

COMMISSION TO INQUIRE INTO CHILD ABUSE
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIDGE, DUBLIN 4

ON MONDAY, 19TH JUNE 2006 - DAY 227B

EVIDENCE OF MS. MARY McLOUGHLIN

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY

MR. FRED LOWE

227B

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
MS. C. MCGOLDRICK BL

Instructed by: MS. E. MCHUGH

MR. P. GAGEBY SC

Instructed by:

MR. D. McGRATH SC

Instructed by:

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MS. MARY McLOUGHLIN WAS THEN EXAMINED, AS FOLLOWS, BY

3

MR. GAGEBY

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1 Q. MR. GAGEBY: Hello Ms. McLoughlin,
Patrick Gageby is my name
and I'm assisting the Commission here as amicus curiae.
I think you and the Department have given us a large
amount of interesting documents and I think what that
indicates is quite an historical analysis of the growth
of industrial schools, certainly in the 20th century.

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A. Well most of the documents relate the boarding out
rather than industrial schools.

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2 Q. Just so that I understand it, just starting with the
most recent times, the Kennedy Report I think had noted
that the majority of children in institutions were
there, I am going to say, courtesy of the Health Board,
under the Health Acts; is that right?

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A. That's correct, by the 70's most children in care were
there because of neglect under the Children's Act.

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3 Q. If I can just try and juggle it around. Children who
were in industrial schools firstly could be sent by
Order of a Local District Justice?

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A. Yes.

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4 Q. I think, looking at the papers, it seems apparent that
I think Dublin was the only place where the Children's
Court to deal with cases like this actually sat
separately from the ordinary District Court; am I right
in that?

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1 A. I wouldn't be aware of that.

2 5 Q. It also seems that outside of Dublin the committals
3 which were done seem to have been done effectively in
4 open court and there doesn't seem to have been any
5 great view that names ought not to be published either?

6 A. Again, that's not an area that the Department of Health
7 would have any great involvement in.

8 6 Q. Okay. Therefore, children who found their way into the
9 industrial school system and who were there courtesy of
10 the Health Act what process did they arrive there
11 under?

12 A. In general, both under the Health Acts and under the
13 Public Assistance Acts they would have been placed by
14 somebody taking them to court, an interested party,
15 quite often a private interested party. The ISPCC I
16 think would have been one of the groups that quite
17 often brought children to the attention of the courts,
18 and then in later years the Local Authorities and
19 nowadays the Health Boards.

20 7 Q. Certainly up to modern times you talking about each one
21 of these being the subject of an Order by a District
22 Justice?

23 A. The children who came in through childcare Acts?

24 8 Q. Yes.

25 A. Yes.

26 9 Q. So we are not talking about any voluntary placements?

27 A. Well there would also have been voluntary placements
28 but obviously they would have happened without any
29 involvement of the State, so a separate issue.

- 1 10 Q. But they are, therefore, not subject to an Order by a
2 judge of the District Court?
- 3 A. I would assume not.
- 4 11 Q. Okay. If I go back to -- and this Commission is
5 essentially, I think, starting its task somewhere in
6 the 1930's, and without being too historical. There
7 had always been industrial schools, certainly by the
8 foundation of the State there had been industrial
9 schools into which children had been committed and that
10 system, in one shape or form, had been there since
11 certainly the 1860's or so; isn't that right? The
12 function that you are describing in the material here
13 is one which comes from the (inaudible) system; isn't
14 that right?
- 15 A. That's correct, boarded out children.
- 16 12 Q. If we just try and draw the analogy. As I understand
17 it, under the Victorian system there was what was
18 called indoor relief, which is where people who are
19 indigent went into the work house?
- 20 A. Yes.
- 21 13 Q. Subsequently there was provision made for the relief of
22 poorer people outside the work house by the giving of
23 money and assistance
- 24 A. Yes.
- 25 14 Q. That matured into the system which is known as public
26 assistance?
- 27 A. Yes. In the case of children who were boarded out that
28 happened at an earlier stage than the giving of money.
29 It was, I suppose, the recognition that smaller

1 children weren't appropriately placed in the work
2 houses, so it happened quite early on.

3 15 Q. Yes. I just want to try and sort of look at the 1930's
4 because children could be found in a variety of places.
5 Firstly, the vast majority of children amongst their
6 families, of whatever variety. No. 2, there were
7 children who had been committed to industrial schools.
8 No. 3, there would be a number of children who were in
9 what was referred to as the county home. Frequently
10 those would have been children whose mothers were
11 unmarried and they might have spent even the first
12 couple of years of their lives in a county home. Am I
13 right?

14 A. Yes.

15 16 Q. The county home tended usually to be an agent of the
16 old union house or (inaudible)?

17 A. The local authority ones would have been.

18 17 Q. Were there any other institutions then which one might
19 find children in?

20 A. Well there were private mother and baby homes that were
21 very similar to the county homes. Obviously from our
22 point of view the vast majority of children weren't in
23 the institutions, they were boarded out.

24 18 Q. Also for a while the (inaudible) unions maintained, I
25 think, mother and child homes, where a child could
26 spend up to 18 months, two years of its infant life; is
27 that right?

28 A. (WITNESS NODS)

29 19 Q. I think there was a number of those dotted around the

1 country, quite a number outside of Dublin; isn't that
2 right?

3 A. That's correct.

4 20 Q. Then children at a certain stage in their infancy might
5 go from there either to be boarded out or into an
6 institution or otherwise?

7 A. Yes. There were also orphanages and there were private
8 institutions that weren't industrial or reformatory
9 schools.

10 21 Q. Yes, of course. The boarding out system was a system
11 which started essentially with a view that it would be
12 better that children who did not have a parent who
13 could perform the function of a parent to be put into
14 another family as it were?

15 A. Children from the work house. Originally it was a
16 recognition that where a family was in a work house
17 that a large institution for a small child was
18 inappropriate. So they would have been very
19 specifically children being boarded out from the work
20 house.

21 22 Q. But subsequently the matter developed that children
22 could be boarded out without having gone into an
23 institution as it were?

24 A. Yes.

25 23 Q. Roughly, what proportion of children were boarded
26 out -- I'm talking about in the 20's and 30's, as
27 opposed to children who were, let's say, in industrial
28 schools?

29 A. It is almost impossible to work that out. At one point

- 1 there was a figure of about 50%. But one of the
2 difficulties is that we don't have those sort of
3 statistics because the Department didn't have direct
4 responsibility for the children so we don't have those.
- 5 24 Q. The reason you are here is because the Department -- in
6 fact, the local authorities had provision --
- 7 A. Yes.
- 8 25 Q. Sorry, had responsibility for the placing of
9 children --
- 10 A. Yes.
- 11 26 Q. -- in boarded out families. Then the Public Assistance
12 Officer had the duty to inspect those homes into which
13 the children had been placed and then the Department of
14 Local Government had an inspectorate from the late 30's
15 onwards?
- 16 A. Yes.
- 17 27 Q. I think that was three ladies Ms. Clandillon,
18 Ms. Kennedy Byrne and another lady?
- 19 A. I think there were a total of five over the period, but
20 those are the three.
- 21 28 Q. What we see in the papers which you have kindly given
22 us is an overview of a system of assisting poorer
23 children and children who weren't in the industrial
24 schools; isn't that right?
- 25 A. Yes.
- 26 29 Q. If I go back a bit. Firstly, the early provisioning
27 for the parents of boarded out -- sorry, for the
28 persons who -- the foster parents I'm going to call
29 them -- was that they were, obviously, given money for

1 minding the child?

2 A. Yes.

3 30 Q. That varied from local authority to local authority.
4 So, for instance, for no apparent reason it might be
5 more in one local authority area than in another?

6 A. Yes.

7 31 Q. The second thing is the rate at which the foster
8 parents were paid varied according to the age of the
9 child?

10 A. At different time, yes.

11 32 Q. So it seems that, for instance, there was quite a -- I
12 am not going to say a high -- but there was a higher
13 payment for infants under two or four?

14 A. Yes. The theory seemed to have been that there was
15 more work involved and, therefore, the pay was higher.

16 33 Q. Then it might actually drop as a child came on to
17 school going age, or something like that. At what age
18 did the, as it were, the duties of the foster parent
19 cease?

20 A. Technically in many families they continued, they
21 became part of the families. As happens now with
22 foster children, they quite often become members of the
23 family to all intents and purposes.

24 34 Q. But the legal relationship?

25 A. Now it would be 18. But it would have depended on the
26 age of minority at different times. It didn't, as far
27 as I know, go beyond 14 in most cases in the early
28 period.

29 35 Q. Let's take something like a very notional time in the

- 1 Late 30s, we have a child who may have come from an
2 unfortunate back ground and that child comes to the
3 attention of the Public Assistance Officer. How does
4 that child come to the attention of the Public
5 Assistance Officer can we glean in any way?
- 6 A. No, that is not something that would really have come
7 to the Department. We just have to assume that,
8 perhaps, the parent or neighbours or local interested
9 people would have contacted the Public Assistance
10 Officer. But there is no evidence on the files, it is
11 not something that we would have had direct involvement
12 with.
- 13 36 Q. So the Public Assistance Officer then seeks to place
14 the child in an appropriate foster family?
- 15 A. Yes.
- 16 37 Q. And that is done by the Public Assistance Officer?
- 17 A. As far as I know in most case it was.
- 18 38 Q. They were almost entirely men I think, weren't they?
- 19 A. Yes.
- 20 39 Q. In fact their main function it seems under the Acts was
21 to actually distribute, or on some view not distribute
22 outdoor relief, that's to say moneys to people who were
23 living outside of unions, work houses or whatever you
24 want to call them.
- 25 A. Yes.
- 26 40 Q. Then they had a duty to inspect those children who had
27 been placed; isn't that right?
- 28 A. Yes.
- 29 41 Q. It was meant to be, what, once monthly I think?

1 A. I believe so.

2 42 Q. In fact, it appears from the overviews of the systems
3 done by the three or five ladies mentioned that in fact
4 it is most unlikely that that was ever done in
5 practice?

6 A. Well, it is almost impossible for us to tell because
7 they are not records we would have. There are
8 certainly references to looking at the reports by the
9 local authority inspectors, but it would be impossible
10 to make any general estimate as to how often it was or
11 wasn't done.

12 43 Q. Was it considered at this stage that there was any
13 dangers attaching to boarding out children?

14 A. Yes. If you go back to the end of the 19th century
15 there had been a number of big scandals, particularly
16 in the UK, about baby farming, about children dying in
17 foster care and I suppose the assumption is that that's
18 partly why inspection was made mandatory in 1908, that
19 there had been scandals beforehand. And from the
20 reports of the inspectors there are particular things
21 that they are concerned about. So, yes, I think there
22 was.

23 44 Q. So, in fact, I think on two occasions there was
24 actually written rules produced as to the conditions
25 under which children would be released for boarding
26 out; isn't that right?

27 A. I would say probably more than two times. I don't
28 know. It is not something I know.

29 45 Q. For instance, a condition that a child would obviously

1 be fed and maintained, as would an ordinary child?

2 A. Yes.

3 46 Q. Secondly, that the parent resided reasonably near to a
4 place for education; isn't that right?

5 A. That's right. Then at one stage there were concerns
6 that they didn't like to place children in cities. So
7 for quite some time the policy was to place children
8 only with country families.

9 47 Q. In fact, in Dublin that seems to have meant that a lot
10 of children were placed in the surrounding counties of
11 Meath, Wicklow and places like that?

12 A. And in the county area of Dublin.

13 48 Q. Would that have occurred at a time when, for instance,
14 there was more TB and something like that?

15 A. I think perhaps partly the general disease rather than
16 TB in particular and, I suppose, a view that country
17 air and country life was healthier.

18 49 Q. I think one of the other things was there was a
19 prohibition on the foster parents taking out an
20 insurance policy on the child's life. I think that is
21 even to be found in the later regulations; isn't it?

22 A. Yes. The boarding out system, obviously there are far
23 more guidelines nowadays but it is not that different
24 from foster care in its current.

25 50 Q. So therefore there would also be a lot of fears in the
26 placements. That, firstly, the child shouldn't be
27 subject to any concept of being farmed, in the sense
28 that keeping the child as a source of profit to the
29 foster family; isn't that right?

1 A. Yes.

2 51 Q. One hopes that didn't happen. Secondly, that the child
3 itself wouldn't become essentially an unpaid drudge or
4 labourer in the family; isn't that right?

5 A. Yes.

6 52 Q. I think going through the inspectorate reports it
7 appears that that may have happened on occasions as
8 well?

9 A. Yes, and there is a comment in one of the papers that
10 one of the inspectors suggests that if you are looking
11 for a child over 14 that you are probably not looking
12 to look after them, you are looking to have them there
13 to work.

14 53 Q. Yes, you are looking for cheap labour?

15 A. But on the other hand I suppose children of that age
16 did work within their families too so it is difficult
17 for us to make a judgment looking back at it.

18 54 Q. But the precautionary principle was certainly operating
19 on the insurance question, on the fact of having
20 inspections and guarding against the possibility of the
21 children being exploited for manual labour, indoor or
22 outdoor type. Was there any perceived difference
23 between why a local authority might favour boarding out
24 or if it had a say in a child being sent to an
25 industrial school?

26 A. There is a suggestion, and it is referred to in the
27 section on finance, that it is possible that -- there
28 is a suggestion on a couple of the files that there is
29 a financial benefit. However, we found it very

1 difficult to actually pin that down. The situation is
2 that a foster parents allowance, a boarding out
3 allowance, which would have been paid directly to the
4 parents, the foster parents would have been a charge on
5 the rates, it would have been a cost to the local
6 authority. Whereas in relation to children in care in
7 industrial schools it was paid, I think, half by
8 Education and half by the local authority. On the
9 other hand, the amount paid to foster parents would
10 have been quite small, right up to relatively recent
11 times. So on the one hand, as I say, this impression
12 does come from the files but we had a number of
13 discussions with people who worked in the area, you
14 know in the 80's, and nobody was able to pin that down,
15 that there is a definite benefit. There is certainly a
16 suggestion that there may have been a financial
17 benefit. We can't say anymore than that.

18 55 Q. I suppose on the boarding out system the costs were
19 divided into two. Firstly there was the weekly or
20 monthly payment and then there were occasional payments
21 for clothing, or whatever.

22 A. Yes.

23 56 Q. Can I ask you, one of the differences between the
24 industrial school system and the non-industrial school
25 system was there was an obligation under the industrial
26 school system to give industrial training to boys or
27 girls. Was that a requirement of the boarding out
28 system?

29 A. No, the children were regarded as being in the

1 families.

2 57 Q. So that whatever obligation about training or
3 employment, or training was hopefully just the same as
4 it would be for a natural child of the family; is that
5 right?

6 A. Certainly from the central position that's how it seems
7 to be. I really don't know how they operated it at the
8 local authority level

9 58 Q. Am I right in saying that some local authorities seem
10 to have had a stronger preference for children going to
11 industrial schools than others?

12 A. Yes.

13 59 Q. Am I right in saying Galway was one of those?

14 A. It seems to have varied from time to time, and it may
15 have depended on individuals. You have seen the
16 reference from I think it was Tipperary rather than
17 Galway where the County Manager, I think, suggested
18 that the material benefit of being in a foster family
19 couldn't compare with the material and spiritual
20 benefit of being in an industrial school. So I think
21 there were a range of different views at different
22 times.

23 60 Q. For instance, that's a very interesting piece of
24 correspondence from Tipperary and I take it the
25 suggestion from it that the County Manager was more in
26 favour of the industrial school because there appeared
27 to be a guaranteed religious ethos or something like
28 that?

29 A. Yes.

1 61 Q. Because I have picked up somewhere, and maybe it is not
2 in these papers, that in relation to Galway, the Galway
3 local authority seemed to prefer the route of the
4 industrial schools. Because they felt that a large
5 amount of the boarded out children came back as a
6 charge on the rate payers as soon as the payments
7 ceased from the local authority. Are you aware of
8 that?

9 A. Well no. But that would go with what I have said about
10 the general sense being that there is a greater cost
11 with boarded out children.

12 THE CHAIRPERSON: There is a greater what,
13 sorry?

14 A. There is a sense of there being a greater cost.

15 62 Q. MR. GAGEBY: In other words, that
16 people, and I am talking in
17 very round term, but some people were saying that maybe
18 children who go to industrial schools are coming out
19 with the possibility of some training, whatever you
20 think about it or anything like that, or education, and
21 then looking at children who may have been fostered out
22 and saying, well, at the age of 14 or 15 this child may
23 come back as a charge on the parish and have to go into
24 the county home or the union, or whatever.

25 A. There is no particular evidence that, that was
26 happening though.

27 63 Q. I appreciate that.

28 A. You would expect that if that was a problem you would
29 see some of it. In general children in care, in foster

1 care tend to stay with their families.

2 64 Q. Is there any evidence for how successful as a
3 maturation into a natural relationship boarding out
4 was?

5 A. Not specifically in Ireland. I suppose overall, even
6 now, I think 90% of our children in care are in foster
7 care. It would still be regarded as a better outcome
8 that children would be in a family if that's at all
9 possible. I mean there is no specific evidence or
10 research in relation to the children, if you like, in
11 the period that we are speaking about.

12 65 Q. All right. Well let me take it another way. In fact
13 it would appear it was a requirement under boarding
14 out, wasn't it, that an application to have a child
15 admitted to an industrial school was really only if
16 boarding out wasn't possible?

17 A. That's correct. And the regulations and circulars and
18 letters all reiterate that fairly steadily. It was a
19 very strong view held.

20 66 Q. Which is understandable. But that was what was
21 circulated to the people in charge of boarding out?

22 A. Yes.

23 67 Q. So the people in charge of boarding out were obviously
24 charged with finding a suitable home for these
25 children, and in default of finding that then, I
26 suppose, the possibility of going to an industrial
27 school?

28 A. Or an approved home or school.

29 68 Q. Yeah. But just look at it sideways then. How is it so

1 many children came into the system without there being
2 that even legal sort of push towards boarding out?

3 THE CHAIRPERSON: But is that a push towards
4 boarding out?

5 MR. GAGEBY: Well certainly the first
6 stop is boarding out.

7 69 Q. THE CHAIRPERSON: What's your view on that
8 Ms. McLoughlin?

9 A. The boarding out would have been for children
10 originally from the work house and the children in the
11 care of the local authorities. But children who would
12 have come into care through other options, including
13 quite a lot of children coming into what's called
14 voluntary, voluntarily into care. So it is very
15 difficult to make an assessment looking back,
16 particularly because we don't have year on year figures
17 as to exactly what the proportions would have been.

18 70 Q. THE CHAIRPERSON: Could a child go from
19 boarding out to an
20 industrial school if that didn't work out?

21 A. Yes.

22 MR. GAGEBY: But what I am interested in
23 Mr. Chairman is the
24 oddity... (INTERJECTION)

25 THE CHAIRPERSON: It is an interesting area.

26 MR. GAGEBY: Is this oddity: That the
27 boarding out, which was the
28 first step historically in deinstitutionalising the
29 care of children, has this impetus; which is that

1 boarding out, as I am going to call it, is the first
2 stop and in default an institution. But if you came
3 via the Children's Act with some children who had been
4 abandoned or found wanting in care and not put into the
5 county home or something like that, that an application
6 could just simply be made and the children could be
7 committed to an industrial school. It seems that two
8 different limbs of the State are actually speaking with
9 different tongues. I know it is simplistic, but.

10 A. And it is difficult to judge exactly how it operated.
11 But certainly the Public Assistance and Health Acts did
12 operate at the same time as the Children's Act so there
13 is -- that is one of the reasons everybody has found it
14 quite difficult to pin down the legislative basis for
15 it.

16 71 Q. THE CHAIRPERSON: What is the thinking on
17 that Ms. McLoughlin?

18 A. Well it is clear that a local authority could place a
19 child -- they were supposed to board out children who
20 came into their care because of destitution and that's
21 where boarding out came from. The children who came
22 through the Children's Act don't seem to have been
23 treated in the same way. But it is difficult. Within
24 the Department the wouldn't have been seen separately
25 because it is down at local authority level that you
26 would have seen the detail of that.

27 72 Q. MR. GAGEBY: Just looking at it this
28 way; the children who are
29 boarded out effectively did so by reason of the

1 historical accident that they had come in some shape or
2 form to local authority institutions, possibly being
3 illegitimate or being destitute and in the local
4 (inaudible) house or union, or whatever. But other
5 children, and a large amount of the children who were
6 committed in Dublin or Cork, just simply arrived
7 because the ISPCC finds a situation of want. So can I
8 ask this: Was it open for someone from the ISPCC, or
9 the guards or something like that to approach the local
10 authority and say there is a situation of want?

11 A. I presume it was. And certainly there are cases where
12 some of the smaller homes take children or, indeed,
13 individuals, where a family would take a child and then
14 look for boarding out for the payment. So it did
15 happen, if you like, coming from the other side. It
16 didn't always happen that it was the local authority
17 who took the first step.

18 73 Q. Are you talking about the Fit Persons Provisions here?

19 A. No.

20 74 Q. Okay. But there is a provision which never seems to
21 have worked very often, which is that a person could
22 apply to court as a fit person to mind a child. I
23 suppose the thinking of that was that an immediate
24 family relative, where there is a tragedy or something,
25 an aunt or an uncle or a grandparent or something like
26 that might take children. That doesn't seem to have
27 been a very common thing?

28 A. I wouldn't know.

29 75 Q. The children who went into the boarding out, firstly

1 were they all illegitimate or could they have been
2 abandoned? I am just trying to elucidate it.

3 A. They could be illegitimate. They could be abandoned.
4 It seems to have been the case, and I think it was true
5 with all care forms, that if a mother died the
6 automatic assumption was that the children had to go
7 into care. I think while there mightn't have been
8 legally fit persons I think it was often the case that,
9 you know, somebody like the ISPCC or perhaps the local
10 teacher had a concern and might try and arrange
11 something. It is complicated by the fact that quite
12 often those things happened privately, so it is very
13 difficult to get a sense of exactly how things
14 happened.

15 76 Q. So if you take a small child who has been boarded out
16 amongst its foster family, what happens with any of the
17 surviving parents of that child? Do the records relate
18 enduring relationships or visits or conflicts or
19 difficulties?

20 A. It is not something that we would have records on in
21 the Department. I would imagine they would in the
22 local authorities. Certainly in some cases children
23 went back to their families. Boarding out could be a
24 temporary solution, as it is now. A child could be in
25 foster care for a period because of illness perhaps.
26 So I think it is reasonable to speculate that children
27 did return to their parents.

28 77 Q. Was there a prohibition on having too many children
29 boarded out in the one household?

- 1 A. Yes.
- 2 78 Q. What was the rubicon there, what was the line?
- 3 A. I can't remember. I think it was five or six, but you
4 would have to go back and look at the Act.
- 5 79 Q. Was that with a view to prohibiting -- sorry, being
6 against the idea that children could be effectively a
7 complete source of income in the house?
- 8 A. Yes, I presume so.
- 9 80 Q. What happens with siblings in the boarding out
10 supposing there is boys and girls and there is a family
11 tragedy, where are they accommodated in this?
- 12 A. There is some evidence that they tried to accommodate
13 them in one family if possible. But I don't think the
14 sense of keeping the family together was as strong as
15 it is now.
- 16 81 Q. These selections are actually made by the Public
17 Assistance Officer; isn't that right?
- 18 A. Yes.
- 19 82 Q. So the actual selection of the family, I mean it could
20 be on a reasonably cursory basis, couldn't it?
- 21 A. I have no idea.
- 22 83 Q. Well I think, judging by the amount and the inspections
23 and the like, it appears that firstly there was a
24 general view as to the good character of the foster
25 family and, secondly, there would have to be a woman in
26 the house; isn't that right?
- 27 A. Oh yes.
- 28 84 Q. So whatever the situation no child was going to be
29 boarded out into a house without a woman being present?

- 1 A. Yes.
- 2 85 Q. I think some children were taken away where the woman
3 of the house had either died or departed, or whatever?
- 4 A. Yes.
- 5 86 Q. And there was meant to be an inspection system?
- 6 A. Yes.
- 7 87 Q. And that inspection system by the Public Assistance
8 Officer was itself meant to be the subject of the
9 inspection by the lady inspectors in the Department?
- 10 A. From the 30's onwards they also had a remit to inspect.
11 I don't think they had a specific remit to inspect the
12 inspections, if you like, I think that just came as
13 part of the check. But it wasn't that they weren't --
14 in their employment or in the legislation it didn't
15 specifically say that they were to inspect on things
16 like whether there had been inspections. They had a
17 role as an inspector themselves.
- 18 88 Q. But there is no doubt the inspectors from the
19 Department picked up in some areas that there had not
20 been appropriate inspections, number one?
- 21 A. Yes.
- 22 89 Q. Number 2, that not all children were being treated as
23 they ought?
- 24 A. Yes.
- 25 90 Q. And that in some occasions payments hadn't been made to
26 parents or that foster parents weren't doing as they
27 ought to do?
- 28 A. Yes.
- 29 91 Q. I suppose that's just life. In a number of occasions

1 children were ordered, in fact, to be removed from
2 foster parents?

3 A. Yes.

4 92 Q. As is life I suppose. In those situations there is
5 probably a greater probability that some of those
6 children were going to go to industrial schools?

7 A. I suppose it is possible. But I think, certainly in
8 the earlier years, the group schools and homes would
9 also have been a logical place to send them. I think
10 it would have depended on the area. But, again, we
11 wouldn't have the records on that so it is very
12 difficult for us to make a judgment.

13 93 Q. So we really don't know the criteria -- I mean,
14 obviously, if there is unsuitability in the foster
15 home. We don't know the criteria of how a child in the
16 local authority responsibility is then going to be put
17 into one part of the system or the other?

18 A. No, but certainly nowadays children would move from one
19 foster care placement to another from time to time and
20 I think as long as I am aware that has been the case.
21 So I don't think it is an automatic assumption that one
22 would go straight from one family to an industrial
23 school.

24 94 Q. Was there any -- I mean obviously some of the fostering
25 didn't work just merely for personal reason, I suppose
26 where the children hadn't bonded with the foster
27 parents?

28 A. I suppose so.

29 95 Q. I think in fact that's something that I think the

- 1 Kennedy Report possibly had noted as one of the
2 occasional difficulties of fostering; isn't that right?
- 3 A. Yes.
- 4 96 Q. Is there any sense, certainly from the earlier papers,
5 that there is a higher death rate amongst fostered out
6 children than amongst others?
- 7 A. No, that doesn't appear anywhere.
- 8 97 Q. In your statistics?
- 9 A. Not even in a sense. There is no sense of it at all
10 from anywhere. But, again, we wouldn't have statistics
11 on that. We don't have -- well we do now, obviously,
12 but we didn't have statistics on children in care so
13 when I say there was no sense of it I am not suggesting
14 that... (INTERJECTION)
- 15 98 Q. I am wondering are you right there. Wasn't the
16 visiting of the children who were boarded out all based
17 on the Infant Life Preservation Act?
- 18 A. Originally, yes.
- 19 99 Q. Which in its rather crude thing is suggesting that this
20 is a very basic thing to ensure that the children don't
21 come to harm in the community?
- 22 A. Yes.
- 23 100 Q. So you think that there aren't statistics?
- 24 A. No, I said the Department doesn't have statistics,
25 because we didn't have responsibility for those
26 inspections.
- 27 101 Q. I appreciate that, but in a sense I think I was
28 probably talking to you as the follower on of the local
29 government.

- 1 A. But the health authorities are separate bodies and if
2 there are statistics I think that is where you would
3 have to look for them.
- 4 102 Q. Is there any sense in all of this material as to what
5 happened to children with disabilities? I am thinking
6 of obviously the more profound ones like deafness and
7 dumbness or blindness?
- 8 A. No. You do come across references to children in some
9 of the files but there is no pattern if you like.
10 There is no series of files, for instance, on dealing
11 with children with disabilities.
- 12 103 Q. One gleans from a limited amount of material that the
13 children with those types of disability, the chances of
14 them being fostered out are really very slim?
- 15 A. Yes.
- 16 104 Q. Is there any indication of a relationship between the
17 Public Assistance Officers and those other people
18 working in childcare, like the ISPCC?
- 19 A. Well there is no particular evidence in our files, but
20 I don't think there would necessarily. I presume that
21 in any local authority area the chances are they all
22 knew each other. But you would really just be
23 speculating.
- 24 105 Q. I am just slightly, and I am sorry to come back to it,
25 slightly intrigued by this. If you took a notional
26 area, where you had quite a strong ISPCC presence, you
27 could say either Dublin or I think certainly parts of
28 Connaught, you could have an inspector who might find
29 in their home children whom he thinks ought to be

1 brought to court and sent to an industrial school. And
2 you have a local authority which has a child whose
3 mother may have abandoned it and be in the county home,
4 which is manifestly unsuitable, and yet they both take
5 completely different steps.

6 A. Well the ISPC in the early days certainly did board
7 out children themselves, as did some of the other
8 childcare institutions. So it is really -- I think you
9 are right, there were different things going on at the
10 same time but I don't think it would be reasonable to
11 say that they both took completely separate views at
12 all times.

13 106 Q. So can I ask you does the Department really have
14 anything to say about the District Court system? Did
15 it participate in it at all?

16 A. Not that I am aware of, no

17 107 Q. The boarding out system, is it possible to say whether
18 that was used always until a child reached 12 or 14, or
19 can we say?

20 A. Sorry?

21 108 Q. The duration, the duration of the boarding out?

22 A. Well my understanding is it lasted until the child was
23 14 in most cases, or to sixteen when that became the
24 age of maturity. But, as I said, I think many children
25 stayed with their families for longer than that, so.
26 Then again the details of that we wouldn't have.
27 Because we don't have those kind of statistics it is
28 very difficult to say. You could make those judgments
29 about children in care now because the way statistics

1 are collected.

2 109 Q. Were children placed in industrial schools by the local
3 authorities do we know?

4 A. Yes, there are figures for children maintained in
5 institution, not just industrial schools, institutions
6 in general.

7 110 Q. Were those children and the institutions subject to any
8 inspection by the Department?

9 A. It is not very clear. There were some inspections by
10 the National Inspectors. Ms. Clandillon and those
11 ladies.

12 111 Q. Of industrial schools?

13 A. Of some industrial schools. But, for example, if you
14 take some of the bigger schools like Artane we have no
15 records at all of inspections of children in Artane.
16 The assumption has always been that they inspected
17 children who were boarded out into those schools.

18 112 Q. So they followed the children?

19 A. Yes. Yes, it just followed if the child was in a
20 school. So I think there are papers there from
21 Westport where clearly the inspectors
22 did... (INTERJECTION)

23 113 Q. That's right, where there is a row about two children;
24 is that right?

25 A. Yes, that's the one. But it does show that they did go
26 into some of the schools but because it is impossible
27 to tell from the information that we have whether, for
28 example, there were boarded out children in all
29 industrial school or only some. Or whether it was some

1 local authorities who did more. It is impossible to
2 judge. But certainly we have no indication of
3 inspections for some of the school but as you saw in
4 Westport, and it was clearly a very similar inspection
5 to any other inspection.

6 114 Q. Because the oddity of that is this: That a child who is
7 boarded out, and presumptively in an ordinary family,
8 is liable or is bound, though it didn't happen in fact,
9 to be inspected monthly by the Public Assistance
10 Officer, who usually didn't frankly do it. Secondly,
11 one of the ladies, Ms. Clandillon or others, was one of
12 three women who carved up the country amongst
13 themselves and looked at the inspection system; isn't
14 that right?

15 A. No, looked at the children who were in care. I don't
16 think they specifically looked at the inspection
17 system.

18 115 Q. But the defaults in the inspection system came about as
19 a result of looking at the children because they would
20 discover that there hadn't been inspections or there
21 was something awry with the children?

22 A. Yes.

23 116 Q. Okay. But the same system, that same visitation of the
24 children doesn't seem to have occurred, as far as we
25 can see, in children who were in industrial schools?

26 A. Well children who went -- I mean Ms. Clandillon and
27 Ms. Kennedy Byrne did visit children in industrial
28 school, all I am saying is that there are some of the
29 schools where we have no inspections. It may simply be

1 that no children were boarded out into those schools,
2 because it was very much as boarded out children that
3 they were inspected.

4 117 Q. Can you see any distinction between children who were
5 boarded out and those children who went through the
6 system who were committed?

7 A. In terms of the individual children?

8 118 Q. Yeah. Well, the circumstances. I am accepting the
9 work house portion of it but I am just asking can you
10 see anything?

11 A. No, but it would be very difficult in the absence of
12 any information. You get the impression that they are
13 probably from very similar backgrounds but that's all I
14 can say. We don't have statistics on where the
15 children came from or what they are from, you know up
16 to the 70's.

17 119 Q. Am I right in saying that children who are boarded out,
18 there wasn't any social work report, psychologist's
19 report or anything like that which accompanied them
20 when they went to their families?

21 A. Well there weren't social workers until the 70's so I
22 think it would have been difficult.

23 120 Q. Obviously we know very little about how that actual
24 system operated; isn't that right?

25 A. On the ground, yes, we wouldn't at the Department know.

26 THE CHAIRPERSON: Of which actual system,
27 the boarding out system?

28 121 Q. MR. GAGEBY: Yes, the boarding out. We
29 know about the inspection

1 aspects because, you see, one of the things that many
2 people in front of this Commission complain about is
3 that they were committed by the courts, and they were
4 committed by the courts and there is really very, very
5 little information which the courts in writing seem to
6 have had. I mean certainly there is a very strong
7 feeling that there was a very summary disposal of
8 incredibly important things in people's lives. For
9 instance, in Dublin it seems to have been possible that
10 on a Wednesday up to 30 or 40 cases of the disposition
11 of children could have gone through in an afternoon.
12 Am I right in saying that on the boarding out principle
13 we have very little information extant in records?

14 A. Not in the Department of Health, no.

15 122 Q. THE CHAIRPERSON: Why is that? Where do you
16 think that is Ms.

17 McLoughlin?

18 A. Well it would have been the local authorities, who were
19 then the Health Authorities, Health Boards, would have
20 had the responsibility so I think what information is
21 available might be with them. I think one of the
22 difficulties is that because the Department of Health
23 has changed a number of times it is also possible that
24 there are records somewhere that we couldn't access.

25 123 Q. THE CHAIRPERSON: And the Health Boards of
26 course also looked.

27 A. When I say local authorities I mean the who process,
28 including the Boards.

29 THE CHAIRPERSON: I know exactly what you

1 mean. But, in fairness, they have changed as well so
2 there is a complicated picture.

3 A. They have, yes. The, if you like, direct dealing with
4 the children would all have been at that level. So
5 insofar as there is information it would be more likely
6 to be there. But as you say the changes, it would be
7 difficult to know.

8 124 Q. MR. LOWE: You said that children who
9 were placed with foster
10 parents the rate varied depending on the age of the
11 child, plus the local authority?

12 A. Yes, it varied from time to time, just to confuse it.
13 But yes.

14 125 Q. MR. LOWE: But children maintained
15 within industrial schools,
16 was there a set capitation fee for them or did that
17 vary as well?

18 A. Well it varied over time but it was a set fee, and as
19 far as we can work out it was always set at the same
20 rate as the industrial schools capitation fee. That's
21 from a very small amount of information that we are
22 making that judgment. But it seems logical enough and,
23 as I say, that's the indication.

24 126 Q. MR. GAGEBY: But the foster parents
25 payment could differ as to
26 whether they were in Leitrim or Galway?

27 A. Yes. Up to more recent years, yes.

28 127 Q. Well I am talking historically.

29 THE CHAIRPERSON: Ms. McLoughlin, I just

1 missed the last comment and I was just checking with
2 Mr. Lowe. Obviously the rate for a child in an
3 industrial school, the capitation fee, that went up
4 over the years.

5 A. Yes.

6 128 Q. THE CHAIRPERSON: The bigger the school the
7 more capitations it got,
8 obviously.

9 A. Oh yes.

10 129 Q. THE CHAIRPERSON: There was no distinction as
11 between Artane or
12 Goldenbridge or Letterfrack or Cappoquin, or wherever
13 it was, everybody got the same.

14 A. Yes.

15 130 Q. THE CHAIRPERSON: And that seems to have been
16 the system that everybody
17 wanted. But that's another days work. How did the
18 rate compare that the industrial school was paid for
19 looking after a child, how did that compare with what a
20 fostering or boarding out family got?

21 A. We didn't find any specific figures. However, it is
22 only very recently that foster families get any
23 significant amounts of money so I think it is likely to
24 have been quite a small amount. We could go back and
25 try and find that, we did look for detailed
26 information.

27 131 Q. THE CHAIRPERSON: Yes. Would you mind?

28 A. Yes, of course, I think it would be useful.

29 THE CHAIRPERSON: It is only as these things

1 arise so please don't feel in the slightest bit
2 embarrassed about not knowing this, it is just as we go
3 along. But is it your impression that the figure -- I
4 am getting the sense that what was paid to a boarding
5 out family was less than what was paid by way of
6 capitation?

7 A. I would have imagined so. I would think so.

8 THE CHAIRPERSON: And yes it would be helpful
9 please if you could. We
10 can make our own attempts at enquiry.

11 MR. GAGEBY: I think we have some
12 information.

13 THE CHAIRPERSON: Thank you very much, yes.
14 Indeed, on this area
15 generally, Mr. Gageby, the historical material is
16 obviously of considerable interest and please feel
17 free, we would welcome your letting us know. But
18 certainly I have to confess I'm realising that there
19 are areas I need to look at that have been thrown up as
20 this matter is discussed. But yes please,
21 Ms. McLoughlin, if you can that would be very helpful
22 to us.

23 132 Q. MR. GAGEBY: In fact, I think the
24 inspection system, was
25 there some historical analysis of that by Ms. McCabe?

26 A. Yes, which is, I think, at Appendix 0. I suppose I
27 think it is only fair to say that it was a piece that
28 was done for a degree. It is just that it sets out the
29 history. She had looked at a lot of the detailed

1 papers that we wouldn't have had an opportunity to look
2 at so it appeared useful to include it.

3 133 Q. Nobody is beating anybody up about any aspect but one
4 of the things that is put out is that the inspection
5 system was inadequate; isn't that right? I mean that's
6 one of the suggestions in Ms. McCabe's thesis?

7 A. Well I wouldn't have said that that was specifically a
8 suggestion. I think she always wanted to see a much --
9 in the sense that she wanted to see a stronger
10 inspectorate.

11 134 Q. I am talking historically. I am talking about history,
12 in the 30's, 40's and 50's, I am not talking about
13 anything in the present.

14 A. I would have said she generally was very impressed with
15 the work that they did. I suppose it is always the
16 case that one could always have more resources. I
17 would have said that her view was in fact that those
18 women did tremendous work.

19 135 Q. Yes, but do you understand me, that is not the
20 inspection system I am criticising? It is the one
21 which was conducted by the Public Assistance Officers?

22 A. Certainly there are comments about the early years,
23 where, in particular, the issue you mentioned earlier,
24 that they were all men, was commented on.

25 136 Q. And they were overworked?

26 A. Yes, in general yes.

27 137 Q. THE CHAIRPERSON: Is that a sufficient ground
28 of criticism?

29 MR. GAGEBY: No.

- 1 A. I'm only quoting.
- 2 138 Q. I think in the 1940's they were so busy with relief
3 that they had failed to carry out some of their duties.
4 I think she was also of the view that the local
5 authorities were not necessarily always receptive to
6 recommendations made by the inspectors.
- 7 A. Yes. That's true both from the inspectors and from the
8 Department.
- 9 139 Q. And that there was an uneven quality because the local
10 authority in one county, from the same county if you
11 take Tipperary, could have two different views; isn't
12 that right?
- 13 A. Yes.
- 14 140 Q. Obviously very much on the (inaudible) of the
15 possibility of children being exploited in foster homes
16 as well?
- 17 A. Yes.
- 18 141 Q. As an agent to that, in fact I think mainly in Donegal,
19 there was a system of hiring out -- am I right in that?
- 20 A. Hiring out was -- I think it may have been a system
21 throughout the country, it is certainly a phrase that I
22 am familiar with.
- 23 142 Q. That was apparently extant even into the 1940s, where
24 children, I think they were nearly all boys, of 14 or
25 so could be contracted out for a year's wages £6 or £10,
26 or whatever?
- 27 A. I think girls also, particular into domestic service.
- 28 143 Q. Presumably also the inspectors would be on the key
29 (inaudible) in case there would be anything

1 in appropriate, the possibility of sexual abuse with
2 children in families?

3 A. Well I think before the 80's it would be very unlikely
4 that they would be looking for sexual abuse. I think
5 they would be looking to see if -- one would hope they
6 were looking to see if the children were being properly
7 looked after, and there are some comments on whether
8 they are getting the appropriate pay. But I think
9 until the 80's nobody would have been looking for
10 sexual abuse.

11 144 Q. I actually think there is a case from Limerick which is
12 mentioned, where a girl had been fostered out to a
13 widower who had a previous foster child of the age of
14 18 and between the fostering out and the approval was
15 convicted of indecent assault?

16 A. Yes.

17 145 Q. Perhaps they were on the (inaudible) in a more subtle
18 way than nowadays.

19 A. I think a lot of them wouldn't have been conscious of
20 it unless specific issues came up.

21 146 Q. They were certainly conscious of the idea that they
22 weren't to board out children where there was just a
23 man in the house?

24 A. Yes.

25 147 Q. So the boarding out system then, how did it sit after
26 the Kennedy Report, just look at the matter in the
27 round sense? With the decline of institutions was
28 there a greater increase?

29 A. No, it wasn't immediately effected I think. The main

1 impact of Kennedy I suppose was in terms of changing to
2 smaller homes. But there has been an emphasis over the
3 last 30 years in trying to maintain a much higher
4 number of children, well, in their families but also in
5 foster care as the first option. You can see, yes, the
6 increase of children in foster care has been there for
7 the last 20 years.

8 148 Q. Can I just ask you, and this is very much in the broad
9 question, if it was actually a statutory objective
10 enshrined in Statutory Instruments in the 40's and 50's
11 that the placement of children in a foster home was, I
12 am going to call it the first stop, it is inelegant, in
13 a sense is there an oddity that that didn't filter over
14 to any other statutory objective? It is probably
15 unfair to ask you but since you know the area.

16 A. I'm not sure that cross departmental working, as it is
17 now called, was a particular feature of the time. I
18 mean Departments would have been focussed on their own
19 areas. There might have been less recognition of the
20 scope, if you like, for cross departmental working but
21 it is almost impossible to look back and make that sort
22 of judgment now.

23 149 Q. The judgment, and it is not a judgment, it just does
24 seem an historical oddity that you actually have in a
25 Statutory Instrument a first stop for boarding out,
26 which most people nowadays would certainly consider a
27 reasonable way to start it, and yet the rest of the, if
28 you go through the Children's Act, it doesn't seem to
29 be that way. I mean is there any sense that things

1 were different in Dublin and Cork from elsewhere as to
2 why this should be so?

3 A. No, that doesn't ring any bells.

4 150 Q. So in a sense those children who did end up in
5 industrial schools, if circumstances had been slightly
6 different, could have been fostered out with a bit of
7 luck?

8 A. Possibly. Some children were boarded out to industrial
9 schools so it is very difficult to say at this stage.

10 151 Q. We don't know whether that was a default of some
11 difficulty?

12 A. No.

13 152 Q. Can we just talk about the ages of the children who
14 were boarded out then. There is a clear recognition in
15 the early documents that the most important thing is
16 that children, if they are to be boarded into a family
17 should be done so as soon as possible?

18 A. Yes. In the 1908 Act I think originally it was allowed
19 for children up to two and then it was changed up to
20 five, up to seven and so the focus was very much in the
21 early years on very small children.

22 153 Q. Babies?

23 A. Yes.

24 154 Q. Most childcare would be of the view that the sooner a
25 child is attached to an appropriate parental figure the
26 better. I am putting it crudely but that's one way of
27 looking at. A lot of the children who were being
28 boarded out were actually being boarded out well beyond
29 babyhood; isn't that right?

- 1 A. From their original boarding out?
- 2 155 Q. Yes.
- 3 A. Yes.
- 4 156 Q. Am I getting the sense that a lot of the children had
5 already lost the company of the mother?
- 6 A. I presume in some cases they would have done. I mean
7 in cases where children were boarded out later
8 presumably the problems arose later. Children come
9 into care nowadays, for instance, at a later age,
10 depending on the circumstances of the family. It is
11 not something you can control.
- 12 157 Q. But can I just come back to the thinking on it, and I
13 am sorry if I am very muddled on this. On the
14 assumption that there was a wholesome theory that the
15 sooner an infant attaches to a suitable parental or
16 maternal figure that seems to certainly have informed
17 the boarding out system; isn't that right?
- 18 A. Yes, but you were talking about children who were in
19 care at the time they were born effectively, so the
20 idea was that you move them on. But yes.
- 21 158 Q. Are they in care without their mother, if you
22 understand me? Because some of these children came
23 from mother and child homes?
- 24 A. Some of them would have been and some wouldn't.
- 25 159 Q. In fact, am I right in saying it is probably a small
26 proportion came from the mother and child homes?
- 27 A. Probably. I would imagine that the mother and children
28 homes would have produced a small number.
- 29 160 Q. And it doesn't always follow that the children who came

1 from a mother and child home also had for all that time
2 the company of their mother?

3 A. Not necessarily.

4 161 Q. But of course there was this stigma attaching to births
5 outside marriage.

6 A. Yes.

7 162 Q. And there seems to have been a number of discreet homes
8 which were situated and in which women could give birth
9 and really not publicise the matter; isn't that right?

10 A. Yes.

11 163 Q. And then really go to where they could leave if they
12 wanted?

13 A. Yes.

14 164 Q. So are we dealing also in the boarding out with a large
15 amount of children who have actually lost the benefit
16 of their mother at quite an early age?

17 A. You could be. Or it could simply be that for whatever
18 reason the family comes to the notice of the Public
19 Assistance Officer and, perhaps, you know, the father
20 in most cases, the main wage earner can no longer
21 support them. So you would have children coming into
22 care later. Or a mother becomes ill or dies. There
23 would be a range of reasons for children ending up in
24 the care of the local authorities.

25 MR. GAGEBY: Thank you very much.

26

27 END OF EXAMINATION OF MS. McLOUGHLIN BY MR. GAGEBY

28

29 THE CHAIRPERSON: Now Mr. McGrath.

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MS. MARY McLOUGHLIN WAS THEN EXAMINED, AS FOLLOWS, BY
MR. McGRATH

165 Q. MR. McGRATH: I suppose fortunately for your Lordships, and it makes it a little more difficult for me, but a lot of what I wanted to cover has been covered by my Friend. But there are a few areas I am going to wander around a little bit in terms of this, if I may. First of all, can I just introduce myself. David McGrath, Senior Counsel and, again, I am amicus curiae to the Board. I am appearing before the Board in respect of a lot of people who lived in institutions and who had certain allegations to make before the Board.

A. Yes.

166 Q. I'm not here specifically to deal with their problems but that would be the background from which I would be coming from. In regard to most of the matters I have been dealing with either here or at the Redress Board don't involve children who were boarded out in the sense of being put into foster care.

A. Yes.

167 Q. Anybody I would have dealt with would have been people who would have been in the industrial schools who could have been there either under the Children's Acts, the vast majority of them. There may have been some of them who were there on the basis of being boarded out into the schools. The first thing I just wanted to ask

1 you about in terms of one of the documents that you
2 have in your booklet, it is after Folder N in the
3 booklet and it is headed "List of Schools and
4 Institutions Approved By the Minister for Health for
5 the Retention of Children under Section 55 of the
6 Health Act 1953". Now, some of those names would be
7 recognisable as either industrial schools or
8 reformatories, or whatever. Do I take it from this
9 that there was certification by the Minister for Health
10 for those institutions as boarding out institutions as
11 well as having been approved of by the Minister for
12 Justice?

13 A. Yes.

14 168 Q. So we had children who would have been received into
15 those institutions on the basis of boarding out. So
16 that the understanding of boarding out was not only
17 that they went to foster care but they might go into an
18 institution as well?

19 A. Yes.

20 169 Q. But the *raison d'être*, the idea was that they should go
21 to foster care if at all possible?

22 A. Yes. The boarding out regulations that were issued
23 just before that specifically said that that should be
24 the route.

25 170 Q. One of the matters that a lot of people who were in
26 care talked about is that they did have a situation
27 where they would from time to time either get what were
28 called godparents or families and they would be taken
29 out from time to time, they might go for weekends or

1 they might go out for holidays. In some instances it
2 would appear that they had good experiences and in some
3 instances it would appear they had bad experiences. In
4 some instances it would appear that families often
5 wanted to take these children or foster them or adopt
6 them, or whatever. Now, in the circumstances where
7 that arose, am I correct in understanding that these
8 boarding out regulations would not have applied in
9 those circumstances unless the child had been boarded
10 in? In other words, if they came in under the
11 Children's Act they couldn't be fostered out? Or was
12 there some system for that to happen?

13 A. I don't think it could -- I think the legal basis for
14 it wouldn't have been there. It is not that it
15 couldn't have happened but the boarding out, the
16 legislation on boarding out specifically related to
17 boarding out children from the work house to either a
18 home or institution.

19 171 Q. In other words, the way that the legislation was
20 designed if you went into an industrial school or
21 reformatory on the basis of an Order under the Health
22 Act your understanding would be there was no
23 possibility of fostering out from that industrial
24 school?

25 A. Well there was no possibility of being boarded out
26 under the 1908 Act. But adoption and fostering could
27 happen.

28 172 Q. But that couldn't happen. Whereas if a child had gone
29 in through the boarding out system that was a

- 1 possibility, because they weren't there under a Court
2 Order?
- 3 A. No, if they were boarded out to -- a child who was
4 boarded out was legally boarded out either to a family
5 or to a school or an institution.
- 6 173 Q. But if you can change... (INTERJECTION)
- 7 A. I think whatever rules applied within the schools would
8 have applied.
- 9 174 Q. Yes, but if you tell us here a child who is fostered
10 out to a family can be taken away from that family --
- 11 A. Yes.
- 12 175 Q. Equally as well I assume that if it is fostered out to
13 one of the schools it can be taken away?
- 14 A. Yes.
- 15 176 Q. But from the point of view of two systems working
16 alongside each other there was no possibility of
17 changing the situation with regard to the person who
18 was sent in under the 1908 Act?
- 19 A. I doubt it. I couldn't say I know for definite, but it
20 seems unlikely.
- 21 177 Q. Does it not seem to be an anomaly that that could be
22 the situation? That here you are, you have two
23 children who are in the same scenario, families can't
24 take care of them, but one is committed to the system
25 until they are 16, another child, if the opportunity
26 arose, could in fact be placed with a foster family?
- 27 A. Yes.
- 28 178 Q. There is nothing in the papers, as far as I can see
29 from my reading of it, whereby there was any

1 consideration given at any stage to have a look at the
2 whole system to work out a better way of dealing with
3 that situation?

4 A. Not until the 70's.

5 179 Q. Okay. I suppose with many of the children they would
6 see the situation as being a case of them not getting
7 out because of the capitation grant being lost.

8 A. Yes.

9 180 Q. But as far as you are concerned it was because the two
10 systems were side by side, one was rigid, one was
11 flexible?

12 A. I am not sure I would define them as that, but, yes,
13 they were in two different systems. I understand what
14 you are saying.

15 181 Q. But if you look at it there was some possibility of a
16 change under the boarding out system?

17 A. Yes.

18 182 Q. But there was none under the other?

19 A. Yes.

20 183 Q. As far as the system is concerned, the documents which
21 we have been given would seem to suggest that most of
22 the children that you would have been dealing with
23 under this particular system were children who were
24 born in what are described in most of the documents as
25 county homes, a significant number of them would be
26 county homes.

27 A. Yes.

28 184 Q. It would also appear that children in fact ended up at
29 times in county homes for significantly longer than

1 maybe the system would have desired.

2 A. Well it is hard to know, but, yes, some children ended
3 up there longer than others.

4 185 Q. But certainly there were reports in here that would
5 seem to suggest that children were there for
6 significantly longer than maybe they should have been.
7 There also seems to be scenarios where women who had
8 children in the county homes and the children do move
9 on either by being fostered, or boarded out by
10 fostering or by going to the school system, that they
11 end up continuing to live for many years afterwards in
12 the county homes?

13 A. They seem to have. Certainly at one period there is a
14 reference to a two year time, that they had to stay for
15 two years. Because I think in the last appendix there
16 is some discussion of that.

17 186 Q. But even some of the reports coming back from the
18 inspectors seems to suggest that there were women who
19 were well there past those dates and who were now no
20 longer on the rates essentially?

21 A. Yes.

22 187 Q. And seem to be stuck in this limbo land, children gone.
23 In some instances there seems to be situations where
24 mothers and children seem to be well there long after
25 the two years?

26 A. Yes, I think that comes across.

27 188 Q. There is also a report from one of your inspectors and,
28 again, it is contained in your booklet and it is at
29 "T". It is into The Sacred Heart Home and Hospital at

1 Vespera in Blackrock in Cork. To put it mildly, it
2 makes quite horrific reading. I think it is a report
3 of A.H. Lister and it is 3/8/1943. It indicates that:

4 "There are residents in the home, as
5 mentioned earlier, nine former patients
6 referred to as "old girls". These
7 girls do a good deal of work, are
8 unpaid and not maintained by local
9 authorities, in fact are voluntary
10 workers. They are returned in annual
11 statistical forms. I have suggested
12 that they should in future be omitted.
13 Their children have been boarded out or
14 adopted and there is no reason why they
15 should be listed as unmarried mothers.

16 There were also at the time of
17 inspection a further nine girls, also
18 referred to earlier, whose children
19 have been board out, adopted or placed
20 at nurse and who are awaited
21 employment. No charge is made by the
22 community to the local authorities for
23 maintenance of such girls once their
24 children leave the institution. They
25 were returned on the annual statistical
26 forms at present in the home on 21st
27 March each year so I have suggested
28 they should be omitted in the future."

19 What was the reason for their being included on the
20 lists, or on the form? Would there have been some
21 payment from the Department, or what?

22 A. No, I don't really know what the background to the list
23 was.

24 189 Q. It also goes on to say:

25 "There are a number of children of
26 school going age in the home. There is
27 no provision for education. The
28 Superior Sr. Martina states that the
29 local authorities responsible for
30 boarding out children are slow in
31 obtaining foster homes, whatever the
32 cause. Children are being maintained
33 here long beyond the age of two years.

1 It was not intended that these
2 institutions should be utilised as a
3 nursery for children apart from their
4 mothers. I have from time to time
5 notified the different local
6 authorities maintaining children in
7 Vespera that the children must not be
8 kept there beyond the age of two years
9 or without their mothers. It might be
10 wise to issue a circular letter to
11 County Managers asking that an effort
12 be made to withdraw children over the
13 age of two years to suitable foster
14 homes and stating that sanction will
15 not be continued through payment for
16 maintenance of children over the age of
17 two years."

18 Was there throughout the system a reluctance to foster
19 children out, or to board them out, or what. Or why
20 would there have been that sort of situation arising?

21 A. Well there were a number of reasons that came up in the
22 papers, one of them is this issue of there may have
23 been a financial benefit. Although in this case, in
24 the county homes, I'm not sure that that's relevant. I
25 think some local authorities found it difficult to find
26 families and, I suppose in terms of the cost, you have
27 to advertise to find people. I think to some extent it
28 may simply have been that once they were being looked
29 after somewhere.

30 190 Q. But given that we know from correspondence that there
31 were regularly demands from various schools and
32 institutions for children for capitation grant purposes
33 or what have, you know, it would seem inexplicable that
34 they should continue to be in the county home when
35 there would have been plenty of places certainly in the
36 schools around the country?

1 A. I don't think the inspector is suggesting that they
2 should go to a school, I think they are just suggesting
3 that they should be fostered out.

4 191 Q. But they are being held here?

5 A. Yes.

6 192 Q. It goes on then at the end of the page, it says:

7 "The condition of the infants and
8 younger children in the institution
9 gives cause for unease. During the
10 year end on 21/3/43 70 children died.
11 There were 114 admissions, i.e. births
12 plus infants admitted after birth
13 during the year and all but one of the
14 70 deaths were of infants under one
15 year. There are two facts which may
16 have a bearing on this high death rate
17 and on the unhealthy condition of the
18 babies in the home".

14 Then it goes on to detail the situation and then there
15 is significant correspondence from the Minister and it
16 goes on for some time in relation to what's happening
17 in that home and there seems to be very significant
18 concern about that. That does seem to be an appalling
19 scenario, that that situation should arise?

20 A. Yes.

21 193 Q. Is this kind of a once off thing?

22 A. It is. I mean, I didn't come across anything similar
23 to that, but it did seem very striking.

24 194 Q. One of the other matters that would have concerned the
25 Department of Health, as far as this is concerned, is
26 that you were, as I indicated there, the people who
27 certified homes. Certainly amongst the papers there is
28 an application by a home in Donegal for certification
29 and I got the impression reading that that may well

1 have been a private institution at that particular
2 time; is that right?

3 A. Yes, a lot of the ones that are in our list would have
4 been private, if you like, rather than institutions.

5 195 Q. And is that a situation where somebody needed to go and
6 have a child quietly without anyone knowing and that
7 would have been the scenario with a lot of the private
8 institutions as opposed to the county homes?

9 A. Yes, and you would have had private orphanages where it
10 was set up by a charity. But at some point if a child
11 came in that was -- you know, where the cost was
12 chargeable to the rate then they would look for
13 approval.

14 196 Q. I have essentially covered the areas that I feel I had
15 left that weren't covered in regard to that, there is
16 one other thing that arises, Chairman, out of the part
17 of what I was dealing with this morning. That maybe of
18 some relevance to the Commission and if I may I would
19 just like to deal with it?

20 THE CHAIRPERSON: Yes.

21 197 Q. MR. McGRATH: I don't know if you were
22 here this morning when the
23 Department of Justice was giving evidence?

24 A. No.

25 198 Q. One of the matters that I was dealing with was the kind
26 of succession and position of various different
27 Departments as regards child welfare. Now, I am aware
28 from the documents that are discovered by the
29 Department of Justice that in about 1973, whilst the

1 Department of Health did not take over the childcare
2 system that they seemed to have been given a specific
3 task with regard to the implementation of the Kennedy
4 Report. I am not sure whether you know anything about
5 that at all, or whether you are in a position to deal
6 with it?

7 A. Well in general terms, yes.

8 199 Q. This is in the folder of the footnote from Justice,
9 Equality and Law Reform. It is a document F51, I
10 think.

11 MR. GORDON: I am not sure that the
12 witness has seen this
13 document before.

14 A. If it is a general query, I can respond to it.

15 200 Q. MR. McGRATH: We will make sure that she
16 gets a copy of it.

17 THE CHAIRPERSON: If you would like to carry
18 on with the question,
19 Mr. McGrath. If Ms. McLoughlin is in anyway
20 embarrassed by it, just tell us or if you would prefer
21 to have a look at it.

22 201 Q. MR. McGRATH: I can read it.

23 "Issued by the Government Information
24 Services, press statement issued on
25 behalf of Mr. Brendan Corrish (?)
26 Tainiste and Minister for Health and
Social Welfare, embargo 8:00 p.m. 19th
October.

27 Some time ago in Dublin I said that the
28 Government would within a matter of
29 months announce its proposals for
reform in the law and services for
children. I am very pleased to
announce that I am in a position to
indicate how we intend to proceed.

1
2 Last week the Government decided that
3 I, as Minister for Health, should have
4 the main responsibility for children's
5 services in the future. I welcome this
6 decision since the present arrangements
7 whereby responsibility for children's
8 services is defused between three
9 Government Departments presents serious
10 obstacles to reform. I intend to begin
11 work immediately on the following
12 areas: I intend to prepare a new
13 children's bill, simultaneously I will
14 review and draw up proposals to improve
15 and extend the services available to
16 children.

17
18 At the same time, it would be necessary
19 to look at the administrative changes
20 which will be necessary to carry
21 through reforms. To help me in this
22 work I am immediately setting up a
23 full-time task force comprising one
24 representative from each of the
25 Departments concerned with children
26 services, together with a number of
27 outside experts".

28
29 Then it does continue to the next page but that's the
30 announcement of the fact. It was something that I was
31 asking about this morning in relation to difficulties
32 there seemed to be between the Department of Justice
33 and the Department of Education in relation to the
34 matter. It would seem, am I correct in understanding,
35 that it was decided that it would be better instead of
36 having different Departments having a finger in the
37 pie, that really one Department should be the
38 Department that now decides what's the best way
39 forward?

- 40
41 A. I think it arose from the Kennedy Report, who said
42 there was split responsibility and, if you like, this
43 was part of the Government response, which was to say

1 it was a task force on childcare services.

2 202 Q. Now, again by letter of 25th deireadh fóimhair 1974 and
3 that again is part of F51. I think if you turn back
4 the page, no, go back the page the way they are put is
5 slightly out of order. Can you turn over from F50 that
6 you have there. Go the opposite direction. That's
7 25th deireadh fóimhair 1974. It says:

8 "The Government (1) allocated to the
9 Minister for Health the main
10 responsibility, including that of
11 coordination in relation to childcare;
12 (2) authorised the Minister for Health
13 to set up a working party to report
14 within three months on the necessary
15 updating and reform of childcare
16 legislation and of the childcare
17 services; and (3) authorise the
18 Minister for Health to set up in due
19 course an advisory committee on the
20 basis set out in paragraph 4.5 of the
21 1970 report on reformatory and
22 industrial schools systems (the Kennedy
23 Report)".

24 Now, in that regard, I was going through this morning
25 with the Department the fact that there had been the
26 Cussen report in 1936, there had been interdepartmental
27 committee in 1951 on Marlborough House, you have the
28 Turim address, you have the interdepartmental committee
29 in 1963, Education, Justice and industry and commerce.
30 You have the Turim report in 1966, the Kennedy Report
31 in 1970. Now you have this interdepartmental committee
32 being set up in 1973, again 1974 and that goes on the
33 become a task force in child services.

34 When Health would have taken over this particular
35 problem and trying to deal with it, would Health have

1 been given all the information from the other
2 Departments or would you have had to go looking for it,
3 or would you have not known about it at all? Or what
4 sort of communication would there have been between the
5 Departments to try and get this problem dealt with and
6 solved?

7 A. Well I can tell you more or less what happened from a
8 Health point of view. I think in terms of information
9 the task force would have gathered information, it
10 wasn't a question of one Department saying "you have to
11 give me this", it was a sharing thing. The task force,
12 which I think the Minister hoped would do its work in
13 three months eventually reported finally in 1984. The
14 1991 bill, the Childcare Act which I suppose was the
15 first real replacement from the 1908 Act, arose from
16 that work. There was a number of points, I mean there
17 was the 1984 bill and there were changes in Government
18 and there was a lot of rewriting of it. So there was a
19 lot of activity, if you like.

20 203 Q. We have gathered from the papers that we have seen
21 here, and I discussed it this morning, that there were
22 problems within the task force itself?

23 A. There were, there were disagreements.

24 204 Q. There was certainly an interim report in 1975, there
25 was a final report, I thought, 1980, but you might be
26 right, 1984. But there were also other reports by
27 people who didn't agree with the main report?

28 A. I think that was primarily in relation to the
29 Department of Justice in terms of the Department of

1 Health's responsibility in terms of children. I don't
2 think there was any huge conflict within the group.
3 But in the meantime the other outcome from the task
4 force was in 1984, it is one of the appendices. There
5 was Statutory Instrument transferring responsibility
6 from the industrial schools to the Department of
7 Health. Even prior to that, the local authorities, the
8 health authorities, had been working directly with the
9 schools to assist with some of their problems and there
10 was a task force set up to look at the funding.

11
12 I suppose one of the things was that the early 1970's
13 was a time of significant change. In preparing for
14 this we had some discussions with people who had worked
15 in the system in the 1970's, they are the earliest
16 people that were available. One of them made the
17 comment that in the early 1970's, the Department of
18 Health and social workers had to have a social work
19 qualification as opposed to just a social science
20 degree. So many of them went to England, to Belfast,
21 to study and came back with qualifications. And their
22 perception was very much that even just that
23 information from outside made a significant difference
24 to how things operated. So I think there was a lot of
25 change. In 1973 you had the unmarried mother's
26 allowance. It was a time of huge change in society
27 that affected how these things develop.

28 205 Q. So as far as trying to work out what happened at each
29 stage, certainly as far as you are concerned and the

1 Department is concerned, once it took over this brief
2 in 1973 and there was a task force set up, that task
3 force was going to draw in all the information and that
4 would have been a task force which included people from
5 different Departments; is that correct?

6 A. Yes, that was what it was set up for, to sort of define
7 the system for the future.

8 MR. McGRATH: That's all right, I have no
9 further questions.

10
11
12 END OF EXAMINATION OF MS. McLOUGHLIN BY MR. McGRATH

13
14 THE CHAIRPERSON: Thank you very much.

15 MS. FERGUS: I just have one question to
16 ask Ms. McLoughlin.

17
18 MS. McLOUGHLIN WAS QUESTIONED, AS FOLLOWS, BY THE
19 COMMISSION:

20
21 206 Q. MS. FERGUS: Mr. McGrath has already
22 dealt with the transfer of
23 powers over to Health with regard to overall childcare
24 policy and childcare protection services. In that
25 context you set out in your statement, the current
26 child protection services. It appears that there is
27 approximately 5,000 children in care at the moment, a
28 figure that's quite high?

29 A. That's right.

- 1 207 Q. 4,281 of those are in foster care; is that right?
- 2 A. Yes.
- 3 208 Q. That's about 85%, I think?
- 4 A. About 85%.
- 5 209 Q. I understand from your publication from Health that
6 about one-third of those children are with relatives
7 and two-thirds would be with strangers?
- 8 A. Yes.
- 9 210 Q. The social services inspectorate was set up in 1999;
10 isn't that right?
- 11 A. That's correct, yes.
- 12 211 Q. It appears from publications that the formal inspection
13 of children in residential care has been ongoing since
14 1999?
- 15 A. Yes.
- 16 212 Q. What's the situation about the inspection of children
17 in foster care?
- 18 A. They have done one round of inspections of children in
19 foster care, you would have check with them directly
20 but I don't think that means they have inspected every
21 single child in foster care.
- 22 213 Q. I think they might have done a pilot scheme; is that
23 right?
- 24 A. Yes. When it was set up originally it was in the post
25 Madonna House and a number of other institutions abroad
26 where concerns had been raised, so I think the original
27 focus when they were set up was very much on the
28 residential care and improving those standards so over
29 the last couple of years we have been moving into a

1 wider range of childcare service and foster care was
2 one of the first.

3 214 Q. You can correct me if I am wrong, I understood that the
4 pilot scheme involved about 56 children?

5 A. Probably about that, it was quite a small scheme. It
6 was to look at how to do -- they have also been drawing
7 up guidelines for foster care against which to inspect
8 as part of their role.

9 215 Q. I also understand from the publications that's the
10 extent of the inspection?

11 A. To date.

12 216 Q. Of those 56 children?

13 A. Yes.

14 MS. FERGUS: Thank you.

15 THE CHAIRPERSON: Mr. Gordon, have you any
16 questions to ask?

17 MR. GORDON: No Chairman.

18 THE CHAIRPERSON: Very good. Thank you very
19 much. Ms. Shanley.

20 MS. SHANLEY: No questions.

21 THE CHAIRPERSON: Mr. Lowe

22 217 Q. MR. LOWE: I just want to clarify one
23 point. Under the
24 industrial schools system there was annual medical
25 inspections, which included looking at teeth, weight
26 and I think weighing every three months, are you saying
27 under the current system of foster care there is no
28 such ongoing medical check-up on children?

29 A. Not as specific as that, not that I am aware of.

1 MR. LOWE: Okay.
2 THE CHAIRPERSON: Thank you very much indeed.

3
4 END OF QUESTIONING OF MS. McLOUGHLIN BY THE COMMISSION

5
6 MR. GAGEBY: Sorry, Mr. Chairman, it
7 wasn't actually a question.
8 Mr. McGrath just raised one issue, the possibility of a
9 child not being let out of an industrial school, sure
10 the licensing authority which was given to the Resident
11 Manager to let a person out of a license. I am not
12 arguing it, I am just simply...

13 THE CHAIRPERSON: Drawing our attention to
14 it.

15 MR. GAGEBY: I'm not saying Mr. McGrath
16 is wrong.

17 THE CHAIRPERSON: I understand. Mr. McGrath
18 will say it sometimes
19 worked and sometimes didn't. Thank you very much,
20 Ms. McLoughlin. Ms. McLoughlin is free to go. Thanks
21 very much. There is one other matter that we have to
22 deal with just for a moment which won't take long.

23
24 THE WITNESS THEN WITHDREW

25
26 THE CHAIRPERSON: Before lunch during our
27 hearing when the Assistant
28 Secretary of the Department of Justice, Mr. Martin, was
29 being examined a comment was made which had a

1 disparaging tendency towards Mr. John Cooney and
2 Mr. Cooney is here and I just want to say something
3 about that. This was an intemperate comment that was
4 made, the background to it was that objection was being
5 taken and I previously observed before lunch that it
6 was legitimate objection being taken, to a question or
7 series of questions that was being asked and I don't
8 want to revisit that. I made comments about it where I
9 was satisfied or took the view that there was no
10 malicious -- in the sense of no intention to do that.
11 But objection was being taken to that, legitimate
12 objection, but it was done in the heat of the moment,
13 an intemperate note was taken and a comment was made
14 which I have to say I found regrettable and
15 inappropriate.

16
17 It is fair to say that, from my colleagues and myself,
18 would want to -- we were in no way associated with the
19 remark but insofar as it reassures Mr. Cooney in any
20 way I can tell him that there is no question of us
21 associating. If Mr. Cooney wanted to say something, I
22 would certainly be prepared to allow him to come here
23 and say something. I don't think it makes any sense
24 for him to do that. But it is one of those unfortunate
25 things, I am afraid, Mr. Cooney, sometimes things are
26 said certainly from our point of view there is no
27 question. I would prefer they hadn't been said.

28
29 I believe that when sense, when time has allowed, and

1 possibly having heard me say these things, that
2 appropriate steps would be taken, certainly if I were
3 in the situation I would know what to do and I think
4 there would be an end to it.

5
6 There is one practical thing that we can do, which is
7 to say that in our daily transcript that is published,
8 that comment would be excluded from that. So that's
9 one practical sensible thing we can do.

10 MR. COONEY: May I comment?

11 THE CHAIRPERSON: Certainly, if you feel like
12 doing.

13 MR. COONEY: Thanks for your remarks
14 which have gone to some
15 extent to ameliorate the situation. Especially in
16 regard to the dropping of the transcript. However,
17 also subject to my reading the transcript, I think your
18 statement on behalf of the Commission falls far short
19 of remedying my position. What I would like to clarify
20 is: Is this Commission operating under legal privilege
21 or not? Because I consider the remarks made against me
22 this morning amount to gross defamation and character
23 assassination and that's a substantive issue which I
24 will have to avail of legal advice through my own
25 solicitor. Secondly, even erasing from the transcript
26 doesn't go sufficiently far enough to meet the fact
27 that at the heart of a Commission of Inquiry I have had
28 neither legal protection nor a legal remedy other than
29 having to go to seek a lawyer and take advice to defend

1 my own good name.

2

3 I think this is most regrettable and I stand by my view
4 that I was grossly defamed this morning and I will be
5 seeking redress of justice.

6 THE CHAIRPERSON: Well, Mr. Cooney, it is
7 obviously you are perfectly
8 entitled and nothing that I say on behalf of the
9 Committee is in any way intended to dissuade you from
10 asserting any rights that you have. However, we have a
11 position where the matter once the matter is drawn to
12 our attention we feel it proper to comment on what we
13 think is the unfairness, not in any sense of seeking to
14 say to you that should be the end of the matter, it is
15 your perfect entitlement of course.

16

17 In fact, it would, in any event, be entirely proper for
18 you, were we to be giving advice we will not comment on
19 any legal issue. But were we to be doing so, obviously
20 the sensible thing would be to advise somebody to take
21 legal advice. But that's a perfect entitlement and
22 please don't get the impression -- I hope I haven't
23 conveyed such an impression, that anything we say is
24 intended as full assuagement or in any sense of wrong
25 that you may have. That's a matter entirely for
26 yourself.

27 MR. COONEY: I think it was very
28 fortuitous that I am here
29 today, because I think if I were not here and if I had

1 not raised it through your counsel this would have gone
2 unchallenged, would have gone into the record tomorrow.
3 I think those who were here and heard those two remarks
4 against me instantly knew that there had been a
5 defamation occurred and you did not respond, sir,
6 immediately in my defence. So I think there is a
7 defect in the structure of this process, the terms of
8 reference of this Commission.
9

10 And I would clarify another point: There are two
11 elements here in the attack against me, as I understand
12 it. The first one is I was regarded ... (INTERJECTION).

13
14 (MOBILE PHONE RINGING).

15
16 MR. COONEY: I was stated to be an
17 unreputable journalist.

18 That is the grossest.

19 THE CHAIRPERSON: If that's your phone. I
20 think it is, Mr. Cooney.

21 MR. COONEY: That's probably my lawyer
22 returning my call. Two
23 aspects: One that was a gross liable defamation right
24 at me. The second point was also an attack on the
25 publication "John Charleton, the Great Ruler of
26 Catholic Ireland", where it was described as salacious
27 and scurrilous. Now that's a matter of opinion, if he
28 has read it. But I would just like to put on the
29 record in my own defence that book has been quoted by

1 over 30 academics as an indispensable source for the
2 history of 20th century Ireland. Sir, I would say that
3 it is an indispensable source for your own Inquiry. I
4 think it is regrettable that at no time was I ever
5 invited by the Commission to give evidence on the basis
6 of all the research which I did for six years on that
7 book and then I find that a Commission, which will not
8 even treat the book and my contribution to the public
9 debate on Church State relations, that I find myself so
10 maligned in court today, putting me in a very invidious
11 position. I am here to report this for the Irish
12 Independent and I now have a conflict of interest
13 because I can hardly be the story in regard to my own
14 case. That's how difficult the position is.

15
16 I appreciate that you have allowed it to be clarified.
17 I will have to take legal remedy. But I regret that
18 that if I had not been here today, it would have gone
19 unchallenged and it would have gone into the record of
20 this Commission.

21
22 thank you very much.

23 THE CHAIRPERSON: Very good.

24 MR. McGRATH: Sorry, Chairman, just
25 before you rise. The ISPC
26 is on tomorrow, I understand from a phone call my
27 solicitor is attending here today that three more books
28 of discovery arrived into his office this morning from
29 the ISPC. I am a little bit concerned as to whether I

1 will manage to read all that before tomorrow morning.
2 Now I am not anxious to delay proceedings and I will do
3 the best that I can as far as that is concerned but...

4 THE CHAIRPERSON: Do the best you can. I
5 would have confidence in
6 your ability, Mr. McGrath. Thank you very much.

7
8 THE HEARING THEN CONCLUDED AT 3:37 P.M.

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