20 fairly fast. They didn't get any appropriate training, 15: 25

21 which was any training in dealing with children?

22 A. Well I can think of one or two prefects who would have

23 been sent to Upton during their formation and they

24 would have had very little preparation.

25 413 Q. MR. BRACKEN: How did it come about that 15: 26

26 the Rosminians then took

27 over Upton and took over the running of Upton as an

28 industrial school?

29 A. Upton was established as a reformatory in 1864 or 1865,

1 at the request of a group of people in Cork City who
2 were trying to establish a reformatory. We were asked
3 to take it over, I think, because of maybe a
4 combination of a number of factors. I think we already
5 had a similar type school in England, and so the people 15: 26
6 there might have known that we had some background in
7 England, and it probably suited us at time, that we
8 wanted to establish a house.

9
10 Now, it was established as a reformatory first, but by 15: 26
11 the middle of the 1880's the whole system was beginning
12 to change with regard to the numbers of children going
13 into the reformatories. I don't think we would have
14 been the only place that would have changed from being
15 a reformatory to an industrial school in the 1880's. I 15: 27
16 think there were a number of other places that did
17 that, that sought to hand in their licence or their
18 certificate as a reformatory and reopened, actually
19 emptied, you know, the school closed, all the children
20 who were in the reformatory, as far as I know, left and 15: 27
21 then reopened as an industrial school.

22 414 Q. Then, obviously, they were paid for by the Government,
23 by way of the capitation grant?

24 A. That's right.

25 415 Q. Or whatever existed at that time. Would it be fair to 15: 27
26 say that the conditions, compared to Upton say than to
27 Omeath, were worlds apart?

28 A. Well, Omeath was a country house that was given to us
29 in 1900, or thereabouts, and there

1 were... (INTERJECTION)
2 416 Q. I am saying the conditions of the boys, the clothing,
3 the food, heating, discipline?
4 THE CHAIRPERSON: As of the 1940's, 50's and
5 times relevant to our 15: 28
6 Inquiry?
7 417 Q. MR. BRACKEN: Exactly.
8 THE CHAIRPERSON: I think you said that
9 already. Omeath was much
10 smaller. It was, strictly speaking, a secondary 15: 28
11 school, but it was also a novitiate. I'm not sure,
12 juniorate, novitiate, I always get these wrong. But it
13 was a place where boys went who might be thinking of
14 having a vocation to the Rosminians, in addition to
15 being an ordinary secondary school, which it was. So 15: 28
16 it was a boarding school. So you are right,
17 Mr. Bracken, the conditions were... (INTERJECTION).
18 MR. BRACKEN: Upton was a boarding school
19 as well, albeit called an
20 industrial school. That's what I am just putting. 15: 29
21 THE CHAIRPERSON: But, Mr. Bracken, we have
22 already been over this
23 ground. Fr. O'Reilly has agreed with somebody else
24 that there was a huge difference between the
25 environment -- exactly the point you make -- between 15: 29
26 Omeath and Upton, and he said, for one thing, the
27 number of boys were much smaller and the number of
28 teachers were much larger. And it was a boarding
29 school, bracket, properly so called, closed bracket, as

1 I or you would understand it.

2 418 Q. MR. BRACKEN: But I would like to put it
3 to Fr. O'Reilly that Upton
4 was very much second class, and the people who were in
5 Upton were treated very much as second class, as 15: 29
6 opposed to the people in Omeath.

7 THE CHAIRPERSON: And he agrees with that.

8 A. I would, yes, yes.

9 419 Q. MR. BRACKEN: And then when there was a
10 problem, which 15: 29
11 Mr. Connaughton referred to, Upton was used as the
12 dumping ground for a very dangerous sex abuser, which,
13 again, was treating the inmates in Upton as very second
14 class, not being cherished equally.

15 A. Yes, all the children have not been cherished equally. 15: 30

16 MR. BRACKEN: Thank you Fr. O'Reilly.

17 THE CHAIRPERSON: Just on that last point,
18 they also sent him to
19 Omeath, the same person. Where they didn't think he
20 would be too much trouble, because they thought he 15: 30
21 would be under the eye of the rector, which you will
22 find in a further document in G. Thank you very much
23 Mr. Bracken.

24
25 END OF EXAMINATION OF FR. JOSEPH O'REILLY BY 15: 30

26 MR. BRACKEN

27

28 THE CHAIRPERSON: Where am I off to now.

29 The Department, has anybody

1 any questions?

2 MR. DIGNAM: Chairman, I appear for the
3 Department of Education and
4 Science with Mr. O'Moore. We have no questions
5 arising. 15:31

6 THE CHAIRPERSON: Very good. Thank you very
7 much. Now, Mr. Hardiman.
8 Sorry, maybe I should ask Ms. Fergus.

9 MS. FERGUS: I have no questions at this
10 this stage, it has been 15:31
11 well covered by everybody else.

12 THE CHAIRPERSON: Everything has been
13 covered. Thank you very
14 much. Now Mr. Hardiman. Mr. Hardiman, are you
15 comfortable there, or do you want us to make room for 15:31
16 you in a more forward position?

17 MR. HARDIMAN: No, I am comfortable being
18 back here, Chairman.

19 THE CHAIRPERSON: Very good. 15:31
20

21 FR. JOSEPH O'REILLY WAS THEN EXAMINED, AS FOLLOWS, BY

22 MR. HARDIMAN:

23
24 420 Q. MR. HARDIMAN: Fr. O'Reilly, may I take up
25 the last subject that was 15:31
26 spoken about, the prefects. Would I be right in
27 thinking that there is no uniform pattern of the type
28 of person that was appointed prefect, but that some
29 accidental patterns emerge over time?

- 1 A. Yes, there is no uniform pattern. At some stages we
2 find, for example, that a couple of priests are
3 appointed as prefects. For the most part, apart from
4 those number of years, it tends to be Brothers. There
5 are some people that are appointed quite young, the 15: 32
6 view being that they would be energetic enough to be
7 able to manage a large group of boys. Some others were
8 appointed with that little bit more experience in life,
9 and it was thought that they might have a bit more
10 maturity and that that maturity might help them to 15: 32
11 manage the situation. It is difficult to see what the
12 pattern is.
- 13 421 Q. And within extremes of tenure or time served that you
14 find remarkable differences between those who served
15 short times, maybe a year or two years, and those who 15: 32
16 might have been prefects for 15 years?
- 17 A. Yes, that's true, yeah. We have some people who are
18 only in the position for a couple of years and others,
19 as you say, who are -- there are a number of people who
20 were in Ferryhouse and Upton who would have been there 15: 33
21 for five, six, seven years, and one or two who
22 transferred from one to another and so would have had
23 longer experience. We have had one or two people who
24 would have had maybe 15 years experience.
- 25 422 Q. Yes. Those prefects that had say 10 or 15 years 15: 33
26 experience, they inevitably were people who were and
27 remained Brothers within the Rosminian Order, and those
28 who served much shorter terms would have been either
29 priests, as it happens accidentally, or by necessity

1 those who were going on to the priesthood and whose
2 prefecture would have been an interruption in studies
3 so to speak?

4 A. Yes, I think that's correct, yes.

5 423 Q. In terms of those then who may have served the longest, 15: 34
6 was there any pattern to their background, what
7 families they came from, what type of people they were.

8 A. One of the ones that comes to mind immediately is a
9 Brother who served for a good number of years, 20 years
10 or thereabouts, who would have come from a very, very 15: 34
11 rural background, would have had no experience
12 whatsoever and probably relied on his own personality
13 to manage the situation for all of those years. He had
14 very, very little training. There would have been
15 others who -- I suppose there were one or two people 15: 34
16 who weren't successful at studies and who were
17 appointed to the position of prefects, who would have
18 held those positions for a number of years also.

19 424 Q. Yes. On a point you have just made, which emerged to 15: 35
20 some degree in your earlier evidence, there having been
21 no overall policy or scheme of things, in either of the
22 two schools, much of the success or failure of prefects
23 or others was a matter of just individual personality,
24 would that be right?

25 A. I think it would have been largely down to individual 15: 35
26 personality, yeah. Unfortunately, when you look at the
27 entire thing since the 40's it is very difficult to see
28 what level of real planning was involved. Well I don't
29 think that there was planning, I think it was a case of

1 pure necessity in a lot of cases. Obviously, if a
2 situation arose where somebody had to be removed
3 because of damage that he was doing then you had to
4 start looking to see, well, who is going to replace
5 him, and you are trying to move people around and see 15: 36
6 who's the best person for the job. We saw one case,
7 which was referred to earlier, back in 1963, where they
8 had to remove two people, one was a prefect and the
9 other was in administration, and they had to look for a
10 Brother in the morning to take over as prefect. The 15: 36
11 Brother took over and he seemed to, in spite of having
12 little or no background, he seemed to do quite well
13 over the years.

14
15 But it is one of the problems in the whole thing, that 15: 36
16 there is no appearance of enormous development. You
17 know, there was no approach to saying we have ten
18 people now who are in the novitiate or who are in the
19 formation, we are going to send five of them to
20 training to university or to the UK, or wherever. 15: 37
21 There doesn't appear to be any, unfortunately. It
22 seems as if it was a case of responding to the
23 emergency that existed at any given time. The urgent
24 took over from the important.

25 425 Q. Yes. The documents which you have show that from time 15: 37
26 to time one or other of the schools showed a sporadic
27 leap forward, belatedly I will define it later as, but
28 there are signs of there having been efforts to find
29 either a psychological or even an electrical

1 anti-bedwetting mechanism. We find signs of some
2 efforts to take a model of incentives from the Red Bank
3 model in the UK. By that I am illustrating sporadic
4 but not very complete efforts to do something. We see
5 it in earlier times as well. Would it be right to say 15: 38
6 that efforts were made but they seemed to have come to
7 nothing, the system or the schools were simply too --
8 or the problems they faced were too big to get any type
9 of reform going?

10 A. One of the impressions that I get as I go through the 15: 38
11 whole thing is that they were concerned with the day to
12 day survival. You know, that took over, that was the
13 priority, surviving from day to day. Okay, maybe from
14 week to week, perhaps from month to month, but not from
15 year to year. It was a case of just surviving and 15: 39
16 keeping your head above water in many different
17 respects.

18
19 So things like you referred to, I think that they did
20 try to make improvements. I do think -- I mean, I have 15: 39
21 to admit that people were abused, physically and
22 sexually abused in our institutions and we are trying
23 to be as up front as we can about that. But I would
24 also say I would have no doubt that the people who, by
25 and large the people who were there were doing their 15: 39
26 very best and had their nose to the grindstone and had
27 a commitment to the boys as best they could. Probably
28 so much so that they didn't see the big picture at all.
29 They couldn't see the wood for the trees. I don't

1 think that they were particularly helped in being able
2 to see the big picture by the type of -- either by the
3 type of support that they were receiving from the
4 Department of Education or by what was happening in
5 society. There wasn't, it appears to me, anybody who 15: 40
6 was out there saying let's sit down and look at the
7 whole thing together and let's decide how are we going
8 to address this situation, whether it be of children
9 who were in trouble with the law or children who were
10 in trouble with their homes. There was nobody saying 15: 40
11 let's sit down together and look at this, and look at
12 how we can address the problem. They were so close to
13 it that they don't seem to have been able to stand
14 back, any of them, whether religious or the State, or
15 society. You know, it wasn't happening in the rest of 15: 41
16 society, nobody was clambering to look at the big
17 picture and address it together.

18 426 Q. It has been suggested to you that even with the
19 limitations of resources, manpower, buildings, all of
20 the limitations, that you could have done a better job. 15: 41
21 Is there an easy answer to that? Is it yes or no?

22 A. No, there is not an easy answer to that. I'm not too
23 sure. For example, had we been given extra resources,
24 did we have the wherewithal to use those resources as
25 best we could? I would like to think that we would 15: 41
26 have used them much better, but I'm not too sure that
27 the thinking existed generally to really know how to go
28 about doing things. I think part of the problem were
29 religious was that there was no sort of critical

1 questioning of what our role was within society. I
2 think that the historical context in Ireland at time,
3 particularly in the 40's and 50's, has to be explored.
4 Because you had a new State and you had a new State in
5 which religious freedom was much greater than it had 15: 42
6 been previously and I think they lost the run of
7 themselves, both the church and the State at time. And
8 there was nobody saying -- there was no sense of
9 critical questioning of what we were about.

10 427 Q. Well, some people would say to you, with some 15: 42
11 justification now, would put it to you that if you
12 admit the limitations of what went wrong within the two
13 industrial schools, that one would have expected better
14 of priests or religious. What do you think of that as
15 an issue? 15: 43

16 A. One would have expected better of priests or religious?
17 Well, in some respects I think that what we did do
18 might have been better in some respects than the
19 alternative. That is to say similar type of
20 institutions run by non religious. I mean, there is no 15: 43
21 great body of evidence to show that the circumstances
22 in other similar institutions that were run by non
23 religious were much better than the ones that were run
24 by religious. I think, at least, we provided a sense
25 of stability and continuity, and sometimes did help to 15: 43
26 form relationships, and that is a value that is missing
27 today for many children who are in residential care.
28 At the same time, I recognise that being religious
29 involved in this type of work there was, indeed, a lot

1 of shortcomings. For example, in our thinking about
2 responding to sexual abuse, I think that our theology
3 was in a fog, and it wasn't good theology. We were
4 caught up in things, you know. I mean we are the
5 people who talk about forgiveness and things like that 15: 44
6 and that affects our thinking, it is deep within us,
7 and so if somebody does something wrong you forgive
8 them. Admittedly, we didn't always forgive the child.
9 We might have been quicker to forgive ourselves than we
10 might have been to forgive a child about things. But 15: 44
11 there was a great shortcoming there, I think that did
12 fog up a lot of our thinking and that we didn't have an
13 understanding of the human dimension as much as we
14 should have had. But I think we had a better
15 understanding of other dimensions and that that made a 15: 45
16 good contribution to kid's lives. That's a long way of
17 going about it.

18 428 Q. From listening to your description of problems in the
19 schools and reading the documentation, which is vast, I
20 get the impression that there is a problem presented by 15: 45
21 children. To take the most harmless and innocent, a
22 child committed by the District Court for the strange
23 offence of not having a parent in charge of it and sent
24 to one of your industrial schools, that's the problem.
25 And the child, by definition, usually not having had 15: 45
26 much education, having played truant from school. So
27 it is sent to your school with those two problems, a
28 custody problem, as it were, and an education problem.
29 From what you say then, that problem is being met with

1 another problem. The solution to the first problem is
2 really a problem in itself. The industrial schools
3 were struggling to survive, or at least your two were.

4 A. Yes, I think so. I think that children were often
5 taken from fairly hopeless situations and they were 15: 46
6 handed over to despair in a way. Because I'm not too
7 sure that we can say definitely that the situation that
8 they found themselves in was an awful lot better than
9 the situation that they had come from. They got some
10 things and there are other things that they didn't get. 15: 46
11 Frying pan into the fire.

12 429 Q. You spoke earlier about -- you used an expression, I
13 think, that the inadequacies or the difficulties within
14 the industrial schools were all connected. Could I ask
15 you to say something about how you see -- and I don't 15: 47
16 mean now in retrospect and speaking of the norms of the
17 time, leave that out of it because I think we have got
18 beyond that as an explanation for things, except in
19 part. Can I ask to you elaborate on how you see that
20 effecting the corporal punishment, as I think you will 15: 47
21 knowledge, as almost a means of existence of the
22 schools?

23 A. I said all of these things were connected, and how does
24 that relate to corporal punishment? If you get a boy
25 who gets into trouble, like the absconding one. A boy 15: 48
26 runs away, he's upset about something or he's fearful
27 of somebody, he runs away, he brings somebody with him.
28 He comes back to the school. He's going to be slapped.
29 He's probably going to be slapped in the office, but it

1 depends on the circumstances. If it is a really bad
2 situation it might be in front of others. That's
3 connected to just about everything else, you know. The
4 way that the prefect is that day. What's going on for
5 the prefect. Has the prefect been up half the night 15: 48
6 before out looking for other kids? Is there a problem
7 in the bakery? Is there enough food? What's happening
8 in the rest of the school? What circumstances have
9 happened? Has there been a flu recently? When you are
10 in an institution like that all of those things are 15: 49
11 connected, one to the other, and it becomes -- you
12 know, it closes in on itself and everything touches off
13 one another and everybody touches off one another, and
14 what happens out in the garden can effect what's
15 happening in the classroom or what's happening in the 15: 49
16 yard. That type of a system is clearly detrimental to
17 any good processing of things.

18 430 Q. I think the deduction we can draw from the Punishment
19 Book, within the time frame we are dealing with now,
20 where it indicates excessive punishment, is either that 15: 49
21 the manager of the school saw it and didn't object, or
22 else didn't see it, in which case he wasn't looking, so
23 to speak. How do you now reconcile that with the sort
24 of management, any type of ideal management or proper
25 management of what an industrial school is meant to be? 15: 50

26 A. Well, what was an industrial school meant to be? It
27 appears to me that it was notionally fulfilling a
28 function, but I'm not sure really. It was notionally
29 fulfilling the function I think. Clearly, it seems as

1 if the level of supervision that was being provided was
2 not adequate. I suppose, that would be one of the big
3 reflections that we would be making about, you know,
4 what was the manager doing in relation to the staff who
5 were there? What was the Provincial doing by way of 15: 50
6 supervising the manager? What was the Father General
7 doing by way of supervising the Provincial, and making
8 sure that all these things are as they should be? And
9 there doesn't seem to have been that sort of level of
10 supervision, as there wasn't from other agencies. The 15: 51
11 level of supervision that was being provided by way of
12 annual inspection wasn't what it should have been to
13 really, really move things forward.

14 431 Q. I get the distinct impression from not only what you
15 say there but how you say it, that there was a team 15: 51
16 effort required and an objective, clearly defined
17 objective and that there was neither a team nor a clear
18 objective?

19 A. I don't think that there was any clear objective. I
20 don't see anywhere that anybody had a sense of what was 15: 51
21 going on, or that anybody was really giving direction
22 to it. I have never seen it, and I'm not even sure
23 that it existed in the more recent decades. For
24 example, we heard after the Kennedy Report that there
25 should have been five or six inspectors appointed to 15: 52
26 the country and there was one, the same as had been
27 there previously. I don't think there was any real
28 direction being offered in this area until the last
29 probably 15 years, from around about the Childcare Act,

1 or Bill, in 1991. And even that was only implemented
2 piecemeal, you know, until a crisis arose.

3 432 Q. You mentioned earlier, I think you said aptly that the
4 urgent had taken the place of the important. You see
5 in the history of the school, even the school's 15: 53
6 physical development in Ferryhouse a prime and tragic
7 example of crisis management was the death in 1967 of a
8 boy from meningitis. It was immediately on that then
9 that there was a cataclysmic criticism of the school
10 facilities, the dormitory facilities and then quite a 15: 53
11 large investment in improvement of them.

12 A. Yes, yes, that's right. I mean that was one case in
13 point where a boy died of meningitis and the report
14 that came from the health authorities said that the
15 circumstances that existed in the school were not good 15: 53
16 and that they would need to be rectified immediately.
17 It was only on foot of that then that substantial
18 changes were made. But at that time there was also a
19 big problem about -- I think I said this in previous
20 evidence -- about when some schools closed the 15: 54
21 remaining children had to be distributed. When
22 Greenmount closed on 31st March, 1959, I mean we got 90
23 children, or 98 children on that day. What do you do
24 with 98 children? Okay, your capitation grant has
25 increased enormously, but it is also an enormous 15: 54
26 nightmare for you as well. That wasn't all just down
27 to us, there wasn't too much guidance on how that
28 should happen. It was the same in 1966, when Upton
29 closed and the children from there had to be

1 redistributed. I think it was the same with other
2 schools. When Artane closed children had to go to
3 different places. So there wasn't an enormous amount
4 of -- well, perhaps there was some planning, but the
5 effect on the institutions -- and perhaps this is 15: 55
6 something that needs to be taken into account. When
7 something is in the last stages of its life, if you
8 like, in the last stages of decay, it is out of shape
9 totally and it is out of control, it's a run away bus,
10 because the school is closing they are dumping kids on 15: 55
11 another school. It appears to me that that was the
12 case in the 60's, that the place, the whole thing was
13 falling apart and it was just being held together by
14 sticky tape. You probably got as many problems then as
15 you did in previous decades, even know a lot of -- some 15: 55
16 situations had been improved. But because it was
17 crumbling it affected those who were remaining.

18 433 Q. I want to mention the inspector's reports, not for the
19 purpose of criticising the inspector or demeaning the
20 nature of the reports but to identify a specific 15: 56
21 phenomenon, and to use as a point of reference, the
22 death of that boy in 1967. Up to 1967, maybe for all
23 the life of Ferryhouse, not entirely though, but for
24 the most part reports came -- reports were made of the
25 school, which we see on discovery, indicating that the 15: 56
26 school was more or less satisfactory and yet could have
27 done with some improvement. Now, that's the general
28 tenor. Throughout the life of the school then, apart
29 from an occasional sharp blip in that state of

1 reportage, we found that the school is permanently
2 satisfactory, but always in need of improvement. To
3 the observer looking at that, one, or I, detect a sense
4 that there is no direction or no standard of -- not
5 exactly excellence, but no standard of the good, there 15: 57
6 is only the standard of the making do. Is that what
7 you find when you look back over what your two
8 industrial schools were trying to do?

9 A. Of just making do?

10 434 Q. Making do, yes? 15: 57

11 A. Oh yeah, it was just about making do. Unfortunately,
12 some things can't be done on a just enough basis, you
13 have just enough of this or you have just enough of
14 that, some things need more than just enough. But I
15 think that we had just enough of this, that and the 15: 57
16 other and we made do. When we reflect on the
17 industrial schools that we had now there is -- among
18 some people who would have worked in them, you know,
19 they have an enormous sense of pride that they gave
20 their very best. And I do believe that many people did 15: 58
21 give their very best and that they worked tirelessly
22 and selflessly for the children who were there. I
23 think that there are some people who have everything to
24 be proud of. But there is no sense of, if you like,
25 glory, glory as we reflect on the schools. Even in 15: 58
26 1966, the year that Upton closed, the Provincial at the
27 time, who was reflecting on the fact that it was open
28 100 years, said that, you know, we actually don't have
29 anything to glory in or to be proud of. I think that's

1 part of your tradition. I think that's why our
2 Provincial, in 1990, Fr. Flynn, in 1990, he made an
3 apology. When we opened the new Ferryhouse he started
4 off by drawing attention to the fact that many of the
5 children who went through the school over the previous 15: 59
6 hundred years or so suffered, suffered greatly,
7 suffered from fear and suffered. In fact, he used the
8 word that Mr. McCullough used earlier on today, he
9 spoke about brutality. He spoke about people who
10 condoned or ignored extreme severity, even brutality 15: 59
11 that characterised the old regime. Strangely, he made
12 that statement on 11th May, 1990 and the Taoiseach made
13 his apology also, for some reason, on 11th May, 1999.

14
15 But I think that this is part of our problem with the 16: 00
16 whole thing. On the one hand there is a sense that
17 many people gave of their very best and did their very
18 best and had great regard for the kids and really
19 enjoyed working with the kids who were in Ferryhouse
20 and, on the other hand, we have a sense that it just 16: 00
21 wasn't enough, and that there is not an awful lot to be
22 proud of in the whole thing either.

23 435 Q. This leaves the Rosminians with a paradox, because you
24 have some sense of donating to the scheme, giving to
25 the scheme over time and yet you have an acknowledgment 16: 00
26 of the pain that the past pupils or survivors express
27 now.

28 A. Yeah.

29 436 Q. Can I ask you about what you think about the handling

1 of or the nature -- it is a general question -- the
2 nature of the reception and handling of a complaint
3 within an institution like those two schools? If a
4 child comes -- if mind you, allowing for the likelihood
5 that it is firstly deterred from making the complaint. 16:01
6 But if it makes a complaint of either sexual abuse or
7 gross physical abuse within the institutional
8 environment what do you see now -- both in hindsight
9 and from your own experience -- see as the problems it
10 creates for the institution and for the phenomenon of 16:01
11 accepting a complaint?

12 A. Well, obviously, for a manager, if a manager is
13 informed by a boy that there is a problem, in whatever
14 shape or form it is, about a prefect or somebody else
15 working there, it is obviously a problem for the 16:02
16 manager now, because how does he show loyalty towards
17 the member of his community, the member of staff that
18 he may have to put back into a position, and at the
19 same time honour, if you like, the complaint that's
20 coming forward. I presume that some of the complaints 16:02
21 about sexual abuse came to the managers from the boys
22 directly. I'd have to presume that that was the case.
23 So that I am fairly sure that many of the managers who
24 were in these positions were the type of persons who
25 were trusted by the boys. Within our Congregation we 16:03
26 would have a sense that there were certain managers
27 over the years who would have been regarded more on the
28 side of the boy than on the side of the prefect, if you
29 like, and that their inclination would have been to be

1 on the side of the boy and to listen more to him than
2 to the prefect. But, obviously, it would cause certain
3 strain.

4 437 Q. And returning briefly to a question of corporal
5 punishment. The sense one has after all of the 16:03
6 complaints that have been made, and I don't mean the
7 hearings, I mean you yourself and the Rosminians having
8 read all of the statements to the Commission, all of
9 the statements to the Redress Board, many cases of
10 people speaking to you who were abused physically or 16:04
11 sexually who have been to neither, the accumulative
12 sense you had was that, firstly the obvious one, that
13 both schools were run very much on regimental lines,
14 sometimes semi-military lines, as part of the daily
15 organisation of what the boys had got to do, how they 16:04
16 were managed. Would that be right?

17 A. Yes that would be right, yes.

18 438 Q. Am I right in thinking that once you adopt a position,
19 a somewhat authoritarian position -- and I'm not
20 condoning it and I'm not yet criticising it -- but once 16:04
21 you do that there is a sense in which corporal
22 punishment becomes necessary for the dignity of the
23 situation, therefore, a prefect becomes more sensitive
24 to cheek or back chat, or there is a decline in the
25 size or the magnitude of offence which becomes 16:05
26 punishable. Would that be a fair deduction along the
27 lines of corporal punishment being a trap as you
28 described earlier?

29 A. Yes, I think it is. I think once you accept that

1 corporal punishment is acceptable then it is only a
2 matter of degrees. If you get into a system where
3 punishment and physicality is accepted then it is not
4 that very long before you move on to something even
5 more severe. And it is a trap. If you punished 16:05
6 somebody with four straps previously and they have done
7 the same thing again, well then you have to punish them
8 even more severely the next time in order to deter
9 them, and more severely the time after that.

10 439 Q. In a letter from the Commission on 12th April, 2006 you 16:06
11 were given an agenda of what might be discussed today.
12 The last two are, maybe, associated. The second last
13 is general policy and the very last one is one of
14 particular interest.

15 "To what extent, if any, has the 16:06
16 Order's position altered in the light
17 of the evidence you have heard to
18 date?"

19 Let me expand that. Apart from evidence at hearings,
20 taking into account all that you have seen in past 16:06
21 pupils, heard, your own members, many of whom have been
22 critical, the complaints and the statements to the
23 various Boards or Commissions, how has the Order
24 responded to that? Have you changed? Has your
25 attitude towards things changed? 16:07

26 A. I think we have grown in appreciation of the impact
27 that being in the industrial schools had on the
28 children. I think we feel different about the whole
29 thing now than we did previously. Two years ago we had

1 come an awful long way, I think we have come further
2 since then. I think it has impacted on us enormously.
3 440 Q. Yes. Fr. Flynn, who is now the Provincial General of
4 the Order, and was a Provincial in Ireland in 1990,
5 when he gave the speech you referred to earlier, he had 16:07
6 very little contact with either of the industrial
7 schools, direct contact with either of the industrial
8 schools, and yet he spoke of, and, so far as I know,
9 within the Rosminians it was entirely unscripted
10 remarks, or at least undiscussed remarks that he made 16:08
11 at the time of that speech. But he had received some
12 sense or understanding which had inspired what he said.
13 Am I right in thinking that there has been a bit of
14 mixed feeling about the past in the industrial schools?
15 A. A mixed feeling among ourselves? 16:08
16 441 Q. Yes.
17 A. Yes, there is. I mentioned that earlier. I think that
18 we had probably ten members, I'd say, who were
19 themselves boys in the industrial schools and who later
20 went on to join us, most of whom I would have known, 16:08
21 they would have lived to recent years and a few would
22 still be members of the Congregation. You would talk
23 to them and you'd hear from some of them the reality
24 that they would have experienced. I think Fr. O'Shea
25 expressed it well when he gave evidence. Even among 16:09
26 those people, many of them would have had different
27 views on the whole thing. Some would have remembered
28 it fairly fondly and felt that they were taken care of
29 and that the Brethren who reared them were fatherly and

1 things like that. And others remembered, you know,
2 severe circumstances. Among the rest of the Brethren,
3 as I said earlier on, I think that many people have a
4 sense of pride and of having done their best. But
5 others would very, very readily and immediately
6 recognise the utter inadequacies of the schools that we
7 had.

16:09

8 MR. HARDIMAN: Thank you.

9
10 END OF EXAMINATION OF FR. JOSEPH O'REILLY BY

16:10

11 MR. HARDIMAN

12
13 THE CHAIRPERSON: Thank you very much.

14 Mr. Lowe, have you any
15 questions to ask Fr. O'Reilly.

16:10

16
17 FR. JOSEPH O'REILLY WAS FURTHER QUESTIONED, AS FOLLOWS,
18 BY THE COMMISSION:

19
20 442 Q. MR. LOWE: I have only one question.

16:10

21 One of your colleagues
22 spoke to us by saying when he was a prefect he was
23 feared, he was particularly severe and he resigned from
24 that post and he took on a different post then as a
25 gardener. We subsequently had a complainant saying to
26 us that he was a good man and he singled him out as
27 someone who was kind and helpful to him. We had
28 another of your colleagues saying when he first went
29 into the yard to control 200 boys he felt fear and

16:10

1 realised it was them or him. So he had to be the
2 sheriff, with his strap as the revolver. So here we
3 have the role of prefect changing the man, changing how
4 he has to behave, preventing him from being good. I'm
5 just surprised that the Order as a whole couldn't see 16:11
6 that imposing a harsh regimented regime through fear
7 was not a good way to achieve salvation, either for the
8 boys or for each individual who was imposing that
9 regime.

10 A. Yes. As I said earlier in a way, I don't think that we 16:11
11 did that much real reflection on the whole thing,
12 because I don't think -- there wasn't that type of
13 culture there. But those who looked at it from the
14 outside, I don't think they saw it in terms of it being
15 a place filled with fear and that children were being 16:11
16 hurt or even worse, or brutalised. I don't think they
17 were perceiving it in those terms. They were seeing
18 incidents from time to time of people, you know, doing
19 things that were wrong. But when they were looking at
20 the place as a whole they tended to see that we are 16:12
21 doing something good and we are helping a group of
22 people who are needy. I think that they felt that was,
23 if you like, contributing to their salvation, that it
24 was part of -- that they were doing something good.
25 Perhaps I haven't answer your question. 16:12

26 443 Q. MR. LOWE: I'm just listening to you
27 saying they believed they
28 were doing something good when most of the evidence
29 they would have been seeing would have been

1 contradicting that. Because children weren't doing
2 well, they didn't go out into jobs, they often were
3 taken away from their family and had nothing to go back
4 to, lives were quite destroyed very often by the
5 institutional experience .

16:13

6 A. I don't think we saw that.

7 444 Q. MR. LOWE: You didn't see it at all?

8 A. If we are talking 40's, 50's and 60's I don't think we
9 saw that. I think that type of thinking was only
10 beginning to happen in the middle to late 60's. By the 16:13
11 70's, okay, we were asking questions and we were
12 feeling a bit ill at ease about a lot of things, but I
13 don't think we saw it at earlier periods.

14 445 Q. MR. LOWE: Was it the punishment

15 regime, the correction 16:13

16 regime, or was it the religious life which you felt was
17 reforming these children?

18 A. I think it was the discipline, you know. That they
19 were being given a discipline in life, they were being
20 taught good habits, they were being taught -- I mean 16:14

21 the system that they would have had at school was -- is
22 it the rote system that they refer to it as. You know
23 you learned things off by heart. That is the way that
24 you learnt, and you learnt by following certain habits
25 in life. You get up at a particular time, you went to 16:14
26 mass, where you learned about God and religion and the
27 meaning of life and things like that. You went and you
28 had meals at particular times. I think there was a
29 sense that if people follow these type of good habits

1 in life, that that will help to make them. I think it
2 was that type of discipline. I think that they felt
3 that would be to their benefit and that that would help
4 them in life more than, you know, disciplining in terms
5 of administering corporal punishment, or even the 16: 14
6 religious thing. I think it was the discipline of
7 leading a good life, a regular life, good habits.

8 MR. LOWE: Okay, thank you.

9 THE CHAIRPERSON: Now Ms. Shanley?

10 446 Q. MS. SHANLEY: Can I just ask one 16: 15
11 question. You said that
12 you were involved in a number of residential
13 institutions. You had two industrial schools, you had
14 a boarding school in Omeath, you had a school in
15 Drumcondra. That wasn't residential, was it? 16: 15

16 A. It was, yes.

17 447 Q. MS. SHANLEY: Had you a number
18 of institutions in Britain?

19 A. In Britain we had only two schools. One was, I'm not
20 too sure of its classification, but a junior school for 16: 15
21 children up to ten or twelve.

22 448 Q. MS. SHANLEY: Was it a residential
23 school?

24 A. It was. The other was a secondary school, Radcliff
25 College. 16: 15

26 449 Q. MS. SHANLEY: Have you had the same
27 difficulties with the rest
28 of your institutions as you have had with Ferryhouse
29 and Upton?

- 1 A. No.
- 2 450 Q. MS. SHANLEY: Have you had any complaints
3 about the rest of your
4 institutions?
- 5 A. I wouldn't be entirely sure, because I just wouldn't be 16:16
6 involved in it. If they have had problems they have
7 only been one or two as far as I know.
- 8 451 Q. MS. SHANLEY: I suppose I'm thinking
9 particularly of the sexual
10 abuse problems that emerged in Ferryhouse and Upton. 16:16
11 Why would you think that they were particular to those
12 schools?
- 13 A. I do not know. I have often wondered the same. You
14 know, why is it? What happened there? What happened
15 to the people who went there? Was it more particular 16:16
16 to Ireland than it was to England? Did it reflect
17 something in our... (INTERJECTION)
- 18 452 Q. MS. SHANLEY: That's why I asked you
19 about Omeath in Drumcondra.
20 If it was something particularly Irish one would have 16:16
21 expected it to emerge in those two institutions as well
22 over the years.
- 23 A. It hasn't. There have been one or two instances but
24 nothing on the scale that we are talking about here.
- 25 453 Q. MS. SHANLEY: Yeah. 16:17
- 26 A. I don't know. I don't know if there is something in
27 the whole nature of such a system like that, where
28 people live together 365 days a the year. Like, in the
29 other institutions that wasn't a case. In the other

1 schools that we had at least they went home, even if it
2 was only once a term.

3 454 Q. MS. SHANLEY: Even in the British schools
4 they weren't children who
5 were homeless? 16:17

6 A. Exactly.

7 455 Q. MS. SHANLEY: The only children you cared
8 for who came into that
9 category, homeless, were in fact Ferryhouse and Upton,
10 these were probably the most vulnerable children you 16:17
11 had in your care, as an Order, as a Congregation?

12 A. Yes. Yes. I think some reflection needs to happen
13 around that whole, you know, around the specificity of
14 something like that.

15 456 Q. MS. SHANLEY: Yes. 16:17

16 A. Because there is something -- I mean, we know that
17 there were significant peer abuse problems, and peer
18 sexual abuse problems in those institutions. We know
19 that similar problems exist in other schools, but I
20 venture to guess not to the same extent. 16:18

21 457 Q. MS. SHANLEY: You are presently a
22 Congregation active in
23 Ireland and elsewhere, do you have any childcare roles
24 still?

25 A. We are still the owners and managers of the -- sorry, 16:18
26 the owners, not the managers -- of St. Joseph's School
27 for the visually impaired in Drumcondra. That is the
28 only sort of childcare establishment that we have in
29 this country. But we don't have them in other

1 countries that we are involved.

2 458 Q. MS. SHANLEY: One final question. You
3 referred to one priest
4 against whom an allegation had been made, and you said
5 that you were trying to find somewhere within the 16:19
6 community that he could be kept without having access
7 to children. What is your present position with regard
8 to members of your Congregation against whom
9 allegations have been made? Do you have any members
10 who are in your Congregation, priests, who have had 16:19
11 allegations of sexual abuse made against them?

12 A. We do. We have. We do, yes.

13 459 Q. MS. SHANLEY: What is the policy of the
14 Congregation? Are they
15 laicized? Is there a process of laicization in train, 16:19
16 or is that not contemplated?

17 A. It depends on each situation. We have dealt with some
18 situations differently. On some occasions we have felt
19 that we need to move down the road towards, you know,
20 canonical disciplining, that might lead to laicization. 16:19
21 In other cases we have not gone that route. I think
22 Congregations are finding that there is no one answer
23 to this situation. For example, it would be fairly
24 true to say that a couple of years ago, maybe 10 years
25 ago, people outside and inside would have been 16:20
26 clambering for people who have abused to be laicized on
27 the spot, and that it would just be done from on high.
28 In more recent years people are saying what is that
29 doing with the problem, with the person who has a

1 problem? That's just unloading that problem on to the
2 rest of society and there is probably less child
3 protection in disposing of a problem, if I can use that
4 phrase, in that way than there would be in trying to
5 put into place safeguards. 16: 20

6 460 Q. MS. SHANLEY: I suppose it is one
7 thing to say they may be
8 contained within the Congregation. I suppose what I'm
9 really asking you is are they in active ministry within
10 the Congregation? 16: 21

11 A. No.

12 461 Q. MS. SHANLEY: That's really the question.
13 But they are not in active
14 ministry?

15 A. No. 16: 21

16 MS. SHANLEY: Thank you.

17 THE CHAIRPERSON: Very good. Thank you very
18 much. That concludes our
19 hearings into Ferryhouse and Upton.

20 MS. FERGUS: Chairman, at the Greenmount 16: 21
21 opening you did mention
22 that the legal team would take written submissions from
23 members of the public and, where appropriate, would ask
24 the question of the Order.

25 THE CHAIRPERSON: Yes. 16: 21

26 MS. FERGUS: We did receive such a
27 letter from a Mr. O'Brien.

28 THE CHAIRPERSON: I'm sorry, I did. Let me
29 ask Mr. O'Brien's question.

1 I am sorry, could you bear with me for one moment. We
2 did ask people to send in questions and we have one
3 which has four questions, three of which are for you.
4 (TO THE WITNESS) "What are the Rosminians now going to
5 do about former inmates who are homeless or down and 16: 22
6 out?". Perhaps I should say this before we start. I
7 understand that you have seen these questions, because
8 we had them, maybe if you would be good enough to
9 consider them and send us the response or, indeed, send
10 them straight to Mr. O'Brien, who was good enough to 16: 22
11 set out these questions. It might be more convenient,
12 if you would prefer, to write your answer. I don't
13 want to spring this on you now. Is that a more
14 convenient way of doing it? I think that would be
15 perfectly satisfactory. 16: 22

16 A. Certainly, yes.

17 THE CHAIRPERSON: Very good. I think that's
18 what we will do with
19 Mr. O'Brien's questions, I think we will ask
20 Fr. O'Reilly to consider them, because he's only seen 16: 23
21 them for the first time today, to consider them and
22 write a considered response, rather than just jumping
23 off the gun at the moment.

24 MR. O'BRIEN: No. 4 is for the Commission
25 to answer. 16: 23

26 THE CHAIRPERSON: Yes. As to the fourth
27 question, I'm not in a
28 position to answer that, Mr. O'Brien, because I have
29 tried to explain to people that I can't get into a

1 debate as to what the Committee, or the Commission,
2 what specific steps it will take. You know that we are
3 investigating the matter of the -- or we are looking at
4 the matter of how people got into the institutions in
5 the first place, that was one of the first things that 16: 23
6 I think we announced more or less this month two years
7 ago. Anyway, that's what happened. So I can't give
8 you specific details about the manner in which that's
9 doing. There is a reason for that, Mr. O'Brien, I
10 can't get into a debate in general with people as to 16: 23
11 how precisely we see how we are going to do our job.
12 But we appreciate your points and we will certainly
13 take it on board. Thank you for taking the trouble to
14 write to us and let us know. You have alerted us to
15 the issue. 16: 24

16 MR. O'BRIEN: In other words it's a
17 waste of time writing to
18 you. You're a waste of time.

19 THE CHAIRPERSON: Very good. Thank you very
20 much Fr. O'Reilly. Thank 16: 24
21 you, Mr. O'Brien, sorry you feel like that.

22
23 THE HEARING THEN CONCLUDED

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