

COMMISSION TO INQUIRE INTO CHILD ABUSE  
PUBLIC HEARING

HELD AT THE HERBERT PARK HOTEL  
BALLSBRIDGE, DUBLIN 4

ON THURSDAY, 4TH MAY 2006 - DAY 215

EVIDENCE OF BR. DENIS MINIHANE  
ST. JOSEPH'S INDUSTRIAL SCHOOL, GREENMOUNT

BEFORE:

MR. JUSTICE SEÁN RYAN  
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY  
MR. FRED LOWE

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

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MEMBERS OF THE COMMISSION PRESENT:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

COUNSEL FOR THE COMMISSION: MR. B. McGOVERN SC  
MR. P. WARD BL  
MS. C. McGOLDRICK BL

Instructed by: MS. E. McHUGH

FOR PRESENTATION BROTHERS: MR. A. COLLINS SC

Instructed by: Mr. R. Neville  
Solicitor

FOR THE COMPLAINANTS: MR. T. O'LEARY SC

Instructed by: Murphy English & Co.

FOR THE DOE: MR. B. O'MOORE SC  
MR. C. DIGNAM BL

Instructed by: CSSO

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1 THE HEARING COMMENCED AS FOLLOWS ON THURSDAY, 4TH MAY  
2 2006 AT 10:30 A.M.

3  
4 THE CHAIRPERSON: Good morning Mr. O'Leary.  
5 Just give us a minute while  
6 we go through the little photo opportunities.

7 MR. O'LEARY: Indeed.

8 THE CHAIRPERSON: Thank you very much.  
9 Good morning everybody.

10 This morning we are conducting the Phase III hearings  
11 into St. Joseph's Industrial School, Greenmount in Cork  
12 and just to indicate the order in which things will  
13 happen this morning. The Presentation Brothers are  
14 here and represented by Mr. Collins. I think he's  
15 here. Thank you, Mr. Collins. The witness, I  
16 understand, is Br. Denis Minihane; is that correct?  
17 Very good. Good morning Br. Minihane.

18  
19 The first thing is that our counsel, Mr. McGovern, will  
20 just introduce the witness very briefly. Following  
21 that Mr. O'Leary, counsel for the nominated legal firm,  
22 Murphy English, will examine Br. Minihane.

23 Mr. McGovern will then conduct such examination as he  
24 thinks fit on our behalf, that is the Investigation  
25 Committee. Then the Presentation Brothers counsel  
26 Mr. Collins will be able to examine in relation to any  
27 matters that he wishes to elucidate at that stage.

28  
29 I should, perhaps, say to people who are here that

1 while we have sought to involve everybody in the  
2 process by inviting them, through their lawyers, to  
3 contact the nominated legal team with any points they  
4 wish to raise, that if people have issues or points  
5 that they want to make, or corrections, or whatever,  
6 they can write them down, we'll supply writing  
7 materials if people need them, and submit them to our  
8 legal team. Our legal team are sitting here on my  
9 left-hand side of the front table here. So, if anybody  
10 wants to they can submit that. Or they can speak to  
11 the legal team and we will undertake to examine those  
12 and see whether they ought to be followed up in writing  
13 subsequently, or followed up in whatever fashion  
14 subsequently. So that's the way it will go. Very  
15 good. Now, Mr. McGovern, perhaps you would introduce  
16 us to Br. Minihane. Br. Minihane, could you come  
17 forward please.

18  
19 BR. DENIS MINIHANE, HAVING BEEN SWORN, WAS QUESTIONED  
20 BY THE COMMISSION, AS FOLLOWS:

21  
22 THE CHAIRPERSON: Good morning, Br. Minihane.  
23 Will you sit down there and  
24 make yourself as comfortable as you can.

25 1 Q. MR. MCGOVERN: Good morning, Br. Minihane.  
26 Have you got all the  
27 documents there that you think you'll need?

28 A. Yes.

29 2 Q. I am one of the counsel for the Commission and I just

1 want to introduce you to the hearing. I don't have  
2 many questions to ask you at this stage and, indeed, I  
3 may be asking you questions later but I don't think I  
4 will be detaining you at any great length. You  
5 prepared an opening statement on behalf of the  
6 Presentation Brothers in relation to institution we are  
7 investigating here, Greenmount, in Cork, isn't that  
8 right, St. Joseph's?

9 A. That's right.

10 3 Q. Did you spend some time there yourself as a Brother?

11 A. I spent about five months there in 1953.

12 4 Q. Yes. What is your position in the Order of the  
13 Presentation Brothers now?

14 A. I am just representing them. I don't have any title.

15 5 Q. I see.

16 A. Thank God.

17 6 Q. Can I just ask you what was the source of your  
18 information in preparing the opening statement on  
19 behalf of the Presentation Brothers?

20 A. All the documents that exist, and we have pretty good  
21 documents.

22 7 Q. Yes. There were some additional documents produced to  
23 the Commission after the hearings had taken place, or  
24 the bulk of them had taken place, can you tell the  
25 Commission why they were produced at that stage and not  
26 earlier? Do you know?

27 A. What have you in mind?

28 8 Q. There was a book of additional documents, they  
29 contained items such as the manager's annual report to

1 the Department, and things of that nature?  
2 A. They were always available. I have no reason to  
3 believe that they weren't.  
4 9 Q. I see, very good. Can you tell the Commission when did  
5 the school finally close down?  
6 A. The school closed in 31st March, 1959.  
7 10 Q. What happened to the premises then?  
8 A. It became a juniorate for our own aspirants for some  
9 time and eventually was demolished.  
10 11 Q. What happened the land, was the land kept by the Order  
11 or sold off?  
12 A. No, the land was sold off in bit and pieces.  
13 12 Q. When was that?  
14 A. It was in the 80's I would say.  
15 13 Q. Yes. I think you understand the purpose of today's  
16 hearing, that we have had lengthy hearings of this  
17 institution and other institutions, at which evidence  
18 was given in private, and there may be some questions  
19 that parties would want to ask you arising out of what  
20 might be seen as unresolved issues, or issues giving  
21 rise to certain queries at this point. You know, I  
22 think, that you are here to deal with those questions  
23 that you will be asked by different parties?  
24 A. Yeah.  
25 14 Q. As the Chairman has already said, some of the other  
26 parties will proceed. I think Mr. O'Leary will be  
27 asking you question, he is representing complainants.  
28 Then there will be questions from Mr. Collins, and  
29 myself perhaps. Is that your understanding of what you

1 are here to do?

2 A. Yes.

3 15 Q. You feel you have all the documentation that you need  
4 for that purpose?

5 A. Yes.

6 16 Q. I see. Chairman, I don't think there is anything else  
7 I need to do at this stage?

8 THE CHAIRPERSON: No, that's it Mr. McGovern.

9 MR. McGOVERN: I can ask what questions I  
10 wish to do at a later  
11 point.

12

13 END OF QUESTIONING OF BR. DENIS MINIHANE BY THE  
14 COMMISSION

15

16 BR. DENIS MINIHANE WAS THEN EXAMINED, AS FOLLOWS, BY  
17 MR. O' LEARY

18

19 17 Q. MR. O' LEARY: Yes, Chairman. Hello,  
20 Br. Minihane, how are you?  
21 My name is Tim O' Leary and I am here instructed by  
22 Mr. Eugene Murphy for Murphy English & Company  
23 solicitors, who the Commission have nominated to act on  
24 behalf of those who may have made various complaints to  
25 the Commission. I think you understand that.

26 A. I do.

27 18 Q. I think you also understand that it is not envisaged  
28 that I am going to mention any names of individual  
29 people who may have made complaints in the private



1 Phase II part of the Inquiry. You understand that as  
2 well?

3 A. I do.

4 19 Q. I am also not going to mention any individual Brothers  
5 by name, I think it is not envisaged in that regard  
6 either. Although, I think maybe from time to time it  
7 will become clear during our conversation that there  
8 are individuals involved. You understand that as well?

9 A. Yes.

10 20 Q. I have read your opening statement, which effectively  
11 can be taken as the phase I statement in this  
12 Commission; isn't that right?

13 A. Yes.

14 21 Q. I just want to ask you a few personal questions in  
15 terms of your own, shall we say, involvement. You were  
16 actually attached to Greenmount Industrial School, were  
17 you simply residing there for that period of five  
18 months you mentioned?

19 A. Yes, I was residing there, I was teaching in another  
20 school in Cork City and I just did some supervision, a  
21 very small amount.

22 22 Q. Oh, I see. Yes. I had understood that you weren't  
23 involved in the running of the school, but you say you  
24 may have been involved in supervision in a general  
25 sense?

26 A. Yes.

27 23 Q. You are aware that there have been -- that evidence has  
28 been given of both physical and sexual abuse taking  
29 place at that time, and certainly leading up to that

1 time and, indeed, after that time, maybe not  
2 specifically that particular period of time. I presume  
3 you were actually in the Commission when that evidence  
4 was given?

5 A. Yes, I was.

6 24 Q. First of all, to separate the two, would you accept  
7 that there was unwarranted physical abuse in Greenmount  
8 Industrial School?

9 A. Yes, by today's standards there certainly was,  
10 especially at a period during the 1940's, our research  
11 would show that there was certainly excess corporal  
12 punishment.

13 25 Q. Yes. As you know, that may have arisen for discipline  
14 reasons, it even may have existed without good  
15 disciplinary reasons. It is very hard to be precise in  
16 relation to that, but you would accept that it was  
17 excessive?

18 A. I would accept that certainly by today's standards it  
19 was excessive.

20 26 Q. Yes. Well it is very hard for me, as you can imagine,  
21 and indeed hard for yourself to go back into that time,  
22 as to what was acceptable then. But you may have heard  
23 evidence in relation to the use of, let's say, canes or  
24 I think what was described as bamboo sticks, in terms  
25 of certain corporal punishment. Would you think that's  
26 ever acceptable, even at the time?

27 A. There was mention by one of the contributors that there  
28 was a strap that had coins embedded in it, or  
29 something. I don't accept that. Any research I have

1 done, or anything I could do to find out whether that  
2 happened or not has been negative.

3 27 Q. Oh I see. So just for the avoidance of doubt, you  
4 don't accept that happened is what you are saying?

5 A. No, I don't.

6 28 Q. Can I put it this way, because we won't be able to  
7 resolve it, I think, in this particular forum, it might  
8 be a matter for the Commission ultimately, in their  
9 report. Would you accept that if that did take place  
10 that it was unacceptable even at the time?

11 A. Oh yes.

12 29 Q. In relation to discipline generally, there doesn't  
13 appear to be any record, or a discipline log, or a  
14 discipline book, isn't that correct?

15 A. That's true.

16 30 Q. Do you know was there a discipline book kept at the  
17 time, or is it the fact that it has been lost, or is  
18 the case that in fact there was never any discipline  
19 book?

20 A. All I can tell you about a discipline book is that it  
21 is mentioned in the rules and constitutions of  
22 industrial schools.

23 31 Q. Yes.

24 A. Apart from the fact that it was there, I have never  
25 heard from any inspection that it was complained it was  
26 missing. We have no evidence whatever that a  
27 Punishment Book, as it was called, existed.

28 32 Q. Existed, yes.

29 A. Yes. As you know, there were frequent inspections of

1 all the other books and there were reports made.

2 33 Q. Yes.

3 A. And at no time did we find a mention of the absence of

4 a Punishment Book.

5 34 Q. Yes. Of the absence of it?

6 A. Yes.

7 35 Q. Or, indeed, the existence of it?

8 A. Exactly, yes.

9 36 Q. Did you have personal knowledge of the existence of

10 such a book?

11 A. No.

12 37 Q. I presume you'd accept that if there wasn't such a book

13 there should have been one?

14 A. Oh absolutely, it was in the rules. But what puzzles

15 us is that it was never adverted to in any of the

16 reports from visiting people from the Department.

17 38 Q. Either the presence or absence of same?

18 A. Exactly.

19 39 Q. In your time there, I know you weren't involved and you

20 may take it, Br. Minihane, that I am not going to be

21 asking you personal questions of that sense to in

22 anyway I lead you down any road you don't want to go

23 down, but you can be helpful given that you were there

24 during the 50's, even for a short period. Were you

25 aware, even in your very vague supervisory duties there

26 from time to time, of, shall we say, beatings or over

27 discipline in the industrial school?

28 A. Never. I cannot remember any case of excess corporal

29 punishment during my five months there.

1 40 Q. Again with the same, shall we say, preface to my  
2 question, do you understand, it is not about your  
3 involvement as such but, perhaps, what you could shed  
4 light on, how regularly did you supervise when you were  
5 in the school?  
6 A. My memory is -- and again I would have to say that it  
7 is 53, 54 years ago -- all I can remember is that at  
8 weekends I had a slot of yard duty.  
9 41 Q. I see.  
10 A. That's my memory of it.  
11 42 Q. I see. Whilst they might be outside exercising or  
12 something of that nature?  
13 A. Yes.  
14 43 Q. So it wouldn't have been during the school term as  
15 such, or during school hours?  
16 A. Well, I was teaching in another school so it wasn't  
17 during school hours.  
18 44 Q. It couldn't have been that?  
19 A. Yes.  
20 45 Q. I understand. That answers that particular question.  
21 At the time were you still a novice or were you  
22 actually --  
23 A. I was temporary professed.  
24 46 Q. Temporary professed. Had you qualified as a teacher at  
25 that stage?  
26 A. No.  
27 47 Q. You were qualifying as it were, you were training?  
28 A. Yes, exactly.  
29 48 Q. Had you received any training from the order at that

1 stage yourself in relation to how you should deal with  
2 children in that environment, even in a supervisory  
3 capacity?

4 A. I would have got such training for the work I was doing  
5 in the other school, but nothing for what you are  
6 asking about.

7 49 Q. Yes. Would you be aware whether or not there was any  
8 particular training, do you understand, leaving aside  
9 teaching as a vocational training, but particular  
10 training for the Brothers -- who again shall remain  
11 nameless for the time being -- who were there at the  
12 time? Were you aware had they been trained?

13 A. Some of them would have had experience in similar  
14 schools in England as younger people.

15 50 Q. Yes.

16 A. But apart from that I am not aware of any courses or  
17 seminars or anything that were available from our own  
18 Department of Education, or in this country even.

19 51 Q. Well, indeed, from the Department of Education I  
20 suppose they will have to ask that themselves. But  
21 within the Order itself was there any particular  
22 training?

23 A. I wouldn't think so, no.

24 52 Q. Yes. I think it is implicit in your statement, but,  
25 please, if you disagree with me feel free to do so,  
26 that you feel there should have been training for the  
27 people who were involved in running the institutions on  
28 a daily basis?

29 A. Absolutely. In today's experience, if there were 230

1 boys from the ages of 6 to 16 in a given institution  
2 there probably would be 100 people looking after them,  
3 and rightly so. But the needs were not seen, the needs  
4 of the young people were not adverted to, they were not  
5 cared for and, particularly, I would have to advert to  
6 the fact that it was an all male institution, there was  
7 a complete absence of anything that would provide a  
8 mother's care for those children.

9 53 Q. Or a female perspective on things?

10 A. Exactly, yes.

11 54 Q. I think again -- I mean given that you have not  
12 actually made the statement, but it is a matter of  
13 public record given that it is in Phase I, but I think  
14 you refer in your statement to the fact that you feel,  
15 and it is probably a personal view perhaps, that in  
16 hindsight the industrial school system was not and  
17 could never be a success. Is that your view?

18 A. That's stated clearly, I think, in my statement.

19 55 Q. Yes.

20 A. It was probably satisfying a need in the latter half of  
21 the 19th century, when there was such a thing as street  
22 children, at least they got a home. But I don't think  
23 it should ever have been seen as the answer. That was  
24 even adverted to in reports, particularly in a report  
25 in 1936 of one Government, and they saw at that stage  
26 that industrial schools were not coping and catering  
27 for the needs of the children who were there. And it  
28 took another 34 years or something to bring it to an  
29 end.

1 56 Q. Indeed, the date you mention is of some relevance given  
2 that the period that the Commission is inquiring into,  
3 in fact, is 1936 to 1959?

4 A. Exactly. I would say that in that period of time  
5 industrial schools had reached their sell by date,  
6 certainly in this country.

7 57 Q. By, let's say, 1936 or the late 30's is what you are  
8 saying?

9 A. Yes.

10 58 Q. That's your view?

11 A. Yes.

12 59 Q. Had you formed that -- and it is difficult to answer  
13 this question and I know I am asking very many personal  
14 questions, but it is help, perhaps, to the Commission  
15 to hear this, I believe. Had you formed that view at  
16 the time when you were there in the 50's?

17 A. I don't think so. I probably would have found the view  
18 of the complete absence of mothering for the special  
19 younger children. But as for the views I have given  
20 you now, that would be... (INTERJECTION)

21 60 Q. Over time?

22 A. Over time, yes.

23 61 Q. When you were supervising was it a chaotic situation,  
24 or were the boys generally well behaved?

25 A. Absolutely behaved, and law and order everywhere and a  
26 degree of fun and play and enjoyment. I remember it as  
27 quite a happy place.

28 62 Q. When you say "law and order everywhere", I mean were  
29 they extremely well behaved, given that you were



1           dealing with them on a weekend situation?

2           A.    I would say so, yes. I would say they were well  
3           behaved boys.

4   63   Q.    As you know -- and I am not going to go into specific  
5           details because, as I indicated to you I think, it is  
6           probably inappropriate, but maybe that's my  
7           understanding of the matters -- some of the boys  
8           certainly had a different view in relation to it being  
9           a happy place, and found it to be a regimental and  
10          harshly disciplined place, even during that time,  
11          certainly in the 50's shall we say. I presume you  
12          would accept their view of it?

13          A.    Yes, I would have to accept that, that was their view.

14   64   Q.    Yes. In relation to sexual abuse, and perhaps I might  
15          revisit the physical abuse having dealt with this, but  
16          in relation to sexual abuse, as you know, certain  
17          things have been said against certain Brothers. It is  
18          a matter for the Commission really in relation to how  
19          they weigh that. Were you aware of any of that in your  
20          time, when you were being processed and, indeed,  
21          thereafter, during the 1950's?

22          A.    Absolutely not.

23   65   Q.    At any stage?

24          A.    No. But when you say any stage?

25   66   Q.    Sorry, I meant in the 1950's, sorry.

26          A.    In the 1950's we have documented a situation in 1955.

27   67   Q.    I will get on to that in a second, yes. I suppose  
28          that's really where I am going in relation to it and,  
29          again, you have the documents and, indeed, you have

1 Professor Keogh's helpful history of the Commission by  
2 the Brothers (sic). It seems clear that there was an  
3 inquiry launched, it appears, by the Bishop at the  
4 time, Bishop Lucey, and inquired into by a canon, a  
5 canonical inquiry in effect, from the diocese in which  
6 Greenmount happened to be, as it were.

7 A. He was from the diocese of Kerry.

8 68 Q. I'm sorry about that. I mean that the Inquiry was  
9 launched by the diocese in which Greenmount was, the  
10 Cork diocese, the diocese of Cork and Ross I think.  
11 Isn't that right?

12 A. That's right.

13 69 Q. There doesn't seem to be any remaining report or  
14 documentation in respect of the fruits of that inquiry,  
15 isn't that right?

16 A. That's right.

17 70 Q. But it is clear that an investigation took place which  
18 formed the basis of outsiders, shall we say, although  
19 members of the clergy, coming into the school and  
20 conducting inquiries, albeit interviews of both pupils  
21 and, indeed, staff; isn't that right?

22 A. That's right.

23 71 Q. Again it is not relevant to trying to draw you down to  
24 any personal situation, but it might be interesting to  
25 note, given that you were a member of the Order at that  
26 time, although obviously in a separate school and a  
27 different part of the country probably. Were you aware  
28 in 1955, as a member of the Order, that such an inquiry  
29 was taking place in Greenmount, although you were not

1 in Greenmount at the time?

2 A. I was not aware at the time the inquiry was taking  
3 place, but I was aware of the results of the inquiry,  
4 to the extent that one brother, of his own volition,  
5 left the Congregation and another man was changed. But  
6 to that extent I became aware of it in 1956. I would  
7 have to say that all documentation we have in regard to  
8 that time was put at the disposal of Professor Keogh.

9 72 Q. I accept that completely. It is more about the state  
10 of knowledge and, I suppose, what was going on within  
11 the Order at the time.

12 A. Right.

13 73 Q. You became aware that there had been two changes close  
14 to the top of Greenmount in 1956; isn't that right?

15 A. That's right.

16 74 Q. Did you inquire as to why that was the case, or was it,  
17 shall we say, common knowledge within the Order?

18 A. It wasn't common knowledge. There was very little said  
19 about it.

20 75 Q. Yes.

21 A. It was kept to the people who actually were --

22 76 Q. Were involved?

23 A. Who were in authority at the time. That is mentioned  
24 very well in Professor Keogh's book as well.

25 77 Q. It is.

26 A. That there was very little talk without it anywhere.  
27 In fact, he refers to something that was discussed  
28 years later during a time when one of them visited  
29 Canada, and one of the Brothers in Canada inquired

1 about what happened in Greenmount.

2 78 Q. That's right, it is referred to and there is a  
3 quotation in relation to it?

4 A. Exactly.

5 79 Q. And that particular person's view of how it had been  
6 conducted.

7 A. And he was a pretty senior person.

8 80 Q. Indeed. I suppose, perhaps, that's the point I am  
9 getting to, it wasn't talked about.

10 A. No.

11 81 Q. Was there any change or was there any edict, if that's  
12 the right word, or any information in relation to child  
13 abuse or child sexual abuse from the top of the Order  
14 to those who were in the Order, ordinary members like  
15 yourself maybe at the time, post 1956/1957?

16 A. I have no memory of that. All I can say is that  
17 another incident of a moral situation occurred in 1956,  
18 the following year.

19 82 Q. In another institution?

20 A. No, in Greenmount.

21 83 Q. I see.

22 A. And the Gardaí were called in.

23 84 Q. Yes. Sorry, I know to which you are referring now.

24 A. Yes.

25 85 Q. But the guards were called in?

26 A. Yes.

27 86 Q. But, again, within the Order was there any information  
28 about that disseminated out to the ordinary members of  
29 the Order?

1 A. I don't think so. I think it was kept to the few  
2 people who were dealing with it. But, obviously,  
3 because of the fact that a member, and a very popular  
4 member of the Congregation had left it gave rise to  
5 discussion, maybe even anger. But the detailed causes  
6 of it, to my knowledge, were not known. In fact, I  
7 could say myself that reading Professor Keogh was  
8 education for me.

9 87 Q. I see. We'll call it, if you know what I mean, the  
10 allegation of sexual abuse, do you understand, in  
11 relation to what occurred?

12 A. Yes.

13 88 Q. So we are clear on that, so that you can discuss with  
14 me the responses to it. You never knew, or certainly  
15 never knew in the 50's or, indeed, 60's that that was  
16 the allegation; is that right?

17 A. I had some knowledge, but it was vague and couched in  
18 language that was difficult to understand.

19 89 Q. I understand. Yes. Can I ask you this question, and  
20 again there is always the element of hindsight,  
21 perhaps, as part of your answer: Do you think there  
22 should have been some information, and there should  
23 have been some, perhaps, training at that stage, given  
24 the allegations, we'll call them, from pupils or boys  
25 in 1955 and 1956 in Greenmount, and that should have  
26 applied to all the Order?

27 A. Well, with the knowledge that we have gleaned in the  
28 last 10 to 15 years, obviously one cannot separate  
29 oneself from what has happened then, since then, in the

1                    I last 10, 15 years.

2    90   Q.    Yes.

3                    A.    And that colours any answer I could give you there. Of

4                    course, from our point of view now there should have

5                    been. Furthermore, I would couple that with the 1936

6                    situation.

7    91   Q.    Inspection?

8                    A.    Where there was always after that a real emphasis on

9                    supervision. In practically every visitation

10                   supervision of the boys was emphasised as a very, very

11                   important duty.

12   92   Q.    I understand that. You are talking about the

13                   visitation from within the Order?

14                   A.    Yes.

15   93   Q.    Yes. As opposed to the inspections?

16                   A.    It was also emphasised from the Department people.

17   94   Q.    I understand. But I suppose the point I am making is

18                   this -- and you can agree or disagree with me, it is

19                   perfectly within your rights to do so -- given that the

20                   Order would have known that this had occurred, or these

21                   allegations had occurred shall we say, which caused two

22                   outside agencies, in two consecutive years to, to use a

23                   word, deal with the allegations, one the Bishop and

24                   secondly the guards, shouldn't they have done something

25                   about it in terms of educating those other Brothers in

26                   the Order about what might have happened?

27                   A.    Oh, I think that's a fair comment, yes.

28   95   Q.    Thank you. There is one, I suppose, little side issue

29                   to that, if you will bear with me, Brother. In both

1           those situations, 1955 for instance, you have an  
2           outside agency coming in, as it were, on foot of a  
3           complaint being made, I think, to a local priest and  
4           thereafter the Bishop coming in and, I think, making,  
5           it appears, an initial interview and thereafter  
6           ordering the canonical inquiry from Canon Lane, which  
7           we don't know the results of. Again in relation to the  
8           Garda investigation, do you know if there was any  
9           parallel investigations within the Order in 1955,  
10          within the Order, between the Superiors in the Order  
11          and those that were the subject of allegations?

12          A.     Dealing with Greenmount now?

13   96    Q.     Yes.

14          A.     I'm not aware. I have seen no documents about that,  
15          except, again, visitations reports, where supervision  
16          was emphasised.

17   97    Q.     Does that strike you as strange, do you understand,  
18          that it was left to an outside agency?

19          A.     I think one would have to understand the time as the  
20          time. I think in today's standards by all means what  
21          you are saying would be obvious probably. But I don't  
22          think it was at the time.

23   98    Q.     Why do you say that?

24          A.     Because the handling of such situations in the 50's was  
25          done not openly.

26   99    Q.     Yes.

27          A.     That was the way things were done.

28   100   Q.     Was there, using a phrase, was there a culture of  
29          secrecy within the Order?

1 A. No, I don't think so. This was a once off event in  
2 Greenmount in 1955.

3 101 Q. Okay. You are saying that in relation to allegations  
4 of sexual abuse there was secrecy, that is effectively  
5 what you are saying?

6 A. Well if sexual abuse occurred in Greenmount -- we have  
7 no knowledge that it did -- if it did occur it was done  
8 in secret and, therefore, that would seem to me to say  
9 that it was in no way condoned by anybody.

10 102 Q. No, no I understand that by its nature sexual abuse,  
11 and I have always used the word allegation in relation  
12 to it so we can have this discussion, by its nature it  
13 is a secretive affair, but once the allegation is made  
14 and investigations are set in train on foot of that,  
15 I'm saying at that stage it appears clear there was  
16 still a secrecy within the Order. No one could name  
17 it. No one talked about it.

18 A. It wasn't talked about, no.

19 103 Q. And within the Order, when you were being, shall we  
20 say, professed or as you were going through the very  
21 stages of your vocation, is part of your training a  
22 secrecy in relation to matters that might cause scandal  
23 to the Order?

24 A. I don't think so. I wouldn't say that at all. That's  
25 taking it to a conclusion now that's not true.

26 104 Q. I don't know you see. I'm asking you the question  
27 because I didn't go through the process, you went  
28 through it.

29 A. No, that is not true, because we were educated in the



1           life we were preparing for. We were preparing for vows  
2           of poverty, chastity and obedience and, as you can see,  
3           chastity was one of them. That entailed examination  
4           and education in the areas that you are talking about.

5   105   Q.    So there was no vow of secrecy in that sense?

6           A.    Not at all.

7   106   Q.    Bringing a scandal to other members of the Order?

8           A.    Not at all. Not at all, no.

9   107   Q.    In respect of Professor Keogh's report, it is the wrong  
10          word perhaps, but shall we say his small book or his  
11          history of the school, it appears clear that what --  
12          and I don't think we need to refer to it, I think you  
13          probably accept what I have to say, and if not I will  
14          certainly give you ample opportunity to refer to  
15          individual parts of it. It appears clear, Br.  
16          Minihane, that as a result of the two departures at the  
17          end of 1955, involving, as you rightly say, senior  
18          people, there was a very long visitation, I think, from  
19          a Br. Nicholas in relation to the matter and it appears  
20          from '55 to '59, before the school closed, there  
21          appears to have been a somewhat demoralised situation,  
22          would you accept that, within the school, as a result  
23          of, perhaps, the investigation and the departures?

24          A.    I wouldn't accept it was a result of. Numbers were  
25          dropping drastically and this was what was happening in  
26          industrial schools generally. There were 235 and this  
27          time it was dropped to 100 and that would have caused a  
28          certain amount of problems. But I don't think it was  
29          because of what you are saying now. I have to say that

1           one member left, the other did not. You said two left.

2 108 Q.   Well, my understanding is that one left and one had  
3           changed position shall we say?

4           A.   That's right. That's right, yes.

5 109 Q.   Yes. I didn't mean to, as it were, to fudge the issue,  
6           but I think that's clearly the case. Just in case we  
7           are at crossed purposes here. Do you accept that those  
8           changes, if we call them that, occurred as a result of  
9           the investigation?

10          A.   Oh yes.

11 110 Q.   Yes. I am suggesting to you that it is implicit in the  
12          report, but one can't say, that is from the report and  
13          the various reports of Br. Nicholas, who had a very  
14          long visitation at the end of 1955, I think you know --  
15          I think he had an 11 or 12 day visitations at the end  
16          of 1955, are you aware of that?

17          A.   Yes.

18 111 Q.   I think the normal visitation was about two or three  
19          days; is that correct?

20          A.   Three or four days. This one was about double that.

21 112 Q.   Isn't it inevitable that there would be a somewhat  
22          demoralising aspect, given that the people who left  
23          were very senior, without seeking to identify them any  
24          further than that?

25          A.   I cannot answer that because I'm not aware of it. I'm  
26          not aware of the demoralisation that you are talking  
27          about.

28 113 Q.   You see, I think you are indicating that the numbers  
29          entering the school were falling, isn't that right,

1           between '55 and '59, when it ultimately closed? Isn't  
2           that correct?

3           A.    Yes, yes.    The numbers being assigned to the school,  
4           because it wasn't a question of recruiting for the  
5           school either.    The numbers that were being assigned.

6   114   Q.    The numbers being assigned to the school?

7           A.    There was another aspect as well, that during that time  
8           there was an advent of boys.    Up to that they were  
9           mainly boys from the south, but during those years boys  
10          came from the Dublin area.    Boys were assigned to  
11          Greenmount from the Dublin area and that created  
12          further problems.

13   115   Q.    In terms of discipline?

14          A.    Yes.

15   116   Q.    I see.    There doesn't seem to have been -- I mean I  
16          don't think in the period '55 to '59 there was a  
17          decrease in the need for places in industrial schools  
18          generally in the country?

19          A.    I think there was.    I think there was, in the late 50's  
20          there was a decrease.    That's documented in Keogh  
21          anyway, the numbers that were in industrial schools.

22   117   Q.    Well the numbers that were being assigned to Greenmount  
23          it certainly seems to be the case.

24          A.    To all industrial schools.

25   118   Q.    What do you think the reason for the closing in 1959  
26          was?    It closed much earlier than other industrial  
27          schools shall we say?

28          A.    Yes.

29   119   Q.    I think you will accept that?

1 A. Yes. The reason, there were several reasons. One of  
2 the main ones was that it was not viable, because, as  
3 you know, the money coming from the Department was on a  
4 capitation basis. So if a school loses close to a  
5 third, more than a third actually of the capitation  
6 then it became a non-viable unit, difficult to survive.  
7 That was the main reason for closing, as far as I can  
8 see.

9 120 Q. Do you not think the difficulties experienced by the  
10 school in '55 and '56 may have, shall we say, lessened  
11 the will of the Order, shall we say, to run an  
12 industrial school, leaving aside the financial aspects?

13 A. I'm not aware of that. I can't say yes or no to that.  
14 But I am aware of the fact that the Bishop was against  
15 closing it.

16 121 Q. Yes.

17 A. Which would seem to imply that he had forgotten '55, or  
18 that '55 had been dealt with. Because that gave an  
19 opportunity to him to say good riddens.

20 122 Q. Were there replacements to the two people who were  
21 moved, one person who left and one person who was  
22 moved?

23 A. Yes.

24 123 Q. There were replacements?

25 A. Yes.

26 124 Q. So the numbers involved in dealing with the pupils in  
27 the industrial school did not decrease?

28 A. The numbers of brothers there was about the same all  
29 the time.

1 125 Q. About the same all the time?  
2 A. Yes.

3 126 Q. Again, in your view, there wasn't any extra training or  
4 anything given by the Order during the late 50's?  
5 A. That would have been another reason for closing,  
6 because it was seen, I think very clearly at that  
7 stage, that that sort of training was required. I  
8 mentioned particularly the Dublin aspect, that I think  
9 emphasised that we were dealing with a new and more  
10 difficult client, and that training and expertise was  
11 required.

12 127 Q. I presume you'd agree, leaving aside the difficulties  
13 with the client, as you describe it, that given the  
14 allegations in '55 and '56 that training would be  
15 required in that regard also; isn't that right?  
16 A. Oh yes.

17 128 Q. But the answer you gave to my second last question, is  
18 that an answer given in hindsight or are you saying  
19 that that was a documented fact, that the Order took  
20 that decision in '59 because of that requirement to,  
21 shall we say, up skill the Brothers?  
22 A. I don't think so. Again, I can't be very helpful there  
23 because my memory of 1959 was that the closure came  
24 very quickly and it was a decision made by the higher  
25 authorities to close it. I think even the people  
26 there, there was a new Resident Manager went in, in the  
27 Christmas of '58/'59.

28 129 Q. They were unaware?  
29 A. They were unaware, yes.

1 130 Q. Given the Order is closed by March, or something of  
2 that nature?  
3 A. Yes.  
4 131 Q. And various, I suppose, replacements were made for the  
5 boys that were still underage. We don't have any  
6 documentation in terms of any of those decisions from  
7 the Superiors of the Presentation Brothers, isn't that  
8 right?  
9 A. Except what is in Keogh.  
10 132 Q. Exactly?  
11 A. Keogh does document it to a certain extent. He  
12 describes letters from the Superior General to the  
13 Bishop and contact that was made.  
14 133 Q. We don't have any letters, I believe, in detail, there  
15 are some notes from various people but we don't have  
16 any notes of meetings where the Superior General of the  
17 Order discussed the allegations of '55 and '56; isn't  
18 that right?  
19 A. Yes. This would be in '55/'56 now?  
20 134 Q. Yes. Can I ask you this personal question, I don't  
21 mean this in any way, I know you were nominated to act  
22 on behalf of the Brothers for the purpose of this  
23 Inquiry, and I think you describe yourself as just a  
24 Brother at this stage, did you yourself progress -- and  
25 I hesitate to use the word ranks, but you understand  
26 the point I'm making -- did you progress up the Order  
27 during your time in the Order?  
28 A. In 1955/'56 I was a university student, attending UCC.  
29 135 Q. Yes.

1 A. And I qualified as a teacher in 1957 and started  
2 teaching in 1957.

3 136 Q. Yes.

4 A. I became principal of a school in 1961 and remained  
5 that until I retired.

6 137 Q. I see.

7 A. 1997.

8 138 Q. So you have never been aware, or you have never been  
9 on, let's say, if there is a general council or if  
10 there is, shall we say, a Committee at the top of the  
11 Order you have never been on that or been aware of  
12 that? There is a Superior General, isn't that right?

13 A. Yes.

14 139 Q. I presume he has advisors or some form of committee?

15 A. Yes, the Superior General has a council. Then in  
16 Ireland since 1952 we have had a Provincial as a  
17 council and I have been on the Provincial Council.

18 140 Q. You have?

19 A. Yes. That's regarded as an honour, and sometimes as a  
20 dubious honour.

21 141 Q. Indeed, and I can well imagine. With that knowledge  
22 though has there been, at any stage -- and we have  
23 talked about looking at things from the point of view  
24 of 2006 and looking at it from 1955 -- has there at any  
25 stage been a policy adopted by the Order in respect of  
26 allegations of sexual abuse within, shall we say, the  
27 schools that are still run by the Order?

28 A. That all changed about '94.

29 142 Q. 1994?

1 A. About then, when this country at large became aware of  
2 the problem of sexual abuse. Since then I documented  
3 what has happened since '94 in Phase I of my  
4 contribution.

5 143 Q. Prior to that there hadn't been any documentation or  
6 policy; is that correct?

7 A. Yes, there were no policies generally.

8 144 Q. I shouldn't be too much longer with you, Br. Minihane,  
9 just bear with me for one moment. In your statement,  
10 and I am sure it is not an express omission, but I  
11 wonder are you sorry for the boys that experienced the  
12 abuse they say they experienced?

13 A. Absolutely. We have an apology issued a long time. I  
14 reiterated it in Phase I, that anybody who suffered  
15 hurt or abuse under our care we apologise to them.

16 145 Q. Have the Order taken any steps to help those people in  
17 terms of counselling or anything of that nature since  
18 all of this arose, as you say?

19 A. I'm sure you are aware of the counselling service known  
20 as Faoi seamh.

21 146 Q. Yes.

22 A. And we have contributed to that.

23 147 Q. You contributed to it?

24 A. Yes.

25 148 Q. I'm sure you have been authorised to make that apology  
26 again today, I presume?

27 A. Oh yes. That apology is on our web site continuously.

28 149 Q. I understand that, but I think you might understand the  
29 point that I'm making as well. You are authorised to



1           make that apology again today?

2           A.     Absolutely.

3   150   Q.     And I think you can make it in a personal capacity as

4           well?

5           A.     Yes.    Yes.

6           MR. O' LEARY:                     Just one moment, Chairman.

7           THE CHAIRPERSON:                Yes, that's all right.

8   151   Q.     MR. O' LEARY:                     Two points that I have

9   somewhat dealt with during

10           the course of the evidence. There are many other

11           points, as you know, in relation to food but I think

12           the Commission has heard from the individual people

13           involved and I think it may be that Mr. McGovern can

14           deal with those particular aspects, if it was so

15           required. But I think in your statement you do accept

16           that, obviously, the Order was doing it best but

17           conditions weren't by any means perfect; isn't that

18           right?

19           A.     Especially during the war, where we all know there was

20           severe rationing.

21   152   Q.     And there was difficulties with food at that stage?

22           A.     Yes.

23   153   Q.     And, indeed, that would have applied also to clothes at

24           the time?

25           A.     Greenmount had a couple of great advantages there, in

26           that it had a bakery, which meant there was always

27           bread available. It also had a farm, which produced

28           farm produce, vegetables.

29   154   Q.     But much of that, in fairness -- I don't want to create

1           too much controversy -- most of that would have gone  
2           outside?

3           A.    No, there was continued contribution inside.

4 155 Q.    I know that. Some of it would have gone inside, but  
5           much of it would have been sold outside; isn't that  
6           right?

7           A.    The surplus would have been sold outside, both bakery  
8           and farm. The surplus.

9 156 Q.    I can see us going down a long road in relation to  
10          that. Obviously the Order would have... (INTERJECTION)?

11          A.    We have done an account, you are aware of this, from  
12          Ernest & Young, and they have accounted the sort of  
13          support the bakery and the farm gave to the institution  
14          and, also, the fact that the Brother's salaries were  
15          also part of the financing of the institution.

16 157 Q.    What I would say to you is, obviously -- and you may  
17          take a different view to me, I accept that -- but the  
18          decision as to what was sufficient was, obviously, a  
19          matter for the Order, isn't that right? And  
20          thereafter, the decision as to what was surplus was  
21          also a matter for the Order; isn't that correct?

22          A.    Well there was nobody else to decide it.

23 158 Q.    Exactly. You would accept that, in fact, there was  
24          shortages of food from time to time in the school,  
25          isn't that right?

26          A.    There were shortages, especially of the foods that were  
27          rationed.

28 159 Q.    I see. You made a statement towards the end of our  
29          conversation about why the school was closed, and it is

1 a matter which, perhaps, one can never be definitive  
2 about, and I think you accept that as well?

3 A. Yes.

4 160 Q. But you indicated that -- you said the Bishop didn't  
5 want to close the industrial school. Did he express  
6 that in strong terms?

7 A. That's itemised in Keogh, the correspondence is all  
8 available in Keogh.

9 161 Q. I have seen that in Mr. Keogh's report. But is it not  
10 interesting that the Brothers still went ahead and  
11 closed the school, and is that perhaps not indicative  
12 of the fact that they wanted to get out of that type of  
13 situation, not just for financial reasons.

14 A. I think it had become a very uneconomic unit, for one.  
15 Secondly, for reasons that I said earlier, we didn't  
16 have trained personnel to deal with the emerging  
17 difficult problems.

18 162 Q. In terms of the assignation of boys, or boys being  
19 assigned, just to make it simpler, I don't have the  
20 information in front of me, but it is an observation  
21 that I can make and the Commission can deal with it as  
22 best as they see fit ultimately, but it strikes me that  
23 I don't think there was a severe drop in numbers, or  
24 certainly as pronounced in terms of the need for places  
25 in the country as a whole, or indeed in Cork, as  
26 opposed to the actual drop in numbers that appears to  
27 have been experienced by Greenmount?

28 A. I don't accept that. I don't accept that. I think the  
29 drop in numbers nationally is documented in detail in

1 Keogh, that in the late 50's numbers dropped.

2 MR. O' LEARY: Br. Mini hane, thank you  
3 very much. I don't believe  
4 I have the opportunity to speak to you thereafter but  
5 there are more questions to be asked by Mr. McGovern  
6 and, indeed, your counsel Mr. Collins and, indeed, by  
7 the Board themselves.

8

9 END OF EXAMINATION OF BR. DENIS MINI HANE BY

10 MR. O' LEARY

11

12 THE CHAIRPERSON: Thank you very much Mr.  
13 O' Leary. Now Mr. McGovern.

14

15 BR. DENIS MINI HANE WAS FURTHER EXAMINED, AS FOLLOWS, BY  
16 THE COMMISSION:

17

18 163 Q. MR. MCGOVERN: Br. Mini hane, I just want  
19 to ask you about a few  
20 items. The first thing I would like to deal with is  
21 the question of the annual report which the manager of  
22 the school would furnish to the Department of  
23 Education. Are you familiar with those reports?

24 A. Yes.

25 164 Q. I think they were in a template and then there was a  
26 certain type of form used up to the mid 1940's, and I  
27 think from 1944 onwards the template changed somewhat,  
28 it was more in the way of columns with information to  
29 be given under various headings. Would you agree with

1           that?

2           A.    Yes.

3   165   Q.    These reports were furnished once a year, in a  
4           comprehensive fashion it seems from looking at them.  
5           What was the purpose of those reports?

6           A.    Well that's a question for the Department of Education,  
7           because it was they who had the template.

8   166   Q.    Yes, but they furnished it to the manager of the  
9           industrial school?

10          A.    Yes.

11   167   Q.    In this case St. Joseph's, Greenmount?

12          A.    Yes.

13   168   Q.    And they were completed. It was the manager of the  
14          school was furnishing information to the Department?

15          A.    That's right.

16   169   Q.    Were these intended to give a complete and accurate,  
17          insofar as one can do in a template, were they intended  
18          to give a complete and accurate picture of the school?

19          A.    That would be my reading of it, yes.

20   170   Q.    Have you seen these reports?

21          A.    Yes.

22   171   Q.    Do you think they did do that?

23          A.    I would have question marks about it.

24   172   Q.    Yes, indeed, I am sure you would.

25          A.    Yes.

26   173   Q.    I am going to raise some of these questions with you  
27          now. If you look at the reports from 1940 to 1943, and  
28          I am not going to put them up on the screen, but you  
29          have seen them?

1 A. Yes.

2 174 Q. On most areas they are almost identical and verbatim in  
3 the manner in which they are completed, it is almost as  
4 if they were photocopied, although each one on an  
5 annual basis is in manuscript. Would you agree with  
6 that?

7 A. Yes, there is a certain amount of repetition. That's  
8 what I said I questioned myself.

9 175 Q. Yes. It was almost like a single, transferable report  
10 from year to year?

11 A. Yes. The only thing I would add to that is that this  
12 would have been followed by a visit from the officer  
13 from the Department, and there was room there to fill  
14 in or question, or whatever.

15 176 Q. Yes, but I assume you would agree with me that the  
16 purpose of this exercise was to give accurate  
17 information to the Department and not give information  
18 which might require a further inspection, where things  
19 would be found out?

20 A. Yes. Well, I think the information with regard to  
21 numbers and figures and numbers in various classes and  
22 so on, that would be accurate. But I am sure what you  
23 are referring to is the rather global description of  
24 affairs, and I would have questioned that myself.  
25 That, I think, is pretty obvious.

26 177 Q. Yes. One of the things you said in answer to  
27 Mr. O'Leary was that corporal punishment was the norm  
28 there and you pointed out elsewhere in Ireland at the  
29 time?

1 A. Yes.

2 178 Q. And that there is evidence that it was excessively used  
3 from time to time?

4 A. Right.

5 179 Q. You said something interesting, you said "especially  
6 during the 1940's there was excessive corporal  
7 punishment"? That's what you said?

8 A. I did, yes.

9 180 Q. You gleaned that from records, presumably, or things  
10 you have heard?

11 A. And evidence.

12 181 Q. Heard in evidence?

13 A. Yes.

14 182 Q. I see. Again I am not going to put up on the screen  
15 these management reports, but I am going to quote you  
16 what was said in the years 1940, '41, '42 and '43 in  
17 each of these reports. In 1940 it said:

18 "Punishment of every kind is all but a  
19 dead letter in the school."

20

21 In 1941:

22 "Punishment of any kind is all but  
23 abolished in the school."

24

25 In 1942:

26 "Corporal punishment of every kind is  
27 all but completely abolished."

28 And the same entry in 1943. Just before you answer a  
29 question about this, if we move on to the reports from

1 1944 onwards, which were in a slightly different  
2 format. Again, the reply to the query:

3 "nature of punishments for misconduct."  
4

5 In each of the years after 1944 was almost identical.  
6 It was:

7 "forfeiture of rewards or privileges  
8 which are allowed boys of good  
9 conduct."

10 Now, with very minor variations those were the issues  
11 dealing with punishment and discipline in those years.  
12 Doesn't that suggest and convey to anybody reading  
13 those reports that corporal punishment was non-existent  
14 or as good as non-existent in the school?

15 A. That's the only conclusion you could draw, from reading  
16 the reports.

17 183 Q. Isn't that totally inaccurate?

18 A. I'd have to accept that, yes.

19 184 Q. Yes. You are probably aware that in the course of the  
20 private hearings there was evidence given by  
21 complainants and by Brothers former Brothers, and one  
22 former Brother at least, in referring to one of his  
23 colleagues, said that he was very severe and the boys  
24 were afraid of him, and they had every reason to be  
25 afraid of him.

26 A. That is true. That is true. But in addition to that,  
27 that's the same person who wrote that report.

28 185 Q. I see, I didn't know that.

29 THE CHAIRPERSON: Sorry, wrote which report?



1 MR. McGOVERN: Who wrote the annual  
2 reports?  
3 A. Yes.  
4 186 Q. THE CHAIRPERSON: Why do you think that would  
5 be, Brother?  
6 A. I just don't know.  
7 187 Q. THE CHAIRPERSON: He was spinning one thing  
8 to the Department and he's  
9 telling... (INTERJECTION)  
10 A. He was the Resident Manager and I have no explanation  
11 for it except that he regarded himself as the  
12 disciplinarian in the school. And from his point of  
13 view, I'm not saying from my point of view now, from  
14 his point of view corporal punishment was part of it.  
15 188 Q. I don't know if it is permis to mention the person's  
16 name, he's not a respondent I think, but he's a former  
17 Brother. Perhaps it can be left to the Commission to  
18 check the transcripts in relation to it. I think  
19 that's probably more appropriate.  
20 THE CHAIRPERSON: I think so.  
21 MR. McGOVERN: Because it was evidence  
22 that emerged in a private  
23 hearing.  
24 THE CHAIRPERSON: Br. Mini hane accepts that  
25 the information furnished  
26 to the Department was totally inaccurate.  
27 MR. McGOVERN: Yes, very good. I can move  
28 on then.  
29 A. Chairman, that's in respect of what we are talking

1 about.

2 189 Q. THE CHAIRPERSON: I understand. But it casts  
3 a doubt over anything else,  
4 doesn't it? I mean, if it says the boys were all happy  
5 in 1943 one has to have a bit of a question mark over  
6 that. I'm not saying it does, it is just that's the  
7 reality.

8 A. I accept that.

9 190 Q. MR. McGOVERN: Can I ask you about the  
10 Punishment Book. You  
11 agree, and I think we all know this, the regulations  
12 required a Punishment Book to be kept by all industrial  
13 schools, and there appears to be no Punishment Book  
14 that was produced by St. Joseph's Greenmount. Do you  
15 know whether a Punishment Book existed or not?

16 A. As I explained earlier, we have no knowledge whatsoever  
17 of a Punishment Book. We have searched all our  
18 archives and everything and, as I said earlier, we have  
19 no reference to it from people that should have  
20 adverted to it.

21 191 Q. A former Brother gave evidence before the Commission,  
22 in which he was asked about punishment being carried  
23 out in a storeroom. He said that he knew this happened  
24 but never saw it happening, he said it was hearsay.  
25 But he knew that punishment was administered there and  
26 a record was kept to be seen by a representative of the  
27 Department of Education. Would that have been a  
28 Punishment Book he would have been talking about?

29 A. I have read that and, again, I can't add anything to



1 question of the policy of the Presentation Brothers I  
2 am concerned with in investigation matters which may  
3 turn out to amount to nothing but which on the other  
4 hand could be serious. If you look at this, it is  
5 talking about a Brother and it is making reference to  
6 people visiting his room, and him denying any  
7 impropriety. He's saying the only visitors to his room  
8 were his brother, when in town, and an electrician to  
9 fix his electric fire. What do you think one was to  
10 understand about discussion about somebody visiting a  
11 Brother's room?

12 A. I would go along with your thinking except I know the  
13 man.

14 196 Q. It may have been an entirely innocent visit, and I  
15 accept that.

16 A. Yes.

17 197 Q. But what I want to know is was an investigation carried  
18 out to ensure that it was entirely innocent?

19 A. Well, that question of visiting a room was referred to  
20 in various visitation reports, that a Brother's room  
21 was a sacred place. I think if you read through the  
22 visitation reports that's referred to repeatedly, and  
23 that's what is in question there. I'm not sure what  
24 the reference to his brother is, I don't know anything  
25 about that.

26 198 Q. So you think that this reference was more about the  
27 inviolability of the Brother's room, or cell, than a  
28 concern that people might be in his room who shouldn't  
29 be in the room?

1 A. Yes.

2 199 Q. Invited by him perhaps?

3 A. Yes. Yes, I think so.

4 200 Q. I see. But do you recall any investigation being  
5 carried out to see was there something that people  
6 should be worried about?

7 A. No, no.

8 201 Q. I see.

9 THE CHAIRPERSON: It is clear, Brother, from  
10 these -- sorry, let me  
11 start again. Do you agree that it is clear that there  
12 were charges or allegations against this particular  
13 Brother?

14 A. I'm not.

15 202 Q. THE CHAIRPERSON: But it says here:  
16 "he has denied all the charges against  
17 him...it is hard to get concrete  
18 evidence."

19 A. Yes. These would be charges that would have been  
20 something like going to the kitchen late at night,  
21 looking for food. Because it was only in later years,  
22 as I have said already, that he was discovered to be a  
23 diabetic. And he was a bit obese and he was always  
24 looking for food. So that is the type of charge I  
25 think is in question there.

26 203 Q. THE CHAIRPERSON: All right. Well that's  
27 something for us, obviously, to consider. I have to  
28 tell you that when I read the series of references,  
29 year by year, in the reports, not the visitation

1 reports but the reports to the Provincial Council --  
2 that's separate and I want to ask you something about  
3 those in the end if Mr. McGovern doesn't pursue it --  
4 but a succession of references that certainly I took as  
5 being code for sexual activity. You don't agree with  
6 that?

7 A. I don't.

8 204 Q. THE CHAIRPERSON: I will look at it again,  
9 and, obviously, I can't  
10 speak for my colleagues, but I just want your view on  
11 that. That's what it looked like to me, and when I  
12 look at this and see he's a menace in the situation it  
13 doesn't look to me like somebody sneaking off to raid  
14 the fridge, to be frank.

15 A. My view of that is that this man was a headache to the  
16 Superiors, and continuously so, for reasons that had  
17 got nothing to do with abuse.

18 THE CHAIRPERSON: All right.

19 205 Q. MR. MCGOVERN: Why would the statement  
20 say:

21 "Br. X will always be a danger there."

22 Was it dangerous to be running off to the kitchen?

23 A. Dangerous in that -- there is a reference again in  
24 repeated in visitation books that, and I have a note  
25 made of it here, that:

26 "The affairs of the Brothers should not  
27 be discussed with outsiders."

28  
29 That's referred to repeatedly. That was the type of



1 in a nursing home, the last ten or fifteen years of his  
2 life.

3 MR. LOWE: Was he a drinking man?

4 A. No, no. In fact, he was a total abstainer I would say.  
5 But my point about diabetes I think is that I think he  
6 was late being diagnosed with diabetes and for that  
7 reason his blood sugars and all would have been haywire  
8 at the time where we had made these allegations before  
9 us.

10 212 Q. MR. McGOVERN: I see. Apart from the  
11 canonical investigation,  
12 which I will come to briefly in a moment, do you ever  
13 remember any allegations being made against Brothers of  
14 inappropriate sexual behaviour which were investigated?  
15 Whether they turned out to be true or not I'm not  
16 really concerned about. But do you remember any  
17 allegations being made and those being investigated?

18 A. I have no knowledge of that.

19 213 Q. But do you remember any allegations being made, whether  
20 they were investigated or not?

21 A. The allegations of 1955.

22 214 Q. Yes.

23 A. What I knew about those I told you.

24 215 Q. Are they the ones that the canonical investigation took  
25 place in respect of?

26 A. Yes.

27 216 Q. And the Bishop put that in train?

28 A. Yes.

29 217 Q. Did he come in at the behest of the Brothers or did



1 he... (INTERJECTION)

2 A. There are various descriptions of what happened there.

3 One is that it was a visiting chaplain who got to know

4 it, and that is well documented.

5 218 Q. I think you are correct there, yes?

6 A. I think all aspects of that are in Keogh.

7 219 Q. Were the Brothers subordinate to the rule of the Bishop

8 or were they independent of the Bishop?

9 A. They were independent to the extent that we had our own

10 authority. But we were working in his diocese.

11 220 Q. Of course. But you wouldn't have been directly

12 subordinate to the authority of the Bishop?

13 A. No, no.

14 221 Q. What you seem to be suggesting is that in 1955 an

15 outsider, if I may call him that, a priest had some

16 reservations and on foot of that the Bishop instigated

17 an investigation?

18 A. Yes.

19 222 Q. Did the community of the Presentation Brothers know

20 this investigation was taking place?

21 A. Do you mean the community in Greenmount?

22 223 Q. Yes.

23 A. They were part of the investigation.

24 224 Q. They must have been interviewed, I would assume?

25 A. Yes.

26 225 Q. Did the community carry out its own investigation?

27 A. I don't know. You see, one of those being investigated

28 was then Superior. So he left.

29 226 Q. Well was it taken to another senior member of the

1 Order, perhaps outside Greenmount, then to investigate?

2 A. Well Br. Nicholas is the man that's mentioned there, he  
3 visited there.

4 227 Q. But are there any records of an investigation into what  
5 were serious allegations?

6 A. Within the Order?

7 228 Q. Within the Order?

8 A. The only records we have are all, even snippets of  
9 information, were all made available to Keogh and they  
10 are documented there.

11 229 Q. Yes. Did you ever see the fruits of any  
12 investigations?

13 A. In what sense?

14 230 Q. Well, do you know if an investigation within the  
15 Presentation Brothers was concluded or not?

16 A. No.

17 231 Q. Did you ever receive the report that went to Bishop?

18 A. No.

19 232 Q. Professor Keogh, in his very detailed history of the  
20 Order, at page 171 of his account makes an interesting  
21 point. He said there is no evidence of the report of  
22 the canonical investigation and raises the query as to  
23 why it didn't survive. It is suggested by a former  
24 chaplain to Greenmount that perhaps the Bishop had torn  
25 it up, as he had something of a reputation for tearing  
26 up correspondence, at least. Did you ever hear that?

27 A. No, that was news to me now. I knew Fr. Goode very  
28 well, and he and the Bishop had a very close  
29 relationship. So he would have known this quality or

1 characteristic of him.

2 233 Q. So Fr. Goode would have been in a position to know the  
3 Bishop's ways and habits?

4 A. I think the question of Fr. Goode and the Bishop of  
5 Cork is a national issue.

6 234 Q. I think it may well be. So it seems then that he told  
7 Professor Keogh that the Bishop was notorious for  
8 tearing up correspondence and that might have been what  
9 happened to the report?

10 A. Yes. Yes. It is stated there that two of our Brothers  
11 trawled the archives of the Cork and the Kerry diocese  
12 just in case. Canon Lane was later Dean of Kerry and  
13 in Tralee, and they trawled through both and found  
14 nothing.

15 235 Q. So a report had been commissioned, as it were, by the  
16 Bishop into serious allegations in relation to -- was  
17 it two brothers?

18 A. Yes.

19 236 Q. And no report ever turned up, for whatever reason. Did  
20 that cause concern in the Presentation Brothers?

21 A. Well I suppose when we started looking into it in  
22 recent years it was surprising that some form of report  
23 didn't emerge.

24 237 Q. Was it not of more concern to you at that time?  
25 Somebody was waiting on a judgment, as it were, on this  
26 particular issue, a serious issue, whether the facts  
27 were true or untrue, as alleged.

28 A. Yes.

29 238 Q. Did anyone ever discuss when we were going to hear the

1 outcome of this investigation, or why has nobody told  
2 us anything?

3 A. The authorities at the time would have been the people  
4 dealing with that. They are all dead since the late  
5 50's so I can't answer that question.

6 239 Q. Yes. But there is nothing in the records you have seen  
7 which would indicate that anybody ever expressed any  
8 concern that this issue remained unresolved, the issue  
9 of what was in the report?

10 A. All I can do is quote what Keogh says:  
11  
12 "I am completely satisfied that every  
13 effort is being made by the Order to  
comb their archives for all relevant  
documentati on."

14 240 Q. And that's as much as you can help us with it?

15 A. Yes, yes.

16 241 Q. Very good. There is just one or two other issues that  
17 I would like to deal with.

18 THE CHAIRPERSON: For whatever reason, it was  
19 thought appropriate that no  
20 copy of this document should survive, for whatever  
21 reason. It doesn't exist, it is not there, and the  
22 question is: Is it speculation or inference? That's a  
23 matter we have to worry about, as to why it might have  
24 gone missing.

25 242 Q. MR. McGOVERN: Yes. There was evidence  
26 given that the food was  
27 bad, do you accept that or not?

28 A. I accept that every effort was made during the war  
29 years to have the food as good as possible. I think

1                   that is referred to repeatedly by the medical officer.

2   243   Q.    Yes.

3                   A.    She has always been praiseworthy of the food in

4                   Greenmount.

5   244   Q.    Yes.  There is a document I'm putting up on the screen

6                   there, I'm not going to delay on this, but it is a 1957

7                   document and it, I believe, comes from a visitation

8                   report.  It says that:

9   "The boys seem to be well supervised

10    etc.  At the same time they appear to

11    be very raggedy and unkempt."

12                  A.    What's the date on that?

13   245   Q.    It is 1957?

14                  A.    '57.

15   246   Q.    The fact that a visitor says that they were very

16                   raggedy and unkempt would, I suggest, indicate that

17                   there wasn't that much care taken for their welfare.

18                  A.    There was always a struggle for making ends meet.  The

19                   funds available, which I am sure you are aware of, even

20                   at that stage was something like 22 shillings and 6

21                   pence a week for each boy.  Now, if the number of boys

22                   was diminishing then I think the first thing to suffer

23                   was probably the clothing, rather than the food.  I

24                   think there was a continuous struggle going on during

25                   the 40's and 50's to make ends meet.  Again, I would

26                   refer you to the financial report.

27   247   Q.    I know it is difficult for all of us to cast our mind

28                   back to the hardship of those years, but even allowing

29                   for that would you accept that perhaps the children

1           there were kept in a less than satisfactory state?

2           A.     That's a statement of fact by an observer, I can't

3           quibble with it, it is true.

4   248   Q.     An issue that arises from time to time, in fact with

5           great regularity I have to say in the annual reports

6           from the manager, is that there was a problem with the

7           trade union and getting them to accept the skills of

8           the boys, that they would have learnt in the industrial

9           schools, or accepting them into any of the trades. Do

10          you recall that?

11          A.     That's mentioned repeatedly.

12   249   Q.     Yes, repeatedly.

13          A.     Yes.

14   250   Q.     I will just quote from one entry, it says:

15                                 "It is indeed difficult to obtain

16                                 positions at skilled trades in the city

17                                 owing to trades union."

18          A.     Yes.

19   251   Q.     This seems to have been a recurring problem?

20          A.     Yes.

21   252   Q.     What did the Presentation Brothers do about that, to

22           overcome that problem?

23          A.     All they could do is accept it and try and place the

24           boys somewhere else. Because in the cities, and in

25           that case I presume we are referring to Cork only, that

26           this problem was there and even though it was objected

27           to it was not overcome, because it is repeated year

28           after year.

29   253   Q.     Why do you say they just had to accept it? Couldn't

1           they have tried to do something about it? Did they  
2           ever, for example, get in touch with the Department of  
3           Education and say, look, we are having a problem here  
4           with the trades union, if you can't deal with this  
5           maybe you would get on to the Department of Labour, or  
6           whatever it was in those decades, and see if they can  
7           sort this out?

8           A.   Well what you are quoting to me is a report to the  
9           Department of Education. That's where you are quote  
10          from.

11   254   Q.   Yes, but did anyone in the Presentation Brothers ever  
12          seek a meeting on this issue?

13          A.   I'm not aware of that.

14   255   Q.   It was a serious issue?

15          A.   Yes.

16   256   Q.   In fact, can I invite you to agree it was a fundamental  
17          issue, because these children from backgrounds of  
18          deprivation, they were there to get an education in an  
19          industrial school, in trades; isn't that right?

20          A.   That's true.

21   257   Q.   So the very purpose of the school was defeated if they  
22          couldn't go out and be accepted by the trades union, or  
23          get into skilled positions or apprenticeships with  
24          unions controlled bodies. Would you agree with that?

25          A.   I would. But unions were closed shops at the time. I  
26          don't know what efforts the Brothers made, but they  
27          report year after year that the unions were a huge  
28          barrier to placing their boys.

29   258   Q.   But apart from reporting it year after year, do you

1 know of any evidence in the documents to show that they  
2 took it further?

3 A. I don't.

4 259 Q. And said this is a disgrace, we must do something about  
5 it?

6 A. No, I have seen nothing.

7 260 Q. Is there any evidence that anyone in the Presentation  
8 Brothers every sought a meeting with trade union  
9 officials to discuss the issue?

10 A. I have never seen it.

11 261 Q. Do you know why not?

12 A. I don't.

13 262 Q. On the issue of the trades that they were taught, a  
14 number of witnesses gave evidence that they felt they  
15 were put to work in the bakery, or wherever, for the  
16 purpose of suppling the school, whether it be with  
17 bread or with footwear, or whatever, or farm produce,  
18 but that they weren't there to learn anything but more  
19 they were there as workers to provide materials for the  
20 school. Do you think that's fair, in the light of the  
21 documentation you have read and the evidence you have  
22 heard?

23 A. I don't accept it. I accept that in hindsight the  
24 people concerned might look at it that way. But I have  
25 a clear memory of boys in the bakery regarding it as a  
26 huge plus to be in the bakery, as many of them got jobs  
27 out of that later.

28 263 Q. And they got bread, is that right, bits of bread to  
29 eat?



1 A. I don't know that.

2 264 Q. Well one city boy said he was sent to the farm and said  
3 he was never trained for anything else. Now, he may be  
4 right or wrong about that, but do you think that's  
5 something that may have happened, that people were just  
6 shoved into work without any real assessment as to  
7 whether their background suited them for this or the  
8 future they might be going to would suit them for it?

9 A. I think it was a case of making ends meet. Most of  
10 them were city boys, so if farm training was part of  
11 the training some had to go to the farm.

12 265 Q. If we look at the list of trades, they were, if I may  
13 put it, fairly old fashioned trades. I know farming is  
14 farming and we still have farmers working in a totally  
15 different way to them. But apart from the farming  
16 there was tailoring and baking, and things like that.  
17 Do you think the school evolved with the times to  
18 ensure that these were jobs, or trades rather, the boys  
19 could use when they got out?

20 A. I think that's something we are looking back at now.  
21 But in the 40's and 50's these trades were viable.

22 266 Q. Well do you think they were?

23 A. I think so. I quote you here from file 71 from the  
24 Department. It says:  
25  
26 "It has invidious to make comparisons  
27 between one school and another, but we  
28 desire to state how favourably we were  
impressed with the management of  
Greenmount school."

29 That is referring to what you are talking about now,

1 the trade issue, that trades were being taught in a  
2 superficial way, and that the training of the people  
3 who were the trainers, as it were, the carpenters and  
4 so on, that they were not trained teachers. Now that's  
5 valid I think, they were not trained teachers but they  
6 were trained carpenters.

7 267 Q. They weren't trained teachers? But wasn't there an  
8 obligation under the rules of the industrial schools,  
9 for the schools to give information to the Department  
10 on the level of training and qualifications of people  
11 teaching? I will read you the extract if I can lay my  
12 hands on it. First of all I would like you to just  
13 answer this: The rules and regulations were the ones  
14 certified for industrial schools in Saorstát na  
15 h'Eireann, isn't that right?

16 A. Uh-huh.

17 268 Q. Under industrial training it refers to this I think --  
18 just bear with me for a moment. Yes, it says:

19 "Each school shall submit, for approval  
20 by the inspector, a list setting forth  
21 the occupations which constitute the  
22 industrial training of the children and  
the qualifications of the instructors  
employed to direct the work."

23  
24 Was that ever done, "the qualifications of the  
25 instructors"?

26 A. I think the qualifications of the instructors would  
27 have been a carpenter, a shoe maker, a baker. They  
28 were a trained baker, shoe maker and carpenter. But I  
29 would question what you are saying with regard to their

1 ability to teach those subjects.

2 269 Q. This wasn't an optional provision. It said:

3 "Each school shall submit for approval  
4 by the inspectors a list setting forth  
5 the occupations, etc. and the  
6 qualifications of the instructors  
employed".

7 A. There were two questions there. First of all, there  
8 was the payment of them and secondly, there was the  
9 availability of them, I said both would have been valid  
10 questions. That they just weren't available, such  
11 people.

12 270 Q. Are we to understand from that, Brother, that, in fact,  
13 the schools, well Greenmount at any rate, didn't submit  
14 for the approval of the inspectors, the qualifications?

15 A. I don't know that.

16 271 Q. Have you seen any evidence from the vast amounts of  
17 documents you have read to show that they did?

18 A. The names were submitted, but I don't know about the  
19 qualifications, except that they were given as  
20 carpenter or a baker.

21 272 Q. Do you know anything about how qualified these people  
22 were?

23 A. I don't.

24 273 Q. What strikes me, in looking at the documents, Brother,  
25 and maybe you will comment on this, is that there is no  
26 mention of training of boys to be, for example,  
27 electricians, plumbers, mechanics or getting them into  
28 apprenticeship in those trades; would you agree with  
29 that?

1 A. There is evidence in the early 1940's where they did go  
2 out to Crawford Municipal Technical School and some of  
3 them were qualified.

4 274 Q. In those trades?

5 A. In those trades, yes.

6 275 Q. Because there wouldn't be a town or village in the  
7 country where you couldn't get work if you had some  
8 skills in that area, even in the 1940's and 1950's,  
9 wouldn't that be right?

10 A. Yes.

11 276 Q. Would you agree that those types of trades would have  
12 been more relevant to the evolving Ireland, backward as  
13 it may have been in those days?

14 A. I think that's a valid criticism from our point of view  
15 now. But I think being in it at the time it was a case  
16 of doing the best with the available finance.

17 277 Q. But there doesn't, as far as I can see, appear to be  
18 any documentary evidence to show that meetings took  
19 place between the manager or anyone else in Greenmount  
20 and, for example, Government Departments, be it the  
21 Department of Education or Labour, or whatever, to see  
22 about evolving the situation?

23 A. There were repeated meetings of the joint Resident  
24 Managers and the topic was always finance. They were  
25 always trying to make ends meet.

26 278 Q. Do you know did the topic of relevant trades being  
27 taught or the issue of boys being sent out, if  
28 necessary, to learn relevant trades, was that ever  
29 discussed?

1 A. I don't know, except that I have not seen it in any of  
2 the reports from the visiting inspectors or any  
3 department people.

4 MR. McGOVERN: Thank you very much,  
5 Brother. I have no further  
6 questions.

7  
8 END OF QUESTIONING OF BR. MINIHANE BY THE COMMISSION

9  
10 THE CHAIRPERSON: Now, Mr. Collins. Are you  
11 in a sufficiently  
12 comfortable position, Mr. Collins?

13 MR. COLLINS: Possibly as comfortable as  
14 I am going to be. I don't  
15 have that many questions to put, Chairman, I just want  
16 to take up a number of general issues which arise out  
17 of the questioning that has already been posed,  
18 hopefully we won't be going over any additional ground.

19 THE CHAIRPERSON: Yes, certainly.  
20  
21

22 BR. MINIHANE WAS EXAMINED, AS FOLLOWS, BY MR. COLLINS:

23  
24 279 Q. MR. COLLINS: Br. Minihane, certain  
25 questions have been put to  
26 you concerning abuse of various kinds that is alleged  
27 to have taken place in the school. Could you describe  
28 the location of the school, the context -- physical and  
29 geographical context of the school and social context

1 of the school in Greenmount?

2 A. Yes. The school was situated city centre. There was  
3 another large primary school on the same grounds. It  
4 was fairly open, a fairly open school, in that there  
5 was regular coming and going. So it wasn't a school  
6 with high walls around it. It was quite open.

7 280 Q. Did the Presentation Brothers have any particular role  
8 in the society in the area, particularly in the  
9 immediate surroundings of the school?

10 A. Well, I say they would have been involved in the --  
11 anybody who knows the area would see that it is in the  
12 centre of a parish known as the Lough Parish, which is  
13 the parish which gave home to St. Finbar's hurling  
14 club, and there was a continuous relationship between  
15 the Brothers and St. Finbar's club. In fact, some of  
16 the boys would have played hurling in what was known as  
17 the Lough Parish League, which was a parish thing.

18 281 Q. You said there was a lot of coming and going, for  
19 instance, the evidence seems to be it was one of the  
20 pupils who gave evidence before, at Phase II, gave  
21 evidence of the fact that he was -- the Brothers  
22 arranged for him to go to a family on visits every  
23 month, he not being in contact with his own mother?

24 A. That was a regular feature, that boys were allowed out,  
25 the Cork city boys were allowed out at weekends,  
26 Sundays and also at summertime. But what you are  
27 referring to there is a family sponsoring a boy who had  
28 no home to go to. That was a feature of Greenmount.

29 282 Q. How was that organised?

- 1 A. I think the sponsors would have been sussed out by the  
2 Brothers, one of those has been very complimentary.  
3 One of the seven people who came in Phase II was very  
4 complimentary to that family and has maintained his  
5 relationship with them to this day.
- 6 283 Q. Would it be the case that once boys were discharged  
7 from the industrial school, would they ever attend, for  
8 example, the other primary school that was on the  
9 premises?
- 10 A. Oh yes. Boys from the locality, who would have been in  
11 Greenmount for maybe family reasons, maybe sickness of  
12 a parent or so, when they were discharged they would go  
13 to the other school.
- 14 284 Q. Would there be much interaction with past pupils of the  
15 school?
- 16 A. It was a regular feature in the 1940's and 1950's that  
17 past boys came back. In fact, it is mentioned in the  
18 reports as well, past boys came back to visit the  
19 school.
- 20 285 Q. Now, the Commission is already well aware of the  
21 excursions and so on that were organised, and you have  
22 said the school therefore was in a very central  
23 position, it was quite an open institution, is there  
24 any conclusions you would draw from that regarding the  
25 allegations of abuse or that?
- 26 A. I suppose they are pretty obvious, that if it was a  
27 place where abuse was practiced, that people were  
28 coming in and out all the time, it should have been  
29 open to observation, or whatever you like.

1 286 Q. And you have made the point, of course, that you have  
2 accepted that there was excessive physical punishment  
3 or abuse, certainly in the light of -- excessive in any  
4 way, but certainly in the light of today's standards?  
5 THE CHAIRPERSON: Could you clarify that for  
6 us, Mr. Collins, what does  
7 that mean? And to be fair to Br. Minihane, he's not  
8 the only one who has said, "oh, well, by today's  
9 standards the punishment was excessive." What does  
10 that mean?  
11 MR. COLLINS: I'm not the witness,  
12 Chairman.  
13 287 Q. THE CHAIRPERSON: Perhaps you would elucidate  
14 for us, Br. Minihane, what  
15 does that mean?  
16 A. It means, Chairman, my interpretation of it is that  
17 corporal punishment in schools was totally acceptable  
18 until 1982.  
19 288 Q. THE CHAIRPERSON: Agreed.  
20 A. So today's standards are... (INTERJECTION).  
21 289 Q. THE CHAIRPERSON: We are not in dispute about  
22 that, that's a fact. And  
23 corporal punishment in schools is not permitted today.  
24 A. Right.  
25 290 Q. THE CHAIRPERSON: Therefore, any corporal  
26 punishment, howsoever  
27 slight, is not acceptable by today's standards.  
28 A. Yeah.  
29 291 Q. THE CHAIRPERSON: All right. So when you say





1 well by today's standards that would be excessive",  
2 because the fellow in the next classroom who might have  
3 been saintly but still exercising some punishment was  
4 still excessive by today's standards. I am sorry for  
5 making a speech about that. Can you help us about  
6 that?

7 A. I think that -- I can only give my own experience. In  
8 the school that I went to on occasion I would have  
9 observed -- on occasion not all the time, I would have  
10 observed what I would have interpreted at the time as  
11 excessive. Maybe it was a bad day for the teacher, but  
12 that sort of thing happened country wide, in my  
13 experience. That occasional busts, we'll call them, of  
14 punishment.

15 293 Q. THE CHAIRPERSON: There was excessive  
16 punishment?

17 A. Yes, yes. I think that's what we are talking about.

18 294 Q. THE CHAIRPERSON: One doesn't have to say by  
19 today's standards?

20 A. I agree.

21 THE CHAIRPERSON: It is not a criticism, it  
22 is just a clarification, it  
23 is just so we know where we are going. We can leave  
24 that out, in fact, we are better off, we are clearer.  
25 Sorry, Mr. Collins.

26 295 Q. MR. LOWE: Can I just point out that  
27 if corporal punishment was  
28 acceptable up to a certain level, the reports would say  
29 things like "nature or punishment for misconduct,

1 forfeiture of rewards and privileges", suggests that  
2 there was a different concept at work, at least on  
3 paper?  
4 A. I agree.  
5 MR. LOWE: Yes.  
6 THE CHAIRPERSON: Poor Mr. Collins started  
7 all that when he said "by  
8 today's standards."  
9 MR. COLLINS: In many ways, Chairman, it  
10 is useful and it is  
11 relevant --  
12 THE CHAIRPERSON: It is a relevant question.  
13 Thank you very much.  
14 296 Q. MR. COLLINS: -- and it is elucidated in  
15 its form.  
16  
17 (To the witness) Perhaps just the next general point to  
18 move on from this particular issue is that,  
19 nonetheless -- just to finish off on the issue.  
20 Nonetheless, the school, as you said, Brother, that the  
21 school was one that was not isolated or cut off from  
22 the community, and had there been a lot of very bad  
23 things going on that would have been known generally,  
24 I'll put it that way?  
25 A. It was part of the locality and was central to it.  
26 Like clubs would have come in to use the pitches,  
27 training and that sort of thing.  
28 297 Q. Very good. Coming to the business of the school's  
29 closure, there is discovery from the Department of

1 Education that shows, as a matter of fact and I'm not  
2 going to put it to you, you are not in a position to  
3 deal with this. But it demonstrates that numbers were  
4 falling post war, much to the surprise of the  
5 Department, in fact. I don't think that can really be  
6 contested. Would you be surprised if I were to put it  
7 to you that when an inspection was carried out in  
8 November 1952, and this is a document which we have  
9 received on discovery from the Department, that the  
10 school manager informed the inspector that when the  
11 numbers "fall to 150 school will surrender its  
12 certificate"?

13 A. That's right, that statement was made as early as 1952.

14 298 Q. 1952?

15 A. Yes.

16 299 Q. Before any of the matters that were being canvassed  
17 this morning?

18 A. Exactly.

19 300 Q. Then there is the question of course of who had  
20 authority to close the school. Brother, you are not an  
21 expert on Canon Law, but we do have some correspondence  
22 that was discovered, and perhaps given some of the  
23 matters that arose this morning I might open up this to  
24 you. I'm not sure if perhaps a copy could be provided  
25 of the relevant letters. They are letters which are in  
26 the Bishop's discovery, and from the Commission's point  
27 of view I should just refer to them as BDGM 005, BDGM  
28 006, BDGM 007, they are three letters, correspondence,  
29 in February 1959. Perhaps the Commission has a note of

1           them. Perhaps they could just be handed to  
2           Br. Mini hane (Same Handed).

3  
4           These are the three letters just. The first is a  
5           letter that seems to come from the Bishop's office, or  
6           from the Bishop himself, it is not clear. It states,  
7           it states as follows, in the fourth paragraph:

8                                "It is the closing down of the  
9                                industrial school that is the Bishop's  
10                              direct concern. Change from an  
11                              external work to an internal work, that  
12                              is from an industrial school to a  
13                              juniorate, is what is in question. You  
14                              have that change, I'm informed, by an  
15                              independent expert in Canon Law whom I  
16                              consulted. Formal permission is  
17                              necessary from the local ordinand. To  
18                              give that permission it must be asked  
19                              and a reason or reasons given for the  
20                              proposed change. I may add that the  
21                              convenience or good of the religious  
22                              community is not a sufficient reason  
23                              unless it is also shown that the  
24                              closing of the school is not against  
25                              the public good or the good of the boys  
26                              concerned. Perhaps then you would put  
27                              before me the reasons for the proposed  
28                              change."

20           Have you seen that letter, Brother?

21           A.    Yes, I have it.

22    301   Q.    And you are acquainted with it?

23           A.    Yes.

24    302   Q.    That would seem to indicate that there had been some  
25                correspondence, the Commission has of course, but  
26                principally that permission had to be obtained from the  
27                Bishop?

28           A.    Yes.

29    303   Q.    Then the next letter BDGM 006 is dated the following

1 day, 7th February 1959, and the reasons for closing the  
2 school are set out there. The Commission has those,  
3 but it states that, it is the author, Fr. O'Brien,  
4 Superior General:

5 "Apologises for putting his case very  
6 badly to the Bishop and regrets that he  
7 was not sufficiently informed as to the  
8 necessity proceeding your permission in  
9 connection with the step we propose to  
10 take."

11 Then he puts forward the reasons and there are four  
12 reasons. The first being:

13 "That over a period of years the  
14 constant decline in numbers made  
15 working in the establishment uneconomic  
16 and consequently difficult to cater  
17 adequately for the temporal needs of  
18 the boys. We believe that if the  
19 temporal needs of the boys were not  
20 made their spiritual and moral  
21 wellbeing will suffer and the  
22 institution will fail to achieve its  
23 purpose.

24 2. We are satisfied the public good  
25 and the good of the boys will not  
26 suffer as a result of the closing of  
27 the school. We understand there is  
28 ample accommodation in other industrial  
29 schools in Munster for all the boys who  
are now in Greenmount. Consequently we  
feel the need for Greenmount as an  
industrial school no longer exists.

30 3. Because of the difficulty to  
31 provide suitably trained Brothers to  
32 staff such an institution, Greenmount  
33 being the only school of its kind which  
34 we have in Ireland.

35 4. If we cannot use Greenmount as an  
36 extra juniate we must build now at  
37 short notice an extension to Douglas  
38 juniate or provide alternative  
39 accommodation.

40 These are the reasons, my Lord, which

1 we believe justify us in applying to  
2 you now for the necessary permission to  
3 effect the proposed change."

4 I see that letter as well. That's your understanding  
5 of the reasons why the school was changed?

6 A. Yes.

7 304 Q. Then there is a letter dated 11th February 1959, it is  
8 the last of the sequence and it is stated there -- it  
9 seems to be signed in typewritten form anyway by the  
10 Bishop of Cork and New Ross:

11 "In view of the reasons for the change  
12 submitted in your letter of February  
13 7th and on the understanding that the  
14 boys in Greenmount are provided with  
15 suitable alternative accommodation and  
16 that you will, as intimated to me in  
17 our interview, give up your holding in  
18 Passage Parish.

16 I hereby approve in accordance with  
17 Canon 497 of the Code of your closing  
18 down Greenmount Industrial School and  
19 using the building there for aspirants  
20 of your Congregation".

19 A. Do you want me to comment on that?

20 305 Q. Just to say that you are aware of this correspondence?

21 A. Yes.

22 306 Q. That would seem to indicate the circumstances in which  
23 the school closed?

24 A. That's right.

25 307 Q. And two principle reasons would seem to be, as you  
26 canvassed in questions with Mr. O'Leary, that the  
27 numbers were falling and that is indicated as far as  
28 1952 and the situation concerning the availability of  
29 suitably trained Brothers, given the evolving nature of

1 the pupils?

2 A. Yes.

3 308 Q. Another matter was raised by Mr. McGovern, if I could  
4 perhaps turn on the question of Br. X. A document was  
5 put before you. There is another reference to Br. X in  
6 a similar document, it is another one of the reports,  
7 Provincial Reports, and it is dated June 1955. I  
8 haven't a number for it, but just to locate the  
9 document, June 1955, which notes -- and I think it is  
10 perhaps important to point this out to the Commission,  
11 that on the internal report it notes that 140 boys were  
12 residents in June 1955 which is below, of course, the  
13 figure of 150 indicated in 1952.

14

15 I just want to read out the following passage and ask  
16 you to comment on it. It states:

17

18 "Br. X will always be a danger there.  
19 He has no sense of responsibility. It  
20 is always difficult where he is when  
21 out or when he goes out or comes back.  
22 The Superior made the mistake of  
23 putting him in charge of the flag day  
24 (for the band) activities. He is  
25 evidently very good at that type of  
26 work but not responsible enough."

23

24 Could you comment on that passage?

25 A. I think that only adds to what I said earlier about  
26 this man, that he was, as I said, a maverick with  
27 tendencies that could lead to irresponsibility and,  
28 above all, not being a team player.

29 309 Q. Would you comment on the observation, the reference



1           that "he will always be a danger" and then the context  
2           in which that is put?

3           A.    I think it only emphasises what I said earlier.

4 310 Q.    Very well. Perhaps you might just describe as well,  
5           because it is something which hadn't really come out,  
6           obviously these were internal report and dealt with the  
7           religious life of the Brothers. What type of -- I'm  
8           only asking this in short form because this isn't a  
9           Commission to investigate into monastic life, but could  
10          you explain the type of rigours that members of the  
11          Order were required to keep at that time in the 1950's  
12          by the Order and the type of things that would -- if  
13          you breached them, would constitute an infraction that  
14          would be investigated by the Order itself, as a breach  
15          of the monastic life?

16          A.    That's referred to in the first document, the first  
17          thing you quoted about Br. X, that it was forbidden to  
18          leave the grounds, really, alone. That was one thing  
19          he was prone to do. In other words, he went where he  
20          liked when he liked and that was very much contrary to  
21          regulations at the time.

22 311 Q.    And then in terms of the -- it was touched upon, I  
23          think, in your answer to Mr. McGovern, the  
24          inviolability of the monk's room or cell, could you say  
25          something more about that?

26          A.    That was repeatedly stressed right through visitation  
27          time. And when we are talking about visitation now, we  
28          are talking about something that happened in every one  
29          of our houses, it wasn't just Greenmount. That type of



1 second. What did that  
2 mean, before 1952?  
3 A. Before 1952 the Irish situation was governed by the  
4 General Council.  
5 316 Q. THE CHAIRPERSON: Which was where?  
6 A. Which was in Cork, Mount St. Joseph's in Cork. Post  
7 1952, the Provincial Council was in charge of the Irish  
8 province and they would report back then to the General  
9 Council.  
10 317 Q. THE CHAIRPERSON: Before and after 1952 the  
11 head, or the authority, the  
12 governing authority for the Presentation Brothers was  
13 the General Council.  
14 A. That's right.  
15 318 Q. THE CHAIRPERSON: Before and after?  
16 A. That's right.  
17 319 Q. THE CHAIRPERSON: Its location is not  
18 important but it happened  
19 to be located in Cork, but that's not important?  
20 A. Yes.  
21 320 Q. THE CHAIRPERSON: So Greenmount would have  
22 reported before 1952 to the  
23 General Council?  
24 A. Correct.  
25 321 Q. THE CHAIRPERSON: But after 1952 we find that  
26 the operations of the  
27 Presentation Brothers are divided into provinces; is  
28 that right?  
29 A. Yes.

1 322 Q. THE CHAIRPERSON: Of which one province is  
2 Ireland, or whatever; is  
3 that right?  
4 A. That's right.  
5 323 Q. THE CHAIRPERSON: Then presumably you had  
6 places abroad and  
7 other... (INTERJECTION)?  
8 A. Yes.  
9 324 Q. THE CHAIRPERSON: So that would be the  
10 province or whatever it  
11 was?  
12 A. Yes.  
13 325 Q. THE CHAIRPERSON: Now there was a lower  
14 level, there was another  
15 level introduced?  
16 A. A tier of authority.  
17 326 Q. THE CHAIRPERSON: A tier, thank you very  
18 much. Which is the  
19 Provincial Council. So from 1952 onwards a visitor  
20 would come presumably from the Provincial Council and  
21 report back to the other members of that Provincial  
22 Council?  
23 A. That's right.  
24 327 Q. THE CHAIRPERSON: But before that, he would  
25 be reporting to the General  
26 Council?  
27 A. Yes.  
28 THE CHAIRPERSON: Thank you very much.  
29 A. There might be other variations of that.

1 328 Q. THE CHAIRPERSON: In relation to the point I  
2 am asking, the Visitation  
3 Report, the Visitation Book, of which we have these  
4 exhibits, that's left in Greenmount in this case?  
5 A. Yes.  
6 329 Q. THE CHAIRPERSON: But he makes a separate  
7 report prior the 1952 to  
8 the General Council?  
9 A. Yes. Sometimes he was a member of the General Council.  
10 330 Q. THE CHAIRPERSON: I understand that, yeah.  
11 This would be before 1952?  
12 A. That's right.  
13 331 Q. THE CHAIRPERSON: After 1952, you would often  
14 find that it was a member  
15 of the Provincial Council who would now also give a  
16 report and as we know sometimes a great deal franker or  
17 different to the somewhat bland one he gave for the  
18 Locals?  
19 A. Yes.  
20 THE CHAIRPERSON: All right. Thank you.  
21 332 Q. MR. COLLINS: Just on the issue there of  
22 trades that Mr. McGovern  
23 touched upon a number of questions. Could I ask do the  
24 records disclose any criticism by the -- you made  
25 returns of this to the Department of Education. The  
26 boys would attend primary school until school leaving  
27 age; wasn't that so?  
28 A. 14, yes.  
29 333 Q. Then they would -- if they were still in the school,

1            would continue until their 16th birthday?

2            A.    Yes.

3    334    Q.    Carrying on trades?

4            A.    Yes.

5    335    Q.    You made returns of this information to the Department  
6            of Education?

7            A.    That's right.

8    336    Q.    Is there any record of any criticism by the Department  
9            of the training being provided to boys between 14 and  
10           16 years of age?

11           A.    Not that I'm aware of, no.

12    337    Q.    In any of the discovered documents?

13           A.    No, no.

14    338    Q.    It is the case, as you pointed out, that the school had  
15           no money?

16           A.    Absolutely. The school was run on a shoestring and  
17           that's -- again, there doesn't seem to be much emphasis  
18           on that, but that was a fact of life, especially during  
19           the war years.

20    339    Q.    You have provided, of course, a report to the  
21           Commission, a financial report by independent auditors  
22           that demonstrates the vicarious circumstances?

23           A.    Yes. I would like to spell out what happened there,  
24           that we invited in this company, Ernst & Young, to look  
25           at our financial affairs during the period in question,  
26           and it was they who chose the three years, 1945, 1946  
27           and 1947 and 1955, 1956, 1957 and they have issued a  
28           detailed, pretty detailed, account of the finances of  
29           the institution on those six occasions.

1 340 Q. So would it be fair to say then what you are saying is  
2 that if the Department had criticised you, and it  
3 doesn't appear they did, in relation to the trade  
4 training available, that the school would have had  
5 difficulties in trying to provide vocational training  
6 in plumbing or electrics or something of this kind?  
7 A. I think that goes without saying.

8 341 Q. Very good. Now, in the questioning earlier from  
9 Mr. O'Leary a question arose about the policy of the  
10 Presentation Brothers concerning sexual abuse and I  
11 think you said that a policy was adopted some time in  
12 the 1990's?  
13 A. Yes.

14 342 Q. Would it be fair to say, as I think you also said in  
15 your previous evidence, in earlier questions, that of  
16 course this was unacceptable?  
17 A. Totally.

18 343 Q. That in effect was the policy?  
19 A. Oh yes, totally unacceptable.

20 344 Q. Could you perhaps say something about how complaints  
21 would be dealt with by boys, if boys had complaints to  
22 make of whatever kind in the school how in practice  
23 they might be dealt with by the Brothers?  
24 A. Again that's a difficult question to answer because  
25 some of the evidence at Phase II would have told us  
26 that the boys felt free to talk to some of the  
27 Brothers. Now maybe not to all of them, but that they  
28 felt free to make their complaints to some of the  
29 Brothers, and that came through in evidence. So I

1 think the best way I could answer that question is that  
2 it was very much on an ad hoc basis.

3 345 Q. If complaints were made about anything, be it food,  
4 clothing, excessive force or whatever, that they would  
5 go -- would those complaints necessarily end up with  
6 the Resident Manager?

7 A. I think so. Whether they be adverted to or anything I  
8 don't know about it, I just can't answer that. But I  
9 would hope they would be listened to.

10 346 Q. Clearly, obviously, where complaints were made and came  
11 to the attention of the Resident Manager steps were  
12 taken to investigate these matters; isn't that right?

13 A. Yes, yes.

14 347 Q. And that is whether the alleged perpetrator was a  
15 Brother or another boy?

16 A. Yes.

17 348 Q. But at this remove it is -- would you say it is  
18 possible to reach any conclusions in relation to what  
19 you heard at Phase II or what appears to be indicated  
20 in some of the questions put to you this morning?

21 A. I think it is impossible to reach definitive  
22 conclusions.

23 349 Q. But it certainly was the case that there was a  
24 rudimentary perhaps -- and perhaps nothing, a  
25 rudimentary system of complaint did exist?

26 A. Yes.

27 350 Q. And that insofar as complaints did come to the  
28 attention, they were investigated. But we are too far  
29 from the events in question to know?



1 A. The detail of that.

2 351 Q. Or to draw any real conclusions in relation to that?

3 A. Yes. Yes.

4 352 Q. You heard the complainants at Phase II and do you have  
5 any -- not observation about them generally, but just  
6 generally about the manner in which the school was run  
7 during the time? How many boys, roughly, attended the  
8 school?

9 A. During the period under investigation I would estimate  
10 1,000 during that period and seven came forward in  
11 Phase II.

12 353 Q. To give evidence?

13 A. Yes.

14 MR. COLLINS: No further questions.

15 Thank you very much.

16

17 END OF EXAMINATION OF BR. MINIHANE BY MR. COLLINS

18

19 THE CHAIRPERSON: Thanks very much. I see  
20 somebody down there and I  
21 can quite understand that people have questions, but I  
22 have to say, and I'm not particularly concerned about  
23 this, but we have to establish a principle and I said  
24 at the start that if people have questions we will  
25 circulate somebody to go around or make available -- we  
26 will take a note of the question and we will follow  
27 them up afterwards. But I hope people will understand  
28 that it is not -- I mean, we are sympathetic to this,  
29 it is not a public meeting, there is a way we have to

1 do it and how we do this one affects how we do every  
2 other institution.

3  
4 I know that people will have objections, disagreements,  
5 queries, and in the nature of things we want to make  
6 this as open and inclusive as possible, but I can't  
7 allow questions from the floor, I'm sorry about that.

8 UNKNOWN SPEAKER: Your Honour, I wasn't  
9 intending to ask a question  
10 from the floor. I was just going to ask you may I have  
11 permission to talk to the counsel from the Commission  
12 to ask a question to Br. Minihane.

13 THE CHAIRPERSON: Certainly I will give you  
14 permission to speak to  
15 counsel. If Ms. McGoldrick would talk to this  
16 gentleman. But I don't want to be sort of transmitting  
17 questions up, if we are now finished. If it is a  
18 relevant question and if she wants to come to Mr.  
19 McGovern, well and good.

20  
21 What I will promise people is this, that we will  
22 certainly follow up, if necessary by writing or  
23 whatever it is, in whatever way we need to follow up  
24 for our purposes we will follow up whatever issue is  
25 raised. Now that's the best I can do.

26  
27 But meantime Ms. McGoldrick will go over and will speak  
28 to you and take note of it because there is other  
29 things that we want to raise with Br. Minihane. Thank

1 you very much now. Is Ms. McGoldrick there? Thank you  
2 very much.

3 MR. O' LEARY: I presume, Chairman, in the  
4 hiatus that that applies  
5 also, rather than me re-questioning the Brother, which  
6 I think would be inappropriate, that if things arise  
7 that I can make submission in writing to the Commission  
8 in that situation, given the questioning that has gone  
9 on since then.

10 THE CHAIRPERSON: Of course. Nobody should  
11 assume that today's -- that  
12 applies to everybody, nobody should assume that  
13 because -- it is not like somebody closing his case and  
14 that's the end of that, okay, finished. No, because it  
15 is an Inquiry, I mean we welcome people's observations,  
16 and I want to reassure people therefore that it is not  
17 like you lose the bus, you miss the bus if you don't  
18 get on at this stop.

19 MR. O' LEARY: I understood that but I  
20 just wanted it for the  
21 purpose of clarity in case it does arise.

22 THE CHAIRPERSON: Thank you. It gives me the  
23 opportunity of letting  
24 people know. Mr. McGovern, sorry.

25 MR. McGOVERN: Chairman, I am aware of the  
26 fact that when I was  
27 referring to some other parties present, I forgot that  
28 Mr. O' Moore and Mr. Dignam are here, I think for the  
29 Department of Education. I don't know whether they

1 have any questions they want to ask.  
2 THE CHAIRPERSON: Yes, I'm sorry. So did I,  
3 but I saw Mr. O' Moore  
4 ... (INTERJECTION).  
5 MR. McGOVERN: Probably with the seating  
6 arrangements we  
7 ... (INTERJECTION).  
8 THE CHAIRPERSON: We'll improve the seating  
9 arrangements. It is  
10 obvious that they need a bit of improving. Yes,  
11 Mr. O' Moore.  
12 MR. O' MOORE: No, we have no  
13 questions. I told  
14 Mr. McGovern that informally just a few moments ago.  
15 Arising out of today's evidence we have no questions  
16 for Br. Minihane.  
17 THE CHAIRPERSON: Now, there is something,  
18 Mr. McGovern, perhaps you  
19 would think of raising, and this maybe that Mr. Collins  
20 wanted to re-examine and that was a question about  
21 diaries and infirmary records.  
22 MR. McGOVERN: I take that point,  
23 Chairman. I will pursue  
24 that and I will be brief on it.  
25 THE CHAIRPERSON: It may be that Br. Minihane  
26 cannot have a great deal to  
27 offer, but it will probably be better to offer him an  
28 opportunity of commenting on it, if that seem  
29 reasonable to you.

1 MR. McGOVERN: Very good.

2

3 BR. MINI HANE WAS FURTHER QUESTIONED, AS FOLLOWS, BY THE  
4 COMMISSION:

5

6 354 Q. MR. McGOVERN: Br. Mini hane, there were  
7 diaries and there were  
8 medical infirmary records kept as well, are you aware  
9 of that?

10 A. Yes.

11 355 Q. And they were kept in separate books?

12 A. We have them actually.

13 356 Q. It appears from our perusal of these that there are  
14 some discrepancies and there are matters logged in the  
15 diary, for example, that aren't logged in the infirmary  
16 records. If I just mention to you this, that the  
17 discrepancy for 1949 amounts to 59 in number and in  
18 1950 70 in number. They are just samples. Do you have  
19 an explanation for that?

20 A. No, I haven't. No, I haven't. I am not aware of these  
21 discrepancies at all. All I know is that the diaries  
22 were kept and I think the Commission has copies of  
23 these diaries and the infirmary book is a fairly  
24 detailed document kept by the nurse.

25 357 Q. Where the discrepancies seem to arise is that the --  
26 where somebody was sent to hospital, that's not  
27 recorded in the infirmary records but is in the diary.  
28 Do you know what the reason for that is?

29 A. I don't. I don't.

1 358 Q. I may be not entirely correct in that all the  
2 discrepancies relate to that, but certainly that's the  
3 thrust of the discrepancies, most of them relate the  
4 admissions to hospital or visits to hospital, if not  
5 admissions?

6 A. My immediate comment to you there is that if a person  
7 went to hospital they probably skipped the infirmary.

8 359 Q. They wouldn't have gone through the infirmary?

9 A. I don't know now, I don't know. I would also suspect  
10 that if people weren't in the infirmary overnight their  
11 visit to the infirmary may not have been recorded, that  
12 it would have been overnight stays in the infirmary.

13 THE CHAIRPERSON: It occurs to me,  
14 Mr. McGovern, that probably  
15 the best thing to do is for -- I mean, both of these  
16 come from the Presentation Brothers' records, and it is  
17 like comparing and contrasting the infirmary record  
18 with the diaries. Now, Mr. Collins may well want to  
19 come back on this, but it is the sort of thing that you  
20 might want to consider at -- I don't -- at leisure, but  
21 in tranquility, rather than being faced with the thing  
22 there. There may well be a comment you want to make on  
23 it.

24 MR. COLLINS: There is a simple  
25 explanation, Chairman.

26 That's the reason why I was keen to intervene.  
27 Apparently there was a separate hospital book, a  
28 separate record kept in relation to hospital matters,  
29 which is a separate book. They are my instructions.

1 THE CHAIRPERSON: Perhaps you would clarify  
2 that, Mr. Collins, look  
3 into it. It would appear that we don't have the  
4 hospital book. Now, as soon as I say that somebody is  
5 going to prove me wrong.

6 MR. COLLINS: The difficulty is, I  
7 believe, Chairman, is this,  
8 and my solicitor is present, your agents, if I can put  
9 it like that, came down to visit us and they took away  
10 what they wanted themselves and they may have  
11 overlooked this book inadvertently.

12 THE CHAIRPERSON: It may well be,  
13 Mr. Collins.

14 MR. COLLINS: It sounds something like  
15 that.

16 THE CHAIRPERSON: I am not going to assume  
17 the conspiracy theory as  
18 soon as something goes wrong. Please have an  
19 opportunity, we will send you the apparent -- the  
20 discrepancies and the list of them, it may well be that  
21 that's the explanation, please, then furnish us with --  
22 isn't that the best thing to do, Mr. McGovern?

23 MR. MCGOVERN: Yes, I think so, Chairman.  
24 On the other point, I have  
25 a note here from Ms. McGoldrick and the gentleman  
26 concerned -- he is concerned that Br. Minihane stated  
27 only seven people chose to give evidence. Mr. Ward  
28 tells me that, in fact, there were some number, over  
29 20, who were complainants and when approached seven

1 gave evidence or wanted to give evidence or came  
2 forward to give evidence.

3 THE CHAIRPERSON: That's the position.

4 MR. McGOVERN: That seems to be the  
5 position. It wasn't a  
6 question of certain people being selected in this  
7 institution but that of the 20 odd who made complaints  
8 there were seven... (INTERJECTION).

9 THE CHAIRPERSON: The people who gave notice  
10 to the Commission in the  
11 first instance were 20 people. The number who actually  
12 gave evidence ultimately was seven. That wasn't  
13 because we had made any selection or anything else, it  
14 just happened. And people were free to do that, that's  
15 what they did, that's what they did. It doesn't mean  
16 that we don't investigate the institution but that is a  
17 fact as it happened, that seven people did it, for  
18 whatever reason.

19  
20 Ms. Shanley, have you any questions you want to ask  
21 Br. Minihane?

22 360 Q. MS. SHANLEY: Do you mind if I just ask  
23 one question and I won't  
24 keep you. You described the punishments as being  
25 excessive on occasions, and generally they weren't. I  
26 suppose a lot of the complaints we received were not  
27 punishments that were received in classrooms, so making  
28 comparisons, I suppose, with school situations wouldn't  
29 apply across the board, would you accept that?



1 A. Yes.

2 361 Q. MS. SHANLEY: A lot of the punishments we  
3 heard about were during  
4 supervision, or as a result of misdemeanours in the  
5 dormitory, the playground, the refectory. In other  
6 words, situations much more akin to a home environment  
7 than school environment. Would you think it is a valid  
8 distinction to make in the school, that the school  
9 operated at two levels, at the one level it was a  
10 school but at another level it was supposed to be  
11 providing a home to children?

12 A. Yes.

13 362 Q. MS. SHANLEY: And was there, in fact, a  
14 distinction in the kind of  
15 treatment the boys received, as there would have been,  
16 I think we can all accept, in most home and schools,  
17 children received different treatment during the  
18 period, would there have been a distinction made in the  
19 school between the two periods, between school and  
20 home?

21 A. I think the school was, what I would refer to as, a  
22 normal national school, and there was another one,  
23 another national school --

24 363 Q. MS. SHANLEY: Yes.

25 A. -- on the same grounds. Now you want me  
26 to... (INTERJECTION).

27 364 Q. MS. SHANLEY: I accept that, and I think  
28 that in terms of what went  
29 on in the classroom we have not received that many

1 complaints. It was really outside of the classroom  
2 environment that we did receive complaints of excessive  
3 punishment. I suppose you wouldn't be making  
4 comparisons there with the classroom situation you  
5 would be making comparisons with the home situation. I  
6 suppose I am drawing you out a little on your use of  
7 the word "excessive" and I am just wondering whether,  
8 in fact, it was excessive in terms of a school  
9 environment or excessive in terms of a home  
10 environment?

11 A. That's not an easy one to answer, but I think what I  
12 would say there is what I said earlier with regard to  
13 an industrial school meeting the needs of a home. And  
14 it didn't do that. I would say that in an ordinary  
15 home there were times where maybe mother interceded  
16 with the father not to be excessive on punishment. Now  
17 that sort of thing would have been missing. Am I  
18 answering your question there?

19 365 Q. MS. SHANLEY: When you did supervision,  
20 for example, would you have  
21 had, not you personally but would it happen -- we have  
22 heard evidence to the effect that Brothers supervising  
23 the boys would have a cane or a strap?

24 A. No, I never was the perpetrator of any sort of  
25 punishment in Greenmount.

26 366 Q. MS. SHANLEY: Would you have seen that,  
27 that some of the Brothers  
28 would have found it necessary to carry a cane or a  
29 strap when the person was supervising?

1 A. No, no.

2 367 Q. MS. SHANLEY: You never saw it?

3 A. Not in my experience.

4 MS. SHANLEY: Okay. Thank you.

5 THE CHAIRPERSON: Now, Mr. Lowe.

6 368 Q. MR. LOWE: Under conduct of pupils in

7 the late 1940's, in every

8 case "very good" is written down, but just beneath

9 that, under "absconding" we have the following:

10 "Five boys were transferred to Daingean

11 and two to industrial schools. Two

12 boys absconded in the next year and one

13 transferred to Daingean. 47, two boys

14 did not return, two boys were committed

15 to reformatory."

16 In the next:

17 "Four boys overstayed their leave and

18 two of them were committed to

19 reformatory."

20 What was the policy about the use of the reformatory?

21 A. I think in the area of absconding it was used and again

22 I don't know apart from that, I don't know how serious

23 those abscondings were, they are not described. But

24 one of the punishments for absconding, not in all

25 cases, but one of the punishments was referral to

26 369 Q. MR. LOWE: Who made that decision?

27 A. I'm not sure of that. I presume it was the Resident

28 Manager, in consultation with the Department. It had

29 to be reported to the Department. I am not sure what

1 consultation took place between the two bodies, but I  
2 am sure there was some consultation there, but I have  
3 not seen it. I took it what you read out to me there,  
4 that the result of absconding was that they were  
5 referred to reformatory.

6 370 Q. MR. LOWE: But in one case four boys  
7 overstayed and only two  
8 were sent to reformatory?

9 A. Yes, and what the distinction was there, I don't know.  
10 Obviously somebody regarded two as more serious than  
11 others or perhaps two was regarded as the ringleaders.

12 371 Q. MR. LOWE: But you are not aware of  
13 any policy which term  
14 determined who was sent?

15 A. No, I am not.

16 MR. LOWE: Thank you.

17 THE CHAIRPERSON: Thank you very much.

18  
19 END OF FURTHER QUESTIONING OF BR. MINIHANE BY THE  
20 COMMISSION

21  
22 THE CHAIRPERSON: Yes, Mr. Collins.

23 MR. COLLINS: Just in answer to  
24 Dr. Lowe's question, I  
25 could perhaps be of assistance. The decision as to  
26 whether a boy was sent to a reformatory after  
27 absconding is one taken by the District Court, that's  
28 why Br. Minihane doesn't know about it. It was a  
29 judicial matter, it was out of the hands of the

1 Brothers and that's why some would be... (INTERJECTION).  
2 THE CHAIRPERSON: Just remind us about that.  
3 Mr. Collins.  
4 MR. COLLINS: They would be sent -- if  
5 they absconded it was an  
6 offence to abscond and they would be back before the  
7 District Court and in some cases the District Court  
8 would send them to another institution. In other cases  
9 they wouldn't be sent to another institution.  
10 THE CHAIRPERSON: As a specific offence on  
11 this occasion.  
12 MR. COLLINS: Yes. You will recall one  
13 witness who in the -- gave  
14 evidence in Phase II who absconded and committed an  
15 offence and you remember that he never went back to  
16 Greenmount, he was sent to another institution.  
17 THE CHAIRPERSON: So he committed an offence  
18 while he was out, so that  
19 is a separate one, if you like.  
20 MR. COLLINS: Yes. But that would have  
21 been the type -- it was a  
22 matter for the Court, as I understand it, to decide  
23 what happened in such offences.  
24 THE CHAIRPERSON: I understand. But your  
25 point, if I am  
26 understanding, your point is that absconding in itself  
27 was an offence. This may be a submission and you can  
28 always sort of... (INTERJECTION).  
29 MR. COLLINS: That's what I understand.

1 That's why Br. Minihane would be unaware. I note that  
2 in asking the questions, it didn't seem to be a matter  
3 for the Brothers almost.

4 THE CHAIRPERSON: Yes.

5 MR. COLLINS: The other point, I think,  
6 which is probably fair, my  
7 solicitor pointed this out to me, the decision to  
8 commit to a reformatory couldn't have been taken by the  
9 Presentation Brothers. To commit a boy to reformatory  
10 would require a court order. If that was of  
11 assistance.

12 MR. LOWE: I was aware that the Court  
13 would have to make that,  
14 that's why I asked what the policy was. If you are  
15 saying that the policy was that all boys who absconded  
16 were sent back to the District Court... (INTERJECTION).

17 MR. COLLINS: We can certainly clarify  
18 that matter. As I say,  
19 Br. Minihane wasn't able to assist them and I was  
20 hoping to... (INTERJECTION).

21 MR. O'LEARY: Perhaps submissions would  
22 be better.

23 THE CHAIRPERSON: It sounds unlikely that  
24 everybody, Mr. Collins --  
25 but there might have been a policy as to which fellows  
26 we will bring down to the District Court and seek to  
27 have transferred to the reformatory. The actual mode  
28 of getting them to the reformatory, but I think that's  
29 really what is behind this, Mr. Lowe was wondering

1 about was there a policy. Thank you very much.  
2 MR. COLLINS: We will try and clarify  
3 that by way of information  
4 and fact.  
5 THE CHAIRPERSON: Thank you. Now, very good.  
6 Thank you very much,  
7 Br. Minihane. That closes our Phase III session in  
8 respect of Greenmount. I think we are next on Tuesday,  
9 without Mr. McGovern for happy reasons.  
10 BR. MINIHANE: Congratulations.  
11 MR. O'LEARY: I was wondering would there  
12 be reference made to that,  
13 along that line.

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THE HEARING THEN CONCLUDED AT 12:46 P.M.

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