

COMMISSION TO INQUIRE INTO CHILD ABUSE  
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL  
BALLSBRIDGE, DUBLIN 4

ON WEDNESDAY, 31ST MAY 2006 - DAY 222

EVIDENCE OF SR. UNA O'NEILL

BEFORE:

MR. JUSTICE SEÁN RYAN  
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY  
MR. FRED LOWE

222

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

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MEMBERS OF THE COMMISSION PRESENT:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

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

Instructed by: MS. E. MCHUGH

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

Instructed by: ARTHUR COX

MR. J. MAHER SC

Instructed by: MICHAEL LANNIGAN

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INDEX

<u>WITNESS</u>	<u>EXAMINATION</u>	<u>QUESTION NO.</u>
SR. O'NEILL		
	QUESTION - THE COMMISSION	1 - 7
	EXAMINED - MS. MAHER	8 - 252
	FURTHER QUESTIONED	
	- THE COMMISSION	253 - 327
	EXAMINED - MR. BUTLER	328 - 357
	FUTHER QUESTIONED	
	- THE COMMISSION	358 - 376

1           **THE HEARING COMMENCED AS FOLLOWS ON WEDNESDAY, 31ST MAY**  
2           **2006:**

3  
4           **THE CHAIRPERSON:**                   Good morning.

5           **MS. MCGOLDRICK:**                   God morning, Chairman.

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

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

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

19  
20          **SR. UNA O'NEILL, HAVING BEEN SWORN, WAS QUESTIONED, AS**  
21          **FOLLOWS, BY THE COMMISSION:**

22  
23          1    Q.   **MS. MCGOLDRICK:**                   Good morning, Sr. Una. I  
24   think you are the Superior  
25          General of the Sisters of Charity in Ireland; is that  
26          correct?

27          A.   That's right.

28          2    Q.   How long have you held that position?

29          A.   For 11 years now.

1 3 Q. I think you gave evidence in relation to Phase I on  
2 St. Joseph's school on 1st November 2005?

3 A. Yes.

4 4 Q. After that we had 25 hearings in relation to -- in  
5 Phase II, five of whom were people who made complaints  
6 about the school?

7 A. Yes.

8 5 Q. Two were individuals who had positive experiences of  
9 their time as a resident in the school?

10 A. Yes.

11 6 Q. And the remainder were a combination of Sisters who  
12 were resident in the school, lay workers and volunteers  
13 who spent time there?

14 A. Yes.

15 7 Q. Did you attend all those hearings?

16 A. I did, yes.

17 **MS. MCGOLDRICK:** They are the questions I  
18 have for the moment.

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

24 A. Thank you.

25

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

27

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

29 **MR. MAHER:** Thank you very much,

1 Chairman.

2  
3 SR. UNA O'NEILL WAS THEN EXAMINED, AS FOLLOWS, BY  
4 MR. MAHER  
5

6 MR. MAHER: Good morning, Sister.

7 A. Good morning.

8 8 Q. Firstly, I just want to ask you some questions which  
9 touch upon the general tenor of the evidence which you  
10 have given already to the Commission and indeed in the  
11 context of the statement of your proposed evidence.

12 A. Yes.

13 9 Q. So just, if you don't mind, we will start generally  
14 first.

15 A. Yes.

16 THE CHAIRPERSON: Mr. Maher, just before you  
17 do that. You will find a  
18 button on the microphone in front of you and a red  
19 light will show if you press that and then everybody  
20 can hear you. I can hear you all right but I am sure  
21 nobody else can. That's all right.

22 MR. MAHER: Thank you, Chairman.

23 THE CHAIRPERSON: what you were saying was  
24 you were going to ask some  
25 general questions in the first place.

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

28 A. I can, yes, indeed.

29 10 Q. One of the expressions that you use in your evidence,

1 and indeed in the statement which preceded your  
2 evidence, was that the school in question was an  
3 artificial construct. I am just wondering what exactly  
4 do you mean by that concept?

5 A. In various ways St. Joseph's, as all Industrial Schools  
6 or orphanages were indeed, were referred to as  
7 institutions, they were referred to as schools, they  
8 were referred to as homes. Now, in the final analysis  
9 I am not sure they were any of those things. I think  
10 they were an amalgam of all three. In that sense, I  
11 mean it was an artificial construct. It wasn't a home  
12 in the way in which we understand it, although the  
13 Sisters did everything possible to make it into a home.

14  
15 It wasn't a school in the sense that we understand it  
16 like a boarding school because the children didn't have  
17 families in many case to whom they could go home, they  
18 were committed from the courts.

19  
20 And it wasn't an institution only, in the sense that it  
21 was the other elements of home and education were part  
22 of what was in St. Joseph's. I think that's what I  
23 meant.

24 11 Q. I see. So you are saying that it would be, in a sense,  
25 artificial to compare it to a family situation?

26 A. Indeed I would, yes. Though having said that, I would  
27 also maintain at this stage, listening to all the  
28 evidence that was in the first and second phases, I  
29 would have to say that St. Joseph's maybe stand out in



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

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

17 18 Q. I understand that comparison, but I am going to put it  
18 to you that the ordinary family wouldn't include an  
19 aspect which involved abuse both physical and sexual of  
20 the type that we have seen in St. Joseph's in Kilkenny?

21 A. Indeed, I would hope it wouldn't. But that would be  
22 precisely where the difference would lie. You have a  
23 huge institution, you have shortage of staff, you have  
24 financial restrictions, you have people trying to make  
25 the place as homely as possible for the children. You  
26 have the day-to-day running of that institution, which  
27 involved in its later stages houses that were out many  
28 in community. In its earlier days you had it on the --  
29 when the abuse was occurring, of the boys particularly,

- 1           you had them housed over in a separate unit, the  
2           institution itself was divided into different units.  
3           So I think one can take elements and compare them in  
4           the way I have done and I don't think it is -- what  
5           would I say, I don't think it is unreal of me to do so.
- 6    19   Q.    Again in the -- sorry, in the proposed evidence which  
7           you give and you gave evidence in respect of this, you  
8           said that "preadmission trauma"?
- 9           A.    Yes.
- 10   20   Q.                    "Preadmission trauma had led to severe  
11                       behavioural and emotional difficulties  
12                       and problems".
- 13          A.    That's true.
- 14   21   Q.    I am just wondering where's the evidence for that,  
15          Sister?
- 16          A.    Well, if you were at the private hearings you would  
17                have heard the evidence of it. I don't know if I can  
18                mention this, but only five of the ladies came to the  
19                Commission finally, I think the majority of those, if  
20                you listened to their stories and certainly in relation  
21                to St. Patrick, if you listened to the stories of what  
22                went on prior to them coming in, the anguish of those  
23                people as they spoke about their separation from their  
24                families. You know, a father who had a number of  
25                children marrying another woman after their mother had  
26                died and then taking her seven children and putting his  
27                own away. It is there.
- 28   22   Q.    You are saying basically it is the evidence that was  
29           given in private?

- 1 A. No, not only. I am also saying it is in the records  
2 there of the children, well in the later stages.
- 3 23 Q. When exactly?
- 4 A. I would say probably from the 1970's on, it was very  
5 difficult to get information. Can I just say, in  
6 speaking with the past residents, as lately as last  
7 Sunday where we had a reunion in St. Joseph's, and even  
8 speaking to them day, last Sunday, some of them spoke  
9 to me about what happened to them before they come in.  
10 It has been in the public papers, one or two or three  
11 children, more than three, have gone on public record  
12 about their family circumstances prior to coming in.  
13 So we do know it and that evidence can be adduced to  
14 the Commission if they need it.
- 15 24 Q. Are you suggesting therefore that it was in the main  
16 preadmission trauma which led to the severe behavioural  
17 and emotional difficulties and problems which were  
18 faced by the children?
- 19 A. No, I couldn't make a general statement like that. I  
20 would need to look at each child and each child's  
21 record and see how the disturbance would have  
22 developed. I couldn't say that, no.
- 23 25 Q. Because is it not the case that no psychological or  
24 psychiatric assessment was normally made of a child  
25 before they entered into the institution?
- 26 A. That would certainly be true. I am not sure now if in  
27 the 1980's or 1990's there would have been the  
28 involvement of psychiatrists and social workers. There  
29 wouldn't, no, not in the 1950's, 1960's, 1970's there

- 1            would have been no assessment, that I know of, made.
- 2    26    Q.    1950's, 1960's or 1970's?
- 3            A.    I wouldn't be certain of dates now, I am sorry. I
- 4            doubt in the 1970's either. No, I doubt in the 1970's.
- 5    27    Q.    What I am wondering in this case is how you can say to
- 6            the Commission that preadmission trauma was what led to
- 7            severe behavioural and emotional problems and how can
- 8            the Commission be certain that it wasn't trauma that
- 9            occurred to the children when they were in the school?
- 10          A.    Could you give the reference to that and I might be
- 11          able to answer it?
- 12    28    Q.    Page 111 of the proposed statement?
- 13          A.    Oh, that's in the general summary.
- 14    29    Q.    Yes.
- 15          A.    Where is it exactly, please?
- 16    30    Q.    "In the 1980's", paragraph two, do you see that?
- 17          A.    Yes.
- 18    31    Q.    "In the 1980's and 1990's"?
- 19          A.    113, is it?
- 20    32    Q.    111?
- 21          A.    Oh, I beg your pardon. Yes.
- 22    33    Q.    I will just read it out for you:
- 23                            "In the 1980's and 1990's the nature
- 24                            and degree of trauma suffered by the
- 25                            children prior to admission led to
- severe behavioural and emotional
- difficulties".
- 26          A.    Yes, I would say that's true of the 1980's and 1990's
- 27            and I would say that we have evidence of that in
- 28            individual records. Certainly, in the daily diaries
- 29            for that time, they go into great detail in relation to

1 the state of mind and heart of those children in the  
2 1980's and 1990's.

3  
4 If you look at the records and if you read the records  
5 of those children and you read the daily diaries they  
6 are very, very minute in their daily detail of what  
7 went on in discussions with psychiatrists, social  
8 workers. And in many cases you will find that there is  
9 a lot of interaction with the families, but that the  
10 children come back from the families more disturbed  
11 than when they go home. That's in the diaries so we do  
12 have evidence of that.

13 34 Q. I am trying to analyse what you are saying. You are  
14 drawing a distinction between the 1950's, 1960's and  
15 1970's and the 1980's and 1990's?

16 A. In terms of evidence, yes.

17 35 Q. Dr. Paul McQuade, I think, Sister, and if you disagree,  
18 feel free to disagree, he would have been regarded in  
19 the 1970's as perhaps the preeminent child psychiatrist  
20 in this country?

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

23 36 Q. I think you are aware of the fact that he wrote to the  
24 Resident Manager concerning certain matters which were  
25 causing him to be worried about the children; is that  
26 correct?

27 A. That's right, yes.

28 37 Q. I will just get the reference to that. Yes, it is a  
29 letter of 12th December 1973 and it is in the

1 Department of Education's discovery, folder 1. DEJK  
2 059-124/1. I might just repeat that, that's DEJK  
3 059-124/1.

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

6 38 Q. Page 88.

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

8 39 Q. I just want to ask you about that letter?

9 A. Of course.

10 40 Q. Do the Commission have that? This letter, do you have  
11 it, Sister?

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

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

16 41 Q. **MR. MAHER:** I think it is dealt with at  
17 page 88 of  
18 your...(INTERJECTION).

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

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

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

28 **MR. MAHER:** It is.

29 **THE CHAIRPERSON:** Very good. Can we locate





1 "We estimate that out of the 80  
2 children in your care there are 12  
3 seriously disturbed, six boy and six  
4 girls, and another 20 children who are  
5 sufficiently disturbed to be obvious  
6 and of these 17 are boys. This means  
7 that somewhat less than half of your  
8 children are emotionally disturbed or  
9 seriously behaviorally disorganised."

6

7

8 A. Yes.

9 47 Q. Then he sets out the breakdown of the children between  
10 the different groups. I will just draw your attention  
11 to the very last paragraph:

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

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

19

20 Then he says:

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

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

28

29 A. Yes.

- 1 48 Q. What I am wondering about that letter, Sister, is that  
2 it doesn't suggest on the face of it, at least, that  
3 this was disturbance that predated these children's  
4 admission to St. Joseph's?
- 5 A. It doesn't suggest the opposite either.
- 6 49 Q. I see. Well, is there any evidence to suggest that  
7 these children to whom Dr. McQuade refers were  
8 disturbed prior to their admission to St. Joseph's?
- 9 A. I would have to go back to the files and look at those,  
10 I couldn't answer that just off the top of my head. I  
11 do know that Dr. Birch got involved in that and wrote a  
12 letter. Indeed, so too did a member -- a person who  
13 was doing voluntary work in St. Joseph's, wrote to the  
14 Department expressing great concern about the children  
15 who were being admitted and the fact that they were  
16 disturbed and traumatised. Now I can't get the  
17 reference immediately.
- 18 50 Q. I am sure your counsel will be able to get that for the  
19 Commission?
- 20 A. Yes.
- 21 51 Q. There was a suggestion there that you -- or not you  
22 obviously, but Sr. Joseph Conception, that this was  
23 such sufficiently serious to warrant discussion with  
24 the staff and to warrant discussion with the  
25 Congregation?
- 26 A. Yes.
- 27 52 Q. Can you tell the Commission was that taken up, did such  
28 discussion take place?
- 29 A. I have no evidence to say that it was or wasn't.

- 1 53 Q. I see. Is there any evidence to suggest that the  
2 Department of Education were contacted as suggested by  
3 Dr. McQuade?
- 4 A. And there is no evidence to suggest they weren't.
- 5 54 Q. Is there any evidence to suggest...(INTERJECTION)?
- 6 55 Q. **THE CHAIRPERSON:** You would expect, Sister,  
7 records to be kept?
- 8 A. I would.
- 9 56 Q. **THE CHAIRPERSON:** If Sr. Conception was  
10 having meetings with  
11 somebody surely we are not entirely neutral on it, in a  
12 well ordered organisation there would be a paper trail.  
13 "Met such and such today." Is it good enough to say,  
14 "well, maybe is it, and maybe it isn't"?
- 15 A. Well I think that...(INTERJECTION).
- 16 57 Q. **THE CHAIRPERSON:** If there is no paper there,  
17 if there is no record  
18 surely the only safe assumption is that it didn't  
19 happen?
- 20 A. Now, given my experience of reading through all the  
21 records I don't think I could agree with you on that. I  
22 mean there are huge gaps where you expect something to  
23 be written and then there are things written that you  
24 wonder why they were written at all. I am not  
25 disagreeing with you. Now, looking back on it, one  
26 should have kept a complete record of every single  
27 thing that happened. I wonder if we went back to the  
28 children's files, for instance, would we find that  
29 individual help was given. I know there was great

1 discussion about the need for tutors, a need for the  
2 children to be helped to settle into St. Joseph's  
3 before they were sent out to new schools. I know all  
4 of that took place. I just don't  
5 know...(INTERJECTION).

6 58 Q. **THE CHAIRPERSON:** Am I misunderstanding this,  
7 or is there an implicit  
8 threat in Dr. McQuade's letter, because he says discuss  
9 with the Department of Education, blah blah blah, "the  
10 implication for extension of your services". If I got  
11 that letter I would be a little worried?

12 A. Indeed, as would I.

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

19 "visit to Kilkenny. PO McHugh," I  
20 think, "PO and I visited as follows on  
21 29/4/1974."

21

22

23 **THE CHAIRPERSON:** 1974.

24 **MR. MAHER:**

25

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

1  
2 The difficulty here is in making any  
3 special payment outside the capitation  
4 grant. The matter would be one of  
5 employing additional part time help  
6 different in principle from any other  
7 staff employment.

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

12 I am not sure. It is probably:

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

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

18 A. No, I have seen it.

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

24 59 Q. **MR. MAHER:** Sister, apart from that,  
25 which would seem to suggest  
26 that the Department of Education were contacted, is  
27 there any other indication in the papers that there was  
28 any follow-up given to the suggestions of Dr. McQuade?

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

60 Q. Would it be fair to the Sister, if I came back to it at  
the end to give her an opportunity to deal with it?



1 A. Oh, yes, absolutely.

2 63 Q. And a denial that they were colluders in abuse?

3 A. Absolutely.

4 64 Q. In other words, there was no question here of a cover  
5 up?

6 A. Absolutely not.

7 65 Q. Your evidence, can I suggest to you, is characterised  
8 by an expression of sorrow and regret for what occurred  
9 in St. Joseph's, Kilkenny?

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

14 66 Q. Yes. Is there a distinction to be drawn between your  
15 expression of sorrow and regret and the absence of the  
16 use of the word "apologise"?

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

28

29 I have only to refer to the reunion last Sunday where

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

11  
12          When the people were convicted of abuse we did give a  
13          public expression of regret. But we have pursued it at  
14          a personal level rather than at a public media level,  
15          tried to. We have not succeeded in all cases.

16   67   Q.    I will come back to my original question.

17          A.    Yes.

18   68   Q.    Which is: Is there a distinction to be drawn between  
19          expressions of regret and sorrow and the concept of an  
20          apology?

21          A.    Are you asking a legal question?

22   69   Q.    I am asking you to answer the question.

23          A.    I don't understand it.

24   70   Q.    Are you going express an apology to the victims of  
25          child physical and sexual abuse in St. Joseph's in  
26          Kilkenny?

27          A.    If an apology were in anyway to link us with the David  
28          Murrays and Myles Bradys of this world then in no way  
29          would an apology be given. And that, I think, creates

1 a dilemma for us, in the sense that what's the  
2 difference between saying that we are deeply sorry for  
3 what happened to our lads and saying we -- whatever,  
4 using more formal legal language. A parent whose child  
5 has been abused would not say "I apologise", he would  
6 cry with the child and say he was sorry that this  
7 happened. I am not sure I understand the distinction  
8 you are making.

9 71 Q. One of the other thrusts of your evidence is that for  
10 the Sisters involved and for the Congregation it was, I  
11 think your expression was, an incredulous experience to  
12 discover of the abuse?

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

15 72 Q. And that you had reposed your trust in the male staff?

16 A. Indeed we did.

17 73 Q. And that you had relied upon them particularly because  
18 they had been trained and vetted by professionals?

19 A. Yes.

20 74 Q. So isn't that suggesting to the Commission that the  
21 Sisters of Charity can't be held to blame for what the  
22 childcare workers did, but some others should? In  
23 other words the persons who vetted or trained them?

24 A. But, you see, this whole question of vetting, if I were  
25 to go out in the morning and vet people to be employed  
26 in my school I can get a Garda check, I can do all the  
27 vetting in the world and it won't -- the person's not  
28 going say "I'm a pedophile". Vetting has limited  
29 ability to discover the inclinations of people to abuse

1 children, I would respectfully suggest to you. I am  
2 not sure I hold accountable for the abuse the people  
3 who abused (sic).

4  
5 Certainly there were failures, there were system  
6 failures, there were failures on everyone's part, if  
7 you want to call them failures. But I certainly would  
8 hold responsible the people who abused the children. I  
9 would have to say that listening in both the private  
10 hearings and at the court cases, the amount of conflict  
11 of evidence, the amount of different memories of what  
12 happened, who said what, who understood what, I still  
13 haven't sorted. I have no answer to say other than  
14 that these people abused the children.

15 75 Q. Do you accept that?

16 A. But sure we always accepted that. Of course they did  
17 abuse the children, they have been convicted in court.

18 76 Q. Do you accept the findings of fact that have been made  
19 by the various judges of the High Court in relation to  
20 residents of your institution?

21 A. Which facts now are you talking about?

22 77 Q. Sister, you know that there have been three cases?

23 A. That's right.

24 78 Q. There is the case of Martin Delahunty, there is the  
25 case of David Connellan?

26 A. That's right.

27 79 Q. And there is the case of Raymond Noctor?

28 A. Yes.

29 80 Q. In each of those cases the judges made findings of fact

1 in relation to abuse?

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

3 81 Q. Do you accept those findings?

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

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

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

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

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

27  
28 Mr. Maher, I am concerned about something a little more  
29 and that is is it suggested that we are bound by the

1 findings? In a case between A and B, on evidence heard  
2 in that court, in that case and if the judge says on  
3 the evidence here "I accept that Mr. Jeremy Maher's  
4 recollection is correct about how the accident happened  
5 and I don't accept -- I think Mr. Nicholas Butler is  
6 mistaken in his recollection of how the accident  
7 happened."

8  
9 If there happens to be a commission of inquiry many  
10 years later into road accidents and how they were  
11 handled or something is that commission bound by that  
12 finding, that Mr. Jeremy Maher was correct in saying it  
13 was a blue car and Mr. Butler was wrong in saying it  
14 was a green car?

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

22 **THE CHAIRPERSON:** I think that's the very  
23 point that Mr. Butler has  
24 expressly made. And I think he might probably want to  
25 go further in asking us to make certain findings and  
26 pointing to what he would regard as helpful findings to  
27 him in relation to who knew what and when, insofar as  
28 that issue arises, I think that would be Mr. Butler's  
29 point. If people have points they want to make about



- 1 Mr. Maher.
- 2 82 Q. MR. MAHER: Sister, can I turn  
3 specifically then to the  
4 question of discipline, punishment and physical abuse?
- 5 A. Yes.
- 6 83 Q. The first thing I want to ask is, as I understand it,  
7 there was an obligation under the rules of the  
8 Industrial Schools to have what is known as a  
9 Punishment Book?
- 10 A. That's right, yes.
- 11 84 Q. Am I correct in thinking that there isn't available in  
12 this Commission a copy of the Punishment Book?
- 13 A. That's correct.
- 14 85 Q. Could you assist the Commission as to why that is?
- 15 A. No. In my evidence before -- at the first phase, we  
16 have no evidence of a Punishment Book having been there  
17 and there is no memory in the people whom I asked of a  
18 Punishment Book being there. We were supposed to have  
19 it, we didn't have it.
- 20 86 Q. I see.
- 21 A. Having said that, in the daily diaries later on in the  
22 1980's every punishment is listed, as far as I can  
23 gather, because it is a daily diary and we have many of  
24 those.
- 25 87 Q. You make the case to the Commission that there is, to  
26 use your own expression, "no evidence" from the  
27 material of severe corporal punishment or any evidence  
28 of beatings being common practice? In other words, you  
29 are saying there is no evidence, so far as you can

- 1 determine, that there was severe corporal punishment?
- 2 A. I think I may two, three exceptions. I say that the
- 3 two men who were convicted of sexual abuse also
- 4 perpetrated severe physical abuse on the boys and I
- 5 also make the exception of one particular care worker.
- 6 88 Q. Yes. Was that a female or a male?
- 7 A. A female, yes. She was a house parent.
- 8 89 Q. Yes. I am not sure what the position is of the
- 9 Commission in respect of names?
- 10 A. She was a Sister, yes.
- 11 90 Q. She was a nun?
- 12 A. She was, yes.
- 13 91 Q. Is that the 1990 incident?
- 14 A. Yes.
- 15 92 Q. Isn't it the case that there was another member of
- 16 staff, I am going to refer to as Ms. TC?
- 17 A. Yes.
- 18 93 Q. And she also physically abused the children; isn't that
- 19 correct?
- 20 A. I suppose I am so fixed on the sexual abuse there that
- 21 I am not certain about that.
- 22 94 Q. Yes.
- 23 A. But she was hard on the children, certainly, I am not
- 24 sure I heard the word physical abuse used in relation
- 25 to her.
- 26 95 Q. This is one of the expressions that seems to feature in
- 27 this Inquiry, the use of the expression "hard on the
- 28 children", what are the Commission to understand by
- 29 that impression?

1           A.    I think it has become in some ways clear to me that  
2                    many of the care workers in those earlier days, I am  
3                    talking about the 1940's, 1950's, 1960's, even up until  
4                    the 1970's, and particularly the Sisters, seem to have  
5                    related to the children in the same way as they had  
6                    experienced family relationships. I can think of two  
7                    of them for whom it would be maybe opposites. I think  
8                    Sr. Conception, who said in her evidence that she was  
9                    never slapped as a child, therefore she never in all  
10                  her years in St. Joseph's touched a child, slapped a  
11                  child.

12  
13                  I am thinking of another who said in the family she  
14                  came from, maybe she didn't say this in the Commission,  
15                  I would have to check that, that her parents would slap  
16                  her when she was bold and the slaps were fairly hard  
17                  slaps and she said that's the way she related to the  
18                  children.

19  
20                  So when you say "hard on the children", if I say my  
21                  father was very strict and you say your father was very  
22                  easy, it is very difficult to define what the  
23                  difference is.

24    96    Q.    The reason why I ask you this is because, as I  
25                  understand it, the reason why Mr. David Murray was  
26                  dismissed was because he was "hard on the children"?

27                  A.    That's right.

28    97    Q.    So I am wondering really whether "hard on the children"  
29                  can be read as violent?

1 A. Well, there were a number of phrases used, you know. I  
2 mean when the lad came to Sister -- the lad that she  
3 trusted and the child came to Sr. Conception in the end  
4 and said "we can't put up with it anymore, he's at us."  
5 That was the point at which she said -- when it was  
6 used then in another context, if I say that somebody  
7 was hard on the children, I certainly wouldn't be using  
8 it in the way in which it was used regarding David  
9 Murray.

10 98 Q. Yes. Mr. Connellan in his evidence to the High Court  
11 in the case of David Connellan. I have copies of this  
12 for you, Sr. O'Neill, and indeed for the Commission.  
13 (SAME HANDED TO THE WITNESS).

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

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

18 MR. MAHER: Yes.

19 MS. SHANLEY: We have that.

20 99 Q. MR. MAHER: It is going back to Ms. TC,  
21 Sister?

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

24 100 Q. MR. MAHER: I see that. He alleged in  
25 that case that -- and the  
26 expression is used, quoted verbatim, you see it there  
27 at line 1, 2, 3, 4, 5, 6, 7.

28 A. What page are you on?

29 101 Q. Page 6, line 9?

- 1 A. Yes.
- 2 102 Q. He alleges that TC "literally just beat the shit out of  
3 him", do you see that?
- 4 A. Yes, I see that.
- 5 103 Q. What have your own investigations into that revealed?
- 6 A. I didn't do any investigation into David Connellan and  
7 his court case.
- 8 104 Q. He also says at page 7, and I am talking here about the  
9 paragraph which begins a little more than halfway down  
10 the page, he said that the abuse -- and I won't mention  
11 the name he said that:
- 12 "The abuse both physical and sexual at  
13 the hands of this person lasted for  
14 about three years. He said it was very  
15 very frequent and very very hard to  
16 live with. He said there was times  
17 when he could not go to school because  
18 of a rash on his legs and his backside  
19 due to the fact that she would not  
20 change his sheets and pyjamas and beat  
21 him regularly".
- 22 A. I am not prepared to comment on his evidence, I mean  
23 this has just been put before me now, I would need go  
24 and talk to people concerned and find out what their  
25 understanding of it was.
- 26 105 Q. So can the Commission take it that this was a case in  
27 which you did not appear?
- 28 A. No, I was not there. No, we were not there for that.
- 29 106 Q. This was a case, I think, in which the State had taken  
over the running of it?
- A. That's right. Excuse me, Sr. Conception was sent for,  
for one day, I think Mr. Moore accompanied her, I

- 1           wasn't there, and she was asked to give evidence about  
2           schooling and stuff like that, I think.
- 3 107 Q.     That would suggest, Sister, that there were regular  
4           acts of severe violence taking place in St. Joseph's in  
5           the early 1970's?
- 6           A.     I think it suggests that David Connellan says there  
7           were. I don't think it suggests anything more to me.
- 8 108 Q.     Mr. Connellan then was transferred to Summerhill in  
9           1973?
- 10          A.     That's correct.
- 11 109 Q.     And the house master, as we know, was a David Murray?
- 12          A.     That's right.
- 13 110 Q.     Just so that the picture in respect of David Murray is  
14          clear, he started work, I think, in about 1972; isn't  
15          that correct?
- 16          A.     Yes.
- 17 111 Q.     And he left in 1976; is that correct?
- 18          A.     Yes.
- 19                 **THE CHAIRPERSON:**                    I think that's right.
- 20 112 Q.     **MR. MAHER:**                                Whit weekend of 1976?
- 21          A.     I would have the date somewhere now.
- 22 113 Q.     In any event, Mr. Connellan in his evidence to the  
23          court described Mr. Murray as a monster?
- 24          A.     Yes.
- 25 114 Q.     A very violent man?
- 26          A.     Yes.
- 27 115 Q.     Who beat them frequently with his fists and often  
28          resulted in bleeding and even, he said,  
29          semi-consciousness?

- 1 A. Uh-huh.
- 2 116 Q. Would you like to comment upon that evidence?
- 3 A. No, I would not like -- I am hearing this for this  
4 time.
- 5 117 Q. Are you saying that you didn't know about the judgment  
6 of the High Court in this case?
- 7 A. I didn't read the judgment, I knew the judge had found  
8 that a certain amount of money was awarded. But I  
9 didn't read the judgment.
- 10 118 Q. You didn't read the judgment?
- 11 A. No, why would I?
- 12 119 Q. I thought that you were here to give evidence in  
13 respect of this period?
- 14 A. I didn't think I was here to give evidence in relation  
15 to High Court judgments, I must confess.
- 16 120 Q. Did you know, Sister, that Mr. Murray had kept an  
17 Alsatian at the premises?
- 18 A. I did, yes.
- 19 121 Q. Can you tell the Commission what the name of the dog  
20 was?
- 21 A. No, I can't. Why is that important, that I would know  
22 the name of the dog that Mr. Murray kept?
- 23 122 Q. Sister, the name of the dog was "Thunder"; isn't that  
24 correct?
- 25 A. I don't know.
- 26 123 Q. Was it a policy amongst the Congregation to allow house  
27 masters to keep Alsatian dogs in the 1970's in  
28 St. Joseph's?
- 29 A. If you had asked me -- told me you were going to ask me

- 1           that question I would have asked the Congregation.
- 2   124   Q.    Because Mr. Murray, I suggest to you, used this dog to  
3           intimidate the children?
- 4           A.    That is true.
- 5   125   Q.    You accept that?
- 6           A.    I do indeed, yes.
- 7   126   Q.    Can I suggest to you that in St. Joseph's that the  
8           keeping of an Alsatian dog by a house master was  
9           totally inappropriate?
- 10          A.    No, I wouldn't accept that, I would have thought that  
11          you could interpret it another way. That here was a  
12          childcare worker, trained, and he brings a dog into the  
13          premises, we have a dog in Our Ladies hospice because  
14          it helps the patients to -- in their healing and in  
15          their care. So, in retrospect of course it was  
16          dreadful what he did with the dog, but at the time it  
17          would have been seen that something that contributed to  
18          the homeliness of the place.
- 19   127   Q.    An Alsatian dog?
- 20          A.    I mean an Alsatian dog, a Rottweiler , a Terrier.  
21          What's the difference between an Alsatian dog and any  
22          other dog in the sense? Are you  
23          saying...(INTERJECTION).
- 24   128   Q.    Seeing as you have asked me, I would suggest to you  
25          that the major difference is that an Alsatian dog would  
26          be associated with violence?
- 27          A.    I am not aware of that.
- 28   129   Q.    The threat of violence?
- 29          A.    I hope nobody here has an Alsatian dog, if that's the

- 1 case.
- 2 130 Q. Sister, sorry to interrupt you, but you have spoken  
3 about your evidence being based upon, in part at least,  
4 conversations which you have had with former residents;  
5 isn't that correct?
- 6 A. Yes, indeed.
- 7 131 Q. Did you discuss Mr. Connellan's experiences with him at  
8 any time?
- 9 A. No, I have never spoken with him. I have met him at  
10 the past pupil's reunions, he wasn't at the one on  
11 Sunday, but I have never spoken with him nor has he  
12 asked to speak with me. One of our dilemmas is we  
13 always wait until the children come to us, we don't  
14 impose ourselves on them, he has not asked to speak  
15 with me. I will be happy to do so at any time if he  
16 does.
- 17 132 Q. Did you speak to Mr. Noctor, Raymond Noctor?
- 18 A. I met him on Sunday, yes, and spoke with him.
- 19 133 Q. You are aware that he told the High Court in February  
20 2005 that he had been beaten with a hurley?
- 21 A. Yes.
- 22 134 Q. well, was there a policy in the school at the time of  
23 allowing members of staff to use a hurley to inflict  
24 punishment?
- 25 A. Absolutely not.
- 26 135 Q. He also says that he was beaten with a brush and with a  
27 strap?
- 28 A. He does.
- 29 136 Q. What do you say about that?

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

- 1 emotional and every other way, and in retrospect you  
2 would say how could she not have seen it. I mean, how  
3 can a mother not see that a child has been abused by  
4 somebody. I have no answer to that.
- 5 143 Q. It is just that the injuries of which Mr. Noctor  
6 complains were of serious physical abuse?
- 7 A. Yes.
- 8 144 Q. Would they not have been apparent to somebody?
- 9 A. If they were apparent they would have been treated and  
10 there is no evidence to say they were treated so they  
11 must not have been apparent. She would not have left a  
12 child in pain or a child who was hurt without attention  
13 from a doctor.
- 14 145 Q. Insofar as Mr. Murray is concerned, complaints were  
15 made by the boys in respect of him; isn't that correct?
- 16 A. Yes, they were, yes.
- 17 146 Q. I have to be very careful to say of a physical nature?
- 18 A. Yes, that's right.
- 19 147 Q. Well they say it was sexual?
- 20 A. Well it is the language, that's the whole debate, as  
21 the Commission themselves have said on a number of  
22 occasions it is up to them to reconcile the different  
23 interpretations.
- 24 148 Q. The language that Sr. Joseph Conception uses is that  
25 "Mr. Murray was nagging them"?
- 26 A. "Was at them."
- 27 149 Q. "At them and hard at them"?
- 28 A. Yes. And it was interesting in the -- well, I don't  
29 know if I can talk about this. A psychiatrist during

1 the private hearings was asked what he would understand  
2 by the phrase "at them", and then he was asked, maybe I  
3 don't know who, the chairperson, "what would you be  
4 looking for?" He said he would not be looking for  
5 sexual abuse or even physical abuse if a child said,  
6 "somebody is at me." He said, "I would want to know is  
7 anybody being unkind to them." So it was a phrase that  
8 was certainly not understood in terms of sexual or  
9 physical abuse.

10 150 Q. Mr. Murray's tenure in the school came to an end?

11 A. It did.

12 151 Q. He left halfway through his tenure, is that not  
13 correct?

14 A. That's right, yes.

15 152 Q. Can you shed any light on why he left?

16 A. I think that's in my evidence.

17 153 Q. He went elsewhere?

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

21 154 Q. Is there any evidence to suggest that inquiries were  
22 made by Sr. Joseph Conception or by anyone else from  
23 the place that he had gone as to why he wanted to come  
24 back?

25 A. No. And I have spoken -- we have spoken with the  
26 Sisters in the school, was it Drogheda or Dundalk, one  
27 of those places, and their response to me when I made  
28 the inquiry was to the effect that he just wasn't happy  
29 because he wasn't in charge of the group. There was a

- 1            Sister in charge of the group and he was her assistant  
2            and he wanted -- the position wasn't the position he  
3            wanted. He had been in charge of the group in  
4            Kilkenny.
- 5    155    Q.    So he returned to the same position in Kilkenny?
- 6            A.    He did.
- 7    156    Q.    And took up again as house master in Summerhill?
- 8            A.    As I understand it, yes.
- 9    157    Q.    In the intervening period, another man who was not yet  
10           been brought before the courts was the man in charge,  
11           is that correct, BOR, are you familiar with him?
- 12           A.    I am -- what's the name? I am sorry, I don't know who  
13           you are referring to.
- 14    158    Q.    We will just assist you, Sister, by making a written  
15           note of it. (NOTE HANDED TO SISTER).
- 16           A.    Oh yes, I have heard his name, yes.
- 17    159    Q.    Just so that the members of the Commission aren't in  
18           the blind about this, would you mind handing that into  
19           them (SAME HANDED TO THE COMMISSION)?
- 20           **THE CHAIRPERSON:**            Very good.
- 21    160    Q.    **MR. MAHER:**                    He's a man in respect of  
22           who complaints were made;  
23           isn't that correct?
- 24           A.    I have just gone blank now. I don't remember. I  
25           remember his name. I am not aware of -- am I aware of?  
26           I don't know if I am aware of complaints being made  
27           against him. There were allegations made against many  
28           of the staff.
- 29    161    Q.    Yes. So allegations made against many of the staff?



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

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

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

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

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

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

25 **THE CHAIRPERSON:** I understand. There it is,  
26 that's the situation,  
27 Mr. Maher. But it doesn't stop you making any point  
28 that you want to make by reference to the judgments in  
29 the course of a submission. I mean, I don't want in

1 any way to inhibit you. I may say, Mr. Maher, I am a  
2 little bit -- let's put it this way, I am a little bit  
3 doubtful as to the impact, even if Sr. O'Neill agreed  
4 entirely with you about what is said in the judgment.

5 **MR. MAHER:** I am not really putting  
6 what it says in the  
7 judgment.

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

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

14 162 Q. **THE CHAIRPERSON:** Sister, can I ask you a  
15 question, arising out of  
16 what Mr. Maher is saying. Obviously, an issue  
17 canvassed in the judgments and an issue that we have to  
18 look at is what was the state of knowledge of the  
19 management of the institution, to call it that? What  
20 was the state of knowledge of the management of  
21 St. Joseph's in view of certain things that were said  
22 by the boys? One of them undoubtedly is, as you say,  
23 that this person was at them? Now, we now know what  
24 that meant. So, doesn't it follow from this, it  
25 strikes me there are two possibilities, "I, the  
26 management, knew about it and weren't able to  
27 comprehend it in some way, didn't handle it properly."  
28 That's possibility no. 1.

29

1 Possibility No. 2 is faced with information of a  
2 complaint by boys, possibly not that clearly expressed,  
3 the management didn't find out what the true complaint  
4 was. The second point is still a very serious failure,  
5 one would think. Because if I am in charge of a home,  
6 or whatever, and a child comes with a complaint, surely  
7 I should be aware, I should have enough skill to find  
8 out what the real complaint is.  
9

10 Now, that's is question, it is a comment, it is an  
11 observation, I would like to know what you think about  
12 it because it strikes one as being a criticism.

13 Assuming the completely innocent explanation that the  
14 management did not work it out, why on earth didn't  
15 they. why didn't they say, "what do you mean he's at  
16 you?" And go down and check with the other children.  
17 "Is he at you?" It is not such a mystery or it is not  
18 a technical term. Can you understand what I'm saying?  
19 That's my puzzle.

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

26 163 Q. **THE CHAIRPERSON:** This is the early 1970's.

27 A. It is the early 1970's and within the context of  
28 everything that was going on at that time in that  
29 place. Now, I could be wrong here, but it was at

- 1 maximum three and at minimum two of the boys who say  
2 they told her.
- 3 164 Q. **THE CHAIRPERSON:** Yes.  
4 A. The others, we have written letters saying "we, the  
5 boys, know you did not know." So I struggle with all  
6 that.
- 7 165 Q. **THE CHAIRPERSON:** That controversy has raged?  
8 A. I would love to come with and meet answers to what you  
9 are saying.
- 10 166 Q. **THE CHAIRPERSON:** That controversy has raged  
11 of course and some people  
12 say, "we support the management and the manager and we  
13 think she was great and therefore we believe that she  
14 couldn't have known." And it is all reflected in some  
15 of the judgments, but I am going a little further and  
16 saying suppose one child came and says to a manager, to  
17 somebody in charge, today, "somebody is at me"?  
18 A. Yes, for sure.
- 19 167 Q. **THE CHAIRPERSON:** well manifestly.  
20 A. Absolutely, you would do it today. well, you would do  
21 it, I might do it, someone else might do it, somebody  
22 else might not do it. Today, obviously, you would do  
23 it. The child wouldn't even need to say "at me", the  
24 slightest complaint would be investigated. But I think  
25 there is an ocean of knowledge and understanding that  
26 we have gained in that time. If I thought for one  
27 minute that we knew and did nothing I would say it.  
28 But I cannot come to that conclusion in all honesty in  
29 everything that I have heard and read. That we knew

1 and did nothing.

2

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

5 168 Q. **THE CHAIRPERSON:** I am not talking at a  
6 legal level?

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

21 169 Q. **THE CHAIRPERSON:** I am not asking you to  
22 decide that issue --

23 A. I can't, no.

24 170 Q. **THE CHAIRPERSON:** -- because I am simply  
25 taking the alternative,  
26 which is the position that --

27 A. And I couldn't.

28 171 Q. **THE CHAIRPERSON:** -- possibility B that she  
29 didn't know, I am saying if

- 1 she didn't know --
- 2 A. Why didn't she...(INTERJECTION).
- 3 172 Q. **THE CHAIRPERSON:** -- but she was told these  
4 things it would have  
5 meant -- sorry, would it not have meant that she should  
6 have inquired and not just take it and assume that if  
7 somebody says, "he is at me", or even then. I mean it  
8 is not that long ago. I wanted to offer you an  
9 opportunity and it is a difficult one. All right.
- 10 173 Q. **MR. MAHER:** Thank you very much.  
11 Coming back to that,  
12 Sister, you are suggesting that if a child had  
13 complained of sexual assault that something would have  
14 been done, isn't that effectively what you are saying?
- 15 A. Yes, I am saying that. I mean, in the private hearings  
16 that was gone into in great detail, as to what was  
17 said, the language that was used and there is  
18 conflicting evidence there, even from the people who  
19 went to Sr. Conception and to another Sister. They  
20 even said -- their own testimony is conflictual, within  
21 their own testimony, as to what was said and who said  
22 what and if it was said and if it was not said.
- 23 174 Q. The incident which occurred in the 1950's, which was  
24 referred to at page 1 of the folder 2 of the discovery  
25 by the Department of Education and Science?
- 26 A. Yes.
- 27 175 Q. Suggests that in 1954, when a girl complained about the  
28 conduct of a male employee she wasn't believed?
- 29 A. That's right.

- 1 176 Q. Could it not have been exactly the same situation in  
2 the 1970's?
- 3 A. Are you -- in asking me that question is the  
4 presumption being that the child explicitly said he was  
5 being sexually abused?
- 6 177 Q. I am asking you to consider whether it is the case that  
7 a child may have complained in the 1970s of sexual  
8 assaults to Sr. Joseph Conception?
- 9 A. I think I have already answered that insofar as I can.
- 10 178 Q. If a child wasn't believed in the 1950's, why would  
11 the child be believed in the 1970's
- 12 **THE CHAIRPERSON:** That's a non-sequitur,  
13 Mr. Maher.
- 14 **MR. BUTLER:** It is also a slightly false  
15 premise.
- 16 **THE CHAIRPERSON:** There is about ten  
17 objections to it, but let's  
18 take one. But it is a comment, Mr. Maher.
- 19 179 Q. **MR. MAHER:** I accept that, Chairman.  
20 Going back to the -- we  
21 better deal with the 1954/55 incident. It is a fact  
22 that in that case a child complained of sexual assault  
23 by a male employee; isn't that correct?
- 24 A. We are not sure of the language that the child used and  
25 certainly she didn't use the word sexual assault, but  
26 she was sexually assaulted, yes.
- 27 180 Q. That only came to light because of the intervention of  
28 Dr. Anna McCabe from the Department of Education;  
29 isn't that correct?

- 1 A. That wasn't exactly true. There was a sequence of  
2 events leading up to that and in the course of her  
3 going down and inquiring about why the children were  
4 going be moved out of St. Joseph's, she then uncovered  
5 this when she interviewed each child because the thing  
6 was so complex that she needed to interview each child.  
7 It was during those interviews that it was discovered.
- 8 181 Q. What was discovered by Dr. McCabe is that, I think,  
9 three children had been sexually -- seriously sexually  
10 assaulted?
- 11 A. Indeed, yes.
- 12 182 Q. What action was taken on foot of that discovery?
- 13 A. By?
- 14 183 Q. By the Congregation? The employee I think was  
15 dismissed?
- 16 A. Oh, I beg your pardon. There was a meeting. I think  
17 it was in my first evidence. I think there was a  
18 meeting with Dr. Anna McCabe, another member of the  
19 Department. Just bear with me while I find that.
- 20 **THE CHAIRPERSON:** This was fairly extensively  
21 dealt with, Mr. Maher, in  
22 the opening public hearing. I know that Mr. MacMahon,  
23 I think, dealt with it.
- 24 **MR. MAHER:** Yes.
- 25 **THE CHAIRPERSON:** I don't want to stop you,  
26 but...
- 27 **MR. MAHER:** I only intend dealing with  
28 it very briefly.
- 29 A. There was a meeting held on 5th November 1954 in

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

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

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

18 **THE CHAIRPERSON:** We decided not to name.

19 A. I am sorry.

20 **THE CHAIRPERSON:** Don't worry, and I think it  
21 happened from time to time.

22 And everybody exercises their judgment about it. I  
23 understand. It is difficult, especially when you are  
24 reading something and it hadn't been redacted. It is  
25 not easy to ignore names.

26 A. It would appear that Anna McCabe and the priest agreed  
27 that there would be no steps taken towards a  
28 prosecution. The report then was signed by  
29 Mr. Rafferty and Dr. Anna McCabe.

- 1 184 Q. **MR. MAHER:** In the aftermath -- please  
2 continue?
- 3 A. I am just saying the Minister obviously agreed with  
4 their recommendation and also agreed with Anna McCabe's  
5 recommendations concerning the placement of the girls  
6 involved.
- 7 185 Q. **THE CHAIRPERSON:** And the girls were moved?  
8 A. They were, nine of them, I think. Was it? Six or nine.  
9 Nine.
- 10 186 Q. **THE CHAIRPERSON:** And the bishop wasn't told  
11 to spare his blushes  
12 because of his age and state of health?
- 13 A. His hearing was bad.
- 14 187 Q. **MR. MAHER:** What is interesting about  
15 that, as you have described  
16 it, is that the Provincial of the Order was involved?  
17 A. Yes, the Superior General.
- 18 188 Q. That the position that you now occupy?  
19 A. Except in those days there would have been no --  
20 subsequent to that we were divided into provinces or  
21 regions, so now they would Provincial Superiors and  
22 Councils, then the Superior General would have had more  
23 immediate contact with all of the houses.
- 24 189 Q. Following on that discovery was any procedure put in  
25 place to safeguard children?  
26 A. Not that I know of.
- 27 190 Q. Insofar, I know I am going back to Mr. Murray, insofar  
28 as Mr. Murray is concerned why was he actually  
29 dismissed what was it that led to his dismissal?

1 A. If you just give me a moment.

2 191 Q. Of course.

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

9 192 Q. Yes.

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

15 193 Q. I am going to deal with that in a second. But I am  
16 just wondering what was it that differentiated the  
17 complaint that led to the dismissal from the other  
18 complaints that had been made, can you assist the  
19 Commission?

20 A. Yes, I think there were two things that were different.  
21 First of all, it was the accumulation of complaints  
22 leading up to this particular one. I think also that  
23 the boy concerned was a senior boy, she had known him,  
24 as she said herself in her own evidence, inside out.  
25 She trusted him completely and believed at that point  
26 then, given the accumulation of complaints and the fact  
27 that he came and said, "we can't put up with it any  
28 longer", that galvanised her into action, so far as I  
29 understand it.

1 194 Q. Mr. Murray was dismissed?

2 A. He was.

3 195 Q. We know then in 1979 in a document which is in the  
4 Department of Education discovery folder 2 at DEJK  
5 166-003, I think it is. That Lusk made inquiries from  
6 Sr. Joseph. I am just looking for the letter?

7 A. They asked three questions.

8 196 Q. I will just open that for you. It is dated 16th  
9 Lunasa, which I think is July 1974 -- August, just goes  
10 to show you:

11 "Dear Sr. Conception, I wish to refer  
12 to Mr. David Murray who has been  
13 offered a post at house master in Scoil  
14 Ard Mhuire, Lusk, Co. Dublin. Mr.  
15 Murray has claimed service in your  
16 residential house since from 1972 to  
17 1976. Perhaps you would be good enough  
to state: 1- the nature of the post  
occupied by Mr. Murray; 2- whether the  
service was full time and satisfactory;  
3- the first and last date of service".

18 The reply which was sent by Sr. Joseph Conception,  
19 which was...(INTERJECTION).

20 A. 21st August.

21 197 Q. It is dated 21st August 1979.

22 "Dear sir, with reference to your  
23 letter of 16th August re Mr. David  
Murray."

24

25 And it refers to another man, there is no allegation of  
26 any nature against him.

27

28 "Both men were in employment here as 1  
29 house father; 2 trainee childcare  
worker."

1 which refers to another man. Can you explain to the  
2 Commission why that is Sr. Joseph Conception didn't see  
3 fit to warn Lusk, who were about to take him on as a  
4 house master that he had been dismissed because he was  
5 unsuitable for children?

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

17 198 Q. Well I don't have access to that.

18 A. I appreciate that.

19 199 Q. But can you assist me in relation to this, did  
20 Sr. Joseph Conception not think it incumbent upon her  
21 to lift the phone and warn Lusk as to Mr. Murray's  
22 character?

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

27 200 Q. This is something that Mr. Granville...(INTERJECTION)?

28 A. Indeed, he denies that.

29 201 Q. Insofar as that ...(INTERJECTION)



1 really, at the height of it, as what one can gather  
2 from simply looking at it. But as you say we have had  
3 evidence about the exact circumstances as one would  
4 expect and this very issue has been explored up and  
5 down. So it is a little bit -- while there it is,  
6 that's an issue. But at the same time we can simply  
7 draw attention to the fact that it has been explored in  
8 a great deal of detail as one would expect.

9 A. Yes, indeed.

10 205 Q. **MR. MAHER:** Insofar as Mr. Brady is  
11 concerned, Mr. Myles Brady,  
12 I know that you say that these people were vetted and  
13 they were trained and for that reason you have placed  
14 trust in them, but Mr. Brady had apparently previously  
15 taught in a school, I think, in Durham in England?

16 A. That's correct.

17 206 Q. St. Peter's Boys Catholic School, can you establish as  
18 to whether any inquiries were made as to his character  
19 in that school before he was taken on?

20 A. Sr. Conception maintains that she sought references  
21 from the school which he had been in prior to coming to  
22 Ireland. We know subsequently that although the facts  
23 that were presented by the witness in the private  
24 hearings were in fact the opposite of what had  
25 happened. We know that those references were excellent  
26 references because those references got Myles Brady a  
27 position in a school in England where he continued to  
28 abuse and they didn't even apply to St. Joseph's for  
29 references because they were so good. Although indeed



- 1 213 Q. **THE CHAIRPERSON:** But certainly nothing was  
2 said directly except other  
3 than what had been reported by somebody. Isn't that  
4 correct, Mr. Butler?
- 5 **MR. BUTLER:** what the person did say is  
6 that he had considerable  
7 inside knowledge from a solicitor in England.
- 8 **THE CHAIRPERSON:** I'm sorry, you are right.
- 9 **MR. BUTLER:** who had represented the  
10 judgment in a particular  
11 way. Somewhere along the lines someone had got the  
12 wrong version of events.
- 13 A. I am sorry, I shouldn't have raised that.
- 14 **THE CHAIRPERSON:** Can we please avoid  
15 references to what went on  
16 in the private hearings before we all get into trouble.
- 17 A. Yes.
- 18 214 Q. **MR. MAHER:** So, Sister, insofar as  
19 Mr. Brady is concerned he  
20 was dismissed in the summer of 1977, whit weekend 1977?
- 21 A. He was. That's right.
- 22 215 Q. He was dismissed summarily; isn't that correct?
- 23 A. He was, indeed.
- 24 216 Q. As I understand it, Sr. Joseph Conception and a member  
25 of the Garda Síochána went to Dublin?
- 26 A. That's right.
- 27 217 Q. He was on some type of weekend off?
- 28 A. That's right, it was whit weekend.
- 29 218 Q. Apart from the dismissal of Mr. Brady what other steps

1 were taken to protect future employers and their  
2 charges from Mr. Brady?

3 A. Future employees? Employers?

4 219 Q. Employers and their charges?

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

7 220 Q. Well you better ask the Chairman about that.

8 **THE CHAIRPERSON:** well I think you shouldn't.

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

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

26 221 Q. **MR. MAHER:** Sister, passing then to the  
27 letter from Edward Murphy,  
28 which is at BDKK 01-0051/1 of the diocesan discovery,  
29 do you have that, Sister?

- 1 A. Sorry the letter of?
- 2 222 Q. It is a letter from Mr. Murphy?
- 3 A. Yes. Yes, I have it.
- 4 223 Q. It is to Sr. Conception with a copy to the bishop;  
5 isn't that right?
- 6 A. That's right, yes.
- 7 224 Q. I don't know whether this has been debated and I  
8 presume that it has been debated to a great deal in  
9 private. But can I suggest to you that any person  
10 receiving a letter like that should have immediately  
11 conducted a detailed inquiry into Mr. Murphy's  
12 concerns?
- 13 A. Yes, that question was asked in great detail at the  
14 private hearings. Can I just refer you to what I said  
15 in my evidence in the first hearing?
- 16 225 Q. Yes, what page?
- 17 A. This is page 97. This is my own document now. I say  
18 there that:
- 19 "Sr. Conception did not respond to the  
20 contents of this letter in a manner  
21 that in hindsight would be deemed  
22 appropriate. Myles Brady," I can name  
23 him, "was a trained childcare worker.  
24 She trusted that he was doing his job  
25 in a professional and caring manner.  
26 The resignation of the person who wrote  
27 the letter is noted in an addendum  
28 to.."
- 29 That's not particularly relevant. Reading that letter  
I would have to agree with you, it is a letter that one  
should have responded to. The sister in the private  
hearings did offer an explanation. I don't know if you  
could call it an explanation, but she commented on it

1 in detail.

2 226 Q. Thank you for accepting that. It is just in your  
3 statement of proposed evidence to which you have  
4 referred us, you say that:

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

7 A. Yes.

8 227 Q. I have to suggest to you that hindsight is not relevant  
9 in the circumstances of this letter?

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

18 **THE CHAIRPERSON:** All right.

19 228 Q. **MR. MAHER:** well, I am going suggest to  
20 you, Sister, that that  
21 letter, even in the 1970's, was a letter of great  
22 seriousness?

23 A. I agree.

24 229 Q. And required the recipient, who is in care of children,  
25 to inquire into it further?

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

28 **THE CHAIRPERSON:** I think we will leave it  
29 at that.

- 1 230 Q. **MR. MAHER:** There is one matter,  
2 Sister, and I just want to  
3 ask you to comment on it. Again, it is in the diocesan  
4 discovery. It just goes before this particular letter.  
5 It appears to be a handwritten note and it is no. 9 in  
6 the diocesan discovery, BDKK 01-0050. Do you have  
7 that, sister?
- 8 A. Is it in the beginning of your folder?
- 9 231 Q. It will be put up on the screen for you, Sister. Do  
10 you see that note?
- 11 A. Oh that one, yes, I do indeed.
- 12 232 Q. Have you any idea whose writing that is?
- 13 A. I don't know how to answer that really now, because all  
14 of that was explored again in the private hearings. It  
15 is Dr. Birch's writing, I understand.
- 16 233 Q. I see. In that note it is clear that reference is made  
17 to a threat to resign by Ed?
- 18 A. What appears to have happened is that he went to see  
19 the bishop and spoke with the bishop on one or two  
20 occasions. Sr. Conception wasn't aware that he had  
21 spoken to the bishop and then it is difficult. It is  
22 written a bit in code, as it would appear, as well, in  
23 terms of names and numbers.
- 24 234 Q. To begin with ... (INTERJECTION)?
- 25 **THE CHAIRPERSON:** We may as well know what  
26 the note says. The note  
27 says:  
28 "Ed approached Sr. A to talk to boys re  
29 drunkenness etc. She promised to look  
into it.



- 1 239 Q. The note records that Ed, that would be Mr. Murphy,  
2 threaten to resign, but there was an offer of another  
3 job, but Mr. Murphy wanted an investigation and the  
4 offer was withdrawn?
- 5 A. Certainly we are not aware of any offer of another job,  
6 whether that was from another place or another  
7 institution, I don't know. The bishop must have had  
8 some knowledge of another job.
- 9 240 Q. Can I refer you to the letter of Mr. Murphy which we  
10 have just looked at, dated 23rd January 1977?
- 11 A. Yes.
- 12 241 Q. The very last paragraph:  
13 "Having been assured that there is no  
14 chance of transferring to another  
15 group, I must therefore with even great  
16 reluctance submit this, my  
17 resignation."
- 18 A. Yes, but that was a transfer within the institution to  
19 another group, it wasn't another job.
- 20 242 Q. Is the inference to be drawn from the note, I  
21 appreciate this is difficult, is the inference to be  
22 drawn from the note that it was made clear to  
23 Mr. Murphy that if he withdrew the request for  
24 investigation he would be offered another job within  
25 the institution?
- 26 A. I don't think that's correct. I think Mr. Murphy  
27 himself said he wouldn't have used the word  
28 investigation. Oh sorry, that's the private hearings.  
29 It is all in my heads as a whole, I can't differentiate  
between the two.



1 249 Q. I know that a member of the board asked you a question,  
2 I think, at the original hearing as to what steps were  
3 taken in relation to that nun, to prevent her coming  
4 into close contact with children again?

5 A. Yes.

6 250 Q. And I think your reply was that you were going look  
7 into it?

8 A. That's correct.

9 251 Q. Can you assist the Commission in relation to that?

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

28 252 Q. So a letter was written?

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

1 it?

2 **THE CHAIRPERSON:** Yes.

3 **MR. MAHER:** Thank you very much,  
4 Sister.

5

6 **END OF EXAMINATION OF SR. O'NEILL BY MR. MAHER**

7

8 **THE CHAIRPERSON:** Very good. Thank you,  
9 Mr. Maher. Now,

10 Ms. McGoldrick.

11

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

14

15 **MS. MCGOLDRICK:** Good morning, Sister.

16 A. Good morning.

17 253 Q. Before I deal with some of the issues that may have  
18 arisen follow the Phase II hearings.

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

22 254 Q. **MS. MCGOLDRICK:** Sorry. Before I deal with  
23 some of the matters that  
24 have arisen as a result of hearings in Phase II, I  
25 would just like to ask you a couple of questions in  
26 relation to non-controversial matters.

27 A. Sure.

28 255 Q. I think in the course of your public evidence at Phase  
29 I you mentioned that between 1942 and 1956 some of the

1 Sisters attended a childcare course in the United  
2 Kingdom, could you tell the Committee how that came  
3 about?

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

14  
15 We do have a letter of 12th May 1948 describing the  
16 contents of the course as six months theoretical and  
17 six months practical and of the six months practical,  
18 two months were to be spent in a non-Catholic home and  
19 four months were to be sent in a Catholic home.

20  
21 It was then that she decided to send some of the  
22 Sisters from Ireland on that one year course. The  
23 first two went, I think it would have been -- actually  
24 there is a mistake in my original testimony, I  
25 discovered the other day, that date is wrong. 1948, I  
26 think she sent the first two. Thereafter Sisters went  
27 to do the long course and they also did several short  
28 courses in the course of the years following.

29 256 Q. Who provided the funding for the Sisters to attend that

1 course?

2 A. The Congregation paid for the Sisters from Ireland. I  
3 think later on there were grants from the Home Office  
4 for the Sisters who -- from Walthamstow who had done  
5 the course, but anyone outside the jurisdiction had to  
6 pay for the courses. We do have a receipt here of 25th  
7 November 1957 to cost of training for 1956/57 course  
8 for Sister, and it names two Sisters, £60 sterling  
9 each. So that gives an idea of how much it would have  
10 cost.

11 257 Q. Do we know if any lay staff or lay care workers attend  
12 this course?

13 A. I think there was a course for lay people and this  
14 course was set up for nuns, it would appear. Later on,  
15 as I understand it, the two amalgamated and I know  
16 certainly some of our Sisters would have gone over in  
17 the late 1960's who would have done the course there  
18 and it would have been for everybody.

19 258 Q. How was it decided which Sisters would attend the  
20 course?

21 A. Well, I mean how was it ever decided who did what in  
22 that sense? I suppose if Sisters were going to be put  
23 into childcare the Superior General decided that she  
24 would send them there for the training, I would  
25 suspect.

26 259 Q. The reason I ask that, is that it would appear that the  
27 Resident Manager, Sr. Conception, didn't attend this  
28 course?

29 A. That's right.

1 260 Q. Is there any explanation for that?

2 A. No, and I have no explanation to offer, other than that  
3 there is some reference to the fact that managers and  
4 Superiors of religious houses could not be released for  
5 a full year to do a course because what would happen to  
6 the house or to the institution in the meantime? Now,  
7 in retrospect you say maybe they should have been the  
8 first people to go. But no, she didn't go. She went  
9 straight from her training as a Sister to St. Joseph's,  
10 Kilkenny.

11 261 Q. In terms of how do you think the course influenced the  
12 operation of the Industrial School in Kilkenny?

13 A. I think it was fairly obvious what happened because in  
14 England the group system was in operation and the  
15 course introduced the Sisters to the group system and  
16 part of their course, as I just said, included  
17 practical visits to different institutions, different  
18 homes to see how the method worked. In fact, there is  
19 reference in our annals to say, if I can quote it:

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

23  
24 Now, the Sisters in Walthamstowe had also introduced  
25 the group system, with the assistance obviously of  
26 whatever Home Office or whatever the Government  
27 guidelines over there required it. So the Sisters,  
28 they would have seen the group system working and she  
29 herself -- because it is evident for two subsequent

1 homes St. Patrick's, Kilkenny being one and another one  
2 in Dublin where the annals says -- Mother General says  
3 we must introduce the group system. But in  
4 St. Joseph's it just seemed to be a natural consequence  
5 of them coming back and saying this is the best way to  
6 do it. They would have come back then and that was  
7 where the first break up of the institution happened.

8 262 Q. I want to discuss in general terms first the  
9 relationship that the Sisters of Charity have with the  
10 particular diocese in which any community is located?

11 A. Yes.

12 263 Q. Just in general terms what is the nature of a  
13 relationship between a Bishop and a community of  
14 Sisters?

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

1           were small. And it obviously happened in Kilkenny.

2   264   Q.   Has that always been the situation, that he no direct  
3           authority over a community of Sisters?

4           A.   With us. And, in fact, it was one of the things we had  
5           to fight for, because the Bishop of Cork wanted us to  
6           have diocesan authority and we didn't go there for many  
7           years, even though our founder is from there, because  
8           he didn't like the central government idea. So we have  
9           always that had central government, yes.

10   265   Q.   In relation to discovery that has been made much of the  
11           documentation relates to the relationship between Dr.  
12           Birch, who was Bishop of Ossory between 1964 and 1981?

13           A.   That's right.

14   266   Q.   The reason I raise the point is that there are two  
15           documents which can be read together and they have the  
16           identification of DEJK059/059 and 60. They are two  
17           documents that record the visit of a person from the  
18           Department of Education and a Mr. Madden, who is a fire  
19           surveyor. Their reason for the visit was dealt with, I  
20           think, in Phase I. But what I think is interesting  
21           from those documents is the degree to which the Bishop  
22           seemed to be able to direct the activities of the  
23           community. For example, he was able to direct that the  
24           play ground in the industrial school would be closed so  
25           that an adoption centre could be built. He was able to  
26           direct that boys would attend schools in the local  
27           community. More particularly, he was able to direct  
28           that two houses would be built in the local community  
29           to accommodate boys who were being difficult. This was

1           perceived as a bad idea, I think, from the documents,  
2           perceived as bad idea by the Sisters and also by the  
3           Department of Education.

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

15   267   Q.    If I could read out the paragraph.

16           A.    Of course.

17   268   Q.    This is document DEJK059/059. This is note of  
18           Mr. Madden, who is the Chief Fire Surveyor. If you  
19           could turn to page 3 of that document. I think at the  
20           head of the page it has a handwritten page number of  
21           64.

22           A.    Yes.

23   269   Q.    The first line is "other proposed developments are"?

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

26   270   Q.    At the last paragraph on that page is:

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

1

2 A. Yes.

3 271 Q. Then towards the end of the paragraph it states:

4

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

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

13 A. Yes, I would think myself that that's what the  
14 Department might have thought. But I would suggest  
15 that, that was certainly not the reality, that anything  
16 the Sisters would have done they would have decided to  
17 do on the basis that this was for the best. Actually  
18 in relation to that, in a further letter later on I  
19 found it interesting in 060/3 with No. 67 on top of it.  
20 If you have that. It is not there. wait until we see.  
21 No that's not the one I want. In one of those letters  
22 anyway, it is obvious that the Department do not want  
23 us. They are certainly not going to finance the new  
24 house, which was Beech Park, and they say we are going  
25 to persuade the Bishop that we now won't take an  
26 option. We went ahead, we moved the children into  
27 Beech Park. And Beech Park was one of the great  
28 successful small houses in the beginning.

29

1           So we went ahead, we did it, we paid for it ourselves,  
2           the Department wouldn't give us the money. We were, in  
3           fact, doing the group home system and the Department  
4           wouldn't support us it would seem to me. But I take  
5           your point, that's what is there. But I suspect that  
6           anything that the Sisters would have done, they would  
7           have done only in the best interests of the children.  
8           They would have listened to the Bishop, obviously. But  
9           they would have done what they thought was right.

10 272 Q.    Just along the same lines, if you go back to the  
11           episode in 1954 involving the layman in St. Joseph's.  
12           There was a great deal of debate as to whether or not  
13           the Bishop should be informed?

14           A.    That's right.

15 273 Q.    The debate was along the lines and the presumption was  
16           that this was something that the Bishop should be  
17           advised of.

18           A.    Yes.

19 274 Q.    And how really could they get out of advising him,  
20           because he was old and frail and wouldn't appreciate  
21           hearing the episode. That also suggests that the  
22           Bishop had some sort of a supervisory role over the  
23           institution, or even that the Sisters themselves  
24           regarded themselves as being under some sort of an  
25           obligation to advise the Bishop. Would that be fair?

26           A.    Could I express it just in a slightly different way? I  
27           would say that what happened, the abuse of the little  
28           girls was just such an appalling thing to happen that  
29           the Sisters seemed to not be party even of that

1 conversation as to what would happen. It seems to have  
2 been the Department and the priest on behalf of the  
3 Bishop -- well, without the Bishop knowing that he was  
4 acting on his behalf -- who made the decision. That  
5 would certainly appear to me to be the case, that that  
6 decision was made very much by the priest.

7 275 Q. That even puts it a step further, that the Department  
8 of Education would have considered that there was some  
9 sort of responsibility to advise the Bishop?

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

13 276 Q. Let me move forward then to the 1970's. We know that  
14 Dr. Birch was involved in or had some sort of  
15 connection with a complaint that was made in respect of  
16 Mr. Brady?

17 A. Yes.

18 277 Q. Would you expect -- or would Dr. Birch have had an  
19 expectation that if Mr. Murray was removed from his  
20 post, or that Mr. Brady was removed from his post for  
21 interfering with children, would he have had an  
22 expectation of being advised of that.

23 A. I have no way of knowing. Dr. Birch was extremely  
24 socially active, he had set up all kinds of services in  
25 Kilkenny, including on our grounds, the social services  
26 centre was set up on our grounds, and all these other  
27 things we wanted to set up. Whether he would -- I  
28 don't know. I would doubt it. He would have had no  
29 say in the internal day-to-day affairs of St. Joseph's

1 to my knowledge. And I don't think he would have  
2 interfered. I think Sr. Conception's general evidence,  
3 not private now but general evidence would be that she  
4 had very little to do with the Bishop herself. I  
5 suspect it was the Superior and himself who might have  
6 talked about various matters.

7 278 Q. I think at that time the Bishop was very much involved  
8 in the operation of the industrial school in Kilkenny,  
9 Dr. Birch, at that time, in the 1960's and 1970's was  
10 very involved?

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

21 279 Q. In relation to matters that may have arisen in Phase II  
22 and the state of knowledge of the community in Kilkenny  
23 in relation to sexual abuse, particularly by Mr. Brady  
24 and by Mr. Murray.

25 A. Yes.

26 280 Q. We have heard evidence from the various people who were  
27 involved in the removal of Mr. Murray from Kilkenny?

28 A. Yes.

29 281 Q. And I think as you have correctly said there are

- 1 different accounts that have been given by different  
2 people of what was said at the time?
- 3 A. Yes.
- 4 282 Q. And that is a matter for the Committee to decide?
- 5 A. Yes.
- 6 283 Q. In relation to Myles Brady, we know that he was  
7 confronted by Sr. Conception and a volunteer, a member  
8 of the Garda in Dublin, at whit weekend in 1977?
- 9 A. Yes.
- 10 284 Q. In the statement that you prepared for the emergence  
11 hearings in July 2004 you said that the understanding  
12 of Sr. Conception at the time was that Mr. Brady had  
13 been physically abusing the children. Also in your  
14 evidence you said that Sr. Conception would be giving  
15 evidence that her understanding was that he physically  
16 abused the children?
- 17 A. Mr. Brady?
- 18 285 Q. Mr. Brady, yes.
- 19 A. Did I say that? I did.
- 20 286 Q. If I can refer you to the evidence that you have given  
21 at Phase I of these hearings and if you turn to page  
22 142?
- 23 A. Of which now?
- 24 287 Q. Of the transcript, I beg your pardon.
- 25 A. Yes.
- 26 288 Q. This is a question, question 404 at the bottom of the  
27 page, and this has been following some debate as to  
28 what was known in 1977 by Mr. Brady. The Chairperson  
29 asked you:

1 "Q. If I am understanding, there are  
2 going to be two positions on that; Sr.  
3 Conception is going say she didn't know  
4 there were allegations of sexual  
5 interference with him at that time."

6 And you say:

7 "A. That's right."

8 Over the page on 143.

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

12 "Q. what did they confront him  
13 with?"

14 And my answer there was that I had only read the  
15 statement of the Garda who accompanied her very lately.  
16 It was only then that I became aware that there was a  
17 reference to, and I want to use the right word and I  
18 can't know what the right word was. Wait until I see  
19 now if I can find it. John Tuohy's evidence. Yes, I  
20 think I have it here. That was the private hearing,  
21 was it?

22 **THE CHAIRPERSON:** I am not sure,  
23 Ms. McGoldrick, we need to  
24 explore all this. It is going to land us into all  
25 kinds of complications, because we have the emergence  
26 hearings, Phase I, in public. In the meantime we have  
27 private hearings, we have court cases, three, some of  
28 which refer to this. We have criminal trials. I mean,  
29 we are going to have to make the best of what we have  
heard. But I am just not sure. Even that last one was

1 a question put by me trying to posit two different  
2 situations, which was about knowledge and not -- I am  
3 just not sure it is terribly useful.

4 **MS. MCGOLDRICK:** My question, Chairman, was  
5 going to be, and the same  
6 objection may apply, my question was going to be is her  
7 understanding of what happened in Whit weekend 1977,  
8 has that changed as a result of what she heard at Phase  
9 II? That was my question.

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

16 289 Q. **THE CHAIRPERSON:** But sex was being spoken  
17 of.

18 A. Indeed, it was.

19 290 Q. **THE CHAIRPERSON:** Sex was in people's minds  
20 when the Garda officer and  
21 Sr. Conception confronted Brady in Dublin that Whit  
22 weekend. And that is contrary, indeed, to what was  
23 said in the question and answer session, to the extent  
24 that that is of significance.

25 A. Yes, that's true.

26 291 Q. **THE CHAIRPERSON:** That is a difference from  
27 that.

28 A. It is a difference, yes. So, listening to the evidence  
29 of that person and of Sr. Conception I would understand

1           that in the presence -- I mean, I think Garda Touhy  
2           said that -- or that man who accompanied Sr. Conception  
3           said.

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

9           A.    Yes, they are indeed.

10   292   Q.   **THE CHAIRPERSON:**           And as to Brady, yes, when  
11    the Garda and the Resident  
12           Manager went to Dublin the allegation was sexual  
13           misconduct?

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

21           **THE CHAIRPERSON:**            There was an acceptance of  
22    that?

23           A.    Yes, there was.

24   293   Q.   **MS. MCGOLDRICK:**            The other area I want to  
25    ask you about are the  
26           protocols or procedures that have been put in place  
27           from time to time to protect children.

28           A.    Yes.

29   294   Q.   I think, Sister, as you rightly said, pedophiles

- 1 operate in such a way that they carry out their  
2 activities in secret and it is very unlikely that they  
3 are going to be caught in the act?
- 4 A. That's right, yes.
- 5 295 Q. That has always the case?
- 6 A. Yes.
- 7 296 Q. And it is still the case today?
- 8 A. Yes.
- 9 297 Q. Therefore, it is very important to put in place  
10 procedures to try and prevent the sexual abuse of  
11 children.
- 12 A. Yes.
- 13 298 Q. In that regard I want to ask you couple of questions  
14 that I think arise as a result of the hearings in Phase  
15 II. We heard evidence that the community of Sisters in  
16 Kilkenny was divided into different work areas?
- 17 A. That's right.
- 18 299 Q. Some were involved in social services and some were  
19 involved in the care of children in the industrial  
20 school?
- 21 A. Yes.
- 22 300 Q. We heard evidence of a rule or a practice that where a  
23 person who is involved in one particular area of work  
24 was privy to information involving the activities of  
25 Sisters in other areas of work that was not something  
26 that would cross over. They were Chinese walls so to  
27 speak. We have heard that, without going into what  
28 exactly was said in the private hearings, we have heard  
29 that complaints were made to an individual who was not

1           involved, a Sister who was not involved in the care of  
2           children in the residential home.

3           A.    Yes.

4   301   Q.    And this rule was used to explain why the complaint was  
5           not passed on.

6           A.    Yes.

7   302   Q.    What is this rule and where does it come from?

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

24  
25          Secondly, the Sisters were engaged in different  
26          ministries, they were trained to do different things.  
27          Some of them would have had very high profile jobs,  
28          like if you were head mistress of a school. Others  
29          might be doing something that was very quiet. So the

1 whole idea of boasting about your ministry, or making  
2 others feel -- that would be part of the reason for not  
3 talking about it either.

4 303 Q. Well this is a slightly different thing. I can  
5 understand what you are saying there and I can  
6 understand how there would be no need to pass an  
7 information to somebody who had no interest in  
8 receiving it?

9 A. Or no right.

10 304 Q. No interest or no right to receive it.

11 A. Yes.

12 305 Q. But supposing somebody came with a concern that was of  
13 great interest to a Sister in a different field of work  
14 and somebody that, if she had that information, she  
15 would be in a position to act on, should that rule  
16 still operate?

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

26

27 Now, when Sisters are employed by -- even our own  
28 Sisters working in our own places like St. Vincent's or  
29 Our Ladies Hospice, or whatever -- if you are reporting

1 to your line manager, first of all, which wouldn't be  
2 Congregation at all, so if I am employed I report to  
3 the person who is the line manager in that particular  
4 institution. So, you know, we would follow the  
5 protocols that any other lay staff would have to follow  
6 in any of our institutions.

7 306 Q. But if I go back to the scenario where a Sister is  
8 advised of a serious concern in relation to another  
9 Sister's area of work.

10 A. Yes.

11 307 Q. Was it ever satisfactory that that would not be passed  
12 on? Could it ever be satisfactory, even in the light  
13 of what we have learnt in the recent years? Was that  
14 ever an excuse?

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

28 308 Q. **THE CHAIRPERSON:** I understand. Sister, do  
29 you think that reticence in

1 discussing -- obviously everybody would respect the  
2 idea that if you are a carer in a hospital or working  
3 in a doctor's surgery, or whatever it is, you don't  
4 come home and blather about your patient. Obviously,  
5 everybody accepts that. Whether you are in a religious  
6 order or not in a religious order there is no problem  
7 about that. And, equally, that it is proper to report  
8 to a manager or your boss, who whoever it is, everyone  
9 agrees with that. I think the question is: Insofar as  
10 there is a religious or congregational emphasis on  
11 silence or non-communication, do you think that creates  
12 a difficulty when you need to have maximum  
13 communication? Something like that.

14  
15 In other words, in a context where people are caring  
16 for children, or whatever else happens to be the  
17 particularly important issues that have to be  
18 communicated, in circumstances where communication is  
19 important is it helpful I think is the basic point  
20 Mr. McGoldrick is at, is it helpful to have a religious  
21 community that regards itself as bound by a rule of not  
22 silence, but reticence? Now, something like that.  
23 Discuss. There is no perfect way of putting this  
24 question, but it is essentially an observation, a  
25 question.

26 A. Isn't it very difficult to communicate what was behind  
27 that because the way you phrase it I don't really  
28 recognise it. I know exactly what you are saying but I  
29 don't recognise it in the way we interacted with each

1 other in that sense. It would never have been thought  
2 of I think that if there was a serious issue it  
3 wouldn't have been brought to the appropriate channels.  
4 Do you know what I mean? So even in a school we  
5 wouldn't talk about our pupils. If something bad  
6 happened, say a teacher in a school had -- I don't know  
7 what she had done, she had got bad results in the Inter  
8 Cert, I don't think a sister would come back who was  
9 the principal of the school and even say that much.  
10 She wouldn't say Miss so and so got bad results. It  
11 would have been very protective, maybe too  
12 protective -- and I think it would be the same today of  
13 the institute -- but it wasn't to prevent legitimate  
14 conversation. And it certainly wasn't there in anyway  
15 intended -- inadvertently it did, perhaps -- but  
16 intended to prevent the legitimate process of a  
17 complaint that was serious to the Community, and  
18 especially to Superior, who was overall in charge of  
19 what was going on.

20 309 Q. **THE CHAIRPERSON:** I don't think there is any  
21 suggestion that it would be  
22 calculated or intended to do that.

23 A. No.

24 310 Q. **THE CHAIRPERSON:** But to go back to the  
25 school thing that you are  
26 talking about, sister. If there is no discussion, for  
27 instance about punishment.

28 A. Yes.

29 311 Q. **THE CHAIRPERSON:** Suppose it is one of those

1 schools where, like when I  
2 was at school, if there is no discussion about  
3 punishment then it might be suggested that it was open  
4 to each teacher to decide for himself, in my case,  
5 how much punishment he would do.

6 A. Right.

7 312 Q. **THE CHAIRPERSON:** whereas if you had more  
8 discussion it might be  
9 said, well, you are more likely to have a standard  
10 policy or stop somebody going over the top or losing  
11 his head, or whatever it was. So, in that context  
12 discussion of the job and the work has relevance. Do  
13 you understand? I don't want to box you into a corner.

14 A. I do, but your analogy falls down really if you think  
15 about it, because if you are talking about teachers who  
16 are all within a school, working at the same thing the  
17 difference from what we are talking about now is that  
18 we were engaged in a whole lot of different works. Say  
19 we had been a Congregation only engaged in education,  
20 like maybe the Brother or the Mercy Sisters, I could  
21 imagine them coming back in and talking about what was  
22 going on in the school. But there might only have  
23 been two Sisters in the school, say, in one of our  
24 houses in Dublin. There would be two over at the  
25 hospital. There could be three out in social work.  
26 That was why we didn't talk about it. And there was  
27 one house I can think of where most of the Sisters,  
28 funnily enough, were in education. I suspect there a  
29 lot of conversation would have gone on around. Maybe.

- 1 313 Q. **THE CHAIRPERSON:** So the short answer is  
2 really that the religious,  
3 if that is what it was, practice or understanding you  
4 say had nothing to do with the communication or non  
5 communication of relevant information one way or the  
6 other.
- 7 A. I think that's true. I do think that's true.
- 8 **THE CHAIRPERSON:** Okay.
- 9 314 Q. **MS. MCGOLDRICK:** Another issue that I think  
10 arose in Phase II, a number  
11 of sisters gave evidence who were teaching or looking  
12 after the children at the same time as David Murray  
13 and/or Myles Brady were working?
- 14 A. That's right.
- 15 315 Q. And also a number of lay workers gave evidence as to  
16 their recollection of David Murray and Myles Brady. I  
17 think in David Murray's case we know that he was the  
18 first childcare worker to qualify from the Kilkenny  
19 course?
- 20 A. Yes.
- 21 316 Q. And it was regarded as a bit of a coup to have him in  
22 Kilkenny?
- 23 A. Indeed.
- 24 317 Q. And we now that it was very difficult to recruit male  
25 staff. So most of them recalled him coming, most of  
26 them recalled him being very well regarded by the  
27 community, but none of them recalled his departure from  
28 the school, or from the institution. None of them  
29 recalled that he was fired for being harsh on the

1 children, or none of them had ever heard of there being  
2 any concern at the time. The same can be said in  
3 respected of Myles Brady. If you go back, and we are  
4 looking at the procedures and safeguards that should be  
5 put in place so that pedophiles cannot operate in a  
6 residential setting, was that not a failure on the part  
7 of the congregation?

8 A. Yes, but the presumption, I think, behind your question  
9 then is that it was known he was a pedophile therefore,  
10 Murray for instance, things should have been put in  
11 place. I think, for instance, that they did know he  
12 was gone. I think they all said they knew he was gone.  
13 I think it was they didn't know why he was gone. Isn't  
14 that right?

15 318 Q. Yes.

16 A. I am sorry, I have lost your question.

17 319 Q. **THE CHAIRPERSON:** Was that a failure?

18 A. Which? That they didn't know why he was gone?

19 320 Q. **THE CHAIRPERSON:** That they didn't know why  
20 he was gone?

21 A. Was that a failure? I don't know. If a teacher in a  
22 school was dismissed should you tell the other  
23 teachers? I don't know.

24 321 Q. **THE CHAIRPERSON:** Well, you were going back  
25 to the analogy of the  
26 school that you said wasn't the right one. It is hard  
27 to think of circumstances where somebody disappears  
28 suddenly that you would think it appropriate that  
29 nothing would be said.

1 A. So if you follow that through then, what do you think  
2 should have been done? Should she have assembled the  
3 staff and said I have dismissed Myles Brady -- or the  
4 other man, Murray -- because he was hard on the lads?  
5 Maybe. I really don't know. I mean I know what I  
6 should do now. I don't know.

7 322 Q. **MS. MCGOLDRICK:** To stay on the area of  
8 protocol and safeguards.  
9 We know that David Murray sexually abused children in  
10 the school.

11 A. Yes.

12 323 Q. We know that Myles Brady sexually abused children in  
13 the school.

14 A. Yes.

15 324 Q. And there is debate as to whether the children made  
16 known that complaint?

17 A. That's right.

18 325 Q. Supposing we take it that no child made an allegation  
19 or made any sister aware that they were being sexually  
20 abused does that not also suggest another failure in  
21 the system, that the children did not feel free to  
22 complain?

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

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

6 326 Q. Is there anything to be read into the fact that the  
7 only complaint that we are certain that was made of a  
8 sexual nature involved the sexual abuse of a child who  
9 was not a resident of the school.

10 A. Not a resident.

11 327 Q. That that child was able to articulate a complaint of  
12 sexual abuse?

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

27 MS. MCGOLDRICK: Thank you Sister.

28

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



1 333 Q. Had a conversation with Mr. Brady?

2 A. That's right.

3 334 Q. And dismissed him on the spot?

4 A. That's right, yes. And, in fact, he made a half page  
5 report to his superintendent on the matter. But as no  
6 formal complaint had been made it couldn't be pursued  
7 and Sister was never asked to make a statement.

8 335 Q. Just looking at the speed with which Sr. Joseph's  
9 Conception reacted once she got a serious complaint of  
10 what she understood to be physical abuse in relation  
11 Mr. Murray. How quickly did she react there do you  
12 know?

13 A. Within the same day. That evening she went to  
14 Mr. Murray.

15 336 Q. And dismissed him?

16 A. And dismissed him.

17 337 Q. On this same theme, Sister, the question of how Sisters  
18 in St. Joseph's responded to concerns or worries  
19 expressed by children and not exploring them, it was  
20 put to you by the Chairman in terms of there being a  
21 lack of skill in getting to the bottom of what was  
22 wrong.

23 A. Yes.

24 338 Q. In terms of childcare skills -- they are very developed  
25 now we know in terms of exploring these matters -- the  
26 childcare courses that you refer to, which members of  
27 your Order went to from 1948 onwards, have you seen  
28 anything in relation to the content of those courses?

29 A. I have, yes.

- 1 339 Q. They are in discovered documentation, and we can send  
2 additional copies, but is there anything in the  
3 description of the content of the courses dealing with  
4 sexual abuse or the safeguards to be taken in relation  
5 to possible sexual abuse of children in your care?  
6 A. Not only that, but there is no reference to physical  
7 abuse in any of those courses. In fact, I think during  
8 the course of the private hearings evidence was given  
9 to that effect, that in any of the courses at the time  
10 there was nothing on that subject.
- 11 340 Q. That was in relation to the new what was regarded as a  
12 very progressive course instigated in Kilkenny?  
13 A. That's right, yes.
- 14 341 Q. Which Mr. Murray graduated from?  
15 A. That's right. If punishment was mentioned in that  
16 course, for instance, it was said it was in relation to  
17 the families, not in relation to the institution.
- 18 342 Q. Apart from the course that the Walthamstowe Sisters  
19 went to and the Kilkenny course, did the Order take any  
20 other steps to educate Sisters in childcare who were  
21 going to work in St. Joseph's?  
22 A. Yes. A number of them did the course in Cork and the  
23 course in Waterford. Now, there were also, in relation  
24 to question asked by the Commission's counsel, there  
25 were a number of short courses. In fact, I have the  
26 timetable, which I found recently in the discovery, for  
27 the one that was held in Carysfort, and Anna McCabe was  
28 at it. There is a timetable for everything that was  
29 dealt with in that and there was no mention in that of

1 anything to do with punishment or talk of physical or  
2 sexual abuse.

3 343 Q. Is it the same Dr. McCabe who wrote the report in  
4 relation to Mr. BLANK's abuse?

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

8 344 Q. It was commented on that Sr. Joseph Conception had not  
9 undergone any formal childcare training?

10 A. That's right.

11 345 Q. Would she have been a minority of the Sisters working  
12 in childcare in St. Joseph's in that regard or not?

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

18 346 Q. Am I correct in saying that she had a number of jobs in  
19 St. Joseph's before becoming Resident Manager?

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

22 347 Q. In terms of her position and, again, the failure to  
23 uncover what had happened to these sexually abused  
24 children, I just want to draw your attention to a  
25 passage. I will just read it to you, there is no need  
26 to refer to it, from Mr. Connellan's evidence in his  
27 High Court case. This is what was recited by the  
28 Judge. I just want to put it to you to see if it is  
29 consistent with reports you have had from other

1 children at St. Joseph's. This is Mr. Justice  
2 O'Donovan in his judgment at page 14, he quotes Mr.  
3 Connellan as saying:

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

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

19 A. Yes.

20 348 Q. How does that compare with other descriptions of  
21 experiences?

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

30 349 Q. **THE CHAIRPERSON:** Do you agree with  
31 Mr. Connellan's evidence as  
32 to Sr. Conception?

33 A. Naivety. Do I agree with his evidence? I mightn't  
34 express it in those terms.

1 350 Q. **THE CHAIRPERSON:** Let me go on to what I am  
2 really concerned about. If  
3 she was the sort of person who couldn't have been told  
4 about sex abuse understood the question occurs to me  
5 whether she should have been in charge of an  
6 institution for so long?

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

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

13 A. It is important.

14 351 Q. **THE CHAIRPERSON:** If he says somebody is  
15 very gullible, or whatever,  
16 and wouldn't have been able to -- but that does raise a  
17 big question.

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

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

29 A. Absolutely right. But I don't think -- I mean Sr.

1 Conception is an intelligent woman. She has shown  
2 extraordinary.

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

6 A. He is, yes.

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

11 **MR. BUTLER:** But perhaps not doing her  
12 any favours in the long  
13 run.

14 A. Overstating.

15 **THE CHAIRPERSON:** Perhaps he is opening  
16 another door.

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

22 A. Yes.

23 352 Q. Is that suggestion of gullibility and lack of awareness  
24 of the absolute unacceptability, is that consistent  
25 with the charge of gullibility?

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

1 private hearings.

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

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

22 **THE CHAIRPERSON:** which is a fair submission  
23 and point to make.

24 A. Absolutely.

25 353 Q. **MR. BUTLER:** Could I pass on from that  
26 Sr. Una to something  
27 Mr. Maher raised in relation to Dr. McQuade's  
28 involvement and the identification of certain numbers  
29 of disturbed children in his 1973 December letter and

1           that being followed up by the Department of Education.  
2           Can you assist the Committee in giving some sort of  
3           picture of the psychiatric supports that were arranged  
4           for children in St. Joseph's? In other words, did they  
5           ever see a psychiatrist or what role did any  
6           psychiatrist have in looking after the children's well  
7           being?

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

13   354   Q.    This is Dr. Vincent Moloney

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

22   355   Q.    That arrangement, for reasons we needn't go into, came  
23          to an end.

24          A.    It did.

25   356   Q.    On the advice of the Department of Education?

26          A.    Of Mr. Granville, yes.

27   357   Q.    Thereafter there was still psychiatric support, I  
28          think?

29          A.    There was. If you read through the daily diaries there

1 was. I mean every effort was made between social  
2 workers, psychiatrists and the care assistants to deal  
3 with ever aspect of the children's psychological  
4 health.

5  
6  
7 **MR. BUTLER:** Thank you very much.

8  
9 **END OF EXAMINATION OF SR. UNA O'NEILL BY MR. BUTLER**

10  
11 **THE CHAIRPERSON:** Very good. Now, Mr. Lowe,  
12 have you anything to ask.

13  
14 **SR. UNA O'NEILL WAS FURTHER QUESTIONED, AS FOLLOWS, BY**  
15 **THE COMMISSION**

16  
17 358 Q. **MR. LOWE:** I have just one question.  
18 I read Dr. Paul McQuade's  
19 letter in a very different way from the way that  
20 Mr. Maher read it. It ends with the sentence "if I can  
21 assist you" or something like that, I don't have a copy  
22 of the letter. But it struck me that the whole letter  
23 was describing things as he found it and was giving her  
24 ammunition in order to get additional resources, which  
25 is how she in fact used the letter, because she  
26 appeared to have sent it forward and the Department  
27 said capitation doesn't allow for extra money for  
28 disturbed children?

29 A. Yes.

- 1 359 Q. **MR. LOWE:** If I am right, he is  
2 describing a set of  
3 circumstances where 80 children, 32 were disturbed, and  
4 that was not peculiar to December 1973 but had attained  
5 beforehand. This is my question: If that was the  
6 case, how long was this kind of intake common to the  
7 children coming into the school?  
8 A. Could you just remind me what the date of that letter  
9 was?  
10 360 Q. **MR. LOWE:** It was 12 December, 1973 I  
11 think.  
12 A. I link it always with the letter that both the teacher,  
13 who also gave evidence for before the Commission, and  
14 Dr. Birch wrote where the both of them talk about the  
15 degree of disturbance in the children and the fact that  
16 there had been a shift in the kind of children being  
17 admitted. I suspect that in the earlier years the  
18 children who were admitted came from situations where  
19 maybe a parent had died, where a parent couldn't care  
20 for the children, where the ISPCC felt there was some  
21 evidence of neglect, or whatever. In the later years,  
22 especially the Health Board children, they would have  
23 been taken into St. Joseph's because of serious home  
24 disturbances. Now that covers a multitude. So, I  
25 would suspect that somewhere around there the kind  
26 of -- now, I mean the same kind of children continued  
27 to come but that there was a large element of children  
28 who were quite disturbed when they actually came in.  
29 361 Q. **MR. LOWE:** We are talking from what

- 1 date?
- 2 A. Let me see, I am no use with dates at all.
- 3 MR. LOWE: 60's? I only want an
- 4 approximation.
- 5 A. When did the Health Board take over?
- 6 MR. LOWE: 70.
- 7 A. 70. Yes, you see you have all that thing in
- 8 the...(INTERJECTION).
- 9 362 Q. MR. LOWE: The question really is if
- 10 this had been the situation
- 11 for some time, why was it not recognised and pushed
- 12 through earlier?
- 13 A. But I think it was recognised maybe not in that
- 14 professional language, but it was recognised in the
- 15 efforts, for instance, to get extra tutors to the help
- 16 the children.
- 17 363 Q. MR. LOWE: Was it raised at the
- 18 Resident Manager's
- 19 meetings, and so on?
- 20 A. I wouldn't have any notion, I have never read any of
- 21 those. That would be interesting. I don't know. I
- 22 don't have access to those.
- 23 MR. LOWE: Okay, thank you.
- 24 THE CHAIRPERSON: Now Ms. Shanley?
- 25 MS. SHANLEY: I have just two brief
- 26 questions. Firstly, you
- 27 have spoken a lot about the language that the children
- 28 would have had available to them to explain what has
- 29 happened to them. Have you seen Dr. Anna McCabe's

1 reports from her interviews with the children in 1954?

2 A. I have.

3 364 Q. **MS. SHANLEY:** would you accept that they  
4 had absolutely no  
5 difficulty explaining what was done to them?

6 A. Yes, and it is in very personal language.

7 365 Q. **MS. SHANLEY:** It is. It is quite  
8 explicit and quite  
9 unambiguous?

10 A. It is.

11 366 Q. **MS. SHANLEY:** So certainly in 1954 there  
12 was no difficulty in  
13 explaining sexual abuse?

14 A. But remember that these were girls talking to Anna  
15 McCabe. You know, boys talking to Sr. Conception, I  
16 mean the language -- and when I talk about language I  
17 am talking about the use of phrases like "sexual  
18 abuse", like "pedophile" and all of those.

19 367 Q. **MS. SHANLEY:** well even not that, but to  
20 actually explain what was  
21 being done.

22 A. Sure, sure.

23 368 Q. **MS. SHANLEY:** I am just putting it to you  
24 that the language was  
25 there, whether it was used or not, the language was  
26 certainly there in 1954.

27 A. Yes, I agree.

28 369 Q. **MS. SHANLEY:** The other question I want  
29 to ask you, and it is just

1 to get back to something you said earlier on at the  
2 very beginning, that you had a difficulty apologising  
3 for what had occurred in Kilkenny. You said too that  
4 you believed that the responsibility for what happened  
5 belonged with the abusers.

6 A. Primarily.

7 370 Q. **MS. SHANLEY:** Primarily. So you would  
8 accept some responsibility?

9 I am not clear about this.

10 A. Sure.

11 371 Q. **MS. SHANLEY:** You made the analogy with a  
12 parent and you said that if  
13 a child had been abused in a home and the parent  
14 wouldn't apologise to the child.

15 A. Yes.

16 372 Q. **MS. SHANLEY:** I am not so sure you are  
17 right. I think if a child  
18 is abused by -- if a parent lets a child down in anyway  
19 I think it is part of the responsible parent, of the a  
20 caring parent.

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

26 373 Q. **MS. SHANLEY:** Is that not an apology?

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

29 374 Q. **MS. SHANLEY:** Then would you be happy to

1 say you are sorry?

2 A. Absolutely, deeply sorry. And we have said it on four  
3 occasions, we have said it in public statements.

4 375 Q. MS. SHANLEY: And you would share in the  
5 general apology of the  
6 Orders that were made on behalf of the State and then  
7 the general apologies that were made?

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

14 376 Q. MS. SHANLEY: And you don't feel that  
15 this is what you should do  
16 in this situation?

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

23 MS. SHANLEY: Okay, thank you.

24  
25 END OF FURTHER QUESTIONING OF SR. UNA O'NEILL BY THE  
26 COMMISSION

27  
28 THE CHAIRPERSON: Very good, thank you very  
29 much. All right, we will

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

2

3

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

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## 0

01-0050 [1] - 64:6  
01-0051/1 [1] - 61:28  
059-124/1 [2] - 14:2,  
14:3  
059-131 [1] - 20:18  
060/3 [1] - 76:19

## 1

1 [8] - 3:8, 14:1,  
20:25, 33:27, 45:28,  
49:24, 55:15, 55:27  
11 [1] - 4:29  
111 [2] - 12:12, 12:20  
113 [1] - 12:19  
12 [2] - 17:1, 105:10  
12th [3] - 13:29,  
16:14, 70:15  
14 [1] - 99:2  
142 [1] - 80:22  
143 [1] - 81:7  
148 [1] - 8:22  
149 [3] - 8:10, 8:15,  
8:20  
166-003 [1] - 55:5  
16th [2] - 55:8, 55:22  
17 [1] - 17:3  
1940's [1] - 32:3  
1942 [1] - 69:29  
1948 [4] - 70:9,  
70:15, 70:25, 96:27  
1950's [6] - 11:29,  
12:2, 13:14, 32:3,  
49:23, 50:10  
1954 [6] - 49:27,  
51:29, 77:11, 107:1,  
107:11, 107:26  
1954/55 [1] - 50:21  
1956 [1] - 69:29  
1956/57 [1] - 71:7  
1957 [1] - 71:7  
1960's [6] - 11:29,  
12:2, 13:14, 32:3,  
71:17, 79:9  
1964 [1] - 74:12  
1970's [17] - 11:4,  
11:29, 12:2, 12:4,  
13:15, 13:19, 32:4,  
35:5, 36:27, 46:26,  
46:27, 50:2, 50:11,  
63:21, 78:13, 79:9  
1970s [1] - 50:7  
1972 [4] - 16:19,  
16:20, 35:14, 55:14  
1973 [6] - 13:29,  
16:15, 35:9, 102:29,  
105:4, 105:10

1974 [2] - 20:23, 55:9  
1976 [3] - 35:17,  
35:20, 55:14  
1977 [8] - 59:6, 59:7,  
60:20, 66:10, 80:8,  
80:28, 82:7  
1979 [2] - 55:3, 55:21  
1980's [8] - 11:27,  
12:16, 12:18, 12:23,  
12:26, 13:2, 13:15,  
30:22  
1981 [1] - 74:12  
1985 [2] - 16:19,  
16:21  
1990 [2] - 31:13,  
67:23  
1990's [6] - 11:27,  
12:18, 12:23, 12:26,  
13:2, 13:15  
1:07 [1] - 110:3  
1st [2] - 5:2, 8:9

## 2

2 [7] - 33:27, 46:1,  
49:24, 55:4, 55:15,  
55:28, 65:1  
20 [1] - 17:2  
2004 [1] - 80:11  
2005 [3] - 5:2, 8:10,  
38:20  
2006 [2] - 1:11, 4:2  
21st [2] - 55:20,  
55:21  
222 [1] - 1:11  
23rd [1] - 66:10  
25 [1] - 5:4  
252 [1] - 3:9  
253 [1] - 3:11  
25th [1] - 71:6  
29/4/1974 [1] - 20:20

## 3

3 [4] - 33:27, 55:16,  
65:2, 75:19  
30 [1] - 56:15  
31st [2] - 1:11, 4:1  
32 [2] - 16:26, 105:3  
327 [1] - 3:11  
328 [1] - 3:12  
357 [1] - 3:12  
358 [1] - 3:14  
376 [1] - 3:14

## 4

4 [3] - 1:7, 33:27,  
65:3

400 [1] - 81:9  
404 [1] - 80:26  
437 [1] - 39:8

## 5

5 [2] - 33:27, 65:5  
50's [1] - 94:5  
5th [1] - 51:29

## 6

6 [3] - 33:27, 33:29,  
65:7  
60 [1] - 74:16  
60's [2] - 94:5, 106:3  
64 [2] - 75:21, 75:24  
67 [1] - 76:19

## 7

7 [4] - 3:8, 33:27,  
34:8, 65:8  
70 [2] - 106:6, 106:7

## 8

8 [1] - 3:9  
80 [4] - 16:23, 16:26,  
17:1, 105:3  
88 [3] - 14:6, 14:7,  
14:17

## 9

9 [2] - 33:29, 64:5  
97 [1] - 62:17

## A

abandon [1] - 76:6  
ability [2] - 25:29,  
94:1  
able [13] - 12:11,  
16:13, 18:18, 39:24,  
39:27, 45:26, 54:6,  
74:22, 74:23, 74:25,  
74:27, 94:11, 100:16  
above-named [1] -  
1:31  
absence [1] - 23:15  
absolute [1] - 101:24  
absolutely [3] - 23:1,  
98:15, 107:4  
Absolutely [8] - 23:3,  
23:6, 38:25, 47:20,  
86:17, 100:29,  
102:24, 109:2  
abuse [48] - 9:2,

9:19, 9:29, 16:9,  
22:27, 23:2, 23:11,  
23:20, 24:12, 24:25,  
25:12, 25:29, 26:2,  
26:17, 27:1, 30:4,  
31:3, 31:4, 31:20,  
31:24, 33:15, 34:10,  
34:12, 40:6, 41:5,  
41:9, 58:28, 77:27,  
79:23, 82:12, 84:10,  
94:8, 94:12, 96:10,  
97:4, 97:5, 97:7, 98:2,  
98:4, 99:12, 99:13,  
100:4, 101:20,  
107:13, 107:18,  
109:18, 109:20  
Abuse [1] - 1:2  
abused [16] - 9:11,  
25:5, 26:3, 26:8,  
26:14, 31:18, 40:3,  
48:14, 50:5, 80:16,  
93:9, 93:12, 93:20,  
98:23, 108:13, 108:18  
abusers [1] - 108:5  
abusing [1] - 80:13  
accept [17] - 26:15,  
26:18, 27:3, 27:4,  
27:8, 27:24, 27:25,  
28:3, 28:5, 37:5,  
37:10, 39:1, 39:2,  
48:9, 50:19, 107:3,  
108:8  
acceptance [1] -  
83:21  
accepted [2] - 26:16,  
29:7  
accepting [1] - 63:2  
accepts [1] - 88:5  
access [2] - 56:17,  
106:22  
accident [2] - 28:4,  
28:6  
accidents [1] - 28:10  
accommodate [1] -  
74:29  
accompanied [3] -  
34:29, 81:14, 83:2  
accordingly [1] -  
99:9  
account [1] - 79:15  
accountable [1] -  
26:2  
accounts [1] - 80:1  
accumulation [2] -  
54:21, 54:26  
accurate [2] - 1:29,  
99:17  
act [2] - 84:3, 86:15  
acting [1] - 78:4  
action [5] - 1:31,

51:12, 52:6, 54:28,  
63:14  
actions [1] - 102:20  
active [1] - 78:24  
activities [4] - 39:24,  
74:22, 84:2, 84:24  
acts [1] - 35:4  
actual [1] - 8:13  
adamant [1] - 54:14  
add [1] - 8:4  
addendum [1] -  
62:23  
addition [1] - 56:23  
additional [4] - 21:3,  
76:8, 97:2, 104:24  
addressed [1] -  
16:17  
adduced [1] - 11:13  
adequate [1] - 17:21  
administered [1] -  
73:19  
admission [3] -  
12:24, 18:4, 18:8  
admitted [4] - 18:15,  
83:19, 105:17, 105:18  
ado [1] - 15:21  
adolescence [1] -  
17:22  
adoption [1] - 74:25  
advantage [1] -  
43:12  
advantages [1] -  
76:6  
advise [2] - 103:15,  
103:25  
advise [2] - 77:25,  
78:9  
advised [5] - 23:25,  
59:9, 77:17, 78:22,  
87:8  
advising [2] - 68:24,  
77:19  
advisors [1] - 23:25  
advocate [1] - 79:15  
affairs [1] - 78:29  
aftermath [1] - 53:1  
age [1] - 53:12  
agencies [1] - 8:4  
ago [2] - 49:8,  
100:23  
agree [7] - 19:21,  
29:24, 62:26, 63:23,  
99:25, 99:28, 107:27  
agreed [4] - 45:3,  
52:26, 53:3, 53:4  
agreement [1] - 29:6  
agrees [2] - 15:17,  
88:9  
ahead [2] - 76:26,  
77:1

**alert** [1] - 39:26  
**aligning** [1] - 109:10  
**allegation** [6] -  
 16:10, 55:25, 57:24,  
 68:14, 83:12, 93:18  
**allegations** [5] -  
 42:27, 42:29, 43:1,  
 81:2, 102:21  
**alleged** [1] - 33:24  
**alleges** [1] - 34:2  
**allow** [2] - 36:26,  
 104:27  
**allowing** [1] - 38:23  
**almost** [2] - 95:19,  
 95:21  
**Alsatian** [8] - 36:17,  
 36:27, 37:8, 37:19,  
 37:20, 37:21, 37:25,  
 37:29  
**alternative** [2] -  
 48:25, 65:5  
**alternatives** [1] -  
 48:11  
**amalgam** [1] - 7:10  
**amalgamated** [1] -  
 71:15  
**ammunition** [1] -  
 104:24  
**amount** [4] - 26:10,  
 26:11, 36:8, 93:23  
**analogy** [3] - 90:14,  
 92:25, 108:11  
**analyse** [2] - 13:13,  
 61:20  
**analysis** [1] - 7:8  
**angle** [1] - 23:21  
**anguish** [1] - 10:22  
**Anna** [9] - 50:28,  
 51:18, 52:1, 52:26,  
 52:29, 53:4, 97:27,  
 106:29, 107:14  
**annals** [2] - 72:19,  
 73:2  
**answer** [16] - 12:11,  
 18:10, 21:26, 24:22,  
 26:13, 40:4, 46:22,  
 46:23, 56:7, 64:13,  
 81:13, 82:10, 82:23,  
 87:23, 91:1  
**answered** [1] - 50:9  
**answering** [1] - 56:9  
**answers** [1] - 47:8  
**anticipate** [1] - 4:17  
**Anyway** [1] - 22:18  
**anyway** [4] - 24:27,  
 76:22, 89:14, 108:18  
**Apart** [2] - 60:29,  
 97:18  
**apart** [2] - 21:20,  
 23:21

**apologies** [2] -  
 109:7, 109:11  
**apologise** [4] -  
 23:16, 25:5, 108:14,  
 108:22  
**apologising** [1] -  
 108:2  
**apology** [7] - 24:20,  
 24:24, 24:27, 24:29,  
 108:26, 109:5, 109:9  
**appalling** [1] - 77:28  
**apparent** [3] - 40:8,  
 40:9, 40:11  
**appealed** [1] - 59:25  
**appear** [6] - 34:24,  
 52:26, 64:22, 71:14,  
 71:26, 78:5  
**appeared** [1] -  
 104:26  
**appellant** [1] - 2:23  
**applied** [1] - 87:17  
**apply** [2] - 58:28,  
 82:6  
**appreciate** [5] - 48:7,  
 56:18, 66:20, 67:1,  
 77:20  
**approached** [5] -  
 21:6, 21:9, 24:6,  
 64:28, 65:16  
**appropriate** [5] -  
 22:6, 29:23, 62:20,  
 89:3, 92:28  
**approval** [1] - 70:12  
**approximation** [1] -  
 106:4  
**Ard** [1] - 55:13  
**area** [5] - 83:24,  
 84:23, 87:9, 93:7,  
 102:13  
**areas** [2] - 84:16,  
 84:25  
**argue** [1] - 48:4  
**arise** [1] - 84:14  
**arisen** [3] - 69:18,  
 69:24, 79:21  
**arises** [1] - 28:28  
**arising** [1] - 45:15  
**arms** [1] - 108:24  
**arose** [1] - 91:10  
**arranged** [1] - 103:3  
**arrangement** [1] -  
 103:22  
**Arthur** [2] - 2:17,  
 5:22  
**articulate** [1] - 94:11  
**artificial** [1] - 7:11  
**artificial** [3] - 7:3,  
 7:25, 8:6  
**aside** [1] - 61:13  
**aspect** [2] - 9:19,

104:3  
**assault** [3] - 49:13,  
 50:22, 50:25  
**assaulted** [4] -  
 50:26, 51:10, 67:15,  
 94:21  
**assaults** [1] - 50:8  
**assembled** [1] - 93:2  
**assessment** [2] -  
 11:24, 12:1  
**assessments** [1] -  
 102:18  
**assist** [8] - 15:5,  
 30:14, 42:14, 54:18,  
 56:19, 68:9, 103:2,  
 104:21  
**assistance** [2] -  
 17:26, 72:25  
**assistant** [2] - 42:1,  
 52:2  
**assistants** [1] -  
 104:2  
**associated** [1] -  
 37:26  
**assume** [3] - 17:26,  
 44:21, 49:6  
**Assuming** [1] - 46:13  
**assumption** [2] -  
 19:18, 22:15  
**assured** [1] - 66:13  
**attained** [1] - 105:4  
**attend** [6] - 5:15,  
 70:29, 71:11, 71:19,  
 71:27, 74:26  
**attended** [4] - 27:6,  
 44:22, 70:1  
**attention** [8] - 17:10,  
 17:17, 20:15, 22:20,  
 40:12, 58:7, 67:3,  
 98:24  
**attitude** [1] - 72:21  
**August** [4] - 55:9,  
 55:20, 55:21, 55:22  
**aunt** [1] - 9:12  
**authority** [4] - 73:18,  
 74:3, 74:6  
**available** [2] - 30:11,  
 106:28  
**avoid** [1] - 60:14  
**awarded** [2] - 36:8,  
 70:12  
**aware** [15] - 13:23,  
 37:27, 38:19, 42:25,  
 42:26, 43:29, 46:7,  
 59:20, 64:20, 66:5,  
 70:8, 81:15, 93:19,  
 101:7  
**awareness** [1] -  
 101:23

## B

**backside** [1] - 34:15  
**bad** [6] - 53:13, 75:1,  
 75:2, 89:5, 89:7,  
 89:10  
**badly** [1] - 65:4  
**balances** [1] - 48:4  
**bald** [1] - 57:28  
**Ballsbridge** [1] - 1:7  
**based** [1] - 38:3  
**basic** [2] - 56:12,  
 88:19  
**basis** [2] - 39:16,  
 76:17  
**Bdkk** [2] - 61:28,  
 64:6  
**bear** [5] - 21:17,  
 29:1, 51:19, 67:19,  
 100:21  
**bearing** [1] - 67:4  
**beat** [5] - 34:2,  
 34:16, 35:27, 65:3,  
 68:20  
**beaten** [2] - 38:20,  
 38:26  
**beatings** [1] - 30:28  
**became** [3] - 70:8,  
 81:15, 98:21  
**become** [1] - 32:1  
**becoming** [1] - 98:19  
**bedroomed** [1] -  
 75:29  
**Beech** [3] - 76:24,  
 76:27  
**beforehand** [1] -  
 105:5  
**beg** [4] - 12:21,  
 51:16, 75:25, 80:24  
**began** [2] - 23:20,  
 85:12  
**begin** [1] - 64:24  
**beginning** [4] -  
 23:17, 64:8, 76:28,  
 108:2  
**begins** [1] - 34:9  
**behalf** [5] - 78:2,  
 78:4, 79:16, 79:17,  
 109:6  
**behaviorally** [1] -  
 17:5  
**behavioural** [4] -  
 10:11, 11:16, 12:7,  
 12:24  
**behind** [2] - 88:26,  
 92:8  
**belief** [1] - 99:23  
**belonged** [1] - 108:5  
**best** [9] - 67:3, 73:5,  
 76:17, 77:7, 79:11,

81:28, 99:6, 101:4,  
 101:9  
**better** [5] - 50:21,  
 57:9, 61:7, 76:7,  
 101:29  
**between** [22] - 9:4,  
 13:14, 16:19, 17:9,  
 23:14, 23:18, 24:18,  
 25:2, 28:1, 28:18,  
 37:21, 66:29, 68:12,  
 69:29, 73:13, 73:26,  
 73:27, 74:11, 74:12,  
 83:6, 102:4, 104:1  
**beyond** [1] - 99:23  
**big** [1] - 100:17  
**Birch** [7] - 18:11,  
 74:12, 78:14, 78:18,  
 78:23, 79:9, 105:14  
**Birch's** [2] - 64:15,  
 75:27  
**Bishop** [26] - 73:13,  
 73:19, 73:20, 73:22,  
 73:24, 73:25, 73:27,  
 74:5, 74:12, 74:21,  
 75:8, 75:10, 76:6,  
 76:10, 76:25, 77:8,  
 77:13, 77:16, 77:22,  
 77:25, 78:3, 78:9,  
 78:11, 79:4, 79:7  
**bishop** [6] - 53:10,  
 62:4, 64:19, 64:21,  
 66:7  
**bit** [12] - 8:21, 29:25,  
 29:26, 45:2, 56:11,  
 58:5, 59:2, 64:22,  
 91:21, 98:6  
**Bl** [2] - 2:7, 2:8  
**bladder** [1] - 88:4  
**blah** [3] - 20:9  
**blame** [1] - 25:21  
**blank** [1] - 42:24  
**Blank** [3] - 52:8,  
 52:15, 68:25  
**Blank's** [1] - 98:4  
**blanks** [1] - 61:17  
**bleeding** [1] - 35:28  
**blemish** [1] - 57:23  
**blind** [1] - 42:18  
**block** [1] - 76:8  
**blue** [1] - 28:13  
**bluntly** [1] - 43:13  
**blushes** [1] - 53:11  
**board** [4] - 56:24,  
 57:2, 57:15, 68:1  
**Board** [2] - 105:22,  
 106:5  
**boarding** [1] - 7:16  
**boasting** [1] - 86:1  
**bold** [1] - 32:16  
**Book** [4] - 30:9,

30:12, 30:16, 30:18  
**booklet** [1] - 15:9  
**Bor** [1] - 42:11  
**boss** [1] - 88:8  
**bottom** [3] - 8:22,  
80:26, 96:21  
**bound** [5] - 27:29,  
28:11, 28:16, 29:8,  
88:21  
**box** [2] - 68:19,  
90:13  
**boy** [8] - 17:2, 54:23,  
65:3, 83:20, 94:4,  
94:21, 95:13  
**boys** [21] - 9:29,  
17:3, 31:4, 39:27,  
39:28, 39:29, 40:15,  
45:22, 46:2, 47:1,  
47:5, 48:12, 54:8,  
64:28, 65:1, 68:17,  
74:26, 74:29, 103:18,  
103:19, 107:15  
**Boys** [1] - 58:17  
**Brady** [33] - 58:10,  
58:11, 58:14, 58:26,  
59:5, 60:19, 60:29,  
61:2, 62:20, 65:17,  
65:21, 67:11, 78:16,  
78:20, 79:23, 80:6,  
80:12, 80:17, 80:18,  
80:28, 82:14, 82:21,  
83:7, 83:10, 83:19,  
91:13, 91:16, 92:3,  
93:3, 93:12, 94:17,  
94:18, 96:1  
**Brady's** [1] - 65:25  
**Bradys** [1] - 24:28  
**break** [1] - 73:7  
**breakdown** [1] - 17:9  
**brief** [1] - 106:25  
**briefly** [1] - 51:28  
**bring** [1] - 17:16  
**brings** [1] - 37:12  
**broader** [1] - 100:20  
**Brother** [1] - 90:20  
**Brought** [1] - 39:13  
**brought** [10] - 20:15,  
39:12, 42:10, 59:24,  
68:17, 68:20, 79:19,  
89:3, 93:24, 93:25  
**brush** [1] - 38:26  
**building** [1] - 76:8  
**built** [2] - 74:25,  
74:28  
**bury** [1] - 39:14  
**Butler** [30] - 2:12,  
3:12, 5:21, 20:14,  
27:12, 27:19, 28:5,  
28:13, 28:23, 29:9,  
43:2, 43:22, 50:14,

57:1, 59:22, 59:26,  
60:4, 60:5, 60:9,  
87:15, 95:3, 95:8,  
95:10, 101:11,  
101:17, 102:5,  
102:14, 102:25,  
104:7, 104:9  
**Butler's** [1] - 28:28  
**button** [1] - 6:18  
**Byrne** [1] - 44:9

---

**C**

---

**cabbage** [1] - 39:13  
**calculated** [1] -  
89:22  
**camera** [1] - 61:22  
**can't...(interjection**  
[1] - 14:5  
**cannot** [3] - 43:29,  
47:28, 92:5  
**canonical** [1] - 73:21  
**canvassed** [1] -  
45:17  
**capability** [1] -  
103:16  
**capitation** [2] - 21:2,  
104:27  
**car** [2] - 28:13, 28:14  
**care** [14] - 16:23,  
17:1, 31:5, 32:2,  
37:15, 63:24, 67:24,  
68:13, 71:11, 84:19,  
85:1, 97:5, 104:2,  
105:19  
**careful** [1] - 40:17  
**carer** [1] - 88:2  
**carers** [1] - 9:15  
**caring** [3] - 62:22,  
88:15, 108:20  
**carry** [1] - 84:1  
**Carysfort** [1] - 97:27  
**case** [39] - 7:17, 8:8,  
11:23, 12:5, 22:24,  
24:1, 26:24, 26:25,  
26:27, 28:1, 28:2,  
28:15, 28:17, 30:25,  
31:15, 33:11, 33:25,  
34:7, 34:23, 34:26,  
36:6, 38:1, 39:8, 50:6,  
50:22, 52:10, 59:23,  
78:5, 84:5, 84:7, 90:4,  
91:17, 93:25, 95:23,  
98:17, 98:27, 102:9,  
105:6  
**cases** [10] - 13:8,  
23:27, 24:15, 26:10,  
26:22, 26:29, 29:14,  
57:7, 81:26, 102:5  
**catholic** [1] - 70:18

**Catholic** [2] - 58:17,  
70:19  
**caught** [1] - 84:3  
**causing** [1] - 13:25  
**Cavendish** [1] -  
70:10  
**central** [3] - 73:16,  
74:8, 74:9  
**centrally** [1] - 73:19  
**centre** [3] - 74:25,  
78:26, 100:26  
**Cert** [1] - 89:8  
**certain** [12] - 12:3,  
12:8, 13:24, 22:14,  
28:25, 31:21, 36:8,  
44:10, 45:21, 48:3,  
94:7, 102:28  
**Certain** [1] - 16:6  
**certainly** [22] - 10:20,  
11:26, 13:21, 22:19,  
26:7, 28:17, 31:23,  
33:7, 41:8, 48:19,  
50:25, 60:1, 71:16,  
75:5, 76:15, 76:23,  
78:5, 78:10, 79:12,  
89:14, 107:11, 107:26  
**Certainly** [3] - 12:28,  
26:5, 66:5  
**certificates** [1] -  
70:13  
**certify** [1] - 1:28  
**Chairman** [14] - 4:5,  
6:1, 6:22, 20:13,  
43:22, 44:7, 45:13,  
50:19, 56:7, 57:14,  
61:7, 82:4, 95:10,  
96:20  
**chairperson** [1] -  
41:3  
**Chairperson** [110] -  
1:18, 4:4, 4:11, 5:28,  
6:16, 6:23, 8:16,  
14:14, 14:19, 14:23,  
14:29, 15:3, 15:6,  
15:11, 15:15, 15:26,  
16:3, 16:8, 19:6, 19:9,  
19:16, 20:6, 20:23,  
21:11, 21:15, 22:1,  
27:22, 28:22, 29:11,  
29:24, 29:29, 35:19,  
42:20, 43:10, 43:26,  
44:13, 44:19, 44:25,  
45:8, 45:14, 46:26,  
47:3, 47:7, 47:10,  
47:19, 48:5, 48:21,  
48:24, 48:28, 49:3,  
50:12, 50:16, 51:20,  
51:25, 52:18, 52:20,  
53:7, 53:10, 57:5,  
57:16, 57:19, 57:27,

59:11, 59:16, 59:20,  
60:1, 60:8, 60:14,  
61:8, 61:10, 63:18,  
63:28, 64:25, 67:1,  
69:2, 69:8, 69:19,  
80:28, 81:9, 81:21,  
82:16, 82:19, 82:26,  
83:4, 83:10, 83:21,  
87:28, 89:20, 89:24,  
89:29, 90:7, 91:1,  
91:8, 92:17, 92:19,  
92:24, 95:3, 99:25,  
100:1, 100:9, 100:14,  
100:21, 101:3, 101:7,  
101:15, 102:2,  
102:22, 104:11,  
106:24, 109:28  
**chance** [1] - 66:13  
**change** [1] - 34:16  
**changed** [2] - 72:20,  
82:8  
**channels** [1] - 89:3  
**character** [2] - 56:22,  
58:18  
**characterise** [1] -  
22:25  
**characterised** [1] -  
23:7  
**charge** [12] - 41:29,  
42:1, 42:3, 42:10,  
46:5, 47:17, 68:26,  
89:18, 98:20, 100:5,  
100:25, 101:25  
**charges** [2] - 61:2,  
61:4  
**Charity** [5] - 2:12,  
4:25, 25:21, 52:3,  
73:9  
**check** [4] - 16:20,  
25:26, 32:15, 46:16  
**Chief** [1] - 75:18  
**child** [42] - 9:11,  
11:20, 11:24, 13:19,  
24:6, 24:25, 25:4,  
25:6, 32:9, 32:10,  
32:11, 33:3, 40:3,  
40:12, 41:5, 46:6,  
47:16, 47:23, 49:12,  
50:4, 50:7, 50:10,  
50:11, 50:22, 50:24,  
51:5, 51:6, 63:17,  
86:19, 93:18, 93:25,  
93:27, 94:8, 94:11,  
94:19, 94:25, 108:13,  
108:14, 108:17,  
108:18, 108:24  
**Child** [1] - 1:2  
**child's** [1] - 11:20  
**childcare** [14] -  
25:22, 37:12, 55:28,

62:21, 70:1, 70:7,  
71:23, 91:18, 96:24,  
96:26, 97:20, 98:9,  
98:12, 100:26  
**children** [100] - 7:16,  
9:2, 9:14, 9:25, 10:25,  
10:26, 11:2, 11:11,  
11:18, 12:9, 12:24,  
13:1, 13:5, 13:10,  
13:25, 16:23, 17:1,  
17:2, 17:4, 17:9,  
17:22, 18:7, 18:14,  
20:2, 20:28, 23:22,  
24:2, 24:4, 26:1, 26:8,  
26:14, 26:17, 29:16,  
31:18, 31:23, 31:28,  
32:5, 32:18, 32:20,  
32:26, 32:28, 33:7,  
37:3, 38:13, 46:16,  
51:3, 51:9, 52:11,  
52:13, 53:25, 54:4,  
56:5, 63:24, 67:24,  
68:4, 68:27, 72:21,  
75:9, 75:14, 76:26,  
77:7, 78:21, 80:13,  
80:16, 83:27, 84:11,  
84:19, 85:2, 85:22,  
88:16, 91:12, 92:1,  
93:9, 93:12, 93:15,  
93:21, 94:3, 94:15,  
94:18, 96:19, 97:5,  
98:24, 99:1, 99:22,  
102:29, 103:4,  
103:11, 104:28,  
105:3, 105:7, 105:15,  
105:16, 105:18,  
105:20, 105:22,  
105:26, 105:27,  
106:16, 106:27, 107:1  
**children's** [4] - 18:3,  
19:28, 103:6, 104:3  
**Chinese** [1] - 84:26  
**circumstances** [8] -  
11:12, 22:9, 54:3,  
58:3, 63:9, 88:18,  
92:27, 105:3  
**claimed** [1] - 55:13  
**claims** [1] - 67:26  
**clear** [7] - 32:1,  
35:14, 59:16, 64:16,  
66:21, 101:21, 108:9  
**clearly** [4] - 22:18,  
46:2, 61:18, 67:5  
**clever** [1] - 39:23  
**close** [2] - 68:4,  
73:22  
**closed** [1] - 74:24  
**closer** [1] - 69:21  
**Co** [1] - 55:13  
**code** [1] - 64:22

colluders [1] - 23:2  
combination [1] - 5:11  
comfortable [1] - 15:19  
Coming[1] - 49:11  
coming [10] - 10:22, 11:12, 58:21, 68:3, 69:20, 73:5, 75:10, 90:21, 91:25, 105:7  
Commenced[1] - 4:1  
comment [6] - 34:19, 36:2, 46:10, 50:18, 64:3, 100:7  
commented [2] - 62:29, 98:8  
commission [2] - 28:9, 28:11  
Commission[45] - 1:2, 2:4, 2:7, 3:8, 3:11, 3:14, 4:21, 5:26, 6:10, 8:9, 10:19, 11:14, 12:6, 12:8, 14:10, 18:19, 18:27, 22:26, 25:20, 28:16, 28:20, 29:14, 29:16, 30:12, 30:14, 30:25, 31:9, 31:28, 32:14, 33:12, 34:23, 36:19, 40:21, 42:17, 42:19, 54:19, 56:2, 68:9, 69:13, 94:29, 95:15, 103:20, 104:15, 105:13, 109:26  
Commissioners [1] - 97:24  
committed [1] - 7:18  
Committee[5] - 2:6, 70:2, 80:4, 87:27, 103:2  
common [2] - 30:28, 105:6  
communicate [2] - 22:6, 88:26  
communicated [1] - 88:18  
communication [5] - 88:11, 88:13, 88:18, 91:4, 91:5  
community [13] - 9:28, 17:23, 73:10, 73:13, 73:28, 74:3, 74:23, 74:27, 74:28, 79:22, 84:15, 88:21, 91:27  
Community[2] - 85:20, 89:17  
compare [6] - 7:25, 8:6, 9:7, 9:8, 10:3, 99:15

comparison [3] - 8:25, 9:15, 9:17  
complain [2] - 93:22, 93:25  
complained [5] - 49:13, 49:27, 50:7, 50:22, 100:11  
complains [1] - 40:6  
complaint [18] - 46:2, 46:3, 46:6, 46:8, 47:24, 54:5, 54:17, 78:15, 85:4, 89:17, 93:16, 94:7, 94:11, 94:24, 95:12, 95:17, 96:6, 96:9  
complaints [8] - 5:5, 40:14, 42:22, 42:26, 54:18, 54:21, 54:26, 84:29  
complete [1] - 19:26  
completely [4] - 43:18, 43:19, 46:13, 54:25  
complex [1] - 51:6  
complications [1] - 81:24  
comply [1] - 44:2  
comprehend [1] - 45:27  
compromise [1] - 23:27  
concept [2] - 7:4, 24:19  
Conception[51] - 16:17, 16:18, 18:22, 19:9, 20:27, 23:26, 24:3, 32:8, 33:3, 34:28, 39:15, 40:24, 41:22, 48:8, 49:19, 50:8, 54:5, 55:11, 55:18, 56:2, 56:8, 56:20, 58:20, 60:24, 61:6, 62:4, 62:19, 63:5, 64:20, 65:19, 71:27, 80:7, 80:12, 80:14, 81:2, 82:13, 82:21, 82:29, 83:2, 83:16, 83:19, 95:12, 95:16, 96:9, 98:8, 99:5, 99:10, 99:27, 101:1, 102:7, 107:15  
Conception's [1] - 79:2  
concern [4] - 18:14, 86:12, 87:8, 92:2  
concerned [10] - 27:28, 34:21, 40:14, 52:11, 53:28, 54:23, 58:11, 60:19, 79:11, 100:2

concerning [2] - 13:24, 53:5  
concerns [3] - 62:12, 65:16, 96:18  
Concluded[1] - 110:3  
conclusion [2] - 29:22, 47:28  
conclusions [2] - 21:19, 102:11  
conditions [1] - 41:19  
conduct [2] - 49:28, 65:25  
conducted [1] - 62:11  
confess [1] - 36:15  
confidential [3] - 61:23, 61:24  
confidentiality [2] - 85:16, 85:22  
conflict [2] - 9:4, 26:10  
conflicting [1] - 49:18  
conflictual [2] - 49:20, 54:13  
confront [1] - 81:11  
confronted [3] - 80:7, 82:21, 102:20  
confused [1] - 94:16  
confusing [1] - 59:3  
Congregation[14] - 17:13, 18:25, 22:28, 23:18, 25:10, 36:26, 37:1, 51:14, 70:6, 71:2, 73:15, 87:2, 90:19, 92:7  
congregational [1] - 88:10  
connection [1] - 78:15  
Connellan[11] - 26:25, 33:10, 33:11, 34:6, 35:6, 35:8, 35:22, 99:3, 99:9, 100:10, 101:3  
Connellan's [4] - 38:7, 98:26, 99:26, 100:22  
consciousness [1] - 35:29  
consequence [1] - 73:4  
consider [1] - 50:6  
considerable [1] - 60:6  
considered [2] - 78:8, 98:15  
consistent [2] -

98:29, 101:24  
construct [2] - 7:3, 7:11  
consultation [1] - 44:8  
contact [4] - 23:26, 53:23, 68:4, 70:5  
contacted [2] - 19:2, 21:22  
content [2] - 96:28, 97:3  
contents [3] - 62:19, 63:5, 70:16  
context [11] - 6:11, 33:6, 43:24, 46:25, 46:27, 87:25, 88:15, 90:11, 100:18, 100:20, 101:18  
continue [1] - 53:2  
continued [2] - 58:27, 105:26  
contrary [1] - 82:22  
contributed [1] - 37:17  
controversial [1] - 69:26  
controversies [1] - 83:8  
controversy [4] - 47:7, 47:10, 83:7, 83:8  
convent [1] - 52:10  
conversion [4] - 78:1, 89:14, 90:29, 96:1  
conversations [1] - 38:4  
convicted [3] - 24:12, 26:17, 31:3  
copies [3] - 33:11, 33:15, 97:2  
copy [6] - 14:20, 15:29, 16:2, 30:12, 62:4, 104:21  
Copyright[1] - 2:21  
Cork[2] - 74:5, 97:22  
corner [1] - 90:13  
corporal [2] - 30:27, 31:1  
corporally [1] - 67:24  
correct [34] - 4:26, 13:26, 16:15, 16:19, 16:24, 16:25, 16:27, 16:28, 28:4, 28:12, 30:11, 30:13, 31:19, 35:10, 35:15, 35:17, 36:24, 38:5, 39:17, 40:15, 41:13, 42:11, 42:23, 43:20, 50:23,

50:29, 58:16, 60:4, 60:22, 66:25, 67:16, 67:25, 68:8, 98:18  
correctly [1] - 79:29  
cost [2] - 71:7, 71:10  
Councils[1] - 53:22  
counsel [3] - 5:21, 18:18, 97:24  
Counsel[1] - 2:7  
countries [1] - 70:7  
country [1] - 13:20  
coup [1] - 91:21  
couple [2] - 69:25, 84:13  
course [39] - 14:9, 26:16, 27:19, 29:8, 37:15, 44:29, 46:24, 47:11, 51:2, 52:5, 54:2, 69:28, 70:1, 70:16, 70:22, 70:27, 70:28, 71:1, 71:5, 71:7, 71:12, 71:13, 71:14, 71:17, 71:20, 71:28, 72:5, 72:11, 72:15, 72:16, 75:16, 91:19, 97:8, 97:12, 97:16, 97:18, 97:19, 97:22, 97:23  
courses [9] - 70:9, 70:28, 71:6, 96:26, 96:28, 97:3, 97:7, 97:9, 97:25  
court [9] - 26:10, 26:17, 28:2, 29:18, 34:7, 35:23, 52:10, 59:23, 81:26  
Court[12] - 24:1, 26:19, 28:19, 33:10, 36:6, 36:15, 38:19, 44:10, 44:23, 57:8, 98:27, 102:5  
courts [4] - 7:18, 29:14, 29:15, 42:10  
cover [1] - 23:4  
covers [1] - 105:24  
Cox[2] - 2:17, 5:22  
creates [3] - 22:14, 24:29, 88:11  
criminal [1] - 81:27  
criticise [1] - 43:14  
criticism [3] - 44:14, 44:16, 46:12  
cross [1] - 84:26  
cry [1] - 25:6  
cup [1] - 94:19  
curious [1] - 98:14  
Curtis[1] - 70:11  
custom [2] - 87:20, 87:25

## D

daily [8] - 9:9, 12:28, 13:5, 13:6, 30:21, 30:23, 39:19, 103:29  
dark [2] - 44:4, 44:6  
date [5] - 35:21, 55:16, 70:25, 105:8, 106:1  
dated [4] - 16:14, 55:8, 55:21, 66:10  
dates [2] - 12:3, 106:2  
David [22] - 24:27, 26:25, 32:25, 33:8, 33:11, 34:6, 35:6, 35:11, 35:13, 39:7, 39:23, 54:3, 55:12, 55:22, 56:13, 56:16, 91:12, 91:16, 91:17, 93:9, 95:18, 95:23  
day-to-day [2] - 9:26, 78:29  
days [7] - 9:28, 32:2, 53:19, 63:12, 63:16, 65:3, 95:22  
deal [12] - 21:29, 43:11, 50:21, 54:15, 58:8, 62:8, 69:17, 69:22, 73:27, 77:12, 78:11, 104:2  
Dealing [1] - 59:4  
dealing [9] - 15:24, 22:24, 24:9, 33:14, 51:27, 57:7, 85:16, 87:19, 97:3  
dealt [6] - 14:16, 51:21, 51:23, 74:19, 87:18, 97:29  
Dear [2] - 55:11, 55:22  
debate [7] - 40:20, 43:29, 61:16, 77:12, 77:15, 80:27, 93:15  
debated [5] - 61:12, 61:15, 61:16, 62:7, 62:8  
debating [1] - 43:28  
December [7] - 13:29, 16:15, 16:20, 16:21, 102:29, 105:4, 105:10  
decide [3] - 48:22, 80:4, 90:4  
decided [6] - 52:18, 70:21, 71:19, 71:21, 71:23, 76:16  
decision [4] - 52:16, 78:4, 78:6, 78:12  
decisions [1] - 75:11

deemed [1] - 62:20  
deeply [2] - 25:2, 109:2  
define [1] - 32:22  
degree [3] - 12:23, 74:21, 105:15  
Deik [4] - 14:1, 14:2, 20:18, 55:4  
Deik059/059 [2] - 74:16, 75:17  
Delahunty [1] - 26:24  
denial [2] - 22:26, 23:2  
denies [2] - 56:28, 57:3  
deny [1] - 57:1  
depart [1] - 44:11  
Department [30] - 14:1, 14:25, 17:16, 18:14, 19:2, 20:9, 20:17, 21:22, 49:25, 50:28, 51:19, 52:2, 55:4, 59:9, 74:18, 75:3, 75:5, 75:10, 76:12, 76:14, 76:22, 77:2, 77:3, 78:2, 78:7, 79:17, 103:1, 103:11, 103:25, 104:26  
Department's [2] - 54:13, 75:4  
departure [1] - 91:27  
depended [1] - 73:24  
describe [1] - 23:10  
described [2] - 35:23, 53:15  
describing [3] - 70:15, 104:23, 105:2  
description [1] - 97:3  
descriptions [2] - 99:15, 99:18  
deserved [1] - 52:10  
detached [1] - 75:29  
detail [9] - 12:29, 13:6, 29:4, 44:21, 49:16, 58:8, 61:15, 62:13, 63:1  
detailed [1] - 62:11  
determine [1] - 31:1  
developed [2] - 11:22, 96:24  
developments [1] - 75:23  
diaries [5] - 12:28, 13:5, 13:11, 30:21, 103:29  
diary [1] - 30:23  
died [2] - 10:26, 105:19  
difference [1] -

9:22, 25:2, 32:23, 37:21, 37:25, 82:26, 82:28, 83:6, 90:17, 108:28, 109:18  
Different [1] - 43:1  
different [28] - 10:2, 17:10, 21:3, 26:11, 27:10, 27:11, 29:18, 39:3, 40:22, 54:20, 70:6, 72:17, 77:26, 79:18, 80:1, 82:1, 83:8, 84:16, 85:25, 85:26, 86:4, 86:13, 90:18, 104:19, 109:22  
differentiate [1] - 66:28  
differentiated [1] - 54:16  
difficult [15] - 11:5, 27:9, 32:22, 43:10, 43:16, 44:4, 44:6, 49:9, 56:23, 57:6, 64:21, 66:20, 74:29, 88:26, 91:24  
difficulties [4] - 10:11, 11:17, 12:25, 67:2  
difficulty [8] - 21:1, 22:14, 43:21, 88:12, 102:3, 107:5, 107:12, 108:2  
dilemma [1] - 25:1  
dilemmas [1] - 38:12  
diocesan [4] - 61:28, 64:3, 64:6, 74:6  
diocese [1] - 73:10  
direct [10] - 59:17, 59:18, 70:5, 73:18, 74:2, 74:22, 74:23, 74:26, 74:27, 75:28  
directly [1] - 60:2  
disagree [2] - 13:17, 13:18  
disagreeing [1] - 19:25  
disappears [1] - 92:27  
disastrous [1] - 83:5  
discipline [1] - 30:4  
discover [2] - 25:12, 25:29  
discovered [4] - 51:7, 51:8, 70:25, 97:1  
discovery [12] - 14:1, 14:26, 20:17, 49:24, 51:12, 53:24, 55:4, 61:28, 64:4, 64:6, 74:10, 97:26  
discuss [9] - 17:17,

20:8, 21:5, 22:13, 38:7, 44:4, 73:8, 85:14, 85:20  
Discuss [1] - 88:23  
discussed [1] - 20:27  
discussing [2] - 15:19, 88:1  
discussion [9] - 17:13, 18:23, 18:24, 18:28, 20:1, 89:26, 90:2, 90:8, 90:12  
discussions [1] - 13:7  
dismissal [5] - 53:29, 54:3, 54:17, 60:29, 82:12  
dismissed [13] - 32:26, 51:15, 53:29, 54:11, 55:1, 56:4, 60:20, 60:22, 92:22, 93:3, 96:3, 96:15, 96:16  
disorganised [1] - 17:5  
disrepute [1] - 52:11  
distinction [4] - 13:14, 23:14, 24:18, 25:7  
disturbance [3] - 11:21, 18:3, 105:15  
disturbances [1] - 105:24  
disturbed [12] - 13:10, 16:26, 17:2, 17:3, 17:4, 18:8, 18:16, 20:28, 102:29, 104:28, 105:3, 105:28  
divided [3] - 10:2, 53:20, 84:16  
do...(interjection) [1] - 15:13  
doctor [1] - 40:13  
doctor's [1] - 88:3  
document [5] - 15:18, 55:3, 62:17, 75:17, 75:19  
documentation [2] - 74:11, 97:1  
documents [1] - 14:23, 14:26, 22:4, 22:12, 43:5, 43:9, 67:4, 74:15, 74:17, 74:21, 75:1  
dog [14] - 36:19, 36:22, 36:23, 37:2, 37:8, 37:12, 37:13, 37:16, 37:19, 37:20, 37:21, 37:22, 37:25, 37:29

dogs [1] - 36:27  
done [18] - 10:4, 17:14, 49:14, 71:4, 71:17, 75:8, 75:13, 76:16, 77:6, 77:7, 77:9, 79:12, 89:7, 93:2, 95:20, 95:25, 107:5, 107:21  
door [1] - 101:16  
doubt [3] - 12:4, 78:28  
doubtful [1] - 45:3  
down [6] - 34:9, 46:16, 51:3, 58:5, 90:14, 108:18  
Dr [28] - 13:17, 16:14, 16:29, 18:7, 18:11, 19:3, 20:8, 21:5, 21:24, 50:28, 51:8, 51:18, 52:1, 52:29, 64:15, 74:11, 75:27, 78:14, 78:18, 78:23, 79:9, 98:3, 102:27, 103:13, 103:14, 104:18, 105:14, 106:29  
dramatic [1] - 63:14  
draw [4] - 17:10, 58:7, 67:3, 98:24  
drawing [2] - 13:14, 22:20  
drawn [4] - 23:14, 24:18, 66:19, 66:21  
dreadful [1] - 37:16  
drink [1] - 65:22  
Drogheda [2] - 41:18, 41:26  
drunk [2] - 65:27, 65:29  
drunkenness [2] - 64:28, 65:20  
Dublin [10] - 1:7, 55:13, 60:25, 73:2, 73:29, 80:8, 82:21, 83:12, 90:24, 95:28  
due [2] - 28:20, 34:15  
Dundalk [1] - 41:26  
Durham [1] - 58:15  
during [3] - 40:29, 51:7, 97:7  
duty [1] - 65:3

## E

early [3] - 35:5, 46:26, 46:27  
earth [2] - 46:14, 99:7  
easily [1] - 102:7

**easy** [2] - 32:22, 52:25  
**Ed** [6] - 64:17, 64:28, 65:5, 65:5, 65:7, 66:1  
**Ed's** [1] - 65:7  
**Educator** [1] - 50:28  
**educate** [1] - 97:20  
**education** [4] - 7:21, 90:19, 90:28, 94:4  
**Education** [16] - 14:26, 17:16, 19:2, 20:9, 20:17, 21:22, 49:25, 52:2, 55:4, 59:9, 74:18, 75:3, 76:12, 78:8, 103:1, 103:25  
**Education's** [1] - 14:1  
**Edward** [2] - 61:27, 65:15  
**effect** [3] - 41:28, 87:19, 97:9  
**effectively** [1] - 49:14  
**effort** [1] - 104:1  
**efforts** [2] - 8:1, 106:15  
**either** [4] - 12:4, 18:5, 45:13, 86:3  
**elaborated** [1] - 87:26  
**elder** [1] - 86:20  
**element** [1] - 105:27  
**elements** [5] - 7:21, 9:6, 9:7, 9:9, 10:3  
**elsewhere** [1] - 41:17  
**emerge** [2] - 17:22, 23:20  
**emergence** [2] - 80:10, 81:24  
**emotional** [5] - 10:11, 11:17, 12:7, 12:24, 40:1  
**emotionally** [2] - 17:4, 20:28  
**emphasis** [1] - 88:10  
**employed** [5] - 25:25, 76:7, 86:27, 87:2, 99:8  
**employee** [4] - 49:28, 50:23, 51:14, 52:7  
**employees** [1] - 61:3  
**employers** [1] - 61:1  
**Employers** [2] - 61:3, 61:4  
**employing** [1] - 21:3  
**employment** [3] - 21:4, 55:27, 109:19  
**End** [5] - 5:26, 69:6, 94:29, 104:9, 109:25  
**end** [5] - 21:29, 33:3, 41:10, 76:3, 103:23  
**endeavour** [1] - 76:6  
**ends** [1] - 104:20  
**engaged** [3] - 85:25, 90:18, 90:19  
**England** [5] - 58:15, 58:27, 60:7, 72:14, 72:20  
**enormous** [1] - 39:29  
**entered** [1] - 11:25  
**entirely** [4] - 19:11, 29:6, 29:24, 45:4  
**episode** [2] - 77:11, 77:21  
**equal** [1] - 102:19  
**equally** [1] - 88:7  
**especially** [4] - 23:26, 52:23, 89:18, 105:22  
**essentially** [1] - 88:24  
**establish** [2] - 58:17, 65:15  
**estate** [1] - 75:29  
**estimate** [1] - 17:1  
**etc** [2] - 17:24, 64:28  
**evening** [2] - 54:7, 96:13  
**evenings** [3] - 20:29, 39:18, 39:20  
**event** [2] - 35:22, 67:10  
**events** [2] - 51:2, 60:12  
**Evidence** [1] - 1:13  
**evidence** [92] - 1:30, 4:9, 5:1, 6:9, 6:11, 6:29, 7:2, 7:28, 8:8, 8:12, 8:13, 10:6, 10:7, 10:14, 10:17, 10:28, 11:13, 12:27, 13:12, 13:16, 14:4, 18:6, 18:29, 19:1, 19:4, 19:5, 22:26, 23:7, 25:9, 26:11, 28:1, 28:3, 29:15, 29:17, 30:15, 30:16, 30:26, 30:27, 30:29, 32:8, 33:10, 34:19, 35:1, 35:22, 36:2, 36:12, 36:14, 38:3, 39:2, 40:10, 41:16, 41:21, 43:6, 49:18, 51:17, 52:12, 54:12, 54:13, 54:24, 56:15, 57:8, 58:3, 59:1, 59:13, 59:27, 62:15, 63:3, 63:27, 69:28, 79:2, 79:3, 79:26, 80:14, 80:15, 80:20, 81:18, 82:28, 84:15, 84:22, 87:22, 91:11, 91:15, 97:8, 98:26, 99:26, 99:28, 100:23, 102:16, 105:13, 105:21  
**evident** [2] - 27:11, 72:29  
**exact** [1] - 58:3  
**exactly** [8] - 7:3, 11:3, 12:15, 16:29, 50:1, 51:1, 84:28, 88:28  
**Examination** [3] - 3:4, 69:6, 104:9  
**Examined** [4] - 3:9, 3:12, 6:3, 95:7  
**example** [2] - 21:18, 74:23  
**excavated** [1] - 22:3  
**excavating** [1] - 21:17  
**excellent** [1] - 58:25  
**Except** [1] - 53:19  
**except** [1] - 60:2  
**exception** [1] - 31:5  
**exceptionally** [1] - 57:6  
**exceptions** [1] - 31:2  
**Excuse** [1] - 34:28  
**excuse** [1] - 87:14  
**exercises** [1] - 52:22  
**expect** [7] - 19:6, 19:22, 22:11, 58:4, 58:8, 61:16, 78:18  
**expectation** [2] - 78:19, 78:22  
**expenditure** [1] - 76:7  
**experience** [3] - 19:20, 23:11, 25:11  
**experienced** [1] - 32:6  
**experiences** [5] - 5:8, 17:23, 27:11, 38:7, 99:16  
**explain** [5] - 56:1, 61:9, 85:4, 106:28, 107:20  
**explaining** [2] - 107:5, 107:13  
**explanation** [5] - 46:13, 62:28, 62:29, 72:1, 72:2  
**explicit** [1] - 107:8  
**explicitly** [1] - 50:4  
**explore** [1] - 81:23  
**explored** [5] - 56:6, 58:4, 58:7, 64:14, 93:23  
**exploring** [4] - 57:9, 57:10, 96:19, 96:25  
**express** [3] - 24:24, 77:26, 99:29  
**expressed** [3] - 46:2, 96:19, 99:4  
**expressing** [1] - 18:14  
**expression** [7] - 23:8, 23:15, 24:13, 25:11, 30:26, 31:27, 33:26  
**expressions** [3] - 6:29, 24:19, 31:26  
**expressly** [1] - 28:24  
**extension** [2] - 17:18, 20:10  
**extensively** [1] - 51:20  
**extent** [2] - 82:23, 102:12  
**extra** [3] - 22:19, 104:27, 106:15  
**extraordinary** [1] - 101:2  
**extremely** [2] - 9:1, 78:23  
**eye** [1] - 39:25

---

**F**

---

**face** [1] - 18:2  
**faced** [2] - 11:18, 46:1  
**facilitated** [1] - 24:7  
**fact** [41] - 8:21, 9:5, 13:23, 16:22, 18:15, 21:26, 26:18, 26:29, 34:15, 39:19, 39:28, 50:21, 54:26, 56:23, 58:7, 58:24, 59:22, 61:11, 65:21, 67:14, 70:4, 70:12, 72:3, 72:18, 73:15, 74:4, 77:3, 83:17, 87:21, 94:6, 94:13, 96:4, 97:7, 97:25, 98:16, 101:7, 102:10, 103:8, 104:25, 105:15  
**facts** [4] - 26:21, 28:17, 58:22, 87:17  
**factual** [1] - 43:17  
**Fahey** [1] - 68:23  
**failure** [8] - 46:4, 92:6, 92:17, 92:21, 93:20, 93:29, 94:3, 98:22  
**failures** [4] - 26:5, 26:6, 26:7  
**fair** [7] - 8:21, 21:28, 22:25, 59:12, 77:25, 93:23, 102:22  
**fairly** [4] - 32:16, 51:20, 72:13, 99:17  
**fairness** [2] - 21:11, 102:5  
**falls** [1] - 90:14  
**false** [1] - 50:14  
**familiar** [3] - 42:11, 43:14, 44:20  
**familiarised** [1] - 22:12  
**families** [5] - 7:17, 10:24, 13:9, 13:10, 97:17  
**family** [14] - 7:25, 8:6, 8:25, 9:3, 9:7, 9:8, 9:9, 9:11, 9:18, 11:12, 32:6, 32:13, 98:15  
**far** [7] - 30:22, 30:29, 39:27, 54:28, 59:10, 76:5, 76:7  
**father** [4] - 10:24, 32:21, 55:28  
**fault** [1] - 99:7  
**favours** [1] - 101:12  
**fear** [1] - 52:16  
**feature** [2] - 31:26, 102:13  
**February** [1] - 38:19  
**felt** [3] - 105:20, 109:12, 109:19  
**female** [2] - 31:6, 31:7  
**Fergus** [1] - 2:7  
**few** [4] - 9:15, 99:19, 99:20, 100:23  
**field** [1] - 86:13  
**fight** [1] - 74:5  
**figures** [2] - 17:12, 17:17  
**file** [3] - 14:22, 14:26  
**files** [2] - 18:9, 19:28  
**final** [1] - 7:8  
**finally** [2] - 10:19, 67:21  
**finance** [1] - 76:23  
**financial** [1] - 9:24  
**findings** [8] - 26:18, 26:29, 27:2, 27:3, 27:15, 28:1, 28:25, 28:26  
**fine** [1] - 15:25  
**finish** [1] - 4:17

**fire** [1] - 74:18  
**Fire** [1] - 75:18  
**fired** [1] - 91:29  
**first** [23] - 6:14, 6:25, 7:28, 15:2, 15:16, 29:25, 30:6, 30:15, 48:11, 51:17, 55:16, 62:15, 70:23, 70:26, 72:8, 73:7, 73:8, 75:23, 82:11, 87:1, 91:18, 95:18, 95:25  
**First** [1] - 54:21  
**firsthand** [1] - 43:24  
**Firstly** [2] - 6:8, 106:26  
**fists** [1] - 35:27  
**fit** [1] - 56:3  
**five** [3] - 5:5, 10:18, 67:17  
**fixed** [1] - 31:20  
**flag...(interjection** [1] - 44:18  
**flagged** [7] - 22:9, 22:10, 22:13, 43:12, 43:13, 43:15, 44:10  
**flick** [1] - 15:6  
**folder** [4] - 14:1, 49:24, 55:4, 64:8  
**follow** [7] - 5:20, 21:24, 45:24, 69:18, 87:4, 87:5, 93:1  
**follow-up** [1] - 21:24  
**followed** [1] - 103:1  
**following** [5] - 1:29, 44:8, 70:10, 70:28, 80:27  
**Following** [1] - 53:24  
**Follows** [6] - 4:1, 4:21, 6:3, 69:12, 95:7, 104:14  
**follows** [1] - 20:19  
**fond** [1] - 101:5  
**foot** [1] - 51:12  
**forced** [1] - 75:8  
**form** [1] - 61:17  
**forma** [1] - 56:10  
**formal** [3] - 25:4, 96:6, 98:9  
**former** [4] - 38:4, 68:22, 85:10  
**forms** [1] - 99:12  
**forward** [2] - 78:13, 104:26  
**founder** [1] - 74:7  
**four** [3] - 52:11, 70:19, 109:2  
**frail** [1] - 77:20  
**Francis** [1] - 68:23  
**Fred** [1] - 1:22  
**free** [2] - 13:18,

93:21  
**frequent** [1] - 34:13  
**frequently** [1] - 35:27  
**front** [2] - 6:18, 68:21  
**full** [3] - 55:16, 72:5, 102:10  
**fully** [1] - 27:6  
**funding** [2] - 70:29, 79:16  
**funnily** [1] - 90:28  
**Futher** [1] - 3:13  
**future** [1] - 61:1  
**Future** [1] - 61:3

## G

**gained** [1] - 47:26  
**galvanised** [1] - 54:28  
**gaps** [1] - 19:22  
**Garda** [10] - 25:26, 60:25, 80:8, 81:14, 82:20, 83:1, 83:11, 83:16, 95:25  
**Gardaí** [1] - 63:12  
**gather** [2] - 30:23, 58:1  
**General** [9] - 4:9, 4:25, 52:3, 53:17, 53:22, 68:23, 70:4, 71:23, 73:2  
**general** [15] - 6:9, 6:25, 11:19, 12:13, 21:5, 22:24, 73:8, 73:12, 79:2, 79:3, 87:16, 87:25, 100:24, 109:5, 109:7  
**generally** [1] - 6:13  
**Generals** [1] - 85:10  
**girl** [2] - 49:27, 94:4  
**girls** [6] - 17:2, 39:27, 53:5, 53:7, 77:28, 107:14  
**given** [23] - 6:10, 10:29, 14:27, 15:22, 15:29, 19:20, 19:29, 21:24, 24:29, 28:17, 54:26, 56:12, 57:8, 57:25, 59:1, 59:13, 59:14, 59:28, 80:1, 80:20, 87:22, 97:8, 99:5  
**God** [3] - 4:5, 48:17, 52:16  
**government** [3] - 73:16, 74:8, 74:9  
**Government** [2] - 8:4, 72:26  
**graduated** [1] -

97:14  
**grant** [1] - 21:2  
**grants** [1] - 71:3  
**Granville** [5] - 54:10, 56:24, 65:7, 65:8, 103:26  
**Granville...(**  
**interjection** [1] - 56:27  
**grasp** [1] - 101:19  
**grateful** [2] - 24:5, 59:25  
**gratitude** [1] - 99:4  
**great** [19] - 12:29, 18:14, 19:29, 47:13, 49:16, 52:11, 58:8, 62:8, 62:13, 63:21, 66:14, 73:27, 76:27, 77:12, 78:11, 79:15, 86:13, 99:4, 102:19  
**greater** [1] - 76:11  
**green** [1] - 28:14  
**ground** [1] - 74:24  
**grounds** [2] - 78:25, 78:26  
**group** [13] - 20:26, 41:29, 42:1, 42:3, 66:14, 66:18, 72:14, 72:15, 72:25, 72:28, 73:3, 77:3, 98:20  
**groups** [1] - 17:10  
**grow** [1] - 9:2  
**guards** [3] - 68:17, 68:20, 68:21  
**guidelines** [1] - 72:27  
**gullibility** [2] - 101:23, 101:25  
**gullible** [3] - 99:7, 100:15, 101:26

## H

**half** [5] - 17:4, 65:1, 76:5, 96:4, 102:8  
**halfway** [2] - 34:9, 41:12  
**hand** [2] - 33:15, 65:26  
**Handed** [3] - 33:13, 42:15, 42:19  
**handing** [1] - 42:18  
**handle** [1] - 45:27  
**handled** [1] - 28:11  
**hands** [2] - 34:12, 99:24  
**handwritten** [2] - 64:5, 75:20  
**happy** [4] - 9:1, 38:15, 41:28, 108:29  
**hard** [14] - 27:22, 27:24, 31:23, 31:27, 32:16, 32:20, 32:26, 32:28, 33:7, 34:13, 40:27, 67:6, 92:26, 93:4  
**harm** [1] - 52:13  
**harsh** [1] - 91:29  
**head** [6] - 18:10, 21:27, 75:20, 85:28, 90:11, 98:14  
**heads** [1] - 66:28  
**healing** [1] - 37:14  
**health** [2] - 53:12, 104:4  
**Health** [2] - 105:22, 106:5  
**hear** [5] - 6:20, 6:26, 17:25, 46:24  
**heard** [20] - 10:17, 28:1, 29:15, 29:16, 31:24, 42:16, 47:29, 61:25, 65:1, 79:26, 81:29, 82:8, 82:15, 84:15, 84:22, 84:27, 84:28, 86:24, 92:1, 103:15  
**Hearing** [3] - 1:3, 4:1, 110:3  
**hearing** [10] - 4:7, 4:8, 4:14, 36:3, 51:22, 53:13, 62:15, 68:2, 77:21, 81:19  
**hearings** [32] - 4:15, 5:4, 5:15, 10:16, 26:10, 28:18, 28:19, 41:1, 44:1, 49:15, 56:6, 58:24, 59:2, 60:16, 61:6, 61:21, 62:14, 62:28, 64:14, 66:27, 69:18, 69:24, 80:11, 80:21, 81:25, 81:26, 84:14, 84:28, 93:24, 97:8, 102:1, 103:16  
**heart** [1] - 13:1  
**heavy** [1] - 75:11  
**height** [1] - 58:1  
**held** [5] - 4:28, 25:21, 51:29, 61:21, 97:27  
**Held** [1] - 1:6  
**help** [9] - 19:29, 20:29, 21:3, 21:6, 21:9, 43:4, 43:6, 99:5, 106:15  
**helped** [1] - 20:2  
**helpful** [5] - 27:14, 27:21, 28:26, 88:19, 88:20  
**helpfully** [1] - 59:23

**helps** [1] - 37:14  
**Herbert** [1] - 1:6  
**hereby** [1] - 1:28  
**herself** [8] - 22:12, 54:24, 68:16, 72:29, 79:4, 98:14, 98:20, 103:9  
**High** [12] - 24:1, 26:19, 28:19, 33:10, 36:6, 36:15, 38:19, 44:10, 44:23, 57:8, 98:27, 102:5  
**high** [2] - 85:27, 103:15  
**himself** [4] - 66:26, 79:5, 83:17, 90:4  
**hindsight** [4] - 62:20, 63:6, 63:8, 63:11  
**history** [1] - 102:13  
**hold** [2] - 26:2, 26:8  
**Home** [3] - 70:12, 71:3, 72:26  
**home** [21] - 7:11, 7:13, 7:17, 7:21, 8:2, 13:11, 20:25, 20:26, 20:28, 46:5, 70:7, 70:18, 70:19, 76:11, 77:3, 85:2, 88:4, 94:4, 105:23, 108:13, 109:8  
**homeliness** [1] - 37:18  
**homely** [1] - 9:25  
**homes** [5] - 7:8, 20:26, 72:18, 73:1, 86:21  
**honesty** [1] - 47:28  
**honour** [1] - 85:18  
**hope** [2] - 9:21, 37:29  
**hopefully** [1] - 29:22  
**hoping** [2] - 27:16, 41:18  
**Hospice** [2] - 85:19, 86:29  
**hospice** [2] - 37:13, 86:20  
**hospital** [2] - 88:2, 90:25  
**Hotel** [1] - 1:6  
**hours** [2] - 65:1, 95:22  
**house** [13] - 31:7, 35:11, 36:26, 37:8, 42:7, 55:12, 55:14, 55:28, 56:4, 72:6, 73:22, 76:24, 90:27  
**housed** [1] - 10:1  
**houses** [9] - 9:27, 53:23, 70:6, 72:4, 74:28, 75:29, 76:5,

76:28, 90:24  
housing [1] - 75:29  
huge [3] - 9:9, 9:23,  
19:22  
humanly [1] - 8:2  
hurley [2] - 38:20,  
38:23  
hurt [2] - 39:29,  
40:12

---

## I

---

I...(interjection) [1] -  
59:10  
idea [9] - 14:4, 56:23,  
64:12, 71:9, 74:8,  
75:1, 75:2, 86:1, 88:2  
ideal [1] - 98:15  
identification [2] -  
74:16, 102:28  
Ignatius [1] - 68:23  
ignore [1] - 52:25  
Ii [8] - 5:5, 69:18,  
69:24, 79:21, 82:9,  
84:15, 87:18, 91:10  
Iii [2] - 4:6, 4:14  
illuminating [1] -  
43:28  
imagine [2] - 90:21,  
108:22  
immediate [3] -  
17:13, 53:23, 95:21  
immediately [4] -  
18:17, 62:10, 86:18,  
95:19  
immense [1] - 52:13  
impact [1] - 45:3  
implements [1] -  
39:3  
implication [1] -  
20:10  
implications [1] -  
17:17  
implicit [1] - 20:7  
implied [1] - 87:18  
importance [3] -  
23:19, 102:19  
important [9] -  
22:18, 36:21, 67:6,  
84:9, 88:17, 88:19,  
100:12, 100:13,  
102:12  
impose [1] - 38:14  
impossible [1] -  
22:13  
impression [5] -  
31:29, 43:20, 52:12,  
57:25, 59:14  
improper [1] - 82:14  
improperly [2] -

83:15, 83:20  
inability [1] - 93:27  
inadvertently [1] -  
89:15  
inappropriate [1] -  
37:9  
incident [3] - 31:13,  
49:23, 50:21  
inclinations [1] -  
25:29  
include [1] - 9:18  
included [2] - 43:8,  
72:16  
including [5] - 57:29,  
78:25, 85:10, 99:12,  
109:8  
incorrect [1] - 43:17  
increase [1] - 41:18  
Incredible [1] - 25:13  
incredulous [1] -  
25:11  
incumbent [1] -  
56:20  
Indeed [11] - 7:26,  
9:21, 18:12, 20:12,  
23:10, 25:16, 51:11,  
56:28, 82:18, 91:23,  
99:4  
indeed [17] - 6:10,  
6:28, 7:1, 7:6, 33:12,  
37:6, 38:6, 58:9,  
58:29, 60:23, 64:11,  
82:22, 83:9, 86:25,  
95:23, 98:5, 101:28  
indelible [1] - 52:12  
Index [1] - 3:2  
indication [1] - 21:23  
individual [5] -  
12:28, 19:29, 57:23,  
84:29, 103:19  
individuals [1] - 5:8  
Industrial [5] - 4:7,  
7:5, 30:8, 72:12,  
72:21  
industrial [5] - 74:24,  
79:8, 79:12, 79:19,  
84:19  
inference [2] - 66:19,  
66:20  
inflict [1] - 38:23  
influence [1] - 78:11  
influenced [1] -  
72:11  
inform [1] - 73:21  
information [12] -  
11:5, 22:10, 22:19,  
43:17, 46:1, 56:13,  
59:23, 59:27, 84:24,  
86:7, 86:14, 91:5  
informed [1] - 77:13

inhibit [1] - 45:1  
injuries [1] - 40:5  
innocent [2] - 46:13,  
57:22  
innocently [1] -  
43:18  
inquire [1] - 63:25  
Inquire [1] - 1:2  
inquired [1] - 49:6  
inquiries [4] - 41:21,  
55:5, 58:18, 85:9  
inquiring [1] - 51:3  
inquiry [4] - 28:9,  
29:12, 41:28, 62:11  
Inquiry [2] - 1:18,  
31:27  
inside [2] - 54:24,  
60:7  
Insofar [5] - 40:14,  
53:27, 56:29, 58:10,  
88:9  
insofar [7] - 8:2, 8:5,  
28:27, 50:9, 53:27,  
60:18, 61:9  
instance [9] - 16:5,  
19:28, 85:18, 89:27,  
92:10, 92:11, 97:16,  
103:8, 106:15  
instances [1] - 9:1  
instant [1] - 101:19  
instigated [1] - 97:12  
institute [1] - 89:13  
institution [20] -  
7:20, 8:1, 9:14, 9:23,  
9:26, 10:2, 11:25,  
26:20, 45:19, 66:7,  
66:17, 66:24, 72:6,  
73:7, 77:23, 87:4,  
91:28, 97:17, 100:6,  
103:17  
institutions [4] - 7:7,  
72:17, 86:19, 87:6  
instructed [2] - 5:19,  
5:22  
Instructed [3] - 2:9,  
2:13, 2:17  
intake [1] - 105:6  
intelligent [1] - 101:1  
intend [1] - 51:27  
intended [4] - 44:11,  
89:15, 89:16, 89:22  
Inter [1] - 89:7  
interacted [1] - 88:29  
interaction [2] -  
13:9, 73:27  
interest [3] - 86:7,  
86:10, 86:13  
interested [2] -  
73:25, 79:13  
interesting [6] -

40:28, 53:14, 68:14,  
74:20, 76:19, 106:21  
interests [1] - 77:7  
interfered [1] - 79:2  
interference [1] -  
81:3  
interfering [1] -  
78:21  
Interjection [2] -  
56:29, 64:24  
internal [1] - 78:29  
interpret [1] - 37:11  
interpretation [2] -  
75:4, 75:6  
interpretations [3] -  
27:10, 40:23, 93:26  
interpreted [1] -  
79:14  
interprets [1] - 75:10  
interrupt [2] - 27:12,  
38:2  
intervening [1] -  
42:9  
intervention [1] -  
50:27  
interview [2] - 51:6,  
57:2  
interviewed [1] -  
51:5  
interviewing [1] -  
56:24  
interviews [3] - 51:7,  
103:21, 107:1  
intimidate [1] - 37:3  
introduce [1] - 73:3  
introduced [2] -  
72:15, 72:24  
investigate [1] -  
61:19  
investigated [1] -  
47:24  
investigating [1] -  
65:7  
investigation [5] -  
34:6, 65:6, 66:3,  
66:23, 66:27  
Investigation [1] -  
2:6  
investigations [1] -  
34:5  
involved [16] - 9:19,  
9:27, 18:11, 25:10,  
53:6, 53:16, 78:14,  
79:7, 79:10, 79:27,  
84:18, 84:19, 84:23,  
85:1, 94:8  
involvement [2] -  
11:28, 102:28  
involving [2] - 77:11,  
84:24

Ireland [4] - 4:25,  
58:22, 70:22, 71:2  
Irish [1] - 85:9  
Ispcc [1] - 105:20  
issue [12] - 28:28,  
45:16, 45:17, 48:16,  
48:22, 58:4, 58:6,  
59:4, 89:2, 91:9,  
102:4, 102:6  
issues [2] - 69:17,  
88:17  
itself [2] - 10:2,  
88:21

---

## J

---

January [1] - 66:10  
Jeremy [3] - 5:19,  
28:3, 28:12  
job [8] - 62:21, 65:5,  
66:3, 66:5, 66:8,  
66:18, 66:23, 90:12  
jobs [2] - 85:27,  
98:18  
jog [1] - 43:4  
John [1] - 81:18  
Joseph [14] - 16:18,  
18:22, 20:27, 39:15,  
40:24, 41:22, 50:8,  
55:6, 55:18, 56:2,  
56:20, 60:24, 95:16,  
98:8  
Josephs [43] - 4:7,  
4:17, 5:2, 7:5, 7:22,  
7:29, 9:6, 9:20, 11:7,  
16:23, 18:4, 18:8,  
18:13, 20:2, 20:25,  
23:9, 23:12, 23:18,  
24:25, 32:10, 35:4,  
36:28, 37:7, 45:21,  
51:4, 52:1, 58:28,  
72:9, 73:4, 77:11,  
78:29, 94:19, 95:13,  
96:8, 96:18, 97:21,  
98:12, 98:19, 99:1,  
99:6, 102:13, 103:4,  
105:23  
Judge [1] - 98:28  
judge [2] - 28:2, 36:7  
judges [5] - 26:19,  
26:29, 27:5, 27:8,  
28:19  
judgment [11] -  
33:16, 36:5, 36:7,  
36:9, 36:10, 39:8,  
45:4, 45:7, 52:22,  
60:10, 99:2  
judgments [8] -  
36:15, 44:10, 44:12,  
44:21, 44:24, 44:28,

45:17, 47:15  
July<sup>[2]</sup> - 55:9, 80:11  
jump<sup>[1]</sup> - 21:19  
jumping<sup>[1]</sup> - 81:8  
June<sup>[2]</sup> - 59:6, 59:7  
jurisdiction<sup>[1]</sup> -  
71:5  
Justice<sup>[2]</sup> - 1:17,  
99:1

---

## K

---

keep<sup>[2]</sup> - 23:26,  
36:27  
keeping<sup>[1]</sup> - 37:8  
kept<sup>[4]</sup> - 19:7,  
19:26, 36:16, 36:22  
Kilkenny<sup>[26]</sup> - 4:8,  
4:14, 9:20, 16:24,  
20:19, 23:9, 24:26,  
41:20, 42:4, 42:5,  
72:10, 72:12, 73:1,  
74:1, 78:25, 79:8,  
79:22, 79:27, 84:16,  
85:22, 86:23, 91:18,  
91:22, 97:12, 97:19,  
108:3  
kill<sup>[2]</sup> - 39:5, 39:9  
kind<sup>[15]</sup> - 17:23,  
27:16, 29:17, 29:18,  
29:22, 56:10, 57:24,  
68:19, 79:15, 85:21,  
94:4, 105:6, 105:16,  
105:25, 105:26  
kindly<sup>[1]</sup> - 20:15  
kinds<sup>[4]</sup> - 43:1,  
63:14, 78:24, 81:24  
Kingdom<sup>[1]</sup> - 70:2  
know...(interjection  
<sup>[1]</sup> - 20:5  
knowing<sup>[2]</sup> - 78:3,  
78:23  
knowledge<sup>[14]</sup> -  
23:19, 43:25, 45:18,  
45:20, 47:25, 57:17,  
59:18, 60:7, 66:8,  
79:1, 79:22, 82:2,  
102:6  
known<sup>[9]</sup> - 21:25,  
30:8, 47:14, 54:23,  
56:26, 67:14, 80:28,  
92:9, 93:16  
knows<sup>[2]</sup> - 48:8,  
99:21

---

## L

---

lack<sup>[2]</sup> - 96:21,  
101:23  
lad<sup>[3]</sup> - 33:2, 94:22

Ladies<sup>[3]</sup> - 37:13,  
85:19, 86:29  
ladies<sup>[1]</sup> - 10:18  
lads<sup>[2]</sup> - 25:3, 93:4  
land<sup>[1]</sup> - 81:23  
language<sup>[15]</sup> - 25:4,  
40:20, 40:24, 49:17,  
50:24, 93:26, 94:1,  
101:27, 106:14,  
106:27, 107:6,  
107:16, 107:24,  
107:25  
Lannigan<sup>[6]</sup> - 2:13,  
5:19, 14:24, 14:27,  
22:7, 44:9  
Lannigans<sup>[1]</sup> -  
14:22  
large<sup>[1]</sup> - 105:27  
last<sup>[9]</sup> - 11:6, 11:8,  
17:11, 23:29, 29:26,  
55:16, 66:12, 75:26,  
81:29  
lasted<sup>[1]</sup> - 34:12  
late<sup>[2]</sup> - 17:22, 71:17  
lately<sup>[2]</sup> - 11:6,  
81:14  
lay<sup>[6]</sup> - 5:12, 71:11,  
71:13, 87:5, 91:15  
layman<sup>[1]</sup> - 77:11  
leading<sup>[2]</sup> - 51:2,  
54:22  
learnt<sup>[1]</sup> - 87:13  
least<sup>[3]</sup> - 18:2, 38:3,  
102:20  
Leave<sup>[1]</sup> - 15:15  
leave<sup>[4]</sup> - 15:21,  
52:12, 61:13, 63:28  
led<sup>[6]</sup> - 10:11, 11:16,  
12:6, 12:24, 53:29,  
54:17  
left<sup>[9]</sup> - 35:17,  
40:11, 41:12, 41:15,  
59:4, 59:5, 67:22,  
67:28, 99:5  
legal<sup>[7]</sup> - 23:21,  
23:24, 24:21, 25:4,  
48:3, 48:6, 61:13  
legislation<sup>[1]</sup> - 44:2  
legitimate<sup>[2]</sup> -  
89:13, 89:16  
legs<sup>[1]</sup> - 34:15  
less<sup>[1]</sup> - 17:4  
letter<sup>[48]</sup> - 13:29,  
14:8, 14:10, 14:12,  
16:14, 16:22, 18:1,  
18:12, 20:8, 20:11,  
20:16, 21:12, 22:18,  
55:6, 55:22, 57:20,  
61:27, 62:1, 62:2,  
62:10, 62:19, 62:23,

62:25, 62:26, 63:5,  
63:9, 63:11, 63:13,  
63:21, 64:4, 65:7,  
66:9, 67:12, 68:19,  
68:23, 68:28, 70:15,  
76:18, 87:26, 102:29,  
104:19, 104:22,  
104:25, 105:8, 105:12  
letters<sup>[2]</sup> - 47:4,  
76:21  
level<sup>[5]</sup> - 24:14,  
48:3, 48:6  
lie<sup>[1]</sup> - 9:22  
life<sup>[1]</sup> - 9:10  
lift<sup>[1]</sup> - 56:21  
lifted<sup>[1]</sup> - 56:11  
light<sup>[4]</sup> - 6:19,  
41:15, 50:27, 87:12  
lighting<sup>[1]</sup> - 68:19  
likely<sup>[2]</sup> - 17:21,  
90:9  
Likewise<sup>[1]</sup> - 95:23  
limited<sup>[1]</sup> - 25:28  
line<sup>[5]</sup> - 33:27,  
33:29, 75:23, 87:1,  
87:3  
lines<sup>[3]</sup> - 60:11,  
77:10, 77:15  
link<sup>[2]</sup> - 24:27,  
105:12  
listed<sup>[1]</sup> - 30:22  
listened<sup>[3]</sup> - 10:20,  
10:21, 77:8  
listening<sup>[3]</sup> - 7:27,  
26:9, 82:28  
lists<sup>[1]</sup> - 98:6  
literally<sup>[1]</sup> - 34:2  
live<sup>[1]</sup> - 34:14  
loaned<sup>[1]</sup> - 2:22  
local<sup>[3]</sup> - 73:28,  
74:26, 74:28  
locate<sup>[1]</sup> - 14:29  
located<sup>[1]</sup> - 73:10  
London<sup>[1]</sup> - 70:8  
look<sup>[11]</sup> - 11:20,  
13:4, 15:18, 18:9,  
22:4, 45:18, 56:12,  
61:19, 64:28, 68:6  
looked<sup>[2]</sup> - 66:10,  
79:16  
looking<sup>[10]</sup> - 19:25,  
41:4, 55:6, 57:21,  
58:2, 91:11, 92:4,  
96:8, 103:6  
losing<sup>[1]</sup> - 90:10  
lost<sup>[1]</sup> - 92:16  
love<sup>[1]</sup> - 47:8  
Lower<sup>[2]</sup> - 1:22,  
33:22, 104:11,  
104:17, 105:1,

105:10, 105:29,  
106:3, 106:6, 106:9,  
106:17, 106:23  
Lunasa<sup>[1]</sup> - 55:9  
Lusk<sup>[5]</sup> - 55:5, 55:13,  
56:3, 56:21, 56:24

---

## M

---

Macmahon<sup>[1]</sup> -  
51:22  
Madden<sup>[2]</sup> - 74:18,  
75:18  
Maher<sup>[76]</sup> - 2:16,  
3:9, 5:19, 5:28, 5:29,  
6:4, 6:6, 6:16, 6:22,  
6:26, 8:19, 14:16,  
14:28, 15:4, 15:8,  
15:11, 15:20, 15:21,  
15:26, 15:29, 16:12,  
20:13, 20:24, 21:20,  
22:1, 22:21, 22:22,  
27:16, 27:19, 27:28,  
28:12, 28:15, 29:4,  
30:1, 30:2, 33:18,  
33:20, 33:24, 35:20,  
42:21, 43:3, 43:28,  
44:7, 44:14, 44:15,  
44:27, 45:1, 45:5,  
45:11, 45:16, 49:10,  
50:13, 50:18, 50:19,  
51:21, 51:24, 51:27,  
53:1, 53:14, 57:3,  
57:13, 57:17, 58:10,  
60:18, 61:13, 61:26,  
63:19, 64:1, 65:12,  
67:3, 67:10, 69:3,  
69:6, 69:9, 102:27,  
104:20  
Maher's<sup>[1]</sup> - 28:3  
main<sup>[2]</sup> - 11:15,  
20:26  
maintain<sup>[3]</sup> - 7:27,  
23:22, 73:20  
maintains<sup>[4]</sup> -  
39:15, 54:10, 56:25,  
58:20  
major<sup>[1]</sup> - 37:25  
majority<sup>[1]</sup> - 10:19  
male<sup>[5]</sup> - 25:15,  
91:24  
Malone<sup>[2]</sup> - 2:21,  
2:23  
man<sup>[9]</sup> - 35:25,  
42:9, 42:10, 42:21,  
55:25, 56:1, 83:2,  
83:14, 93:4  
managed<sup>[2]</sup> - 23:23,  
23:24

management<sup>[6]</sup> -  
45:19, 45:20, 45:26,  
46:3, 46:14, 47:12  
manager<sup>[7]</sup> - 20:27,  
47:12, 47:16, 68:13,  
87:1, 87:3, 88:8  
Manager<sup>[10]</sup> -  
13:24, 16:18, 52:4,  
68:13, 71:27, 75:28,  
83:12, 87:24, 98:19,  
98:21  
Manager's<sup>[1]</sup> -  
106:18  
managers<sup>[1]</sup> - 72:3  
manifestly<sup>[1]</sup> -  
47:19  
manner<sup>[4]</sup> - 2:22,  
62:19, 62:22, 63:5  
Marian<sup>[1]</sup> - 1:21  
marrying<sup>[1]</sup> - 10:25  
Martin<sup>[1]</sup> - 26:24  
master<sup>[5]</sup> - 35:11,  
37:8, 42:7, 55:12,  
56:4  
masters<sup>[1]</sup> - 36:27  
material<sup>[1]</sup> - 30:27  
matter<sup>[6]</sup> - 17:25,  
17:27, 21:2, 64:1,  
80:4, 96:5  
matters<sup>[10]</sup> - 13:24,  
67:5, 67:6, 67:7,  
69:23, 69:26, 79:6,  
79:21, 94:2, 96:25  
maximum<sup>[2]</sup> - 47:1,  
88:12  
Mccabe<sup>[9]</sup> - 50:28,  
51:8, 51:18, 52:1,  
52:26, 52:29, 97:27,  
98:3, 107:15  
Mccabe's<sup>[2]</sup> - 53:4,  
106:29  
Mcgoldrick<sup>[18]</sup> -  
2:8, 4:5, 4:13, 4:23,  
5:17, 15:5, 69:10,  
69:15, 69:19, 69:22,  
81:22, 82:4, 83:24,  
87:20, 88:20, 91:9,  
93:7, 94:27  
Mchugh<sup>[2]</sup> - 2:9,  
20:19  
Mcquade<sup>[7]</sup> - 13:17,  
16:14, 16:29, 18:7,  
19:3, 21:5, 21:24  
Mcquade's<sup>[3]</sup> -  
20:8, 102:27, 104:18  
meal<sup>[1]</sup> - 85:12  
meals<sup>[1]</sup> - 85:13  
mean<sup>[31]</sup> - 7:4, 7:11,  
19:22, 27:23, 29:15,  
33:2, 34:19, 37:20,

39:27, 39:29, 40:2,  
44:29, 46:15, 48:3,  
49:7, 49:15, 57:29,  
61:21, 63:14, 71:21,  
81:27, 83:1, 86:18,  
89:4, 93:5, 93:25,  
94:5, 100:29, 104:1,  
105:26, 107:16  
means [3] - 17:3,  
29:11, 73:16  
meant [4] - 7:23,  
45:24, 49:5  
meantime [2] - 72:6,  
81:25  
media [1] - 24:14  
meet [2] - 24:8, 47:8  
meeting [5] - 51:16,  
51:18, 51:29, 52:5,  
68:12  
meetings [2] - 19:10,  
106:19  
member [7] - 18:12,  
31:15, 51:18, 60:24,  
67:22, 68:1, 80:7  
Members [1] - 2:4  
members [4] - 38:23,  
42:17, 57:14, 96:26  
memo [1] - 20:16  
memories [2] -  
26:11, 27:10  
memory [2] - 30:17,  
43:4  
men [4] - 24:1, 31:3,  
55:27, 99:24  
mention [4] - 4:13,  
10:18, 34:10, 97:29  
mentioned [2] -  
69:29, 97:15  
mentioning [1] -  
83:5  
Mercy [1] - 90:20  
met [2] - 38:9, 38:18  
Met [1] - 19:13  
method [1] - 72:18  
Mhuire [1] - 55:13  
Michael [2] - 2:13,  
5:19  
microphone [2] -  
6:18, 69:20  
might [24] - 12:10,  
14:2, 21:6, 21:9,  
23:27, 27:14, 28:24,  
43:3, 43:4, 43:16,  
43:18, 47:21, 47:22,  
63:13, 76:14, 79:5,  
85:29, 90:3, 90:8,  
90:22, 102:8, 102:9,  
109:11  
mightn't [1] - 99:28  
mile [1] - 76:5

mind [9] - 6:13, 8:16,  
13:1, 21:18, 29:1,  
42:18, 67:4, 87:15,  
100:21  
minds [3] - 52:12,  
52:13, 82:19  
minimum [1] - 47:1  
Minister [1] - 53:3  
ministries [1] - 85:26  
ministry [2] - 85:14,  
86:1  
minority [3] - 98:11,  
98:13, 99:20  
minute [2] - 13:6,  
47:27  
minutes [1] - 94:21  
misconduct [1] -  
83:13  
miss [1] - 39:22  
Miss [1] - 89:10  
missed [1] - 39:23  
mission [1] - 67:28  
mistake [1] - 70:24  
mistaken [1] - 28:6  
mistress [1] - 85:28  
misunderstanding  
[1] - 20:6  
Moloney [2] -  
103:13, 103:14  
moment [7] - 5:18,  
15:22, 22:23, 33:14,  
54:1, 61:14, 67:19  
money [3] - 36:8,  
77:2, 104:27  
monopoly [1] - 29:21  
monster [1] - 35:23  
month [1] - 68:12  
months [6] - 67:17,  
70:16, 70:17, 70:18,  
70:19  
Moore [4] - 22:5,  
34:29, 59:22, 59:26  
morning [10] - 4:4,  
4:5, 4:8, 4:11, 4:23,  
6:6, 6:7, 25:25, 69:15,  
69:16  
most [5] - 24:4, 27:7,  
90:27, 91:25  
Mother [2] - 16:17,  
73:2  
mother [2] - 10:25,  
40:3  
move [2] - 78:13,  
101:17  
moved [3] - 51:4,  
53:7, 76:26  
multitude [1] -  
105:24  
Murphy [9] - 61:27,  
62:2, 65:15, 65:27,

66:1, 66:3, 66:9,  
66:22, 66:25  
Murphy's [1] - 62:11  
Murray [40] - 32:25,  
33:9, 35:11, 35:13,  
35:23, 36:16, 36:22,  
37:2, 39:7, 39:10,  
39:12, 39:23, 40:14,  
40:25, 53:27, 53:28,  
54:6, 55:1, 55:12,  
55:13, 55:15, 55:23,  
56:13, 56:16, 57:22,  
59:4, 78:19, 79:24,  
79:27, 83:7, 91:12,  
91:16, 92:10, 93:4,  
93:9, 95:18, 95:24,  
96:11, 96:14, 97:14  
Murray's [4] - 41:10,  
54:3, 56:21, 91:17  
Murrays [1] - 24:28  
must [6] - 2:22,  
36:15, 40:11, 66:7,  
66:14, 73:3  
Myles [14] - 24:28,  
58:11, 58:26, 62:20,  
65:17, 80:6, 83:19,  
91:13, 91:16, 92:3,  
93:3, 93:12, 94:17,  
94:18  
mystery [1] - 46:17

## N

nagging [1] - 40:25  
Naivety [1] - 99:28  
name [11] - 33:22,  
34:11, 36:19, 36:22,  
36:23, 42:12, 42:16,  
42:25, 52:18, 62:20,  
83:6  
named [5] - 1:31,  
16:4, 16:6, 52:9,  
68:25  
names [5] - 31:9,  
52:25, 64:23, 71:8,  
85:21  
natural [1] - 73:4  
nature [6] - 12:23,  
40:17, 55:15, 55:26,  
73:12, 94:8  
nearby [1] - 75:29  
nearly [2] - 52:9,  
63:12  
necessary [3] - 22:6,  
52:12, 102:12  
need [12] - 11:14,  
11:20, 20:1, 20:28,  
27:4, 34:20, 47:23,  
81:22, 86:6, 88:12,  
98:25  
needed [1] - 51:6  
needn't [1] - 103:22  
negatively [1] - 75:6  
neglect [1] - 105:21  
neutral [1] - 19:11  
never [15] - 32:9,  
38:9, 38:11, 65:27,  
65:29, 73:28, 82:12,  
85:21, 89:1, 94:14,  
94:25, 96:7, 99:9,  
106:20  
new [3] - 20:3, 76:23,  
97:11  
next [2] - 5:20, 17:15  
Nicholas [1] - 28:5  
Nick [1] - 5:21  
night [1] - 39:12  
night-time [1] -  
39:12  
nine [2] - 53:8  
Nine [1] - 53:9  
nobody [4] - 6:21,  
37:29, 46:24, 68:15  
Noctor [5] - 26:27,  
38:17, 39:8, 40:5  
non [6] - 50:12,  
69:26, 70:18, 88:11,  
91:4, 109:9  
non-catholic [1] -  
70:18  
non-  
communication [1] -  
88:11  
non-controversial  
[1] - 69:26  
non-religious [1] -  
109:9  
non-sequitur [1] -  
50:12  
None [1] - 91:28  
none [3] - 29:20,  
91:27, 92:1  
normally [1] - 11:24  
not...(interjection) [1]  
- 16:7  
note [12] - 42:15,  
64:5, 64:10, 64:16,  
64:26, 65:11, 65:24,  
66:1, 66:19, 66:21,  
75:17  
Note [1] - 42:15  
noted [1] - 62:23  
notes [1] - 1:30  
nothing [12] - 47:27,  
48:1, 48:9, 48:19,  
60:1, 65:9, 75:7, 83:4,  
91:4, 92:29, 97:10,  
99:19  
notion [1] - 106:20  
November [4] - 5:2,

8:9, 51:29, 71:7  
number [11] - 10:24,  
17:23, 33:1, 40:21,  
67:26, 75:20, 91:10,  
91:15, 97:22, 97:25,  
98:18  
numbers [2] - 64:23,  
102:28  
nun [2] - 31:11, 68:3  
nuns [2] - 71:14,  
76:4  
nursing [1] - 86:21

## O

Odonovan [1] - 99:2  
O'Neill [2] - 1:13,  
3:6, 4:9, 4:11, 4:20,  
5:26, 6:3, 14:20,  
21:12, 22:3, 22:11,  
29:6, 33:12, 45:3,  
69:6, 69:12, 94:29,  
95:7, 104:9, 104:14,  
109:25  
objection [2] - 43:8,  
82:6  
objections [1] -  
50:17  
objective [1] - 21:26  
obligation [3] - 30:7,  
77:25, 86:24  
obliged [1] - 57:12  
observation [2] -  
46:11, 88:24  
obvious [4] - 17:3,  
57:21, 72:13, 76:22  
Obviously [2] -  
45:16, 88:4  
obviously [14] -  
18:22, 22:11, 27:4,  
47:22, 53:3, 57:9,  
72:25, 73:20, 74:1,  
76:7, 77:8, 88:1,  
101:5, 108:21  
occasions [3] -  
40:22, 64:20, 109:3  
occupied [1] - 55:15  
occupy [1] - 53:18  
occurred [4] - 12:9,  
23:8, 49:23, 108:3  
occurring [2] - 9:29,  
86:22  
occurs [1] - 100:4  
ocean [1] - 47:25  
Offer [1] - 65:5  
offer [7] - 49:8,  
62:28, 65:6, 66:2,  
66:4, 66:5, 72:2  
offered [3] - 55:12,  
66:23, 109:11

**Office**<sup>[3]</sup> - 70:12, 71:3, 72:26  
**officer**<sup>[1]</sup> - 82:20  
**Often**<sup>[1]</sup> - 8:3  
**often**<sup>[4]</sup> - 35:27, 43:15, 103:17, 103:18  
**old**<sup>[2]</sup> - 68:19, 77:20  
**once**<sup>[2]</sup> - 95:19, 96:9  
**one**<sup>[62]</sup> - 10:3, 11:10, 19:25, 21:2, 21:18, 22:15, 22:16, 24:1, 27:6, 27:7, 29:15, 31:5, 31:26, 34:29, 38:10, 41:26, 43:14, 44:21, 46:5, 46:12, 47:16, 47:26, 49:9, 50:18, 54:4, 54:22, 57:27, 57:29, 58:1, 58:3, 58:8, 61:22, 62:26, 64:1, 64:11, 64:19, 65:1, 67:27, 70:22, 73:1, 73:23, 74:4, 76:21, 76:27, 81:29, 84:23, 89:29, 90:23, 90:27, 91:5, 92:26, 93:25, 94:14, 95:18, 97:27, 99:6, 101:28, 103:8, 104:17  
**One**<sup>[6]</sup> - 6:29, 25:9, 38:12, 45:22, 57:26, 85:15  
**ones**<sup>[1]</sup> - 109:9  
**onwards**<sup>[1]</sup> - 96:27  
**open**<sup>[4]</sup> - 14:7, 55:8, 73:23, 90:3  
**opening**<sup>[2]</sup> - 51:22, 101:15  
**operate**<sup>[4]</sup> - 84:1, 86:16, 86:17, 92:5  
**operation**<sup>[4]</sup> - 72:12, 72:14, 76:11, 79:8  
**opportunity**<sup>[5]</sup> - 8:11, 15:23, 21:16, 21:29, 49:9  
**opposite**<sup>[4]</sup> - 18:5, 58:24, 59:1, 59:13  
**opposites**<sup>[1]</sup> - 32:7  
**option**<sup>[2]</sup> - 75:28, 76:26  
**Order**<sup>[5]</sup> - 4:10, 53:16, 87:21, 96:27, 97:19  
**order**<sup>[4]</sup> - 67:22, 88:6, 104:24  
**ordered**<sup>[1]</sup> - 19:12  
**Orders**<sup>[3]</sup> - 73:17, 109:6, 109:11

**ordinary**<sup>[2]</sup> - 8:25, 9:18  
**organisation**<sup>[2]</sup> - 19:12, 63:17  
**original**<sup>[3]</sup> - 24:16, 68:2, 70:24  
**orphanages**<sup>[1]</sup> - 7:6  
**Ossory**<sup>[1]</sup> - 74:12  
**otherwise**<sup>[1]</sup> - 61:21  
**ourselves**<sup>[3]</sup> - 29:8, 38:14, 77:1  
**outside**<sup>[4]</sup> - 20:26, 21:2, 71:5, 94:24  
**overall**<sup>[1]</sup> - 89:18  
**Overstating**<sup>[1]</sup> - 101:14  
**own**<sup>[17]</sup> - 5:21, 10:27, 22:28, 27:17, 27:20, 30:26, 34:5, 49:20, 49:21, 54:24, 56:15, 59:18, 62:17, 85:14, 86:27, 86:28, 102:20

## P

**page**<sup>[23]</sup> - 8:10, 8:20, 8:22, 14:17, 17:15, 33:28, 34:8, 34:10, 39:8, 49:24, 56:15, 62:16, 62:17, 75:19, 75:20, 75:26, 80:21, 80:27, 81:7, 83:17, 96:4, 99:2  
**Page**<sup>[4]</sup> - 8:14, 12:12, 14:6, 33:29  
**page...(interjection)**<sup>[1]</sup> - 39:6  
**paid**<sup>[3]</sup> - 71:2, 77:1, 103:9  
**pain**<sup>[1]</sup> - 40:12  
**pair**<sup>[1]</sup> - 76:5  
**paper**<sup>[3]</sup> - 19:12, 19:16, 98:6  
**papers**<sup>[2]</sup> - 11:10, 21:23  
**paragraph**<sup>[7]</sup> - 12:16, 17:11, 34:9, 66:12, 75:15, 75:26, 76:3  
**paramount**<sup>[2]</sup> - 23:19, 85:23  
**pardon**<sup>[4]</sup> - 12:21, 51:16, 75:25, 80:24  
**parent**<sup>[12]</sup> - 25:4, 31:7, 105:19, 108:12, 108:13, 108:18, 108:19, 108:20, 108:21, 108:22, 108:23

**parents**<sup>[2]</sup> - 9:13, 32:15  
**parish**<sup>[1]</sup> - 52:4  
**Park**<sup>[4]</sup> - 1:6, 76:24, 76:27  
**part**<sup>[10]</sup> - 7:21, 20:29, 21:3, 26:6, 38:3, 72:16, 79:20, 86:2, 92:6, 108:19  
**particular**<sup>[13]</sup> - 8:10, 20:27, 29:15, 29:16, 31:5, 54:22, 60:10, 64:4, 73:10, 84:23, 87:3, 109:10, 109:17  
**particularly**<sup>[9]</sup> - 9:29, 25:17, 32:4, 56:7, 62:25, 74:27, 79:23, 88:17, 102:7  
**partner**<sup>[1]</sup> - 24:2  
**party**<sup>[2]</sup> - 2:23, 77:29  
**pass**<sup>[3]</sup> - 22:22, 86:6, 102:25  
**passage**<sup>[2]</sup> - 8:17, 98:25  
**passed**<sup>[2]</sup> - 85:5, 87:11  
**passing**<sup>[1]</sup> - 61:26  
**past**<sup>[4]</sup> - 11:6, 24:6, 24:7, 38:10  
**patient**<sup>[1]</sup> - 88:4  
**patients**<sup>[2]</sup> - 37:14, 85:20  
**Patrick**<sup>[1]</sup> - 10:21  
**Patrick's**<sup>[5]</sup> - 4:14, 4:16, 4:18, 73:1, 110:1  
**Paul**<sup>[3]</sup> - 13:17, 16:14, 104:18  
**pay**<sup>[1]</sup> - 71:6  
**payment**<sup>[1]</sup> - 21:2  
**peculiar**<sup>[1]</sup> - 105:4  
**pedophile**<sup>[3]</sup> - 25:28, 92:9, 107:18  
**pedophiles**<sup>[3]</sup> - 39:25, 83:29, 92:5  
**penal**<sup>[1]</sup> - 52:10  
**people**<sup>[31]</sup> - 5:5, 9:24, 10:23, 24:12, 25:25, 25:29, 26:2, 26:8, 26:14, 28:29, 30:17, 34:21, 47:11, 49:18, 56:8, 57:7, 57:10, 57:29, 58:12, 71:13, 72:8, 79:26, 80:2, 85:16, 88:15, 93:24, 98:7, 99:6, 99:8, 102:4, 109:19  
**people's**<sup>[3]</sup> - 39:25, 82:19, 102:17

**perceived**<sup>[2]</sup> - 75:1, 75:2  
**perceptions**<sup>[1]</sup> - 102:17  
**perfect**<sup>[1]</sup> - 88:23  
**perfectly**<sup>[1]</sup> - 57:22  
**Perhaps**<sup>[2]</sup> - 55:14, 101:15  
**perhaps**<sup>[6]</sup> - 13:19, 17:15, 44:5, 89:15, 101:10, 101:11  
**period**<sup>[2]</sup> - 36:13, 42:9  
**permission**<sup>[2]</sup> - 2:23, 73:23  
**perpetrated**<sup>[3]</sup> - 31:4, 109:18, 109:20  
**perpetrators**<sup>[1]</sup> - 22:27  
**person**<sup>[19]</sup> - 18:12, 34:12, 45:23, 59:16, 60:5, 62:9, 62:22, 65:18, 67:27, 68:10, 68:26, 74:17, 82:29, 84:23, 87:3, 87:24, 100:3, 100:25, 100:26  
**person's**<sup>[1]</sup> - 25:27  
**personal**<sup>[2]</sup> - 24:14, 107:6  
**persons**<sup>[1]</sup> - 25:23  
**persuade**<sup>[2]</sup> - 76:6, 76:25  
**Peter's**<sup>[1]</sup> - 58:17  
**Phase**<sup>[16]</sup> - 4:6, 4:14, 5:1, 5:5, 67:8, 69:18, 69:24, 69:28, 74:20, 79:21, 80:21, 81:25, 82:8, 84:14, 87:18, 91:10  
**phase**<sup>[1]</sup> - 30:15  
**phases**<sup>[1]</sup> - 7:28  
**phone**<sup>[2]</sup> - 54:12, 56:21  
**Phoned**<sup>[1]</sup> - 65:8  
**phoned**<sup>[3]</sup> - 54:10, 54:14, 56:14  
**photocopied**<sup>[1]</sup> - 2:22  
**phrase**<sup>[4]</sup> - 41:2, 41:7, 83:15, 88:27  
**phrased**<sup>[1]</sup> - 108:27  
**phrases**<sup>[2]</sup> - 33:1, 107:17  
**physical**<sup>[15]</sup> - 9:19, 24:25, 30:4, 31:4, 31:24, 33:14, 34:12, 39:29, 40:6, 40:17, 41:5, 41:9, 96:10, 97:6, 98:1  
**physically**<sup>[3]</sup> -

31:18, 80:13, 80:15  
**picked**<sup>[1]</sup> - 94:22  
**picture**<sup>[2]</sup> - 35:13, 103:3  
**pink**<sup>[1]</sup> - 15:2  
**place**<sup>[17]</sup> - 6:25, 9:1, 9:25, 18:28, 20:4, 29:10, 35:4, 37:18, 41:23, 46:29, 53:25, 66:6, 83:26, 84:9, 92:5, 92:11, 100:19  
**placed**<sup>[3]</sup> - 58:13, 68:26, 102:18  
**placement**<sup>[1]</sup> - 53:5  
**places**<sup>[3]</sup> - 41:27, 73:29, 86:28  
**play**<sup>[1]</sup> - 74:24  
**playing**<sup>[1]</sup> - 68:18  
**pleased**<sup>[1]</sup> - 17:25  
**plot**<sup>[1]</sup> - 39:13  
**Pm**<sup>[1]</sup> - 110:3  
**Po**<sup>[2]</sup> - 20:19, 20:19  
**point**<sup>[13]</sup> - 28:23, 28:29, 33:5, 44:17, 44:27, 46:4, 54:25, 57:19, 74:14, 77:5, 88:19, 102:16, 102:23  
**pointing**<sup>[1]</sup> - 28:26  
**points**<sup>[1]</sup> - 28:29  
**policy**<sup>[4]</sup> - 36:26, 38:22, 39:1, 90:10  
**posit**<sup>[1]</sup> - 82:1  
**position**<sup>[14]</sup> - 4:28, 31:8, 42:2, 42:5, 43:16, 44:7, 48:26, 53:18, 57:11, 58:27, 86:15, 98:16, 98:22  
**positions**<sup>[1]</sup> - 81:1  
**positive**<sup>[2]</sup> - 5:8, 9:1  
**possibilities**<sup>[2]</sup> - 22:15, 45:25  
**possibility**<sup>[2]</sup> - 45:28, 48:28  
**Possibility**<sup>[1]</sup> - 46:1  
**possible**<sup>[6]</sup> - 7:13, 8:3, 9:25, 17:16, 94:2, 97:5  
**possibly**<sup>[2]</sup> - 46:2, 67:7  
**post**<sup>[4]</sup> - 55:12, 55:15, 78:20  
**practical**<sup>[3]</sup> - 70:17, 72:17  
**practice**<sup>[4]</sup> - 30:28, 39:25, 84:22, 91:3  
**preadmission**<sup>[3]</sup> - 10:8, 11:16, 12:6  
**Preadmission**<sup>[1]</sup> - 10:11  
**preceded**<sup>[1]</sup> - 7:1

**Precisely** [1] - 43:26  
**precisely** [1] - 9:22  
**preclude** [1] - 86:22  
**predated** [1] - 18:3  
**preeminent** [1] - 13:19  
**premise** [2] - 50:15, 87:18  
**premises** [3] - 36:17, 37:13, 67:15  
**prepare** [1] - 43:6  
**prepared** [2] - 34:19, 80:10  
**presence** [2] - 83:1, 83:18  
**Present** [1] - 2:4  
**present** [2] - 39:16, 76:8  
**presented** [1] - 58:23  
**press** [2] - 6:19, 98:5  
**pressing** [1] - 75:27  
**presume** [4] - 62:8, 68:11, 108:27, 109:13  
**presumed** [1] - 65:26  
**presumption** [3] - 50:4, 77:15, 92:8  
**prevent** [4] - 68:3, 84:10, 89:13, 89:16  
**previously** [1] - 58:14  
**priest** [7] - 52:4, 52:7, 52:15, 52:26, 78:2, 78:6, 78:11  
**Primarily** [2] - 108:6, 108:7  
**primarily** [1] - 109:18  
**primary** [1] - 23:20  
**principal** [1] - 89:9  
**principle** [1] - 21:3  
**private** [30] - 10:16, 10:29, 26:9, 41:1, 44:1, 49:15, 56:6, 57:11, 57:18, 58:23, 59:2, 60:16, 61:6, 61:22, 61:25, 62:9, 62:14, 62:27, 63:27, 64:14, 66:27, 67:9, 79:3, 81:19, 81:26, 84:28, 93:23, 97:8, 102:1, 103:16  
**privy** [1] - 84:24  
**pro** [1] - 56:10  
**probabilities** [1] - 48:4  
**probability** [1] - 65:24  
**problem** [6] - 16:3, 20:28, 21:5, 65:22, 75:28, 88:6  
**problems** [5] - 10:12, 11:17, 12:7, 17:22, 76:5  
**procedure** [1] - 53:24  
**procedures** [3] - 83:26, 84:10, 92:4  
**proceed** [1] - 15:20  
**proceeds** [1] - 17:25  
**proces** [1] - 63:15  
**process** [1] - 89:16  
**producing** [1] - 59:27  
**professional** [2] - 62:22, 106:14  
**professionals** [1] - 25:18  
**profile** [1] - 85:27  
**programme** [1] - 68:12  
**progressive** [1] - 97:12  
**promised** [1] - 64:28  
**proper** [2] - 44:5, 88:7  
**properly** [1] - 45:27  
**proposed** [6] - 6:11, 8:12, 10:6, 12:12, 63:3, 75:23  
**prosecution** [2] - 52:7, 52:28  
**protect** [2] - 61:1, 83:27  
**protection** [3] - 63:17, 86:20  
**protective** [2] - 89:11, 89:12  
**protocol** [1] - 93:8  
**protocols** [3] - 83:26, 86:19, 87:5  
**proved** [1] - 98:16  
**proven** [1] - 68:15  
**provided** [2] - 59:23, 70:29  
**province** [1] - 85:10  
**provinces** [1] - 53:20  
**Provincial** [4] - 53:16, 53:21, 68:11, 68:24  
**Provincials** [1] - 85:11  
**provisions** [1] - 17:21  
**proximity** [1] - 28:18  
**psychiatric** [3] - 11:24, 103:3, 103:27  
**psychiatrist** [6] - 13:19, 40:29, 103:5, 103:6, 103:10, 103:12  
**psychiatrists** [3] - 11:28, 13:7, 104:2

**psychological** [2] - 11:23, 104:3  
**psychologist** [1] - 103:9  
**Public** [1] - 1:3  
**public** [15] - 4:7, 11:10, 11:11, 24:13, 24:14, 29:12, 51:22, 57:9, 61:18, 61:21, 67:8, 69:28, 81:25, 109:3, 109:11  
**publication** [1] - 70:11  
**pull** [2] - 39:24, 69:21  
**punished** [1] - 67:24  
**punishment** [10] - 30:4, 30:22, 30:27, 31:1, 38:24, 89:27, 90:3, 90:5, 97:15, 98:1  
**Punishment** [4] - 30:9, 30:12, 30:16, 30:18  
**pupil's** [1] - 38:10  
**pupils** [1] - 89:5  
**pursued** [4] - 21:26, 24:13, 87:16, 96:6  
**pushed** [1] - 106:11  
**put** [28] - 9:17, 15:27, 27:15, 33:4, 34:20, 43:6, 43:7, 43:13, 45:2, 52:10, 52:15, 53:24, 54:27, 64:9, 68:18, 71:22, 73:17, 82:1, 83:26, 84:9, 92:5, 92:10, 93:28, 96:20, 98:28, 100:18, 101:20, 102:16  
**puts** [2] - 43:15, 78:7  
**putting** [6] - 10:26, 45:5, 48:10, 57:24, 88:23, 107:23  
**puzzle** [1] - 46:19  
**pyjamas** [1] - 34:16

## Q

**qualify** [1] - 91:18  
**quarry** [1] - 68:18  
**Questioned** [5] - 3:10, 3:13, 4:20, 69:12, 104:14  
**Questioning** [3] - 5:26, 94:29, 109:25  
**questions** [10] - 5:17, 5:20, 5:21, 5:22, 6:8, 6:25, 55:7, 69:25, 84:13, 106:26  
**quickly** [2] - 95:16,

96:11  
**quiet** [1] - 85:29  
**quite** [3] - 105:28, 107:7, 107:8  
**quote** [3] - 52:9, 61:5, 72:19  
**quoted** [1] - 33:26  
**quotes** [1] - 99:2  
**quoting** [1] - 8:16

---

## R

---

**Rafferty** [2] - 52:1, 52:29  
**raged** [2] - 47:7, 47:10  
**raise** [2] - 74:14, 100:16  
**raised** [3] - 60:13, 102:27, 106:17  
**ranging** [1] - 67:7  
**rash** [1] - 34:15  
**rather** [1] - 24:14  
**Raymond** [2] - 26:27, 38:17  
**re** [2] - 55:22, 64:28  
**reach** [1] - 102:11  
**reached...** (**interjection** [1] - 52:17)  
**react** [1] - 96:11  
**reacted** [3] - 95:16, 95:18, 96:9  
**reaction** [3] - 75:27, 95:20, 95:25  
**read** [21] - 12:22, 13:4, 13:5, 16:13, 16:29, 32:29, 36:7, 36:9, 36:10, 47:29, 57:26, 74:15, 75:15, 81:13, 94:6, 94:13, 98:25, 103:29, 104:18, 104:20, 106:20  
**Reading** [1] - 62:25  
**reading** [2] - 19:20, 52:24  
**real** [3] - 46:8, 102:4, 102:6  
**realise** [1] - 76:4  
**realistic** [1] - 100:24  
**realities** [1] - 8:24  
**reality** [1] - 76:15  
**really** [18] - 29:5, 32:28, 43:29, 45:5, 58:1, 63:26, 64:13, 77:19, 78:10, 88:27, 90:14, 91:2, 93:5, 94:25, 100:2, 101:19, 102:16, 106:9  
**reason** [10] - 32:24,

32:25, 41:20, 57:5, 58:13, 71:26, 74:14, 74:19, 86:2, 87:19  
**reasons** [3] - 52:8, 85:15, 103:22  
**rebutter** [1] - 22:7  
**recalled** [4] - 91:25, 91:26, 91:27, 91:29  
**receipt** [2] - 67:12, 71:6  
**receive** [1] - 86:10  
**receiving** [2] - 62:10, 86:8  
**recent** [1] - 87:13  
**recently** [1] - 97:26  
**recipient** [1] - 63:24  
**recited** [1] - 98:27  
**recognise** [2] - 88:28, 88:29  
**recognised** [3] - 106:11, 106:13, 106:14  
**recollection** [4] - 28:4, 28:6, 91:16, 95:12  
**recommendation** [1] - 53:4  
**recommendations** [1] - 53:5  
**reconcile** [2] - 27:9, 40:22  
**reconciling** [1] - 8:23  
**record** [5] - 11:11, 11:21, 19:17, 19:26, 74:17  
**recorded** [1] - 100:23  
**records** [9] - 11:1, 12:28, 13:4, 16:22, 19:7, 19:21, 54:14, 66:1  
**recreation** [1] - 85:13  
**recruit** [1] - 91:24  
**red** [1] - 6:18  
**redacted** [1] - 52:24  
**Reedy** [1] - 2:6  
**refer** [12] - 14:21, 23:29, 31:16, 55:11, 62:14, 66:9, 67:7, 80:20, 81:27, 96:26, 98:26, 103:18  
**reference** [12] - 12:10, 13:28, 18:17, 44:28, 55:22, 56:15, 64:16, 65:20, 72:3, 72:19, 81:16, 97:6  
**references** [6] - 58:20, 58:25, 58:26, 58:29, 60:15

referred [5] - 7:6,  
7:7, 7:8, 49:24, 63:4  
referring [4] - 8:18,  
42:13, 57:22, 99:12  
refers [4] - 18:7,  
55:25, 56:1, 65:24  
reflect [1] - 102:4  
reflected [1] - 47:14  
regard [8] - 20:29,  
28:21, 28:26, 29:7,  
52:6, 84:13, 98:12,  
103:15  
regarded [5] - 13:18,  
77:24, 91:21, 91:26,  
97:11  
regarding [1] - 33:8  
regards [1] - 88:21  
regions [1] - 53:21  
Registrar [1] - 2:6  
regret [4] - 23:8,  
23:15, 24:13, 24:19  
regular [3] - 35:3,  
39:16, 103:14  
regularly [1] - 34:16  
related [2] - 32:5,  
32:17  
relates [1] - 74:11  
relation [3] - 4:7,  
5:1, 5:4, 10:20, 12:29,  
26:19, 27:1, 28:27,  
31:24, 36:14, 39:26,  
56:19, 67:22, 68:3,  
68:9, 69:26, 74:10,  
76:18, 79:21, 79:23,  
80:6, 87:8, 96:10,  
96:28, 97:4, 97:11,  
97:16, 97:17, 97:23,  
98:4, 102:27  
relations [1] - 73:20  
relationship [1] -  
23:17, 23:22, 24:2,  
48:12, 48:17, 48:19,  
73:9, 73:13, 73:26,  
74:11, 99:22  
relationships [1] -  
32:6  
released [1] - 72:4  
relevance [1] - 90:12  
relevant [3] - 62:25,  
63:8, 91:5  
relied [1] - 25:17  
religious [9] - 22:26,  
67:22, 72:4, 88:5,  
88:6, 88:10, 88:20,  
91:2, 109:9  
reluctance [1] -  
66:14  
rely [1] - 44:11  
remainder [1] - 5:11  
remark [1] - 29:10

remarks [1] - 22:24  
remedy [1] - 17:14  
remember [5] -  
29:28, 39:10, 42:24,  
42:25, 107:14  
remind [2] - 95:15,  
105:8  
removal [1] - 79:27  
removed [2] - 78:19,  
78:20  
repeat [1] - 14:2  
reply [2] - 55:18,  
68:6  
report [8] - 52:28,  
61:20, 86:18, 86:25,  
87:2, 88:7, 96:5, 98:3  
Report [1] - 70:11  
reported [1] - 60:3  
reporting [1] - 86:29  
reports [3] - 98:29,  
103:19, 107:1  
reposed [1] - 25:15  
represent [1] - 76:5  
represented [1] -  
60:9  
reproduced [1] -  
2:22  
request [1] - 66:22  
requested [2] - 24:7,  
52:7  
required [2] - 63:24,  
72:27  
requirement [1] -  
73:21  
reread [1] - 27:4  
researches [1] -  
59:26  
resident [6] - 5:9,  
5:12, 24:6, 24:7, 94:9,  
94:10  
Resident [1] - 13:24,  
16:18, 52:4, 68:13,  
71:27, 75:28, 83:11,  
87:24, 98:19, 98:21,  
106:18  
residential [5] -  
20:25, 55:14, 76:8,  
85:2, 92:6  
residents [3] - 11:6,  
26:20, 38:4  
resign [3] - 64:17,  
65:5, 66:2  
resignation [2] -  
62:22, 66:15  
resources [1] -  
104:24  
respect [9] - 10:7,  
31:9, 35:13, 36:13,  
40:15, 42:21, 57:12,  
78:15, 88:1

respected [1] - 92:3  
respectfully [1] -  
26:1  
respond [3] - 62:19,  
63:5, 63:26  
responded [2] -  
62:27, 96:18  
respondent [1] -  
2:23  
response [3] - 22:5,  
41:27, 56:10  
responsibility [3] -  
78:9, 108:4, 108:8  
responsible [2] -  
26:8, 108:19  
rest [1] - 24:3  
restriction [1] -  
61:14  
restrictions [1] -  
9:24  
result [3] - 69:24,  
82:8, 84:14  
resulted [1] - 35:28  
results [2] - 89:7,  
89:10  
reticence [2] - 87:29,  
88:22  
retrospect [4] -  
37:15, 40:1, 72:7,  
93:29  
returned [1] - 42:5  
reunion [2] - 11:7,  
23:29  
reunions [1] - 38:10  
revealed [1] - 34:5  
Reverend [1] - 16:17  
revisit [1] - 22:3  
Rightly [1] - 44:19  
rightly [2] - 44:22,  
83:29  
road [1] - 28:10  
role [2] - 77:22,  
103:5  
Rottweiler [1] - 37:20  
rule [8] - 84:22, 85:4,  
85:7, 85:11, 86:15,  
87:20, 87:26, 88:21  
rules [1] - 30:7  
run [1] - 101:13  
running [2] - 9:26,  
34:27  
Ryan [1] - 1:17

## S

sacked [1] - 67:12  
safe [1] - 19:18  
safeguard [1] - 53:25  
safeguards [3] -

92:4, 93:8, 97:4  
satisfactory [3] -  
55:16, 87:11, 87:12  
saw [3] - 65:27,  
65:29, 68:16  
saving... [1]  
interjection [1] - 37:23  
Sc [2] - 2:12, 2:16  
scenario [1] - 87:7  
scheme [1] - 76:7  
school [40] - 5:2, 5:6,  
5:9, 5:12, 7:2, 7:15,  
7:16, 8:2, 12:9, 25:26,  
34:14, 38:22, 41:10,  
41:26, 58:15, 58:19,  
58:21, 58:27, 74:24,  
79:8, 79:12, 79:20,  
84:20, 85:28, 89:4,  
89:6, 89:9, 89:25,  
90:2, 90:16, 90:22,  
90:23, 91:28, 92:22,  
92:26, 93:10, 93:13,  
94:9, 95:26, 105:7  
School [4] - 4:8,  
58:17, 72:12, 72:21  
schooling [1] - 35:2  
Schools [2] - 7:5,  
30:8  
schools [4] - 7:7,  
20:3, 74:26, 90:1  
Science [1] - 49:25  
Scoil [1] - 55:12  
screen [2] - 15:28,  
64:9  
second [7] - 7:28,  
15:18, 27:7, 29:26,  
46:4, 54:15, 68:12  
Secondly [1] - 85:25  
secret [1] - 84:2  
secretary [1] - 52:2  
see [31] - 7:24, 9:4,  
9:5, 11:21, 12:16,  
15:17, 18:6, 19:1,  
21:6, 21:9, 22:7,  
25:24, 29:13, 30:20,  
33:24, 33:26, 34:3,  
34:4, 40:3, 56:2,  
64:10, 64:16, 64:18,  
65:20, 72:18, 76:20,  
81:17, 98:28, 103:5,  
106:2, 106:7  
Seeing [1] - 37:24  
seeking [1] - 44:11  
seem [3] - 21:21,  
32:4, 77:4  
semi [2] - 35:29,  
75:29  
semi-  
consciousness [1] -  
35:29

semi-detached [1] -  
75:29  
send [4] - 68:29,  
70:21, 71:24, 97:1  
senior [1] - 54:23  
sense [12] - 7:10,  
7:15, 7:20, 7:24, 8:1,  
25:1, 37:22, 63:10,  
71:22, 75:5, 89:1,  
99:8  
sensible [2] - 15:12,  
15:24  
sent [9] - 20:3,  
34:28, 55:18, 68:29,  
70:19, 70:26, 85:8,  
103:20, 104:26  
sentence [1] -  
104:20  
separate [1] - 10:1  
separation [1] -  
10:23  
sequence [1] - 51:1  
sequitur [1] - 50:12  
serious [12] - 17:12,  
18:23, 40:6, 46:4,  
86:23, 87:8, 89:2,  
89:17, 95:20, 96:9,  
102:21, 105:23  
seriously [4] - 17:2,  
17:5, 48:18, 51:9  
seriousness [2] -  
63:22, 101:20  
service [3] - 55:13,  
55:16, 55:16  
services [6] - 17:18,  
20:10, 78:24, 78:25,  
79:18, 84:18  
Services [2] - 2:22,  
2:23  
servitude [1] - 52:10  
session [1] - 82:23  
sessions [2] - 57:11,  
103:10  
set [10] - 46:23,  
46:25, 70:10, 71:14,  
78:24, 78:26, 78:27,  
79:19, 87:17, 105:2  
sets [1] - 17:9  
setting [1] - 92:6  
settle [1] - 20:2  
seven [1] - 10:26  
several [1] - 70:27  
severally [1] - 67:23  
severe [8] - 10:11,  
11:16, 12:7, 12:24,  
30:27, 31:1, 31:4,  
35:4  
severely [1] - 67:23  
sex [3] - 82:16, 94:4,  
100:4

**Sex**<sup>[1]</sup> - 82:19  
**sexual**<sup>[30]</sup> - 9:19,  
 24:25, 31:3, 31:20,  
 34:12, 40:19, 41:5,  
 41:8, 49:13, 50:7,  
 50:22, 50:25, 79:23,  
 81:2, 82:11, 83:12,  
 84:10, 93:28, 94:2,  
 94:8, 94:12, 97:4,  
 97:5, 98:2, 99:13,  
 101:20, 107:13,  
 107:17, 109:20  
**sexually**<sup>[9]</sup> - 50:5,  
 50:26, 51:9, 67:15,  
 93:9, 93:12, 93:19,  
 98:23  
**Seán**<sup>[1]</sup> - 1:17  
**Shanley**<sup>[19]</sup> - 1:21,  
 33:16, 33:19, 106:24,  
 106:25, 107:3, 107:7,  
 107:11, 107:19,  
 107:23, 107:28,  
 108:7, 108:11,  
 108:16, 108:26,  
 108:29, 109:4,  
 109:14, 109:23  
**shape**<sup>[1]</sup> - 17:23  
**share**<sup>[2]</sup> - 109:4,  
 109:9  
**sharing**<sup>[1]</sup> - 29:21  
**she...(interjection**  
<sup>[1]</sup> - 49:2  
**shed**<sup>[1]</sup> - 41:15  
**sheets**<sup>[1]</sup> - 34:16  
**shift**<sup>[1]</sup> - 105:16  
**shit**<sup>[1]</sup> - 34:2  
**shocked**<sup>[1]</sup> - 65:1  
**short**<sup>[3]</sup> - 70:27,  
 91:1, 97:25  
**shortage**<sup>[1]</sup> - 9:23  
**shorthand**<sup>[1]</sup> - 1:30  
**show**<sup>[2]</sup> - 6:19,  
 55:10  
**showed**<sup>[1]</sup> - 39:13  
**showing**<sup>[1]</sup> - 33:22  
**shown**<sup>[2]</sup> - 20:26,  
 101:1  
**sic**<sup>[1]</sup> - 26:3  
**signed**<sup>[1]</sup> - 52:28  
**significance**<sup>[1]</sup> -  
 82:24  
**silence**<sup>[2]</sup> - 88:11,  
 88:22  
**simply**<sup>[4]</sup> - 15:20,  
 48:24, 58:2, 58:6  
**single**<sup>[1]</sup> - 19:26  
**Sister**<sup>[60]</sup> - 4:9, 6:6,  
 6:27, 8:21, 10:15,  
 13:17, 14:11, 14:27,  
 16:1, 18:1, 19:6,  
 21:20, 21:28, 22:22,  
 24:8, 26:22, 27:15,  
 30:2, 31:10, 33:2,  
 33:21, 35:3, 36:16,  
 36:23, 38:2, 39:22,  
 42:1, 42:14, 42:15,  
 45:14, 49:12, 49:19,  
 57:20, 59:11, 60:18,  
 61:26, 61:29, 62:27,  
 63:20, 64:2, 64:7,  
 64:9, 65:13, 67:10,  
 67:21, 69:4, 69:15,  
 71:8, 72:9, 83:29,  
 85:1, 86:13, 87:7,  
 87:28, 89:8, 89:26,  
 93:19, 94:27, 96:7,  
 96:17  
**Sister's**<sup>[1]</sup> - 87:9  
**Sisters**<sup>[53]</sup> - 2:12,  
 4:25, 5:11, 7:13, 16:6,  
 22:28, 23:12, 25:10,  
 25:21, 32:4, 41:26,  
 52:3, 70:1, 70:22,  
 70:26, 70:29, 71:2,  
 71:4, 71:8, 71:16,  
 71:19, 71:22, 72:15,  
 72:24, 72:27, 73:9,  
 73:14, 74:3, 75:2,  
 75:7, 75:12, 76:12,  
 76:16, 77:6, 77:23,  
 77:29, 79:13, 84:15,  
 84:25, 85:9, 85:18,  
 85:25, 86:27, 86:28,  
 90:20, 90:23, 90:27,  
 91:11, 96:17, 97:18,  
 97:20, 98:11, 109:20  
**sit**<sup>[1]</sup> - 110:1  
**site**<sup>[2]</sup> - 20:26, 76:8  
**situation**<sup>[12]</sup> - 7:25,  
 17:14, 24:10, 44:26,  
 50:1, 61:23, 74:2,  
 86:22, 106:10,  
 109:16, 109:17,  
 109:22  
**situations**<sup>[2]</sup> - 82:2,  
 105:18  
**Six**<sup>[1]</sup> - 53:8  
**six**<sup>[5]</sup> - 17:2, 70:16,  
 70:17  
**skill**<sup>[2]</sup> - 46:7, 96:21  
**skills**<sup>[1]</sup> - 96:24  
**slap**<sup>[1]</sup> - 32:15  
**slapped**<sup>[3]</sup> - 32:9,  
 32:10, 68:16  
**slapping**<sup>[1]</sup> - 68:16  
**slaps**<sup>[2]</sup> - 32:16,  
 32:17  
**slightest**<sup>[1]</sup> - 47:24  
**slightly**<sup>[3]</sup> - 50:14,  
 77:26, 86:4  
**small**<sup>[3]</sup> - 9:11, 74:1,  
 76:28  
**social**<sup>[6]</sup> - 11:28,  
 13:7, 78:25, 84:18,  
 90:25, 104:1  
**socially**<sup>[1]</sup> - 78:24  
**solicitor**<sup>[2]</sup> - 44:9,  
 60:7  
**someone**<sup>[3]</sup> - 43:18,  
 47:21, 60:11  
**somewhat**<sup>[1]</sup> - 17:4  
**Somewhere**<sup>[1]</sup> -  
 60:11  
**somewhere**<sup>[4]</sup> -  
 14:12, 35:21, 83:17,  
 105:25  
**soon**<sup>[1]</sup> - 17:16  
**sorrow**<sup>[3]</sup> - 23:8,  
 23:15, 24:19  
**sorry**<sup>[20]</sup> - 10:6,  
 12:3, 14:5, 15:9,  
 21:27, 25:2, 25:6,  
 38:2, 42:12, 49:5,  
 52:19, 60:8, 60:13,  
 65:21, 66:27, 68:25,  
 92:16, 108:24, 109:1,  
 109:2  
**Sorry**<sup>[3]</sup> - 27:12,  
 62:1, 69:22  
**sort**<sup>[7]</sup> - 77:22,  
 77:24, 78:9, 78:14,  
 100:3, 100:27, 103:2  
**sorted**<sup>[1]</sup> - 26:13  
**sought**<sup>[1]</sup> - 58:20  
**space**<sup>[1]</sup> - 94:20  
**spare**<sup>[1]</sup> - 53:11  
**speaking**<sup>[3]</sup> - 11:6,  
 11:8, 63:26  
**special**<sup>[1]</sup> - 21:2  
**specific**<sup>[5]</sup> - 27:14,  
 27:26, 43:4, 61:20,  
 87:17  
**specifically**<sup>[2]</sup> -  
 30:3, 100:9  
**speed**<sup>[1]</sup> - 96:8  
**spent**<sup>[2]</sup> - 5:13,  
 70:18  
**spoiled**<sup>[1]</sup> - 39:28  
**spoken**<sup>[9]</sup> - 24:5,  
 38:2, 38:9, 38:11,  
 41:25, 64:21, 82:16,  
 106:27  
**spot**<sup>[1]</sup> - 96:3  
**Square**<sup>[1]</sup> - 70:10  
**Sr**<sup>[79]</sup> - 1:13, 3:6,  
 4:11, 4:20, 4:23, 5:26,  
 6:3, 14:20, 16:18,  
 18:22, 19:9, 20:27,  
 21:12, 22:3, 22:11,  
 23:26, 24:3, 29:6,  
 32:8, 33:3, 33:12,  
 34:28, 39:15, 40:24,  
 41:22, 44:19, 45:3,  
 48:8, 49:19, 50:8,  
 54:5, 55:6, 55:11,  
 55:18, 56:2, 56:8,  
 56:20, 58:20, 60:24,  
 61:6, 62:4, 62:19,  
 63:5, 64:20, 64:28,  
 65:16, 65:19, 68:23,  
 68:25, 69:6, 69:12,  
 71:27, 79:2, 80:7,  
 80:12, 80:14, 81:1,  
 82:13, 82:21, 82:29,  
 83:2, 83:15, 83:18,  
 94:29, 95:7, 95:12,  
 95:16, 96:8, 98:8,  
 99:5, 99:10, 99:27,  
 100:29, 102:7,  
 102:26, 104:9,  
 104:14, 107:15,  
 109:25  
**St**<sup>[50]</sup> - 4:7, 4:14,  
 4:16, 4:17, 4:18, 5:2,  
 7:5, 7:22, 7:29, 9:6,  
 9:20, 10:21, 11:7,  
 16:23, 18:4, 18:8,  
 18:13, 20:2, 20:25,  
 23:9, 23:12, 23:18,  
 24:25, 32:10, 35:4,  
 36:28, 37:7, 45:21,  
 51:4, 52:1, 58:17,  
 58:28, 72:9, 73:1,  
 73:4, 77:11, 78:29,  
 86:28, 94:19, 95:13,  
 96:18, 97:21, 98:12,  
 98:19, 99:1, 99:6,  
 102:13, 103:4,  
 105:23, 110:1  
**staff**<sup>[14]</sup> - 9:23,  
 17:13, 18:24, 21:4,  
 25:15, 31:16, 38:23,  
 42:28, 42:29, 68:13,  
 71:11, 87:5, 91:25,  
 93:3  
**stage**<sup>[3]</sup> - 7:27,  
 61:18, 82:12  
**stages**<sup>[2]</sup> - 9:27,  
 11:2  
**stain**<sup>[1]</sup> - 57:23  
**stand**<sup>[2]</sup> - 7:29, 67:4  
**standard**<sup>[1]</sup> - 90:9  
**start**<sup>[3]</sup> - 4:12, 4:18,  
 6:13  
**started**<sup>[2]</sup> - 35:14,  
 70:9  
**state**<sup>[7]</sup> - 13:1,  
 45:18, 45:20, 53:12,  
 55:15, 79:22, 102:6  
**State**<sup>[2]</sup> - 34:26,  
 109:6  
**statement**<sup>[9]</sup> - 6:11,  
 7:1, 11:19, 12:12,  
 63:3, 80:10, 81:14,  
 85:8, 96:7  
**statements**<sup>[1]</sup> -  
 109:3  
**states**<sup>[1]</sup> - 76:3  
**stay**<sup>[2]</sup> - 65:2, 93:7  
**Stenography**<sup>[2]</sup> -  
 2:22, 2:23  
**step**<sup>[1]</sup> - 78:7  
**steps**<sup>[4]</sup> - 52:27,  
 60:29, 68:2, 97:20  
**sterling**<sup>[1]</sup> - 71:8  
**stick**<sup>[2]</sup> - 39:4, 54:7  
**still**<sup>[7]</sup> - 22:23,  
 26:12, 46:4, 84:7,  
 85:17, 86:16, 103:27  
**Still**<sup>[1]</sup> - 95:15  
**stop**<sup>[3]</sup> - 44:27,  
 51:25, 90:10  
**stories**<sup>[2]</sup> - 10:20,  
 10:21  
**straight**<sup>[1]</sup> - 72:9  
**strap**<sup>[2]</sup> - 38:27,  
 39:4  
**stray**<sup>[1]</sup> - 102:14  
**strict**<sup>[1]</sup> - 32:21  
**strikes**<sup>[2]</sup> - 45:25,  
 46:12  
**struck**<sup>[1]</sup> - 104:22  
**struggle**<sup>[1]</sup> - 47:5  
**struggled**<sup>[2]</sup> - 8:23,  
 46:21  
**study**<sup>[1]</sup> - 20:29  
**stuff**<sup>[1]</sup> - 35:2  
**subject**<sup>[2]</sup> - 29:8,  
 97:10  
**submission**<sup>[3]</sup> -  
 29:2, 44:29, 102:22  
**submissions**<sup>[1]</sup> -  
 102:15  
**submit**<sup>[2]</sup> - 29:9,  
 66:14  
**subsequent**<sup>[3]</sup> -  
 53:20, 61:18, 72:29  
**subsequently**<sup>[1]</sup> -  
 58:22  
**succeeded**<sup>[1]</sup> -  
 24:15  
**successful**<sup>[1]</sup> -  
 76:28  
**suddenly**<sup>[1]</sup> - 92:28  
**suffered**<sup>[2]</sup> - 12:23,  
 39:29  
**suffering**<sup>[1]</sup> - 99:23  
**sufficiently**<sup>[3]</sup> -  
 17:3, 17:12, 18:23  
**suggest**<sup>[2]</sup> - 17:15,

18:2, 18:5, 18:6, 19:1, 19:4, 21:21, 23:7, 26:1, 35:3, 37:2, 37:7, 37:24, 41:21, 43:2, 62:9, 63:8, 63:19, 76:14, 93:20, 99:20  
**suggest...**  
**interjection** [1] - 19:5  
**suggested** [4] - 19:2, 27:29, 87:20, 90:3  
**suggesting** [4] - 11:15, 25:20, 49:12, 101:9  
**suggestion** [8] - 15:16, 18:21, 22:2, 27:13, 27:21, 87:23, 89:21, 101:23  
**suggestions** [1] - 21:24  
**Suggests** [1] - 49:27  
**suggests** [4] - 35:6, 35:7, 76:10, 77:21  
**suit** [1] - 41:19  
**summarily** [1] - 60:22  
**summary** [1] - 12:13  
**summer** [1] - 60:20  
**Summerhill** [3] - 35:8, 39:16, 42:7  
**Sunday** [6] - 11:7, 11:8, 23:29, 38:11, 38:18, 48:12  
**superintendent** [1] - 96:5  
**Superior** [12] - 4:9, 4:24, 52:3, 53:17, 53:22, 68:22, 68:24, 70:4, 71:23, 79:5, 85:10, 89:18  
**Superiors** [2] - 53:21, 72:4  
**supervise** [1] - 20:29  
**supervisory** [1] - 77:22  
**supplementary** [1] - 85:8  
**supplied** [1] - 2:22  
**support** [4] - 8:3, 47:12, 77:4, 103:27  
**supports** [1] - 103:3  
**suppose** [8] - 31:20, 43:13, 47:16, 57:19, 63:10, 63:13, 71:22, 98:14  
**Suppose** [1] - 89:29  
**supposed** [1] - 30:18  
**supposing** [1] - 86:12  
**Supposing** [1] - 93:18

**surely** [3] - 19:11, 19:18, 46:6  
**surgery** [1] - 88:3  
**surprise** [1] - 43:5  
**surrebutler** [1] - 22:8  
**surveyor** [1] - 74:19  
**Surveyor** [1] - 75:18  
**suspect** [6] - 71:25, 77:5, 79:5, 90:28, 105:17, 105:25  
**Sworn** [1] - 4:20  
**system** [9] - 26:5, 72:14, 72:15, 72:25, 72:28, 73:3, 77:3, 93:21, 93:29  
**systems** [2] - 63:15, 63:17  
**Síochána** [1] - 60:25

## I

**tabs** [1] - 15:3  
**talks** [1] - 22:16  
**taught** [1] - 58:15  
**Tc** [3] - 31:16, 33:20, 34:2  
**tea** [1] - 94:20  
**teacher** [4] - 89:6, 90:4, 92:21, 105:12  
**teachers** [2] - 90:15, 92:23  
**teaching** [2] - 20:29, 91:11  
**technical** [3] - 43:7, 46:18, 63:10  
**telephone** [1] - 56:11  
**ten** [2] - 8:23, 50:16  
**tenor** [1] - 6:9  
**tenure** [2] - 41:10, 41:12  
**term** [2] - 46:18, 82:11  
**terms** [17] - 8:23, 13:16, 41:8, 64:23, 72:11, 73:8, 73:12, 96:20, 96:24, 96:25, 98:22, 99:17, 99:29, 101:19, 101:21, 103:17, 109:8  
**terrible** [1] - 9:2  
**terribly** [3] - 43:27, 82:3, 83:4  
**Terrier** [1] - 37:20  
**testimony** [4] - 49:20, 49:21, 70:24, 83:18  
**that...(interjection)** [2] - 19:15, 59:15  
**the...(interjection)** [1] - 106:8

**theme** [1] - 96:17  
**themselves** [5] - 27:9, 40:21, 76:4, 77:23, 77:24  
**theoretical** [1] - 70:16  
**Thereafter** [2] - 70:26, 103:27  
**therefore** [5] - 11:15, 32:9, 47:13, 66:14, 92:9  
**Therefore** [1] - 84:9  
**thinking** [4] - 15:23, 17:25, 30:11, 32:13  
**third** [1] - 27:7  
**threat** [5] - 20:8, 37:28, 39:5, 39:9, 64:17  
**threaten** [1] - 66:2  
**threatened** [2] - 39:10, 65:5  
**three** [14] - 7:10, 11:10, 11:11, 26:22, 31:2, 34:13, 47:1, 51:9, 55:7, 67:24, 75:29, 81:26, 90:25, 94:21  
**three-bedroomed** [1] - 75:29  
**throughout** [1] - 70:6  
**thrust** [3] - 22:25, 23:20, 24:9  
**thrusts** [1] - 25:9  
**Thunder** [1] - 36:23  
**timetable** [2] - 97:26, 97:28  
**tiny** [1] - 99:20  
**Today** [1] - 47:22  
**today** [11] - 4:16, 4:17, 19:13, 47:17, 47:20, 48:20, 63:11, 63:15, 84:7, 85:18, 89:12  
**together** [2] - 57:25, 74:15  
**tomorrow** [3] - 4:16, 4:18, 110:1  
**took** [2] - 20:4, 42:7  
**top** [7] - 8:19, 18:10, 21:27, 33:23, 75:24, 76:19, 90:10  
**totally** [1] - 37:9  
**touch** [2] - 6:9, 17:15  
**touched** [3] - 32:10, 83:15, 83:19  
**Touhy** [3] - 83:1, 83:16  
**towards** [2] - 52:27, 76:3  
**traditional** [1] -

87:25  
**trail** [1] - 19:12  
**trained** [6] - 25:18, 25:23, 37:12, 58:13, 62:21, 85:26  
**trainee** [1] - 55:28  
**training** [5] - 71:7, 71:24, 72:9, 72:20, 98:9  
**transcript** [4] - 1:29, 8:12, 8:13, 80:24  
**Transcripts** [1] - 2:21  
**transfer** [1] - 66:17  
**transferred** [1] - 35:8  
**transferring** [1] - 66:13  
**trauma** [6] - 10:8, 10:11, 11:16, 12:6, 12:8, 12:23  
**traumatised** [1] - 18:16  
**traveled** [1] - 95:28  
**trawling** [1] - 21:16  
**treated** [2] - 40:9, 40:10  
**treatment** [1] - 72:21  
**trials** [1] - 81:27  
**tried** [3] - 24:15, 46:23  
**trouble** [3] - 60:16, 61:12  
**true** [11] - 1:29, 10:13, 11:26, 12:26, 37:4, 46:3, 51:1, 67:13, 82:25, 91:7  
**truncated** [1] - 61:17  
**trust** [2] - 25:15, 58:14  
**trusted** [4] - 33:3, 54:25, 62:21, 103:14  
**truth** [4] - 29:19, 29:20, 29:21  
**try** [5] - 8:24, 23:21, 84:10, 102:11  
**trying** [5] - 9:24, 13:13, 27:21, 82:1, 102:16  
**Tuohys** [1] - 81:18  
**turn** [4] - 8:1, 30:2, 75:19, 80:21  
**tutors** [2] - 20:1, 106:15  
**two** [33] - 11:10, 12:16, 23:10, 31:2, 31:3, 32:6, 45:25, 47:1, 48:11, 54:20, 57:29, 64:19, 66:29, 68:17, 70:18, 70:23, 70:26, 71:8, 71:15, 72:29, 74:14, 74:16,

74:28, 75:28, 81:1, 82:1, 83:6, 90:23, 90:24, 94:15, 94:17, 94:20, 106:25  
**Two** [1] - 5:8  
**type** [2] - 9:20, 60:27

## U

**Una** [15] - 1:13, 4:9, 4:20, 4:23, 6:3, 14:27, 29:6, 44:19, 69:12, 94:29, 95:7, 102:26, 104:9, 104:14, 109:25  
**unacceptability** [1] - 101:24  
**unambiguous** [1] - 107:9  
**uncle** [1] - 9:12  
**uncover** [1] - 98:23  
**uncovered** [1] - 51:4  
**undamaged** [1] - 48:17  
**under** [5] - 15:2, 30:7, 73:18, 77:24, 86:23  
**undergone** [2] - 98:9, 99:24  
**understood** [9] - 26:12, 41:8, 85:12, 95:19, 96:10, 99:10, 100:4, 100:8, 100:12  
**undoubtedly** [1] - 45:22  
**unfair** [2] - 44:17, 102:7  
**unfold** [1] - 23:20  
**unfolding** [1] - 23:11  
**unhappy** [1] - 54:8  
**unit** [1] - 10:1  
**United** [1] - 70:1  
**units** [1] - 10:2  
**unkind** [1] - 41:7  
**unless** [2] - 75:8, 75:13  
**unlike** [1] - 73:16  
**unlikely** [1] - 84:2  
**unreal** [1] - 10:5  
**unsatisfactory** [1] - 61:16  
**unsuccessfully** [1] - 59:24  
**unsuitable** [2] - 56:5, 56:16  
**up** [23] - 9:2, 15:27, 18:27, 21:24, 23:5, 32:3, 33:4, 40:22, 42:7, 51:2, 54:22, 54:27, 58:4, 64:9, 70:10, 71:14, 73:7,

78:24, 78:26, 78:27,  
79:19, 94:22, 103:1  
useful [2] - 21:5,  
82:3  
uses [1] - 40:24

---

## V

---

varied [1] - 94:5  
various [9] - 7:5,  
26:19, 39:3, 79:6,  
79:26, 85:9, 86:21,  
98:7, 99:12  
varying [1] - 93:26  
Vc [1] - 21:6  
Vec [1] - 21:9  
verbatim [1] - 33:26  
version [3] - 60:12,  
102:8, 102:10  
vet [1] - 25:25  
vetted [3] - 25:18,  
25:23, 58:12  
vetting [2] - 25:24,  
25:27  
Vetting [1] - 25:28  
victims [1] - 24:24  
view [2] - 45:21,  
57:27  
views [1] - 75:5  
Vincent [2] - 103:13,  
103:14  
Vincent's [1] - 86:28  
violence [3] - 35:4,  
37:26, 37:28  
violent [2] - 32:29,  
35:25  
Visit [1] - 20:19  
visit [2] - 74:17,  
74:19  
visited [1] - 20:19  
visitor [2] - 67:14,  
103:14  
visits [1] - 72:17  
voluntary [2] - 18:13,  
95:26  
volunteer [1] - 80:7  
volunteers [1] - 5:12

---

## W

---

wages [1] - 41:18  
wait [1] - 38:13  
Wait [2] - 76:20,  
81:17  
walked [1] - 99:7  
walls [1] - 84:26  
Walthamstowe [4] -  
70:8, 71:4, 72:24,  
97:18

wants [3] - 22:3,  
46:24, 65:5  
warn [2] - 56:3,  
56:21  
warned [1] - 23:25  
warrant [3] - 17:12,  
18:23, 18:24  
warranted [1] - 22:16  
was...(interjection  
[1] - 55:19  
watch [1] - 48:11  
watches [1] - 99:21  
Waterford [1] - 97:23  
ways [4] - 7:5, 32:1,  
48:10, 98:16  
weary [2] - 45:10,  
45:12  
Wednesday [2] -  
1:11, 4:1  
Weekend [2] - 82:7,  
82:22  
weekend [5] - 35:20,  
60:20, 60:27, 60:28,  
80:8  
welcome [1] - 22:19  
whatsoever [1] -  
57:24  
Whereas [1] - 90:7  
whilst [1] - 102:17  
whit [1] - 56:11  
Whit [6] - 35:20,  
60:20, 60:28, 80:8,  
82:7, 82:21  
whole [9] - 25:24,  
27:25, 40:20, 66:28,  
72:21, 86:1, 90:18,  
104:22  
wish [1] - 55:11  
withdrawn [2] - 65:6,  
66:4  
withdrew [1] - 66:22  
Witness [2] - 3:4,  
33:13  
witness [9] - 27:23,  
43:5, 43:14, 43:16,  
44:17, 58:23, 59:2,  
67:6, 101:29  
woman [5] - 10:25,  
68:15, 99:21, 101:1,  
101:26  
woman's [1] - 68:19  
women [1] - 22:27  
wonder [2] - 19:24,  
19:27  
wondering [6] - 7:3,  
10:14, 12:5, 18:1,  
32:28, 54:16  
wool [1] - 39:24  
word [7] - 23:16,  
31:24, 50:25, 66:26,

81:16, 81:17, 82:13  
words [7] - 23:4,  
23:10, 25:23, 30:28,  
88:15, 93:28, 103:4  
worker [5] - 31:5,  
37:12, 55:28, 62:21,  
91:18  
workers [8] - 5:12,  
11:28, 13:8, 25:22,  
32:2, 71:11, 91:15,  
104:2  
works [1] - 90:18  
world [2] - 24:28,  
25:27  
worried [1] - 13:25  
worries [2] - 20:11,  
96:18  
worry [3] - 14:15,  
52:20, 102:11  
write [1] - 22:5  
writing [3] - 43:19,  
64:12, 64:15  
written [11] - 2:23,  
19:23, 19:24, 25:14,  
42:14, 47:4, 64:22,  
68:28, 68:29, 85:11  
wrongly [3] - 25:14,  
44:19, 44:22  
wrote [7] - 13:23,  
18:11, 18:13, 62:22,  
68:23, 98:3, 105:14

---

## Y

---

yard [1] - 54:5  
year [3] - 67:29,  
70:22, 72:5  
years [11] - 4:29,  
8:23, 28:10, 32:10,  
34:13, 70:28, 74:7,  
87:13, 98:21, 105:17,  
105:21  
your...(interjection  
[1] - 14:18

---

## Z

---

Zambia [1] - 68:24

---

## £

---

£60 [1] - 71:8