

COMMISSION TO INQUIRE INTO CHILD ABUSE

PUBLIC SESSION HELD AT THE ALEXANDER HOTEL, MERRION SQUARE,  
DUBLIN 2

ON THURSDAY, 15TH SEPTEMBER 2005

EVIDENCE OF BR. MICHAEL REYNOLDS

BEFORE

MR. JUSTICE SEÁN RYAN

CHAIRPERSON OF THE INQUIRY

ORDINARY MEMBERS:

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 in the above hearing.

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MEMBERS OF THE COMMISSION PRESENT

REGISTRAR TO INVESTIGATION COMMITTEE: MR. BRENDAN REEDY

COUNSEL FOR THE COMMISSION: MR. BRIAN McGOVERN SC  
MS. NOEL MacMAHON SC  
MS. KAREN FERGUS BL  
MR. PAUL WARD BL  
MS. KIERA McGOLDRICK BL  
MS. LAURA RATTIGAN BL

Instructed by: MS. FEENA ROBINSON

FOR THE CHRISTIAN BROTHERS: MR. PATRICK HANRATTY SC  
MS. SARA MOORHEAD SC  
MR. JOSEPH O' SULLIVAN BL

Instructed by: MR. IVOR McGETTIGAN  
MAXWELLS  
19 HERBERT PLACE  
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I N D E X

W I T N E S S

EXAMI NATI ON

QUESTI ON NO. S

BR. M. REYNOLDS

DI RECT - MR. McGOVERN

1 -



1 information on the institution.  
2  
3 I would like to make it clear, Chairman and Members  
4 of the Committee, that it is appreciated that some,  
5 or perhaps even all, of the evidence which he gives  
6 will not be accepted by some who were present in the  
7 institution at the relevant time. If there are  
8 issues raised which require resolution or  
9 clarification, they will be returned to in Phase 3 at  
10 a later stage. When this brief public hearing  
11 comprising Phase 1 has been completed, Phase 2 will  
12 begin. This will involve the hearing of evidence  
13 from a number of persons who have filed statements  
14 with the Commission outlining abuse suffered by them  
15 at Artane. The Committee have prepared a schedule of  
16 hearings involving relevant witnesses who may have  
17 evidence to give with regard to the institution.  
18 These hearings will commence on Monday,  
19 26th September and are expected to conclude in  
20 mid-December. These hearings will take place in  
21 private as provided for in the legislation governing  
22 this Commission of Inquiry.

23  
24 After the Committee has had an opportunity to  
25 consider the evidence given in both Phase 1 and Phase  
26 2, it is proposed to return to a public hearing which  
27 will deal with any contentious matters outstanding or  
28 any other relevant issues concerning the management  
29 and operation of the institution. At that stage the

1 Investigation Committee will deal with issues which  
2 have been identified in Phases 1 and 2. A decision  
3 has been made to leave over these contentious issues  
4 until Phase 3 since by that time the Committee will  
5 have had an opportunity of hearing evidence from  
6 persons who were in the institution at the relevant  
7 time rather than now, when the Committee can only  
8 have a limited picture as to what contentious issues  
9 are likely to arise. When a clear picture emerges as  
10 to the issues to be dealt with in Phase 3, interested  
11 parties will be notified and informed as to the  
12 procedures which will be adopted.

13

14 At this public hearing, evidence will be given by  
15 Br. Michael Reynolds, who is Deputy Leader of  
16 St. Mary's Province, Ireland, of the Congregation of  
17 Christian Brothers. Since 1956 the Congregation of  
18 Christian Brothers in Ireland was divided into two  
19 provinces for administrative purposes; St. Mary's  
20 Province for the northern part of the country, north  
21 of a line from Dublin to Galway, and St. Helen's  
22 Province for the southern half of the country, south  
23 of that line. Artane comes within the area of  
24 responsibility of St. Mary's Province.

25

26 Reformatory schools were set up under legislation in  
27 the mid-19th Century to provide for the needs of  
28 juvenile offenders. It soon became clear that an  
29 alternative system was necessary in order to provide

1 for the care, protection, education and training of  
2 children who were not guilty of any offence but who,  
3 because of destitution, neglect or lack of adequate  
4 parental care were deemed to be in need of  
5 residential care. This is how the industrial school  
6 system came into existence.

7  
8 The system which operated in Scotland and England was  
9 extended to Ireland under the Industrial Schools Act  
10 passed in 1868. These schools were to provide for  
11 children who in present day terminology would be 'put  
12 into care'. Historically there was a difficulty in  
13 getting most local authorities to contribute towards  
14 the maintenance of children in industrial schools and  
15 an ongoing complaint of those managing these schools  
16 was the inadequate level of funding provided by the  
17 Exchequer.

18  
19 After the passing of the Industrial Schools Ireland  
20 Act, 1868, Cardinal Cullen, the then Archbishop of  
21 Dublin, approached the Christian Brothers to ask them  
22 to assist in running the task of running these  
23 institutions and, having acceded to this request,  
24 Artane Industrial School opened its doors to its  
25 first pupils on 28th July 1870. The school was  
26 established under the 1868 Act with the intention of  
27 catering for neglected, orphaned and abandoned Roman  
28 Catholic boys. Its original intake was of three  
29 pupils and it rapidly grew in size to a point where

1 it was housing 700 boys in 1877 and reached its  
2 certified size of 825 boys before the end of the  
3 19th Century. During the 1940's the numbers in  
4 Artane were close to 800 and ranging from a low of  
5 794 pupils to a high of 818. The average was 802.  
6 The 1950's showed a very significant decline in  
7 numbers; the total ranged from a low of 422 in 1958  
8 to a high of 762 in 1950 at the beginning of that  
9 decade. The average in the 1950's was 620 pupils.  
10 The decline in population continued in the 1960's  
11 with a numbers ranging from 392 in 1960 to 24 in  
12 1969. The average number during that period was  
13 286 pupils. These figures do not include voluntary  
14 or Health Board admissions which were low and only  
15 amounted to 262 boys for the entire 30 year period.  
16 Thirteen were admitted in the 1940's, 113 in the  
17 1950's and 136 in the 1960's.

18  
19 Reasons for boys being committed to Artane included  
20 begging, not having any home or settled place of  
21 abode, having a parent who did not exercise proper  
22 guardianship, not attendance at school, destitution  
23 or being orphaned or involved in petty crime. From  
24 1954 children guilty of criminal offences were not  
25 admitted to Artane. This was because it was felt  
26 that it was not beneficial to have boys who had  
27 committed crime mixing with boys who were there for  
28 other social reasons. The vast majority of boys  
29 admitted to Artane came from Dublin and most of the

1 rest of them came from other parts of Leinster.  
2  
3 The school continued to operate until the decision  
4 was made in 1967 that the institution should be  
5 closed. This decision was influenced by a number of  
6 factors, including changing attitudes towards  
7 childcare, the industrial schools system and the  
8 inadequacy of State funding for such institutions.  
9 The school finally closed on 30th June 1969. Most of  
10 the boys in Artane were either discharged or  
11 transferred to other institutions. Some 22 pupils  
12 remained on in order to pursue their secondary  
13 education in St. David's Secondary School which was  
14 nearby.

15  
16 Chairman, that is just setting out a brief history of  
17 the school and the type of boys who came to be there  
18 over the period of its operation. I now propose to  
19 take Br. Michael Reynolds through the statement which  
20 the Christian Brothers have submitted to the  
21 Commission.

22 THE CHAIRPERSON: Yes, very good.

23  
24  
25  
26  
27  
28  
29

1 BROTHER MICHAEL REYNOLDS HAVING BEEN SWORN WAS  
2 EXAMINED, AS FOLLOWS, BY MR. MCGOVERN

3  
4 THE CHAIRPERSON: Sit down, Br. Reynolds.  
5 Thank you very much.

6 MR. MCGOVERN: Good morning, Br. Reynolds.

7 A. Good morning.

8 1 Q. I understand that you are the Deputy Leader of  
9 St. Mary's Province in Ireland?

10 A. That's correct.

11 2 Q. One of two provinces of the Christian Brothers?

12 A. Yes.

13 3 Q. You were appointed to the province leadership team in  
14 March 1998 and then to the position of Deputy Leader  
15 in April 2002?

16 A. That's correct, yes.

17 4 Q. I think you have been instrumental in preparing a  
18 statement to the Commission, is that right?

19 A. Yes, correct.

20 5 Q. That sets out in broad terms the position of the  
21 Christian Brothers on the issues which have arisen  
22 giving rise to this Commission's work?

23 A. Yes.

24 6 Q. Can I ask you were you yourself at any time in Artane  
25 as a Brother doing work there?

26 A. No, not in the industrial school, no.

27 7 Q. I think you are familiar with the layout?

28 A. I am familiar with the buildings and the place as it  
29 is now. As it was within 12 years of its closing,

1 from there on I was familiar with it for a number of  
2 years.

3 8 Q. On the first page of your statement you say that the  
4 contents of the submission is based on certain  
5 material, would you tell the Commission what that  
6 material was?

7 A. The main sources are the archives of the Christian  
8 Brothers, but the province archives which are located  
9 on the North Circular Road in the Provincial  
10 Headquarters and the archives in Rome. All of the  
11 documentation used has already been discovered to the  
12 Commission. In addition to that, speaking to  
13 Brothers and others who worked there, including  
14 former residents, and from various other documents I  
15 have referred to that are in the public domain and so  
16 on, and various other reports with which people are  
17 familiar.

18 9 Q. In compiling this submission and in making some of  
19 the comments that it does make, was any regard had to  
20 the written complaints which were submitted by any  
21 former residents in Artane?

22 A. Let's say it was written in the consciousness of all  
23 of these but not specifically in relation to any  
24 individual complaints. I would be reasonably  
25 familiar with the overall picture also that is  
26 presented in the complaints, yes.

27 10 Q. You make comment about newspaper reports and radio  
28 and television reports. What is your general comment  
29 and the comment of the Christian Brothers with regard

1 to media reports in recent times on Artane?

2 A. My general view on that is that from the late 1980's  
3 onwards the picture that was presented at Artane was  
4 one that was predominantly negative and I would  
5 certainly say that the record shows that that is not  
6 true. I would say it was seriously unbalanced and I  
7 would say that it probably in a sense has conditioned  
8 the public mind, the mind of the public to that.  
9 Certainly the main tenor of my submission would be  
10 that taken in the round and in the whole Artane was  
11 quite a positive place that made a great contribution  
12 to people who were in need. That is not in any way  
13 to belittle -- certainly the Congregation does not  
14 wish to add hurt to anybody who was abused there, we  
15 apologised for that in March 1998 and we repeat that  
16 apology to anybody who has been abused. Nonetheless,  
17 I think there is need for balance at this stage  
18 because the Congregation's position is that Artane in  
19 the whole and in the round was a very positive  
20 institution.

21 11 Q. Your statement is a lengthy one and I am not going to  
22 take you verbatim through it. Obviously the  
23 Commissioners have the statements and will consider  
24 everything that is in it. There are certain aspects  
25 of the contents of the submissions which I would like  
26 to take you through and there are some areas, such as  
27 funding, which have already been covered to a certain  
28 extent in the public hearing in Letterfrack, also  
29 involving the Christian Brothers. There are certain

1 particular details you might want to address with  
2 regard to that. I think one of the concerns that the  
3 Brothers have that emerges from the submission is to  
4 contextualise the various matters which have been  
5 complained of, is that correct?

6 A. Correct. I think it is very difficult for everybody  
7 in the sense that Artane, as you have already said,  
8 closed on 30th June 1969, which is quite some time  
9 back. So the lapse of time alone makes it difficult  
10 to present a picture. The picture of Artane that is  
11 presented and is now in the public mind to a large  
12 extent does not help. A lot of the Brothers who  
13 worked there are now deceased and, therefore, we  
14 haven't the benefit of their direct evidence. A lot  
15 of those who are still alive are well advanced in  
16 age. They are people who worked there in the 1940's  
17 and the 1950's. Even the 1960's is a long time back.

18  
19 The other concerns we would have is that in relation  
20 to all of this, it is almost putting an onus on  
21 people to prove their innocence, which is really an  
22 inversion of the normal process. Therefore, it makes  
23 everybody's task, including the task of the  
24 Committee, quite difficult.

25  
26 The other thing in relation to context is that many  
27 of the attitudes and behaviours that were acceptable  
28 at that time in the 1940's, 1950's and 1960's would  
29 now not be acceptable, and I accept that. I instance

1 in the submission the industrial school system itself  
2 is now gone, but it was the system of the time with  
3 its imperfections and so on. The other one I  
4 instance is corporal punishment that at that time was  
5 common enough in family homes, in schools and so on,  
6 and that now has been abolished in schools in Ireland  
7 since 1982 and obviously is not acceptable, but  
8 within its time it was part of the system

9 12 Q. Allowing for that, if I might generalise for a  
10 moment, what is the position of the Christian  
11 Brothers regarding the complaints that there was  
12 excessive corporal punishment and that there was  
13 sexual abuse? Without asking you to agree that every  
14 complaint was valid, in overall terms what is the  
15 position of the Christian Brothers?

16 A. The position of the Christian Brothers is that there  
17 were instances of both perpetrated by individual  
18 people, but the overall picture that has been given  
19 of Artane as an abusive institution is not correct,  
20 in fact the opposite is the case.

21 13 Q. We will come back to this in more detail later  
22 obviously, but to try and get some general  
23 observations out of the way first of all. I think  
24 your statement and submission is divided into a  
25 number of areas. The first deals with the early  
26 years and then you deal with management and  
27 administration, funding and finance, admission and  
28 daily routine, and discharge procedures in Artane?

29 A. Yes.

1 14 Q. Then issues of general welfare, such as food and  
2 health issues, then education and then you deal with  
3 a special inspection in December 1962, which was an  
4 inspection Archbishop McQuaid had put in place which  
5 the Christian Brothers were unaware of at the time?  
6 A. Yes, it was an inspection that the Department of  
7 Education put in place as a result of events.  
8 15 Q. Of course, you are quite right. The Archbishop had  
9 set up an investigation unknown to the Brothers and  
10 then following on that, there was another  
11 investigation by the Department?  
12 A. Yes.  
13 16 Q. We will be coming back to that. Then you deal with  
14 the issue of deaths of boys in Artane in the period  
15 under review?  
16 A. Yes.  
17 17 Q. Then the final years and closure. Your last section  
18 deals with the issues of both physical and sexual  
19 abuse?  
20 A. Yes.  
21 18 Q. Just to go to the particular areas of the statement  
22 and submission, can I ask you this; in general terms  
23 was the somewhat potted history and brief history  
24 which I gave of the institution correct? Was there  
25 anything you would disagree with in terms of the  
26 chronology of events?  
27 A. No, I think that is fine.  
28 19 Q. We know it started around the time Archbishop Cullen  
29 asked the Brothers to get involved and it ended in

1 1969?

2 A. In the early years the Brothers already had the  
3 property in Artane, it was intended for a novitiate  
4 and a training house for the Brothers. When the  
5 request came from Cardinal Cullen, the proposals in  
6 relation to the novitiate were shelved and the  
7 property was then used for the industrial school.

8 20 Q. Yes. The school was there to provide education, I  
9 think, up to Primary Cert level and then some further  
10 education evolved as well, is that right?

11 A. Yes, I would say there were three things. There was  
12 a formal primary school, which would be the same as  
13 any national school throughout the country and was  
14 under the Department of Education and so on and  
15 subject to Department of Education rules and  
16 regulations for primary school and for inspections.  
17 Then there was a trades training section or  
18 department, not a vocational school, but a training  
19 in trades. In addition to that, there was, I would  
20 say, part of the training in Artane was for the  
21 welfare, care and the health and so on of the pupils,  
22 and there was a lot of emphasis at that stage on  
23 physical care, on matters of hygiene and so on, on a  
24 way of life and practice of life and on seeking to be  
25 good at whatever you were doing. That sort of  
26 character building was very much a part of it as well  
27 and, I would say, was characteristic of Artane, and  
28 it is referred to frequently in the submission.

29 21 Q. On page 9 of your submission you deal with the

1 subject of management and administration. You say  
2 that on the establishment of Saorstát Éireann, the  
3 Department of Local Government and later the  
4 Department of Justice became responsible for the  
5 administration of industrial schools?  
6 A. Yes.  
7 22 Q. Then this task was passed on in 1924 to the  
8 Department of Education?  
9 A. That's correct, yes.  
10 23 Q. Did that remain the position?  
11 A. Yes, it remained the position. My understanding is,  
12 and I am not as well up on the legalities of it as  
13 obviously yourself and other people, that the  
14 Department of Health would have responsibility for  
15 health and particularly for contagious diseases like  
16 tuberculosis and so on. Generally speaking the main  
17 agent of the Government that was dealing with Artane  
18 was the Department of Education under two branches;  
19 the Primary School branch which dealt literally with  
20 the primary school in Artane, as it did with any  
21 other primary school in the area, and the Industrial  
22 School section which dealt with all other aspects of  
23 the institution.  
24 24 Q. You then deal with the issue of local management of  
25 the school. I think the day to day management was  
26 the responsibility of the Resident Manager?  
27 A. Yes, the overall responsibility was that of the  
28 Resident Manager, in other words, on the day to day  
29 basis, the buck stopped with him. Then within each

1 section, primary school, the trades, the farm, the  
2 band, the infirmary and so on. There was a person in  
3 charge of managing that and reporting, as it were, in  
4 management terms to the Resident Manager. On the  
5 ground they ran their thing and he was the overall  
6 boss, as it were.

7 25 Q. Was the Resident Manager invariably a Christian  
8 Brother?

9 A. Yes, for the total period.

10 26 Q. How would he be appointed?

11 A. He was appointed by the Provincial Council normally  
12 for a period of six years.

13 27 Q. What other people would be in the hierarchy of  
14 management of the school?

15 A. One I think that is possibly sometimes neglected was  
16 he had a bursar who looked after all that end of  
17 things, because obviously all of that area had to be  
18 catered for and accounts were kept and so on. Then  
19 you had the principal of the primary school. The  
20 principal of the primary school was exactly the same  
21 as the principal of any other primary school at the  
22 time or, for that matter, the principal of the  
23 primary school now. There was no Board of  
24 Management. At that stage in all primary schools  
25 there was a system of unitary management. In other  
26 words, an individual was a manager, and that was the  
27 Resident Manager and he was also the manager of the  
28 primary school. For the running of the institution  
29 outside of primary school, you had a person known as

1 the "disciplinarian" and his role was also a Brother  
2 for the entire duration of the period of relevance  
3 here, also for that 30 year period. He was  
4 responsible for the day to day management of the  
5 students outside of school hours. So for the total  
6 time outside of school hours, he was the person in  
7 charge there.

8 28 Q. I think he was responsible for the general welfare  
9 and safety of the boys in all matters other than  
10 educational and medical matters?

11 A. Yes, correct, and for supervision and so on. To an  
12 extent if somebody was injured in the yard, or  
13 whatever it was, then that child was referred to the  
14 infirmary.

15 29 Q. To go back to the Resident Manager for a moment, was  
16 the Resident Manager a member then of an Association  
17 of Resident Managers of industrial reformatory  
18 schools?

19 A. Yes, he was the Resident Manager for all the duration  
20 and for quite an amount of the time was an executive  
21 member as well. He was also the superior of the  
22 local community of Christian Brothers. Then there  
23 was an Association of Managers of Industrial Schools  
24 under the management of the Christian Brothers, a  
25 smaller and less formal one than the Association of  
26 Resident Managers of Industrial and Reformatory  
27 Schools. It really met once or twice a year,  
28 normally it met in the morning prior to the afternoon  
29 meeting of the Resident Manager.

- 1 30 Q. What sort of things would be discussed at those  
2 meetings?
- 3 A. Mainly looking through the minutes. Finance,  
4 unfortunately, was the main item on the agenda.
- 5 31 Q. In the national umbrella group, the Association of  
6 Resident Managers of Industrial and Reformatory  
7 Schools, what would they do?
- 8 A. In relation to all aspects of running an industrial  
9 school and particularly in matters that concerned the  
10 Department of Education, it was a sort of umbrella  
11 group. Rather than having the Department dealing  
12 with each individual industrial school, they acted as  
13 an umbrella group for the managers of industrial  
14 schools and they dealt with all areas of relevance.  
15 Again, finance forms a large portion of the minutes  
16 of those meetings.
- 17 32 Q. What about the teaching staff in Artane?
- 18 A. Up to about 1947 the teaching staff consisted of  
19 20 something Brothers and then up to I think 46 or  
20 47, there were six lay staff as well on the primary  
21 school. Generally they were phased out. From there  
22 on in, from 1947 until it closed, it was practically  
23 all Brothers with the exception from 1966 or 1967  
24 afterwards in which a remedial teacher was appointed  
25 to the staff of the primary school. She was the only  
26 lay person on the staff at that stage, the rest were  
27 all Brothers.
- 28 33 Q. At the top of page 12 of the submission, you give  
29 some indication of the workload of the Brothers'

1 teaching.

2 A. Yes.

3 34 Q. Could you just tell the Commission about that?

4 A. The teaching Brothers were also responsible for

5 supervision. Whereas, the disciplinarian had overall

6 responsibility for supervising people, obviously one

7 person wasn't going to be able to supervise anything

8 ranging from 400 to 800, depending on the students in

9 the yard. There was a rota of Brothers who

10 supervised during break times and so on, who

11 supervised the dormitories in the morning when the

12 children were rising, at night when they went there

13 and prior to going to bed and preparations and so on,

14 and a supervision rota for that as well, then the

15 dining room. All aspects of supervision required the

16 assistance of the other Brothers and that mainly was

17 the lot of the teaching Brothers simply because they

18 were active and young and able for it. Essentially

19 they were providing what was almost a 24 hour seven

20 day a week service.

21 35 Q. Did they get any holidays?

22 A. They did, they would have got a month's holidays in

23 each summer and shorter breaks during Christmas and

24 Easter.

25 36 Q. I would like you to comment on an item that appears

26 in one of the visitation reports, this would be a

27 report of the Christian Brothers' own inspectorate

28 who would visit from time to time. It is at page 58

29 of that book of documents you have. One of the

1 comments made in this particular report, which is  
2 dated May 1968, just a year before it closed, it  
3 says:

4  
5 "There was a feeling among them that we  
6 do the work, that it has some basis.  
7 It does not help that some of the  
8 senior Brothers have little sympathy  
9 for the younger Brothers who have very  
10 long hours in a very wearying day's  
11 work for the most part seven days a  
12 week. They have some justification for  
13 their belief that they are being  
14 watched and criticised by the older  
15 non-teaching Brothers."

16 This suggests that within the community themselves  
17 some of them felt they had a very heavy workload.

18 A. They had a very heavy workload, that is true. I  
19 think the reference there was, and I referred to it  
20 in some other section of the submission, that a lot  
21 of the older brothers who had retired and so on, they  
22 were still people who looked back to the Artane of  
23 the 1940's and the 1950's, and when the younger  
24 generation then were moving along and did bring in  
25 change bit by bit, sometimes it was resisted because  
26 people thought that the system that they knew was  
27 tried and tested and that it shouldn't be changed,  
28 and so on. As you can see from the submission,  
29 gradually change did come in and significant change  
30 in the late 1950's and early 1960's and right through  
31 the 1960's.

32 Q. The disciplinarian also had a very onerous day, would

1           that be right?

2           A.    Yes.

3    38   Q.    You talk about this in the summary at the end of  
4           paragraph 2.6 of the submission.

5           A.    Yes.

6    39   Q.    It is on page 13. You say:

7

8                   "The role was an onerous one because of  
9                   the many and varied duties associated  
10                   with the post."

10

11          A.    Yes.

12    40   Q.    Did that impose any stresses or strains on the  
13          disciplinarian, do you think?

14          A.    Well, on individuals obviously I don't know because I  
15          don't know the individuals, but it certainly was an  
16          onerous task, the same as the principalship of the  
17          school, either primary or secondary, is an onerous  
18          task. The disciplinarian was responsible for order  
19          and safety, for organising home visits, for  
20          organising Godparents, for ensuring that boys didn't  
21          abscond, for discipline. The one thing I want to say  
22          is that in one sense it is a misnomer because the  
23          issuing of sanctions wasn't the primary role of the  
24          disciplinarian, the primary role of the  
25          disciplinarian was the care and welfare of the pupils  
26          outside of school time. It did, of course, entail  
27          dealing with recalcitrance and issuing punishments  
28          and so on, but that wasn't the primary role. The  
29          discipline in question was a positive discipline

1           rather than a negative one.

2    41   Q.    Yes. I think there were other administrative staff  
3           in Artane as well, the trades area, the farm, the  
4           kitchen?

5           A.    Yes.

6    42   Q.    The band and the infirmary, they all had designated  
7           people to run those?

8           A.    They had. Some of these, their management role would  
9           be smaller than in others. Obviously there was a  
10          farm manager, who was a Brother, whose role was a  
11          very significant one. The Brother in charge of the  
12          band was strictly an administrative role, not a  
13          musical one as such. There were musical directors  
14          and so on and teachers who taught music. The same in  
15          the infirmary, there was a Brother who generally  
16          looked after the nuts and bolts issues in the  
17          infirmary, but you had the medical officer, the  
18          doctor and the nurse who looked after all the medical  
19          affairs.

20   43   Q.    What forms of inspections was the school subject to?

21          A.    Three really, three forms of inspection. Number one,  
22          from the Department of Education, the primary school  
23          was under the normal inspection of the Department of  
24          Education for Primary Schools. They were really  
25          three types of inspection. You had a general  
26          inspection in primary schools where an inspector or a  
27          group of inspectors came to a school and spent a  
28          period of a day, two days, three days a week,  
29          depending on the size of the school. All classrooms

1 were visited and so on. Teachers were inspected at  
2 their work and all the various documentation was  
3 inspected, at the end of which a general report was  
4 issued. They inspected individuals then who were in  
5 their first year of teaching after completing  
6 training college. You had to do a two year  
7 probationary period really and there were inspections  
8 during that, at the end of which you were certified  
9 as a qualified national teacher. Then there were  
10 casual inspections. An inspector was advised to  
11 spend about a fortnight a year in his district  
12 calling into schools and so on.

13  
14 In relation to the other half of the Department then,  
15 you had inspections by the Department of Education's  
16 Industrial School branch. From my reading of the  
17 documentation, it would appear that the medical  
18 section of that was carried out well and vigorously,  
19 but there seems to be little evidence that any other  
20 aspect of the institution was adequately inspected by  
21 the Department. I would have to say the primary  
22 school one, there is plenty of evidence there that it  
23 was inspected quite well. I would say in relation to  
24 the Department of Education and the institution, that  
25 included medical issues as in strict illnesses or  
26 injuries, general health, food and clothing, but I  
27 would say other aspects of it were not well, and that  
28 is referred to in the Kennedy Report and I think the  
29 Kennedy Report stated that the experience of other

1 European countries would show that you would need at  
2 least six people in Ireland to provide that type of  
3 inspection that was needed.

4  
5 The third time was there was an inspection by the  
6 Congregation visitor. The Congregation visitor was a  
7 member of either the Provincial or the general  
8 Council who came along and also spent, again  
9 depending on the size of the community and the  
10 ministries that were going on there, anything from  
11 three or four days to a week or more. His role was a  
12 double role; it was pastoral on one level, he would  
13 have met all the Brothers and met the community and  
14 so on, but it was definitely inspectorial in relation  
15 both to the religious observance in the community and  
16 in relation then to the operation of any ministries  
17 that were there, which included personnel, how the  
18 work was done, buildings and general conditions.

19 44 Q. I think it is true to say, when one goes through the  
20 visitation reports, that occasionally there would be  
21 criticisms made of a particular Brother, this is  
22 within the Order?

23 A. Yes.

24 45 Q. Of Christian Brothers themselves, that they would  
25 make criticisms of a Brother if he wasn't adhering to  
26 his religious vocation properly or practices, or if  
27 he was too strict or harsh on the boys, is that  
28 right?

29 A. Correct, and I give some examples of that.

1 46 Q. Yes.

2 A. The visitation itself was a rigorous exercise through  
3 which the Congregation carried out what it saw as its  
4 role in ensuring that everything was as it should be,  
5 both within the community itself and within the  
6 school or whatever institution was in question.  
7 There was a report written which didn't come back to  
8 the community, it went to the relevant Council, the  
9 Provincial Council. A covering letter came back to  
10 the superior or manager highlighting some of the  
11 positives, but generally highlighting the negatives  
12 and the things that needed to be attended to. There  
13 was follow up on those to ensure that it happened.

14 47 Q. Do you think the follow up was adequate?

15 A. I would say in general yes, in other instances no. A  
16 lot of that would depend on the individual person.  
17 In some that I could point out, I would certainly say  
18 in one that I quote, the 1952 visitation report was  
19 certainly one that was carried out that I have quoted  
20 quite liberally on, in which a lot of views were  
21 expressed and I would say it was responsible for a  
22 lot of the discussion that took place among the  
23 Brothers themselves through the 1950's and eventually  
24 led to significant changes in the running of the  
25 institution.

26 48 Q. Do you think that the suitability of a Brother to  
27 remain in the school would be something that would be  
28 addressed in these reports and followed up?

29 A. It would, and I have no doubt that Brothers were

1 changed out. I have read all the reports and reading  
2 through them, one of the things I said to myself at  
3 times was that if the visitor was putting that in  
4 writing now about a Brother, he might want to consult  
5 his legal advisers before he would write some of the  
6 things that are written.

7 49 Q. I want to draw your attention to one such matter, and  
8 before the Chairman gets too apprehensive, it is  
9 redacted, there is no name in it. At page 48 of the  
10 book which you have there, there is a visitation  
11 report for 1958/59, and below the heading "Poultry  
12 Farm" the next heading says:

13

14 "The arrival of Brother . . . , who is a  
15 mental case, created the problem of  
trying to get him something to do."

16

17 Then he lists a few different catastrophes he was  
18 involved in.

19

20 Then if one moves on to page 51 in that book, you  
21 will find another reference in the second paragraph  
22 on that page:

23

24 "Brother . . . is seemingly a mental case  
25 and it is very difficult to place him."

26

27

28 If you go on to the next page, page 52, that is a  
29 visitation in 1963, some considerable time later. I  
know it is not entirely helpful because the names of

1 the Brothers who were there at the time are blanked  
2 out, but you may take it from me that that Brother's  
3 name is still there as a member of the Congregation  
4 in 1963, having been referred to in those less than  
5 flattering terms in 1958/59.

6 A. I would say a number of things about it. First of  
7 all, obviously I know who the Brother was, I knew the  
8 Brother and I would not agree with the description of  
9 the visitor, but so be it. Secondly, I would say  
10 that he wasn't a teaching Brother and I don't think  
11 the criticism was in relation to the mental soundness  
12 of the person. I think the main criticism was here  
13 was somebody that was sent in and he does not seem to  
14 be able to fulfill any role, so essentially I think  
15 the visitation report said that he was a negative  
16 quantity in the place. I would take that certainly I  
17 presume not in the community and from religious  
18 observance, but from the point of view that his work  
19 rate wasn't very good and his contribution wasn't  
20 adequate in the eyes of the visitor. As you wisely  
21 say, why not take him out. The simple fact of the  
22 matter was he was left there, they tried him in a  
23 number of situations, they didn't work and eventually  
24 he was moved on. During part of that time  
25 incidentally, the Brother in question was studying in  
26 university, he wasn't a full-time member of the  
27 staff.

28 50 Q. I will be coming back to this later, Brother. There  
29 are examples of some Brothers who were there a very

1           long time, some as long as 30 years, not many, but  
2           there are some there over 20 years, 25 years or  
3           30 years. Was there any fixed policy in the  
4           Christian Brothers about ensuring a regular  
5           turnaround of Brothers?

6           A. There wasn't, I would say, in relation to industrial  
7           and residential schools, because people with  
8           experience and who were seen to be successful were  
9           left there. I think it is also worth noting that  
10          many of the primary and secondary school principals  
11          nowadays are also there in that once you go into the  
12          job, that is it, and there is no system of  
13          sabbaticals or anything like there, you are there in  
14          the job for that duration.

15        51 Q. I am not suggesting that there wasn't a regular  
16          turnaround, because we have been furnished with the  
17          dates when Brothers were there, and they clearly show  
18          that a great many of them were there only for two or  
19          three years at a time. I am just wondering was there  
20          any policy on this?

21          A. From reading it I would say the teaching Brothers  
22          were probably transferred more frequently and moved  
23          along, but part of the reason for that was that the  
24          system within the Brothers was you had a primary  
25          school in Artane and the system within the Brothers  
26          at that stage was, and right up until recent enough  
27          times, that every Brother who trained as a teacher  
28          trained first as a primary school teacher and then  
29          the decision afterwards as to whether or not he

1 wanted to move to secondary school or remain in  
2 primary was largely left to himself. Those who were  
3 moving, who were deciding they were going to go would  
4 be applying to go to university and so on, and they  
5 would be moved rather more quickly so that they would  
6 attend studies and move into secondary school. A lot  
7 the principals, all of the them -- well, not all, and  
8 I am trying to think of names at the minute, but most  
9 of the primary school principals were there for a  
10 longer duration, but they were also people who were  
11 committing their lives to primary school education  
12 and hadn't any desire to move out of it.

13 52 Q. The next section of the submission deals with funding  
14 and finance. Chairman and Members of the Committee,  
15 I propose briefly to go through this, but I think  
16 there is a general acceptance -- maybe that is too  
17 strong a word -- but the level of funding here was  
18 way below what it was in other jurisdictions in the  
19 neighbouring islands and in Northern Ireland, isn't  
20 that correct?

21 A. That's correct. The Kennedy Report itself said that  
22 the level of funding of institutions was seriously  
23 inadequate. On Table 1 on page 20 I have given there  
24 the maintenance grants about half of which was coming  
25 from the Government and the other from the local  
26 authority. If you take 1950 when the total grant  
27 coming in for the institution was 19 shillings, and  
28 we are back to that type of money, 19 shillings in  
29 Artane. In England it was £5-4s-9p. In Scotland it

1 was £4.15 and in Northern Ireland it was £4, which is  
2 more than a factor of four. That is not even, as I  
3 pointed out in some of the tables later on, that is  
4 not comparing like with like, because in Northern  
5 Ireland there was a salary for the Resident Manager,  
6 there was a salary for the Assistant Resident Manager  
7 paid directly by the Ministry, there was a salary for  
8 the Principal of the primary school, there was a  
9 salary for the cook, there was a salary for the band  
10 master and there was a salary for the carpenter in  
11 trades.

12 53 Q. You show these in a table on page 22?

13 A. I do.

14 54 Q. None of these would have been paid as extras in the  
15 Republic at that time?

16 A. That's correct. On page 23 I put figures on them,  
17 because the reason that that information is there is  
18 that we have documentation on file from the Resident  
19 Manager at the time, who obviously had been talking  
20 to a resident manager of a similar certified school  
21 in Northern Ireland and had got the rates from them,  
22 and he sent those to the Provincial. What I did was  
23 I took them at the 1967 level where there were  
24 272 pupils in Artane and I applied the Northern  
25 Ireland rates to those 272, I applied the actual  
26 Artane rates. I am not going to go down through  
27 them, but the sum total under the Northern Ireland  
28 system Artane would have been getting £209,904, but  
29 under the system in Artane, Artane got £73,991, so

1           you are almost talking to a factor of three.

2   55   Q.   Yes, there was a deficit of £127,000 nearly?

3           A.   Yes.

4           THE CHAIRPERSON:                 Mr. McGovern, I am not  
5                                                         inclined to get into this  
6           too much. I appreciate that the Christian Brothers  
7           say, 'Look, we were under-funded, we didn't have  
8           enough money,' and we know from other institutions  
9           that there is a degree of controversy about whether  
10          the money was properly spent and all that. That is  
11          an issue and we have experts looking at that. In  
12          fact, if I am not mistaken, they may actually at the  
13          moment be looking at Artane and seeing what was. It  
14          is probably better to wait and see what they come up  
15          with. Obviously whatever views they express and  
16          whatever information they get has to be validated,  
17          and that is another day's work. It is probably best  
18          to take it as a general proposition that the  
19          Christian Brothers say, 'Look, we think there is a  
20          big issue here.' I don't think anybody will have any  
21          dispute that there is a big issue as to financing and  
22          just acknowledge it, mark it, but it is probably best  
23          not to get into it in any real detail, if that is  
24          satisfactory.

25          MR. MCGOVERN:                         Very good, I will move on  
26                                                         then.

27          THE CHAIRPERSON:                 It is not a criticism, I am  
28                                                         glad that you flagged the  
29          issue. People should know that that is the

1           si tuati on.

2           MR. McGOVERN:                   I am grateful for that and  
3                                           the Commi ssi oners have, of  
4           course, got all the tables and the information before  
5           them. Just one other thing ... (INTERJECTION).

6           THE CHAIRPERSON:               Sorry, can I just say, it  
7                                           gives me the opportunity to  
8           let people know that it is not something that we are  
9           trying to hack through ourselves and do, we have  
10          asked experts to look at this area.

11       56   Q.   MR. McGOVERN:                   One matter before we move  
12                                           on from this, I think to  
13          some extent Artane had certain activities which  
14          helped fund the school like with the farm and maybe  
15          the band, I don't know?

16       A.   The farm, the band and the trades to a certain  
17          extent, but each of those ran at a trading loss to  
18          take it in strict financial terms, none of them were  
19          self-sufficient, and at a trading loss before  
20          salaries were taken into account. Their main purpose  
21          was to provide people with training. A significant  
22          contribution of the farm in Artane was it provided  
23          food for the table and that is not in the figures  
24          here. The figures here that I have presented in the  
25          submission really only deal with cash values.

26       57   Q.   Moving on to the next section of the Christian  
27          Brothers' submission which deals with the admission  
28          and daily routine in Artane and the discharge  
29          procedures. You point out on page 33 the vast

1 majority of those admitted came from Dublin, over 70%  
2 of the boys admitted between 1870 and 1968 were from  
3 Dublin?

4 A. Yes.

5 58 Q. A further 18% from the rest of Leinster?

6 A. Yes.

7 59 Q. I think that a decision had been made in 1954 not to  
8 continue taking people who were guilty of criminal  
9 offences and it was only for issues of neglect?

10 A. That's right, the Congregation made that decision,  
11 but obviously it had the approval of the Department  
12 of Justice and the Department of Education because  
13 the system operated. In other words, from that time  
14 on young people guilty of criminal offences were not  
15 submitted. The other thing I would say in relation  
16 to that is that it was a decision in one sense that  
17 was ahead of its time, because in 1970 Kennedy Report  
18 the report also stated that offenders and  
19 non-offenders should not be accommodated in the same  
20 home. It was accepted, even in 1969, that the  
21 decision was correct.

22 60 Q. When boys were admitted, they were assigned to a  
23 dormitory, given new clothes and an opportunity to  
24 shower. Then they were assigned to the primary  
25 school, is that right?

26 A. Yes.

27 61 Q. How would they be assigned in school?

28 A. They were assessed. The principal assessed  
29 youngsters when they came in and they were assigned

1 in school according to the level of attainment on  
2 entry, not according to age. A major difficulty in  
3 relation to Artane, as distinct from other primary  
4 schools, was they were coming in at various times of  
5 the year, at various ages and at various levels of  
6 attainment. There is a table to show the level of  
7 attainment, for obvious reasons, because of previous  
8 school experience or lack of it and because of  
9 socio-economic background, they obviously weren't  
10 coming in well educated and so on. In fact, they  
11 were put into classes according to ability. That was  
12 assessed, but it had to be returned. The results of  
13 those assessments had to be returned to the  
14 Department of Education on Return B of the judicial  
15 statistics which was sent in every year, and the  
16 principal carried out the assessment. I can't tell  
17 you what standardised tests were used or if  
18 standardised tests were used, but certainly an  
19 assessment was carried out. The only reference I  
20 could find where there was an early one was in 1939  
21 there is a reference in the visitation report to say  
22 that the principal assessed them and that there was  
23 written and oral assessment, and that not only were  
24 the written papers of the pupils kept, but a written  
25 account of their answers to the oral questions were  
26 also retained. Unfortunately, they weren't retained  
27 until the current table, but they were retained in  
28 the office at the time.

29 62 Q. Did a different system operate where the assignment

1 of boys to dormitories were concerned?

2 A. Yes.

3 63 Q. I think they were assigned by need?

4 A. Yes, again for obvious reasons, they were assigned to

5 age. The younger ones were on the first floor, the

6 older ones were on the second floor for reasons that

7 are reasonably obvious, safety and horseplay and

8 everything else and people going to dormitories. You

9 wouldn't want nine year olds and fourteen year olds

10 sharing the same dormitory or moving to the same

11 dormitory. So they were done according to age.

12 64 Q. When boys were admitted, what sort of documentation

13 was the school given providing information about

14 them?

15 A. As far as I can make out, very little, though I give

16 on page 34 a brief section of an interview that was

17 given on RTÉ, I think around 1986 or 1987, where a

18 former resident of Artane described in an RTÉ radio

19 programme what happened on admission. He said

20 documentation was presented, though the Cussen Report

21 in 1936 had suggested that all information in

22 relation to the medical condition of people and so on

23 should be submitted prior to any order being made.

24 It wasn't even arriving as it transpired after the

25 order had been made, and there was a certain amount

26 of disputation about that between the Department and

27 the industrial schools, and they came to an

28 agreement. That would have been in Form A. They

29 came to an agreement in 1944 or 1945 that the

1 Department would submit the original Form A when they  
2 had it to the school, the school copied it. I  
3 presume there had to be a manual copy as this  
4 pre-dated any sort of technological copy, and then  
5 they returned the original. Other than that, as far  
6 as I can see, there was no information supplied.

7 65 Q. On the issue of supervision of boys, you talk about  
8 the Resident Manager's role, he was responsible for  
9 their care and welfare?

10 A. Yes.

11 66 Q. There was a system of monitors, could you tell us  
12 something about that?

13 A. The monitor system was somewhat similar to the  
14 prefect system that was in operation in a lot of  
15 boarding schools at the time. The monitors were  
16 older boys who were trusted boys and so on and who  
17 were judged to be people capable of this. The total  
18 school was divided up into groups of about 40 and  
19 there was a monitor in charge of each group. How  
20 that was used was as follows. Take for granted,  
21 let's say, 600 youngsters in the yard and they had to  
22 move to the dining room. They were playing around  
23 the yard and so on and the time came to move to the  
24 dining room, then the disciplinarian blew the whistle  
25 to give the signal that it was time to move. They  
26 then lined up in front of the primary school in their  
27 divisions and the monitors brought them into the  
28 dining room, they sat at the tables and then food was  
29 served. The same when they were going to the

1 dormitories; they lined up and so on, and they were  
2 brought to the dormitories. It was really a matter  
3 of order and safety and so on.

4 67 Q. You talk about the recreation that was available  
5 there and there were the usual games. Then there was  
6 the band which, of course, is famous and has been for  
7 years?

8 A. Yes.

9 68 Q. Then there were musicals and other stage productions  
10 as well?

11 A. Yes.

12 69 Q. And things of that nature.

13 A. I think the musicals in some of the reports, the  
14 musicals in the 1940's and later in the late 1950's  
15 or in the 1960's were open to the public. You had  
16 public personages there by invite, but they were open  
17 to the public and they were reported on in the local  
18 press. In reporting on a musical that was staged in  
19 1944, one of the papers said that precision which is  
20 the hallmark of everything that this institution or  
21 this school turns its hand to was a very pleasant  
22 aspect of the production, and went on to talk about  
23 exits and entrances and so on that could be a lesson  
24 to many an amateur producer. There was a high level  
25 of work put into that. Included in that the school  
26 also participated in school games and competed in the  
27 primary school competitions and, in fact, certainly  
28 right through the 1940's dominated the hurling and  
29 the football, winning the premier trophies in both

1 for quite a number of years in the 1940's. I think  
2 they were a victim in the sense of their success  
3 because for some years in the 1950's, they were  
4 excluded, but they got their way back in. In the  
5 early 1960's they won the premier football  
6 competition among all primary schools in Dublin for  
7 six years in succession. In a sense, that didn't  
8 happen without people having ample time to practice,  
9 teams being picked, people being trained and skills  
10 being honed and so on. All of that went on.

11

12 As well as that, from 1948 it started, and I am not  
13 sure when it finished, there was a covered area in  
14 the yard for playing games, I would say really mainly  
15 for playing football or whatever it was, and that was  
16 moved afterwards and a games room added to it. You  
17 also had films once a week. There was a tiered  
18 theatre in Artane which was used for the stage  
19 productions but also was used as a cinema. Then in  
20 the mid-1960's there was an indoor heated swimming  
21 pool built. You had television sets, I would say,  
22 long before -- well, because it was in Dublin, they  
23 were able to have television sets long before other  
24 parts of the country had any access to television.

25 70 Q. Discipline is something you deal with on page 43 of  
26 the submission. You say the spirit of discipline and  
27 diligence pervaded in the Artane campus.

28 A. Yes.

29 71 Q. You go on to say:

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"Such regimentation was not looked on as punishment but was viewed as a positive aspect of training of the boys and the promotion of self-discipline."

There is an article which is in one of the documents here, there were a series of articles on child delinquency in industrial schools. If I could draw your attention to page 22 of the book of documents. I am afraid I don't know the newspaper nor who the special correspondent is.

THE CHAIRPERSON: It looks like The Irish Times.

72 Q. MR. McGOVERN: Yes, it looks like it. On page 22 at the bottom of the page on the left under the heading "The Object", it says:

"The aim of any institution should therefore be to stimulate home conditions."

I presume they mean 'simulate'.

"Ours do nothing of the kind. They are usually without any home features whatsoever. Why? Partly because the Government will not and the religious orders cannot provide the money to convert them and partly because we have grown accustomed to the system and cannot see how disastrously bad it is. Take the case of Artane, the best known of the industrial schools. It holds 800 boys housed in one building. The boys sleep in huge dormitories, their

1 cots spaced mathematically over the  
2 inadequate floor space. Their whole  
3 life is communal; meals in a huge hall,  
4 play in a big concrete waste. Nothing  
5 could be further from family life.  
6 Artane is within its limitations a good  
7 school."

8 It does go on to say that, that the vocational  
9 training they receive is excellent and so on, and  
10 that their health is well looked after. The point  
11 this writer seems to be making is that the whole  
12 system within the industrial school system itself,  
13 and in Artane in particular, would have been very  
14 much against what you would find in a home  
15 environment, it was so regimented from the time the  
16 boys got up to the time they went to bed. Was this a  
17 good thing or not, or was any thought given to that?

18 A. It was, and it is referred to again in the 1952  
19 visitation report that I spoke about where the  
20 visitor said in the continuation of that particular  
21 passage that you are referring to, he said that it  
22 was a good school and that it turned the handicap of  
23 its size to its advantage. It also goes on to say  
24 that it ran an extremely good primary school, that  
25 the trades were good and so on. In a sense what it  
26 was talking about was the industrial school system,  
27 that was addressed and size was addressed in the  
28 visitation report of 1952 where the Brother said if  
29 the industrial school system was what you wanted,  
that Artane was as near to perfection as you could  
get, and so on. At the end he did say within the

1 system and he did say that he had discussed that with  
2 some of the Brothers in the community. I know that  
3 during the 1950's it was a matter of discussion with  
4 the Brothers themselves and with the community, and  
5 resulted in changes in which the school was divided  
6 into the seniors and the juniors and a person put in  
7 charge of each, and so on. Then as we moved into the  
8 1960's, the whole discipline thing relaxed, but then  
9 the numbers got smaller.

10 73 Q. I think the visitation report you refer to is on page  
11 32, 33 and 34 of the book there that you have in  
12 front of you. At page 33, the reporter states at the  
13 bottom:

14  
15 "From rising until lights out, the boys  
16 are regimental under the watchful eyes  
17 of Brothers who are experts in their  
18 various duties, so that it becomes  
19 almost true to say that the boys are  
20 never called on to make decisions for  
21 themselves, even in small details,  
22 except at one moment in the day, the  
23 moment when they must decide to go or  
24 not to go to the altar for communion.  
25 Then one begins to wonder if it can be  
26 possible that this system, so perfect  
27 in itself is fundamentally all wrong  
28 from top to bottom."  
29

30 It queries the whole notion of having freedom of  
31 choice and so on. Do you think this was something  
32 that wasn't understood properly at the time?

33 A. I think the particular man, and again I have the  
34 advantage of knowing who he was and seeing some of  
35 the things he did and said, was a man ahead of his

1 time, because I would say what he described there  
2 belonged to an area in society where children were to  
3 be seen and not heard. In one sense, other than its  
4 size, that type of description of children in school  
5 or children in an institution was no different from  
6 what it was -- he was calling into question the  
7 system and he said possibly that the system itself  
8 was, I think the phrase he used was 'fundamentally  
9 wrong from top to bottom,' and that he had talked  
10 about this to others. He does go on to say at the  
11 other end that the boys appear to be in excellent  
12 health, a attribute to the good food and regular  
13 life. He talked about greeting them and that  
14 frequently they initiated the thing with a 'cheery  
15 good' morning or 'good evening, Brother', or whatever  
16 it was. In a sense the report is balanced, but he  
17 was calling the system into question without a doubt,  
18 yes.

19 THE CHAIRPERSON: Sorry, what is the page of  
20 that? I lost it there.

21 MR. McGOVERN: Pages 32 to 36, Chairman.

22 THE CHAIRPERSON: That is 1952.

23 MR. McGOVERN: Yes, 1952.

24 A. Yes.

25 74 Q. THE CHAIRPERSON: Does anything happen as a  
26 result of that, Brother?

27 A. Yes.

28 75 Q. THE CHAIRPERSON: Does anybody follow it up  
29 and say, 'yes, okay, you

1 are right,' or 'no, you are wrong,' or does it just  
2 rest there with somebody's comments that we disinter  
3 now so many years later?

4 A. I would say a bit of both. It certainly became a  
5 topic of conversation among the Brothers themselves  
6 and something that I referred to earlier, the younger  
7 generation of Brothers that were coming in were  
8 saying the place needs to be changed. There was a  
9 certain amount of resistance, but that is not unusual  
10 in organisations and particularly in organisations of  
11 that size and educational organisations of that era.  
12 It was certainly the late 1950's or 1960's before any  
13 significant changes took place, I grant that, yes.

14 THE CHAIRPERSON: Thank you.

15 76 Q. MR. McGOVERN: You deal with the issue of  
16 corporal punishment on  
17 page 44 of the submission, you say it was governed by  
18 the rules and regulations for certified industrial  
19 schools and the rules for national schools by the  
20 acts of Provincial Chapter of the Congregation and by  
21 circular letters issued from time to time by the  
22 Superior General. Then you say:

23  
24 "The rules and regulations for  
25 industrial schools show that prior to  
26 November 1946, a more severe level of  
27 punishment was permitted in an  
28 industrial school than that permitted  
29 in national schools."

30 You give examples of chastisement with a cane, strap

1 or birch was permissible, and caning on the hand was  
2 forbidden. Then you talk about the provision in the  
3 rules and regulations being amended, stating:

4  
5 "In future in industrial schools  
6 corporal punishment should be confined  
7 to the form usually employed in school,  
8 namely slapping on the open palm with a  
9 light cane or strap."

10 You point out that this is slightly at variance with  
11 the instruction in the Department circular issued to  
12 managers of national schools which stated only a  
13 light cane or rod may be used.

14 A. Yes.

15 77 Q. Then there is a further amendment that only a light  
16 cane, rod or leather strap maybe used for the purpose  
17 of corporal punishment. You then set out a summary  
18 which you have gleaned from internal documents of the  
19 Congregation on this policy in relation to corporal  
20 punishment during the period relevant to our  
21 enquiries. You say:

22 "1. Corporal punishment should be  
23 reduced to a minimum. Corporal  
24 punishment should never be administered  
25 for failure at lessons. Proper  
26 comportment, gravity and propriety  
27 should be observed in administering  
28 corporal punishment. The only form of  
29 corporal punishment authorises a  
leather strap on the palm of the hand.  
Certain forms of punishment such as  
sarcasm or pushing a child away were  
discouraged."

1 Do you think that these ideals were adhered to in  
2 Artane?

3 A. I would say they were certainly broken by some  
4 people, yes. The only thing I can go on are  
5 visitation reports or inspectors' reports and there  
6 is no doubt, and I have instanced them later on, that  
7 there were instances of severe punishment. From  
8 talking to Brothers who worked there, their memory of  
9 it now is that certainly within the school, that the  
10 system of discipline in the school in Artane wasn't  
11 any more strict than it was in the primary schools of  
12 the country at the time. I am not saying by any  
13 means that all of these were adhered to 100% because  
14 any of us who went to primary school anywhere will  
15 know that they weren't. For instance, punishment for  
16 failure at lessons, that that certainly wasn't  
17 adhered to, not only in Artane but I would say in a  
18 lot of other primary schools throughout the country  
19 as well.

20 78 Q. I am sure you are aware from the many many complaints  
21 which have come in, there is a constant reference to  
22 people being punished for failure at lessons and not  
23 always punished in the manner which is permitted  
24 under these rules or regulations or the principles  
25 set out by the Congregation itself. Would you agree  
26 with that, broadly speaking?

27 A. Certainly I would agree that the rules and  
28 regulations that were put as an ideal and that the  
29 Congregation were promoting weren't always adhered to

1 by people. I think if you go on to page 45, you will  
2 see from the visitation reports the impression of the  
3 various visitors:

4  
5 "The disciplinarian is not severe but  
6 works on the character of the pupils  
7 and gets excellent results. Can  
8 maintain a high standard of discipline  
9 without having to make use of corporal  
10 punishment. In 1952 during my stay I  
11 never saw or heard of corporal  
12 punishment. Even the chief  
13 disciplinarian there is not much need  
14 for corporal punishment."

15 That also is a trend that is true, so, in a sense, I  
16 am left in the middle with a balance that I have one  
17 group of people saying there was a lot of corporal  
18 punishment and I have documentation saying there  
19 wasn't. The reports of the national school  
20 inspectors is closer to what the visitation report is  
21 saying than what is in the complaints.

22 79 Q. Yes, there is a quotation on page 46 of the  
23 submission, it is from one of the inspectors and I  
24 don't know if it is a medical inspector, I think it  
25 may be?

26 A. No, that is actually from the 1962 general  
27 inspection, and it is from the Inspector from the  
28 Industrial Schools Branch. He says that:

29 "The school emerged very credibly from  
30 the inspection. No serious fault could  
31 be found in Artane and the impression  
32 of the big happy family atmosphere  
33 which pervaded the entire institution  
34 was inescapable."

1

2 80 Q. There is a quote earlier just above that saying:

3

4 "In Artane there is a very friendly  
5 relationship between the boys and the  
6 Brothers. All the boys spoken to were  
7 happy and cheerful and replied frankly  
8 to questions put whether the Superior  
9 was present or absent during the  
10 conversation."

8

9 Who is that quote ascribed to?

10 A. I think that is the same person. Yes, it is, yes,  
11 that is from the same person. I would also refer in  
12 that context to something I mentioned earlier on in  
13 the radio interview where a former resident of Artane  
14 described that when he was finished whatever had to  
15 be done in the office, he went out to the yard and he  
16 met somebody who knew, or I would take it from  
17 looking at it, he might have known at the time was a  
18 monitor who introduced him to the Brothers and all  
19 the other staff, which wouldn't appear to me to be  
20 something that would happen in a very oppressive  
21 institution, that one young fellow was bringing the  
22 other and he mentions the drill master, the various  
23 Brothers and so on, that he was brought around from  
24 person to person and introduced to them by one of his  
25 peers. It doesn't sound to me like a place that was  
26 extremely oppressive. Having said that, instances of  
27 extreme punishment did take place, and I have some  
28 documented later on.

29 81 Q. You are probably aware, Brother, that there are a

1 number, and I don't think too small a number, of  
2 complainants who specifically say in their complaints  
3 that they were afraid to complain and, worse still,  
4 some of them say that when they did complain about  
5 certain things, be it physical or other forms of  
6 abuse, that they were subsequently severely punished  
7 by the Brother they had complained against?

8 A. I certainly haven't come across any evidence of that.  
9 I have come across evidence in the 1940's in relation  
10 to sexual abuse where boys made written statements of  
11 complaint. One of the people in question, the boy  
12 who obviously didn't feel up to writing it, dictated  
13 it to a Brother, it was written down and it was  
14 presented to the Resident Manager, investigated and  
15 action taken. On the one hand you have one group of  
16 people saying this didn't happen, but there is  
17 documentary evidence to say not just in relation to  
18 corporal punishment, but in relation to sexual abuse  
19 that complaints were made, and there is documentary  
20 evidence showing that they were made and that action  
21 was taken, that it was investigated and action was  
22 taken as a result.

23 82 Q. I just want to suggest to you, Brother, that while  
24 undoubtedly those quotes exist and this is what these  
25 people said, that the statements of complaint made by  
26 quite a number of people would be very much at  
27 variance with that picture, would you agree?

28 A. I would, and that is a matter obviously for another  
29 section of this investigation.

1 83 Q. Yes. You then have a section dealing with accidental  
2 injury, and I don't think anything significant turns  
3 on that?

4 A. No.

5 84 Q. In the whole period we are concerned with, there were  
6 13 accidental injuries?

7 A. Yes.

8 85 Q. I think that number is small?

9 A. The reason I dealt with them there on that level is  
10 because we submitted documentation to you documenting  
11 them, so I included them. There are two or three,  
12 maybe four, very serious ones, but cuts and bruises  
13 and bruises and people being dealt with and so on,  
14 and the general run of the thing.

15 86 Q. There is one matter which does arise there which I  
16 would ask you to comment on. There are a number of  
17 reports among the papers we have read which suggest  
18 that in relatively serious accidents, there was one  
19 case where a boy had an injury at the top of his  
20 fingers and his fingernails were gone, and his  
21 parents weren't told about this. I think there was  
22 at least one case where parents were making enquiries  
23 about their child who had become ill or been injured  
24 and they were being fobbed off, I think is the only  
25 way to put it?

26 A. There were certainly two cases of that, but in the  
27 first one that you refer to where the person had some  
28 sort of injury with a machine, the Resident Manager  
29 at the time, there was correspondence between the

1 Department and the Resident Manager afterwards, and  
2 the Department pointing out that they had no  
3 correspondence in relation to it and please explain,  
4 and so on, which was their job. The reason the  
5 Resident Manager gave was that the doctor had  
6 examined it and said in fact that it wasn't a serious  
7 injury. Unfortunately, as I say, and I deal with it  
8 in it, I am not sure which one it is.

9 87 Q. I think it is number 11 on page 50, it is at the  
10 bottom of the page.

11 A. If you see at the bottom of the page:

12  
13 "On receipt of the original letter from  
14 the Department of Education, the  
15 Resident Manager replied that he had  
16 not notified the accident as the doctor  
in the hospital had assured him that  
the injury was not serious and there  
would be no permanent injury."

17  
18 I am not excusing it by that, I am saying that was  
19 the Resident Manager's reply. Obviously the resident  
20 manager had to make a call between what would be  
21 called normal cuts and bruises with youngsters, do  
22 you contact home in relation to every one of those or  
23 do you not, and this is one in which I think the  
24 Department of Education is telling him that he made  
25 the wrong call.

26 88 Q. I am not suggesting for one moment that for every  
27 bump and bruise parents should be notified, but do  
28 you think, having looked at the papers you have  
29 looked at, that there is evidence there that in a lot

1 of cases parents weren't told about either an illness  
2 or an injury when they ought to have been told?

3 A. I am not sure I would say that, but certainly there  
4 are some and they are documented and we have supplied  
5 them. As I say, it was a call the Resident Manager  
6 had to make and in some instances it would appear  
7 from the documentation that the Department is saying  
8 to him or that others are saying to him, 'you didn't  
9 make the right call in relation to that one, that one  
10 was sufficiently serious to have been notified  
11 straightaway.'

12 89 Q. Moving on then to the discharging of pupils from  
13 Artane at page 53 of your submission. You point out  
14 that boys were usually committed to Artane for the  
15 maximum period, namely until their 16th birthday?

16 A. By that I mean that was on their detention order,  
17 that was the date that was down, not necessarily that  
18 they remain there for that period.

19 90 Q. I presume the reason for that was it wasn't related  
20 to any offence they would commit, it was for reasons  
21 of keeping them in what we would now call 'care'?

22 A. Yes, and it was normally their 16th birthday or date  
23 of birth that normally went down on the detention  
24 order.

25 91 Q. As we know and as you point out, many would have been  
26 discharged to their parents prior to that for one  
27 reason or another?

28 A. Uh-huh.

29 92 Q. The main areas of employment in which pupils were

1 placed, you say, between 1940 and 1969 were farming,  
2 tailoring, shoe making, paging, weaving, dyeing,  
3 mechanics, hotel work, carpentry, messaging,  
4 gardening, factory work, baking and painting. With  
5 the exception of perhaps tailoring and carpentry,  
6 they all seem to be very unskilled and non-academic  
7 types of work?

8 A. Yes, with the exception maybe of the hotel and  
9 hospitality, and that came in late unfortunately when  
10 Artane was running a Cert course maybe for about two  
11 years before the place closed down, which was quite  
12 successful and a number of people were placed. I  
13 would say tailoring again because the City & Guilds  
14 course was in tailoring and they were quite  
15 successful in that. What I would say is they hadn't  
16 a vocational school and if you compare that with the  
17 national school system at the time, people were  
18 coming out in or around the same age and going  
19 straight into work in the same type of work if they  
20 could get it, and I don't know what the retention  
21 rate was in relation to the work, but I do know that  
22 in 1956 the retention rate up to sixth class in  
23 primary schools was 56.1, which means another 44%, or  
24 whatever it is, had left the school before they  
25 reached sixth class without a Primary Cert and with  
26 no training in any skills or trade. At least the  
27 people in Artane, even though they hadn't a formal  
28 vocational school or second level school education,  
29 in the main they were leaving with some sort of

1 training and with something which equipped them to go  
2 into work. There is one visitation report, and I  
3 can't give you the reference off the top of my head  
4 at the moment, where the person in charge of  
5 after-care had recorded that he had visited  
6 200 pupils who had left over some period of time and  
7 that only 18 of them at that stage were unemployed,  
8 which means they were getting into employment. What  
9 the retention rate in the employment was I don't know  
10 really.

11 93 Q. I will come back to that in the section of your  
12 submission dealing with education, but I want to  
13 suggest to you that by and large they were very  
14 unskilled types of work boys were going into?

15 A. Yes, but I am not sure that all the farmers would  
16 agree with you that farming is unskilled, however.

17 94 Q. I agree with you, I don't want to get into trouble  
18 with any of the people, but we will come back to that  
19 because there are some questions I want to ask you  
20 about the education generally. Moving on to  
21 after-care, I think there was an obligation on  
22 industrial schools to have an after-care system?

23 A. Yes.

24 95 Q. There were at various times certain Brothers who  
25 would look after that issue and keep an eye on boys?

26 A. Yes, it would appear in the early 1940's that the  
27 Resident Manager and one other Brother were looking  
28 after it. The war years then made it extremely  
29 difficult for purposes of travel and so on, and at

1 that period the assistance of voluntary organisations  
2 like the Vincent de Paul and the Legion of Mary and  
3 so on, that was used and, in fact, the Gardaí to  
4 visit people who had left and so on and see how they  
5 were getting on. Then around 1947 a Brother was not  
6 appointed to it full-time but with the Resident  
7 Manager, it was his responsibility, even though my  
8 understanding is that for a number of years he was  
9 teaching as well because the visitation report said  
10 that he had his own methodology, meaning that he had  
11 the system worked out but that he was saying he  
12 hadn't sufficient time to do it, and some time after  
13 that a second Brother was appointed.

14  
15 In going through the individual cases and so on,  
16 obviously I didn't go through everybody's record and  
17 look at it, but in the various cases in relation to  
18 injuries and punishment and so on, in some of them I  
19 have mentioned 'this boy left in such a year,' and  
20 frequently I have written underneath it, 'record of  
21 seven after-care contracts, record of five after-care  
22 contracts, record of ten after-care contracts.'  
23 First of all, the Cussen Report in 1936 suggested  
24 that there should be a person put in charge of  
25 after-care. The Brothers at that stage then already  
26 had -- this is on the top of page 55 -- already had  
27 their own system worked out in which it said:

28 "Each school was to be responsible for  
29 the care of its own pupils in relation  
to after-care. The manager or Brother

1 appointed shall write to each boy  
2 within a month. The employer should be  
3 communicated with at the same time. He  
4 will ordinarily be revisited once a  
5 year for the first two years etc."

6 In relation to that, there was also a system by which  
7 if the boy was dissatisfied or was unhappy, he could  
8 contact the school and in some cases the boys even  
9 came back for a while until alternative work was had  
10 for them. In relation to that, they were issued with  
11 a sort of vade mecum that they brought with them  
12 saying 'do this, do that, don't do this, do that,'  
13 that broadly could be divided up into various  
14 sections; one in relation to religion really. The  
15 first bit dealt with praying and so on. There was a  
16 section then with work and I think when I mentioned  
17 earlier on order and hygiene and discipline, I think  
18 number 7 at the bottom of page a 55 is significant,  
19 because I think it characterises what Artane was  
20 trying to do. This is being issued to a boy on  
21 leaving:

22 "Always aim at becoming an expert at  
23 your trade. Take a pride in your work.  
24 You can not be proud of work badly  
25 done."

26 So I would say that describes the ethos of Artane and  
27 what Artane was trying to do.

28 96 Q. Do you think that the system of after-care worked in  
29 fact? Can I suggest this to you, that there is some

1           ance dotal evidence that a di sproportionately high  
2           number of people who were in Artane ended up in  
3           prison or down and out in dead end situations; would  
4           you agree with that?

5           A.   Obviously I haven't got the statistics but some  
6           obviously did, I take that for granted. I haven't  
7           got statistics on it. In saying that, the cause and  
8           effect relationship is not easy to establish. All  
9           the people who are in prison at present went to  
10          school somewhere, but I don't think their former  
11          schools would be that pleased with saying, 'oh, you  
12          went to school X.' In fact, at one stage in the  
13          1940's, a letter appeared in one of the daily  
14          newspapers berating a judge for mentioning the fact  
15          that the boy in the sentencing had been in Artane and  
16          telling him that if he had been in some high class  
17          boarding schools, that comment wouldn't be made. So  
18          the answer to that is I don't really know what  
19          percentages, but I do know that has been said, yes.

20  
21          The other thing possibly I would like to draw your  
22          attention to on page 55 is that in a recent newspaper  
23          in 2005, it reported that:

24  
25                        "More than half of the teenagers of the  
26                        State's most secure unit for young  
27                        offenders ended up in adult prison,  
28                        Health Board care or were homeless  
29                        within six months despite the fact that  
                      the State was spending an average of  
                      £362,000 per person on the centre."

1 I beg your pardon, that is page 56, the second last  
2 paragraph, the last sentence. So in actual fact, the  
3 situation at present, despite the level of spending  
4 that is there, seems to be somewhat similar to the  
5 one you were describing a few minutes ago.

6 97 Q. The next part of the submission deals with general  
7 welfare, and food and health?

8 A. Yes.

9 98 Q. The Commissioners have the report there. I am not so  
10 sure that any great issue turns on food. There are  
11 complaints about food from people here and there, but  
12 I don't think there is any major issue about that  
13 that I need to go into with you.

14 A. I would have to say that the reports don't tie in  
15 with the medical inspector's reports, particularly  
16 with the report in 1962 where the group of inspectors  
17 arrived on the place unannounced and they said that  
18 they had pork chops and vegetables and potatoes for  
19 dinner and on inquiry they found out that they had  
20 four sausages for breakfast that morning, it doesn't  
21 seem to tie in with a lot of what I see in the  
22 complaints.

23 99 Q. The submission deals with I think a lot of the  
24 reports which were made, including there was one in  
25 1957, a visitation report when there was severe  
26 criticism of everything in connection with the  
27 kitchen, and there was work done on the kitchen?

28 A. There was work done. The medical inspector had  
29 referred to discussions that were taking place

1 between herself and the Resident Manager prior to  
2 that. The other thing that I note which really gives  
3 validity to both, and I would say in relation to both  
4 I am talking about the visitation reports and the  
5 report of the medical inspector in relation to food  
6 and clothing and so on, that there is a remarkable  
7 trend similarity between them. When one was saying  
8 the food was good or very good, the other was saying  
9 that at the same time, even though they were  
10 obviously independent reports. In 1957 you will find  
11 that the medical inspector's report at that stage  
12 said the food was only fairly good, or something like  
13 that. In general I would have to say that the  
14 general picture coming through from the medical  
15 inspector's report, and she was in Artane three and  
16 four times a year, that it was in the main very good,  
17 is how I would describe it.

18 100 Q. Moving on then to the issue of medical care. You say  
19 at the top of page 69 that for a number of years at  
20 the end of the 1950's and the beginning of the  
21 1960's, there was no nurse available and during that  
22 time the infirmary was managed by a Brother.

23 A. Yes.

24 101 Q. I don't need to know the Brother's name but do you  
25 know who that Brother was?

26 A. I do, yes.

27 102 Q. Was that Brother medically trained?

28 A. No, but you referred earlier to the 1962 inspection  
29 and so on, that the medical inspector said that both

1 she and the medical officer, and the word used was  
2 "full confidence" in the Brother, that he was capable  
3 of dealing with any emergency, that he had worked in  
4 an infirmary in another institution before he came,  
5 and that at that stage and in fact prior to that  
6 anyone in need of medical care, either the doctor was  
7 called. The doctor normally came, whether it was  
8 once or twice a week, but he certainly came formally  
9 once a week and then was on-call for anything else  
10 that might have been needed. Early on there was a  
11 policy that people who were in need of anything more  
12 than general first aid was referred to The Mater  
13 Hospital, which was relatively close by and which was  
14 very accommodating in relation to Artane.

15 103 Q. To what extent would parents have been consulted if  
16 children had to be referred to hospital?

17 A. I don't know. I would say certainly the expectation  
18 would be that they would have been told, but the  
19 answer to that is I don't know and I certainly know  
20 that there is one instance, and I have instanced it  
21 for you, in which two boys were going in for, and it  
22 is only a tiny reference, I think it was either their  
23 aunt or their sister or somebody met them and was  
24 surprised, and in that instance it certainly wasn't.  
25 It is back to something I mentioned earlier, the  
26 Resident Manager had to make some sort of call on  
27 that. In other words, presumably if you were talking  
28 about stitches, or whatever it was, I don't know if  
29 the doctor in place did that type of thing or did

1           they go to The Mater. There certainly is one or two  
2 instances in which it didn't happen. I haven't any  
3 great feeling from reading the documentation that  
4 non-reporting to parents was a problem in relation to  
5 hospitalisation.

6 104 Q. You say that generally there were positive reports  
7 about the records?

8           A. Yes.

9 105 Q. But in 1956 there was some criticism of the way the  
10 records were being kept?

11          A. Yes.

12 106 Q. I think on one previous occasion at least?

13          A. I think you will find in the follow up on in both the  
14 medical inspector and the visitation reports, that  
15 afterwards the reports were kept excellently. I  
16 think the other point that is worth mentioning is  
17 that the criticisms that were issued by the medical  
18 inspector, the only criticisms really mentioned were  
19 in relation on two occasions, possibly three, that  
20 the record keeping could have been better, but at no  
21 stage during any of that was there anything other  
22 than the medical welfare of the boys and so on was  
23 well looked after.

24 107 Q. Can we turn to the issue of bed-wetting which was  
25 something that was common to all the industrial  
26 schools and similar institutions?

27          A. Yes.

28 108 Q. Would it be fair to say that there was very little  
29 understood about the causes of this problem at the

1 time?

2 A. Yes.

3 109 Q. A lot of it was probably due to insecurity?

4 A. Yes.

5 110 Q. Can I ask you this; from what you have seen and from  
6 the statements you have read, do you think that boys  
7 were regularly punished if they wet the bed?

8 A. Are you talking about corporal punishment?

9 111 Q. Yes.

10 A. I don't think so, I must say, but I haven't any  
11 evidence of that. I do know that, unfortunately,  
12 part of the process was the sheets had to be washed  
13 and they brought them across to the laundry which was  
14 a long distance away and they had to go through the  
15 yard at the time. That wasn't as a punishment, but  
16 in fact obviously from the point of view of the  
17 youngster doing it, it wasn't very pleasant and by  
18 present day's standards it certainly wouldn't be  
19 done. I have no great expertise in dealing with  
20 this, but I did dip into the net and there are lots  
21 of interesting things there from families and so on  
22 who tried, even more recently than Artane, who tried  
23 all kinds of methodologies and who made a lot of the  
24 mistakes that were made everywhere else as well. I  
25 have also seen that helping to clean the thing up and  
26 so on is recommended in some cases which surprised  
27 me, though I would not recommend that it be done in  
28 public.

29 112 Q. You are probably aware that quite a number of

1 complainants have said that they were punished, that  
2 they would have been slapped or whatever for  
3 bed-wetting or whatever?

4 A. Yes, they may have happened in instances, and all I  
5 am saying is I haven't any documentary evidence.  
6 Obviously it would be a matter of dispute between the  
7 group in question and the person who is being accused  
8 that will be dealt with in a different forum. I  
9 would say it was a difficult problem and if you have  
10 a large number of children like that, it is bound to  
11 arise. I would say it was handled within the  
12 knowledge at the time from the point of view of  
13 managing the night end of it, that they were called  
14 and so on at certain times during the night and given  
15 an opportunity to go to the toilet. Some of the  
16 other things like the sheets and so on, I wouldn't  
17 say that that was very well handled.

18 113 Q. Moving on then to the issue of education. You say  
19 that the school had its own primary school which  
20 operated under the Department of Education?

21 A. Yes.

22 114 Q. And was subject to its rules and regulations?

23 A. Yes.

24 115 Q. In general terms, how do you feel the standard of  
25 education was in Artane?

26 A. In relation to the primary school my general  
27 impression is very high and that was the general  
28 impression of the inspectorate at the time. On at  
29 least two occasions they have been quoted; one was

1 quoted as saying that Artane was the best school in  
2 its district, and the other was quoted as saying  
3 Artane was the best school in Dublin. Generally  
4 speaking, the actual reports of five general  
5 inspections, in other words in which the whole school  
6 was inspected as I described earlier on, and in all  
7 of these the amount of negative criticism or of  
8 criticism was very low. There is a section in it for  
9 negative comments and there was comment on the  
10 standard of buildings and so on, and that was under  
11 discussion for quite some time. Then the type of  
12 critical things that would have been said in relation  
13 to teachers, and I would stress in a very small  
14 number of things, was too much wrought learning or  
15 too much chorus answering, or whatever it was. In  
16 general the impression of the Department of  
17 Education, and I believe it was the correct one, was  
18 that Artane Primary School was a very good primary  
19 school, particularly when you consider the standard  
20 of attainment on entry that was there when the boys  
21 came in. I am not saying that it was a school that  
22 you could put out and that everybody left that with a  
23 good education, but I am saying from the level at  
24 which they came in to the level at which they left,  
25 they received a very good education and the  
26 improvement rate was quite good, and the primary  
27 school results show that.

28 116 Q. Was there any vocational direction given to the boys  
29 as to what areas they might go into or what trades

1 they might be put into?

2 A. The only reference I have come across in that is in  
3 the visitation reports, one of which said that  
4 generally speaking the boys are given their choice.  
5 Then I have seen other things which make it out that  
6 that was not true, so I don't know really.

7 117 Q. There were some complaints that boys, certain boys  
8 who wanted to do certain things were put into other  
9 areas, other trades?

10 A. Yes, that may have been the case, I don't know. My  
11 only experience in something like that is as  
12 principal of the secondary school trying to assign  
13 students to a range of optional subjects when they  
14 reach their first two years of Leaving Cert and they  
15 are all applying to get into A, B or C, and at some  
16 stage or other somebody has to make a call and you  
17 try and prioritise and meet the demands as best you  
18 can.

19 118 Q. In the visitation report, and this is page 35, the  
20 visitation report of 1952, the person reporting says:

21  
22 "Artane has a more elaborate  
23 organisation of trades than our other  
24 industrial schools. These trades serve  
25 or are supposed to serve a dual  
26 purpose; training the boys for outside  
27 life and balancing the Artane budget.  
28 Brother ... has charge of the shops and  
29 each shop has one or more lay  
tradesman. In practice some of the  
trades serve only one purpose. For  
example, the wages of two shoemakers  
amount to £800 per annum. It is  
believed that this sum plus the money  
expended on the other would supply the  
boys with factory made boots for one  
year. On the other hand, the tinsmith

1 supply provide the establishment with  
2 such things as kitchen wear and  
3 refectory wear at a cost well below  
4 factory prices, but no boy has been  
placed as a tinsmith in any outside  
factory for the past six years."

5 There seems to be a certain futility about that,  
6 training boys to be tinsmiths if they are not going  
7 to get jobs?

8 A. Yes, I think the point the visitor was making is  
9 there was a degree of both and there was an attempt  
10 to reach a balance there. What he is saying in  
11 relation to the shoemaking is that was totally for  
12 training boys because, in fact, they could have  
13 bought the shoes for less money than they were paying  
14 the person who was training, that was the point he  
15 was making there. In relation to tinsmithing, and  
16 that was true in relation to a number of those, as  
17 the time moved on, obviously tinsmithing at that  
18 stage was beginning to be phased out, I don't know  
19 what number were involved in it, but that certainly  
20 wouldn't give you any great prospects into the  
21 future. I think that is what the visitor's report is  
22 saying

23 119 Q. The author then says lower down:

24  
25 "The position is satisfactory with  
26 regard to placing tailors, shoemakers,  
27 waiters, band boys and farmers.  
28 Unsatisfactory in the case of bakers,  
29 weavers, carpenters, mechanics and  
painters, and hopeless in the case of  
tinsmiths. These latter have to be  
fitted in anywhere a vacancy can be  
found, irrespective of its nature.  
Here another question mark appears;

1 would the boy who has served as a  
2 tinsmith for two years and who has to  
3 go out into a post of a very different  
4 type for which he has received no  
5 training have a grievance, would he  
6 feel that he had been exploited for two  
7 years? Are the Brothers justified for  
8 economic reasons in putting a boy to  
9 such work when they know that he is  
10 almost certain not to continue with it  
11 later?"

7

8 Bearing in mind that the school was there to provide  
9 people without a stable background with a prospect  
10 for the future, would you have any comment to make on  
11 that?

12 A. The first comment I would make is that obviously  
13 tinsmithing should have been done away with at that  
14 stage. I don't know when that happened. I would  
15 also bring you back to the point I made earlier, that  
16 the corresponding group of people in lots of national  
17 schools were leaving without any training in  
18 anything. There was a small number of trades at that  
19 stage that essentially were becoming obsolete. Some  
20 of the others, the sheet metal working which was  
21 mentioned also, they had to discontinue which was a  
22 very worthwhile one, but then during the war years  
23 and so on the availability of raw materials became  
24 impossible to get. I would agree with you that if  
25 various trades were becoming obsolete, then the  
26 obvious thing to do was to phase them out and get rid  
27 of them.

28

29 The other thing in relation to, and I am not

1 referring now to tinsmiths, but the other one in  
2 relation to some of the trades was there was a  
3 difficulty with the trades union because they didn't  
4 recognise the training. I think I have that  
5 mentioned as well and it is mentioned in the  
6 visitor's report?

7 120 Q. Yes, you do.

8 A. That the trade unions didn't recognise the training  
9 because they weren't going through the formal  
10 apprenticeships that others were going through, but I  
11 would stress Artane was an industrial school with a  
12 primary school and a trades department offering  
13 training. Some of it was more formal and was  
14 amenable to be examined, others weren't. Certainly  
15 when they started, it was quite obvious that it was  
16 thought that there were openings there. Then it does  
17 mention in a number of reports that the area needed  
18 to be looked at. In 1954 then they went about  
19 setting up what they called the "Trades Preparatory  
20 School", even though that is not a term that you will  
21 find in the educational books and so on. There were  
22 trade preparatory schools in Northern Ireland where  
23 youngsters were taught a trade. We actually had one  
24 in Cork, and one of the Brothers who was there was  
25 transferred into Artane to try and bring this about  
26 and put the whole trades area on a much stronger  
27 footing. The real think of that had started about  
28 the 1950's and really came to a head in the 1952  
29 report, that is why I said the 1952 report was a very

1 important one from the point of view of bringing  
2 about change in Artane, but then that was the purpose  
3 of the visitor, to point out those things and to  
4 challenge people on what they were doing.

5 121 Q. Is anything known about the level of attainment in  
6 general terms that boys who had gone through Artane  
7 reached in their vocational lives? Did many people  
8 go on to third level education, did many people  
9 achieve anything of that nature?

10 A. Yes, I won't be able to find it for you, but inside I  
11 have a quotation in which I think one of them was in  
12 the legal profession, a number of them were clergy  
13 and so on. I would say the whole musical area was a  
14 big one, though in lots of cases and people were  
15 mistaken in their take on that because they said they  
16 didn't find jobs in that, they didn't find them  
17 immediately, but that is where they ended up, and  
18 that is with bands and orchestras and so on in the  
19 wider field found employment there.

20  
21 In relation to third level education, in the  
22 mid-1970's the national percentage rate for entry to  
23 university was 7%, and that is from people who had  
24 gone through secondary school. So I think to expect  
25 people who went through national school system and  
26 who left two years after that, if they did attain  
27 university, they certainly had done a lot of work in  
28 between themselves.

29 122 Q. What I am really trying to explore here, Brother, is

1 the whole issue of opportunity given to the boys. It  
2 is quite clear from your submission and from the  
3 documents we have all read that a substantial number  
4 of boys were coming into Artane for non-attendance at  
5 school and issues like that, and clearly they would  
6 have been challenged and present a challenge to the  
7 Brothers in terms of educating them.

8 A. Can I ask you to look at Table 10 on page 81 which  
9 gives the breakdown on that. If you remember I  
10 mentioned earlier on that when boys came in they were  
11 assessed by the principal and so on. Their details  
12 were then filled in on a Return B of the judicial  
13 statistics. We have submitted them to the Commission  
14 and they are available from 1st January 1939 to some  
15 time in 1958, and we have based the percentages here  
16 on that. I think one of the appendices, in fact you  
17 were given all the figures and they certainly are  
18 giving a bigger breakdown. The percentage was as  
19 follows: 42% of those came in during that period  
20 1939 to 1958 were deemed illiterate; 26% read and  
21 write imperfectly; 19% moderate proficiency in  
22 reading and writing; 13% read and write well and  
23 nobody above that with superior instruction. In  
24 other words, in taking that table, you are adding the  
25 19 and the 13, so 32% that were moderate or better.  
26 When you then take into account that the background  
27 from which they were coming and that many of them  
28 were coming in at 10, 11 and 12 years of age, so if  
29 you were getting in a large group of people who were

1 that age and 42% of them are illiterate, then you are  
2 into a difficulty. In comparing the 19 and the 32,  
3 that is moderate or above, but not superior, the  
4 number for that including superior, except there was  
5 nobody in that particular category, the national  
6 figure for that was 85%, as mentioned on the next  
7 page in relation to some research that was done with  
8 the Kennedy Report. They are talking about people  
9 going into industrial schools, indicating that 11.9%  
10 were mentally handicapped, 2.5% and the figure for  
11 the population was 2.5%. 36% borderline mentally  
12 handicapped as against 12.5% nationally. This leaves  
13 51% who are average or above, as against 85% in the  
14 national population. When you combine that then with  
15 the primary school results in Artane, which were 97%  
16 success rate but if you include absenteeism on the  
17 day, it becomes 95%, and I think it averaged out  
18 somewhere about 75% in relation to national schools  
19 in general. In fact, the standard of attainment that  
20 was achieved following their years in Artane, I think  
21 is remarkable all things being taken into account.

22 123 Q. There is another group of students you might comment  
23 on, Brother, and that those who would have come in  
24 from other industrial schools or whatever, who would  
25 have gone as very young children being taken into  
26 care at the age of four or five, and they would have  
27 come from convents where they would have been  
28 students or pupils for a number of years, and they  
29 would have come straight to Artane, there were quite

1 a number of those?

2 A. There were, yes.

3 124 Q. They would have gone virtually through the entire  
4 school system up to age 16 from age four away from  
5 the deprived background they had been taken apart  
6 from holidays they would have at home, so they were  
7 in the care of the State, whether it was in Artane or  
8 other schools?

9 A. Apart from the effect of institutionalisation, I am  
10 not sure that you can get them out of the situation,  
11 but you are not actually getting them away from the  
12 overall effect in the sense you institutionalise  
13 them, which was the way for dealing with it at the  
14 time and we know now that isn't a very successful way  
15 of doing it.

16 125 Q. Should some of these children, the brighter ones, not  
17 have been able to come through and had more of an  
18 education than what they were given?

19 A. Certainly they were given an excellent primary school  
20 education and after that they were trained in a  
21 trade. They hadn't the opportunity for post-primary  
22 education, but free post-primary education arrived in  
23 Ireland in 1967. I can't give you statistics on the  
24 percentage that were attending second level school  
25 prior to that, but they are better off, I would say,  
26 a good deal better off than they would be in the  
27 absence of Artane, because at least they had a good  
28 primary school education and they were trained in a  
29 trade. How successful they became afterwards was a

1 combination of a lot of factors, including these. In  
2 saying this, I am not for a minute saying that Artane  
3 was perfect and that the trades situation was  
4 perfect. I am saying the primary school was  
5 excellent and I think generally that is taken as a  
6 given by the Department of Education and is reflected  
7 in the visitation reports. There was a lot of  
8 discussion about the trades. The setting up of a  
9 vocational school was mooted at one stage and the  
10 reply from the Provincial was that it is not  
11 practicable. I can't interpret that, but when you  
12 look at the level of funding for what was being  
13 provided, I am wondering how you were going to run a  
14 vocational school as well, it just wouldn't have been  
15 possible. At one period vocational school teachers  
16 came in and were successful for some years and not  
17 successful in other years. Then in the early 1960's  
18 the discussion took place as to whether or not they  
19 would introduce a secondary top or a vocational top.  
20 The secondary top or the vocational top is a section  
21 within a primary school which offers education up to  
22 what we would now call junior level at second level.  
23 Their option would have been for the vocational top,  
24 but because of a lack of woodwork and metal teachers  
25 and so on, they had to opt for the primary one in  
26 which they were putting them through the Inter Cert,  
27 but they only had them for two years and then the  
28 Department put in a rule that you couldn't sit the  
29 Inter Cert unless you had three years.

1 126 Q. Was there any facility available for children who had  
2 gone from a very young age through a convent and  
3 straight into Artane and who showed little or no  
4 aptitude or taste for a trade but were bright  
5 intellectually, was there any provision made for them  
6 that they could go on somewhere? Some of them were  
7 there until they were 16 years of age?

8 A. Yes, if you are talking about formal education the  
9 answer is no.

10 127 Q. Yes.

11 A. In the 1960's they did attend the local secondary  
12 school.

13 128 Q. Yes, and I think the Brothers set up the school?

14 A. That's right, not specifically because of Artane,  
15 they set up the school in that area which happened to  
16 be adjacent.

17 129 Q. The reason I mention this is if I could just put up a  
18 document here, I think it is from a promotional piece  
19 on the Artane Boys Band, and it may have been around  
20 the time of one of the tours in America. It is the  
21 very last page in that book. I know it is  
22 promotional and it must be read in that context, but  
23 I think it is factually correct. If you look at the  
24 left-hand side of that page, the second paragraph,  
25 there is a reference:

26

27 "This has led to the belief that the  
28 repertoire consists entirely of martial  
29 compositions and more, fingering  
difficult works of Bach, Supae,  
Saleyah, Wagner, Romberg, Sousa, Gould

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...."

And so on. Then at the last paragraph on the other page, it says:

"A foreign musical critic who heard the Artane Boys Band playing in Dublin recently paid this tribute to them:

'I have heard and enjoyed many bands in many countries, but I recall none to surpass the Artane Boys. The extent of their repertoire is simply amazing. They playing with precision, with an appreciation and with such evident enjoyment that the pleasure of listening to them was to me at least quite unforgettable. I shall cherish the memory for years to come and hope to be given the opportunity in the near future of hearing this wonderful band once more.'

This is something coming out of Artane, on the musical side they are able to get boys from the mixed background you have described, some from very impoverished backgrounds coming in at ten or eleven and being illiterate, others who have come through a convent system, and they are able to turn them out as expert musicians.

A. Yes.

130 Q. What I am asking you is why couldn't they do something comparable on the educational side generally?

A. I would count this as part of the educational side

1 very much so.

2 131 Q. Yes, but in other facets of their education?

3 A. I presume within the limited resources I think that

4 is an extraordinary tribute to the boys and it is

5 something which was not known, I would say, in lots

6 of places in Ireland that they had a classical

7 repertoire because they saw them mainly in Croke Park

8 and because of the nature of what was going on there,

9 they played marching tunes. It would also want to be

10 noted that the band wasn't the only music that went

11 on in the place, there was also a choir in the place

12 that has been commented on in several places as well,

13 not with the same notoriety as the band. Musicals

14 were produced and so on. All that area, the cultural

15 area let's put it, was catered for well. Dealing

16 with the strict academic, narrow academic

17 intelligences possibly could have been dealt with

18 better, but there is a variety of intelligences and

19 certainly some of them were catered for very well in

20 Artane.

21 132 Q. Overall how would you assess the level of education

22 in Artane both in terms of general schooling at

23 primary level and then in trades?

24 A. I would certainly assess the primary school as

25 excellent. It was known as highly efficient in

26 inspectors' reports and so on. In the trades I would

27 say some sections of it worked very well; the

28 tailoring, the catering. It also should be noted

29 that in one of the reports, I know it was in a



1 136 Q. Could you just give some of the background to this?  
2 A. I don't think the background is as clear maybe as  
3 some of the documentation in relation to it seems to  
4 suggest. The documentation seems to suggest that  
5 Archbishop McQuaid asked the then Chaplain to give  
6 him a report on Artane. From the Archbishop  
7 McQuaid's perspective, he had shown a great interest  
8 in industrial schools, including after-care right  
9 back as far as the 1951 Commission on youth  
10 unemployment and so on, and had lots of ideas in  
11 relation to how it should work, including small  
12 groups and all that. I would say its downfall was  
13 the expense and how costly it was going to be. In  
14 any case, it would appear he did ask the then  
15 Chaplain to present a report and the Chaplain  
16 presented a report which he said was from his own  
17 personal experience. This was supposed to be a  
18 confidential report to the Archbishop, but then when  
19 the Chaplain in question met with the Joint  
20 Committee, he talked about it and so on. My reading  
21 of it is that, first of all, he was talking to the  
22 Chairman of that Joint Committee and it was the Joint  
23 Committee on Juvenile Crime, and according to himself  
24 he had made a reference to this, but it was quite  
25 obvious from the detailed notes and so on that were  
26 taken that he did more than making reference and I  
27 think he then realised what he had done. In the  
28 process of that, the Chairman of that Committee  
29 suggested that if this was the case and that was the

1 way he felt in relation to Artane, that he should  
2 inform the Department of Education in relation to it.  
3 Then a meeting was convened on 13th December 1962, in  
4 which the various people, I would say possibly some  
5 from the Joint Committee and people from the  
6 Department of Education and the Chaplain were there,  
7 and one person from the Department of Education took  
8 serious offence at it and said that this certainly  
9 was not true and that if the Chaplain had given that  
10 type of report to the Archbishop, that he would have  
11 to contact the Archbishop and correct the thing.  
12 Then there was various to-ings and fro-ings with  
13 letters, meetings and so on.

14 137 Q. I think another senior civil servant however agreed  
15 with the Chaplain?

16 A. That's correct, yes.

17 138 Q. There was a disagreement between the two?

18 A. There was a disagreement between the two and not only  
19 that, I think the civil servant, who was not a member  
20 of the Department of Education, then took serious  
21 issue with the Department of Education person and so  
22 on. The Department's solution to it was let's set up  
23 an inspection, which, as you say, was carried out on  
24 the two days in late December. What I would say  
25 about it was on their report, they contradicted  
26 practically everything he said in relation to  
27 specifics in relation to the standard of education,  
28 to the food and health. I would say that both the  
29 medical inspector and the Department of Education

1 people were highly annoyed about it and when they  
2 went out unannounced -- for instance, one of the  
3 things he had complained about was the food and they  
4 decided that in order to inspect this, they would  
5 time their visit for ten to one when the boys would  
6 be going in for dinner and, as the report said, it  
7 backfired a certain amount because they were all  
8 coming back from the cinema where they had been out  
9 at a film. Then the dinner he described as  
10 excellent. People enquired about what the breakfast  
11 was and one morning they had cornflakes, tea, bread  
12 and marmalade, and on that particular morning they  
13 had had four sausages. They actually went to the  
14 fridge, because one of them said the sausages were  
15 small, so they actually went into the fridge and  
16 looked at them and measured them. They went into  
17 great detail and they visited the dormitories. The  
18 only section they didn't visit was the primary school  
19 because shortly before that there was a general  
20 inspection carried out in the primary school and they  
21 asked the Resident Manager about that, but in all  
22 probability they knew about that anyway. Generally  
23 speaking in relation to specific areas, they  
24 contradicted everything that was in the Chaplain's  
25 report.

26 139 Q. They seem to have concluded that no serious fault  
27 could be found with Artane?

28 A. Yes.

29 140 Q. And the impression of the big happy family atmosphere

1           which pervaded the entire institution was  
2           inescapable?

3           A.    Yes.

4   141   Q.    Isn't that seriously at variance with a lot of the  
5           complaints which have been made about Artane?

6           A.    Yes.

7   142   Q.    Can I again suggest that if all the boys spoken to  
8           were happy and cheerful and replied frankly to  
9           questions, I want to suggest to you that there are  
10          many boys who are complainants, former pupils there,  
11          who say that when they did complain, either nothing  
12          was done or they were severely punished and in some  
13          cases beaten by the Brothers they had complained  
14          about?

15          A.    I haven't any evidence, certainly from the  
16          documentation, to say that was true. The other  
17          difference between the two ... (INTERJECTION).

18          MEMBER OF THE PUBLIC:        Why don't you ask me?

19          THE CHAIRPERSON:                Sorry, I can't have this.

20          MEMBER OF THE PUBLIC:        I am a member of a family  
21                                            of 18.

22          THE CHAIRPERSON:                I can't have this.

23          MEMBER OF THE PUBLIC:        That man is lying down  
24                                            there. He is lying through  
25          his teeth down there. Not one of my family  
26          progressed, ten of them in institutions for twelve  
27          years, every one of them, and not one progressed.  
28          Tell that man to stand up and tell the truth.

29          THE CHAIRPERSON:                Just a minute now, before

1 we all get involved.

2 MEMBER OF THE PUBLIC: What about all the baldy  
3 heads that were sent to  
4 Letterfrack?

5 THE CHAIRPERSON: Just a minute, before we  
6 get to anything now, let's  
7 take a break here and take a moment to reflect. This  
8 is a public meeting. It is a public inquiry. We are  
9 here to do our job ... (INTERJECTION). Wait now, just  
10 a minute, I am speaking now. If you want to you can  
11 make my job impossible, in which case we won't have a  
12 meeting ... (INTERJECTION). Hold on, we understand,  
13 and Mr. McGovern said it at the start, we understand  
14 that there are going to be things said that people in  
15 the room don't agree with. There may be a lot of  
16 things said that people in the room don't agree with  
17 and disagree with very strongly. That is the purpose  
18 of having an inquiry. One thing that has to happen  
19 is the Christian Brothers have to be permitted to  
20 have their say.

21

22 There is no perfect system. This system isn't  
23 perfect, but it is the best system that we have been  
24 able to come up with to run this Inquiry. I can  
25 understand people getting frustrated. What  
26 Br. Reynolds is doing is giving evidence on behalf of  
27 the Christian Brothers. He wasn't there. He is  
28 largely speaking from documents and making comments,  
29 so strictly speaking his evidence is hearsay. If

1 this were a court, it probably would be inadmissible  
2 in any case, but it is the best system we can come up  
3 with. We can't have a situation where he is sitting  
4 there wondering if somebody is going to shout something  
5 at him in a minute, I can't have that because he  
6 can't be sitting there, he is going to get confused  
7 and he is going to get lost. We, as the Committee,  
8 are simply going to be concentrating more on whether  
9 somebody is going to shout or somebody else is going  
10 to disagree or somebody else is going to disagree  
11 with what has last been said. We can't have that. I  
12 have to have a system of order.

13

14 Bear in mind, everybody understands, and Mr. McGovern  
15 said it at the start, I don't know whether you heard  
16 it, he said how much he acknowledged that there would  
17 be a lot of things said that people didn't agree  
18 with, so I understand all that. We are here to hear  
19 evidence. This is our way to do it. I am not  
20 getting into a big criticism mode, I am simply  
21 explaining to you we can't do it that way. Okay, I  
22 understand, now let's proceed with Br. Reynolds'  
23 evidence. I am not taking questions from the floor.

24 MEMBER OF THE PUBLIC: It is not a question.

25 THE CHAIRPERSON: It is not a debate. I

26 don't care what it is from  
27 the floor, I don't care what it is, I am not taking  
28 interventions. I am trying to be as sympathetic as  
29 possible. I am not conducting a general discussion

1 here. If you have questions, you can approach the  
2 legal team or one of the administrative team, because  
3 anybody's experience up to now in dealing with our  
4 inquiry has been they have been dealt with  
5 sympathetically and given straight answers when they  
6 ring up, when they write to us or when they contact  
7 us. So there is no need for a question and answer  
8 session. If you have a question, there are people  
9 around the room who will be happy to consider it if  
10 you want to. We are now getting on with the evidence  
11 on that basis. Very good, now, Mr. McGovern.

12 143 Q. MR. MCGOVERN: Can we go back to this  
13 report, I think the  
14 Brothers take exception to the report of the  
15 Chaplain, is that right? That seems to be the thrust  
16 of what is in the submission?

17 A. You mean now?

18 144 Q. Yes.

19 A. Yes, because one of the things that has emerged,  
20 first of all, I was aware for some time back of the  
21 existence of the report, but I wasn't aware of where  
22 it came from or why the inspection was carried out in  
23 the first place. The interesting thing is it would  
24 appear from talking to those who were on the staff  
25 that until I talked to them, they were totally  
26 unaware of it as well. I don't know did the Resident  
27 Manager know anything about it. Certainly, what I am  
28 saying is that the Department of Education, who  
29 carried out an inspection in receiving these

1 complaints, they did not agree with it.

2 145 Q. I want to ask you to comment on this, whatever about  
3 some of the statistics that were referred to and that  
4 the Chaplain may have been mistaken about, in the  
5 course of his statement at page 8 of the book of  
6 documents, he makes the following comment, and he is  
7 talking about discipline:

8  
9 "In Artane it seems to me that  
10 discipline is rigid and severe and  
11 frequently approaches pure  
12 regimentation. Every group activity is  
13 marshaled, even the most elementary  
14 such as recitation of The Angelus  
15 during recreation."

16  
17 Would you agree that that seems to accord with one of  
18 the visitation reports, that everything is very  
19 regimental?

20 A. Yes.

21 146 Q. So he appears to be correct about that?

22 A. Yes.

23 147 Q.

24 "The administration of punishment is in  
25 the charge of the disciplinarian but in  
26 practice is not confined to him. There  
27 seems to be no proportion between  
28 punishment and the offence. In my  
29 presence a boy was severely beaten on  
the face for an insignificant  
misdemeanour. Recently a boy was  
punished so excessively and for so long  
a period that he broke away from the  
Brother and came to my house a mile  
away for assistance. The time was  
10:45p.m., almost two hours after the  
boys retired to bed. For coming to me  
in those circumstances he was again  
punished with equal severity."

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These are things, whatever about the punishment that happened subsequently that he may or may not have seen, he saw a boy being severely beaten on the face for an insignificant demeanour. Are the Brothers challenging an eyewitness account of the Chaplain as to matters like that?

A. No, we are not, and we are saying that if anything like that happened it shouldn't have happened and it was wrong. The thing that surprises me about it was that he didn't bring it to the attention of the Resident Manager.

148 Q. Another matter he refers to is at page 13 of the book, he is talking about personnel and he says:

"Six Brothers are at the school from 15 to 35 years and to these are entrusted authoritative and administrative positions."

It is a different issue, I know, but just to jump back to where we were some time ago. I have had a look at the details given by the Order to us as to the time served by Brothers there. Just looking this morning at them before coming here, I found one at 36 years, 29 years, 22 years, 20, 18, 16 and 15 years. Some Brothers were there a very long time with very onerous tours of duty, would you agree with that?

A. No, I would say those who were there for a very long

1 time were those who hadn't the very onerous tasks,  
2 who were in the administrative end of things. The  
3 Resident Manager was normally there for six years. I  
4 haven't an average on the principal, but the  
5 principals would have been there seven, eight, nine  
6 or ten years, which is not an extraordinary length of  
7 time in relation to being principal of a primary  
8 school.

9 149 Q. There is another document I want to draw your  
10 attention to in the context of this disagreement  
11 between the two civil servants over the special  
12 report. At page 16 of the book of documents,  
13 Mr. Berry is writing to Mr. O'Rafferty, and he says:

14  
15 "I am being given information which  
16 goes to show that there is something  
17 very very wrong with the way the  
18 industrial school system is  
19 functioning."

20  
21 At page 17 he says:

22 "I feel it necessary to say that having  
23 heard Fr. X twice, having carefully  
24 re-read your letter of 3rd December  
25 (with some of the conclusions of which  
26 I do not agree) and having listened to  
27 your cross-examination on  
28 13th December, I am entirely satisfied  
29 in my own mind that conditions in  
30 Artane Industrial School are not what  
31 they should be and that the Chaplain's  
32 basic complaints of under-financing and  
33 bad management, producing social  
34 misfits in afterlife are well-founded.  
35 On the subject of bad management, you  
36 will recollect that I told you in our  
37 talk this morning on Wednesday,  
38 5th December that your Inspector of  
39 Reformatory and Industrial Schools had

1 weeks earlier described the manager of  
2 Artane school to me as being entirely  
3 inadequate."

4 These are very serious criticisms?

5 A. Yes.

6 150 Q. These are being exchanged between two senior civil  
7 servants?

8 A. One of them was from the Department of Education and  
9 the other, who certainly was never in Artane whatever  
10 about being in an industrial school, and whose source  
11 of information is a chaplain who is a part-time there  
12 for two years, who said he was working from  
13 experience and who hadn't access to information, who  
14 also had said that when he went in, it was the  
15 understanding of the Archbishop in appointing him  
16 that he was to have a role and so on in after-care,  
17 but it arose later that that was his own decision. I  
18 don't know what it is, but there certainly was some  
19 sort of agenda in there. What draws me to that  
20 conclusion is the reaction of the two Department of  
21 Education people; one is the medical officer who  
22 said: "I refute completely allegations that boys are  
23 under-nourished, lack ample wearing apparel and bed  
24 clothing, and that their footwear is inadequate," and  
25 so on. I am amazed that the Chaplain could make such  
26 an unfounded statement. The fact that Mr. McDevitt  
27 in his covering letter, which isn't included and  
28 which I haven't seen, but Mr. McDevitt took the  
29 matter so seriously that he came to the conclusion

1 that the Chaplain must have been "actuated by  
2 malice", is the phrase he used. I don't concur with  
3 that, but I use it in the sense that what  
4 Mr. McDevitt is saying is that the picture this man  
5 is painting is not the actual picture and the only  
6 conclusion seemingly he could come to was a rather  
7 drastic one with which Mr. Berry disagreed and, I  
8 hasten to add, with which I would disagree. I don't  
9 believe for a minute that it was actuated by malice,  
10 but there certainly was an agenda at work there that  
11 I don't understand, I could speculate but I don't  
12 intend to.

13 151 Q. Can I ask you to comment on this; the Chaplain's  
14 report of some of the things he saw, can I invite you  
15 to agree that that actually accords with some of the  
16 complaints made by some of the boys who were in  
17 Artane?

18 A. Yes.

19 152 Q. Whereas, the Department have never found any of those  
20 complaints, I am not saying to be justified, they  
21 have never made any observations about any complaints  
22 of serious physical or sexual abuse, isn't that  
23 right?

24 A. That's correct, yes.

25 153 Q. They have never made any comment about it. The  
26 Brothers accept, and I think you have accepted this  
27 yourself, that there were, albeit on a limited basis,  
28 there were incidents of this nature?

29 A. Yes. I am not saying that everything the Chaplain

1 said was incorrect. For instance, he mentioned  
2 things like the need for psychological assessment and  
3 so on, a certain amount of which was in train at the  
4 time, whether he knew about it or not, I don't know,  
5 female staff and so on. The staffing that he was  
6 describing in Artane would be replicated in boys'  
7 boarding schools right throughout the country.  
8 Artane wasn't the only institution for boys of that  
9 age that had a very limited number of female staff.  
10 154 Q. Moving then to the issue of deaths of boys in Artane.  
11 This is section 8 of the submission at page 96.

12  
13 "Between 1933 and 1969 inclusive, 38  
14 boys who were resident in Artane died  
15 of whom 26 died in hospital, hospice or  
16 sanatorium, nine in Artane itself and  
17 three while at home on holidays. 15 of  
18 the 38 died of tuberculosis or other  
19 pulmonary related diseases, ten in the  
20 1930's and five in the 1940's. Three  
21 of the 15 tuberculosis related deaths  
22 occurred in Artane, the remaining 12  
23 having been licensed to a hospital,  
24 hospice or sanatorium."

25 I think what you have done then is you have set out  
26 other cause of deaths, such as meningitis, heart  
27 disease, diphtheria and so on. You have then a table  
28 showing all of these particular cases, and I think  
29 then you produce national tables and information  
about deaths nationally from various illnesses within  
the same period. I think what that shows at page 102  
is the total number of male deaths nationally in the  
six to 15 year old age groups between 1931 and 1969

1 was calculated at 12,010.

2 A. That is the annual figure.

3 155 Q. Yes. You say in Table 18 the total male population  
4 of six to 15 years old was 2,228,654. This  
5 represents a national death rate of 0.54% for the  
6 entire period.

7 A. Yes.

8 156 Q. The death rate for the same age cohort in Artane  
9 Industrial School for the period 1933 to 1969 was  
10 0.43%, so it is 0.43% for Artane and 0.54%  
11 nationally?

12 A. Yes.

13 157 Q. Then on page 103 you give statistics broken down into  
14 1940's, 1950's and 1960's. I think what those show  
15 is that the death rate for boys in Artane and the  
16 comparable cohort was actually below the national  
17 average?

18 A. Yes, yes.

19 158 Q. Your next topic in the submission deals with the  
20 final years and the closure. You deal with the  
21 period coming up to mid 1960's and the decision to  
22 close. Could you tell the Commission about that?

23 A. At that stage, first of all, in one sense the  
24 character of Artane was changing and the Brothers,  
25 particularly under the direction of the principal at  
26 the time, had made quite a number of changes and had  
27 involved Dr. Paul McQuaid from The Mater Hospital and  
28 a number of others who used to come to the school and  
29 work with the youngsters individually and in groups

1 and so on. Generally speaking, I think the feeling  
2 was that among the general public the whole system of  
3 industrial schools was certainly being called into  
4 question. I think it was 1960's, there is a letter  
5 that I have included in the Discovery, in 1967  
6 stating that at that stage the Brothers had come to  
7 the conclusion that they were going to close  
8 industrial schools. The interesting thing is that at  
9 that stage the Department of Education wanted them to  
10 remain open for five years and they had enlisted the  
11 assistance of the other Dr. McQuaid of the Archbishop  
12 to try and convince the Brothers of that, so  
13 obviously he didn't take the Chaplain's report as  
14 seriously as Mr. Berry did or he wouldn't be asking  
15 the place to remain open for another five years.

16 159 Q. I has to be said that there appears to be something  
17 of a paradox here, because if we look at the document  
18 which is at page 19 from Archbishop McQuaid, dated  
19 18th December 1962, to the Chaplain, he says:

21 "If by an act of God Artane could  
22 di sappear today, I would be a much less  
23 anxius Archbishop."

24 Are you saying that when the Brothers decided to  
25 close, that the same Archbishop seemed to be against  
26 the closure?

27 A. I am not sure he was against the closure, but he was  
28 certainly willing to work with the Department in  
29 order to have it remain open for a further five years

1 and said in the process that it was quite obvious  
2 that the Brothers were becoming frustrated at the  
3 undergirding of their work and that anybody who was  
4 involved in that and in criticising them obviously  
5 didn't know the work that was being done for the  
6 children who were there. So there seems to be quite  
7 a contradiction in his position.  
8

9 Part of what I would wonder is because, as I  
10 mentioned earlier, Dr. McQuaid was talking about  
11 industrial schools in general, I would say, just as  
12 much as Artane, but he was including Artane as it was  
13 the largest one, but I think what he was talking  
14 about was the system rather than the individual  
15 sections of it or the work that was going on. I  
16 would find it, and I was aware of the quotation you  
17 mentioned, I would find it rather extraordinary that  
18 somebody would say that in 1962 and in 1968 be trying  
19 to convince the Brothers that they should keep it  
20 open and saying that it was a pity they were going to  
21 move out of this work.

22 160 Q. Is it not the fact though that Archbishop McQuaid had  
23 been something of a critique of Artane over the  
24 years?

25 A. Not to my knowledge. The only references I can come  
26 across in 1952 at a meeting at which he had stated,  
27 and it was reported back to the Brothers, that the  
28 knowledge of religious education in Artane was the  
29 best in the City. In 1960 or 1962 at the opening of

1 the new renovated primary school and so on -- sorry,  
2 in 1959 he had also made the same statement to the  
3 principal and in 1962 he praised the level that was  
4 there. One of the interesting things as well is that  
5 one of the criticisms that was contained in the  
6 Chaplain's report was in relation to the chapel, and  
7 shortly after that period the Archbishop wrote and  
8 got permission to use the chapel for one of the local  
9 parishes. So it seems there are lots of  
10 contradictions in it and that is why I am saying  
11 there is obviously something else in there that I  
12 certainly don't understand.

13 161 Q. I got the impression from reading some of the  
14 documentation that the Archbishop wasn't entirely  
15 happy about being asked to bless or open certain  
16 buildings in the school?

17 A. No, I don't think that is so.

18 162 Q. Maybe I am rephrasing it inelegantly, but there was  
19 something there in the background?

20 A. He was asked at that stage to open two places; one  
21 was out north of Swords, a training house that was  
22 out there, and he was also asked at the same time to  
23 bless the primary school in Artane. There were  
24 letters and trying to fit it into schedule and so on.  
25 As it turned out, he certainly did officially open  
26 Artane and I am not sure about the other, but I think  
27 he opened that one as well. I think it was diary and  
28 calendar issues rather than anything else. As I  
29 said, the surprising thing about it in relation to

1 the Dr. McQuaid was that if he was that worried about  
2 Artane, how come he didn't make it known to the  
3 Congregational authorities, because he wasn't a man  
4 known for reticence, let's put it that way. He was  
5 in constant contact with religious orders and  
6 particularly with those involved in education, so I  
7 don't understand, but those contradictions are there  
8 without a doubt.

9 163 Q. Would I be correct in saying he wouldn't have had any  
10 authority over the Christian Brothers?

11 A. No, that might be a legal canonical thing, I don't  
12 know, but no, not in the sense that you are talking  
13 about, not in the sense that he would be interfering  
14 on a regular basis with the day to day. He did, for  
15 instance, in the 1960's approach the Brothers to ask  
16 them to open quite a number of schools right around  
17 the edge of the city because he was looking at  
18 population trends and so on, so he had the connection  
19 with them at that level. You will notice as well  
20 that in the closure, because the fact that the  
21 Provincial at the time was away at General Chapter,  
22 one of the omissions there was that they had sent in  
23 the letter of notice, the six months notice to close  
24 Artane and they forgot to inform the Archbishop. I  
25 am not saying he took object to that, but they did  
26 write afterwards saying that this was an oversight,  
27 and the Provincial at the time met him and so on to  
28 explain that. In that sense, certainly Archbishop  
29 McQuaid himself looked on himself as somebody with

1 jurisdiction at some level in relation to Artane,  
2 yes.

3 164 Q. Can you just tell the Commission something about the  
4 actual closure, I think it was due to take place in  
5 1968?

6 A. That's right, it was due to take place in 1968. The  
7 problem for the Department, and it is an  
8 understandable one, was there was still at that stage  
9 some 200, or whatever it was, children there, and  
10 they were saying to the Brothers, 'if your final word  
11 on this is that you want to close Artane, we need  
12 time to make provision for the children that are  
13 there.' As a result of that, the Provincial then  
14 went back, or the Resident Manager went to the  
15 Provincial, I don't know which, and they reconsidered  
16 it and they postponed the closing for 12 months. So  
17 instead of 1968, it went 1969.

18 165 Q. I think it was 30th June 1969?

19 A. In 1969, yes. To facilitate it, a number of boys who  
20 because of the fact that they were engaged in second  
21 level education, or whatever it was, a number of boys  
22 stayed on there, even though at that stage it was no  
23 longer an industrial school and the certificate was  
24 revoked at that stage.

25 166 Q. What happened to the 22 boys or so who had remained  
26 on?

27 A. There was still staff there. They really remained on  
28 living there but they were going to the secondary  
29 school. I don't know the details of it, and it also

1 appears there may have been some people who were  
2 working there, some young people, because the other  
3 thing that had to happen was the workshops and all of  
4 those had to be dismantled and all of that type of  
5 thing. So the actual staff of Brothers and some of  
6 the boys remained there for a number of years. I  
7 can't tell you when the last boy who had been  
8 resident in the industrial school actually moved off  
9 campus.

10 167 Q. Can we move on now to what are probably the most  
11 contentious aspects of the evidence you have to give  
12 and that is section 10 of the submission dealing with  
13 the abuse and allegations of abuse.

14 THE CHAIRPERSON: Is this a good time? What  
15 is the estimation? I am  
16 conscious that Br. Reynolds should have an  
17 opportunity of taking a break. Is this the final  
18 area we will be dealing with?

19 MR. McGOVERN: This is the final section,  
20 Chairman, and at the rate  
21 we are moving, although this will take some time, we  
22 will finish it this afternoon.

23 THE CHAIRPERSON: It seems a good time to  
24 give everybody a chance to  
25 have a break. We will say two o'clock.

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LUNCHEON ADJOURNMENT

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THE HEARING RESUMED AS FOLLOWS AFTER THE LUNCHEON  
ADJOURNMENT.

THE CHAIRPERSON: Thank you. Yes,  
Mr. McGovern.

BR. REYNOLDS CONTINUED TO BE EXAMINED BY MR. McGOVERN  
AS FOLLOWS

168 Q. MR. McGOVERN: Thank you, Chairman.  
Brother, just before lunch  
I was about to move on to the issues of physical and  
sexual abuse and the complaints relating to these  
matters, but there is one item I overlooked which  
I would like just to deal with for a moment and  
that's the issue of absconding. I think there was a  
problem with absconding over the years and you have  
in appendix 4 attached to the submission a table  
... (INTERJECTION)

THE CHAIRPERSON: Just before you go any  
further, Mr. McGovern, just  
so that people know where we are. I have Mary  
Raftery and the Irish Times, articles by a  
Mr. Connor. You know nothing about that?

MR. McGOVERN: No.

THE CHAIRPERSON: They have been left here.  
We will have a look at



1 family atmosphere in Artane, it's referred to in page  
2 46 of your submission?

3 A. It was probably one year before there was a large  
4 number. If you look at '62 you had 13 and then from  
5 '63/64 up to '67 it was inordinately high, yes.

6 173 Q. I am just wondering why if there was such a happy  
7 atmosphere that the number of people absconding  
8 increased dramatically?

9 A. I have no idea one way or another, nor have I any  
10 statistics, let's say, on missing from school at  
11 that time and whether or not that was becoming --  
12 part of the reason, and I think it's mentioned in  
13 appendix 1 at some stage by the former resident who  
14 gave the radio interview, he reckoned that the  
15 disciplinary procedures at that stage became very  
16 much relaxed and that people weren't as excited about  
17 absconding as they were heretofore, but whether or  
18 not that is correct I don't know.

19 174 Q. There was a time when boys who had absconded, when  
20 they were brought back they were punished and they  
21 would have their heads shaved, is it accepted by the  
22 Christian Brothers?

23 A. Is it accepted that it happened?

24 175 Q. Yes.

25 A. In instances it is accepted that it happened, it's  
26 not accepted as being acceptable.

27 176 Q. Yes, I see. Can we move on now to section 10 of your  
28 submission, this is dealing with abuse and  
29 allegations of abuse. You have divided this part of

1 the submission into two parts. The first part deals  
2 with issues of physical punishment, the second part  
3 with physical injury and the third part with  
4 allegations of neglect?

5 A. You will find there is an editorial error in that,  
6 that second part as you will notice has been moved to  
7 another section.

8 177 Q. Yes, you are quite correct.

9 A. Yes.

10 178 Q. Then the fourth part deals with various aspects of  
11 sexual abuse. You say that the policy of the  
12 Congregation about corporal punishment has been  
13 outlined and you are not trying to justify any  
14 wrongdoing?

15 A. Yes.

16 179 Q. You then go on to point out that there is documentary  
17 evidence in relation to 11 cases where excessive  
18 physical punishment occurred or was alleged to have  
19 occurred?

20 A. Yes.

21 180 Q. Now, you say:

22 "There is sufficient evidence in three  
23 of these cases to establish that  
24 extensive physical punishment was  
25 administered. In other cases there is  
26 either insufficient documentary  
27 evidence or evidence of opposing views  
28 expressed in correspondence leaving  
29 matters inconclusive."

30 You say:

31 "There are two cases where it was

1 reported to the congregational visitor  
2 that a different brother in each case  
3 had been severe on the boys. There are  
4 two cases where a complaint was made in  
5 which the balance of evidence clearly  
6 show the complaints are not  
7 sustainable."

8 Then there was a newspaper article you have referred  
9 to?

10 A. Yes.

11 181 Q. Taking the period of 1940 to 1969. You have here  
12 documentary evidence relating to 11 complaints of  
13 physical abuse. To what extent when you were dealing  
14 with this subject did you have regard to the  
15 statements of complaint made by boys who had been  
16 pupils in Artane?

17 A. No, I am not including those for the simple reason  
18 that I didn't feel it was appropriate. I mean I was  
19 dealing with, as I said in the beginning, with  
20 evidence in our archives and so on and with  
21 documentation, other documentation. I did not  
22 include in that statements of complaints by  
23 individuals. No, that's not included in that.

24 182 Q. I am not in asking you that question trying to  
25 suggest that every time somebody sent in a written  
26 complaint or made a statement of complaint that you  
27 should accept it, but was any evaluation done by you  
28 of the complaints to see whether a substantial  
29 proportion of them appeared to the Christian Brothers  
30 to the credible or none of them appeared, to evaluate  
31 them in any way?

1 A. Not to any detail that I would be able to give you  
2 statistics on. I would say that there are some we  
3 would certainly dispute and there will be some of  
4 them that we don't. When I was making the submission  
5 I was taking it for granted that that was a matter  
6 for a different forum for the private hearings and,  
7 therefore, as a result I didn't deal with it in this.  
8 I would have to go talking to other sides; in other  
9 words, all I would have would be evidence from one  
10 side only. As well as that I didn't want to get into  
11 that particular field.

12 183 Q. That's not really what I am talking about, Brother.  
13 I am talking about looking at a substantial body of  
14 statements from complainants and trying to weed out  
15 some as obviously improbable, others that you  
16 couldn't make up your mind about, but others that  
17 when you would cross check with people in the Order  
18 might be credible, did you do anything like that, was  
19 any such exercise carried out?

20 A. It has been done, but I certainly didn't do it and  
21 it's not included in this.

22 184 Q. Are you aware that there are a significant number of  
23 people who went through the industrial school system  
24 who said when they were in other industrial schools,  
25 say convents before coming to Artane, that in many  
26 cases they found their treatment there very good and  
27 they compared Artane in a very adverse fashion to the  
28 places there had been in earlier?

29 A. Yes.

1 185 Q. Would you have any comment on that or could you offer  
2 any reason you could think of why they would say  
3 that?

4 A. Probably the fact that they were younger. I would  
5 say at that stage the issue of corporal punishment in  
6 primary schools and so on, if you were looking at the  
7 occurrence of it right across the board there would  
8 have been higher instances of it at an age level from  
9 10 to 14 or whatever it would be rather than from  
10 5 to 10 or 5 to 8, whatever the school going age was  
11 at that stage.

12

13 I am not saying in that and I am not criticising the  
14 fact that people are saying that they felt they were  
15 treated more kindly in other institutions than they  
16 were in Artane if that's their experience of it.

17 186 Q. For a lot of these children their first memory of  
18 being taken away from their family even in very poor  
19 circumstances would have been in the earlier  
20 institution and they would to some extent have been  
21 institutionalised by the time they went on?

22 A. Yes. I would also say it's fair to say, and  
23 obviously I don't want to talk about other  
24 institutions, that there is also a significant level  
25 of complaint on the individual basis now in  
26 retrospect in relation to other institutions as  
27 well --

28 187 Q. I accept that.

29 A. -- some of which are ones you are referring to which

1 would be the pre-Artane age group ones.

2 188 Q. Yes, I accept that there are indeed. So when you set  
3 out the 11 cases that are here in the submission --

4 A. Yes.

5 189 Q. -- can I suggest to you, while they are obviously  
6 helpful, they are a very limited picture of the  
7 situation?

8 A. Yes. As was said earlier on I am depending really on  
9 documentation so I presented what I found in the  
10 documents and in some cases I passed comment. In  
11 other words, I presented the documentation and said  
12 to the Commission that's the documentation we have  
13 and therefore call obviously is yours after that.

14 190 Q. Yes. I don't propose to go through each of these  
15 incidents, they are there and the Committee can see  
16 them. In many ways items might be better for private  
17 hearing. If we take the second case, it's on page  
18 109, there was an incident of a boy whose arm was  
19 broken and who was hospitalised and it was a  
20 complaint by his mother. Your conclusion is that  
21 it's quite clear the boy was injured and his arm was  
22 broken. The brother in question was transferred out  
23 of Artane. Do we know where he was transferred to?

24 A. I do. I think it was Thurles, but I wouldn't be too  
25 sure. He was transferred to another school, if  
26 that's what you are asking.

27 191 Q. Yes. Do you think that was appropriate?

28 A. It wasn't appropriate. I would say it wouldn't have  
29 been uncommon in various places at the time.

1           Certainly that one is the most serious incident we  
2           have and it was handled badly I would say from all  
3           aspects of it. The other thing that probably gives  
4           some sort of indicator or is indicative of the  
5           attitude of society at the time and what surprised me  
6           when I read it that even Peadar Cowen the TD who  
7           alerted the Dáil to it at the end of it said 'this is  
8           an isolated incident, we it won't happen again' and  
9           so on. That came as a surprise to me, but I am  
10          taking that as being indicative of the times as well.  
11          It's probably indicative of the attitude that  
12          somebody who did something of that nature could be  
13          transferred elsewhere.

14   192   Q.    In the third case you mention there was a boy who was  
15          beaten on the back and legs. He had to go to the  
16          infirmary. You say there was no indication that the  
17          matter was investigated or any action taken against  
18          the brother?

19          A.    I am not saying that it wasn't. All I am saying is  
20          that I didn't come across anything to indicate that.

21   193   Q.    Yes. You seem to contextualise a lot of these  
22          complaints in the mores of the time we are talking  
23          about where physical punishment was accepted, do you  
24          think that when you look at all of these statements  
25          of complaint and when you look at all the records  
26          that are available to you that perhaps the situation  
27          was more severe in Artane than elsewhere, when you  
28          consider some of the observations in the visitation  
29          reports?

1 A. I am not sure that I would, I must say. I mean  
2 I haven't any great evidence to tilt the balance in  
3 either direction if you compared it to Letterfrack.  
4 I would have to say that in relation to this, I did  
5 the research in relation to Artane and, therefore,  
6 would not be in any way as familiar with other  
7 institutions as I am with the Artane one, and again  
8 I am talking from documentation.

9 194 Q. Yes. There was a requirement to keep a Punishment  
10 Book in all industrial schools?

11 A. Yes.

12 195 Q. I think the Christian Brothers were aware of that --  
13 A. Yes.

14 196 Q. -- during the period we are talking about?  
15 A. Yes.

16 197 Q. Was there a Punishment Book kept?  
17 A. I believe there wasn't. I came across nothing that  
18 would indicate that there was so my answer to that  
19 would have to be no.

20 198 Q. Do you know why not?  
21 A. I don't know why not.

22 199 Q. Was that ever raised by any inspector from the  
23 Department of Education insofar as you are aware?  
24 A. No, there is no evidence whatsoever. I haven't come  
25 across, I think I am correct in saying I haven't come  
26 across a reference to the Punishment Book anywhere in  
27 the documentation either from other own documentation  
28 or from documentation from the Department and so on.  
29 [Mobile phone rings]

1 THE CHAIRPERSON: Sorry, could we ever have  
2 the mobile phone turned  
3 off. Did anybody hear me? Who has the mobile phone?  
4 There is a silent or a meeting function on any mobile  
5 phone. All you have got to do is do that and put it  
6 into your pocket and then if it buzzes you can walk  
7 outside the door and do it. It's very distracting.  
8 It happened several times this morning. Whoever has  
9 it could they ever just take it out, put it on silent  
10 or turn it off even better.

11 200 Q. MR. McGOVERN: Brother, as I understand it  
12 you are saying that with  
13 all the numerous records of Department of Education  
14 inspections there is nothing you could find where the  
15 issue of a Punishment Book ever arose, either being  
16 looked for by a Department official or being produced  
17 for an official?

18 A. Yes, but you will recall that I said that the  
19 Punishment Book was a requirement of the institution  
20 and not a requirement of the primary school.

21 201 Q. I see.

22 A. Therefore, I said the inspection in relation to the  
23 primary school I thought was quite good, but in  
24 relation to the institution wasn't. [Mobile phone  
25 rings]

26 MR. McGOVERN: I think somebody is in  
27 denial about their mobile  
28 phone.

29 MEMBER OF THE PUBLIC: Like the man up there

1 giving evidence.

2 202 Q. MR. McGOVERN: There was no requirement

3 you say from the Department

4 to have . . . (INTERJECTION)

5 A. No, I am saying there wasn't a requirement for a

6 primary school to have a Punishment Book. The

7 requirement was for the institution to have it.

8 Therefore, I also said that the inspection other than

9 the health and welfare, that is Dr. McCabe, that the

10 inspection of that particular aspect of the

11 institution was quite inadequate as has been

12 mentioned in the Kennedy Report in relation to all

13 institutions.

14 203 Q. Yes. Do you know was this ever discussed at Resident

15 Manager Association meetings the issue of Punishment

16 Bookings?

17 A. The issue of punishment, yes, but not the issue of

18 Punishment Books. When I say that all I am saying is

19 that I don't know that it was. It may well have

20 been, but I haven't come across it.

21 204 Q. Dealing with the issue of neglect, physical neglect,

22 your submission gives a number of cases there. I am

23 not sure how many of them there are, there are 11,

24 I think. Sorry, I beg your pardon, there is

25 14, I think, there?

26 A. Yes.

27 205 Q. A lot of these involve parents trying to find out --

28 A. Yes.

29 206 Q. -- things about their boys?

1 A. Quite a number of them. I would say in relation to  
2 the 14 that seven of them are specific. I have  
3 included in that anything that I came across in the  
4 documentation that came in. I had to find some  
5 category to put it into so some of them found their  
6 way in here and in fact to say that they are actually  
7 neglect might be stretching the point. I would say  
8 there are seven cases in which specific neglect, in  
9 other words, was mentioned. For instance there are  
10 two newspaper articles in there and comments of that  
11 nature that I included as well. There are four  
12 newspaper articles, but there were seven cases where  
13 I would say there is a specific allegation in  
14 relation to specifics. Some investigation was  
15 carried out and asked to be carried out and a report  
16 back is made.

17 207 Q. Yes. In the first case where the mother removed her  
18 boys to Birmingham?

19 A. Yes.

20 208 Q. I think there was a solicitor's letter sent  
21 indicating that a doctor had found some problems with  
22 the boys; is that right?

23 A. That's right, but when the mother in question, she  
24 removed -- I think it was boys, was it?

25 209 Q. Yes.

26 A. She removed the boys from the home and they had been  
27 on holidays for the best part of a month at that  
28 stage. If there was a problem, and I think it was  
29 hair lice, if I am correct, if there was I think

1 after a month at home it would be a bit difficult to  
2 lay the total blame on the institution for that  
3 particular case.

4 210 Q. Yes. Were there a number of occasions when parents  
5 called to Artane to see boys and they weren't allowed  
6 to see them?

7 A. Yes. There are some of these. I think there are two  
8 I have mentioned there. In one there seemed to be  
9 some dispute involving some other gate lodge or  
10 something else in relation to that. I think in one  
11 of them I think it is stated quite clearly in  
12 correspondence from the institution to the Department  
13 in one case that the institution didn't understand  
14 the complaint because on the day in question  
15 everybody who arrived at visiting time was allowed  
16 access to the boys or whoever they were visiting. So  
17 that wasn't the case.

18  
19 The other one, I think, was in relation to the boy  
20 going out and being released home or something like  
21 that and that part of the reason he wasn't released  
22 home for that particular day was because it was part  
23 of a punishment which was used because of his  
24 insubordination and threatening with knives and  
25 things like that. I would say there probably isn't a  
26 great incidence of that, but it has been mentioned in  
27 a number of the cases.

28 211 Q. Do you think there was a general suspicion on people  
29 held by the Brothers in respect of people who would

1 make complaints from outside. The reason I ask you  
2 this is I recall seeing one batch of correspondence  
3 where a grandmother was making some complaint. She  
4 was being described as "dangerous" by the Brothers or  
5 a Brother?

6 A. I think in that particular case they had reasonably  
7 good foundation for the conclusions that they came  
8 to. I don't particularly want to talk about the good  
9 lady in question, but I think if you examine the  
10 documentation in relation to that case it is quite  
11 clearly shown that No. 1 an investigation was carried  
12 out and the considered opinion of the Resident  
13 Manager was that the incident she was complaining  
14 about didn't actually take place. Nonetheless, they  
15 did issue a letter, not just to Artane, to all our  
16 industrial schools saying if punishments of this  
17 nature, if it should happen that they did take place  
18 it should cease if that is the custom or if it has  
19 happened. I am not sure why that happened.

20  
21 It would appear to me that that was their action to  
22 it first of all in relation to giving instruction to  
23 the various institutions and may well have said to  
24 the mother or the grandmother who was complaining 'we  
25 have done this. We don't accept your complaint, but  
26 we have done this in relation to that complaint'.  
27 I haven't documentary evidence in relation to that,  
28 but I can't see why else they would send that out to  
29 all industrial schools if there wasn't some reason of

1                   that nature for it.

2   212   Q.    The submission refers to the occasion when Deputy  
3                   Michael O'Leary made a complaint in the Dáil  
4                   following some newspaper article?

5                   A.    Yes.

6   213   Q.    I think that's at page 116 of the submission.  
7                   I would just invite you to consider this and comment  
8                   on it. Brother, when you look at correspondence  
9                   relating to that issue between the Christian Brothers  
10                  and the Minister, Mr. George Colley, it has the  
11                  appearance of being hypersensitive, do you feel that  
12                  or is that unfair?

13                A.    Whatever was the hyper it certainly seems sensitive,  
14                  yes. They did invite Mr. O'Leary to spend a week at  
15                  his pleasure in any or all of our industrial schools  
16                  and see the situation for himself, an invitation that  
17                  he didn't take up. Mr. Colley didn't, but  
18                  Mr. Lenihan, his successor, did.

19   214   Q.    Yes. You refer to the apocryphal account of  
20                  Mr. Lenihan leaving and saying to his driver, 'get me  
21                  out of this effing place'. You then talk about that  
22                  on another visit with the Brothers he was quite  
23                  cordial and pleasant?

24                A.    No, in the same visit.

25   215   Q.    It is the same visit?

26                A.    Yes.

27   216   Q.    Can I just ask you this: Which do you think is more  
28                  likely that a person's true feelings would be  
29                  expressed to a third party outside or face to face

1 with the person?

2 A. I don't understand your question.

3 217 Q. If you are a guest in somebody's premises and you  
4 have certain feelings about it do you think you are  
5 more likely to express them if they are bad feelings  
6 to the person concerned or wait until you get out?

7 A. Well, according to this he expressed them on the spot  
8 and they were overheard.

9 218 Q. I see. Anyway, perhaps (a) it's apocryphal and (b)  
10 it's probably something that is unfair to ask you to  
11 interpret.

12 A. I think a certain urban myth may have grown around it  
13 at some stage or another, but there is a description  
14 of it in the annals of the actual thing. Now,  
15 obviously that was written from within.

16 219 Q. There is a contemporaneous record?

17 A. Yes, of the visit.

18 THE CHAIRPERSON: Of the visit.

19 220 Q. MR. McGOVERN: Sorry, I thought you meant  
20 of this being overheard?

21 A. No, of the visit.

22 221 Q. Yes, very good. The Christian Brothers seem to  
23 accept that there was an element of physical abuse  
24 there but on a limited scale, do I correctly  
25 understand the position?

26 A. There are three and possibly four cases there where  
27 I would say, yes, there was certainly very severe  
28 punishment administered. I am not saying that is the  
29 totality of it, I am saying that that is what I can

1 work out of on record. I would say the discipline  
2 was quite strict and corporal punishment was used and  
3 so on. What I am saying is I don't think that even  
4 in relation to physical punishment that it was an  
5 abusive institution by the standards of the time.

6 222 Q. You are probably aware that there are a large number  
7 of complaints and of these complaints a great many of  
8 them talk about incidents of gratuitous violence to  
9 put it bluntly by the Brothers on some of the boys,  
10 some of the Brothers on some of the boys. I am not  
11 just talking about the classroom situation, I am  
12 talking about in day to day activities?

13 A. First of all, the Congregation is not condoning  
14 anything of that nature that happened and if such did  
15 happen the Congregation doesn't condone it now and  
16 didn't then. The difficulty I suppose at this remove  
17 that the Congregation has with it is that these  
18 complaints have come in retrospectively 30 years  
19 later and there are people who are named and accused  
20 and lot of whom are saying that didn't happen. Again  
21 I am more or less in the middle and it's something  
22 that a decision has to be made on it at a later stage  
23 in private hearings or however those two perspectives  
24 are going to be balanced. The Congregation is not  
25 saying that no physical -- obviously because we have  
26 instant cases here that no physical abuse took place.

27 223 Q. I would just like to be a little clearer on this,  
28 Brother. Are you saying that the Brothers limit  
29 their extent of the acceptance to just what's

1           documented?

2           A.    No, no.

3   224   Q.    Do you accept that it probably went further than  
4           that?

5           A.    I do, yes.  Unfortunately I am doing that in one  
6           sense off the top of my head or from a gut feeling  
7           rather than saying -- if I was challenged on that  
8           I can't stand it up with documentation because  
9           I haven't got it, but I am not saying that in the  
10          absence of documentation that nothing else happened  
11          other than what was documented here.

12   225   Q.    You are I am sure aware that there have been a great  
13          number of complaints on this topic?

14          A.    I am, yes.

15   226   Q.    Just moving on to the issue of sexual abuse, this is  
16          at page 121 of the submission.  You say the approach  
17          to sexual abuse is a moral one where such abuse is  
18          seen as a grave moral failing and which was the cause  
19          of scandal and immoral danger both to the child and  
20          to the abuser, that there wasn't an awareness of the  
21          long-term psychological damage that could be caused  
22          and so on and the issue of recidivism.

23

24                If you just look at page 124.  After you have listed  
25                six cases, which you are aware of, you say:

26

27                        "As can be seen from the above six  
28                        cases, sexual abuse was viewed as a  
29                        grave offence.  Unfortunately neither  
                      the serious emotional impact on the  
                      abused child nor the recidivistic  
                      nature of abusers was adequately  
                      understood.

1 Sexual abuse was seen as a moral  
2 failure on a number of grounds:  
3 1. It was morally wrong, sinful in  
4 itself.  
5 2. It was a cause of serious scandal  
6 to and endangered the morals of the  
7 child.  
8 3. It damaged the reputation of the  
9 individual offender, the institution  
10 and the Congregation."

11 Can I suggest that there should at least have been  
12 one more item, and I will leave it to you as to  
13 whether it should have been No. 1 or No. 4, and that  
14 is that it was also a crime?

15 A. Yes, it would certainly be No. 1 now.

16 227 Q. It was a crime then?

17 A. Yes, I am not disputing the criminality of it then.  
18 What I am saying is that the Congregation at that  
19 stage dealt with it simply from the Congregation's  
20 point of view. They were wrong is what I am saying,  
21 but that is what happened. Obviously I am not trying  
22 to excuse it on those grounds. All I can say is  
23 I don't know why it wasn't reported. I can give you  
24 as I mention a variety of things there, it was seen  
25 as a moral problem. The Congregation dealt with it  
26 in a way that they felt was very serious and had  
27 serious consequences for the people who abused. All  
28 of those in question that are mentioned there, with  
29 the possibility of one who was advanced in age, that  
30 they were dismissed from the Congregation.

31 228 Q. Yes.

1 A. Why the Congregation didn't report it, I simply don't  
2 know. The spectrum of why they didn't is from the  
3 moral perspective on it rather than the legal  
4 perspective or the criminal perspective on it.

5 229 Q. Did some of those brothers go on to take up teaching  
6 positions in other schools or go to other places  
7 where there was children?

8 A. I don't know. I think most of them probably weren't  
9 teachers. Well, a lot of them weren't teachers  
10 anyway. The simple answer is I don't know. Really  
11 you are talking about the 40's for the vast majority  
12 of them, the 1940's for the vast majority of them so  
13 in a sense they are names to me that I found in  
14 documents, I don't really know anything about them.

15 230 Q. I would just like to explore for a moment with you,  
16 Brother, the thinking of the Christian Brothers on  
17 this topic. If you look at the document, it's at  
18 page 63 of the book of documents you have, it's a  
19 document from the Christian Brothers. It's to the  
20 Provincial dated 5 March 1938. It's talking about a  
21 brother who had been involved in sexual abuse: The  
22 third line or fourth line of the letter says:

23 "Br. Blank is more to be pitied than  
24 censured."

25 A. Yes.

26 231 Q. What do you think that meant?

27 A. I have no idea what it meant, I don't agree with it.

28 232 Q. Yes, but it does seem to suggest in the mindset of  
29 the author of that letter the idea of punishing the

1 person or submitting them to the rigours of the law  
2 would be far from the writer's mind?

3 A. Unfortunately I am at the disadvantage that I don't  
4 know which case it is referring to or who it is or  
5 whether or not he was dismissed or what happened to  
6 him so I am in a sense ...

7 233 Q. Yes. The next item I would like to refer you to is  
8 at page 65. This was a case involving sexual abuse  
9 and it says in the third paragraph:

10 "For a whole year he has been  
11 interfering in a homosexual way with  
12 two of these very respectful boys at  
13 Tramore Christian Brother's school."

14 Now, I accept this appears to be in relation to  
15 matters outside Artane, but it is involving the  
16 Christian Brothers and their attitude to these things  
17 that I am asking the question. It's described  
18 further down as:

19 "The case is, as I have stated, one of  
20 the worst we have had. Do everything  
21 you can to secure an immediate  
22 dispensation and forward same as  
23 expeditiously as you can. Needless to  
24 add how sorry I am to have to ask you  
25 to do this distasteful task. The Lord  
26 has been very good to us in allowing  
27 the discovery to have been made by the  
28 very prudent Dominican Fathers."

29 What does that suggest to you?

30 A. My reading of it, and I am reasonably familiar with  
31 the case, was that the brother in question had  
32 written to one of the youngsters who was at that

1 stage in that particular college. The priest had  
2 come across this information and luckily enough he  
3 did because he brought it then to light to the  
4 various, whoever it happened to be, I presume to the  
5 Provincial of the Congregation.

6 234 Q. You don't read into it the other interpretation that  
7 thank God it was the priest and not the civil  
8 authorities that found out and reported it?

9 A. I am not though I am not saying that that may not  
10 have been in the thinking of the person who wrote it.

11 235 Q. I see. Could you look at pages 66 and 67. There is  
12 an interesting letter here in relation to an  
13 offender, which probably at the beginning betrays the  
14 time it was written in, 1959, because it refers to  
15 the brother who has been sent away to England. It  
16 refers to the fact:

17 "That he has gone almost to the lowest  
18 depths. Amongst his belongings were  
19 two copies of the News of the World and  
20 also a copy of a French newspaper. The  
21 News of the World is a banned newspaper  
22 in Ireland."

23 To be less frivolous about it, a serious matter.  
24 This is dealing with a brother who had been found to  
25 be guilty of sexual abuse. When I say "guilty", not  
26 in the courts but it was known that he was doing  
27 this. At the end of that letter, it says:

28 "He knew he said that it was the collar  
29 that saved him from jail."

1           What does that mean?

2           A.    I don't know what it means because I don't know what  
3           happened the case.

4 236 Q.    Doesn't it appear to mean that there was one régime  
5           for clerics and another for lay people with regard to  
6           these sort of matters, isn't that what it appears to  
7           be?

8           A.    In that instance it is certainly open to that  
9           interpretation without a doubt.

10 237 Q.    Could I invite you to think about this and maybe  
11           comment on it. Do you feel that at that time there  
12           was this culture among the Christian Brothers, and  
13           perhaps other religious bodies too, that scandal was  
14           the uppermost thing and there was less concern about  
15           the victims of sexual abuse and there was great  
16           concern that it wouldn't get into the public domain  
17           and be reported to the civil authorities?

18           A.    They were certainly grateful that it wouldn't get  
19           into the public domain. I would say the  
20           understanding of the abuse and its effect on the  
21           young people wasn't known and certainly it wasn't in  
22           any way addressed not only not adequately, it  
23           probably doesn't seem to have been addressed at all  
24           because there is never any mention as to what  
25           happened in relation to the youngster, there is in  
26           relation to this one as to what happened. My  
27           understanding on that one, if I am thinking of the  
28           right one, is that the person in question disappeared  
29           off to England. I don't know from whom the collar

1 saved him or who knew about it and decided that  
2 because of the fact he was wearing a collar nothing  
3 else would happen.

4 238 Q. If you look through the examples you give in this  
5 section of the submission, there are six cases you  
6 deal with?

7 A. Yes.

8 239 Q. You are aware I am sure that there are numerous other  
9 complaints before the Commission of sexual abuse?

10 A. Yes.

11 240 Q. If you take the sixth example there at the top of  
12 page 124. You say:

13 "The Superior having confronted the  
14 accused who admitted to such offences  
15 sent a written report of the complaint  
16 and the response of the accused to the  
Provincial Council."

17 Dispensation then was granted to this person. Here  
18 we have a Brother who has admitted what is a criminal  
19 offence, a serious matter, a sexual assault on a  
20 child and it's not reported to the Gardaí. It's not  
21 a question of not being sure, the person has admitted  
22 it?

23 A. Yes, I accept that. I don't know what the situation  
24 in relation to reporting at the time was. It would  
25 appear on a reading of these cases that for whatever  
26 reason the authorities and the Congregation at the  
27 time didn't see that as a step which they should have  
28 taken, which I am saying obviously now that they  
29 should have. The only thing I can do is offer you a

1 spectrum of what may be the causes, I can't say what  
2 particular reason it was that brought them to take  
3 that decision or rather not to take the decision  
4 which they should have taken.

5 241 Q. The first example you deal with in this section of  
6 the submissions is at page 122. Again we have the  
7 brother confessing voluntarily that he abused a boy  
8 in Artane?

9 A. Yes.

10 242 Q. In this case it was considered by the General Council  
11 of the Congregation and a unanimous decision was  
12 taken not to expel him but to issue a canonical  
13 warning?

14 A. Yes.

15 243 Q. We have the Congregation being unanimous in a  
16 decision not to expel him even though he admitted he  
17 has abused a boy?

18 A. Unfortunately in relation to that case as you can see  
19 it's dated August 1932.

20 244 Q. Yes, it's outside ... (INTERJECTION)

21 A. I am not saying that it's outside, but I don't know  
22 what happened to him afterwards and in fact had great  
23 difficulty in finding any reference to him or who he  
24 was or what the nature of it was. It may, for  
25 instance, have been, and I think that is mentioned in  
26 some other one, that at that stage he was elderly or  
27 whatever it happened to be and they said at this  
28 stage that perhaps in everybody's best interests the  
29 things to do was to keep him within the Congregation,

1 which is the call that would still have to be made by  
2 any Congregation at present if there is an abuser,  
3 what's the best course of action to take. On the one  
4 hand people may say obviously he should be expelled,  
5 but then in which instances is he a greater danger to  
6 society: Where he is expelled and left to his own  
7 devices or where he is in a Congregation who may in  
8 some way be able to monitor his actions or at least  
9 have some control over him. I am not saying all that  
10 thinking went into the 1932 one, I presume it didn't,  
11 but unfortunately I haven't sufficient and it took  
12 quite some search to come up with any document, for  
13 obvious reasons in 1932 to come up with any  
14 documentation on that. I don't know. As you can see  
15 there is nothing at the end as there are in the other  
16 ones as to what happened him or where he went or what  
17 age he was or anything of that nature, but that is  
18 simply a lack of documentation and of knowledge.

19 245 Q. Case No. 2 there where the matter involving that  
20 brother was carefully investigated by the Superior of  
21 Artane?

22 A. Yes.

23 246 Q. The members of the Brothers Consulters indicated  
24 long, continuous and frequent wrongdoing on the part  
25 of the brother. This wasn't reported to the Gardaí  
26 either?

27 A. No.

28 247 Q. Do you know of any case where a complaint of sexual  
29 abuse or worse still an admission of sexual abuse on

1 the part of a brother was reported to the Gardaí in  
2 this period?

3 A. Not in that period.

4 248 Q. Was any layperson ever reported by the Christian  
5 Brothers?

6 A. I don't know. I haven't come across documentation of  
7 it, but I am not saying that it didn't happen.

8 249 Q. On page 124 you say:

9  
10 "That the procedures for dealing with  
11 child abuse are exemplified in the six  
12 cases outlined above. When the abuse  
13 came to the attention of the local  
14 Superior he reported it to the  
15 Provincial, at which stage it was  
16 investigated by the Provincial Council.  
17 The Provincial then forwarded it or  
18 reported to the Superior General and  
19 its Council where it was investigated  
20 again. At all stages the allegations  
21 of abuse were put to the accused. The  
22 sanction applied was either dismissal  
23 or canonical warning."

17

18 You say:

19

20 "It's noteworthy that in the 1944 cases  
21 where the boys themselves made  
22 complaints they were believed and  
23 encouraged to make written statements  
24 and swift action was taken."

22

23 Then you say:

24

25 "This contradicts the commonly held  
26 perception that boys could not report  
27 abuse because they would not be  
28 believed and might even be punished for  
29 telling lies."

27

28 Can we just discuss this for a moment. What do you  
29 think, looking back to the 1950's and 60's if we take

1 that period, what do you think in the 1950's would be  
2 the chances of any child, either in an institution or  
3 outside an institution, reporting that they had been  
4 sexually abused by a priest or a brother?

5 A. I think statistically it would probably be low.  
6 Currently I think the instances of reporting at that  
7 level is low. The point I am making there was that  
8 that needn't necessarily always be laid at the fault  
9 of the management of the institute because in the  
10 ones in the 40's there are written statements of  
11 evidence in the children's own handwriting and in one  
12 instance as I mentioned in the handwriting where it  
13 was clearly an adult who took the statement down.  
14 I am not saying that that was the norm for the time  
15 and that youngsters either within or outside an  
16 institution would readily feel themselves able to  
17 report sexual abuse because I don't think they would.

18  
19 I think the whole trauma of the sexual abuse itself  
20 would militate against somebody going along and being  
21 able, apart from what the reaction of the other  
22 people might be, the actual fact of bringing  
23 themselves to admit this would happen. Frequently  
24 the abused unfortunately took on themselves the  
25 responsibility and said there must be something  
26 wrong, if this is happening to me there must be  
27 something wrong with me and so on. Anything that  
28 I say in here is not meant to diminish the  
29 seriousness of sexual abuse and so on. All I am

1 saying is that there are examples in the  
2 documentation in relation to actual complaints made  
3 and acted on, admittedly not well.

4 250 Q. I understand what you are saying. What I am  
5 suggesting to you is that in that era, first of all,  
6 people generally didn't discuss sexual matters or  
7 details of sexual matters very much and certainly not  
8 openly, would that be fair?

9 A. That's correct.

10 251 Q. Secondly, the clergy were held in very high esteem  
11 and there would have been an added reticence to make  
12 such an accusation?

13 A. Yes.

14 252 Q. On that account I suggest to you that a lot of people  
15 would feel that they wouldn't be believed?

16 A. I mean that seems to be the case. First of all,  
17 youngsters of that age it would be a very difficult  
18 thing for them to do. Secondly, they certainly  
19 wouldn't be believed as readily then as they would be  
20 now. In spite of that there are examples of it  
21 having taken place.

22 253 Q. Of course. Even what you say wouldn't that tend to  
23 suggest that there would be a serious underreporting  
24 of these instances?

25 A. Yes.

26 254 Q. That is likely?

27 A. That is likely right across society.

28 255 Q. Across society as a whole, I agree. There are a  
29 number of complaints, and I can't go into them in

1 this public forum, but from statements which have  
2 been given, and I have in front of me 10 different  
3 complainants where boys made complaints relating to  
4 sexual abuse and these matters were frequently  
5 punished or to put it bluntly beaten as a result of  
6 making those complaints and in one or two instances  
7 were actually assaulted again in a sexual way by the  
8 person they had complained of?

9 A. First of all, as you say they are individual cases  
10 and I am not familiar with them here so really I am  
11 not in any position to comment to them except to say  
12 that presumably they will come in private hearings.

13 256 Q. Yes.

14 A. The other thing I would say about them that only one  
15 side of the equation is contained in those; the other  
16 side of the equation has to be put alongside.

17 257 Q. Of course I accept that. What I am really inviting  
18 you to agree with is that having regard to the mores  
19 of the time and the customs and sensibilities of  
20 people at the time that it's quite likely that there  
21 was a serious underreporting not only in industrial  
22 schools but in society in general of sexual crimes  
23 against young people?

24 A. I agree with you on that, yes.

25 258 Q. Would you agree, therefore, that the picture you  
26 give, accurate as it may be, is a very limited  
27 picture of your knowledge and the Christian Brother's  
28 knowledge of the problem?

29 A. Correct. The only ones I felt at liberty to deal

1 with as I say were ones that if I was challenged on  
2 I could -- some of these admittedly are coming  
3 sensitively to the public forum here, but there are  
4 people who may recognise themselves and may come  
5 along to me and say 'I totally deny all of that'.  
6 All I am saying is I have sufficient documentation to  
7 be able to stand over and to present it to the  
8 Commission and from there on in the decision really  
9 is up to the Commission. That's why obviously people  
10 aren't named in it.

11 259 Q. Yes. Would you accept or not that the whole  
12 atmosphere within a place like Artane or any other  
13 similar type of institution where you have a whole  
14 lot of adolescent males, no females at all, and  
15 brothers, some of whom went into the religious life  
16 at a very young age, was conducive to some forms of  
17 sexual abuse or exploitation?

18 A. I wouldn't really, not the abuse we are talking about  
19 here. There may have been a certain amount of peer  
20 abuse that would have been taken as a normal natural  
21 development of young people. In saying that I would  
22 have to apply the same norms or the same judgment on  
23 all single sex boys boarding schools, which  
24 I certainly would not feel able to do with probably  
25 the same balance of staffing levels on them as well.  
26 It isn't quite true to say that there were no females  
27 on the staff, there was a limited number. There was  
28 a nurse, there was a seamstress, there was a woman  
29 working in the laundry. Towards the very end there

1 was a woman on the staff of the primary school, but  
2 generally speaking it was a male dominated society,  
3 both young and old. So I would say were quite a lot  
4 of boarding schools at the time and, therefore, to  
5 make a generalisation of that nature I don't think is  
6 sustainable.

7 260 Q. Yes. What you say in your submission is that while  
8 you accept and the Brothers accept that there was  
9 some sexual abuse that it wasn't systematic?

10 A. Yes.

11 261 Q. What do you mean when you say "systematic"?

12 A. That it wasn't inherent in the system. In other  
13 words, there were individual cases of abuse, but it  
14 isn't a system which by its very nature produced  
15 abuse or that there was a knowledge right across the  
16 board that abuse was going on and that it was  
17 happening in a manner in which groups of people were  
18 cooperating with each other. I am using in both  
19 levels both systemic in one sense and systematic in  
20 the other. Obviously in an individual case  
21 ... (INTERJECTION)

22 262 Q. THE CHAIRPERSON: Is there a difference  
23 between systemic and  
24 systematic?

25 A. Yes.

26 263 Q. THE CHAIRPERSON: What is it?

27 A. One, ... (INTERJECTION)

28 THE CHAIRPERSON: Sorry, I am not trying to  
29 trick you. This is a

1 genuine question, it may lead to my embarrassment.

2 A. I can set about my work in a systematic fashion doing  
3 it one step after another and an individual abuser  
4 can set about his abuse in a systematic manner by  
5 grooming somebody and then moving on. That's what  
6 I would call systematic. The other is systemic. The  
7 very fact that you are in that system means that you  
8 were likely to be abused, that's the difference I am  
9 making between the two.

10 THE CHAIRPERSON: Mr. Lowe seems to agree  
11 with you. I would have  
12 thought that the word systematic meant pertaining to  
13 a system and that systemic meant something of the  
14 same, but I can see what you mean. There is systemic  
15 infection, I suppose, is it in the system.

16 MR. LOWE: I accept his distinction.

17 THE CHAIRPERSON: Very good. Then you are  
18 obviously right.

19 264 Q. MR. MCGOVERN: There appeared from the  
20 limited records that are  
21 referred to cases where brothers admitted to their  
22 superiors that they were guilty of sexual abuse?

23 A. Yes.

24 265 Q. There was a knowledge there on the part of the  
25 superiors that this was going on?

26 A. Yes.

27 266 Q. Do you think that that was adequately dealt with  
28 then?

29 A. Not by present day standards, but if you look at page

1 125 you will see that in, I think it's about 1944,  
2 that the Brothers did, the Congregation Leadership at  
3 the time did issue guidelines which just to run  
4 through them quickly said:

5 "Brothers should not prevent or  
6 discourage boys to come to the Superior or  
7 with complaints. Boys should have free  
8 access to the Superior at all times.  
9 No brother, young or old, is to allow a  
boy enter his bedroom. No brother is  
to be alone with a boy in any place."

10 Then panels and so on in the door which would be part  
11 of any child protection document of the current day.  
12 I would say in one sense that particular set of  
13 guidelines was ahead of its time. That was sent out  
14 to the Resident Manager and these were the guidelines  
15 from which the Resident Manager was to operate.

16 267 Q. Why did he have to give those directions?

17 A. For the same reason as every school in the country is  
18 now required to give them or any other place that is  
19 dealing with young people for child protection.

20 268 Q. Was that in response to something? This was 1944 we  
21 are talking about?

22 A. Correct, yes, but it is in response to a number of  
23 the cases that arose at that stage. This is quite  
24 obvious from reading that some of these things did  
25 take place, that people obviously were alone with  
26 boys and people did A, B and C which the Superiors  
27 were now saying -- the last one, maybe it's not  
28 included here, but the last one was:

29 "Should a Brother see any of these

1                   being infringed he is to bring it to  
2                   the attention of the Resident Manager  
3                   immediately."

4                   MR. McGOVERN:                   Yes.

5   269   Q.   MR. LOWE:                   When you say those  
6                                           guidelines were ahead of  
7                   its time, are you saying that people at that time  
8                   simply disregarded them because they were irrelevant?

9                   A.   No. What I am saying is that they are very familiar  
10                   to me because I have seen them in child protection  
11                   guidelines all over the place nowadays. I taught for  
12                   quite a long time, for many years, and never had any  
13                   child protection guidelines at all presented to me by  
14                   anyone. I am saying they were ahead of their time at  
15                   that stage. I would say in the 40's there was  
16                   probably no school in the country that had a child  
17                   protection policy in relation to sexual abuse.

18   270   Q.   MR. LOWE:                   I am simply trying to tease  
19                                           out what people at the time  
20                   thought of guidelines if they were ahead of the time?

21                   A.   I don't know.

22   271   Q.   MR. LOWE:                   You are implying that they  
23                                           were simply disregarded?

24                   A.   Indeed I am not, no. I am implying that they were  
25                   being disregarded. What I am saying is the fact that  
26                   abuse was discovered the Congregation authorities  
27                   said we need to lay down some very strict rules to  
28                   that insofar as possible that that never happens  
29                   again. What I am saying is that in spite of the fact

1 that industrial schools weren't the only places in  
2 which abuse took place or perpetrated the first  
3 official guidelines in relation to sexual abuse at  
4 the very best that I am aware of relate to the late  
5 1980's. In fact, the early courses in the 70's in  
6 childcare in relation to people training to work in  
7 childcare institutions would tell you that sexual  
8 abuse wasn't mentioned at all as part of their course  
9 so I would say they were ahead of their time in that  
10 case rather in a sense that people disregarded them.

11 272 Q. MR. McGOVERN: In your conclusion on this  
12 section you say that the  
13 analysis of those cases you refer to show that while  
14 the approach to instances of sexual abuse of children  
15 were very inadequate by present day standards,  
16 nonetheless the manner in which the Congregation  
17 dealt with such matters is characterised by the  
18 following and you list a few items. The first one is  
19 what I would like you to comment on. You say there  
20 was no cover-up of the issue?

21 A. Sorry, I am not sure where you are.

22 273 Q. It's on page 129, I am sorry. You say that the  
23 manner in which they dealt with it was characterised  
24 by the following and you mention a number of items.  
25 The first of which was there was no cover-up of the  
26 issue.

27 A. Yes.

28 274 Q. Can I suggest to you that by not reporting any of  
29 these matters to the Gardaí one could interpret that

1 as a cover-up. You were trying to keep it within the  
2 confines of the Christian Brothers and the school?

3 A. Yes, it could be interpreted that way. All I am  
4 saying in relation to that is I don't know what the  
5 reason was. When I talk about cover-up, people were  
6 believed and they didn't say 'this is going on, we  
7 are not going to do anything about it, we will simply  
8 bury it and move away from it'. The Brothers were  
9 called on, there was an investigation carried out and  
10 in most cases they were dismissed. I agree with you,  
11 it wasn't reported to the civil authorities. What  
12 I mean in the wording there, the perception that  
13 I have heard in some places was this was dealt with,  
14 people were sent away somewhere else or transferred  
15 somewhere else quietly and the thing was simply  
16 buried and not dealt with, that's what I am referring  
17 to there by no cover-up. I am quite aware of the  
18 non-reporting to the civil authorities.

19 275 Q. Just for the avoidance of doubt is it the view of the  
20 Christian Brothers now that these matters should have  
21 been reported to the Gardaí?

22 A. Yes.

23 MR. McGOVERN: That's really all I want  
24 like to ask you about,  
25 Brother. You have a final statement and I suppose in  
26 fairness to you it's probably better if you want to  
27 read that out rather than me reading it.

28 276 Q. THE CHAIRPERSON: Before you get to that,  
29 Brother, could I ask you,



1 person could be cured or could be sent on a course or  
2 a retreat or given religious penances which sometimes  
3 happened and then the thing would go away, which of  
4 course is totally wrong.

5  
6 Unfortunately it was the understanding then, and the  
7 understanding I would say in relatively recent times,  
8 that the person could be sent on a course and  
9 rehabilitated and given, whatever the institution  
10 was, essentially what was a clean bill of health  
11 which of course isn't the situation. I would say  
12 from a very inadequate understanding of the nature of  
13 sexual abuse is the reason for that. Having said  
14 that it's my surmise that it went to all  
15 ... (INTERJECTION)

16 279 Q. THE CHAIRPERSON: I understand, you are  
17 doing the best you can.  
18 From looking at the documents --

19 A. Yes.

20 280 Q. THE CHAIRPERSON: -- are you fairly sure that  
21 that was sent to Artane and  
22 only to Artane?

23 A. No, I am certain it was sent to Artane. I haven't  
24 come across any documentation to say it was sent to  
25 elsewhere. Having said that --

26 281 Q. THE CHAIRPERSON: No, I understand.

27 A. -- I would repeat what I said earlier: I am not  
28 familiar with the documentation in the other ones.  
29 I think I am reasonably correct -- it certainly was

1 sent to Artane. Whether it was sent to other places  
2 I don't know.

3 282 Q. THE CHAIRPERSON: When sent to Artane it  
4 would have to be circulated  
5 to all the brothers in Artane?

6 A. Yes.

7 283 Q. THE CHAIRPERSON: It wasn't something that  
8 would be confined to the  
9 Manager or the management team?

10 A. No, my memory of it was that it was sent by letter  
11 and these were instructions to the Resident Manager  
12 which were to be relayed then to the staff.

13 THE CHAIRPERSON: Thank you.

14 MR. McGOVERN: Chairman, I might be able  
15 to assist the Members of  
16 the Committee on this and it can be checked by  
17 Mr. Hanratty and his team in due course, but it seems  
18 to be a follow-on from a visitation report to Artane  
19 of 30 October 1944 which deals with these sort of  
20 issues and raises these matters.

21 THE CHAIRPERSON: I think that's the point  
22 that Br. Reynolds makes.  
23 He says arising out of this, out of these events the  
24 Provincial Council interested itself in the problem  
25 and produced these. You say the relevant is the  
26 visitation report which he cites in fact of October  
27 1944.

28 MR. McGOVERN: Yes. I think it's on page  
29 27 of the book. It appears

1 to be related to that, I am not certain.

2 MR. HANRATTY: Sorry, if I can assist you,  
3 Sir. We were just about to  
4 draw your attention to page 29, which is the third  
5 page of that report. It is fairly under the heading  
6 'Miscellaneous' that the genesis of all of this was  
7 as a specific response to the problem that happened  
8 in Artane.

9 284 Q. MR. McGOVERN: Br. Reynolds, as I said  
10 I have no further questions  
11 to ask you, but you have a final statement which  
12 I think in fairness to you, you might want to read  
13 out rather than have me read, if you wish to do that?

14 A. I think rather than reading it verbatim maybe I will  
15 summarise it.

16 285 Q. Just summarise the position.

17 A. The Congregation's understanding of Artane is that  
18 from the time it was opened until it closed it took  
19 on the job of providing care and education for people  
20 who found themselves in a disadvantaged situation.  
21 It did that to the best of its ability and in the  
22 main I would say was successful in doing it. There  
23 were instances of abuse and I don't want to appear to  
24 deny them or to minimise them in any way  
25 and certainly don't want to cause any additional harm  
26 to people who have been already harmed and I repeat  
27 the apology of the Brothers to such people.

28  
29 I would also say, as has been mentioned in some of

1 the statements of the Commission, that the Brothers  
2 also in making a submission like this are also in  
3 agreement with the Committee that the process of  
4 reconciliation in places where it has begun should  
5 continue and where it hasn't that perhaps the report  
6 of the Committee and so on may help in that  
7 particular process.

8  
9 I would also say that perspective needs to be brought  
10 to it. I wouldn't want everybody to be demonised by  
11 the sins of the few or the work that was done by the  
12 Brothers in other Congregations in industrial schools  
13 and by the vast majority who did this to the very  
14 best of their ability with limited resources  
15 I wouldn't want that to be diminished.

16 MR. McGOVERN: Thank you very much,  
17 Brother.

18  
19 END OF EXAMINATION OF BR. REYNOLDS BY MR. McGOVERN

20  
21 MR. HANRATTY: There is just one matter,  
22 Sir. I just feel I should  
23 mention it because there is a little bit of a  
24 concern, and certainly I don't want to make too much  
25 of it. It relates to the report of the chaplain to  
26 which reference was made this morning, and in respect  
27 of which my Friend, Mr. McGovern, very fairly pointed  
28 out that the Department of Education took strong  
29 exception to and disagreed fairly severely with

1 virtually all of the contents of that report. The  
2 concern that the Congregation has is that people may  
3 leave this room today, this being a public hearing  
4 and the remainder being in private, and I know full  
5 well that the Commission will be going into all kinds  
6 of matters in much more detail in private, but the  
7 concern is that people may leave the room today with  
8 the impression that here we have a perspective from a  
9 genuinely concerned objective observer which may well  
10 by the case. They would not be aware from the manner  
11 in which it emerged this morning, and I don't say  
12 that it's anybody's fault how it emerged, but they  
13 may not be aware that there is at least a basis for a  
14 question mark as to the reliability of that report,  
15 and I don't put it any higher than that and I don't  
16 want to be in any way pejorative.

17  
18 First of all, it is a well known fact because it's in  
19 the public realm that the author of the report was  
20 himself convicted of sexual abuse of a teenager in  
21 the past, in fact he pleaded guilty to the offence.  
22 I think in this context more importantly that it's  
23 not just the fact that the Department of Education  
24 was in disagreement with him which raises a question  
25 mark over the reliability of anything or everything  
26 in the report, but that within the report itself  
27 there are matters, particularly I am referring to  
28 education, what he says about the quality of the  
29 education, which we know already by objective

1 evidence were spectacularly wrong. I say simply that  
2 there is a question mark there over the reliability.  
3 It has obviously all yet to be determined, but I just  
4 simply wanted to flag it at this stage, Sir, and  
5 obviously

6 I don't want to go into any detail. That's as far as  
7 I will put it for now.

8 THE CHAIRPERSON: Ms. Shanley?

9 MS. SHANLEY: No.

10 THE CHAIRPERSON: Very good. Thank you very  
11 much. We will proceed to  
12 the private hearings.

13

14 THE PUBLIC HEARING CONCLUDED.

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