

COMMISSION TO INQUIRE INTO CHILD ABUSE  
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL  
BALLSBRIDGE, DUBLIN 4

ON MONDAY, 22ND MAY 2006 - DAY 219B

EVIDENCE OF BR. MICHAEL REYNOLDS

BEFORE:

MR. JUSTICE SEÁN RYAN  
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY  
MR. FRED LOWE

219B

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: MR. N. MacMAHON SC  
MS. K. FERGUS SC

Instructed by: MS. E. McHUGH

FOR THE CHRISTIAN BROTHERS: MR. P. HANRATTY SC  
MS. S. MOORHEAD BL

Instructed by: MR. P. LANKFORD  
MAXWELL WELDON & DARLEY

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

Instructed by: MR. M. DOWLING BL  
LAVELLE COLEMAN

Instructed by: MR. D. McGRATH SC  
MICHAEL E. HANAHOE

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1           THE HEARING COMMENCED AS FOLLOWS ON MONDAY, 22ND MAY  
2           2006:

3  
4           THE CHAIRPERSON:                   Yes, good afternoon.  
5           MR. MacMAHON:                        Good afternoon.  
6           THE CHAIRPERSON:                   Yes, Mr. MacMahon. Good  
7    afternoon Br. Reynolds.  
8           MR. MacMAHON:                        The Committee is going hear  
9    to evidence of Br. Michael  
10    Reynolds.  
11          THE CHAIRPERSON:                   All right. Now, Mr. Reedy,  
12    will you administer the  
13    oath. Thank you very much.

14  
15          BR. MICHAEL REYNOLDS, HAVING BEEN SWORN, WAS  
16          QUESTIONED, AS FOLLOWS, BY THE COMMISSION:

17  
18          THE CHAIRPERSON:                   Thank you very much,  
19    please sit down.  
20          1    Q.    MR. MacMAHON:                   I think, Br. Reynolds, you  
21    are the deputy leader since  
22    2002 of the St. Mary's province of the Christian  
23    Brothers in Ireland?  
24                  A.    That's correct.  
25          2    Q.    I think that you have responsibility for the northern  
26    half of the country, as one draws a line from Dublin to  
27    Galway, and I think Artane comes within that area?  
28                  A.    That's correct.  
29          3    Q.    I think you have been involved in the preparation of a

1 statement for the Commission and you have already given  
2 evidence to the Commission in public session on 15  
3 September, 2005?

4 A. Yes.

5 4 Q. I think that in your statement, and also in your  
6 evidence, you gave details of the sources of  
7 information from which you gave the evidence which you  
8 have given?

9 A. I did, yes.

10 5 Q. Which basically is the archives in Ireland and in Rome,  
11 from speaking to various Brothers who worked in Artane,  
12 from other documents which have been made available  
13 and, indeed, some of which are in the public domain and  
14 in media reports. I think that you yourself never  
15 worked in Artane whilst it was functioning as an  
16 institution?

17 A. That's correct.

18 6 Q. But I think since last giving evidence in public you  
19 have heard the evidence of those who gave evidence to  
20 the Committee in private session?

21 A. I have, yes.

22 7 Q. I think you are again attending in public for the  
23 purpose of answering certain questions which may  
24 require resolution or clarification?

25 A. Yes.

26 MR. MacMAHON: I propose handing you over  
27 to Mr. Dowling, who I think  
28 is going to begin today's questioning.  
29

1           END OF QUESTIONING OF BR. MICHAEL REYNOLDS BY THE  
2           COMMISSION

3  
4  
5           BR. MICHAEL REYNOLDS WAS THEN EXAMINED, AS FOLLOWS, BY  
6           MR. DOWLING:

7  
8       8   Q.   MR. DOWLING:                   My name is Marcus Dowling,  
9   I am a barrister and I have  
10           been instructed to act on behalf of the interests of  
11           all the people who made allegations in relation to  
12           Artane. I think you understand that, that I want to  
13           ask you some questions about both the evidence that you  
14           gave in September 2005 and the written statement that  
15           you have prepared in relation to Artane?

16       A.   Yes.

17       9   Q.   I think you have a book of documents, I appreciate you  
18           only got them this morning but you have had a chance  
19           maybe to look through it during the morning.  
20           Obviously, I appreciate you are not going to be  
21           familiar with the detail and all of the contents of the  
22           documents and I propose referring to that at various  
23           stages.

24       A.   I would have to say it does contain about 500 pages, so  
25           I will find it difficult to.

26       10  Q.   In aid of everybody I am not go to be referring to all  
27           the documents.

28       MR. HANRATTY:                   Just to clarify it, Sir,  
29   and, again, lest it be

1 suggested that the witness is unprepared, he was given  
2 this dossier of approximately 500 documents this  
3 morning and he did take time out from the hearing this  
4 morning, he left the hearing basically to try and at  
5 least figure out what they were about. But there may  
6 be instances where documents are put to him which for  
7 obvious reasons he is not familiar with.

8 THE CHAIRPERSON: And it is not his fault.

9 11 Q. MR. DOWLING: In fairness, it is not 500  
10 documents, it is 500 pages.  
11 Most of the ones I will be dealing with are documents  
12 which this witness has already identified.

13 THE CHAIRPERSON: It may be.

14 MR. DOWLING: It may be uncontroversial.

15 THE CHAIRPERSON: I anticipate that we are  
16 not going to have to worry  
17 about a lot of the documents, that everybody will be  
18 somewhat familiar with them.

19 12 Q. MR. DOWLING: I first think I would like  
20 to ask you, Br. Reynolds,  
21 just in relation to your written submission, I think  
22 that you said that the submission was based upon  
23 various documentation that you discovered both in  
24 Ireland and in the archives of the Christian Brothers  
25 in Rome; isn't that correct?

26 A. Yes.

27 13 Q. You also say that your submission and your evidence  
28 that you gave were based upon interviews with Brothers  
29 who worked in Artane; isn't that correct?

- 1 A. I'm not sure I said interviews. Maybe I did.
- 2 14 Q. Sorry, it is on page one of your submission. You say:
- 3 "The content in this submission is  
4 based on material in the Congregation  
5 archives in Ireland and in Rome, on  
6 interviews with Brothers and others who  
7 worked in Artane Industrial School and  
8 then on the discovery."
- 9 A. Not interviews in the formal sense, you know.
- 10 THE CHAIRPERSON: Conversations.
- 11 A. Yeah, conversations with people.
- 12 15 Q. MR. DOWLING: I am not going into that,  
13 that's all I want. So you  
14 spoke to Brothers to assist you in preparing this  
15 submission. What I just wanted to ask you was, because  
16 I have read through the submission carefully, you don't  
17 appear to have, as a result of those conversations,  
18 been told anything particularly negative about the  
19 institution by the Brothers that you spoke to.
- 20 A. Most of the information I sought was information that  
21 wasn't in dispute, because I felt if a Brother was in  
22 Artane it really wasn't within my remit and I did not  
23 want to be accused of trying to interfere with the  
24 system. So I talked about matters like dormitories,  
25 the duties of a disciplinarian, the duties of the  
26 Resident Manager, that type of information, rather than  
27 referring to specific incidents of abuse. I limited  
28 myself to that deliberately.
- 29 16 Q. I understand that there was a line drawn where if the  
30 Brother had a specific allegation of abuse made against  
31 him you wouldn't ask him about that allegation of



1 abuse?

2 A. Yes.

3 17 Q. But did you ask other Brothers about allegations of  
4 abuse generally, and whether they witnessed abuse or  
5 were aware of abuse -- sorry, the word abuse, you  
6 introduced that -- were aware of excessive punishment,  
7 sexual abuse, did you ask other Brothers generally,  
8 look, I am not talking about things that you are  
9 accused of but were you aware of any physical abuse or  
10 sexual abuse when you were in Artane?

11 A. The only thing I would say in the most general of  
12 manner or if came up in casual conversation, for the  
13 simple reason that I was quite aware, and I think it  
14 came up when I was giving evidence on 15th September,  
15 that I hadn't, by way even of preparation for 15th  
16 September, read directly through all the submissions of  
17 complaint, because I felt that it would be  
18 inappropriate for me to comment on any individual one  
19 during a public hearing when I knew they were going to  
20 be the matter of private hearings. So I stayed well  
21 clear of that type of information.

22 18 Q. Br. Reynolds, I am obviously not making myself clear.  
23 I am not asking you about specific allegations of  
24 abuse, and you are quite correct in saying that you  
25 don't comment on specific allegations of abuse in  
26 either your written submission or in the evidence that  
27 you gave, that's correct.

28 A. Yes.

29 19 Q. I am asking you about the general allegations that you

1 do comment upon. For example, that there was a culture  
2 of excessive punishment and systemic sexual abuse in  
3 Artane. You commented on those general allegations;  
4 isn't that correct?

5 A. I did.

6 20 Q. And you disagreed that they were fair comments to make  
7 about the institution?

8 A. Yes.

9 21 Q. Could you not have asked the Brothers, without going  
10 over the line which you very properly -- I mean I don't  
11 know if it is proper, but you thought, I think on legal  
12 advice, that you shouldn't do that and you followed  
13 that the whole way through, and I accept that. Could  
14 you not have asked Brothers generally whether or not  
15 these allegations of a culture of excessive punishment  
16 or systemic sexual abuse did they have any knowledge of  
17 that, were they aware of that?

18 A. That was certainly part of the conversation. The  
19 general tenor of the response was that people, first of  
20 all in relation to corporal punishment and allegations  
21 of physical abuse, were saying that they didn't find  
22 Artane as an abusive institution and that the  
23 administering of corporal punishment didn't differ to  
24 any great extent from other primary schools in which  
25 they had worked. Also, Brothers would have said in  
26 very general terms, so general as "I was not aware of  
27 sexual abuse while I was in Artane". That was the type  
28 of responses we had. But when that came I didn't press  
29 them on any individual, obviously I didn't, on any

1 individual allegations of which I might have been aware  
2 at the time.

3 22 Q. So the response that you received to the general  
4 inquiries that you made was one of a general denial  
5 that it was an abusive institution, or that Brothers  
6 were aware generally of sexual abuse; is that correct?

7 A. Yes.

8 23 Q. That is reflected in the submissions that you have made  
9 on behalf of the Congregation?

10 A. Yes.

11 24 Q. I am going to come back, perhaps, to how the evidence  
12 given during Phase III maybe didn't tally with that in  
13 detail. Could I just ask you, in general terms, is  
14 that still your view having heard the evidence given  
15 during the Phase III -- or Phase II. Sorry, I  
16 apologise?

17 A. It is, yes.

18 25 Q. And you haven't had occasion to revise that view,  
19 having heard the evidence given by, in particular, the  
20 Brothers who were there I suppose?

21 A. No, I would say -- well, first of all, I want to be  
22 careful not to thread on the domain of the Committee.  
23 I heard all the evidence, I heard all the  
24 cross-examination, I heard the evidence from both sides  
25 of the discussion, as it were, I heard the  
26 cross-examination, I was present for all of it so I  
27 observed it as well. Now, I have views on it, whether  
28 or not they are of any material use in a hearing like  
29 this I don't know, because I am aware that ultimately

1 the evidence, having been heard, is now in the domain  
2 of the Committee and they have to make findings on it.  
3 So, in a sense I have views on it but whether or not  
4 anybody wants to hear them or they are of any use I  
5 don't know.

6 26 Q. Br. Reynolds, and again I am aware that it is not your  
7 role, clearly, or my role to adjudicate upon individual  
8 allegations of abuse, but a great deal of evidence was  
9 given by members of Christian Brothers, or former  
10 members, about conditions in Artane generally, isn't  
11 that correct, quite apart from the specific allegations  
12 made against them.

13 A. Oh yeah, individual Brothers, former Brothers gave  
14 evidence in relation to practically all aspects of  
15 Artane, yes.

16 27 Q. And they gave general evidence about, for example, the  
17 system of corporal punishment in Artane; isn't that  
18 correct?

19 A. They did, yes.

20 28 Q. In relation to that evidence, the general evidence,  
21 that evidence of specific allegations, did that  
22 evidence not give you cause to revise your view? If you  
23 like, did that not make you think, God, maybe those  
24 blanket denials I received at the start they weren't  
25 correct, there does appear to have been a culture of  
26 excessive corporal punishment?

27 A. First of all, I don't agree that I made blanket  
28 denials. I gave instances of abuse that I documented.  
29 I couldn't do anything more in relation to that. I

1 would say in relation to what I heard in the public  
2 hearings, I would say there was a spectrum across which  
3 the practice in relation to corporal punishment ranged  
4 from, at one end of the spectrum, people who gave  
5 evidence that they rarely, if ever, used corporal  
6 punishment, to others who said, yes, they used it quite  
7 frequently. And interspersed in all of that there were  
8 people who said there were occasions, irrespective of  
9 where they fitted on the spectrum, that there were  
10 instances in which they may have lost the head and gone  
11 overboard. But I certainly didn't hear anybody of  
12 evidence that I personally -- and I have to stress this  
13 is my view. I didn't hear anybody of evidence that  
14 would lead me to dramatically change from saying Artane  
15 was an institution which was run according to the  
16 times. There were instances of corporal punishment,  
17 there were instances of severe corporal punishment,  
18 there were instances in which people clearly broke the  
19 rules, but that in the round, in the overall it was not  
20 an abusive institution.

21 29 Q. Can I just ask you in relation to that, and I suppose  
22 there is a number of different parts to your answer  
23 there. Did you hear evidence, and again, obviously,  
24 not trespassing on the specifics, but wasn't evidence  
25 given by a number of Brothers and ex-Brothers that when  
26 they went to Artane they were extremely young when they  
27 went there and had very little experience; isn't that  
28 correct?

29 A. Yes.

- 1 30 Q. And that they said that they arrived, they were  
2 extremely young and that they were, if you like, just  
3 immediately thrust into the middle of having to control  
4 huge numbers of boys; isn't that correct?
- 5 A. Not totally. I can clearly recall evidence being given  
6 of somebody arriving in August or in July, the end of  
7 July, early August in whatever year it was, talking to  
8 the older Brothers there, talking to the principal.  
9 That guidelines were given by the principal in relation  
10 to -- I'm not saying very specific or written, but  
11 guidelines were given in relation to how a school  
12 classroom could be managed, and then the Brother,  
13 admittedly a young Brother.  
14
- 15 But overall I would say the average age of the Brothers  
16 was somewhere in the mid 20s. In the primary school  
17 I'm talk about now. If you included the total  
18 institution it was much older.
- 19 31 Q. Isn't it the case though that a number of Brothers gave  
20 evidence that they saw themselves as very young,  
21 inexperienced Brothers, thrust into what was variously  
22 referred to as an impossible situation, a daunting  
23 situation and that they felt that they had very little  
24 guidance from the management of the Order and how to  
25 cope with that situation. I accept maybe some Brothers  
26 gave different evidence, but didn't a number of young  
27 Brothers give that evidence?
- 28 A. They did, but not in total. What they were saying was  
29 they were trained as teachers but they weren't trained

1 in childcare or in other aspects of run the  
2 institution, for which they then found themselves with  
3 responsibility, without any, not just without adequate,  
4 but without any training for that aspect of the work in  
5 Artane.

6 32 Q. And they found that very difficult to deal with, isn't  
7 that correct?

8 A. Yes.

9 33 Q. For example, and, again, this isn't anything to do with  
10 a specific complaint, but, for example, one Brother  
11 gave evidence that he was told when he arrived that he  
12 was going to be dealing with a different type of boy  
13 than he would outside, and that you had to be very  
14 strict with those boys and you couldn't give them an  
15 inch. Do you remember that evidence?

16 A. I don't, but I accept that if you are quoting it that  
17 it was given, yes.

18 34 Q. Another Brother, when talking about, for example, his  
19 practice of hitting boys on the bare backside with a  
20 leather, he gave evidence and he accepted that he  
21 wouldn't have done that if the boys were in a day  
22 school?

23 A. I am not sure that I heard anybody saying that, that  
24 was his practice. I have a recollection that I heard  
25 someone saying he may have done it once.

26 35 Q. Sorry, that is my fault. I think he said he did it  
27 more than once, but he said that he accepts that it  
28 wouldn't have happened in a day school?

29 A. Yeah, correct.

1 36 Q. You recall that?

2 A. Yes.

3 37 Q. Did you not think when you were listening to that  
4 evidence that you had a situation where young Brothers  
5 would be put into a situation without any proper  
6 instruction, which made them more liable to engage in  
7 excessive punishment, that the system may have given  
8 rise to a greater incidence of excessive punishment in  
9 Artane?

10 A. Just before we come to that. Talking about that it  
11 wouldn't have happened in a day school, it didn't  
12 happen in the school context, as far as I remember, it  
13 happened outside of school. I am not sure that he  
14 would be quite correct, even if he did say it, that  
15 that couldn't have happened outside of school, in an  
16 ordinary home at the time.

17 38 Q. But that was his view, as somebody who had been a young  
18 Brother in Artane in the 1950's and 1960's; isn't that  
19 correct?

20 A. What was his view?

21 39 Q. That it wouldn't have happened if -- he wouldn't have  
22 done it if he was working in a day school. That's what  
23 he said.

24 A. But he wouldn't have been in the situation. He  
25 wouldn't have been caring for the children outside of  
26 school hours if he was in a day school.

27 40 Q. That is, I suppose, in some ways exactly the point.  
28 What I am asking you is did you not think that the  
29 situation maybe gave rise to a culture of excessive



1 punishment? That the scenario of Artane, the number of  
2 boys, the fact that young Brothers were sent into  
3 Artane with no training gave rise to a risk that they  
4 were going to punish boys excessively?

5 A. It may have in some instances, yes. But I am not  
6 saying that the situation was that it gave rise to  
7 wholesale breaking of rules and wholesale excessive  
8 corporal punishment. I don't accept that.

9 41 Q. Okay. Can I just ask you -- and this was touched upon  
10 by the Chairperson during the course of his questioning  
11 of your colleague Br. Gibson at the last hearing -- in  
12 relation to, again, what it was like for a young  
13 Brother going into Artane, do you recall hearing  
14 evidence during Phase II that a number of Brothers felt  
15 that they were being punished by being sent to Artane  
16 and that it was a kind of dumping ground for the  
17 Brothers? Do you recall that evidence?

18 A. I don't. In fact, I recall the opposite. I recall  
19 distinctly one Brother stating that he was told by his  
20 higher Superiors that they only sent the best to Artane  
21 and he looked at that as being a compliment. I do  
22 recall Brothers, or former Brothers saying that they  
23 knew they were going to a difficult situation simply  
24 because if they were going to an ordinary school, be it  
25 primary or secondary, once school was ended well then  
26 their duties, as it were, for the day were over.  
27 Whereas in Artane their duties for the day continued on  
28 to the care of the children after school hours.

29 42 Q. I wonder is that correct, Br. Reynolds. For example, i

1 know one Brother said, when he was describing generally  
2 what Artane was like, he said:

3 "The other thing was a lot of the time  
4 people would ask you why were you sent  
5 to Artane? That was there, why were  
you sent to Artane?"

6 Then he went on to say that he met a lady, in the  
7 context of Irish dancing, and the first thing that she  
8 said to him was:

9 "What did you do to be sent there?"  
10

11 Do you recall that evidence, do you?

12 A. I don't. But if you are reading from evidence I will  
13 accept that, yes. But I am not sure that anything  
14 great turns on it if somebody asks "why were you sent  
15 here?", "what did you do to be sent here?". That could  
16 be said from any point of view. It could be said to  
17 Joe Coastly, it could be said in the context you now  
18 have ended up with a very difficult job, why are they  
19 sending you here? I am not sure that it is something  
20 that you could make any great finding on, to be honest  
21 with you.

22 43 Q. One of reasons why I asked you about that, Brother, is  
23 because one of your colleagues who has admitted to  
24 sexually abusing a boy, one of the things that he  
25 identified in his -- he wrote a letter, I think, it is  
26 at page 220 of the book that you have in front of you  
27 there.

28 A. Just bear with me please.

29 44 Q. We can put it up on the overhead projector as well.

1 A. Is this relating to a specific case which came up at  
2 the private hearings.

3 MR. HANRATTY: I am just slight concerned,  
4 Sir, that we are heading  
5 into the specifics of evidence in relation to a  
6 specific allegation which, if we are, would require the  
7 witness to be allowed to refer to specifics of evidence  
8 to deal with it. It seems to me, and maybe I  
9 misunderstand the rules, that it is going to lead us  
10 into an area where it is going to be very difficult for  
11 the witness to answer questions without dealing with  
12 the wider context in which the evidence was given,  
13 including the identity, without necessarily naming him,  
14 but identity by description of the person concerned.

15 MR. DOWLING: It is in the general  
16 discovery that was made, so  
17 it wasn't discovered in the context of a specific  
18 allegation of abuse. There are a variety of documents,  
19 in terms of letter, that have been read out already  
20 this morning and this is no different from them.

21 A. Could I disagree with you on that for one minute,  
22 because I now see what the letter is and I recognise  
23 it. It was a letter with which the Congregation had  
24 quite some difficulty, because it came to the notice of  
25 the Congregation through redress and we were wondering  
26 were we entitled to discover it at all. But we said we  
27 will air on the side that is against us rather than  
28 anything else, we will give it to the Committee and we  
29 will leave it then to the Committee to decide whether

1 or not it is usable. So, in one sense it is quite a  
2 difficult one for me to deal with.

3 45 Q. I want to ask about this letter just in the context  
4 because it is an example of an verified incident of  
5 sexual abuse that doesn't appear to have been identify  
6 in the opening. There is a large amount of general  
7 comment on Artane in the letter which has nothing to do  
8 with the specific allegation. For example, the  
9 question that I want to ask now is just a comment about  
10 people wanting to get out of Artane, it is nothing to  
11 do with the allegation either. It was discovered in  
12 the general discovery, I wasn't aware that it was  
13 subject to any particular qualification. It is no  
14 different from any other document that has been  
15 referred to here this morning already or was referred  
16 to during the course of the hearing in September 2005.

17 THE CHAIRPERSON: Mr. Dowling, the particular  
18 passage in the letter that  
19 you are proposing to use we think is appropriate for  
20 you to use as a general commentary to elicit what  
21 Br. Reynolds has to say about it, but the letter  
22 otherwise has a lot of difficulties about it. It  
23 seems -- I mean, let me be plain. The difficulty is  
24 there is no point -- let's take an example that is not  
25 immediately relevant here. There is no point in us  
26 having heard evidence in Phase II, in private, where we  
27 heard the full set of allegations and the full set of  
28 responses, and then going through a process here where  
29 that is, in edited form, gone through using code.

1 MR. DOWLING: I don't intend doing that.

2 THE CHAIRPERSON: No, sorry, I am giving  
3 the context of this. That  
4 is unsatisfactory and it is unhelpful from our point of  
5 view because it is not really focussing on the issue.  
6 It is not as if we are ignoring the issues that arose,  
7 we are just saying this is not the place where it is  
8 proper to debate them. All right.

9

10 In this instance, Mr. Dowling, the short answer is we  
11 think the particular passage you are referring to you  
12 are free to refer to it. As to other areas of the  
13 document we would be concerned that there would be  
14 problems.

15 MR. DOWLING: I wasn't going to refer to  
16 the other areas in any  
17 event.

18 THE CHAIRPERSON: So far so good. Fine..

19 46 Q. MR. DOWLING: So if I could just ask you  
20 to look at the document. I  
21 am sorry, maybe I should have made myself clear, it is  
22 just in relation to the writer's comments on the job  
23 that he thought that he had to do at the time that I  
24 wanted to ask you about.

25 A. What page?

26 47 Q. It is page 221.

27 A. Yes. The piece at the bottom of the page, is that what  
28 you are referring to?

29 48 Q. Actually the middle of the page as well, I suppose,

1 rather than come back to the document I will ask you  
2 about it all in one go. To writer makes reference to  
3 the apology issued by the Christian Brothers, which  
4 contain the phrase:

5 "Absolutely nothing could excuse the  
6 child abuse which occurred."

7  
8 And he said that he doesn't agree with that and still  
9 doesn't agree with it for the following reasons. Then  
10 he gives reasons:

11 "The absence of vetting procedures in  
12 selecting personnel for these places  
13 meant it was possible to choose someone  
14 who was entirely unsuitable for the  
15 institution. Consequently, isn't it  
16 likely that mistakes were made in this  
17 regard. After all, it would be grossly  
18 unfair to choose a kleptomaniac to work  
19 as a cashier in a bank, or a person  
20 with a weakness for alcohol as a  
21 bartender in a pub. The only reason  
22 ..."

23  
24 And I don't want to read this out because it might  
25 identify the writer, so I will just skip this. Then he  
26 goes on to say that:

27 "A doctor has described Artane and  
28 similar places as mine fields for the  
29 staff."

30 Then this is the specific.

31 "The workload was excessive in the  
32 extreme, 12 staff to cater for 400 plus  
33 boys."

34 Then he states that of a number of staff who were there  
35 in a particular year only three remained afterwards.

1 They all left eventually. Then he said:

2 "If it was a lay school there would  
3 have been far more staff. All of the  
4 aforementioned tasks were the  
5 responsibility of twelve Brothers,  
6 ordinary human beings, with no  
7 qualifications except the teacher  
8 training from Marino. In lay hands,  
9 complete with trade union support,  
10 there would have been a staff of 40 or  
11 50, or even more, and some would say  
12 that there was absolutely no excuse  
13 whatsoever when things went wrong.

14 To error is human and their human  
15 nature was stretched to the limit in  
16 Artane. It was for me an unnerving  
17 experience to be assigned to supervise  
18 400 plus boys at breakfast, in a large  
19 hanger sized refectory on my own,  
20 before I had taken a bit to eat for  
21 myself. I stuck it for one year only.  
22 Perhaps I would have benefitted from a  
23 course in self-assertion before my  
24 transfer to Artane, and then i could  
25 have acted like some, who reluctantly  
26 went to Artane on the condition they  
27 got out after 6 months or a year. I  
28 certainly wouldn't be in the  
29 predicament in which I find myself at  
30 present."

31 I suppose that letter touches upon a number of things  
32 that I have asked you about already, in terms of the  
33 evidence that was given by individual Brothers during  
34 the course of Phase II, that they were effectively  
35 faced with an impossible task, to perform under  
36 extremely difficult conditions. Insofar as there were  
37 incidences of excessive punishment or abuse, do you  
38 accept the criticisms made by that writer, that they  
39 were as a result of what management at the Order asked  
40 the young Brothers to do?

41 A. I don't, and I would seriously disagree with the first

1 piece that you read out, which says that when the  
2 Congregation said in their apology that nothing can  
3 excuse child abuse. He seems to be saying that  
4 something can. I would have to disagree with him at  
5 this stage.

6  
7 Secondly, I know who the person was and I know what his  
8 duties in Artane were. Now, unfortunately, if I start  
9 saying what they were he will be identified. But they  
10 weren't as onerous, as rigorous or as time consuming as  
11 that letter gives to believe. And you do now the  
12 context in which the letter has been written.

13 49 Q. So you don't accept the criticisms?

14 A. I don't accept the criticisms that are put in this  
15 letter, no.

16 50 Q. As far as you are concerned, if he says that there was  
17 a situation whereby some people only went to Artane and  
18 they were sufficiently assertive to insist that they be  
19 let out of it as quickly as possible, that that's not  
20 your belief, even having heard the evidence in Phase  
21 II?

22 A. No. Even the piece about everybody except she leaving  
23 in 1963 baffles me. I don't believe that for a minute,  
24 because if you read the visitation report of 1963 and  
25 read the community list, and read the community list  
26 and the visitation report of 1964 you will find a huge  
27 overlap. So I am not sure what that particular  
28 sentence means.

29 51 Q. I don't think he's referring to all of the Brothers,



1 and he's not referring to them leaving the next year.  
2 He's saying that maybe ten or fifteen years later of  
3 the twelve young teaching Brothers only three of them  
4 were left. That's what he is talking about.

5 A. Left where?

6 52 Q. Left in the Order, as they have all left the Christian  
7 Brothers?

8 A. What comparator are you using? The first school that I  
9 taught in, which was an ordinary primary school, in  
10 1968, and seven of us started together and there were  
11 some Brothers there, of the seven of us who started  
12 there at that year I think there may be myself and one  
13 other left. So I am not too sure what the comparison  
14 is, by simply taking raw numbers and saying X number  
15 started, in 15 years time Y numbers remained. What are  
16 you comparing that with to say whether it was big,  
17 small or otherwise?

18 53 Q. I am just telling you what it says in the letter and  
19 asking you to comment upon it. And you don't accept  
20 that?

21 A. And that's my comment, yeah.

22 54 Q. There is just one other thing I want to ask you about  
23 this, and it is just in relation to other evidence that  
24 was given during Phase II in this regard. In fact, one  
25 of the young teaching Brothers in the early 60's said  
26 that -- he give gave a picture, and this was said by a  
27 number of Brothers, that there were a number of  
28 middle-aged Brothers whom it was generally felt were  
29 not doing any work and that the young teaching Brothers

1 actually thought it was so bad that they actually went  
2 and complained at one stage about what they saw as the  
3 unfair division of duties, whereby they, as a small  
4 group of young men, were asked to perform a huge amount  
5 of work, and other people, as far as they were  
6 concerned, didn't do anything. Do you remember that  
7 evidence?

8 A. I do. I can't remember the individual person. I  
9 remember the evidence arising maybe on three occasions,  
10 one was somebody from the late 40's. I don't actually  
11 remember that one, but obviously you are quoting one.  
12 I know that there was reference to it in the visitation  
13 report of 1968. But just to put it in context. In I  
14 think it was 1955, '56, I took that year because it is  
15 the middle, if you know what I mean, between 1940 and  
16 1970 as being a sort of in between year, and I found  
17 out that in the primary school that year there was a  
18 principal and there were 13 teachers. In the remainder  
19 of the institution there were 17 people who had  
20 designated duties, Resident Manager, bursar,  
21 disciplinarian, three Brothers teaching in night  
22 school, the continuation school, a band manager, a  
23 technical trades school academic manager, a person in  
24 charge of trades, a farm manager, a poultry farm  
25 person, two in aftercare, one in the boy's kitchen, one  
26 in the community kitchen, one looking after provisions  
27 and the other supervising the knitting school.

28 55 Q. Br. Reynolds, you have not answered the question I  
29 asked you.

- 1 56 Q. THE CHAIRPERSON: What year was that?
- 2 A. I think, I am not sure Mr. Chairman, but I think it was
- 3 55/56. It is, I have it here, it is 1955/56.
- 4 57 Q. THE CHAIRPERSON: And there was principal and
- 5 13 teachers.
- 6 A. Yes.
- 7 58 Q. THE CHAIRPERSON: There were 17 other
- 8 Brothers doing specific
- 9 jobs; is that right?
- 10 A. Yes. And there may have been three or four retired,
- 11 who had been working in the place and who literally
- 12 were retired and were doing nothing in other words.
- 13 59 Q. THE CHAIRPERSON: What's the significance,
- 14 Brother, do you say in
- 15 relation to the issue Mr. Dowling is saying, which is
- 16 that the younger Brothers were complaining that the
- 17 older ones weren't pulling their weight?
- 18 MR. DOWLING: That's what I am asking,
- 19 yes.
- 20 A. There is no doubt that the younger Brothers carried a
- 21 lot of the -- they carried the teaching and the
- 22 supervision. But I am saying that is ignoring the
- 23 Resident Manager, the disciplinarian, those who were
- 24 teaching in the continuation school. A lot of the
- 25 other people, 17 of them to be precise, had a job
- 26 description and, therefore, they couldn't -- they may
- 27 have been able to take part in some of it, but
- 28 certainly I don't think it was a situation where the
- 29 Brothers in the school did everything and nobody else

1 did anything. That's the point I am making.

2 60 Q. THE CHAIRPERSON: I understand.

3 A. Secondly, I would want to say that I also heard  
4 evidence in which people disagreed with that. It came  
5 up, certainly, in evidence in relation to the 40's,  
6 somebody mentioned that. I remember then people sort  
7 of clinging on to that as if it were absolutely fixed.

8 61 Q. THE CHAIRPERSON: For all time.

9 A. Yes. And then there was different views on it.

10 62 Q. THE CHAIRPERSON: Inevitably it would.  
11 obviously, it would differ  
12 depending on who the people were and what the numbers  
13 were, I suppose

14 A. Yes.

15 63 Q. THE CHAIRPERSON: But there was evidence that  
16 there were older Brothers,  
17 whether they are retirees or not I don't know, who  
18 wouldn't even take the boys out for a walk unless they  
19 were prodded into it by the principal, Brother  
20 Superior. Am I correct about that?

21 A. Correct. I would be pretty clear that in that 17 that  
22 I mentioned none of them took the boys out for a walk.  
23 Then taking the boys out for a walk was not a job that  
24 you would give to somebody who wasn't fully able  
25 bodied. Whereas being in charge of the band might be.

26 64 Q. THE CHAIRPERSON: It was quite a -- I mean,  
27 we are talking about large  
28 numbers.

29 A. It was. We are talking about maybe 120, I think, was

1 mentioned, two Brothers and some monitors, and they  
2 brought them out walking around north county Dublin and  
3 brought them all back.

4 65 Q. THE CHAIRPERSON: It was quite a picture, of  
5 a little crocodile going  
6 around.

7 MR. DOWLING: I am going to finish up on  
8 this very quickly. I think  
9 actually, Br. Reynolds, you may do the principal at the  
10 time a disservice, because the evidence given by that  
11 Brother that they went in, in deputation to the  
12 principal to complain about the amount of work that  
13 they had to do, and that the principal actually acted  
14 on that and then after that the older Brothers treated  
15 them as persona non grata.

16 A. What year is that?

17 66 Q. There is not a year. It is in the early 1960's.

18 A. Yes.

19 67 Q. Just on the same as the last thing again, because I  
20 suppose I just wanted to ask you to comment on this  
21 because, again, you have said that you don't accept  
22 what Brothers said about it being a penance. For  
23 example, the particular Brother who gave that evidence  
24 gave evidence that when he went to Artane he met a  
25 Brother who went on to become a senior person in the  
26 Christian Brothers and:

27  
28 "...he was so disgusted that he was  
29 sent there. He thought this was a  
penance and he said to me one day "I  
wonder what my parents would say if  
they thought I was in this place. And

1 he pleaded heaven and earth to get  
2 out."

3 Then he said:

4 "I saw that particular man do a  
5 terrible thing, I saw that fella where  
6 he had just sat down in class, put his  
7 head in his hands and wouldn't do a tap  
8 and care if there were any  
9 interrupting. You would go into class  
after him and there would be bedlam,  
pandemonium."

10 That's more evidence that was given of this perception  
11 that it was a form of a penance, or it was an awful job  
12 to get, to go to Artane. But you don't accept that?

13 THE CHAIRPERSON: A punishment posting.

14 MR. DOWLING: A punishment posting.

15 A. I don't think that's a good reading of that, because I  
16 remember that particular evidence. I think that  
17 particular man was saying that he was somebody who was  
18 sent to Artane who didn't actually do what he was  
19 supposed to do. Now, whether or not that was in order  
20 that he be changed out I don't know.

21 68 Q. That's a letter that is criticising the person for  
22 doing that.

23 A. Yes.

24 69 Q. But it does point to a perception that it was, as the  
25 Chairman said, a punishment post. But you don't accept  
26 that?

27 A. I don't accept that, and I would say the vast, vast  
28 majority of Brothers wouldn't accept that. Because I  
29 also remember evidence being given by a lot of people

1 about how proud they were of the work they did there,  
2 and the amount of work they did there, and the best  
3 years of their lives were given to Artane, which was  
4 much more common than that type of criticism.

5 70 Q. This is a matter for the commission, but I am not sure  
6 that is actually correct if you read through the  
7 evidence of the Brothers who gave evidence in relation  
8 to Artane.

9 MR. HANRATTY: With respect, it is correct  
10 in terms of a description  
11 of the evidence that was given.

12 MR. DOWLING: For the vast majority it  
13 is not correct. I have  
14 just read the transcripts over the last three days and  
15 it is not correct. But it is a matter for the  
16 Commission. The witness has said that, I will  
17 respectfully disagree with it, having just read the  
18 transcripts, and the Commission can decide. If I can  
19 just ask you to deal with the identifiable. I think in  
20 your statement, the written statement that you have  
21 produced, if I could ask you to have a look at that  
22 Br. Reynolds. I think it is laid out in quite a  
23 helpful format, because you identify verifiable  
24 instances of abuse, isn't that correct?

25 A. Yes.

26 71 Q. And then there are particular documents that are  
27 referable to those instances; isn't that correct?

28 A. Yes.

29 72 Q. The first thing I just wanted to ask you about is

1 obviously you have identified a certain number of  
2 verifiable -- we will deal with sexual abuse first of  
3 all. You have identified a certain number of  
4 verifiable instances of sexual abuse that were carried  
5 out by Brothers when they were in Artane. In other  
6 words, you know that the Brother was in Artane and when  
7 he was there he abused boys; isn't that correct?

8 A. We identified six of those and five of them took place  
9 prior to 1944.

10 73 Q. That's correct. Then you also identify -- because,  
11 obviously, you are familiar with the statement but  
12 other people mightn't be -- you identify verified  
13 incidences of abuse which were committed by people  
14 before they were sent to Artane. You have got a  
15 certain number of those. I will come back to the  
16 detail in a second, but just to get the general scheme  
17 of it. Then you identify Brothers who were found had  
18 abused people after they left Artane, isn't that  
19 correct?

20 A. Yes.

21 74 Q. The first thing I want to ask you about is how did  
22 you -- because I can't quite work this out from the  
23 documents -- how did you come up with the definition of  
24 what's a verifiable incidence of abuse?

25 A. Literally that I had a piece of paper that I could  
26 stand over and if the person was alive and came along  
27 and said to me, "you can't say that about me" I would  
28 be able to say to him well I can, because I have a  
29 piece of paper here which enables me to say that.



1 75 Q. I don't want to get into the details of this, but I  
2 think you have said there were six that you know  
3 definitely happened when people were there; isn't that  
4 correct?

5 A. Yes. And I have documentary evidence.

6 76 Q. Yes. But just on my reading of the papers, and it may  
7 be something, that documents came to light later, in  
8 fact the number in the discovery is nine, there were  
9 three other ones, besides the six people that you have  
10 there. Maybe I can talk to counsel about this because  
11 I want to be clear. I can find nine where you have got  
12 an admission by a Brother

13 A. You would want to be careful on that, because even  
14 though I had only a short time I read through some of  
15 these this morning and some of the documents don't  
16 refer to people who were in Artane at all.

17 77 Q. I understand that, and I appreciate that, but there are  
18 ones that are just generally documents about abuse that  
19 was discovered in the archives of the Order; isn't that  
20 correct?

21 A. Yes, if you say you see others. I don't think it is a  
22 matter that we can discuss here.

23 78 Q. I understand that. But there are three -- I am going  
24 be looking at documents in which there are names  
25 mentioned that don't appear to be identified here, but  
26 that's neither here nor there. Then you give the  
27 examples of the ones before and after. The first thing  
28 I wanted to ask you about, and I suppose this is  
29 getting straight to the heart of the issue, and

1 Mr. Hanratty very helpfully closed out his examination  
2 of your colleague in relation to this, is that you  
3 state on a number of occasions that the Christian  
4 Brothers didn't understand the recidivous nature of  
5 sexual abuse at the time.

6 A. Yes.

7 79 Q. Do you stand over that statement, do you?

8 A. Yes.

9 80 Q. Could you explain to me what that means exactly? What  
10 do you understand when you say:

11 "to psychological aspects of sexual  
12 abuse, its traumatic affect on children  
13 and the recidivous nature of such abuse  
were not understood at the time."

14 What does that mean?

15 A. The recidivism that is talked about now a days was  
16 probably unheard of, I would say, at that stage by  
17 professional people dealing with that area.

18 81 Q. I am not trying to be dense about this now, but  
19 obviously you are using the term in the technical  
20 sense, what does that mean in simple English? It is  
21 someone is liable to re-offend; is that correct?

22 A. Well, it is more really that the likelihood of reform,  
23 for the want of a better term, is probably low.

24 82 Q. Is low?

25 A. Yes.

26 83 Q. And that people are liable to continue doing it?

27 A. Yes, yes.

28 84 Q. It is your evidence, or it is your belief that one of  
29 the reasons why the Brothers adopted this practice,

1 which you now accept is unacceptable, of sending people  
2 who committed abuse from one school to another was  
3 because you didn't understand that people were liable  
4 to re-offend; isn't that correct?

5 A. No, that the understanding of recidivism as it is today  
6 was not present anywhere among the Brothers or among  
7 anybody else at the time.

8 85 Q. Again, I just wonder is that actually correct. Because  
9 it seems, on my reading of the documents, and I am  
10 going to ask about specifics now, that they knew very  
11 well that people were liable to re-offend, and that  
12 they had a large body of evidence about people  
13 compulsively re-offending in relation to sexual abuse?

14 A. I'm not sure that that's true. I'm not saying that  
15 they didn't know that people did re-offend.

16 86 Q. That's why I was a bit confused. I mean, they knew  
17 that people re-offended, even after they got warnings  
18 and stuff, so how did they not know that they were  
19 recidivist if they knew that they re-offended?

20 A. Well, there is quite a difference between being  
21 somebody whose character or whose personality  
22 predisposes them to this and somebody who offends on  
23 whatever number. Because if you went to the opposite  
24 spectrum, in the cases that I have outlined here, where  
25 people who had abused prior to coming to Artane, you  
26 will see that at the end of each of them I have written  
27 down, to the best of my knowledge, that there was no  
28 evidence of further abuse when they arrived in Artane.

29 87 Q. That they weren't caught later, not that there was

1 no evidence. They were never detected afterwards.

2 A. No.

3 88 Q. If they were doing it, they weren't detected  
4 afterwards.

5 A. But sure you could say that about anybody, not just  
6 about this group.

7 89 Q. Could I just ask you about one of those cases, which is  
8 somebody who abused prior to going to Artane and I  
9 think as you said there, you made the point -- I will  
10 just read out exactly what you said. If you could look  
11 at your opening statement, at page 127.

12 A. Yes.

13 90 Q. This is a Brother who was sent to Artane and he was  
14 caught sexually abusing before he went there. You say:

15 "Complaints of abuse of a sexual nature  
16 were made against this particular  
17 Brother in Cork in 1938. The accused  
18 admitted to having kissed, embraced and  
19 fondled boys, but always openly, the  
20 mothers were present, and never in a  
21 gross manner. He denied touching in  
22 the genital area. The lady who made  
23 the complaint also stated that although  
24 she could not be sure if he touched the  
25 boys in the genital area she thought  
26 not. However, this was not a view  
27 shared by the dean in the parish."

28 That's actually not what it says in the correspondence  
29 but I will ask you about that in a second.

30 "The matter was investigated by the  
31 Provincial Council and he was issued  
32 with a canonical warning and he was  
33 advised that any repetition of his  
34 conduct would render him liable to  
35 expulsion from the Congregation. Then  
36 he was sent to Limerick and then went  
37 to Artane."

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That's what you said.

A. That's true, yes.

91 Q. I don't know why you saw to phrase it in that manner, but that doesn't really, I have to suggest to you, tell the full story of what happened in this case. If I could just ask you to look at page 87 of the documents. This is one of these letters that illegible in a photocopied form, but in the original that we received from the Commission it is possible to read it. What I have done is I have typed out what it says. It is a letter to the Brother Provincial from, I think, somebody in authority in the Christian Brothers in Cork. This, supposedly, is the basis for what you just said there, though again I am going ask you about that because I can't quite make them marry together.

"My very dear Brother Provincial,  
I wish to thank you for your kind letter of sympathy to hand this morning. Since I came here I don't think I can recollect so much misfortune packed into one week as this has been. I quite agree with you that Br. Blank is to be more pitied than censured. He just has no control over his hands and frequently..."

The word is actually "pemper" in the document, but presume it is temper.

"For the past four years I have always feared that when the inevitable would come in his case that it would be much more serious. A man with definitely pious dispositions, he's an enigma.  
What annoyed me most was the attitude

1 of the dean, his sweeping statements  
2 about immorality and Christian  
(inaudible) in fact all over the place  
3 are, I believe, gross exaggerations.  
4 Only last year he told me to expel a  
5 certain boy from the college for a  
6 similar offence, and merely told the  
7 boy to leave and gave no reason."

8  
9 Then he said that he interviewed the boy's parents and  
10 that the boy was readmitted. Then he says:

11 "I assure you that all of us here are  
12 most particular about these matters,  
13 especially as Cork is full of it. Why  
14 I moved in the case of (two boy's  
15 names) at all was because two  
16 mothers...and he said the mothers were  
17 doctor's wives...asked me to  
18 investigate certain bad comment and, of  
19 course, language going on in a certain  
20 class. I did so. Both the boys  
21 admitted immorality frequently and in  
22 class, as well as trying to induce  
23 other boys into it. I had confirmation  
24 from others as well. The boy was  
25 expelled two years ago for stealing  
26 books from the college. I kept him out  
27 for two months when his granduncle, a  
28 canon, made a final plea for him,  
29 giving the usual guarantees for good  
30 conduct.

31 His mother, realising the futility of  
32 trying to get him reinstated, had to  
33 adopt the extreme measures, including  
34 blackmail."

35 Then he said that his solicitor telephoned him.

36 "It was then her rage boiled over and  
37 she wrote the letter which you have.  
38 In the circumstances I had only to  
39 capitulate with the best grace I could.  
40 Incidentally, she said that she was  
41 sorry to have written such a letter,  
42 and she was the dean's informant. I  
43 insisted, in fairness to the name of  
44 the Brother and on the name of the  
45 Brother to who this transfer was given,  
46 and knowing if he meddled with boys in

1 their private parts, she did not know  
2 but thought not. Still, this was a  
3 point on which the dean was quite  
4 positive. Knowing (the name of the  
5 Brother) as I do, as we do, I thank God  
6 he did not do worse.

7 It will not prevent him from getting  
8 credit for it all the same. To make it  
9 worse, he was a well known person and  
10 not favourably I am sorry to say. It  
11 is a case of a woman's revenge and  
12 shows that the less we have to do with  
13 outsiders the better. I have to allow  
14 one of the boys back. I am sorry for  
15 this, but all I could do to obviate it was  
16 futile. I have not mentioned one word  
17 to anybody in the house about the  
18 events of the past few days, and  
19 neither shall I. It must remain a nine  
20 days wonder."

21 That's the part of it dealing with that. First of all,  
22 I can't understand how you managed to say in your  
23 statement that:

24 "when he denied touching the genital  
25 area, the lady who made the complaint  
26 also stated that although she could not  
27 be sure if he touched the boys in the  
28 genital area she thought not. However,  
29 this was not a view shared by the dean  
30 in the parish."

31 You didn't actually mention there that the Provincial  
32 who received the letter and the Brother who wrote it  
33 actually say:

34 "Knowing him as we do, we think he  
35 probably would have done worse."

36 You never mentioned that in the summary you gave of the  
37 incident.

38 A. Can you refer me to that?

39 92 Q. You say:

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"she did not know, but thought not".

A. That's certainly in the letter, yes.

93 Q.

"This was the point at which the dean was quite positive. Knowing the Brother as we do, I thank God he did not do worse."

A. I did say that the dean did not share that view. Meaning, in other words, that the dean's view was that he did.

94 Q. But you don't say that Provincial and the person who wrote this letter in fact would have believed that would have done worse?

A. But I mean, what the Provincial believed or didn't believe I am not sure is of any consequence. What I was saying in the submission is that the lady thought it didn't happen, the dean thought it did. And, obviously, that's the view that I am taking, that if the dean thought it did well then it did happen.

95 Q. Can I just ask you in relation to your evidence that this idea that the Brothers didn't understand that people were liable to repeat. Doesn't this letter show that the person in charge of this Brother knew for a period of four years that he was out of control.

"he had no control over his hands, and that for the past four years I always feared that when the inevitable would come in his case that it would be much more serious."

So, for four years the person who wrote this letter had



1           been waiting for this Brother to get caught? Isn't  
2           that what the letter says?

3           A.   Essentially that's what the letter says. But that is  
4           part of the difficulty. What was the Brother to do, go  
5           along and say to him "you are abusing people, I can't  
6           prove this".

7   96   Q.   I am not asking about that for the moment. I will ask  
8           you that in a second. I am asking you about the  
9           statement that the Christian Brothers didn't appreciate  
10          that people were liable to re-offend, or that this was  
11          a compulsion, or that it kept happening all the time.

12          A.   I would come back to say that this litter, in my view,  
13          does not point out that the recidivistic nature of  
14          child abuse was known to whoever wrote it. What he is  
15          saying is that this individual person, certainly he  
16          believed, abused but he wasn't in a position to take  
17          any action on it until he had sufficient proof.

18   97   Q.   It doesn't say that he wasn't in a position to take any  
19          action on it. In fact, if you read the letter, he only  
20          took action on it when the mother blackmailed him.  
21          That's what the letter says.

22          A.   Are you sure that doesn't refer to taking boys back  
23          into school.

24   98   Q.   No, I'm afraid, because it says that:

25                                "she was the dean's informant as well."

26  
27          So what the letter identifies is that the mother who  
28          wrote the letter, being the woman scorned or a woman's  
29          revenge, as it is put in the letter, that she was also

1 the person who gave the information to the dean in  
2 relation to the Brother who was transferred. That's  
3 what it says.

4 A. But she was the mother of two boys who were expelled  
5 and she wanted to get them back in.

6 99 Q. And the way she got them back in was by blowing the  
7 whistle on this Brother, whom the author of the this  
8 letter and the Provincial knew full well was a menace.  
9 I will read it out to you again, Br. Reynolds, because  
10 that is quite clearly what the letter says. It says:

11 "It was then her rage boiled over and  
12 she wrote the letter which you have.  
13 In circumstances I had only to  
14 capitulate with the best grace I  
could."

15 Which is in relation to letting the boy back in.

16 "Incidentally, she said that she was  
17 sorry to have written such a letter..."

18 Which is the letter which has the information contained  
19 in it.

20 "...as she was the dean's informant. I  
21 insisted, in fairness to... the name of  
22 the Brother who the letter is about...  
23 on knowing if he meddled with the boys  
in their private parts."

24 So it is quite clear that the information is contained  
25 in the blackmail letter.

26 A. In the letter that the lady wrote, yes.

27 100 Q. Yes. So, in fact -- I mean, I don't know why you  
28 bothered saying it, but by saying that they only took  
29 action when it came to light. In fact, they only took

1 action when they were blackmailed by this woman to get  
2 her boy back into the school. I mean, that's what it  
3 says in the letter.

4 A. My reading of that letter in particular is that the  
5 lady wrote a complaint, when the complaint was read by  
6 the Superior the person was changed out from the place.  
7 Prior to that they may have had their suspicions of  
8 what was going on but they certainly hadn't any proof  
9 of it.

10 101 Q. They had no evidence.

11 A. No.

12 102 Q. Well, I have to suggest to you that -- I mean you could  
13 be write about that, but in fact it doesn't say that in  
14 the letter. You have gone too far by saying that the  
15 letter shows that they had no evidence. The letter  
16 equally well could be read to say that the guy was at  
17 it for four years and we just did nothing about it  
18 until we got caught. I am not saying that's correct,  
19 but it is equally (inaudible) of that reading than it  
20 does of the reading that they took no evidence,  
21 actually that they have no evidence.

22 A. Well they are two readings on it, and I am happy to  
23 leave it to the Committee to do their work.

24 103 Q. I have to suggest to you that it is highly instructive  
25 that the reading that you take is the one that  
26 exonerates the Christian Brothers, and that's the one  
27 that you have volunteered.

28 A. No, I don't exonerate the Christian Brothers, and I do  
29 say and have said that the practice of changing a

1 person who abused in one institution into another was  
2 incorrect.

3 104 Q. If the correct reading of the letter was that they had  
4 stood by while this man abused boys for four years --  
5 and, obviously, I am not saying that is the correct  
6 reading -- wouldn't that be a contemptible thing for  
7 them to have done?

8 A. Yes.

9 105 Q. Now, if I could just ask you then in relation to the  
10 letter that was sent to this Brother. I am not going  
11 to go on to deal with everything in this much detail,  
12 but just this while I think of it. It is from 1938, so  
13 it is a long time back. This is at page, I think, 108  
14 in the book also?

15 A. Is it the second page that you gave me?

16 106 Q. Yes, it is the second page. It is equally illegible in  
17 the book but, again, this is a translation of it.  
18 Because I think this letter is interesting again  
19 because it goes back so far, but it also deals with, I  
20 suppose, the understanding on the part of the  
21 Congregation of what might come out of these things.

22 "My very dear Brother..."  
23

24 Sorry, it is very distracting. I know Ms. Moorhead is  
25 upset by what I'm saying, but it is very distracting  
26 when she keeps talking.

27 "My very dear Brother,  
28 The Brother second consul tor has  
29 confronted you with the charges which  
have been made against you regards

1 kissing, fondling and embracing the  
2 boys under your case and you have  
3 admitted that these charges are true.  
4 By indulging in such impropriety you  
5 have scandalised your pupils, given  
6 rise to a great deal of unsavoury  
7 gossip amongst them and their parents,  
8 done grave injury to the reputation of  
9 the college, brought discredit on  
10 yourself and, I greatly fear, lowered  
11 the Brothers in the estimation of a beg  
12 section of the public. May God grant  
13 that the consequences are not worse."

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What do you think that, that refers to, the worse consequences?

A. I don't know what it refers to. I mean, I am taking it the same way as you are, it is a sentence at the end of a paragraph and I don't know what it refers to.

107 Q.

"Every Christian Brother is bound by his rule, as well as by the laws of charity and justice to do all in his power to safeguard the virtue of his pupils and to assist them as far as he can to preserve their innocence if they have not already lost it.

Your conduct was well calculated to rob them of this precious treasure of innocence. What greater wrong could you do to them. You can not reasonably make the plea that you did not realise the gravity of your offence."

Then it goes on to say:

"To give him the canonical warning and that if he does it again he will be expelled."

Then it goes on to say:

"I must earnestly exhort you to make a determined effort to combat your immoderate tendency to softness in

1 dealing with your pupils, and to think  
2 seriously over the grave spiritual harm  
3 your actions inflict on both them and  
4 yourself.

5 Your surest safeguards against this  
6 proneness to infeminacy (sic) and all  
7 that it connotes will be found in  
8 mortification and prayer. Then as a  
9 penance for the offence with which you  
10 are now charged you are to say  
11 privately each day during the remainder  
12 of Lent one decade of the rosary."

13 Then he was transferred to Limerick and he was  
14 subsequently sent to Artane; isn't that correct?

15 A. Yes.

16 108 Q. If I could just ask you to deal with a second -- and,  
17 again, I am not going through it?

18 A. I am not sure what your question on that letter was.

19 109 Q. Sorry, I didn't actually ask a question, I just read it  
20 out. I suppose in terms of the consequences not being  
21 worse, I would have to suggest to you that that's  
22 clearly a reference to it being report to the civil  
23 authorities, given the other matters referred to in the  
24 paragraph?

25 A. I don't, I must say. If you pushed me on it I think  
26 the hint to it is further down. But it is only surmise  
27 on my part that they are talking about scandal and  
28 scandal to him and scandal to the boy and scandal to  
29 the public, and everything else. I am not sure that,  
30 you maybe correct but there is no indication certainly  
31 in that sentence to me to say that it has anything to  
32 do with civil authorities or otherwise.

33 110 Q. Accept for the fact that they cover off the scandal to

- 1 everybody, they say that a big section of the public  
2 knows, that you have done grave hinder to the  
3 reputation of the college, you have brought discredit  
4 on yourself, you have given rise to gossip amongst the  
5 boys and their parents. So the things that you said  
6 you think it refers to, they are all covered off. So,  
7 "May God grant that the consequences are not worse".  
8 I would suggest to you the only thing that could have  
9 been worse from the point of view of the Christian  
10 Brothers would be that the police would get involved?
- 11 A. I have no idea where you are making the connection, but  
12 if that's your opinion.
- 13 111 Q. Because, Br. Reynolds, everything else is covered?
- 14 A. Everything else in relation to?
- 15 112 Q. The things that could be bad. When I said what does  
16 that mean you immediately responded by say, oh, it  
17 might get out into the public. But he says it has  
18 already got out into the public.
- 19 A. It has got out into some of the public, yes.
- 20 113 Q. A big section of the public?
- 21 A. Can you direct me to that?
- 22 114 Q. It is:
- 23  
24 "....lowered the Brothers in the  
25 estimation of a big section of the  
26 public."
- 26 A. Yes.
- 27 115 Q. So isn't it clearly referring to the only thing that  
28 could have been worse, which are the civil authorities?
- 29 A. That's your interpretation is all I am saying,

1 Mr. Dowling.

2 116 Q. Would that be your interpretation of it?

3 A. It wouldn't really. Off the top of my head that would  
4 not have been my interpretation of that. But I am not  
5 saying that you are not correct in that.

6 117 Q. Would it be fair to say that in relation to any  
7 document where it is open to two interpretations you  
8 always automatically will assume the interpretation  
9 that is most favourable to the Christian Brothers?

10 A. I didn't assume any interpretation.

11 118 Q. Well, your interpretation of the document will always  
12 be the one that is most favourable to the Christian  
13 Brothers.

14 MR. HANRATTY: That's, with respect, an  
15 unacceptable statement to  
16 make.

17 THE CHAIRPERSON: He would scarcely be unique  
18 in that, would he, if he  
19 were a Christian Brother? No more than Mr. Dowling  
20 looking at a document would scarcely lead to the  
21 conclusion favourable. I mean that's the nature of  
22 life, Mr. Hanratty.

23 MR. HANRATTY: It is. But what concerned  
24 me about it Sir, was.

25 ... (INTERJECTION)

26 THE CHAIRPERSON: Personally, I have to say I  
27 am not seeing it in this  
28 little sentence. I am not sure that it is obvious one  
29 way or the other. Certainly, not to me it is not.



1 MR. HANRATTY: No, and I will let that go  
2 because we can all  
3 speculate until the cows come home. What concerned me  
4 about this was to, first of all, suggest to the witness  
5 that this was an instance where he was taking an  
6 interpreting favourable to the Brothers and then to  
7 immediately jump and say "in every case", without  
8 identifying any other case where this is suggested.  
9 MR. DOWLING: I am going to identify a  
10 number of case. The reason  
11 why I asked that question there, in fairness is because  
12 I am going to be suggesting... (INTERJECTION).  
13 THE CHAIRPERSON: It is a bit unfair, Mr.  
14 Dowling.  
15 MR. DOWLING: Then I will withdraw the  
16 question.  
17 THE CHAIRPERSON: "Aren't you the sort of  
18 person who is not going to  
19 give me a straight answer" sort of question.  
20 MR. DOWLING: Accept for the fact that  
21 the Christian Brothers  
22 ... (INTERJECTION).  
23 THE CHAIRPERSON: If I am cross-examining and  
24 I say "are you the sort of  
25 person who is never going to give me -- isn't that the  
26 sort of thing it is?  
27 MR. DOWLING: Mr. Chairperson, I would  
28 normally accept that.  
29 THE CHAIRPERSON: In one way it is

1                                   inevitable. Br. Reynolds  
2 is a senior member of the Christian Brothers, in one  
3 way it is inevitable. If he looks at a piece of paper  
4 and there are two ways of looking at it, in one way he  
5 would be less than human if he didn't say, well. Do  
6 you know, without deliberately jumping to conclusions  
7 at all isn't that sort of inevitable? I mean a  
8 policeman will look at a thing one way, a lawyer will  
9 look at a thing another way.

10 MR. DOWLING: Other Orders have come here  
11 and they have not taken  
12 that approach. In fact, one of the big defences put up  
13 by the Christian Brothers is that when a complaint was  
14 made against a Christian Brother there is no bar  
15 against believing the complainant in taking action on  
16 foot of it. What I am trying to suggest, and I am  
17 going to be dealing with that in cross-examination, is  
18 that it is a bit rich to say that about what would have  
19 happened in the 1950's and 1960's if the Christian  
20 Brothers even today aren't prepared to accept the  
21 validity of the complaints when there is evidence  
22 there. Or even to give the complainants the benefit of  
23 the doubt.

24  
25 Now, I am sorry to make a submission, and I am going to  
26 ask questions to deal with that, but I do think it is  
27 something that the Commission can look at, because  
28 other Orders have taken a different approach. They  
29 haven't come here and said every time a document has

1 got two meanings, you know, the way I look at it is the  
2 Brothers must always be right. They said, no, hands  
3 up, we are completely wrong on that. The question  
4 wasn't a good question and I will withdraw it

5 A. With respect, my answer was that there were two  
6 interpretations possible and I was leaving it to the  
7 Committee.

8 119 Q. MR. DOWLING: Except for the fact that  
9 when I asked you what you  
10 thought it meant you gave (inaudible). It is not a big  
11 deal. If I could ask you to look at page 150 of the  
12 book. This is just the second question I have asked  
13 about recidivism. This is a letter in relation to  
14 another one of the verifiable cases; isn't that  
15 correct?

16 A. Unfortunately, when I came across it this morning I  
17 have a question mark on the top of it, I am not sure  
18 what the letter is referring to.

19 120 Q. It is a Brother -- I can assist you in relation to it.  
20 It is one of the cases you are identifying. It is not  
21 a Brother who was in Artane, but discovery was made of  
22 it in the context of the general discovery in relation  
23 to abuse.

24 A. Yes, but if it is not a Brother who was in Artane then  
25 I wouldn't have dealt with it.

26 121 Q. You are dealing with the issue of whether or not the  
27 Brothers are aware of the recidivous nature of abuse;  
28 isn't that correct?

29 A. Yes.

1 122 Q. And you have given evidence that they are not aware of  
2 that.

3 A. Yes.

4 123 Q. And this is a document that was discovered by the  
5 Brothers, so it is a reasonable document to ask you  
6 about I think.

7 A. Yeah.

8 124 Q. This is from 1956 and the Brother in question, who I  
9 think has admitted to abusing boys:

10  
11 "Br. Blank has made a very strong  
12 appeal to the Provincial Council to be  
13 allowed back to teach school again. In  
14 1950 Br. Blank accused of immodest  
15 handling of boys in Clonmel. The  
16 Council, after hearing Br. Blank,  
17 considered the offence more imprudent  
18 than grave, and he promised that no  
19 offence would occur again. The  
20 Provincial was about to give a  
21 canonical warning but Br. Blank  
22 appealed against it and there was no  
23 issue of a formal canonical warning.  
24 Then in April 1955 there was another  
25 complaint from Clonmel of him again  
26 handling boys immodestly. The  
27 accusation was grave and concerned a  
28 number of boys in first year.  
29 Br. Blank admitted the accusation and  
30 was given a canonical warning."

31

32 Now, again, doesn't that suggest that the Provincial  
33 Council of the Christian Brothers understood that  
34 people were liable to offend even after they had  
35 received warnings or telling's off from management?

36 A. Well, it would certainly, in my estimate, show that  
37 they were very slow in moving on this individual in  
38 this particular case, yes.

39 125 Q. Yes. But doesn't it show that they had evidence that

1 this person was liable to re-offend?

2 A. They had evidence that he actually offended is what I  
3 am saying.

4 126 Q. Yes. I just wonder how do you reconcile that with the  
5 statement that they didn't understand that sexual  
6 abusers were recidivist in nature?

7 A. There is quite a distinct difference in this sense;  
8 that if you compare that with any other crime, because  
9 somebody does it on one or two occasions doesn't mean  
10 that it is a crime that is inherently recidivistic in  
11 its nature. Whereas sexual abuse is now known to be  
12 such.

13 THE CHAIRPERSON: But there was actual  
14 repetition in this case.

15 A. Yes.

16 THE CHAIRPERSON: Mr. Dowling, it wasn't just  
17 theoretically this fellow  
18 might re-offend, or this sort of person. He actually  
19 re-offended.

20 127 Q. MR. DOWLING: That's the question I am  
21 asking the witness. I  
22 don't understand how the witness reconciled that with  
23 saying that he didn't understand that people would  
24 re-offend.

25 A. All I am saying is the following -- I am saying two  
26 things. No. 1, in my view they didn't take  
27 sufficiently serious action. In my view, he should  
28 have been dismissed. That's what I am saying. What I  
29 am saying is there is a difference between saying a

1 person offends on occasion (A) and a person offends on  
2 occasion (B) and saying this is a recidivistic type of  
3 activity. That is what I am saying. There is a huge  
4 difference.

5 128 Q. MR. DOWLING: I am a little bit confused,  
6 because it doesn't say in  
7 any of the historical documents that we don't  
8 understand that people are liable to re-offend. Is  
9 there anything document you can point to that gives  
10 evidence that they didn't understand that people were  
11 liable to re-offend?

12 A. No. But what I am saying is in recent years a huge  
13 body of literature has appeared on the scene outlining  
14 the recidivistic nature. If you went back, let's say,  
15 ten or fifteen years people in Ireland who were abused  
16 were referred to institutions in which they were  
17 supposedly rehabilitated. Some of these institutions  
18 actually certified them as having been fit to go back  
19 into whatever particular work they were doing with  
20 young people at time, and that's within the last 20  
21 years. They now have come to the knowledge that this  
22 is not in fact the case. I am saying you are trying to  
23 move that type of knowledge back into the 40's and the  
24 50's. That is the difference I'm looking at.

25 129 Q. Brother, I am actually saying that they had that type  
26 of knowledge in the 40's and 50's.

27 MR. HANRATTY: Sorry, at the risk of being  
28 tiresome, sir, I think  
29 there is a sort of unfairness here, although the

1 witness is coping reasonably well. I think the  
2 unfairness, essentially, is we are not comparing apples  
3 with apples. The recidivistic nature, characteristics  
4 of pedophilia is something that has been recognised in  
5 the recent past in psychological circles, and it is  
6 recognised, or has been recognised because of the  
7 accumulation of a vast amount of statistical  
8 information from everywhere.

9 THE CHAIRPERSON: Let's stop there. Let's  
10 assume that's right for the  
11 moment. Okay.

12 MR. HANRATTY: Yes. Take, for example,  
13 this case that is being  
14 referred to. Obviously, if that knowledge, if that  
15 understanding of the nature of a sex abuser was  
16 available to the person in charge after the first  
17 offence was committed then, clearly, it was  
18 unforgivable that that person should have been given an  
19 opportunity where it could have been done again. But  
20 that degree of knowledge wasn't there at time. It is a  
21 simple fact that in this case this individual did  
22 re-offend, but to say that the individual did re-offend  
23 is a different thing entirely.

24 THE CHAIRPERSON: Mr. Dowling, what do you  
25 say to that? That's what  
26 worries me about this.

27 130 Q. MR. DOWLING: I was going to ask one more  
28 question in relation to  
29 this. Again, that comes back to the same point, which

1 is that the Commission has to, presumably, inquire why  
2 it was that the Brothers, when they caught somebody  
3 abusing, just transferred them to another school.

4 THE CHAIRPERSON: Can I ask you a question,  
5 Mr. Dowling? Let's take  
6 the first thing first. Mr. Hanratty says the  
7 recidivistic nature of sex abuse and of offenders was  
8 recognised in the past, let's say, 15 years. Do you  
9 accept that?

10 MR. DOWLING: Well, I might accept that  
11 has a psychological  
12 doctrine, but there is evidence that the Christian  
13 Brothers knew in the 1940's and 1950's that people were  
14 liable to do this and to do it again, and again.

15 THE CHAIRPERSON: That's a different thing  
16 from saying it is  
17 psychologically recidivistic. Mr. Hanratty is saying  
18 that while the debate appears to be on whether it is  
19 recidivistic or not, if that's the case then if  
20 somebody offends once the institution ought to be on  
21 the alert from that moment onwards that this is a  
22 serious danger, isn't that so?

23 MR. DOWLING: Yes.

24 THE CHAIRPERSON: But it is a different thing  
25 from that to debate here's  
26 a situation where it in fact happened -- now this is  
27 his point -- where it in fact happened twice. It is a  
28 different thing from saying you ought to have  
29 understood the recidivistic nature of the problem. I



1 mean, that's what Mr. Hanratty is saying and it is  
2 somewhat unfair to infer from the fact that it  
3 happened, that there were repetitions, that they ought  
4 to have known that it was psychologically a feature of  
5 it that it was repetitive.

6 131 Q. MR. DOWLING: If the Brothers detected  
7 five to ten sex abusers in  
8 a 20 year period and they had evidence that half of  
9 them did it over -- and that's just a random number --  
10 and they had evidence that half of those people did it  
11 repeatedly, over prolonged periods of time. I mean, I  
12 am not talking about them being psychologist or  
13 experts, but you wouldn't have to be a genius to work  
14 out that people who do this have a tendency to continue  
15 doing it. In fact, to description of a person in 1938  
16 we looked at was of a compulsive person. The Christian  
17 Brothers haven't said, in explaining why people moved,  
18 look, they just didn't care, or they just wanted to get  
19 the person out of one place into another. They said  
20 the reason why that can't be condemned the way that it  
21 might be condemned is because they didn't have a  
22 sufficiently detailed psychological understanding of  
23 it.

24  
25 Now, I say that's poppy cock on behalf of the victims.  
26 That it is quite clear that whether they may not have  
27 understood it as a psychological concept they clearly  
28 knew that people who did this did it as a compulsion.  
29 And they also had evidence that they did it repeatedly.

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The next letter I am going to refer to is from 1959... (INTERJECTION)

A. Just before you do... (INTERJECTION)

132 Q. Just if I could finish. The person in that case admitted to doing it three times and the author of the letter himself, when the person says, just to give an example:

"I asked him if when he was in Artane or in Dolphin's Barn he had improper intercourse with boys. He said that in each case he interfered with a boy once."

Then the author of the letter says:

"It would be more likely that more than one was involved."

So, in 1959 somebody in Christian Brothers was able to identify when a child abuser says "I only did it once" that that's rubbish. Because the Christian Brothers probably had a unique amount of information that people did this as a compulsion and were liable to re-offend. The line that's being put up before this Commission is that, look, the reason why we moved people from A to B wasn't because we didn't care, or we just wanted to move them on, or we were indifferent, the reason why we did that was because we didn't have the same level of psychological understanding. Now, I don't care whether it is seen as psychological understanding or not, but what I am just asking the witness ... (INTERJECTION).

1 THE CHAIRPERSON: Mr. Hanratty is asking.  
2 Sorry, all Mr. Hanratty is  
3 asking is that you don't confuse the two and don't use  
4 an expression -- everybody understands if you say,  
5 "look here, you see this fellow abusing here, you see  
6 him abusing again, you ought to put two and two  
7 together and assume he is going to abuse again." No,  
8 that's not a problem. What he's saying is the  
9 psychological condition of recidivism relatively  
10 recently recognised ought not to be visited back 70  
11 years ago. That is all he is saying.

12 MR. DOWLING: I can accept that.

13 THE CHAIRPERSON: Unless you say they ought  
14 to have deduced it or  
15 worked out before anybody else.

16 MR. DOWLING: And in fact they did,  
17 that's what I am saying  
18 because they knew when this Brother said to them I only  
19 did it with one boy each time, they were able to  
20 immediately say "I don't believe that." That's a  
21 matter for the Commission to decide.

22 THE CHAIRPERSON: Very good.

23 MR. DOWLING: It is not the case  
24 that the

25 Christian Brothers said,  
26 "well, we don't know why this happened." No, they said  
27 the reason why they moved people was because they  
28 didn't understand it. That's effectively a submission  
29 in relation to the issue. So I don't know.

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(to the witness) You have heard what I said there, without me having to ask you about documents?

133 Q. THE CHAIRPERSON: What do you say to, Brother?

A. Before you do -- you said something to the effect that the Brothers just moved them on. In several instances we have submitted to the Committee the Brothers moved them on by dismissing them, you seem to have skipped over that.

134 Q. MR. DOWLING: The excuse -- the reason why I mention that had was because the question of not understand the recidivist nature of abuse is specifically referred to by Br. Reynolds in his opening statement as an explanation as to why people were moved on. Obviously dismissing somebody is something different but you used that as an excuse for the fact that they were moved on?

A. Yes, I used it exactly as Mr. Hanratty did and I explained earlier today in the technical sense of a psychological condition of recidivism.

135 Q. If I could just ask you to look at page 140 and just to comment on that. Page 140 of the book. This is a case of a Brother who was, I think, detected abusing boys in a school in Nenagh, isn't that correct, then he was asked about whether he had done it in Artane and Dolphin's Barn. Can you see that page 140?

A. I ask, but I am an afraid I am confused.

- 1 136 Q. I can tell you which one.
- 2 A. Can you, please. I interpreted it as being on my  
3 submission on page 126 but I may be incorrect. I don't  
4 know.
- 5 137 Q. I think, they are not the right initials anyway, no  
6 that's a different case, that's the golf club case, is  
7 page case 3. Well I mean the letters -- no, it is case  
8 6 on page 124.
- 9 A. Yes.
- 10 138 Q. So if you look at the letter, it says there:  
11 "This morning I asked him when in  
12 Artane or in Dolphin's Barn he had  
13 improper intercourse with boys. He  
14 said that in each case he interfered  
15 with a boy once. It would be more  
16 likely that more than one was  
17 involved".
- 18 What I am just asking doesn't that suggest that the  
19 author of this letter, the same way that the author of  
20 the letter or 1938, understood full well that people  
21 who did it were liable to keep doing it and to do it  
22 repeatedly?
- 23 A. He certainly believed that this person had abused more  
24 than once, yes. And in that particular case the person  
25 was dismissed.
- 26 139 Q. I understand. If I could just ask you to deal with  
27 again one further example of, if you like, this type of  
28 behaviour, which is page 186 in the book. I think  
29 that's the one you were just referring to there.  
That's case 3 on page 126.
- A. Yes.

- 1 140 Q. And again, this appears to be a case where in that  
2 particular case there would have been evidence that the  
3 person was doing it repeatedly over a period of time?
- 4 A. No, I think that particular case, when the person was  
5 confronted he also admitted to it having happened prior  
6 to that, if I am reading the right one. I think this  
7 was discovered and then when the Brother in question  
8 was interviewed he admitted to having abused in other  
9 places, Artane was not one of them.
- 10 141 Q. So, I mean again, I would suggest to you that there was  
11 ample evidence before the authorities of the Christian  
12 Brothers that people who did this were liable to do it  
13 repeatedly and systematically over a period of time?
- 14 A. What I said in the submission which you seemed to take  
15 issue with, was that the Brothers did not understand  
16 the recidivistic nature of child abuse, that's what I  
17 said in my statement, that's the point at which you  
18 took issue and I am afraid we are going to have to  
19 agree to disagree on that one.
- 20 142 Q. Would you agree with me then that the Brothers  
21 understood that people who abused children were liable  
22 to do it a number of times?
- 23 A. I would agree with you that the Brothers certainly  
24 found out that at some stage, as in this one, when a  
25 Brother came along they asked him had it happened  
26 before and he said yes.
- 27 143 Q. That happened on more than one occasion, and where they  
28 discovered that it happened a number of times over a  
29 period of time?

1 A. In relation to this case?

2 144 Q. In relation to that case and in relation to the other  
3 case I just ask you about there, where you said three  
4 schools, and there were other cases as well. I don't  
5 want to go through them all.

6 145 Q. MR. LOWE: Brother, am I right in  
7 thinking that cases like  
8 this were dealt with very discreetly and didn't become  
9 common knowledge among all the Brothers?

10 A. I think so yes, in relation, for instance, to one in  
11 Artane, I notice that in the letter coming back, this  
12 is the 1944 cases, where Brothers were dismissed, I  
13 think if I am correct, it says in the letter that even  
14 the other Brothers in the community weren't aware of  
15 it.

16 146 Q. MR. LOWE: Even the Brothers  
17 themselves were surprised  
18 when their own documents were discovered by some of the  
19 cases within it?

20 A. I don't know.

21 147 Q. MR. LOWE: Some of the evidence, the  
22 documents within their own  
23 documents, surprised the Brothers themselves?

24 A. Yes.

25 148 Q. MR. LOWE: One of the problems here is  
26 not what was common  
27 knowledge and not being acknowledged but rather that it  
28 didn't become common knowledge, if you follow what I am  
29 saying?

1 A. Yes, I think the surprise we were expressing, you see,  
2 you have to look at if I come into a province  
3 leadership team in 1998 and I am asked did something  
4 happen in Artane and I have no knowledge about it and  
5 then I go and I get somebody to do the digging up and  
6 they come out and they say that it, "here's the  
7 evidence", obviously that comes to a surprise to me.  
8 In one sense, I suppose it shouldn't but it does  
9 because I didn't know anything about it. I am not sure  
10 if that was the question you asked, Mr. Lowe.

11 149 Q. MR. LOWE: Yes. If I put it in a more  
12 simple way. The very fact  
13 that it was dealt with so discreetly and didn't get  
14 passed down the line to other people meant that each  
15 person was discovering the recidivist nature by his own  
16 experience?

17 A. Yes, yes.

18 150 Q. MR. DOWLING: Can I just ask you  
19 just two  
20 things I want to deal with  
21 very quickly. Just in terms of the number of detected  
22 instances of abuse that are referred to in your  
23 statement relative to number of Brothers in Artane, did  
24 you think that the numbers were extremely high? I  
25 mean, do you have a view on the proportion of Brothers  
26 who were in Artane who you had discovered were guilty  
27 of sexual abuse? Do you know what the numbers are,  
28 first of all?

29 A. I should but I don't. But I think it was something in



1 the region of 200 and something, but I can't put a  
2 figure on it. That's in the 30-year period I am  
3 talking about.

4 151 Q. I think 126 different personnel records have been  
5 produced, would that figure... (INTERJECTION)?

6 A. I haven't got it.

7 152 Q. We can come back to that, but...

8 A. But it is something we can deal with in a submission.

9 153 Q. Just one thing I want to ask you finally dealing with  
10 sexual abuse, part of the -- what you, if you like, put  
11 forward as the Christian Brother's position is that  
12 they were very open to dealing with complaints and that  
13 when complaints were made that they were actioned in an  
14 effective manner; isn't that correct?

15 A. Within the?

16 154 Q. Within the limits of the understanding at the time?

17 A. Yes.

18 155 Q. For example, it is accepted that the police were never  
19 called in relation to any incident of sexual abuse by a  
20 Brother, isn't that correct?

21 A. Yes.

22 156 Q. Again, I don't want to do this to death. But during  
23 the course of Phase II, do you remember hearing  
24 evidence of a layperson who was reported to the police  
25 for abusing children, this was in the context of a trip  
26 to Croke Park, do you recall that evidence, two people  
27 gave evidence about it, I think?

28 A. I do, and I think it may be overstating it to say that  
29 he was report to the police for abusing boys. He was

1 reported to the police because two boys who were in  
2 Croke Park disappeared and it was discovered they were  
3 in his home and the issue of abuse -- from my  
4 understanding of it, the issue of abuse was a second  
5 discovery, as it were. The discovery from -- if you  
6 see, I think what it said in that, is that it was the  
7 Brother in charge of the yard who called in the police  
8 or brought it to the attention of the police, that  
9 would give me to understand that there was a count made  
10 when they came home and two boys -- which is what  
11 happened, seemingly two boys were missing. The Brother  
12 in charge of the yard then said it was an absconsion,  
13 informed the police of this. It was he called in the  
14 police I think.

15  
16 If it was in relation to sexual abuse I would suggest  
17 that the person who would have reported it would have  
18 been the Resident Manager.

19 157 Q. If the Brother who was in charge of the yard did report  
20 it but what he said was there was one evidence where  
21 sexual abuse was happening and he reported it to the  
22 manager first and then it was reported to the Gardaí  
23 and an investigation was carried out and a second  
24 Brother gave evidence that he remembered the Gardaí  
25 coming. . . (INTERJECTION)?

26 A. No, you are talking about the different case, with  
27 respect.

28 158 Q. No, I'm sorry I thought that was the same case.

29 A. No.

- 1 159 Q. The right case is when a Brother gave evidence that  
2 there was quite a stir in the school about it, I think  
3 that was mentioned by another Brother as well?  
4 A. Are you relating to the late 1960's?  
5 160 Q. Yes.  
6 A. In that particular case my understanding of it is, if  
7 you read through the evidence, is that the Brothers  
8 Brother who gave that evidence also mentioned that he  
9 had reported a Brother in another institution who had  
10 been guilty of sexual abuse.  
11 161 Q. Yes, that's correct.  
12 A. He reported him to police.  
13 162 Q. The question I wanted to ask you was, so as far as you  
14 are concerned the fact that when this layperson abused  
15 the boys, that that wasn't a different treatment of lay  
16 people, that's because the police were told that the  
17 boys were missing; is that right?  
18 A. No, two separate cases.  
19 163 Q. I will come back to the first one, I want to ask you  
20 about. In relation to the first case how was it that  
21 the police were involved in that case and the police  
22 were never involved when Brothers were detected abusing  
23 boys?  
24 A. Because two boys -- what was reported there was the two  
25 boys had disappeared or the Brother in charge of the  
26 yard discovered that there were two boys short when  
27 they came back from Croke Park. Then the police had  
28 called in and it had been discovered that they  
29 disappeared into someone's house, somebody had seen the

1 defendant in Croke Park, and brought them into his  
2 house on the way home. That's my understanding of it.

3 164 Q. Did that person abuse them?

4 A. It transpired that that person did, yes. But what was  
5 reported was two boys were missing.

6 165 Q. I understand that. But it is ... (INTERJECTION)?

7 A. In other words, what I am saying is the discovery of  
8 the sexual abuse was secondary.

9 166 Q. And it wasn't, the fact that this  
10 discovery... (INTERJECTION)?

11 167 Q. THE CHAIRPERSON: We can rule that out as an  
12 instance of reporting by  
13 the Brothers of sexual abuse against a boy, we can  
14 forget that one. It did happen that it got reported  
15 but it wasn't an example of reporting. But there was  
16 another instance where there was an example and on this  
17 occasion, my understanding, was the boys complained,  
18 having arrived back at the institution and they  
19 complained about the person who had brought them back?

20 A. That's right.

21 168 Q. THE CHAIRPERSON: And as a result that was  
22 reported and followed up by  
23 the Gardaí; isn't that right?

24 A. Yes.

25 169 Q. MR. DOWLING: Why do you think it  
26 was

27 that the Brothers were  
28 prepared to report the second incident to the police  
29 when they wouldn't report the case... (INTERJECTION)

1 170 Q. THE CHAIRPERSON: To cut to the chase, if you  
2 like, Mr. Dowling. Why did  
3 it never happen that a Brother was reported for alleged  
4 sexual abuse to the guards?

5 A. I don't know. But if you are making the comparison I  
6 did point out to you that by 1968, or whatever year  
7 that particular one was, that the Brother in question  
8 did state in evidence at the private hearings that he  
9 did in fact report a Brother from an institution to the  
10 -- not to the Gardaí, to the local health authority and  
11 asked them what he should do and they said they would  
12 report it the Gardaí.

13 171 Q. THE CHAIRPERSON: I am sorry, maybe you are  
14 right about that and it is  
15 not in my mind. But generally speaking we have very  
16 few, a tiny, tiny number of reports of any institution,  
17 of any member of a religious order, even though there  
18 were examples of such abuse Brother. I suppose the  
19 question is, was that to protect the institution? In  
20 the interests of the institution put before the  
21 interest of justice or of the child?

22 A. That may well have been, is all I am saying. I don't  
23 know. I would guess that it wasn't, as was said in  
24 evidence this morning, that it wasn't common practice  
25 right across society, I am not trying to excuse it, I  
26 am just saying that happens to be a fact. It certainly  
27 wouldn't happen nowadays is what I am saying. In fact,  
28 I think they were also discovered to the Committee, the  
29 Christian Brothers had very detailed procedures

1 published and put into place, I think, as early as 1992  
2 or 1993 which were discovered to you, which really  
3 predated probably everybody else in the country in that  
4 relation.

5 THE CHAIRPERSON: Now, Mr. Dowling, I don't  
6 know if that goes to the  
7 end of that.

8 172 Q. MR. DOWLING: That's the end of the  
9 sexual abuse matters. Can  
10 I just ask you to deal very briefly with some of the  
11 instances of physical abuse that you identified?

12 A. Yes.

13 173 Q. One thing that I was just struck in relation to your  
14 statement was that you gave a number of examples of  
15 physical abuse; isn't that correct?

16 A. Yes.

17 174 Q. I will just get to the beginning of them?

18 A. Just give me a second please and I will get those.  
19 Yeah.

20 175 Q. I just want to find the page.

21 A. 108 in my submission.

22 176 Q. If I could just ask you to look at the end of your  
23 submission in relation to physical abuse, where you  
24 give a comment. It is page 112, do you see that?

25 A. Yes.

26 177 Q. You say that:

27 "The above case and the manner in which  
28 they were dealt with merit some  
29 comment. It would seem that at least  
some of the cases were dealt with  
internally and no involvement with the  
Department of Education."

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THE CHAIRPERSON: Slow down a bit,  
Mr. Dowling.

MR. DOWLING:  
"Was left to the Resident Manager with no indication that an independent investigation was carried out. The low key approach from the Dail, the Department, the Resident Manager and the media is indicative of the attitude of society at the time of corporal punishment".

Now, just turn over the page.

"Case 9, and to a less extent cases 5 and 6, demonstrate the need for caution when investigating such allegations".

If I could just ask you to... (INTERJECTION).

A. Sorry, I didn't catch that.

178 Q. You say on the next page:

"Case 9, and to a lesser extent cases 5 and 6, six demonstrate the need for caution when investigating such allegations".

A. Yes.

179 Q. Now, just looking at case five first of all, what were you saying when you said that about them having a need for caution?

A. No. 1, we are doing it in retrospect and it would appear that there was some type of investigation and it would appear that the person accused put in a response, I would say probably a denial, be it good, bad or indifferent, and that in actual fact I am not 100% sure. I do know in relation to why I said that, in

- 1 relation to No. 9. Oh yes, the Resident Manager then  
2 did investigate it and all I am saying about it is the  
3 written evidence that we have is that the Resident  
4 Manager came to the conclusion that the allegation  
5 didn't stand up, or certainly didn't stand up fully.
- 6 180 Q. Okay. Now, have you looked at the documentation in  
7 relation to those three cases, case five, six and nine?
- 8 A. I presume I have, but when you ask me have I looked at  
9 it, I haven't looked at it in the last six months.
- 10 181 Q. Could I just ask ... (INTERJECTION)?
- 11 A. I have no doubt you are going remind me of some.
- 12 182 Q. I am going to ask you to look at some of the documents  
13 now if you don't mind. If I could ask you, first of  
14 all, to look at page 121 of the book. No, 119 of the  
15 book.
- 16 A. Sorry, just bear with me for a minute, please.
- 17 183 Q. Page 119. Let me be sure I have the right one of these  
18 things here. No, sorry, that's the wrong one. No,  
19 sorry, it is page 113 in the book, I apologise for  
20 that. So, this is a complaint of physical abuse that's  
21 made by a boy?
- 22 A. Yes.
- 23 184 Q. I think you recorded there, there is reference to --  
24 sorry, this is case No. 6. There is a complaint of  
25 physical abuse made by a boy. He identifies a  
26 particular Brother, which is the same Brother as in  
27 case five and a Department official wrote to the  
28 Resident Manager and requested him to investigate the  
29 matter and then the Department official sent on a



1 letter signed by the boys.

2

3 It is an anonymous letter, it is illegible  
4 unfortunately in the discovery. It was sent from  
5 Artane to the Minister for Education complaining about  
6 the severity of the punishment by the said Brother .

7

8

9 So this is a case where a particular complaint is  
10 receive in relation to a Brother; isn't that correct?

11 A. Yes. I am a little bit behind, sorry, I am just a  
12 little bit behind you.

13 185 Q. It is page 113, 114.

14 A. At 113 I seem to have page two and page three of  
15 something; is that correct?

16 THE CHAIRPERSON: Yes, it starts on page 112.

17 186 Q. MR. DOWLING: I am only going ask  
18 you

19 about page 114 actually  
20 because I think you summarise fairly well to the  
21 letter. There is a letter from the Department.

22 A. Case six, is it?

23 187 Q. Yes. Which says:

24 "Explain this, the same Brother is  
25 identify in the letter in respect of  
26 whom there has been an earlier  
complaint".

27 And the Department obviously when they get in these  
28 complaints say, "hold on a second, we have just got  
29 another anonymous complaint about this same Brother

1 signed by the boys from Artane." I think it was a  
2 letter sent -- all I can make out of the letter is that  
3 it is sent to Jack Lynch, the Minister for Education.

4 A. Yes.

5 188 Q. You probably have a copy of that letter which is  
6 legible, the copy we have is not legible. This  
7 complaint is sent in, it is about something that as  
8 been in a previous complaint and the Department for  
9 good measure throw in the anonymous letter that they  
10 received, that's a fair summary of what happened; isn't  
11 that correct?

12 A. Yes.

13 189 Q. Then there is a response sent two weeks later with a  
14 retraction effectively. Not a refraction of the  
15 allegations, a statement which is supposedly from the  
16 boy, in which he says that the allegations are  
17 unfounded; isn't that correct?

18 A. All right.

19 190 Q. I know your colleague was asked to comment on a similar  
20 type document this morning in terms of it being  
21 credible. But if I could just read out the retraction  
22 and ask you whether you think it is really credible  
23 that the allegation was without foundation and that  
24 this retraction is valid:

25 "In about the middle of October I gave  
26 back chat to Br. Blank. I also took up  
27 a bottle and let on that I was going to  
28 hit him with it."

29 THE CHAIRPERSON: What are you referring to?

1 MR. DOWLING: Page 114.

2 THE CHAIRPERSON: I am sorry.

3 191 Q. MR. DOWLING:

4 "I was told TO report to Br. Blank  
5 about this, I did not report it. When  
6 I was in bed at about 8:30 Br. Blank  
7 called me and he gave me some slaps but  
8 he did not hit me on the face or ear or  
9 eyes. I had everything forgotten until  
10 I got out for the day on 17th  
11 November".

12 So there is a complaint made about a Brother about who  
13 there has been previous complaints, the Department sent  
14 on a letter which they received, albeit anonymously,  
15 complaining about the Brother, and this document is  
16 furnished by the Christian Brothers in response; isn't  
17 that correct?

18 A. Yes.

19 192 Q. Obviously you weren't there, but do you think that's  
20 credible, looking back on it? Isn't that the kind of  
21 retraction that looks like somebody was sat down and  
22 given a pen and told to write it?

23 A. I haven't passed any comment on that. I have given the  
24 information I have in the pages in front of me, I have  
25 given what I have in documentation and I mean I have  
26 handed it to the Committee.

27 193 Q. Except for the fact that you have made a comment on it  
28 because you have identified this as one of the three  
29 cases which you say demonstrates the need for caution  
30 when investigating such allegations?

31 A. Correct. The only reason I put that in was because  
32 they were three cases in which it wasn't clearcut.

1           There were toings and froings and there was evidence  
2           about it. The person in question, who is long  
3           deceased, had given his response. It seem to have been  
4           investigated. The point I was making, in fact, was  
5           that in my view what should have happened was the  
6           Department of Education should have come out and  
7           investigated it, they didn't. That's what we have as a  
8           result. I am giving it to the Committee. But for me  
9           to say that somebody did or didn't sit down with boys,  
10          I haven't any evidence of that either, is all I am  
11          sayi ng.

12   194   Q.    Just in relation to that and this is, I suppose, what  
13           this comes to the wider issue. You have said that as  
14           far as you were concerned there were structures in  
15           place in Artane that would allow boys to make  
16           complaints and that those complaints would be  
17           entertained; isn't that part of your evidence?

18           A.    Yes.

19   195   Q.    Doesn't this contradict that, because it suggests that  
20           if a complaint was made what you have, in fact, is a  
21           form of cover up? That is what it looks like, it looks  
22           like a boy was instructed to retract the allegation?

23           A.    With respect, that's your interpretation on it.

24   196   Q.    Isn't that a reasonable interpretation of the document?

25           A.    On what grounds?

26   197   Q.    On the grounds that it seems very strange that a  
27           complaint would be made by a boy's father about a  
28           Brother whom had been identified in an earlier  
29           complaint, about whom the Department have received an

1 anonymous complaint and it is sent to the Resident  
2 Manager and two weeks later the boy writes a note in  
3 which he exculpates the Brother and says it never  
4 happened?

5 A. But if you go to case nine, a complaint was made about  
6 a boy having been beaten about the head and being  
7 bandaged and when he came to the office to make a  
8 complaint the medical officer from the Department of  
9 Education was there, removed the bandage and found out  
10 that he had ringworm.

11 198 Q. Can I just ask you, does that raise any question in  
12 your mind about the statements you made that the  
13 Brothers would deal with complaints fairly and on their  
14 merits? Those papers, if they don't they don't. You  
15 are being asked to comment on things that have happened  
16 and you have commented on them?

17 A. I wouldn't be happy with the way that was investigated  
18 is what I am saying. I don't know who wrote this  
19 particular letter, I know who the Brother accused is. I  
20 don't know who wrote that particular letter, I don't  
21 know who carried out the investigation. I don't know  
22 who that statement was given to. It may have been  
23 given to the Resident Manager, but I am not sure.

24 199 Q. THE CHAIRPERSON: This is the retraction in  
25 the December, it does seem  
26 to have gone on for a long time?

27 A. It does, yeah. But I am saying it isn't outside the  
28 bounds of possibility that there could be other  
29 explanations. I am leaving that again to the

1 Committee.

2 THE CHAIRPERSON: I understand.

3 A. I am pointing out that not only is not outside the  
4 bounds of possibility, but there is actually in case  
5 nine a case in point where a Brother was being accused  
6 of beating the boy about the head and the boy was  
7 bandaged and it turned out to be ringworm.

8

9 The other one, I forget which one it is, there is also  
10 a complaint from a person naming two boys who have been  
11 abused in Artane who were never in Artane. So when I  
12 am coming across these historical documents I am not  
13 going to call a judgment on them, the best I can do is  
14 put what I have in the documentation into a submission,  
15 give it to the Committee and say, "there you are."

16 200 Q. THE CHAIRPERSON: Mind you, one is inclined  
17 to scratch one's head a  
18 little, Brother.

19 A. At this one, I have no doubt about that.

20 201 Q. THE CHAIRPERSON: If you look at the  
21 retraction?

22 A. Correct.

23 202 Q. THE CHAIRPERSON: The location for this was  
24 that there was a general  
25 election going on in 1957, it would appear, and the  
26 candidate called to the house and he happened to be a  
27 doctor apparently and "you better do something about  
28 that. You better write in and complain", apparently is  
29 the background from what one gathers. It culminates in

1 December with the retraction of the whole thing. I  
2 agree, everything is possible?

3 A. And from the top of my head, it also appears that when  
4 the boy himself was talking he said he had no memory at  
5 all of anybody calling to the house. So I have no  
6 doubt if there was a candidate around at the time who  
7 was a doctor and something like that came in coming up  
8 to an election it would have been reported. I'm saying  
9 this isn't the most convincing retraction I have ever  
10 seen but I haven't any more information than you have.

11 THE CHAIRPERSON: I think that is probably as  
12 fair as -- Mr. Dowling  
13 would be happy with that.

14 203 Q. MR. DOWLING: If you look at page  
15 102.

16 This relates to the  
17 celebrated case of the boy whose arm was broken and it  
18 was raised in the Dail. This would be, if you like, an  
19 example of what these days we call spin, I have to  
20 suggest to you, by the Christian Brothers. It is:

21 "Boy wasn't beaten say teachers."

22

23 the article says:

24 "A boy in school for delinquents had  
25 his arm broken when he resisted a  
26 beating. The Dail was told before it  
27 broke up this week that teachers at the  
28 school gave me a different version of  
29 what happened. Captain Pailer Cowan  
told the Dail that the boy, who was 14,  
resisting one of the Christian Brothers  
at Artane Industrial School slapped his  
hands with the letter. They describe  
the leather.

1           The boy, said Captain Cowan, grabbed  
2           the sweeping brush to resist the  
3           punishment but was struck on the arm as  
4           two Brothers wrestled it from him. The  
5           boy's mother, hearing of the mishap,  
6           tried to see the Superior but was not  
7           allowed to see her until six days  
8           later. She told captain Cowan of the  
9           incident.

6           When I visited the school yesterday,  
7           teachers told me the story had been  
8           exaggerated. The boy was hurt when he  
9           attacked the Brother with a brush, they  
10          said. Then he said there was an x-ray  
11          took place".

10          Again, just -- I mean, I think it is established that,  
11          in fact, the boy's arm was broken by a Brother wielding  
12          a brush and the Brother in question wrote a letter in  
13          which he apologised profusely for it?

14          A.    Yes.

15   204   Q.    Again, isn't that a case of the institution presenting  
16          to the outside world picture of what happened?

17          A.    Yes. It is a case that whoever the journalist was  
18          talking to, the Brother said that it didn't happen, but  
19          they were incorrect it did, in fact.

20   205   Q.    And they would have known they were incorrect?

21          A.    Certainly, I'm not saying they were mistaken. They  
22          knew what had happened, they were denying it.

23   206   Q.    Again doesn't that response, I have to suggest to you,  
24          somewhat undermine the idea that the Brothers were open  
25          to complaints being made against them and they were  
26          dealing with the complaints fairly?

27          A.    First of all, you are using a very small sample by  
28          which to come to a general finding, I would say, is the  
29          first thing I would say in relation to that. A sample



1 one in this case. Secondly, I don't know who he was  
2 talking to. I presume that if he was talking to the  
3 Resident Manager he would have mentioned that. He said  
4 teachers at the school. Now, I don't know who he was  
5 talking to, but whoever he was talking to anyway didn't  
6 tell them truth.

7 207 Q. Can I ask you to look at page 226 of the book and this  
8 is a letter penned in 2002 in relation to -- obviously  
9 it is about a specific Brother, I am trying to be as  
10 careful as I can about this. This is in relation to a  
11 specific Brother and, I think somebody -- I won't raise  
12 the question: I hear there... (INTERJECTION).

13 A. I do know who the Brother is, yes.

14 208 Q. I hear there have been complaints against this person,  
15 you know, can you give me any guidance in relation to  
16 it?

17 A. Yes.

18 209 Q. I think Br. Mullen, is he your predecessor?

19 A. No, he was the Province Leader at the time.

20 210 Q. He says:

21 "In fairness to Blank I must point out  
22 that with extensive media coverage of  
23 abuse allegations in this country over  
24 recent years it is almost inevitable  
25 that any religious or lay person who  
26 served in an industrial school in years  
27 past confine themselves named in civil  
28 proceedings and as respondents to the  
29 Commission.

26 This, unfortunately, is the position  
27 that Blank finds himself in at the  
28 present time. It must also be stated  
29 that Blank spent almost 30 years as a  
teacher and school principal and record  
during this lengthy period of service  
as a Brother is without complaint".

1 A. Yes.

2 211 Q. In that statement, would you be aware from the evidence  
3 given during Phase II that that statement was incorrect  
4 that was made at the time?

5 A. I wouldn't. I know who the person is, I know the  
6 context of the letter, but I am not sure what you mean  
7 by saying that.

8 212 Q. Isn't that person identified in the Visitation Reports  
9 as being somebody who was overly strict with boys?

10 A. Yes.

11 213 Q. And that you don't think was regarded as a complaint,  
12 it says:

13 "He was not subject of any complaint,  
14 but he was..." (INTERJECTION).

15

16

17 A. Yes, it is incorrect in that.

18 214 Q. It says that he was without complaint?

19 A. No, that's not all that it was about. Unfortunately, I  
20 can't tell you, if you knew the context it was  
21 different. This was a person who was applying for a  
22 particular job, he was being denied the job because of  
23 the fact that we had taken him out of the ministry  
24 pending the results of investigation into allegations  
25 that were made and they were allegations of physical  
26 abuse. I am not sure, the only context I have is -- I  
27 don't know who the addressee is, I don't know who the  
28 letter was written to or that particular context. But  
29 anyway, what is being said is here is a Brother against

1 whom allegations of physical abuse had been made,  
2 probably this person that has written to or somebody  
3 else, he was applying to them for a job and the Brother  
4 is saying there are allegations against him in Artane,  
5 he was 30 years as a principal in Northern Ireland and  
6 there are no allegations against him and he is putting  
7 that on record and saying essentially, which is what  
8 happened, that until the thing is cleared up the person  
9 shouldn't be given the job.

10 215 Q. So he's not talking about his time in Artane, he's  
11 talking about his time in Northern Ireland?

12 A. Northern Ireland, yes. The difficulty with something  
13 like that is what Br. Mullen would have done at the  
14 time, he would have gone to his personnel file. He  
15 wasn't going to read all the Visitation Reports and all  
16 the documentation in which somebody's name might  
17 appear. I think it would be highly unreasonable that  
18 somebody would be expected in doing something like this  
19 to do what would be a very extensive trawl and even if  
20 he did, whether he would have found it or not I don't  
21 know.

22  
23 Though I think the reference I think was in 1958. The  
24 difference between the two is I'm familiar with the  
25 Visitation Reports now and I know what it is about and  
26 I can refer to it, a lot of the time I will, but  
27 Br. Mullen writing this would have gone to the  
28 Brother's file and said there is nothing on file  
29 against him here. But the upshot of it was that the

1 person didn't take the job because the recommendation  
2 of the Congregation was wait until these matters are  
3 cleared up.

4 MR. DOWLING: I am proposing handing  
5 over  
6 to Mr. McGrath at this  
7 stage, if that's okay?

8

9 END OF EXAMINATION OF BR. REYNOLDS BY MR. DOWLING

10

11 THE CHAIRPERSON: That's very good. How are  
12 you doing, Br. Reynolds  
13 would you like a break? Or are you happy, if you need  
14 a break.

15 MR. HANRATTY: I think he might need  
16 another jug of water.

17 MR. McGRATH: Chairman, if you are to  
18 take a break for five  
19 minutes, it might be no harm.

20 THE CHAIRPERSON: Br. Reynolds doesn't want  
21 to break. The longer we  
22 carry on, Mr. McGrath, the sooner we finish. If  
23 Br. Reynolds wants a break, we'll give him a break.  
24 That only applies to Brother Reynolds it doesn't apply  
25 to any of the rest of us. Carry on.

26

27 BR. REYNOLDS WAS EXAMINED, AS FOLLOWS, BY MR. McGRATH

28

29 MR. McGRATH: I am afraid I am going to

1 go on to rather unexciting  
2 things like the medical Visitation Reports and things  
3 of that nature.

4 THE CHAIRPERSON: Mr. McGrath, please be  
5 under no impression that  
6 there is any rush or pressure on you, take as long as  
7 you like.

8 A. Can I just ask, are we going to the end of this?

9 216 Q. MR. McGRATH: The books I have do not  
10 correspond to my friend's  
11 book. I will be doing exactly as I did this morning, I  
12 will be using the folders that were given to us as  
13 discovery by Artane and the Department of Education and  
14 Science.

15 A. If there are Visitation Reports, just by way of help, I  
16 have those with me and if they are I will be able to  
17 find them reasonably quickly.

18 THE CHAIRPERSON: You can put these books  
19 away at any rate.

20 MR. McGRATH: You may well find the  
21 documents in those books.

22 THE CHAIRPERSON: I understand. We can put  
23 these ones away. We may by  
24 chance discover that they are in this one but this is  
25 not the file you are going to refer to.

26 217 Q. MR. McGRATH: No, it is not. I want to  
27 start with the record from  
28 1939, it is headed "Artane Industrial School Report,  
29 General Medical Inspection of Boys by Dr. McCabe,

1 November 1939". It is in the booklet, it is ART  
2 0380-0003/1.

3 A. I haven't that with me, but however let's see.

4 218 Q. In that particular document, the form I have is a  
5 redacted form, so on the left-hand side of the page  
6 would be the names and then on the right-hand side are  
7 notes detailing what are the various problems with the  
8 various boys?

9 A. This is a handwritten report by Dr. McCabe?

10 219 Q. Yes, it is. It covers about 10 to, nearly, 20 pages or  
11 so, maybe more, in relation to the various things.  
12 There is a couple of things that I am just going to put  
13 to you arising out of it. The first thing is she  
14 describes in that report, and I have counted and I hope  
15 I have the figure right, 102 boys are noted in that  
16 report as nail biters. Now, would that suggest to you  
17 that there were, at least at the time of that  
18 inspection, 102 boys in the school who had some form of  
19 nervous situation which caused them to bite nails, it  
20 is not a normal thing that you would expect?

21 A. I think you should be addressing that to Mr. Lowe, to  
22 be honest with you. I have no idea.

23 220 Q. If you were told there were 102 boys who were nail  
24 biters, what would that make you think, anything at  
25 all?

26 A. I certainly wouldn't jump to any conclusions about it,  
27 I must confess.

28 221 Q. What would you think if in that particular report over  
29 200 boys were noted to have holed in their teeth, some

1 of them up to five holes in their teeth. Would that  
2 suggest that there was something wrong with the medical  
3 care?

4 A. It may and I will tell you what the difficulty with  
5 that is, how many of those were new entrants, how long  
6 were they there? I mean to quote a figure like that,  
7 out of a figure of what at the time was about 800, how  
8 often the dentist was there. My understanding is that  
9 a dentist called there reasonably regularly. Again,  
10 unfortunately I haven't any expertise in dental  
11 cavities, so I can't jump to major conclusions as to  
12 numbers, I have nothing to compare them with. All I  
13 can say is that the practically every report, I have it  
14 in front of me, from Dr. McCabe in relation to Artane  
15 begins with a sentence similar to Artane is a very well  
16 run institution.

17 222 Q. Now, are there not also documents which indicate that  
18 there were problems with the dental care there?

19 A. Oh there may be -- I know that there  
20 are... (INTERJECTION).

21 223 Q. In fact, when you look at what are the quarterly  
22 medical return, I am talking these are at ART 0388021,  
23 and going on for a number of pages?

24 A. Yes.

25 224 Q. These deal with 1961, the various times in 1961, 1962  
26 and through the early 1960's. You have, in those  
27 reports, a situation where treatment for dental care  
28 during the quarter you had 98 children had their dental  
29 treatment by extraction, you had 18 by filling. Now

1 that seems an incredibly high number of teeth, and  
2 that's only in the first quarter, the quarter ended 30  
3 September 1961. If you go on to the following ones.

4 MR. HANRATTY: I wonder if I might just  
5 briefly interrupt, my  
6 friend has... (INTERJECTION).

7 THE CHAIRPERSON: What's the question,  
8 Mr. McGrath.

9 MR. McGRATH: I'm asking about  
10 the... (INTERJECTION).

11 THE CHAIRPERSON: Yeah, but what's the  
12 question. I know the  
13 reality and I see the difficulty.

14 MR. McGRATH: The question I am asking is  
15 does this witness accept  
16 that there was a deficiency in terms of the dental care  
17 that was in the school, very simple, on the basis of  
18 the document?

19 MR. HANRATTY: Just in relation to the  
20 documents, the witness  
21 doesn't have these documents. This is a book of Artane  
22 discovery and I wonder does anybody in the room have a  
23 spare book.

24 THE CHAIRPERSON: This is the difficulty.

25 MR. McGRATH: Chairman, if you want I  
26 will leave this over to the  
27 morning.

28 THE CHAIRPERSON: No, we'll do it this  
29 evening, Mr. McGrath. But



1 this is the problem, not of our making, this  
2 Mr. McGrath's making because I mean he's disabled from  
3 being able to answer you by you not having a book that  
4 you can give him, Mr. McGrath. I mean, we have, I  
5 don't know how many thousand or hundred thousand  
6 documents, but there no point in saying that we could  
7 have a wall full and be simply able to pull them out  
8 instantly. That is the reality. Do you have  
9 this... (INTERJECTION)

10 MR. MacMAHON: I may be able to assist  
11 with the book, it is  
12 general discovery folder 1, I can provide my own copy  
13 for the moment.

14 THE CHAIRPERSON: Wouldn't that be a good  
15 idea?

16 MR. McGRATH: Chairman, this is a  
17 situation where those of us  
18 who are here to do this have to deal with the documents  
19 that we have been supplied on discovery.

20 THE CHAIRPERSON: Of course.

21 MR. McGRATH: In those  
22 circumstances

23 ... (INTERJECTION).

24 THE CHAIRPERSON: But you selected those  
25 documents.

26 MR. McGRATH: I selected those documents  
27 over reading these  
28 documents over the last five or six days. I have read  
29 thousands of documents since last week on two

1 institutions. That takes an awful lot of time for  
2 anyone to do. I am sorry but it is not part of my  
3 brief to have to prepare somebody else's witnesses for  
4 whatever examination I have to do. These are the  
5 documents that were supplied to me.

6 THE CHAIRPERSON: I'm not getting into a  
7 debate, Mr. McGrath.

8 MR. McGRATH: From that point of  
9 view... (INTERJECTION).

10 THE CHAIRPERSON: I don't agree but I am not  
11 getting into a debate.

12 MR. McGRATH: Those documents that I  
13 dealt with this morning  
14 were all in the booklets supplied to me and they were  
15 available this morning. So I don't understand why they  
16 are not available this afternoon.

17 225 Q. THE CHAIRPERSON: Very good. Now, your  
18 question, Br. Reynolds, is  
19 does he agree that there were problems with dental  
20 care?

21 A. First of all, my question is since now -- thank you  
22 very much, I have a copy of the book.

23 THE CHAIRPERSON: Based on which of  
24 Dr. McCabe's reports,  
25 Mr. McGrath?

26 MR. McGRATH: Down at the bottom, please.  
27 I started  
28 with... (INTERJECTION).

29 THE CHAIRPERSON: Which one are you on now?

1 A. Go on to the one you are on now, please.  
2 MR. McGRATH: I started with ART  
3 0380-003/2. That's the  
4 document I started with and if the witness wants to see  
5 what I was referring to it is all contained in that  
6 document, the first thing I asked him about.  
7 THE CHAIRPERSON: Mr. McGrath, why are we  
8 having this difficulty. We  
9 just want to know -- the question was: Do they have  
10 problems with dental care? All I am asking is what  
11 document are you referring to?  
12 MR. McGRATH: The first document I  
13 referred to in respect of  
14 that was the 1939 reports.  
15 THE CHAIRPERSON: Which one are you now  
16 referring to.  
17 MR. McGRATH: I moved on. I moved on  
18 to... (INTERJECTION)  
19 THE CHAIRPERSON: That's the one I want to  
20 know.  
21 MR. McGRATH: I am on document ART  
22 0388-003/2.  
23 THE CHAIRPERSON: What date is that?  
24 MR. McGRATH: That is January 1962 --  
25 sorry, 31st September 1961.  
26 THE CHAIRPERSON: Thank you very much.  
27 A. My book runs out at 0383 unfortunately. Mr. MacMahon,  
28 I am going to trouble you again.  
29 THE CHAIRPERSON: What does that say,

1 Mr. McGrath? What bit are  
2 you referring to there.

3 226 Q. MR. McGRATH: This is the third of the  
4 quarterly returns, this one  
5 on the second page of the quarterly return suggests  
6 that:

7 "Treated for dental caries during the  
8 quarter by extraction 50, by fillings  
9 16".

10 So in that short period between September 1961 we have  
11 98 by extraction, 18 by filling; the following one,  
12 September 1961 we have 50 by extraction and 15 by  
13 fillings. The quarter ended 31st March 1962, we have  
14 57 extractions, 14 fillings. It seems to be a very  
15 serious problem?

16 A. The difficulty is that you are making a cause and  
17 effect connection that I am not 100% sure you are  
18 entitled to make. If somebody arrives in Artane and  
19 finds out that there is a problem with teeth, are you  
20 suggesting that that problem lies with Artane?

21 227 Q. If you look in those particular documents and you talk  
22 about the number of children who have been admitted and  
23 they say that there are ten that have been admitted  
24 with dental caries, the number of pupils in school with  
25 dental caries, 36. That is an internal problem, the  
26 ten might not, but the other 36 would be?

27 A. Admitted that year with dental carries.

28 228 Q. If you go back to the previous one, the number of  
29 children admitted 16, number of pupils in school, 30.

1 The figures are still very, very high in the school; is  
2 that fair?

3 A. By comparison with what? The figures are very high in  
4 comparison with what? What figures of the general  
5 population are you comparing it to exactly, is what I  
6 am asking you?

7 229 Q. I am working on the basis of the documentation that you  
8 have supplied to us, which would suggest that there is  
9 a very high number of people with problems in the  
10 school?

11 A. In comparison to what, Mr. McGrath?

12 230 Q. On the basis of those figures?

13 THE CHAIRPERSON: Well what should it be?

14 MR. McGRATH: I don't know. I don't  
15 know, I'm not a dentist.

16 THE CHAIRPERSON: Then you can't say it is  
17 high.

18 MR. McGRATH: All right. I will move on  
19 to another question arising  
20 out of the same thing. If you just give me a moment.

21  
22 (PAUSE)

23  
24 MR. McGRATH: Sorry, Chairman, I can't  
25 find the page I am looking  
26 for. Can I ask you to rise for a couple of minutes  
27 until I get this sorted out?

28 THE CHAIRPERSON: Would you like to go on to  
29 something else and then

1           come back to it, Mr. McGrath? It is a bit of a  
2           nuisance.

3           MR. McGRATH:                            I would rather get rid of  
4    it, if I can.

5           THE CHAIRPERSON:                    It is going to take us 20  
6    minutes to reassemble now.

7           MR. McGRATH:                            Well we have all week to  
8    deal with these  
9           institutions, Chairman, I don't see it being a major  
10           problem.

11          THE CHAIRPERSON:                    Very good, Mr. McGrath.  
12    Very good. I am certainly  
13          not happy with that.

14  
15          SHORT ADJOURNMENT

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THE HEARING THEN CONCLUDED AT 5:00 P. M.

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