

COMMISSION TO INQUIRE INTO CHILD ABUSE
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIDGE, DUBLIN 4

ON TUESDAY, 6TH JUNE 2006 - DAY 224

EVIDENCE OF FR. MICHAEL HUGHES

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY

MR. FRED LOWE

224

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

MEMBERS OF THE COMMISSION PRESENT:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

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

Instructed by: MS. E. McHUGH

FOR THE OBLATES OF
MARY IMMACULATE: MR. C. MAGUIRE SC

Instructed by:

MR. M. DOWLING BL

Instructed by: LAVELLE COLEMAN

MR. T. O'LEARY SC

Instructed by:

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I N D E X

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1 THE HEARING COMMENCED AS FOLLOWS ON TUESDAY, 6TH JUNE
2 2006:

3
4 THE CHAIRPERSON: Good morning.

5 MS. FERGUS: Good morning, Chairman,
6 this is the final
7 institution in our Phase... (INTERJECTION).

8 THE CHAIRPERSON: Just give the cameras a
9 chance. Very good.

10 MS. FERGUS: Good morning, Chairman, as
11 I was saying this is the
12 final institution in our Phase III public hearing.
13 Today's public hearing is in relation to St. Conleth's
14 Reformatory School in Daingean run by the Oblates of
15 Mary Immaculate in Ireland. Fr. Michael Hughes, the
16 Provincial (sic) Archivist the Oblates, will be giving
17 evidence today, as he did in Phase I of our hearings on
18 9th May 2005.

19
20 The Commission has heard evidence at Phase II from 28
21 complainants, two institutional responses and two
22 individual respondents at the private hearings. I am
23 going to -- as the usual, I am going to hand over to
24 Mr. O'Leary.

25 MR. O'LEARY: Indeed. I think
26 Mr. Maguire wants to say
27 something before we start.

28 THE CHAIRPERSON: Before we do that we will
29 have Fr. Hughes sworn.

1
2 FR. MICHAEL HUGHES, HAVING BEEN SWORN, WAS EXAMINED, AS
3 FOLLOWS, BY MR. O' LEARY:

4
5 THE CHAIRPERSON: Please sit down,
6 Fr. Hughes. Yes,

7 Mr. Maguire.

8 MR. MAGUIRE: Chairman, just two matters
9 and I don't think there
10 will be a problem about them, but they both relate TO
11 documentation. In respect of documents which were
12 furnished to us by the Commission on 31st May, which
13 are documents to be relied upon, which may be relied
14 upon by counsel, in that there are documents which we
15 can't seem to locate elsewhere so they are new to us.
16 It is a Department of Education file 285. Now, it
17 doesn't cause us a problem to deal with them as far as
18 we are aware, but I thought I would just mention that.

19
20 I suppose it is more pertinent because, as you know,
21 present witness, he is not the Provincial, he's the
22 Archivist in the Order and he operates from the
23 documents that obviously we all have been operating
24 from in relation to dealing with matters.

25
26 Also, Chairman, we have received two lever arch folders
27 on Friday at 5:00 p.m. I think in relation to the
28 documents which are apparently are now being relied
29 upon.

1 THE CHAIRPERSON: Which Mr. O'Leary is going
2 to rely on.

3 MR. O'LEARY: Yes, that's right. It is
4 something, Chairman, that
5 we can deal with during the course of the hearing, if
6 it arises. There is nothing new in the documents, I
7 believe, I think Mr. Maguire accepts that. They are
8 simply for ease of reference from time to time but all
9 the documents will be in the possession, I think, in
10 any event of Fr. Hughes.

11 THE CHAIRPERSON: Yes. The way we have
12 approached this,
13 Mr. Maguire, is that the more time a witness has had
14 the documents the more we can expect him or her to be
15 familiar with them and vice versa. Obviously, somebody
16 may well say "yes, no problem because I remember this
17 or I am familiar with that", or "I know the general
18 area so this doesn't surprise me." Sometimes, not
19 always. But on other occasions, if that happens --
20 Fr. Hughes, if it happens that you are not in a
21 position, let us know and we will see what we are -- we
22 are not here to sort of set traps for people. We want
23 to get the information that we have. So if you have a
24 problem with it tell us, we'll do something about it to
25 meet that situation.

26 MR. O'LEARY: Absolutely, Chairman.

27 THE CHAIRPERSON: That's the way to do that.

28 MR. O'LEARY: Indeed. If it arises it
29 arises, but I will

1 certainly try to avoid any... (INTERJECTION).

2 THE CHAIRPERSON: No, carry on as you would
3 normally and we will deal
4 with any issues that arises.

5 MR. MAGUIRE: I accept that what
6 Mr. O'Leary is true, that
7 we have had the documentation in question, I am just
8 pointing out... (INTERJECTION).

9 THE CHAIRPERSON: No, I understand,
10 Mr. Maguire, and even if
11 someone says, "look, I know I should be familiar with
12 this but I just don't happen to be", we will deal with
13 that situation.

14 1 Q. MR. O'LEARY: I am obliged, Chairman.

15
16 (To the witness) Just briefly. Fr. Hughes, I think
17 you, in fact, gave the opening statement and prepared a
18 statement for the purposes of this Commission; isn't
19 that right?

20 A. Yes.

21 2 Q. I think in that such will establish your
22 qualifications, you effectively are a professional
23 archivist; is that correct?

24 A. I wouldn't call myself professional, self-taught.

25 3 Q. Self-taught archivist. But you were given the job by
26 the Provincial?

27 A. Yes, that's right.

28 4 Q. To prepare a statement based on your self-taught skills
29 as an archivist; is that right?

1 A. That's right, yes.

2 5 Q. And that formed the basis of your statement and indeed
3 your evidence in what we call Phase I of the Inquiry;
4 is that right?

5 A. That's right, yes.

6 6 Q. And in terms of the documents that you analysed, were
7 there personnel files in being, or did you interview
8 the various Brothers, I am not going to mention their
9 names, but how did you come to the, shall we say, facts
10 that are stated in your statement?

11 A. Do you mean with regard to personnel?

12 7 Q. Yes.

13 A. There are personnel file, of course, which have been
14 the subject of discovery and given to the Commission.
15 And with regard to interviewing former staff members,
16 many of whom of course are dead now, we had the -- we
17 did have a plan, as I explained I think in the first
18 hearing, that we thought when the thing first started
19 that we should conduct a little inquiry to see what we
20 could find out. But this was immediately superseded by
21 Garda inquiries and court proceedings.

22 8 Q. Yes.

23 A. And this Inquiry, so we had to drop that of course. So
24 the only interviews I did, and they were quite a number
25 of them, who were in connection with summons -- plenary
26 summons and the complaints that came to the Commission
27 and things like that.

28 9 Q. I know, I understand that. I know you didn't conduct
29 your own inquiry, I am not asking that, but you did

1 interview the Brothers who were still alive or able to
2 help you in relation to the matter; is that right?

3 A. That's right, that's right.

4 10 Q. How many of those were there? How Brothers did you
5 interview who actually worked in Daingean?

6 A. There would have been about a dozen, I think. Some of
7 them have died since, I should say.

8 11 Q. And I think did two give evidence in the Phase II
9 Inquiry, I am not going to go into their names
10 obviously?

11 A. In Phase II, yes, two of them did.

12 12 Q. Of the 11?

13 A. Yes.

14 13 Q. You yourself then, I presume, as part of the job you
15 were given by your Provincial, you attended the Phase
16 II part of this Inquiry; is that right?

17 A. I did, yes, I did.

18 14 Q. For the, as Ms. Fergus says, 28 complainants and indeed
19 the two Brothers, you were there; is that right?

20 A. I was there, yes.

21 15 Q. I presume you heard what was said?

22 A. I did.

23 16 Q. And I want to ask you in that period of time, let's
24 call it over the last year or so, did you go back to
25 the various Brothers that you had spoken to for the
26 purpose of making your original statement, when you had
27 heard what had been said at the private part of the
28 hearings at Phase II?

29 A. No.

1 17 Q. Do you understand the point I am making, you know, you
2 would have heard various allegations and I will go into
3 them, not in terms of specific ones but in general
4 terms, let's say of sexual abuse, you were aware of
5 some allegations being made of sexual abuse; isn't that
6 right?

7 A. Yes.

8 18 Q. Is that correct?

9 A. That's correct, yes.

10 19 Q. You heard that, you were here, it was not actually
11 physically here, but you were in a room when those
12 allegations were made; isn't that right?

13 A. That's right, yes.

14 20 Q. I see. Did you, on foot of hearing that information,
15 including, it appears to be, allegations of rape,
16 allegations of forced oral sex, allegations of
17 voyeurism, where one Brother measured the growth of the
18 penis of one of the pupils?

19 A. I never heard that.

20 21 Q. You never heard that? Did you hear about the
21 allegations of rape?

22 A. I think so yes.

23 22 Q. You think so?

24 A. Yeah, I did.

25 23 Q. So we are on common ground here. You did hear that;
26 didn't you?

27 A. Oh yeah.

28 24 Q. You would have heard allegations of sexual assault,
29 including oral sexual assault, did you hear that?

- 1 A. Yes.
- 2 25 Q. You did, okay. You would have heard that in certain
3 instances this would have happened on a number of
4 occasions, isn't that right, you heard that, that was
5 the allegation?
- 6 A. Yes, yes.
- 7 26 Q. Is that right?
- 8 A. Yes.
- 9 27 Q. I see. What I am suggesting to you now, is that when
10 you heard all of this did you go and continue on your
11 inquiries on foot of what you yourself had heard over a
12 long number of days of hearings?
- 13 A. Well, as I understood it, there was absolute
14 confidentiality surrounding those hearings and I really
15 don't see how I could have gone to question people on
16 the basis of what I heard in those hearings, frankly.
- 17 28 Q. You mean you wouldn't even have asked them generally
18 about whether or not they would have known that these
19 types of things were going on?
- 20 A. I had already asked them those questions before.
- 21 29 Q. And you felt that nothing you had heard during the
22 inquiry... (INTERJECTION)?
- 23 A. No, no.
- 24 30 Q. Nothing at all?
- 25 A. No, no.
- 26 31 Q. Were you shocked by what you heard during the Phase II
27 of this Inquiry?
- 28 A. You must realise that we had the written complaints
29 previously, so you couldn't say I was shocked in the

- 1 sense that I hadn't heard of them before. And
2 I... (INTERJECTION)
- 3 32 Q. I understand. But there is a difference, isn't there?
4 I don't want to cut you off at all, I don't mean to,
5 but I think we are going towards the same point. You
6 may agree or disagree with me, there is a difference
7 between hearing someone, do you understand, describing
8 something like a rape?
- 9 A. That's right.
- 10 33 Q. Involving somebody much older than them and they of a
11 particular age. Did that have an effect on you?
- 12 A. An emotional effect, do you mean?
- 13 34 Q. Yes.
- 14 A. I am not a very emotional person.
- 15 35 Q. You are not an emotional person?
- 16 A. No. Naturally I am very disturbed if such things
17 should be true.
- 18 36 Q. Yes?
- 19 A. Let me see now. What you are really asking me, I
20 think, is what my judgment on those hearings was, is
21 that what you are asking me really?
- 22 37 Q. I am not, in fact. I am saying when you heard these
23 people giving evidence what effect did it have on you?
24 You say you are not emotional, it had no effect on you;
25 is that right?
- 26 A. Well, naturally it was very unpleasant, yes.
- 27 38 Q. Very unpleasant?
- 28 A. Yes.
- 29 39 Q. Did some of the images remain with you, what had been

- 1 said?
- 2 A. No.
- 3 40 Q. They didn't?
- 4 A. No. I haven't allowed it to affect me psychologically,
5 if that's what you mean.
- 6 41 Q. You hadn't?
- 7 A. No.
- 8 42 Q. And that's something that you intentionally did, you
9 set out to do?
- 10 A. I think one has to, I mean how can one carry on if
11 one's going to break down.
- 12 43 Q. Yes. Would some of the testimony, if you hadn't, as it
13 were, hardened yourself, might it have caused you to
14 break down?
- 15 A. I don't know.
- 16 44 Q. You don't know?
- 17 A. No.
- 18 45 Q. But you remember what was said, don't you? Do you
19 remember what was said or have you screened it out now?
- 20 A. Well I remember in a general way, yes.
- 21 46 Q. In a general way?
- 22 A. Yes.
- 23 47 Q. Well, I mean, be clear, I am not going to mention any
24 people's names, do you understand?
- 25 A. Yes.
- 26 48 Q. But just in specific example, do you remember the
27 concept of what was called "the gobbler's cup", that
28 the boys within -- do you understand what I mean?
- 29 A. I do.

1 49 Q. That the boys within Daingean itself would mark out the
2 person who was being subject to abuse, according to
3 themselves, and that they would actually mark the cup
4 of the boy who was being abused because nobody wanted
5 to drink out of "the gobbler's cup", do you remember
6 that?

7 A. Yes.

8 50 Q. For me, do you understand, and I know it is difficult
9 for you, but that has a kind of searing resonance, do
10 you understand what I mean by that, that expression,
11 "the gobbler's cup", you would agree with that?

12 A. Yes.

13 51 Q. For instance, it is unlikely that anyone would make up
14 such a term; is that right?

15 A. I think so.

16 52 Q. Yes. And, therefore, it is likely that that is true;
17 isn't that right?

18 A. Yes, yes.

19 53 Q. And therefore if that is true, it was likely that there
20 was some form of sexual abuse taking place in Daingean;
21 isn't that right?

22 A. Yes.

23 54 Q. Yes. In relation to your study of Daingean, I presume
24 just on a personal basis you had no knowledge of what
25 went on or you were never appointed or attached to
26 Daingean at any stage yourself; isn't that right?

27 A. As I explained in the first hearing, I was there for --
28 as a student, doing supervision during two summers for
29 short periods.

- 1 55 Q. Short periods of time?
- 2 A. Yes. That would be on the square, as they called it,
3 or playground.
- 4 56 Q. Yes. You would have also heard then from people giving
5 evidence, sworn evidence before the Phase II Inquiry,
6 of what they would regard as the regime of physical
7 abuse that took place, that was taking place at the
8 time? You heard that, didn't you?
- 9 A. I did.
- 10 57 Q. So again, so we are in agreement, as it were, and I
11 don't think at this stage we need to refer to a
12 document but certainly if you wish to, please do so.
- 13 A. No, you go ahead.
- 14 58 Q. But in general terms you would have heard of not just
15 an organised system of discipline, do you understand,
16 not just the organised one where there was a dean of
17 discipline, and there was a -- well, we will get on to
18 the Punishment Book and whether or not that was there
19 or not, all of that organised side but there was also
20 what appeared to be a random form of physical violence
21 meted out to the students, what I mean by that is
22 punches being delivered, straps being used in the yard,
23 individual Brothers taking responsibility to mete out
24 physical punishment. Did you hear that?
- 25 A. I did, yes. But whether I accept it or not is another
26 question.
- 27 59 Q. That's fine. But you heard those, we'll call them,
28 allegations for the purpose of our discussion?
- 29 A. Yes.

- 1 60 Q. So you know what I am talking about; isn't that right?
- 2 A. Yes.
- 3 61 Q. Why do you say you don't accept it?
- 4 A. Because I think some evidence about physical abuse was
- 5 certainly credible.
- 6 62 Q. Was credible?
- 7 A. Some of it was, yes.
- 8 63 Q. Which one, or which parts?
- 9 A. I would have to go into each particular case and I
- 10 can't do that.
- 11 64 Q. All right, that's fair enough.
- 12 A. But some, I think, was exaggerated.
- 13 65 Q. Well, do you accept, for instance, that individual
- 14 Brothers kept straps with them?
- 15 A. Very few of them did actually, according to the
- 16 information I was given by the surviving members.
- 17 66 Q. Well I am not going to name him, but you know that one
- 18 of the Brothers who gave evidence, and it is only one
- 19 of two so you should remember generally what he said
- 20 now?
- 21 A. Yes.
- 22 67 Q. He said that he carried a strap with him personally for
- 23 21 years?
- 24 A. Well...
- 25 68 Q. Just let's go through it here. For 21 years, and he
- 26 only stopped carrying that strap when a boy robbed it
- 27 off him, do you remember that evidence?
- 28 A. I think I do, yes.
- 29 69 Q. So he was carrying the strap around for 21 years and he

1 said that he administered the punishment when a problem
2 arose?

3 A. Yes.

4 70 Q. So it wasn't a controlled situation, would you accept
5 that?

6 A. I would not, no.

7 71 Q. Why?

8 A. Because it was recognised that while there was, as you
9 say, the kind of more serious corporal punishment that
10 was administered only by the prefect, that it was
11 permissible and it was permissible I think by rules
12 recognised by the Department of Education, that lesser
13 punishments could be administered by staff members.

14 72 Q. Maybe I didn't make my question clear. I wasn't
15 suggesting that whether or not it was acceptable or
16 not, we will get on to that, but do you accept that
17 that happened, that Brothers went around with leather
18 straps themselves administering punishment?

19 A. Oh yes.

20 73 Q. Do you think that was a controlled situation?

21 A. Controlled? Would you say what you mean by that?

22 74 Q. Well, you had Brothers who were there, they may have
23 been looking after different parts of the activity, the
24 farm, whether it be on the turf batch or the bakery, or
25 even in control of the yard itself. Do you understand,
26 different Brothers doing different things?

27 A. Yes.

28 75 Q. And they had a leather strap with them; isn't that
29 right?

- 1 A. Yes.
- 2 76 Q. And they, it appears to me, felt free to administer
3 punishment when and if they felt it arose, isn't that
4 the situation?
- 5 A. They did have that permission.
- 6 77 Q. Yes. Wouldn't that, just using your knowledge and
7 common sense of life, couldn't that lead to physical
8 abuse?
- 9 A. It could, yes, yes.
- 10 78 Q. Do you think it did?
- 11 A. I am sure it did sometimes, yes.
- 12 79 Q. Yes, thank you. In relation to the boys themselves,
13 there appears to be evidence from Phase II, but again I
14 am being general in relation to comments I make to you,
15 and you may agree with me that there was a hierarchy
16 within the boys themselves, do you understand, that is
17 there were leaders and there were people who, shall we
18 say, weren't leaders?
- 19 A. That's always true.
- 20 80 Q. That's always true. I think there was evidence during
21 the course of the Phase II hearings of this concept of
22 fishes, you understand the word I use, I think it was
23 mentioned, that the people at the bottom of the pile, I
24 think, were fish and one worked one's way up; is that
25 right? You heard that anyway?
- 26 A. Yes, well I think that wasn't so much the leadership
27 issue, that was that a newcomer was called a fish. He
28 could easily become a leader very quickly if he
29 was. . . (INTERJECTION).

- 1 81 Q. Yes, within time. But there was a hierarchy within the
2 boys; isn't that right?
- 3 A. Well I suppose so, yes.
- 4 82 Q. Well it appears clear?
- 5 A. Well there were leaders and followers, yes.
- 6 83 Q. And there appears to have been a situation where there
7 were almost gangs of boys, would you accept that?
- 8 A. There were gangs sometimes, yes.
- 9 84 Q. Yes. And obviously, that gang situation could lead to
10 conflict, isn't that right, between the boys?
- 11 A. Yes, yes.
- 12 85 Q. And I go back to the word control I used earlier in
13 relation to the physical abuse between the individual
14 Brothers and individual boys?
- 15 A. Uh-huh.
- 16 86 Q. But do you feel that the situation about the boys,
17 there being gangs there, was out of control?
- 18 A. I don't think it was out of control, no. I think
19 obviously at times there were disturbances, but I
20 think -- I mean, I would agree that the discipline in
21 the school was severe, I have said that before.
- 22 87 Q. Yes.
- 23 A. And it was severe for the very purpose of making sure
24 staff did keep control. To that effect it was intended
25 as a protection of the children.
- 26 88 Q. Yes?
- 27 A. By being severe. I mean, these lads were not small
28 boys, very often they were 16, 17 years of age, you
29 know.

- 1 89 Q. Yes?
- 2 A. If there hadn't been a very strong discipline imposed
- 3 it would have descended into chaos, there is no doubt
- 4 about it.
- 5 90 Q. I will ask go back to that in a second and I am
- 6 grateful for that answer. The disturbances you are
- 7 talking about, presumably, are the riots; is that
- 8 right?
- 9 A. Yes, what were sometimes called the riots, yes.
- 10 91 Q. But I mean there was one riot in 1958, I believe, when
- 11 the guards had to be called to actually stop the riot;
- 12 is that right?
- 13 A. It was kind of nipped in the bud, as they say.
- 14 92 Q. It was what, sorry?
- 15 A. Nipped in the bud, as they say.
- 16 93 Q. By the guards's arrival?
- 17 A. None of these riots really got out of control because
- 18 they were spotted as brewing and... (INTERJECTION).
- 19 94 Q. Excuse me?
- 20 A. The staff were able to see that they were kind of being
- 21 prepared and to take measures to stop them developing
- 22 into being too serious.
- 23 95 Q. But one of the riots involved implements. Evidence was
- 24 given of knuckle dusters, knives, iron bars?
- 25 A. That's right.
- 26 96 Q. All of which the boys had in their possession; is that
- 27 right?
- 28 A. That's right. They were collected over a period of
- 29 days and deposited here and there.

- 1 97 Q. Yes.
- 2 A. Thankfully they never used them.
- 3 98 Q. Oh I understand that, because the guards arrived?
- 4 A. Yes.
- 5 99 Q. But doesn't it suggest to you an institution where boys
6 are allowed collect iron bars, knives, knuckle dusters
7 and engage in a riot, an institution that is wholly out
8 of control?
- 9 A. No. Because the riot never happened.
- 10 100 Q. Well the guards were called?
- 11 A. Yes, because they stopped it happening. As regard the
12 collecting the things, well there were workshops there,
13 they were metal workshops with tools and equipment of
14 that nature, well boys, naturally, could get hold of
15 these things and use them for wrongful purpose.
- 16 101 Q. And therefore in terms of how the boys got on with each
17 other, if they were able to secrete away these weapons
18 and implements and iron bars, presumably the
19 supervision was somewhat faulty, wasn't it?
- 20 A. That's a good point. Supervision say in the 1950's,
21 which is the kind of period you are talking about
22 really.
- 23 102 Q. Yes?
- 24 A. There was an average of 150 boys during that period and
25 the staff were, let's say, 20 or something like that, I
26 can't be too precise over a ten year period. So the
27 supervision ratio, so to speak, was very low by modern
28 standards.
- 29 103 Q. Was it too low?

1 A. Well, if you had that number of children in a facility
2 today you would have to have a 3:1 kind of staff. You
3 would have to have a staff of about 400 I think. So
4 clearly, by today's standards it was clearly very much
5 too low. I think one would have to say that unless --
6 there were bound to be times when the children had
7 enough freedom to -- well, to do their own thing.

8 104 Q. To do what they wanted to do?

9 A. I would see that as a positive thing in many ways. I
10 mean, they were not over regimented in that sense. I
11 don't know what kind of a school it would have been if
12 they had a staff member breathing down their necks
13 every moment of the day. But I do concede that the
14 supervision, the numbers available for supervision were
15 very low.

16 105 Q. Very low. And because -- sorry, I don't -- as you
17 know, I don't want to stop you in any way. Have you
18 finished?

19 A. Yes.

20 106 Q. They were low.

21 A. Yes.

22 107 Q. And because they were so low, which may be to do with
23 resources which I am not ascribing blame, do you
24 understand, but because they were in fact so low it
25 meant that, I suggest to you, Father, that to try and
26 maintain order excessive punishment had to be meted
27 out, which wouldn't have had to happen if there was
28 enough people properly supervising?

29 A. Well I would say there is some truth in that, I am

1 quite prepared to say that. I would like to say
2 something else as well.

3 108 Q. Sorry.

4 A. I didn't notice that. I am so concentrating on
5 yourself.

6 THE CHAIRPERSON: You just knocked the
7 microphone over.

8 A. I am concentrating on yourself.

9 109 Q. MR. O'LEARY: I think the stenographer
10 picked it up. Please
11 don't, I am not -- as the Chairman said, I certainly am
12 not setting any traps for you. This is a matter where
13 we try to tease out a lot of things.

14 A. No, I have a lot of things I would like to say to you.
15 Take with regard to supervision and staff numbers, the
16 school was only set up to have a certain number of
17 staff, there are only a certain number of staff rooms.
18 I mean, the expectation of what the numbers of the
19 staff would be, was that there would be around 20, 24
20 staff members. That is what was expected. It was the
21 common understanding, I would think at that time, that
22 that was the kind of ratio you would expect to have.
23 That is what the accommodation was provided for. But
24 given the nature of the population, and the stresses
25 and so on, I do agree that it was on the low side.

26 110 Q. Yes. It is funny, and I am going to go back to
27 something that you said there, but since it comes up
28 and I know you want to discuss various things with the
29 Inquiry. The various stresses involved?

1 A. That's right.

2 111 Q. You make a reference in your opening statement which
3 relates to -- and I think you will know what I am
4 talking about?

5 A. I do.

6 112 Q. The fact that towards -- from the mid-1960's on
7 certainly there appears to be documented evidence of
8 extreme stress?

9 A. Yes.

10 113 Q. Leading in fact to nervous breakdown with a number of
11 Brothers who were actually operating in Daingean; is
12 that correct?

13 A. That's correct, yes.

14 114 Q. I have not cited them, it doesn't matter, but for the
15 purpose of this discussion, I presume you were able to
16 extract that from the personnel files of the various
17 Brothers involved. Is that right, or how did you come
18 to that conclusion?

19 A. Well it was stated very clearly in documents, yes.

20 115 Q. From your work as an archivist what were the reasons
21 for that overwhelming stress and indeed in some cases
22 leading to nervous breakdowns, in your view?

23 A. Well, I would say that there was a shortage of staff at
24 that time period you mentioned.

25 116 Q. Yes.

26 A. It was heightened because some of the more able members
27 and more in their prime of life members of staff were
28 at that time sent off to train. One went off -- well,
29 there were three went off to train, to study various

1 trades, like horticulture and metal work.

2 117 Q. So the age profile was quite high?

3 A. It was raised as a result of that. So that was the
4 situation, they were in a difficult situation.

5 118 Q. They were, shall we say, over 40 certainly, in fact at
6 one stage all of them were over 40?

7 A. I would say they were, but there may have been one or
8 two who were not, but I can't remember offhand.

9 119 Q. I think I can mention his name because there is
10 absolutely no allegations against him personally,
11 Fr. McGonigle in relation to it, there was reference in
12 Fr. McGonigle's book of recollections, do you
13 understand what I am referring to there?

14 A. Yes.

15 120 Q. His summary of his years in Daingean?

16 A. Yes.

17 121 Q. To this idea of Brothers coming in, working all year
18 round, seven days a week, and I think only in the
19 mid-1960's having a day a week off; isn't that right?

20 A. Well it was in the 1970's.

21 122 Q. Or in the 1970's, sorry. So again, that led to a very
22 stressful environment for the Brothers; isn't that
23 right?

24 A. It did, yes.

25 123 Q. Again, unfortunately, from your own knowledge of human
26 nature, I suggest to you that people are more likely to
27 lash out and use excessive punishment when they are so
28 stressed that they are treated for nervous breakdowns?

29 A. Well, that is a possibility, yes. We are talking about

1 possibilities. It is also a possibility, the other
2 thing, that they would also become vulnerable to being
3 bullied themselves, which is just as bad.

4 124 Q. I understand. Well indeed, and just taking that
5 possibility and you have accepted my contention of the
6 possibility, and that seems to be fair enough, but
7 taking your own suggestion that means that you have
8 vulnerable Brothers?

9 A. Yes.

10 125 Q. And I wonder is that a particularly healthy state, for
11 someone to be involved in supervising the people in
12 Daingean?

13 A. No, no, it wasn't. I accept that, yeah.

14 126 Q. So either way, it is not good; isn't that right?

15 A. Oh it certainly isn't, yeah.

16 127 Q. And indeed, vulnerable Brothers may indeed form
17 friendships with boys as well, given their
18 vulnerability; isn't that right?

19 A. Well, that's speculation. You can speculate.

20 128 Q. I suppose you have heard the evidence yourself in
21 relation to that?

22 A. Well, if you are asking me what I thought of the
23 evidence, I don't myself think that there was evidence
24 of widespread sexual abuse from the staff. That was my
25 reading of it.

26 129 Q. That was your reading of it?

27 A. Of the hearings. A lot of evidence was given, but a
28 lot of evidence was challenged.

29 130 Q. And oh I see, so what you are suggesting is that the

- 1 evidence is only credible if not challenged?
- 2 A. No, effectively challenged.
- 3 131 Q. I presume that's a matter for the Commission?
- 4 A. But you are asking me these questions.
- 5 132 Q. Oh, I am yes.
- 6 A. And you are saying that there was evidence of this, but
- 7 I would say it is also true that the evidence was
- 8 challenged.
- 9 133 Q. But are you suggesting -- sorry, I thought we had come
- 10 to an agreement about that, but let's be clear about
- 11 this, because I represent people who were in Daingean,
- 12 you understand that?
- 13 A. Yes.
- 14 134 Q. Are you suggesting that there was no sexual abuse by
- 15 Brothers of pupils in Daingean?
- 16 A. I couldn't suggest it, no.
- 17 135 Q. But what are you suggesting?
- 18 A. I am suggesting that there wasn't evidence of
- 19 widespread sexual abuse.
- 20 136 Q. Oh, it wasn't widespread, I see. So therefore, may I
- 21 infer from that you are you are accepting there was
- 22 some sexual abuse in Daingean?
- 23 A. I accept that there was evidence, on which the
- 24 Commission will make its judgment.
- 25 137 Q. I see. Well, I think we might agree to differ on that
- 26 one and move on, since the Commission has heard all
- 27 that evidence?
- 28 A. That's right.
- 29 138 Q. In relation to Daingean itself at the time, and it was

1 obviously the time that we are relating to both 1950's
2 and 1960's in particular, there was an awareness, would
3 you accept, by the Order and the Brothers and indeed
4 Fr. McGonigle himself when he goes into detail in
5 his -- and I use the word book, but his commentary
6 perhaps?

7 A. Memoir.

8 139 Q. Memoir. That there was sexual abuse or what he terms
9 "peer abuse", would you accept that?

10 A. Yes.

11 140 Q. And that that peer abuse was well known, as it were, to
12 the staff in Daingean; is that right?

13 A. Yes, and they were watchful for it.

14 141 Q. Was there any training, do you know, for the Oblates in
15 relation to those matters?

16 A. No, no. Do you mean psychological sort of training?

17 142 Q. Yes, training in relation to this might happen, you are
18 dealing with an institution of, as you say, a number of
19 hundreds of boys, of a certain age and how do you deal
20 and/or control this?

21 A. It was seen as a moral problem.

22 143 Q. A moral problem?

23 A. Yes.

24 144 Q. Does that mean that if one engaged in peer abuse it was
25 seen as a moral lapse?

26 A. Yes. The school rules refer to immorality as being
27 something that was -- you know, it was against the law
28 of God, I think it says.

29 145 Q. It is rule ten; is that right?

- 1 A. I don't know.
- 2 146 Q. Anyway, we will accept that it is in the rules; is that
3 right?
- 4 A. Yes.
- 5 147 Q. I think phraseology effectively is that it is not just
6 a rule of the school, it is a rule against God; isn't
7 that right?
- 8 A. That's right.
- 9 148 Q. I think there is also in rule 17 of the 21 rules, and I
10 think we will agree on this without having to go
11 through all the documentation, that friendships between
12 older and younger boys should be discouraged; isn't
13 that right?
- 14 A. They were very strongly discouraged and there were --
15 so far as is possible, there were two sections, as you
16 know, not so much on age as on size, by which the
17 bigger boys and smaller boys were separated.
- 18 149 Q. Were separated?
- 19 A. Both for play and for eating and for dormitories.
- 20 150 Q. But again those two rules effectively, although it is
21 not stated in rule 17, but I presume the idea of a
22 friendship between the younger and older boys could
23 always have had a sexual connotations, in terms of
24 avoiding that type of difficulty; is that right?
- 25 A. That's right.
- 26 151 Q. Obviously much a physical connotation as well as in
27 terms of bullying, I accept that completely.
28 Therefore, two of the 21 rules in Daingean related to,
29 what we will call generically, in some way as peer

- 1 abuse; is that right?
- 2 A. I thought there was only one, it was dealt with, yes.
- 3 152 Q. And the others were fully aware of it?
- 4 A. Yes. You are talking about training and what you are
- 5 really talking about is the psychiatric services that
- 6 might be available and things like that, psychological.
- 7 153 Q. There wasn't any of that presumably?
- 8 A. No, and it just wasn't available, was it.
- 9 154 Q. Can I just ask you this question and I am sorry and I
- 10 hope I haven't cut you off.
- 11 A. Yes.
- 12 155 Q. But can I ask you this question?
- 13 A. Yes.
- 14 156 Q. Were you aware of the possibility as an Oblate, and you
- 15 yourself said you spent some time there in Daingean, of
- 16 the difficulty of not just peer abuse, but abuse
- 17 between Brothers and students?
- 18 A. No, no.
- 19 157 Q. You weren't?
- 20 A. No, it didn't enter into people's heads.
- 21 158 Q. That's what I am going to ask you about. If you were
- 22 so alive to the danger of abuse amongst boys, do you
- 23 understand, the sexualization of boys and their age
- 24 etc., surely, logically it must have entered into your
- 25 heads about the possibility of Brothers who were
- 26 working there full time without even a day off and
- 27 abuse between them and boys?
- 28 A. No, I don't think it does follow logically at all.
- 29 159 Q. It doesn't?

- 1 A. No. The fact of the matter is that in society at that
2 time, and I think Fr. McGonigle in the memoir that you
3 are talking about, kind of reflects on that, and he
4 says "well, we see now how widespread sexual abuse is".
- 5 160 Q. Yes.
- 6 A. And we reflect back, say, to 1960's, we didn't have the
7 slightest idea it existed but now in the light of our
8 knowledge today we can't help but think or ask "my
9 goodness, was this happening then too?"
- 10 161 Q. Yes.
- 11 A. But it is coming as a -- the question coming to him as
12 a complete surprise, because it just wasn't on people's
13 minds in those days. I think you know yourself that if
14 you look at books at that time on, say, family law and
15 things like that, I checked this out, you wouldn't find
16 a chapter on abuse, it just wasn't there. Certainly, I
17 was a newcomer to Ireland at that time, you may see I
18 am not a native of Ireland.
- 19 162 Q. Excuse me?
- 20 A. I am not a native of Ireland.
- 21 163 Q. I see. Sorry.
- 22 THE CHAIRPERSON: He thought you might have
23 guessed.
- 24 A. I was a newcomer in the country and I thought you were
25 all saints, frankly.
- 26 164 Q. MR. O'LEARY: Sorry, Father, did you in
27 fact get training yourself
28 when you were trained with the Oblates in relation to
29 your own sexuality?

- 1 A. I can't say we did get a lot, no. I mean, obviously we
2 studied moral theology and that kind of thing.
- 3 165 Q. Yes. So it is referred to as a moral lapse or
4 something of that nature; is that right?
- 5 A. Yes. Sexual morality was studied.
- 6 166 Q. How detailed was that?
- 7 A. Well, quite detailed.
- 8 167 Q. It was?
- 9 A. Oh, yes.
- 10 168 Q. So you did study about your own sexuality then?
- 11 A. Well in that sense, yes. But it wasn't presented in
12 the sense that you are talking about now, like as you
13 would now. I mean, we are very conscious now that when
14 they are candidates for ordination they are -- they
15 have to be screened to make sure that they have a
16 healthy sexual outlook and that kind of thing. But
17 that didn't exist in those days.
- 18 169 Q. So there was no screening and there was no training in
19 relation to that; is that right?
- 20 A. There was screening in the sense that training went on
21 for a long time, over a seven year period, and in that
22 time people's character would reveal itself. There was
23 screening in that sense. I mean, people who were
24 weren't suitable left, or asked to leave. There was a
25 seven year screening period.
- 26 170 Q. Did you think that all the Brothers who were there at
27 time that you were there, did you think they were all
28 suitable?
- 29 A. They were all very good men.

- 1 171 Q. How long were you there?
- 2 A. Well only for a few weeks you know, two summers. But I
3 knew them outside that context, you know, we are
4 members of the same Order.
- 5 172 Q. You see, Fr. McGonigle suggests, and we can go into all
6 the details because he does, as you know, and this is
7 not an adverse comment on his memoirs, but he does...
- 8 A. It is meandering.
- 9 173 Q. Yes. It goes into areas at different chapters and
10 revisits them again at later chapters, but perhaps we
11 might agree on the general tone of what he says? He
12 expresses that he himself was naive now in retrospect
13 in terms of not being aware... (INTERJECTION)?
- 14 A. That was the point I was making.
- 15 174 Q. But it is an important word, that he was naive himself
16 in relation to the possibility of Brothers sexually
17 abusing boys; isn't that right?
- 18 A. Yes, we were all naive then, yes.
- 19 175 Q. And did that naivety, would you accept, probably lead
20 to a lack of supervision, because you weren't -- you
21 felt, well, this possibility didn't exist?
- 22 A. Well, I see what you mean.
- 23 176 Q. Do you see the point I am making?
- 24 A. Yes, I do. And I think he himself says reflecting on
25 that situation and the life that was there and the
26 school at the time obviously there could have been
27 occasions when the staff member might get a boy alone
28 and offences might take place. It is imaginable. But
29 at the same time you should realise that although the

1 area of the school was quite large, a few acres, there
2 were 150 boys there and there were more than 20 adults.
3 There wasn't a lot of privacy, that would be one of the
4 problems of it, there wouldn't have been a lot of
5 intimacy in that sense of psychological, you were
6 leading a very public life all the time. So it would
7 only be by taking very special measures that a staff
8 member would be able to commit offences of that kind, I
9 think so. I think the physical situation would suggest
10 that. It would have to be done in a very covert way.

11 177 Q. Well, indeed, I suppose that's the nature of sexual
12 abuse; wouldn't you accept that?

13 A. Yes.

14 178 Q. Isn't that right?

15 A. That's right.

16 179 Q. And the supervision, in relation to that aspect of
17 supervision, doesn't it also reflect on the discipline,
18 because again without going into the meandering part
19 four and part nine of Fr. McGonigle's memoirs, but I
20 think we can agree on this, he suggests in relation to
21 physical punish, do you understand, as opposed to the
22 sexual abuse, that he didn't feel it was part of his
23 job to supervise the physical punishment; isn't that
24 right?

25 A. That's right, yes.

26 180 Q. And he does suggest, and I think you will be able to
27 agree with me here, that in retrospect maybe he should
28 have taken a far greater supervisory role in ensuring
29 that the physical punishment was appropriate?

- 1 A. I think he would agree with that. But just by way of
2 kind of explanation, and he does say also in his memoir
3 that he did have complete trust in his staff.
- 4 181 Q. Yes.
- 5 A. And he does say also that he was very, very busy.
- 6 182 Q. Yes.
- 7 A. He was an extremely busy man.
- 8 183 Q. Yes.
- 9 A. Well there is a limit to what you can do.
- 10 184 Q. I understand the explanation.
- 11 A. But even so; I would accept that he would accept
12 himself that it would have been better if he had
13 exercised a stronger supervisory role, yes.
- 14 185 Q. Correct. And that he was wrong in effect, and it is an
15 awful thing to say, but he was wrong in retrospect to
16 trust his staff in that way, to allow them to be
17 unsupervised; isn't that right?
- 18 A. It was a management failure, definitely, yes.
- 19 186 Q. It was a management failure?
- 20 A. Yes.
- 21 187 Q. At one stage, and I know it is going to be hard for you
22 to deal with this, but it is about that management
23 failure and I am trying to make it as easy as possible
24 for you because I do want to hear what you have to say
25 in relation to it. Fr. McGonigle refers to the fact
26 that he felt isolated from the Oblates as well from
27 time to time, not now the people who were below him in
28 terms of the hierarchy, do you understand, the
29 Brothers, but it appears implicit to the, shall we say,

- 1 Provincial or the Leaders of the Order. You know what
2 I am referring to there?
- 3 A. I would.
- 4 188 Q. He felt he didn't get enough help in effect; isn't that
5 right?
- 6 A. That's right. And I would say this is one of the
7 points I would like to make, if I may.
- 8 189 Q. Please do.
- 9 A. That having reflected upon all that, I do think there
10 was a management failure in that sense.
- 11 190 Q. Yes.
- 12 A. Clearly when the Oblates were there convinced and
13 trying their best to do something for these boys who
14 obviously very badly needed help, I mean that was why
15 we became involved in that line of work in the first
16 place. But looking back now at the running of the
17 institution over those years, especially in those
18 latter years, I would say it is clear there was
19 management failures. In many cases, I think we
20 referred it do it yourself, it was due to lack of
21 resources, both monetary resources and at times in that
22 period in the late 1960's, as you refer to manpower
23 resources.
- 24 191 Q. Yes.
- 25 A. I really think that with hindsight we should have faced
26 the fact that resources were inadequate and we should
27 have withdrawn from the school.
- 28 192 Q. You should have withdrawn?
- 29 A. Yes. That is really what we should have done.

- 1 193 Q. Yes.
- 2 A. I would say we carried on, I mean optimistic that
3 things would improve and eventually they did improve.
- 4 194 Q. Hoping against hope, in effect, that things would get
5 better?
- 6 A. Yes, that's right. And eventually things did improve.
- 7 195 Q. Would you be able to date that for me, when they
8 actually improved?
- 9 A. By the time the 1970's came there was a very big
10 difference in the school. That day off was a symptom.
- 11 196 Q. A huge advance, yes.
- 12 A. The biggest sign of it is the fact that at the
13 beginning of the 1970's we were able to put into the
14 work three priests who were being trained for it in
15 America and in Bristol universities.
- 16 197 Q. Did their training -- I find this fascinating, I hope
17 the Commission does as well, did their training, do you
18 know, involve training in relation to the possibility
19 of sexual abuse and how to watch out for that
20 between -- not just peers now, between the Brothers and
21 boys?
- 22 A. Can I refer you again to Fr. McGonigle's invaluable
23 memoir? He remarks there that he went to conferences
24 all over the place.
- 25 198 Q. Canada, I know what you are referring to.
- 26 A. He went to Britain, to the continent, I don't know
27 about Canada. But anyways, he mixed in the world of
28 professionals who were involved in care. And he says
29 in all those meetings he went to, in all the

1 discussions with all these very responsible people,
2 never once was this topic brought up on the agenda.

3 199 Q. So is the answer to that you don't know where they were
4 trained in the 1970's or they weren't?

5 A. I would say they were still in a -- as society was
6 there were still in a stage of naivety.

7 200 Q. If it improved in the 1970's, would you accept then
8 that during the 1950's and 1960's you shouldn't have
9 been running the school?

10 A. What improved was the availability of a lot of
11 facilities that hadn't been available in the 1950's and
12 1960's.

13 201 Q. Resources in effect?

14 A. Yes, but resources that you wouldn't expect to find in
15 the 1950's.

16 202 Q. One resource you could have found in the 1950's would
17 be extra Brothers, is that right, extra people, bodies?

18 A. Extra people. But again when you go back to those
19 times and you look at the documentation you don't find
20 any sense there that there was a pressure on staff, you
21 don't find it there in the same ways as you do in the
22 1960's. The staff were overwhelmed, the staff were
23 under big pressure. They seemed quite able to cope.

24 203 Q. But it is definitely there in 1960's; isn't it?

25 A. It is definitely there in the 1960's.

26 204 Q. And no extra resources were given during that period,
27 even though Brothers would have been presumably taken
28 off the rota and removed from their duties because of
29 nervous breakdowns?

1 A. There were new Brothers going in there, but not enough.

2 205 Q. Not enough?

3 A. Not enough, yes.

4 206 Q. There was this controversy in respect of physical
5 punishment that I want to go back to, because it is
6 more chronologically correct to do so and that is what
7 arose out of the Kennedy Report. You know what I am
8 referring to?

9 A. Yes.

10 207 Q. And it appears the first writing of the report or the
11 investigation in 1968 with ultimately the report being
12 produced in 1970; isn't that right?

13 A. Uh-huh.

14 208 Q. And it appears again from the documents, we can refer
15 to them, but I think we can probably agree, and if we
16 disagree we will certainly look at all the documents,
17 but it appears from that, that there was concern, at
18 least one could say, from the members of the Kennedy
19 Commission, I think referred to by Mr. Barry, who was
20 the secretary of the Department of Education at the
21 time, in respect of the type of physical punishment
22 that was there at time, that is children, boys being
23 struck on the bare backside, do you understand the
24 point I am making?

25 A. I do, yes.

26 209 Q. And I think Fr. McGonigle, and for the purpose of
27 clarity there is no question that he was physically
28 doing it himself, he wasn't charged at the time,
29 eventually came around to agree with their position

1 that that practice should be stopped; isn't that right?

2 A. That's right.

3 210 Q. And that the Department's view at the time, or the
4 people who were on the Commission, felt that that
5 practice potentially exposed those who were meting out
6 that type of punishment, that is striking people, I
7 think, usually with the leather strap, I think was the
8 normal form, as part of the, shall we say, discipline
9 on the bare backside, that that exposed them
10 potentially to criminal liability; isn't that right?
11 There was some talk about that, whether they were right
12 or wrong but that was certainly talked about at the
13 time; is that right?

14 A. It seems to be, yes.

15 211 Q. That seems to be right. Eventually there seems to be
16 some toing and froing about as to what would and would
17 not be included in the final report itself, but
18 eventually in any event that practice stopped in 1970;
19 isn't that right? Is that correct?

20 A. Yes, yes. I would say it was about 1970. I would just
21 like to be clear about this.

22 212 Q. Please do.

23 A. What Ms. Kennedy asked for, she said she wasn't asking
24 that corporal punishment would stop, she was asking
25 that it would stop being administered in that way.

26 213 Q. I know that, yes, I know that. I mean corporal
27 punishment was not outlawed even in schools or any
28 other area for some years thereafter?

29 A. That's right, yes.

1 214 Q. But this now, I thought I had made it very clear in
2 describing it, this was a situation whereby, and it was
3 part of the structure of discipline in Daingean, that
4 boys would be brought into a room, it might be an
5 office or it might have been downstairs, depending, or
6 the washroom perhaps, but that boys would be made bend
7 over, as it were, they would drop their trousers and
8 that would expose their bare buttocks?

9 A. That's right.

10 215 Q. They would then -- the discipline of being struck with
11 a leather strap by one of the Brothers would take
12 place; isn't that right?

13 A. That's right.

14 216 Q. That was the practice?

15 A. That was the practice.

16 217 Q. That existed up to 1970; isn't that right?

17 A. That's right, yes.

18 218 Q. I see. And that was the practice... (INTERJECTION)?

19 MR. MAGUIRE: I am sorry, Chairman.

20 MR. O' LEARY: Sorry.

21 MR. MAGUIRE: I am sure it is not
22 intentional on my friend's
23 part, but he is inclined to cut the witness off when
24 the witness is about to... (INTERJECTION).

25 MR. O' LEARY: I'm sorry. I am terribly
26 sorry.

27 MR. MAGUIRE: And particularly one
28 instance is just a moment
29 ago where he was talking about the question of the

1 Kennedy Report and his view of the Kennedy Report.
2 MR. O' LEARY: Very good.
3 MR. MAGUIRE: I would ask that he
4 wouldn't cut off the
5 witness.
6 MR. O' LEARY: I think Mr. Maguire would
7 accept that it is not
8 intentional.
9 THE CHAIRPERSON: It clearly isn't because
10 you keep apologising,
11 Mr. O' Leary.
12 MR. O' LEARY: I do. When it does happen
13 I do say I am sorry. I am
14 terribly sorry about that.
15 MR. MAGUIRE: I don't want to interrupt,
16 Chairman.
17 THE CHAIRPERSON: I understand.
18 219 Q. MR. O' LEARY: Very well. I think I may
19 have cut you off and it
20 appears that I and again I am sorry about that. In
21 relation to something you want to say about the Kennedy
22 Report, Mr. Maguire suggests?
23 A. The mind moves on.
24 220 Q. Yes.
25 A. I think that something should made clear about that,
26 yes. Many years ago, this may seem again a collateral
27 factor, Ms. Kennedy was the judge sitting in the Dublin
28 Children's Court at that time.
29 221 Q. Yes.

1 A. She was sitting right through this period, you know,
2 from 1967, 1968 right through to the time the school
3 closed and she did continue to send children to the
4 school. In fact, I went through and I counted the
5 number of committals that she made in that period,
6 during this very period when she was concerned about
7 corporal punishment and so on, she still had no
8 hesitation in committing boys to school. There was 177
9 committals she made, I have counted them. That I think
10 puts it in some perspective, puts her concern in some
11 perspective. She was concerned about the way corporal
12 punishment was administered but she wasn't so concerned
13 that she stopped committing boys to the school. That
14 is one point. Another point is that the Department, I
15 think, did say at that time that they had no knowledge
16 that corporal punishment was being administered in this
17 way.

18 222 Q. That they had no knowledge of it?

19 A. They did say that and they did say it was against their
20 regulations. I said they need to show that, I think I
21 said in the last hearing. But something has come to my
22 attention since then in the discovery of the
23 departmental documentation, which is that they did know
24 about it and that they did approve of it, certainly in
25 1953, when Dr. McCabe investigated corporal punishment
26 in the school, made a full report on it, examined the
27 boys, questioned the boys, questioned the staff,
28 explained it all, exactly as you have described it. It
29 was the same then. She said, "well, so far as I can

1 see there is not a mark on these boys that shows they
2 have been punished", and basically that she approved of
3 the school. The Department said yes, Dr. McCabe put in
4 a good report and that was the end of the matter. Have
5 you seen that report? Do I need to give you the
6 reference.

7 THE CHAIRPERSON: No, no, I think this was
8 discussed in the opening
9 phase. I think you discussed this when questioned by
10 Mr. McGovern.

11 MR. O' LEARY: Indeed. I mean it is a
12 matter between effectively
13 the Oblates and the Department.

14 THE CHAIRPERSON: No, but Fr. Hughes directly
15 asked us the embarrassing
16 question as to whether we were aware of it. Well we
17 are aware of it. Yes, I have the reference in the
18 transcript.

19 A. Because ... (INTERJECTION).

20 THE CHAIRPERSON: I am sorry, Mr. O' Leary, I
21 am not saying you shouldn't
22 ask questions about it.

23 MR. O' LEARY: I am not asking questions
24 at all about it, but this
25 is the one and two points that the witness wants to
26 make. I am not asking questions at all.

27 THE CHAIRPERSON: What Fr. Hughes is saying
28 is that this form of
29 punishment --

- 1 MR. O' LEARY: I know what he was saying.
2 THE CHAIRPERSON: -- was made known. The
3 Department knew about this.
4 This is flogging on the stairs, is what we are talking
5 about.
- 6 A. Well flogging on the bare buttocks. The stairs is
7 something ... (INTERJECTION).
- 8 223 Q. THE CHAIRPERSON: The location, I thought,
9 was not in dispute?
- 10 A. Well the location I think, yes.
- 11 224 Q. THE CHAIRPERSON: I mean, the location within
12 the buildings. Strictly
13 speaking, flogging on the bare buttocks. I am not
14 trying to be contentious about this, I am just trying
15 to recall what's the evidence about it.
- 16 A. So far as the State is concerned, the evidence as I
17 heard it, was that that was in the 1960's. In the
18 1940's when the stairs didn't exist and the 1950's. It
19 was normally in another room.
- 20 225 Q. MR. O' LEARY: I don't think we are going
21 to quibble about the
22 location so much?
- 23 A. I am not either.
- 24 226 Q. But I'm not too concerned about historically what
25 occurred in the 1950's or the Department of Education's
26 knowledge, do you understand I am not concerned about
27 that?
- 28 A. Well I think we have to be concerned about the whole
29 period, 1940's to the... (INTERJECTION).

1 227 Q. You may well do, but for the purpose of who I am acting
2 for, do you understand, it doesn't concern me, the
3 question that I asked is in relation to the fact that
4 when the Kennedy Commission in 1968 examined the
5 school?

6 A. Yes.

7 228 Q. As a result of their concerns about the practice we
8 have described involving the flogging on the bare
9 buttocks, that practice was stopped; isn't that right?

10 A. That's right. And it just shows how times change.

11 229 Q. Well that may well be the case. But we are in
12 agreement about that; isn't that right?

13 A. Oh definitely.

14 230 Q. And we are in agreement that this practice, whether or
15 not it was approved by the Department of Education, do
16 you understand that doesn't concern me in the
17 slightest, but this practice of discipline was carried
18 out in the 1950's and the 1960's, perhaps in different
19 locations, in Daingean; isn't that right?

20 A. Yes, and we have never disputed that.

21 231 Q. Indeed. And in relation to that practice of discipline
22 there was also discipline for people, let's say, who
23 either absconded or who may have been involved in a
24 riot, let's say, or indeed may have been involved, as
25 you pointed out, in planning of a riot, they would have
26 formed into the category of what you regard as that
27 type of abuse; isn't that right? Is that right?

28 A. Sorry, that type of abuse? Do you mean that type of
29 punishment?

- 1 232 Q. Yes, indeed, flogging, yes.
- 2 A. I would like to point out again, that the word flogging
3 was used -- Dr. McCabe in 1953 addressed this issue of
4 flogging.
- 5 233 Q. Yes?
- 6 A. Because it was the word used by the complainant in that
7 case. But whenever Dr. McCabe used the word she would
8 put it in inverted commas because she was obviously
9 rejecting that it was an appropriate word. I think you
10 would agree and you obviously read Fr. McGonigle's
11 memoir very carefully.
- 12 234 Q. I did indeed.
- 13 A. He also says somewhere there that the word flogging was
14 not one that was known to him when he was in the
15 school. So when you talk about punishment, yes, I just
16 can't see what this flogging, it is a very pejorative
17 word. As I say, Dr. McCabe ruled it out.
- 18 235 Q. THE CHAIRPERSON: Is it the word we are
19 debating now?
- 20 A. Well, it is a very heavy word.
- 21 236 Q. THE CHAIRPERSON: But is that what we
22 are... (INTERJECTION)?
- 23 A. It is.
- 24 237 Q. THE CHAIRPERSON: Because certainly my
25 understanding was that was
26 the expression that was used to describe this form of
27 punishment, I didn't think anybody raised questions of
28 lexicography about it. I may be totally wrong, but my
29 understanding was this arose at the time before the

1 Kennedy Report was punished, the Kennedy Committee was
2 dealing with it, most of this is a matter of public
3 controversy. Fr. McGonigle and Mr. MacCrudai the were
4 engaged over the years in different publications, they
5 followed each other around with letter and counter
6 letter. So of all the issues that arises in our
7 Inquiry, this is one that has been well travelled?

8 A. That's right.

9 238 Q. THE CHAIRPERSON: You could find out exactly
10 what the controversy was by
11 reading a number of newspapers; isn't that right?

12 A. That's right.

13 MR. O' LEARY: I agree, Chairman, I think
14 the Father opposed to the
15 use of my word flogging, but I thought that that was
16 the correct word to use.

17 THE CHAIRPERSON: I am surprised to find
18 there was unease over the
19 word flogging, I would have to say, even without
20 inverted commas, maybe we should put it in inverted
21 commas, maybe so.

22 239 Q. MR. O' LEARY: We can call it the
23 procedure perhaps.

24
25 (To the witness) In any event we know clearly what we
26 are talking about, it is only semantics in terms of how
27 we describe it?

28 A. Yes.

29 240 Q. This is the punishment whereby someone is struck with a

1 strap on the bare buttocks; is that right?

2 A. Yes.

3 241 Q. I will call it the procedure from now on?

4 THE CHAIRPERSON: Please don't.

5 242 Q. MR. O' LEARY: I am obliged.

6

7 (To the witness) It occurred it was the way boys were
8 disciplined in certain instances; is that right?

9 A. Yes.

10 243 Q. Is that correct?

11 A. Yes.

12 244 Q. And there was a discipline book in being; is that
13 correct?

14 A. Yes.

15 245 Q. But we don't have it now; is that correct?

16 A. That's correct, yes.

17 246 Q. So we can only rely on the various prefects of
18 discipline to say that there was, in fact, a Punishment
19 Book; isn't that right?

20 A. No. There are two -- well two pieces of evidence.
21 The one is a reference to it in an inspector's report
22 in the 1940's, the second is in the famous memoir,
23 though I admit this is not a contemporary record, a
24 long time after the event. But Fr. McGonigle does say
25 there when they were considering early release of a
26 boy, or something like that, one of the things they
27 would do would be to look at the Punishment Book to see
28 is he being well behaved or not. So again, that's
29 pretty good evidence, I think, that there was a

1 Punishment Book in the 1960's.

2 247 Q. Well, it perhaps is Fr. McGonigle's own difficulty in
3 that regard in terms of the way he writes his memoir.
4 But he says at page 10 of part 4, do you understand,
5 and I will draw your attention to it if necessary, but
6 I think you will agree with me, he says at page 10,
7 part 4:

8 "There were records of boys who got the
9 strap, but I never saw them".

10 A. I missed that reference now.

11 248 Q. Yes.

12 A. But he does also say the other thing.

13 249 Q. Yes. You see, it kind of seems to fit in with his view
14 of discipline because, as you know and I already
15 referred to it briefly previously, that in the same
16 part four at page 6 and 7 he says:

17 "I would have to say I didn't know how
18 many slaps they had, I didn't regard it
19 as part of my duty to supervise that."

20 Do you understand?

21 A. That's right, yes. But he does also say, when they
22 were considering whether a boy could be released early,
23 or something like that, the prefect would bring out the
24 book and give the information as to whether he had been
25 well behaved or not.

26 250 Q. So we don't know, he says he didn't see it in one
27 instance but he did in the other?

28 A. That's right, maybe in different context.

29 251 Q. Yes. Do you know how many straps, we will use that

- 1 word perhaps?
- 2 A. Straps, yes.
- 3 252 Q. That they got dependent on their crime or misdemeanour?
- 4 A. Do you mean the evidence given in Phase II?
- 5 253 Q. Or from any records that you might have?
- 6 A. Well we don't have records, as you know.
- 7 254 Q. So you don't really know how many straps were given?
- 8 A. Well, the evidence that I heard, and the Commission
- 9 heard obviously, I thought generally speaking it was up
- 10 to six straps, you know.
- 11 255 Q. How do you know that?
- 12 A. From what we heard in the evidence.
- 13 256 Q. Well there is one gentleman and I am not going to
- 14 mention any names?
- 15 A. Well I haven't finished yet. I said there was evidence
- 16 to that effect but there was a lot of contradictory
- 17 evidence as well, some spoke of an incredible number of
- 18 straps, which is maybe what you were going to say now.
- 19 You have to come to a balanced view of the evidence,
- 20 the Commission does. I can't say anymore than that
- 21 really.
- 22 257 Q. I understand. But I am just saying, just so we will be
- 23 clear about it, that there were many instances, but one
- 24 instance is that a boy says that that he was struck 140
- 25 times with a leather strap, so many times in fact that
- 26 five different Brothers had to administer that
- 27 punishment?
- 28 A. That's right.
- 29 258 Q. That was said, you accept that?

- 1 A. I accept that it was said, but I would -- well, I will
2 leave it to the...
- 3 259 Q. Yes. And we don't have, whether or not it ever existed
4 we will leave that to the Commission as well, but we
5 don't have a discipline book which should have recorded
6 the numbers of straps and for the punishment for which
7 they were meted out; isn't that right?
- 8 A. That's right, but I think we have given an adequate
9 explanation about the records, that they were entrusted
10 to the Department of Education, that they were lying
11 around in their archives over the years, that they were
12 only recovered piecemeal. I mean, they hadn't been
13 cataloged and stacked away neatly. They were recovered
14 piecemeal and released to us in different segments as
15 they found them. And obviously there is still lots and
16 lots of records we don't have, but not just the
17 Punishment Book.
- 18 260 Q. Not just the Punishment Book?
- 19 A. Not just the Punishment Book, there is lots of records
20 we don't have.
- 21 261 Q. Can I ask you this question and it relates to the very
22 first -- one of the first questions I asked you, did
23 you ask any of the Brothers, given that you didn't have
24 the evidence in writing, how many times they would use
25 the strap for various different punishments when you
26 were preparing your statement?
- 27 A. Oh yes, you mean -- are you talking about the prefect
28 now or?
- 29 262 Q. Yes?

- 1 A. Unfortunately the prefect, there was only one prefect
2 alive and his evidence was that he gave certainly not
3 more than six straps.
- 4 263 Q. Did you interview him in detail about that?
- 5 A. Oh I did yes. But I would say now, I am referring
6 there to a prefect, the last prefect probably.
- 7 264 Q. In terms of time?
- 8 A. Who hasn't been the subject of great controversy.
- 9 265 Q. What time did he serve there?
- 10 A. Oh he was in the school from 1940.
- 11 266 Q. But in terms of being a prefect?
- 12 A. He was a prefect only from about 1969.
- 13 267 Q. 1969?
- 14 A. Yes.
- 15 268 Q. I see.
- 16 A. And he wasn't a man who was involved in great
17 controversy, I would say.
- 18 269 Q. So none of the other prefects who were there prior to
19 1969 were able to help you; is that right?
- 20 A. Well they were all dead, yes.
- 21 270 Q. So how can you -- with respect to you, and I know it is
22 a difficult job you are doing, but how can you then
23 say, when we don't have any record, that in your view
24 the average stroke was six or seven?
- 25 A. Well I read very carefully the transcripts of the
26 hearings in Phase II and while admitting that there are
27 a lot of -- there is a great variety of evidence given,
28 generally speaking I thought the answer to that
29 question was between two and six.

1 271 Q. Very well. You say something interesting, perhaps, in
2 your opening statement and it is stated -- I wonder was
3 it just a frame of mind at the time, but you say it is:

4 "It is not easy to persuade those with
5 positive stories to come forward as
6 they want to preserve their anonymity."
7

8 A. That's right, yes.

9 272 Q. What steps did you take to go and go through the old
10 roll register of the boys and ascertain what their
11 positive views were of their time in Daingean, what
12 steps did you take?

13 A. Personally I didn't but some of my colleagues did.

14 273 Q. You didn't?

15 A. No. But some of my colleagues did.

16 274 Q. How did you come to the conclusion that:

17 "It is not easy to persuade those with
18 positive stories to come forward as
19 they want to preserve their anonymity."
20

20 How did you come to the view that their anonymity was
21 the problem?

22 A. Because they said so.

23 275 Q. To who?

24 A. To my colleagues.

25 276 Q. Your colleagues?

26 A. Yes.

27 277 Q. You didn't embark on that?

28 A. No, I didn't do that.

29 278 Q. You didn't think that was wise?

1 A. Well, I can't do everything.

2 279 Q. You can't do everything, I see. I presume you accept
3 in relation to the buildings and I think this is common
4 case, but if we are just clear about this, the
5 buildings weren't great to start with and there were
6 severe problems in getting them properly improved in
7 the 1940's and 1950's because of financial resource
8 reasons; is that right?

9 A. Yes.

10 280 Q. And they were in a fairly bad state; isn't that right?

11 A. That's right.

12 281 Q. I think that you -- I suppose the Brothers would say
13 they may have done their best but they were far from
14 adequate in the circumstances; do you accept that?

15 A. The premise you mean?

16 282 Q. Yes?

17 A. Oh definitely and undoubtedly. I mean... (INTERJECTION)

18 283 Q. Sorry?

19 A. There are documents listing their imperfections at
20 great length.

21 284 Q. Sorry, I didn't mean to cut you off.

22 A. For example, some of the buildings were unsafe. There
23 was minimum heat, although the dormitories apparently
24 were reasonably well heated but the rest of the
25 building wasn't. There was a lack of insulation.
26 Everybody, staff and boys, suffered from the cold. But
27 even more than that, perhaps the dismal effect of an
28 environment that is dilapidated would have been
29 psychologically bad for everyone. But we were

1 constantly making effort to get improvements. You
2 know, of course that the buildings were State property,
3 you appreciate that. It wasn't an Oblate's property.
4 It was Board of Works and it was very, very difficult
5 to get them to do anything about it.

6 285 Q. And in terms of... (INTERJECTION)?

7 A. I think all the evidence on that is with the
8 Commission.

9 286 Q. It is indeed. In terms of education, do you think that
10 was sufficient in the circumstances?

11 A. Again it is not an easy question to answer.

12 287 Q. No.

13 A. No. I mean, you talk about this. I would go back to
14 the Cussen Report, I think. You have read the Cussen
15 Report I am sure, and it makes a very clear distinction
16 between schools, industrial schools, and reformatories,
17 where they have agricultural training and schools where
18 they have industrial training, in the more technical
19 sense. The Cussen Report pointed out that in Ireland,
20 this is in 1936, in Ireland in 1936 the greatest area
21 in which people get employment is farming and so they
22 very strongly approve of a farming industrial training,
23 if I could put it that way, for children in these
24 various schools. They did recommend that some special
25 school would be set up nearer a big city for a more
26 modern industrial kind of a training. But in that
27 context it is quite clear that Daingean falls into the
28 bracket of an agricultural setting, where training
29 would be around the farm and that this was the norm.

1 If you read the Cussen Report it is very clear.

2 288 Q. Yes, I mean, that certain of the boys would be, let's
3 say, dependent on their age or experience, whether they
4 finished -- any formal education they had had, would be
5 sent out to do the bog batch, the farm, some sent to
6 the bakery, etc.; isn't that right?

7 A. Well they nearly all had -- were over the school age.
8 In the orphanage their primary age limit. But there
9 was, as you know, a school in the -- on the premises.

10 289 Q. That's right. How many of the boys went there though
11 really?

12 A. That was for about 40 boys and it was a remedial
13 programme for boys who had neglected one way or another
14 to require basic skills of reading and writing. So
15 there was that. Apart from that then there was various
16 trades, boot making and tailoring and carpentry. And
17 there were, from the 1950's, beginning about 1950,
18 there were technical classes which were staffed by the
19 Offaly County Vocational Educational Committee. Those
20 teachers, there were usually two of them, were paid for
21 by the Offaly County Authority. So those were the
22 programmes that were on offer, so to speak.

23

24 Now, by time we come to the 1960's it is realised that
25 more formal education was needed and an effort was made
26 to get the Department of Education to recognise that.
27 You see, up until 1967, I think it was, the Department
28 didn't recognise that there was a school on the
29 premises in the sense of a national school. It paid

1 for no teachers. The only teachers that were paid for
2 were these from the vocational. So beginning in about
3 1966, a concerted effort was made by Oblate
4 authorities, and this is where Oblate management showed
5 a bit of strength I thought, went to the Minister and
6 asked for the school to be recognised, you know, in an
7 official way so that it would become possible to have
8 paid teachers just as you have in any other part of the
9 country.

10
11 It is incredible to think that all those years the
12 school had to manage without that. What Fr. McGonigle
13 actually wanted was much more than a, you know, basic
14 primary education, he recognised that when you have
15 boys 14, 15, 16, 17 even, you can't treat them as if
16 they were primary school pupils. It took the
17 Department little time to recognise that. What
18 Fr. McGonigle wanted was a special school.

19
20 The Minister, I think it was, Mr. Collie at the time in
21 1966 seemed favourable towards that. However, it went
22 into the wheels of the Department and what came out was
23 a national school with primary education. Gradually,
24 first of all, for 40 pupils then for 80, then it was
25 realised that even those boys who were in the technical
26 classes they also needed remedial education in the
27 basic subjects. So really we need education of that
28 kind for the whole school, not just for those who were
29 not in the technical school. Ultimately that was

1 recognised in 1970.

2

3 So Fr. McGonigle wrote at that time, this is the
4 biggest advance that the -- or the biggest benefit that
5 the Department of Education has conferred on this
6 school since the foundation of the Department. The
7 Department became responsible for the school in about
8 1924. Finally, they recognised it as a special school
9 with a high -- relatively high then number of paid
10 teachers, trained teachers. But, of course, this was
11 also the very time when the school was being phased
12 out.

13

14 So the story of education is a long one. If you go
15 back to the very beginning of the reform movement, when
16 it was started in the 1850's, it was generally
17 recognised that the best place to have a reformatory
18 was on a farm. In fact, the reform boys were usually
19 called colonists in those days if you look at the
20 literature. The idea was having boys then who had the
21 problems, having them live in a close community life,
22 active work, active leisure, active sport and with just
23 some academic remedial facilities that this mix and
24 this way of life would have a character forming
25 influence on them and help them to have a better
26 future. That was the kind of unsophisticated, you
27 might say, vision of what it was all about.

28

29 This is the vision, I would say, that was still being

1 endorsed by the Cussen Report in 1936 and it only began
2 to be questioned in the 1960's, when it was felt, well,
3 first of all, that far greater attention needed to be
4 given to psychological and psychiatric services because
5 the children had very great problems in those areas.

6
7 what was I going to say? So, yeah, the changes then.
8 It was realised that there was a need for a new kind of
9 a reformatory then, one that wasn't so agriculturally
10 based, if I can put it that way, but that it would be
11 more geared to a formal education, that is what the
12 struggle at that level was all about from -- in the
13 latter half of the 1960's, culminating in the
14 recognition of the school in 1970 as a special school.

15
16 I would recommend myself to the Committee, if I may
17 with respect, the document written by Mr. Cullinan from
18 the Department, Thomas Cullinan, I think his name is, a
19 highly respected man, who sums up the situation pretty
20 well.

21 290 Q. Thank you. Are you finished? The situation in respect
22 of the school, and you have described it in terms of
23 education there, most of the boys weren't given a
24 formal education during the 1950's and 1960's; isn't
25 that right?

26 A. Well there would have been about 40 in the technical
27 school, about 40 were having remedial and the rest
28 would have been engaged in whatever trades and
29 activities of that kind that existed.

- 1 291 Q. Okay. And therefore they would be sent out in effect
2 to do their various trades, whether they be the bog
3 batch, etc.?
- 4 A. That's right, yeah.
- 5 292 Q. You have described, I think rather tellingly, the bleak
6 aspect of the place, given that the buildings were in
7 bad condition; is that right?
- 8 A. Especially in the 1960's. By that time dilapidation
9 had gone beyond the point of return. Again if I may
10 recommend a document that I thought captured it, I
11 would recommend Michael Vines article in the "Irish
12 Times" in May 1966, which I am sure you are familiar
13 with it, but I would think that that told it as it was.
- 14 293 Q. You have described the understaffing and the, shall we
15 say, decreasing difficulties in terms of motivation of
16 the staff in the 1960's; is that right?
- 17 A. Definitely and not least amount of those influences was
18 the constant disappointment of the promises of help
19 from the Department. And there are other areas of
20 management beside Oblates. The constant failure to
21 deliver on promises. Right through the 1950's and the
22 1960's a constant failure to deliver on promises of
23 improvement.
- 24 294 Q. You have you have described, or agreed, that there was
25 serious discipline problems from time to time in
26 Daingean, including riots; isn't that right?
- 27 A. In the period 1940 to 1973 I think there were three of
28 these disturbances, yes.
- 29 295 Q. And you have described the hierarchy of boys and boys

- 1 running in gangs in Daingean; is that not right?
- 2 A. Well your language is a bit colourful, I think.
- 3 296 Q. You don't disagree with me, do you?
- 4 A. I disagree with your language.
- 5 297 Q. My language, I see.
- 6 A. When you have boys you have gangs and there is nothing
7 sinister about that.
- 8 298 Q. Well it is not a good sign, you would accept, of any
9 institution if there are three riots, one of which the
10 boys are preparing iron bars, knuckle dusters and
11 knives, that's not a good sign; is it?
- 12 A. No, but what is it a bad sign of, that's the question.
- 13 299 Q. Well it might be a sign that the boys were unhappy and
14 wanted a mutiny and break out of the institution; isn't
15 that right?
- 16 A. It was certainly bad, yes.
- 17 300 Q. It was bad?
- 18 A. Yes. I mean, they were locked up there, they were sent
19 there against their will and I think anybody who is
20 locked up against their will wanted to get out, wants
21 to get away. So I think from that point of view there
22 is nothing surprising in that.
- 23 301 Q. It is not surprising?
- 24 A. I don't say it is not surprising that they would riot,
25 I say it is not surprising that they would want to get
26 away.
- 27 302 Q. Yes. If they were rioting to get away and to mutiny
28 against the Order --
- 29 A. Well... (INTERJECTION).

1 303 Q. I will just finish my question and you can answer. If
2 that is the case they knew if they got away they would
3 probably be caught again but they just wanted to get
4 out, it is not a good sign of what was going on in the
5 school; is it?

6 A. One would have to make an inquiry into that. The
7 Gardaí did make an inquiry into these events and their
8 general finding was that it was just boys wanted to get
9 away, it wasn't they had any special grievances. That
10 was the Garda's conclusions, it was boys being boys and
11 quite -- well, they were pretty tough boys some of
12 these boys.

13 304 Q. And you heard the evidence given in Phase II in
14 relation to the details of physical abuse with people
15 being punched and hit, not just with straps but with
16 anything that people could get their hands on in one
17 instance, hurleys, ropes and straps. You heard all
18 that; didn't you?

19 A. Yes.

20 305 Q. And in one instance a boy being punched and his
21 testicles being driven into his stomach, he felt, did
22 you hear that?

23 A. I heard that, yes.

24 306 Q. Doesn't that -- and all the allegations of sexual abuse
25 and lack of control, doesn't it all add up that, in
26 fact, there was no control in Daingean?

27 A. I would say that is a completely false picture.

28 307 Q. In fact, for the boys there and indeed members of the
29 Brothers as well it was a living hell?

1 A. Completely false picture.

2 MR. O' LEARY: Thank you.

3 A. Thank you.

4

5 END OF EXAMINATION OF FR. HUGHES BY MR. O' LEARY

6

7 THE CHAIRPERSON: All right. Who is next?
8 sorry, Ms. Fergus.

9 MS. FERGUS: Just one thing I want to
10 explore with you, Father.

11 THE CHAIRPERSON: It makes sense for
12 everybody to ask the
13 questions, Mr. Maguire, and to come back to you. If
14 Ms. Fergus has anything, it gives you an opportunity to
15 pick up on anything that you wanted to pick up on.

16

17 FR. MICHAEL HUGHES WAS QUESTIONED, AS FOLLOWS, BY THE
18 COMMISSION:

19

20 308 Q. MS. FERGUS: The Oblates have
21 articulated their aims in
22 reformatory schooling in a number of documents, which I
23 will open, in the 1950's and, in fact, I think in your
24 general statement to the Commission that accompanied
25 the response to the complainant's statements?

26 A. Yes.

27 309 Q. I am going to open a document dated 9th October 1954.

28 A. This is in the document you gave me, is it?

29 310 Q. Yes. This was written by the Resident Manager at the

1 time, Fr. Reedy, to the Minister for Education. I will
2 give you the reference number. DEDAN 0285, page 10. I
3 think it is in the second -- there you are.

4 A. Is this the one addressed to General Mulcahy?

5 311 Q. That's correct, that's the one. In that document
6 Fr. Reedy describes the aims and purposes of the
7 school, I will just open that passage, he says:

8 "The reformatory is primarily a school,
9 not a prison."

10

11 I should interject that this was written because of the
12 position at the school due to falling numbers and he
13 was appealing to the Minister for Education for a
14 review of the numbers being sent to school. He says:

15

16 "The aim and purpose of this school is
17 to instruct boys in religion and
18 develop their moral sense. We try to
19 build up character by replacing bad
20 habits by good, thus making better boys
21 and men. Teaching of trades, et
22 cetera, is merely subsidiary, all the
23 school activities are intended to keep
24 the boys healthily occupied. These
25 activities are but a means to the
26 proper development of character. This
27 process takes time.

22

23 Very many of these boys, when they come
24 here, are so warped in outlook and
25 character that it takes at least 12
26 months before any sign of change for
27 the better takes place. Even when
28 positive signs of proper development
29 followed by a period of progress are
30 evident there are many relapses and
31 periods of instability. Not all are
32 reformable. Some fall away when
33 exposed to temptation, either through a
34 weakness of mentality or of will.

28

29 However, reformation can only begin
30 when the boy has adjusted himself to a
31 more or less normal outlook and has

29

1 become receptive of instruction and
2 amenable to discipline."

3
4 Would you accept that that encapsulates the sense of
5 the aims and purposes of the reformatory and what the
6 Oblates were trying to do?

7 A. At that period I would say yes, yes. It would get
8 modified later on, but you want to go on a bit. But
9 yes, it was reflecting obviously what the manager
10 was... (INTERJECTION).

11 312 Q. Was feeling?

12 A. Yes.

13 313 Q. Would you accept that in the 1950's, at least, the
14 Oblates, the Order, failed to achieve these aims by
15 allowing the situation to develop and remain unchanged
16 over that period, where the boys and staff were living
17 in the substandard and appalling conditions that have
18 been describe in contemporaneous documents?

19 A. I would say it is very hard to measure to what extent
20 they succeeded and to what extent they failed. They
21 were obviously working under great difficulties, but I
22 think the judgment of the men at the time, it seems to
23 me, was that they were doing enough to make it
24 worthwhile, I wouldn't say they had a sense of failure.
25 They had a sense of great difficulty, of the great
26 difficulties that they were facing, but I wouldn't say
27 they had a sense of failure.

28 314 Q. It is not so much that they had a sense of failure, but
29 do you think they failed to achieve their aims?

1 A. What would you take as a measure of success? I think
2 they felt that sufficient people went out and were able
3 to live a normal life again, if I can put it that way,
4 to make it worthwhile, yes.

5 315 Q. Would you accept that following hearing on the Phase
6 II, or the Phase II evidence, that was given by
7 complainants, that there were a large number of
8 students who went through the reformatory in Daingean
9 who feel anything but that?

10 A. Yes, I think -- you know, several times in the two
11 hearings we have had before, well in the two public
12 hearings, one in module one, the emergence hearing, and
13 then in Phase I of this module, we said quite clearly
14 that we recognise that many of the boys went on from
15 Daingean to lead sad and tragic lives. Those were the
16 words I used, I think, and that the Provincial used
17 when he spoke. But also pointing out that many went on
18 to live productive and fruitful lives.

19 316 Q. Do you think that the Oblates bear -- you mentioned
20 earlier on, I think, in response to Mr. O'Leary, that
21 lack of resources and lack of finances were the main
22 reasons why that situation pertained as it did in
23 Daingean, in terms of appalling buildings and poor
24 conditions for staff and pupils. Do you think it is
25 fair and reasonable of the Oblates to rely as heavily
26 as you do on the lack of resources to justify what has
27 been described in the documentation about the
28 conditions?

29 A. Well, it depends what kind of resources you are

1 referring to, you see. I think Fr. Reedy in one of
2 these documents that you have there, does say that
3 ultimately it isn't a question of material resources,
4 it is a question, as he says in that quotation you gave
5 there, on what's going on inside a person. And the
6 lack of resources that was fatal for the work
7 ultimately was the lack of assessment of the true needs
8 of pupils before they ever came near the school. And
9 then the lack of psychiatric services to help the boys
10 to deal with their real problems. These were the most
11 serious missing resources.

12 317 Q. But what about the lack of a decent place to have their
13 evening meal in and proper cutlery?

14 A. I agree totally, yes. I mean, the refectory, we were
15 never tired of bringing it to the attention of the
16 Board of Works, whose refectory it was, that this was
17 a -- we found this somewhere or other, the references
18 to the intervention made by an Oblate priest called
19 Fr. O'Driscoll and it was he, I think, who did the
20 basic research, that made it public, that this was a
21 British cavalry stables and that the boys were -- a 200
22 year old cavalry stable, that the State had provided as
23 the refectory for the boys in the reform school and he
24 was extremely angry and he wrote to the authorities
25 about it.

26 318 Q. He did indeed. Again, you are saying it was the State,
27 lack of the State's funds, the State's fault, what
28 about the Oblates? Could they have done anything, do
29 you think, on reflection?

- 1 A. We could have marched out, yes.
- 2 319 Q. That's it?
- 3 A. Yes.
- 4 320 Q. You could have done nothing to improve the conditions
5 at that time?
- 6 A. No. Believe it or not, we were very poor in those
7 days, we didn't have two ha'pennies to rub together,
8 frankly.
- 9 321 Q. I am just wondering about that in terms of -- following
10 the letter from Fr. Reedy to General Mulcahy, the
11 Secretary of the Department of Education wrote to the
12 Minister and said he was going take a trip himself to
13 Daingean?
- 14 A. Oh, yes, the famous letter, yes.
- 15 322 Q. It is quite a long letter and I am not going to go
16 through it in full detail, I will give the reference,
17 DEDAN 0285 at page 31. He paid a visit and it appears
18 that it was a very long visit, he was there for the
19 entire day?
- 20 A. No, it was a portion of the day he says he was there.
- 21 323 Q. I accept you might know that more clearly. But he
22 certainly had a long visit?
- 23 A. No, I think he says quite clearly it was only a portion
24 of the day.
- 25 324 Q. Well, he was there for the evening meal included in
26 this day and he looked around and he's very critical of
27 the conditions, very critical of the conditions?
- 28 A. He is, yes.
- 29 325 Q. He describes the conditions for the boys and contrasts

1 that with the conditions for the milking herd, where
2 they had a beautiful cut stone building which was well
3 maintained and cleaned, who paid for that and looked
4 after that?

5 A. That would have come out of the funds generated from
6 the farm presumably.

7 326 Q. It seems to have been quite a large farm, it says it
8 was 220 acres; is that right?

9 A. Yes.

10 327 Q. It had 30 milking cows, I think he describes. Do you
11 think anything could have been done for the boys to
12 improve their situation with some of the funds that
13 were raised through the farm?

14 A. Well I suppose maybe it could, instead of doing that
15 work they could have done other works. But I think the
16 school had taken the very firm position, "Look, this is
17 your building, you, the State, it is your building, you
18 put it in order".

19 328 Q. That was back in the 1950's?

20 A. Yes.

21 329 Q. And you continued in that school until the Kennedy
22 Commission decided, or suggested, that it was closed
23 down immediately?

24 A. Yes, that it should be closed down, I think it should
25 be clear, because of the nature of the premises and not
26 for any other reason.

27 330 Q. Why did the Oblates stay through the 1950's and 1960's
28 if they felt it so strongly?

29 A. I think I mentioned earlier on, optimism, I think it

1 was a mistake.

2 331 Q. Just one last quotation from that letter from the
3 Departmental Secretary, he says:

4 "Fr. Reedy, the principal, is, I
5 understand, generally popular with the
6 boys."

6 332 Q. THE CHAIRPERSON: Sorry, Fr. Hughes says they
7 should have withdrawn from
8 the school, he says in hindsight they should have
9 withdrawn from the school, clearly they were management
10 failures, you face up to that very clearly?

11 A. Yes.

12 THE CHAIRPERSON: That's what he said to
13 Mr. O'Leary.

14 "Clearly there were management
15 failures. In hindsight we should have
16 withdrawn from school. The Oblates
17 should have withdrawn from the school.
18 Eventually things should have improved in
19 the 1970's."

20 333 Q. MS. FERGUS: There is one final thing I
21 want to put to see what Fr.
22 Hughes has to say about this comment in the same
23 document where he says:

24
25
26 "Fr. Reedy the principal, is, I
27 understand, generally popular with the
28 boys, calls them scouts but I doubt
29 very much if there is any real attempt
made to reform these boys as one
ordinarily understands the term. I
doubt also the...read to the word...and
general attitude of the Fathers in

1 charge of these boys are the right ones
2 for the purposes of the school".

3 Do you have any comment to make on that as a criticism?

4 A. I would say there was a strange relationship between
5 the Department and the school. I mean, obviously, the
6 Department had a big responsibility for the school but
7 they were far from accepting it. There was what I
8 would describe as a very uneasy relationship between
9 them. I don't think it was helped by these remarks,
10 which were not made to the Oblates on this, they were
11 made in-house so to speak, inside the Department, and
12 so far as I know he never did anything else about it
13 afterwards so it couldn't have been very close to his
14 heart. There was an uneasy relationship between the
15 school and the Department and there are many of these
16 kind of passing remarks in the interdepartmental notes
17 that go around. I am sure you have seen them in the
18 documentation. I wonder why they didn't speak about --
19 you know, deal with it in a more open way rather than
20 making remarks, as it were, in secret. I think it
21 would have been good to hear what they had to say when
22 they questioned themselves.

23
24 MS. FERGUS: Thank you.

25
26 END OF QUESTIONING OF FR. HUGHES BY THE COMMISSION

27
28 THE CHAIRPERSON: Very good, thank you very
29 much. The Department

1 doesn't want to ask my questions?

2 MR. DIGNAM: No.

3 THE CHAIRPERSON: Very good. Thank you very
4 much. Mr. Maguire?

5

6 FR. HUGHES WAS THEN EXAMINED, AS FOLLOWS, BY

7 MR. MAGUIRE:

8

9 334 Q. MR. MAGUIRE: Fr. Hughes, just to be
10 clear about it, I think
11 that it has been pointed out that you are here -- you
12 are, first of all, an archivist, is that correct, with
13 the Order?

14 THE CHAIRPERSON: Mr. Maguire, just a basic
15 housekeeping point. Do you
16 see the black microphone that is in front of Mr.
17 O'Leary would you mind just putting that in front of
18 you and pressing the little button so that it is red.
19 One is for the stenographer and the other is for --
20 thank you very much

21 335 Q. MR. MAGUIRE: Fr. Hughes, just to get
22 your position clear. You
23 are an archivist with the Order, is that correct?

24 A. That's right.

25 336 Q. And you have been, obviously, authorised to give
26 evidence on behalf of the Order to come here and to
27 talk about matters for the Order; is that right?

28 A. That's right, yes.

29 337 Q. I think that you have indicated that, aside from two

1 short periods when you were a student for a couple of
2 weeks in two summers, that you didn't have any
3 involvement at all with the school, or certainly
4 anything to do with the management or the organisation
5 of the school as such?

6 A. That's right.

7 338 Q. You mentioned, and it has just been referred to now in
8 relation to the management failures which you have
9 acknowledged on behalf of the Order and you have
10 clearly done that here, and you followed on by saying
11 that you feel with hindsight that the Order perhaps
12 should have withdrawn from the institution, that that
13 was a way that it could have been dealt with. It
14 didn't do that and it continued on in hope that things
15 would improve and, as you point out, they ultimately
16 did improve but the school was ultimately closed down.
17 The failures at the management level that you have
18 referred to, did they impact on the boys as far as you
19 are concerned?

20 A. They must have, yes.

21 339 Q. What is the Order's view now of those failures, those
22 management failures which you have acknowledged?

23 A. Well, we are sorry. We apologise for them. We
24 apologise for not withdrawing earlier. There was one
25 insight you know that Fr. McGonigle had into this thing
26 which I think says it all. I did quote it in the
27 hearing previously but I think it does deserve a second
28 hearing, if I can find it now. It says it all I think.
29 He was writing to a probation officer on 14th November,

1 1969. This is on the disks that the Department of
2 Education provided us with, disk No. 1, File 247 at
3 page 13. He says this, he's talking about a particular
4 boy who had very serious psychiatric problems and he
5 was in the school. I call him Q.

6 "Since the other boys, who were more
7 disturbed than Q have gone home..."

8 I think on holidays or something. Or maybe not,
9 because it was November.

10 "...I think he is better..."

11
12
13 He's settling down better in the school.

14
15 "...but there is always the danger that
16 someone with disrupting tendencies
17 could use a boy like Q just to "keep
18 the pot boiling". My greatest fear,
19 however, is that when a boy like him,
20 who is not delinquent per se..."

21 Meaning that this boy wasn't really a delinquent, he
22 was a boy with troubles and serious problems.

23 "...not delinquent per se but only by
24 accident on account of his deep
25 disturbances, is not treated for his
26 real sickness then the traumatic effect
27 of his being forced to live in a
28 delinquent environment is bound to be
29 most detrimental. And when finished
30 here there is every possibility that he
31 will just return to his deviant
32 behaviour immediately on being
33 released. So, no one is being just and
34 fair to anyone. Without their knowing
35 the reasons why or the wherefores such
36 boys kick back against society for the
37 injustices towards them."

1 There was a clear recognition there that boys had been
2 sent to the school, that it was an injustice to send
3 them there and that it would do them more harm than
4 good, and that the only remedy of that of course was
5 that they would have been sorted out before they
6 started. Eventually Fr. McGonigle was persuaded that
7 the days of residential care were over, and I am sure
8 you have read that in the documents. He found himself
9 in trouble with both the Department of Education and
10 his own Superiors for suggesting that and he did
11 actually have to accept to go on to become involved in
12 the new facility in Scoil Ard Mhuire.

13
14 In the light of that then there were boys like that
15 being sent by to courts to the school, unassessed,
16 without the availability in the State or to the school
17 of a psychiatric service to deal with these problems.
18 We should have seen that and said, look, we can't go on
19 with this.

20 340 Q. You say that many of the school staff were not
21 professionally trained, as they are today; is that
22 correct?

23 A. That's right. Well that was true of course of all care
24 staff at that time. There wasn't a care profession at
25 that time, it was just coming into being.

26 341 Q. And that there weren't sufficient psychological and
27 psychiatric supports to cater for the needs of the
28 pupils, such as the one that you have just referred to
29 there?

1 A. Yes.

2 342 Q. And you have apologised for the impact that had on the
3 boys. Did it also effect the Oblate's that were in the
4 school?

5 A. Clearly, as we have seen, and as I think I have said to
6 the counsel there, the stresses on the staff in the
7 late 60's were very grave and I think one has to say
8 that our management failed its men by allowing them to
9 be in such a situation.

10 343 Q. Now with regard to both physical and sexual abuse then,
11 what's your attitude on behalf of the Order in relation
12 to that?

13 A. If I can refer to my notes here. Well, obviously, with
14 regard to these complaints it is the Commission which
15 will make its mind up. But if there were acts of
16 physical and sexual abuse then unreservedly apologise
17 for them and condemn them. But we do have to point out
18 the serious difficulties, very serious difficulties
19 that there are in the way of coming to conclusions in
20 this regard. You know, the members of the staff who
21 are still alive and who have been accused deny any
22 wrong doing. Many of those accused are dead and cannot
23 defend themselves or give their account of events that
24 occurred some thirty to sixty years ago. So these, I
25 think, are real difficulties in the way of coming to a
26 decision about these matters.

27 344 Q. But if the Commission makes findings that there were
28 instances of sexual abuse, what do you say about that?

29 A. Well, we acknowledge that the consequences for the boys

1 affected are incalculable and we are deeply sorry for
2 that.

3 345 Q. With regard to corporal punishment, and there has been
4 reference here this morning and, obviously, there has
5 been reference in the hearings to allegations of
6 corporal punishment, what do you say about that?

7 A. Well, again, the infliction of excessive corporal
8 punishment would have serious psychological effects for
9 the boys. We accept and we don't argue that the
10 punishment as described by some of the complainants in
11 Phase II was unreasonably severe. We acknowledge too
12 that punishment, for example for absconding, attempting
13 to escape and that kind of thing, was over severe in
14 itself, quite apart from the way that it was
15 administered, but it was an excessive punishment for
16 running away. We do remind ourselves and the
17 Commission that corporal punishment was a standard
18 practice at that time in primary and secondary schools.
19 It not only sanctioned corporal punishment but laid
20 down regulations for it. It didn't become illegal here
21 in Irish schools until 1982, more than a decade after
22 Fr. McGonigle phased it out from his school.
23 I would like on behalf of the Oblates to acknowledge
24 these shortcomings, to acknowledge that they had
25 serious consequences for the boys in our care and that
26 we unreservedly apologise for that.

27 346 Q. Can I ask you some general questions in relation to the
28 reformatory system, you have talked about it again here
29 this morning. Do you think that in general terms that

1 the reformatory system could ever actually have worked
2 as it was devised?

3 A. Yes, I have given some reflection to that. It is not
4 an easy question to answer obviously, you know, with
5 kind of yes or no. Looking at it I would say that it
6 does seem to have worked quite well up until the
7 1920's. Thereafter there were difficulties. Briefly,
8 there were the upheavals in the 1920's, which were
9 difficult for everyone. Then came the Second World War
10 and all the shortages. Then the slow pace at which the
11 economy progressed to what we have today here in
12 Ireland, with a result that there were not the
13 resources in the State to cope with all of society's
14 needs. I would say that unfortunately politics instead
15 of dealing with that situation in a transparent way
16 worked to conceal the true state of affairs.

17
18 To all this we can add the slow pace of the development
19 of childcare policy and childcare training here in
20 Ireland. In a word, disadvantaged children stood very
21 low in society's priorities in the years in question.
22 I would say that the poverty of a school like St.
23 Conlath's was a choice that society made.

24 MR. O' LEARY: Mr. Chairman, I don't want
25 to interrupted my Friend,
26 but I wonder whether or not the Chairman and Commission
27 are aware that I think, in fairness to the Father, he
28 is reading from a prepared statement as such. If that
29 is allowable it is allowable.

1 THE CHAIRPERSON: It is an inquiry.
2 MR. O' LEARY: Very good. I just wanted
3 to make sure that you were
4 aware of it, that's all.
5 THE CHAIRPERSON: I am aware now.
6 MR. O' LEARY: I am obliged.
7 MR. MAGUIRE: I don't know what the
8 significance of the
9 interrupt is. The witness has notes and it is clear he
10 has been using them in answer to all the questions that
11 have been asked beforehand. It is not a question of
12 statement.
13 THE CHAIRPERSON: Speaking for myself, Mr.
14 O'Leary and Mr. Maguire, if
15 somebody is reading from something at this point in our
16 investigation I have no discomfort with it because it
17 may indicate that it is more reflected upon, which is
18 specifically what Fr. Hughes said.
19 MR. O' LEARY: Very well.
20 THE CHAIRPERSON: Because in other
21 circumstances I could
22 understand somebody being asked a question, even at the
23 end by his own counsel, I could understand somebody
24 giving an answer and feeling afterwards -- and we have
25 sometimes said 'well, look, if you really felt it was
26 important write into us afterwards and say what I
27 really meant was'. I mean it is for us to consider it.
28 MR. O' LEARY: In terms of submissions,
29 yes. Very well.

- 1 THE CHAIRPERSON: Sorry, where we were was,
2 Fr. Hughes, you were saying
3 that, let me go back a tiny bit, that the way
4 disadvantaged children were dealt with
5 was... (INTERJECTION)
- 6 A. Well they were low in priorities.
- 7 THE CHAIRPERSON: Was in effect a decision.
8 You said something of that
9 kind.
- 10 A. Yes. I think I go to Fr. McGonigle, he was making his
11 appeal for help and somebody I think in the Department
12 said, "well, Father", he said, "there are no votes for
13 reformatory schools". It had no weight then in the
14 battle for money. And this is what so incensed
15 Fr. O'Driscoll.
- 16 THE CHAIRPERSON: I thought you were meaning
17 something a little further
18 when you said about disadvantage and poverty, because I
19 thought you were going beyond just money.
- 20 A. Well I am talking about the priorities
21 of... (INTERJECTION)
- 22 THE CHAIRPERSON: You carry on and I can ask
23 these later.
- 24 A. I am talking about the assignment of the resources of
25 society to the needs of society, and the needs of these
26 disadvantaged children were down there.
- 27 THE CHAIRPERSON: Yes. Please take up where
28 you left off, by note,
29 statement or otherwise.

1 A. That is my first reflection. The second reflection is
2 that the various agencies involved in this work do not
3 seem to have worked well together. It is not a joined
4 up system. With respect, Judges did their own thing.
5 They had a distrust to the reformatories, for example.
6 The Department's of Education and Justice don't seem to
7 have been working as a team. The Department of Finance
8 was in a world of its own and, as I have said already
9 in evidence, the Department of Education and the school
10 were very uneasy partners.

11
12 I don't exclude the school from all blame in that. I
13 know that vexed question about accounts and the schools
14 like ours not rendering financial accounts, to this
15 date that was an extraordinary thing. But we have seen
16 also how the Department's cast a very dark eye on the
17 schools.

18
19 Thirdly, my final reflection would be that it obviously
20 militated against the success of the school that the
21 boy were in the school against their will, as coercion
22 is not a good basis for human growth. The absence of
23 other facilities and the disturbed nature of many of
24 the boys led to more and more emphasis on containment.
25 The containment. If the element of voluntary presence
26 could have been introduced, as it was in a sense at the
27 foundation of the system in the 19th century, I think
28 system as we envisaged it could have worked more
29 successfully. What I am referring to there, as you

1 know, is the fact that these reformatories were set up
2 originally as a better alternative to actual prison.
3 So, rather than being sent to the adult prisons they
4 were being given the chance to go to this better
5 environment. If they didn't measure up to that then
6 back to prison they would go. So there was a sense
7 there in which there was a voluntary commitment there.
8 Not much maybe, but some.

9
10 If the school had been allowed to be a completely open
11 school, and if there had been a separate closed school
12 for the recalcitrant it would have been much better.
13 The problem of dealing with disturbed boys doesn't seem
14 to have been solved yet, but we do stand over the
15 essential idea of our reformatory, that involving boys
16 in trouble in an active and busy community life of
17 work, sport, and education could be very beneficial,
18 with the provisos already made as to resources,
19 assessment and commitment. Those are my few
20 reflections.

21 347 Q. MR. MAGUIRE: You have made your
22 acknowledgments and you
23 have apologise in relation to that and the work of the
24 Commission, obviously, is to come to a conclusion as to
25 the evidence that it has heard. As far as the Order is
26 concerned I think it awaits and looks forward to the
27 result of the finding of the Commission. Has the
28 process been of use, of benefit, the whole process?

29 A. Well I think it has, yes. It is a process. We have

1 FR. HUGHES WAS FURTHER QUESTIONED, AS FOLLOWS, BY THE
2 COMMISSION:

3
4 348 Q. MR. LOWE: You talked earlier about
5 management having failed
6 because of lack of resources and looking through
7 McGonigle's papers, and so on, he is constantly
8 complaining about the lack of resources. But, however,
9 there doesn't seem to be within the Oblates thinking
10 any idea that the system itself might have been wrong,
11 of putting 150 plus boys who had committed crimes
12 together in an all male environment may not have been
13 beneficial. And as late as 1968/69, 87,000 was to be
14 spent in upgrading kitchen and classrooms, just before
15 the school closed. Was there any thinking within the
16 Oblates, who set themselves up as experts in this
17 field, of a new system which might deal better with it
18 than the old system of Daingean?

19 A. Yes. One of our priests, as you know, went to the
20 States and came back full of new ideas. For one thing,
21 and I think again as Fr. McGonigle explains, when
22 corporal punishment was phased out it left a situation
23 of great indiscipline in the school and that added to
24 the stresses that we were talking about earlier on. I
25 would remind you that when corporal punishment was
26 abolished in the State in 1982 special services were
27 set up to help the staff of schools deal with this
28 situation, the new situation of discipline caused by
29 this complete change of outlook, you know no corporal

1 punishment. I am afraid there was nothing like that
2 available in Daingean. So the man in question then, he
3 came back and he was able to put in place a different
4 system of discipline based on rewards and punishment --
5 rewards and privilege, points for good behaviour and so
6 on, and giving boys privileges for good behaviour and
7 taking them away for bad behaviour and so on. But he
8 also expressed great skepticism about the system itself
9 and he put forward the view to the Department and to
10 the Oblates that the days of residential care were over
11 for boys like this. He argued it out and he persuaded
12 Fr. McGonigle and they fought it out in the Department.
13 But the Department was horrified at this idea and spoke
14 with the Provincial and persuaded him to speak to
15 Fr. McGonigle to back away from that. Which is what
16 happened.

17 MR. LOWE: Okay, thank you.

18 THE CHAIRPERSON: Now Ms. Shanley.

19 349 Q. MS. SHANLEY: If I could just ask you one
20 question, Father. What
21 presence does the Oblate Order have in Ireland today?

22 A. What houses?

23 350 Q. MS. SHANLEY: Yes.

24 A. We have mainly parish work. We have some retreat work.
25 One of our most prominent ministries would be the
26 pilgrimage to Lourdes, annual pilgrimage to Lourdes and
27 the events surrounding the shrine we have in Inchicore
28 of Our Lady of Lourdes.

29 351 Q. MS. SHANLEY: Are you nationally

1 most important institutions in childcare over many,
2 many decades and I am just wondering that they aren't
3 represented at decision making level, if you like, at
4 this Inquiry.

5 A. Oh. Well, I am delegated by the Provincial to
6 represent him. I do have some experience. Maybe I
7 don't know if it is relevant, but I was a member of the
8 Board of Management in Scoil Ard Mhuire for about four
9 years.

10 358 Q. MS. SHANLEY: Sorry to cut across you,
11 and I don't mean to
12 interrupt you, but why were you delegated? Why did the
13 management of the Order themselves not choose to
14 attend?

15 A. This particular job fell to my lot because I was the
16 archivist. Because it is very largely a matter of
17 history, of sifting through documents and handling
18 documents. I mean an archivist may sound to you like
19 somebody in a back room somewhere, but as archivist I
20 have received all the complaints, I have been
21 responsible for responding to them, I have been in the
22 front line of the work then all along. I have been
23 responsible for, with the legal team obviously, for
24 responding to them all. Generally then I have been the
25 independent lead person in the whole Inquiry.
26 Again, another aspect is that I do really feel that in
27 a question like this, and it is an historical inquiry,
28 the question of authority, in a sense that you are
29 talking about, it doesn't really enter a lot into it.

1 I mean facts are facts, history is history and I just
2 know a lot more about it than the Provincial does. His
3 authority -- he couldn't have answered these questions
4 that have been put to me.

5 MS. SHANLEY: Okay. Thank you for that.

6 359 Q. THE CHAIRPERSON: Just arising out of and
7 following on from that,
8 Father, was there a decision made 'how are we going to
9 deal with this? Oh, we will get Fr. Hughes the
10 archivist to deal with it?'. Was a decision made? How
11 did that decision come to be made?

12 A. It grew I think. It just grew.

13 360 Q. THE CHAIRPERSON: So whose call was it in the
14 end?

15 A. Oh, the Provincial.

16 361 Q. THE CHAIRPERSON: And he's the Provincial for
17 the UK and Ireland; is that
18 right?

19 A. That's right.

20 362 Q. THE CHAIRPERSON: And the Oblates are an
21 international Congregation
22 of course.

23 A. Yes.

24 363 Q. THE CHAIRPERSON: And the headquarters are?

25 A. In Rome.

26 364 Q. THE CHAIRPERSON: In Rome. The other
27 Provinces of the Order,
28 have they run reformatories or industrial schools?

29 A. That's a hard question because it is a fairly big

1 Order.

2 365 Q. THE CHAIRPERSON: If you don't know that's
3 all right.

4 A. I long, long time ago we did have a reformatory in
5 Australia, but that was ages ago. We gave that up long
6 before all these present troubles started.

7 366 Q. THE CHAIRPERSON: Are we talking in the 50's
8 or the 20's?

9 A. I would say back, yeah, in 20's. I couldn't be too
10 sure now but it was a long, long time ago. Apart from
11 that we have been involved -- as you know there are a
12 lot of inquiries in Canada about Indian schools and
13 things like that.

14 367 Q. THE CHAIRPERSON: Yes.

15 A. The Oblates were quite prominent at missionaries in
16 Canada so naturally we were caught up in that whole
17 inquiry as well.

18 368 Q. THE CHAIRPERSON: Is there an international
19 exchange of information
20 between different provinces of the Congregation?

21 A. Yes. Yes, we have quite good intercommunications, yes.

22 369 Q. THE CHAIRPERSON: So would people from
23 Canada have said 'Look, we
24 have been having terrible trouble with allegations,
25 some of them are true, some of them are not. Or the
26 whole system, or we are looking at it again'. Would
27 that be something that is reflected in the transactions
28 of the provinces?

29 A. In an informal way, yes. There hasn't been enough

1 commonality between the two situations. It would be,
2 you know, a question of exchanging of ideas really in
3 such very different situations. Naturally, I would be
4 interested in what they do and they are interested in
5 what we do. But I wasn't, as it were, a situation
6 where they would cooperate so to speak.

7 370 Q. THE CHAIRPERSON: Was there a body of
8 information or knowledge or
9 expertise available?

10 A. No. Not that I am aware of.

11 371 Q. Not that you are aware of?

12 A. Not that has happened to me, no.

13 THE CHAIRPERSON: All right, thank you very
14 much.

15

16 END OF FURTHER QUESTIONING OF FR. HUGHES BY THE
17 COMMISSION

18

19 MR. MAGUIRE: Just before you conclude,
20 Chairman, because there
21 seems to be some confusion in relation to this, you
22 will recollect that when Fr. Murphy was sworn.

23 THE CHAIRPERSON: That is right, at the
24 emergence hearings, yes.

25 MR. MAGUIRE: He was the then Provincial
26 of the Order and attended
27 as such and said all he had to do.

28 THE CHAIRPERSON: It is perfectly true that
29 the first hearing was the

1 emergence hearings way back in 2004, in July 2004 when
2 we got started, and it was indeed Fr. Murphy.

3 MR. MAGUIRE: His term of office, if
4 that's the right word to
5 use, has only just come to an end in fact in the last
6 month. But he was here at the hearings and he was here
7 attending. I think I am just slightly concerned that
8 there be some view being taken that it was being dealt
9 with at a lesser level or something of that nature.

10 THE CHAIRPERSON: I think that was the
11 purpose of Ms. Shanley's
12 questions and, certainly, that was the area that I was
13 interested in, as to how the decision and what was it,
14 and we have had the answer to that and it is better to
15 say it out straight and ask the question. But thank
16 you, and you are right to point out that Fr. Murphy,
17 the Provincial, did in fact attend and give evidence at
18 the hearing.

19 MR. MAGUIRE: And also I attended some of
20 the sessions as well.

21 THE CHAIRPERSON: I see, very good.

22 A. He attended all the Phase II sessions, pretty well all
23 of them.

24 THE CHAIRPERSON: Very good. Thank you very
25 much.

26 MR. MAGUIRE: I am obliged.

27
28 THE HEARING THEN CONCLUDED AT 12:53 P.M.
29

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