

Chapter 14

John Brander¹

Introduction

- 14.01** This is the account of a teacher whose sexual and physical abuse of children over a period of more than 40 years came to the attention of many different persons in authority. This abuse consisted of the sexual abuse of young boys and the excessive corporal punishment and emotionally degrading treatment of both girls and boys in his classes. Despite being repeatedly removed from schools because of sexual abuse of children under his care, he was able to secure new positions, often at a senior level, in different schools in a pattern which continued until his retirement.
- 14.02** Firstly, the importance of this career of abuse is that it happened. Secondly, Mr Brander was able to continue teaching despite complaints to school authorities and subsequent investigations. Thirdly, his conduct was also known to other persons and agencies including the parish priest who was the manager of one school, the bishop of the diocese in which that school was located and the Department of Education. Yet another important element is the manner in which reports about the teacher were handled by the Department of Education. The elements of the events discussed here include: the teacher's career of abuse; how the various school authorities responded to complaints about him; the other agencies that were notified or had knowledge of the abuse; the conduct of the Department of Education and its officials; and the contrast between theory and practice in official handling of complaints.
- 14.03** In the mid-1990s, Mr Brander, a former Christian Brother and teacher, was fined and placed on probation for the sexual assault of a boy to whom he had been giving private tuition. Almost two years after this trial, he pleaded guilty to numerous sample charges of indecent assault perpetrated at one particular national school, Naomh Mhuire NS, Walsh Island, Co Offaly during the 1960s. In the period between conviction and sentencing, more individuals came forward to recount their own experiences of being assaulted by Mr Brander. In sentencing him to a term of imprisonment, the court took into account further assaults perpetrated while he was teaching at a secondary school Presentation Convent Castlecomer Co Kilkenny. Following a third trial, Mr Brander received a further conviction in respect of the abuse of another pupil at in the same school.

Early career/Christian Brothers

- 14.04** Having joined the Congregation of Christian Brothers in the 1930s, Mr Brander began his teaching career in the Christian Brothers, primary school St Mary's CBS Marino in Dublin in the early 1940s. From then until the late 1950s, when he sought and was granted a dispensation from his vows, he taught in three more Christian Brothers schools, Mullingar CBS Co Westmeath, St Michael's CBS Inchicore Dublin and James's Street CBS Dublin. In that period, the records reveal that he came to the attention of his superiors on account of sexual interference with boys in his schools on three occasions.

¹ This is a pseudonym.

14.05 His career in the Christian Brothers is summarised in a letter from the Provincial to the Superior General of the Christian Brothers:

My most dear Br. Superior General,

On Friday April 5th Br [Lessard],² Principal of our Primary School CBS James' St came to St. Helen's and gave me in his own handwriting the following charges of improper conduct on the part of Br. [Brander] with boys of his own class. Br [Lessard] interviewed the boys and wrote down what they had to say. I enclose the statements of the boys concerned.

I called Br. [Brander] to St. Helen's on Saturday and read for him the charges made. At first he would not admit the charges. Then I gave him the names of the boys concerned and again read for him each charge. He again denied them in general but admitted those made by [two boys]. He said that [three other boys] formed a clique from the slum district. Br. [Lessard] stated that those boys were told by their confessor to report the matter to him. Br [Brander] then fell back on the excuse that he did not think it was harmful to touch boys in the manner complained of, externally and that he did not think that the boys noticed it. I told him that he would have to get a canonical warning and that we could not allow him in future to have any contact with boys as it would be dangerous for himself and for the boys. I recommended him to look for a dispensation and this he eventually agreed to do. He asked what work could he do if he were not allowed to teach and he was told it was difficult to say what kind of work might be available except perhaps working in a garden. I allowed him to walk about for an hour to ponder over the matter. He was then satisfied to seek for a dispensation and said that he should have gone long ago. He asked me were there any complaints from the secondary boys and also wished to know if [Father Brian]³ had written to me about five months ago to request that he, Br [Brander] be allowed to teach the bigger boys. He is and has been teaching sixth standard. He said that his attraction is towards smaller boys and not towards those of the other sex. This is the third occasion on which such charges have been made against Br. [Brander] but on the first occasion [in the 1940s] he did not get a canonical warning. He got one on the last occasion which was in [the early 1950s]⁴ when he was in Mullingar CBS To-day, Sunday April 8th I had a phone call from Br [Brander] to say that he had seen [Fr. Brian] and that he is seeking a dispensation. He will send it to me in an enclosed envelope so that it may be forwarded to Rome. I have transferred him from CBS James' St to [a Community residence] where he will await the dispensation. I told him that if he wishes he could state that he was seeking the dispensation on account of moral dangers to himself and to the boys.

With kindest regards and all good wishes ...

Br [Derbec]⁵

PS The Council agreed by 3 votes to 0 that Br [Brander] be recommended to seek a dispensation.

14.06 One of the boys who is referred to in this letter made a statement to the Gardaí around the time of Mr Brander's most recent conviction:

In my last year in CBS James' St it was common knowledge that Brother [Brander] was interfering with other boys. I personally was never touched by Brother [Brander]. Back then ... it was a common thing for Brother [Brander] to keep one of the boys back after class.

² This is a pseudonym.

³ This is a pseudonym.

⁴ He was again transferred to another primary school St Michael's CBS Inchicore. He remained here for one month and then moved to CBS James' St.

⁵ This is a pseudonym.

14.07 He mentioned two boys as coming to mind and continued:

but I cannot be sure if Brother [Brander] interfered with them or not. I remember the talk about Brother [Brander] at that time was that he would come up behind the boy he'd keep back after school and touch him and ask the boy if he had any marbles. I remember soon after I left CBS James' St a group of us boys that had finished school went to see the head Brother. I can't remember the head brothers name at that time, it may have been Brother [Lessard]. I remember we told the head brother about imoral things Brother [Brander] was doing. The head Brother brought us into a room and I remember he gave us cigarettes. He took us very seriously and told us that we may have to repeat what we had told him and that he would check out what we told him. I never heard anything from that head brother afterwards.

14.08 When it was confirmed that Br Brander would seek a dispensation, he was transferred to a Community residence in the west of Ireland to await completion of the formal process of dispensation. Br Gibson, giving evidence on behalf of the Congregation, said that he could not shed light on the reason for his transfer to this Community or say whether this was an unusual occurrence. He said that it might perhaps have been to get him out of his environment or to keep him away from his ministry.

14.09 The application for dispensation was ultimately granted by a bishop, in whose episcopal jurisdiction Br Brander was now resident. By this means, Br Brander was able to leave the Congregation apparently of his own volition and with an unblemished teaching record.

14.10 Mr Brander took up the position of principal of Lanesboro NS, Co Longford on a Monday, having been dispensed from his vows the previous Friday. The question arises as to how he was able to secure this position, and who aided him in obtaining it. No documentary evidence was available to the Investigation Committee, in the form of a written reference or otherwise, to throw light on this disturbing matter.

14.11

- **The Congregation was aware of the criminal nature of such assaults and that the Christian Brothers 'could not allow him in future to have any contact with boys', but did nothing to prevent him doing so and continuing to teach. Neither the Department of Education nor the Gardaí were informed of Mr Brander's sexual abuse of children. By not informing the relevant authorities, the Congregation facilitated his access to more children.**

Lanesboro NS, Lanesboro, Co Longford , May 1957 – September 1960

14.12 Mr Brander remained principal of Lanesboro NS for over three years, until he moved to take up a position in Ballyfermot NS, Dublin. No documentary material is available to explain the circumstances of his departure from Lanesboro NS but, at his sentencing following his second trial, Mr Brander admitted abusing boys in this school. In addition, a Garda statement made by a former pupil contains allegations of physical and sexual abuse against Mr Brander while a teacher in this school.

Ballyfermot NS/ Banrion na nAingal, Ballyfermot, Dublin, September 1960 – January 1964

14.13 Mr Brander was appointed to Ballyfermot NS initially as third assistant teacher and, later, as vice-principal. In a letter to the Department of Education, Fr Harry,⁶ the school manager, sought

⁶ This is a pseudonym.

approval for the recruitment of additional teachers, and advised that Mr Brander had the highest qualifications and would be an excellent vice-principal when the numbers justified such an appointment. Mr Brander left the school in the mid-1960s, having been absent due to illness for two months.

- 14.14** A letter from solicitors acting for a former pupil, some years following Mr Brander's last conviction and addressed to the Board of Governors of the School, complained that while this man was a pupil in this School in the 1960s he suffered an indecent assault by Mr Brander. The letter stated that a complaint was made to the school authorities at that time, and no action was taken other than Mr Brander was moved from his class. The solicitors were advised that there was no record of this complaint or of any investigation.
- 14.15** An affidavit of discovery sworn on behalf of the Board of Management for the purposes of this Inquiry states that there were no documents recording any contemporaneous complaint.

Rath Mixed NS, Ballybrittas, Portlaoise, Co Laois, January 1964 – June 1966

- 14.16** Mr Brander took up the position of principal at this national school in the mid-1960s. A parent complained to the Department of Education about Mr Brander's excessive corporal punishment of her children:

Dear Sir,

I received a letter from your office ... accompanied by the regulations concerning corporal punishment in primary schools.

I did not at the time send you any more details regarding the infliction of unnecessary punishment on schoolchildren as I really thought that matters would improve after the Manager ... had spoken to the principal concerned.

Now I regret to say I have reached the end of my patience [I have five children attending Rath NS] their ages ranging from 13 yrs to 5 yrs.

The three oldest aged 13 yrs, 11 yrs & 9 yrs are at present in the classroom attended by Mr [Brander] (Principal) and I do not hesitate in saying that my heart is broken simply trying to get them to go to school at all.

This state of nerves on their part has been brought about through fear.

Last week my eldest son ... returned to school after being absent 8 days as a result of severe flu when his temperature reached 104 degrees. Against my better judgment and the advice of our family doctor I sent him back to school and on his second day back he was subject to a severe beating on the head, and to day he has come home from school with the top of his small finger on the left hand showing definite bruising after being given 6 slaps with a hazel stick.

Last week I made a complaint to the manager and he promised to talk it over with the teacher. All I can think now is that he hasn't honoured his promise.

During the end of last year it would be roughly around early December my little girl received 19 slaps from Thurs to Tues inclusive and also the side of her neck had severe bruising after which I wrote a letter to Mr [Brander] asking him not to have it happen again, however this request also seems to have been ignored and in my opinion it is time something was done to improve conditions for the pupils at Rath NS.

It is not one of my principals to make trouble for anyone and I regret very much having to set down those complaints at all, but as I have already said something will have to be done about the aforesaid conditions.

To conclude I can safely say that I am not the only mother who is having the same trouble, however it is up to the others to make their own complaints.

Thanking you in anticipation and trusting there can be some amiable agreement reached on the subject.

Yours ...

[P.S. May I add that all this punishment is being given for mere failure at lessons which to me seems most unnecessary as I myself spend almost every evening from tea-time to bed-time helping the children in every way possible and I always make sure that all homework is duly done by them.]

14.17 She included in the letter the name and address of the local doctor.

14.18 Her complaint was acknowledged by the Department and forwarded to the School Manager, who was the parish priest, for comment:

I am directed to enclose for your information extracts from a letter received from [the mother] ... regarding the treatment of her children pupils in the above-named school, by Mr. [Brander] principal teacher in the school. It appears that [she] has already brought the complainant to your notice. Please say if [she] has presented her complaint to you, and if so, please state what action, if any, you have taken or propose to take in the matter. I am also to request you to be so good as to obtain from Mr. [Brander] a written statement in regard to the matters referred to in [her] letter and to forward the statement, together with your own observations thereon, to the Department.

Mise, le meas,

14.19 The School Manager responded as follows:

Dear Sir,

I am forwarding Mr. [Brander's] report on the case of complaint by [the mother] of cruelty to her children. I think her complaint is very much exaggerated & Mr [Brander] is a very good and conscientious teacher.

Signed

....

14.20 Notably, he failed to make any comment as to whether he had previously been approached about the matter or whether other parents had similar complaints.

14.21 In Mr Brander's report he said that the letter was:

the first I heard of 19 slaps and as it happened last December I cannot recall. But it is typical of the atmosphere of that house that they are being counted and questioned. At that time I had a rod, 9 $\frac{1}{2}$ inches long, still have it. It was a joke that each slap was only a quarter. So 19 divided by 4 would be more honestly accurate. However I did receive a letter from [the mother], 15th December last, saying that the side of her child's face showed blue marks and that her hands were swollen. I looked the very moment I received the letter, but saw no trace of any blue marks and I said "show me your sore hand". "They are not sore" was her reply.

Her remark "this request seems to have been ignored" is typical. I have not punished this child unduly since (even though she admitted often not learning her exercise). If I did, her mother would have facts, figures and relevant data. She intimated in that letter too that she had "the address of the Department" – had even told other parents that she would give it to them – and "that I was not allowed to give corporal punishment for mere failure at lessons". I have therefore been especially careful not to violate regulations re her P.S.

where I am wrongfully accused. With such a mother's attitude how could children cooperate or how could one believe "that she always made sure that all home work is duly done by them".

Regarding [her eldest son] and the "severe beating". Firstly I state that "severe beating" is not defined – because she could not. Else she would. On the morning in question, as customary, between 9.25 and 9.45 I was correcting scholarship sums (homework). I was sitting at my table with two girls on my right and two boys on my left, [her son] being nearest to me. I was thus able to see the three copies, as [her son] had no sums done. He was not punished for this. But I asked him some question. Answer was merely "multiply" and when he failed I remarked "if I had known you were such an ass at arithmetic, I'd never had entered you for the Scholarship". All I did was to give him a few, not more than four, little raps with my knuckles (left arm not even extended as he was close beside me) on the back of the head. No rod used at all. This was the "severe beating". There was no trace of ill effect during the day and as I heard before 9.30am the following morning of [the mother] reporting the matter and of her going into neighbours' houses "to back her up". I could distinctly recall [her son's] very vigorous football playing during lunch hour on that very day. I'm thoroughly convinced that the acquired pain in the evening was for exercise evasion. [The mother] did not state that [her son] did not get half a dozen slaps from January to March and I'd swear, not even a dozen from September to December. "Today" referred to, is the follow up of the above incident. I distinctly recall the day's happenings as I had heard of the "severe beating" being reported to the Rev. Manager and that she had informed neighbours that she was writing to the Department. A day or two after [her son's] return (kept away as a reprisal for my severe beating) I gave three sums for exercise. He had one done wrong; one half attempted and one not done. I had often and often not given him punishment deserved due to exercises not done, "forgot", down right carelessness, inattention and lies re exercises, but I gave two this morning as he expected "no more slaps". Two more during the day on the same hand. In the evening for cod-acting during spellings he got two more. He held out the same hand but I said "other hand" – the left. Lucky for me. I'm convinced he would have been glad to have had other hand sore going home. Those were the only two slaps on his left hand. How two ordinary slaps from a light 14" rod could have caused a bruise beats me. Those were the first slaps he had got for weeks – for his own good (only 12½ years) as I seldom or ever punish 6th or 7th class.

Every tittle tattle is reported at home on encouragement I'd say. There was one in 6th, 5th, 4th, 3rd Class when I came and I could see that each was boss in his/her domain ...

Due to the... family being gifted I was especially interested in them. I have treated them more fairly than any other family. No family gets less of the rod. She has mentioned these two isolated cases. Rest assured that if she had more concrete evidence it would be produced. Her's is a personal vendetta. [The mother's] letter has certainly done an injustice not only to me but to her own family.

14.22 An inspector from the Department of Education visited the school as a result of the complaint. While effectively dismissing the complaint, he noted that the Manager had advised him:

that the teacher tended to be somewhat hot-tempered, that he had spoken to him about this and that he had promised not to be impatient in future. He also said that he was very satisfied with the teacher's work in the school.

14.23 The author thought Mr Brander had a very pleasant personality and said:

He fulfils the spirit of Rule 95(3) exactly even if he falls down from time to time regarding Rule 96(1).

I do not think that this complaint should be taken too seriously in the Department but since Rule 96(1) was breached, the terms of this Rule should be brought to his attention.

14.24 The series of correspondence concluded with the Department writing to Mr Brander, and copied to the School Manager, advising that he was expected to comply with rule 96(1) and (3) in future.

14.25 Rule 96(1) provided that:

Corporal punishment should be administered only for grave transgression. In no circumstances should corporal punishment be administered for mere failure at lessons.

14.26 Rule 96(3) provided that:

Only a light cane or rod may be used for the purpose of corporal punishment which should be inflicted only on the open hand. The boxing of children's ears, the pulling of their hair or similar ill-treatment is absolutely forbidden and will be visited with severe penalties.

14.27 The School Manger advised the Department in the following year of the appointment of a new principal. The document noted that Mr Brander had taken up a new appointment but gave no further information.

Naomh Mhuire NS, Walsh Island, Geisill, Co Offaly, July 1966 – September 1969

14.28 His next posting was at Walsh Island NS near Portarlinton. Mr Brander pleaded guilty to numerous charges of indecent assault on pupils in this school. Four former pupils made statements to the Investigation Committee alleging abuse against Mr Brander.

14.29 In addition, the Investigation Committee was furnished with statements made by former pupils of Mr Brander and two of their parents in the course of the Garda investigation. The statements contained allegations of severe physical abuse of girls, and sexual and physical abuse of boys.

14.30 The pattern of physical abuse of girls that was described in letter of complaint from the boy's mother to the Department of Education continued in Walsh Island NS. Eleven women who had been pupils of Mr Brander in this school made statements to the Gardaí. All describe violent daily punishment for failure at lessons and minor transgressions. They describe girls being punched about the head and other parts of the body, in many instances receiving injuries as a result. Many described how their parents felt helpless given Mr Brander's standing in the community. One girl described how he would open letters of complaint at the front of the class, laugh and put them on a spike. Many recalled him openly fondling boys' genitals at the front of the class. They described how he would sit on a high stool at the head of the class, a boy would be called to read and he was made stand between Mr Brander's legs. Mr Brander would then put his hands in the boy's pocket and fondle him.

14.31 Two former pupils of Walsh Island NS gave evidence before the Committee of the abuse they suffered while pupils of Mr Brander.

Mr Rothe⁷

14.32 Mr Rothe, a former pupil of Mr Brander's, gave evidence that rumours of Mr Brander's behaviour preceded his arrival in Walsh Island NS. He recalled:

It was said before he arrived that he was extremely tough and it was also rumoured that he had been thrown out of St Michael's CBS Inchicore.

14.33 Within a week of his arrival, the rumours were proved well founded. On the surface, Mr Brander was very religious, very conscientious and hardworking. However, he administered extreme physical punishment. Mr Rothe described the type of punishment Mr Brander would use:

One of the punishments he had was to hit you with his knuckles on the top of the head which caused headaches ... [another was] being slapped on the hands and ending up with swollen hands ... On many days he would, before he left in the evenings at three o'clock he would actually count the number of slaps he gave out that day. Everything revolved around physical punishment.

14.34 Mr Rothe also gave evidence of the regular sexual abuse the children suffered and said:

if it wasn't happening to me it was happening to someone else ... His MO was that he had a stool, a high stool that he used to sit on, he wouldn't have the book so he would ask the child to come up, the child would stand, me in some instances, between his legs and he would have you reading from the book while he was holding your shoulder and masturbating against you ... It wasn't the only place he abused ... I can remember one day a group of us around the blackboard ... and he was putting his hands inside my clothes and rubbing himself on me while other children were standing literally beside me.

14.35 He had witnessed the same thing happening to a number of other boys.

14.36 At the time he found the physical punishment more painful than the sexual abuse. Parents were happy because Mr Brander was getting great results, both academically and in sport.

14.37 Subsequently, when the witness was in secondary school, he heard that Mr Brander had been removed from the school for homosexual behaviour. He said that it was common knowledge that Mr Brander went to a psychiatric hospital for three weeks after this happened. The discovery furnished by the Director of Public Prosecutions contains a medical report from the late 1990s, which referred to Mr Brander being treated for depression in 1969.

Anja⁸

14.38 In the course of the Garda investigation in the late 1990s into allegations of sexual abuse in Walsh Island NS, a number of former pupils named a girl named Anja in particular as having suffered at his hands. The Gardaí then contacted her with a view to taking a statement from her.

14.39 Anja was taught by Mr Brander in her final year in primary school. She was 12 at the time. In the course of her evidence, she described a terrifying atmosphere in the classroom. She said that for failure at lessons she would receive six or seven slaps on each hand. She also described how he would strike her on the head, resulting in loss of balance. She described how her head or hands could be bruised following a beating. He was more severe in the administration of corporal punishment to girls than to boys. At the time, she felt that the boys were fortunate as she didn't understand that they were being abused sexually. She described how the boys would stand at the front of the class, reading between Mr Brander's legs, but she was not aware that he was fondling them.

⁷ This is a pseudonym.

⁸ This is a pseudonym.

14.40 After one particularly severe beating, her father wrote a letter of complaint to Mr Brander. The following day he slapped her again and commented: ‘Are you going to tell your daddy now were you slapped today?’ She replied that she would not.

14.41 She said that one reason why parents were reluctant to complain was that Mr Brander’s brother-in-law was a foreman or manager in a large local business where some of the fathers worked.

Mr Brander’s departure from Walsh Island NS

14.42 The Garda discovery furnished to the Investigation Committee outlined the sequence of events leading to Mr Brander’s removal from the School.

14.43 Rumours were circulating in the locality that Mr Brander was molesting boys and being cruel to girls in his class. The mothers of two pupils approached the parish priest, Fr Colm,⁹ in an effort to have the parents’ concerns addressed. In their Garda statements, both said that he took a note of what they had said and indicated that he would look into the matter.

14.44 Mr Rothe gave evidence that Fr Derek¹⁰ (the local curate at the time) advised him in the early 1980s that Fr Colm had consulted with The Bishop of Kildare and Leighlin about the problem.

14.45 One mother stated that she learned about a week later that Mr Brander was to be transferred. The other mother stated that Fr Colm visited her and advised her that Mr Brander was suspended. Both stated that Fr Derek, the local curate, was annoyed at the manner in which the matter was handled, and said that he would have handled it quietly had they approached him. Around this time, both women were contacted by the Gardaí but neither wanted their children to make statements.

14.46 In the course of the Garda investigation in the mid-1990s, Fr Derek was interviewed. He said that no parent approached him about Mr Brander’s conduct, and the memorandum of that interview continued:

The first he knew about problems in Walsh Island NS was when Fr. [Colm] told him that he was going to the school to get Mr [Brander] to resign due to ill treatment of a boy. He, Fr. [Colm], had a document prepared for Mr [Brander] to sign. Mr. [Brander] was gone from the school overnight. Nobody in Walsh Island NS wanted to talk about the situation.

I.N.T.O.¹¹ came down to see Fr [Colm] ...

14.47 Despite the circumstances of his removal, Fr Colm, the parish priest and School Manager, furnished Mr Brander with a glowing reference:

Mr [Brander] B.A. H. Dip in Ed. has been Principal Teacher in a four teacher school in this parish for the past three years. I would find it impossible to speak or write too highly of Mr [Brander’s] complete dedication to his professional duties. To visit his classes was a refreshing experience and his splendid qualities of head and heart were reflected in pupils, parents and the people of the community.

His attention to even the tiniest detail was indicative of his love for and devotion to his work ... [He] engaged in extra curricular activities of inestimable value to the pupils, the youth, and the parish in general.

Mr. [Brander] at his own request and greatly to my personal regret leaves to devote his wonderful gifts to the Secondary branch of Education. He brings with him my gratitude for

⁹ This is a pseudonym.

¹⁰ This is a pseudonym.

¹¹ Irish National Teachers’ Organisation.

his wonderful service to the pupils and ... the parish, my best wishes for his continued success in the higher branch of education ...

14.48 Fr Colm ended his letter with an expression of his willingness to be of any further assistance to Mr Brander if he should need it.

14.49 It has been suggested by a number of people that a Garda file opened at the time of the investigation in the late 1960s has disappeared. The Committee has been furnished with an affidavit of discovery sworn by a Detective Superintendent as to the extensive efforts made to locate any documents regarding this investigation. He concluded that any such documents would have been destroyed in the normal course pertaining at that time.

Presentation Convent Castlecomer Co Kilkenny, September 1969 – July 1975

14.50 Following his removal from Walsh Island NS and armed with his reference, Mr Brander took up his first secondary teaching position in Castlecomer.

14.51 Three witnesses gave evidence of his behaviour while in this school: Sr Giuliana,¹² former school principal; Mr Stegar,¹³ a young teacher who was very involved with Mr Brander in organising the games; and Mr Gadd,¹⁴ a junior teacher at the time.

14.52 Sr Giuliana in evidence described how, with the introduction of free education in the late 1960s, gradually more boys enrolled in the school. Mr Brander was employed by her predecessor, Sr Donata.¹⁵ She was not aware whether he furnished a reference for the position.

14.53 Sr Giuliana became principal of the School soon after and at some point after that appointed Mr Brander as vice-principal.

Physical abuse

14.54 Mr Brander was regarded as an excellent teacher, the students in his classes got good results. In fact, a lot of pupils were anxious to get into his class. He was well respected by the other staff and by the members of the Congregation. He was very charming and came across as a genuinely nice person. He also cultivated his status in the wider community.

14.55 However, he had extraordinary methods of discipline and often assaulted children. He was particularly harsh with girls to whom he gave excessive and unusual punishments..

14.56 Mr Gadd said that he gradually became angry at Mr Brander's behaviour:

What I recollect most clearly about that is that his attitude towards girls in the School left much to be desired and one heard stories that he was prone to give physical beatings to the girls, that he was prone to beat girls about the face ... I came into a classroom one day and I found that he had a senior student on her knees at the front of the class. I am not sure if he hit her though about the face, I think that he possibly had.

14.57 He added, 'he certainly... mistreated girls in the School'. He described how his hostility towards Mr Brander grew as he became aware of his use of force and beatings against students, male and female.

¹² This is a pseudonym.

¹³ This is a pseudonym.

¹⁴ This is a pseudonym.

¹⁵ This is a pseudonym.

- 14.58** In his statement to the Investigation Committee Mr Stegar stated that Mr Brander 'believed in the power of the fist for boys and girls'. In evidence he further described how, if a girl misbehaved in the classroom, Mr Brander would make her kneel outside the classroom for the duration of the class. When Mr Stegar raised the inappropriateness of this punishment with him, he was told to mind his own business.
- 14.59** Physical assaults were committed openly and in public settings. Sr Giuliana gave evidence that:
- well it was mostly at the games as far as I can recollect. I do know a few instances, well, now I can keep two in mind, where a couple of boys got black eyes because he was strict with them on the games field.*
- 14.60** On the second occasion that she heard he had given a child a black eye, she decided to 'bring it to his attention' and registered her displeasure. She took no further action. The parents of the children concerned do not appear to have complained and she did not contact them to advise them of what had transpired.
- 14.61** Mr Stegar described one of these assaults which occurred at the sports day and involved a tug of war. One of the boys challenged Mr Brander about favouring the other side. In response, Mr Brander punched him to the ground. This occurred in front of other teachers and pupils, including some primary school classes. The religious and lay teachers present ushered their pupils out of the field following the assault. Two days later, Mr Brander gave the boy concerned a medal for bravery as his parents had not complained. Mr Gadd also recalled the event and said that he was particularly incensed by it.
- 14.62** Mr Stegar described another occasion when Mr Brander struck a referee during a match. On yet another occasion, Mr Stegar said that he had to stand between Mr Brander and a boy to prevent Mr Brander striking him.
- 14.63** Mr Gadd said that Mr Brander instilled a 'mini reign of fear'. Some people he spoke to in recent years told him they used to be in dread of going to school.
- 14.64** In a statement to the Commission, Mr Stegar said that parents would come to the School to complain about the assaults. However, Sr Giuliana, in a Garda statement made in the mid-1990s, said that while she was principal of the School, 'no allegations of any nature were made against Mr. Brander'.
- 14.65** When Mr Stegar's evidence was put to her, she qualified her own statement to a certain extent when she said that she could not recollect parents coming to her, but conceded that it might have happened. She said, 'parents might have said he was very strict but I can't recall them making any complaints specifically to me'. She further said that if parents had complained, she would not have recorded the fact

Sexual abuse

- 14.66** A complaint by a father, that his son was being sexually molested by Mr Brander gave rise to an investigation by Mr Stegar and Mr Gadd, which resulted in his departure to take up a teaching position in another school. There was divergence between the evidence of the teachers and Sr Giuliana, the former Principal of the School as to the latter's knowledge of the allegations against Mr Brander but the basic facts were not in dispute.
- 14.67** Mr Stegar said that the boy's father called to his house one night and advised him that two days previously his son had been molested by Mr Brander. The child had returned from school in an extremely distressed condition, and had given his father the names of three other boys who had

similarly been abused. The father made it clear that he wanted Mr Brander removed from the School and from the town. He wanted Mr Stegar to deal with the matter and did not want to make a complaint to the Gardaí.

14.68 That evening, Mr Stegar and Mr Gadd devised a series of questions to put to the three boys concerned:

- (a) did they understand the meaning of the word 'molested'?
- (b) were they ever molested?
- (c) was it a member of staff?
- (d) would they name the person?
- (e) did they know of any other boys in the school who had been molested?

14.69 Mr Stegar and Mr Gadd spoke to a number of students in an upstairs classroom. The general response of the students was that it was very much common knowledge that Mr Brander had been really out of control in this area for quite some time and that nearly every pupil in the school knew that. Mr Gadd stated:

we certainly were left with the impression that he certainly had been abusing students, that the allegation which this student's parent was making certainly was probably true.

Five boys named Mr Brander as having molested them. Mr Gadd then suggested that they contact a local barrister.

14.70 The barrister was extremely disturbed by what he heard and drafted a letter to be given to Mr Brander but the two teachers decided to adopt a more gentle approach.

The barrister advised the two men to go straight to Sr Giuliana, which Mr Stegar said they did the following day. He said they advised her of the questions they had asked the boys and their findings. They gave her the names of the five boys concerned. Mr Stegar said there was no misunderstanding as to the nature of the allegations being made.

14.71 Sr Giuliana said that she did not know what to do and the matter rested there for some time. Mr Stegar and Mr Gadd were conscious of the fact that Mr Brander was a very strong and influential member of staff. During the next four to five weeks, word of the complaint and Mr Stegar's actions slipped out.

14.72 Some time later, the boy's father contacted him again. He said that if nothing was done about Mr Brander he would contact the Gardaí. The following day, Mr Stegar went to Sr Giuliana. She told him that she found it difficult to even discuss the matter with the manager, Sr Donata, who was 20 years her senior. She advised him that she had got a book on understanding homosexuality. Sr Giuliana, denied this in evidence and said *'I had never heard of homosexuality at the time'*. Some time after this, she asked if he and Mr Gadd would speak to Mr Brander about the allegations.

14.73 Sr Giuliana arranged that they would meet Mr Brander after school. The meeting took place on the Monday or Tuesday of Holy Week. At the meeting, Mr Stegar advised Mr Brander that there were widespread allegations that he was sexually interfering with boys in the School, and that the allegations were also out in the wider community. His immediate reaction was to deny the allegations, saying that he might have given them a few clatters. They advised him that Sr Giuliana knew of the allegations. Mr Brander said that, once allegations of this nature were made about you, there was no future in the community. Mr Stegar had the impression at the end of the meeting that Mr Brander would leave the school.

14.74 On the Wednesday, when the school was to close for Easter holidays, Mr Stegar told Sr Giuliana how the meeting had gone. After the Easter break, Sr Giuliana came to the staff room and advised them that Mr Brander would be leaving at the end of the term.

14.75 Mr Gadd recalled the meeting in the parlour with Mr Brander: *'I remember that we put the situation to him that there was a complaint, at least one, being made by a parent of a very serious nature'*.

14.76 Mr Stegar and Mr Gadd were two young teachers in their twenties confronting the vice-principal who was in his fifties and who had been there for a number of years. Mr Gadd said that this was why the events stayed in his mind while most other events from the time were a blur. He recalled Mr Brander being pained by what he heard and not making much comment. Mr Gadd said to him that *'given the seriousness of the allegations ... it was in his own interest that he should come out and that he should deny them forthrightly, in public'*. He put this suggestion to Mr Brander because, having spoken to the pupils concerned, he knew that Mr Brander would do no such thing.

14.77 When asked what he did next, Mr Gadd said that he had no clear recollection but he presumed or thought *'we must have passed on, if we had met him in the parlour and we met him, I think, at the behest of Sr Giuliana, I think we must have reported to her. But I have no picture in my mind of that meeting'*. In a previous Garda statement, he had been more specific:

We reported our findings to Sister [Giuliana]. It was decided that Mr [Stegar] and I would discuss the matter with Mr [Brander].

He confirmed that this statement was correct.

14.78 Mr Gadd was careful to qualify the extent to which Sr Giuliana could have known of the abuse. He said that their understanding of what had happened was different back then:

if people like Sr Giuliana and so on had been told about this, I just think their understanding of what was going on at the time would have been very, very narrow indeed ... it was a very different moral world ... People's knowledge of these matters would have been extremely minimal, that they mightn't even know about them at all ... one has to put these things into context and one has to understand that the people who were being asked to deal with them would have been very ill prepared to deal with them I think.

It was only much, much later on that we understood the enormity of what he had been at ... much later on that we understood that on days perhaps the School would have had a function in the local church, in the local Roman Catholic church, that Mr Brander might have lurked behind and might have accosted the boys in the School, who belonged to [other religious communities] ...

14.79 When asked specifically what he thought Sr Giuliana knew, his response was vague. Later, he said that nobody wanted to know about the matter. However, he also said that he remembered Sr Giuliana at some later point making the comment that Mr Brander was the last person she would doubt.

14.80 As to whether they reported the result of their questioning of the boys to Sr Giuliana he said, *'We probably did, but I can't be anymore definite on that'*. When asked specifically whether he and Mr Stegar had reported the outcome of their interview with Mr Brander to Sr Giuliana, he replied, *'I would think that in all likelihood [we] did yes'*.

14.81 Sr Giuliana gave evidence that one morning she was in the cloakroom as the children were arriving to school. The boy's mother had arrived and asked for Mr Stegar. Sr Giuliana sent a child to fetch him. She later enquired of Mr Stegar as to how the meeting went, and he advised her

that the mother had complained about Mr Brander and that he and Mr Gadd had dealt with the matter. That was the end of the matter as far as she was concerned.

- 14.82** She had no recollection of being given any specific details of the complaint by Mr Stegar. She said, *'I feel that if he said anything about sexual abuse that I would remember it. But I have no recollection of that whatsoever'*. She did not move from this position throughout the course of her evidence.
- 14.83** Sr Giuliana confirmed that she gave Mr Brander a good reference on his departure. In it, she described him as a strict disciplinarian, *'good and strict'*.
- 14.84** It is extraordinary that such a serious turn of events was not recorded or reported to the authorities. The absence of explicit recorded information has resulted in almost exclusive reliance on recollected events, and unfortunately the memories of the three participants differ.
- 14.85** It is unlikely that neither of the two teachers in Castlecomer who had been so thorough in dealing with the complaint would not have notified the School Superior about it.
- 14.86** Whether or not Sr Giuliana knew the full details and implications of the sexual abuse, she knew he was leaving under a cloud, yet she gave him a good reference as she considered that he was a good teacher.

Further incidents of sexual abuse at Presentation Convent, Castlecomer, Co Kilkenny

- 14.87** Since the events of the mid-1970s, other complaints came to light, some of which led to prosecution.
- 14.88** Firstly, Mr Brander was convicted of the sexual abuse of Niko.¹⁶ The Garda discovery contained a statement from Niko, in which he stated that he had complained to Sr Giuliana at the time about the sexual abuse by Mr Brander, but that she did not believe him. In evidence and in a Garda statement, Sr Giuliana denied that he had made such a complaint to her. The Garda who conducted the investigation into the allegations made by Niko spoke to Sr Giuliana who said that she did not recall any complaint.
- 14.89** Secondly, Marco¹⁷ made a statement to the Gardaí in the mid-1990s in which he alleged that he was sexually abused by Mr Brander while a pupil in the school.
- 14.90** Mr Stegar in a statement to the Commission supported his allegations. Marco had contacted him in the mid-1990s and advised him that he was going to the Gardaí to complain about Mr Brander. Mr Stegar recalled visiting Marco when he was a schoolboy and was ill in hospital with suspected meningitis. He discovered at the time that the boy was hospitalised following a beating around the head from Mr Brander. He advised the boy to complain to Sr Giuliana. Mr Stegar acknowledged in evidence that he should have brought it to her attention himself. At the meeting, Marco said that he had tried to tell him about being sexually abused by Mr Brander. Mr Stegar recalled another occasion when Marco and another boy told him that Mr Brander was a homosexual, but that he did not pursue the matter.
- 14.91** Marco gave evidence at Mr Brander's trial for offences committed while he was teaching at Walsh Island NS.

¹⁶ This is a pseudonym.

¹⁷ This is a pseudonym.

Sacred Heart, Convent of Mercy Secondary School, Tullamore, Co Offaly, August 1975 – July 1985

- 14.92** Following his departure from Castlecomer, Mr Brander took up a teaching post in the all-girls secondary school in Tullamore. Sr Ines¹⁸ was principal at the time. She is now elderly and gave evidence to the Committee of her recollection of Mr Brander. In a letter to the Department of Education in the mid-1970s, she advised of the appointment of Mr Brander as a teacher in the School and stated that he was moving to the School for family reasons.
- 14.93** In evidence she said that *‘there was a gap for an Irish and geography teacher and it was in the middle of the school year. So I had to advertise for the job and Mr Brander– so far as I can remember, all of that is not in my head at all except that he applied and seem to be a very suitable and I took him on’*. She said that he was taken on effectively there and then, as the students had no teacher. This is inconsistent with evidence from the staff at Castlecomer, who said that he left at the end of the school year, and with his Departmental record showing that he commenced on 1st August.
- 14.94** As before, he built up a relationship with his employers. She told the Committee, *‘He was always a perfect gentleman to me and was very good friends with all the Sisters’*. He continued to secure good results for his pupils.
- 14.95** Again, allegations of physical assault emerged. He appeared to have been a constant source of concern for Sr Ines. She reprimanded him numerous times regarding his discipline and said that he was always very apologetic. She gave evidence that she would hear him shouting from her office. He continued his policy of disciplining girls by making them kneel, sometimes making them kneel on their hands. The students complained to her about this treatment *‘maybe once or twice, not very much, but I got the message and I talked to him’*.
- 14.96** While she said that she believed he never struck a pupil, she appears to have warned him against it: *‘When I was speaking to Mr Brander about striking students I said “Just be very careful, we cannot strike children, it is not our policy for the discipline in the School”’*. She added, *‘I suppose I would be afraid he might strike a child ... [he came across] as very strong person’*.
- 14.97** A statement was issued by the School, following his sentencing in respect of the charges relating to Walsh Island NS, as follows:
- Sr. [Ines], who was Principal for his years of service, recalls complaints from time to time from parents and students. While these complaints are unrecorded, nevertheless, she recalls that they related to discipline incidents in the classroom but none of the complaints were of sexually inappropriate conduct. In one specific incident a senior member of staff recalls an accusation of Mr [Brander] having struck a student.
- It has been widely reported that contact was made with the School in ... alerting the authorities to [Mr Brander’s] previous history. We have examined our files and interviewed the Principal of the day, Sr. [Ines], who has no record or recollection of receiving such information.
- 14.98** However, in evidence before the Investigation Committee, when asked whether she recalled pupils complaining about his discipline, Sr Ines replied: *‘Not really no, I never got serious complaints’*. She further said that she did not recall any parents coming to the School to complain. Sr Ines accepted that the statement quoted above must be correct but she had no recollection of the matters stated therein. She could not recollect recording complaints made by parents or whether she would have done so:

¹⁸ This is a pseudonym.

It was a very busy school. You couldn't be taking complaints all day. I just did what I was expected to do and did the best I could in a big school.

- 14.99** When pressed as to why, given her experience, she did not record the complaints, she repeated that she did not know why.

Garda investigation in the 1980s

- 14.100** In the early 1980s a Garda investigation was commenced following allegations made by a pupil, Taina,¹⁹ that she had been assaulted by Mr Brander. In the course of this investigation, students and teachers were interviewed and made statements to the Gardaí. The circumstances surrounding these allegations are as follows.

- 14.101** A room in the School was set aside to operate as a shop. Mr Brander supervised the shop during break time. On the occasion in question, he arrived late and a large number of children had congregated in the room. There appears to have been a regulation that only a set number of children could be in the room at one time. He shouted at the children to get out of the room and form a queue outside. Taina appears not to have departed as instructed. At this point the statements made by the various witnesses diverge. What is clear is that there was an altercation between Mr Brander and Taina. The school principal, Sr Ines, was absent at the time. The vice-principal, in her Garda statement described how she met Taina in the corridor. Taina was very upset. She said that Mr Brander had struck her twice in the chest.

- 14.102** The vice-principal fetched Mr Brander to have him deal with the matter. There was a further altercation between Mr Brander and Taina. A male teacher, arrived on the scene and appears to have warned them that other people could hear. This teacher, on the advice of his union, the Association of Secondary Teachers of Ireland, later declined to make a statement to the Gardaí. Taina's mother was called to the School at the request of her daughter. The mother, Mr Brander and Sr Edita,²⁰ the School Manager, had a meeting in the course of which Mr Brander explained that he had merely brushed her arms down and that he was sorry that it had occurred. Sr Edita and Mr Brander appear to have thought that was the end of the matter. However, the mother made a Garda complaint that day.

- 14.103** The Gardaí took statements from the complainant, her mother and another student. The statement of this pupil was witnessed by a Garda. She said that, while she had not witnessed the incident complained of, she was herself pushed out of the room by Mr Brander. Initially, statements were taken from the vice-principal, Sr Edita and Sr Trista,²¹ who was in the room at the time of the alleged assault. Sr Trista was of the view that Taina had adopted a defiant attitude. She saw Mr Brander slap her arms down from the folded position twice but did not regard this as an assault. Sr Edita also seemed to have questioned the bona fides of the complaint, commenting that she was 'roaring crying' with no tears.

- 14.104** Some days later, Mr Brander and 12 further students made statements. Mr Brander denied the allegations entirely. He made no mention of her adopting a particular attitude or of slapping her arms down. He merely said that she was one of a group of children he ushered from the room. The first he knew that anything was wrong was when the vice-principal came to him. He was most surprised when he heard that Taina was crying, and stated that he had never used corporal punishment in the last 14 years and that 'it was beyond my comprehension how I could be implicated with making any girl cry'. He said he had made an apology only in relation to the girl's mother having to come to the school and not because he had done anything to warrant a

¹⁹ This is a pseudonym.

²⁰ This is a pseudonym.

²¹ This is a pseudonym.

complaint. He commented on his good relations with the family. Surprisingly, he was not questioned further regarding the inconsistencies between his statement and that of the other adults who had witnessed the events.

- 14.105** One of the students from whom a statement was taken on the later date, supported the allegations and was described as ‘collaborating the injured party’s account’. Each of the statements taken from pupils on the later date was witnessed by one of two teachers at the School. Three pupils described Mr Brander slapping her arms down, and specifically stated that they did not regard it as an assault. Two others referred to him putting his hand on her shoulder and ushering her out of the room. A number referred to her as having adopted a defiant attitude.
- 14.106** In the statement issued by the School quoted above, no mention was made of a Garda investigation in the early 1980s. The Investigation Committee learned of this investigation through Garda discovery and not through the School or the Congregation.
- 14.107** Despite Sr Ines’ concerns about Mr Brander’s behaviour, she did not consider dismissing him. When asked whether she was ever concerned that she might have to dismiss him, she replied that *‘well he was due to be retiring the next year or something’*. She also said *‘he was a good teacher as regards teaching a subject ... I would have given a stiff talk to him ... There was never anything that serious to my mind that you could sack him’*.
- 14.108** She said *‘He was ... a bit different to the other teachers, a little different, strict or whatever’*. When asked by the Chairman was he a worry for her she replied, *‘Oh yes, he was in the end, but what could I do? In the end [I could] only talk to him and try and fix the situation, which I thought we did very well’*.
- 14.109** At no point, either during his employment or after his conviction, did Sr Ines make contact with his previous employers to learn what they might have known of his behaviour.
- 14.110** The School’s public statement quoted above refers to reports that contact was made with the school in the early 1980s, alerting the authorities there about Mr Brander’s previous history. Sr Ines denied any record or recollection of receiving such information. She testified that she learned about this after her retirement in the mid-1980s, when she was advised by a senior teacher that Mr Brander was a paedophile.

Attempts to expose Mr Brander during the early 1980s

- 14.111** Following the revelations of the sexual abuse of children resident in the Kincora Boys’ Home in Belfast, Mr Rothe, who had been abused while a pupil of Mr Brander in Walsh Island NS in the 1960s, decided to make efforts to expose Mr Brander’s behaviour. At this point, he *‘began to realise that I wasn’t the only person that this had ever happened to’*. In considering how to go about exposing Mr Brander, he was worried about the advisability of revealing that he had been sexually abused. As he was a teacher himself, he thought that it might give rise to comment that he himself was unsuitable to be a teacher. This man furnished documentation and gave evidence to the Investigation Committee.
- 14.112** He approached a number of individuals whom he felt might be in a position to assist him.

Members of the clergy

- 14.113** Mr Rothe made an appointment to meet with the Bishop of Kildare and Leighlin, in whose diocese Walsh Island NS was located. At the meeting, they discussed the circumstances of Mr Brander’s departure from Walsh Island NS. The Bishop told him that Mr Brander was an urgent problem at

the time and it was dealt with quickly. He made the point that, if they had waited for the Department of Education to act, it could have taken years.

14.114 The purpose of the meeting, from Mr Rothe's point of view, was to find out how it was possible that:
a person who had been removed from a school for sexual abuse of a large number of pupils could still be working as a teacher especially so close to where he had abused.

14.115 Mr Rothe said that the Bishop appeared to be surprised to learn that Mr Brander was teaching in Tullamore. He was very critical of the manner in which the Department of Education dealt with this sort of problem.

14.116 Following their meeting, Mr Rothe and the Bishop entered into correspondence on the matter, commencing with a letter from Mr Rothe:

Dear [Bishop]

Further to our meeting of April 30th I think it fair to clarify my position. I have made a written complaint to the Department of Education with the objective of finding out why the management of Sacred Heart Secondary School were not informed of Mr. [Brander's] behaviour in Walsh Island NS.

I now know that managers are not obliged to report such matters to the Department. The school manager has ultimate responsibility. It would have saved me time and expense had you told me that when I asked you. As one who has suffered greatly because of this I have the right to know the truth, a right which many people do not seem to recognise. I believe that you made an unwise judgement in allowing Mr. [Brander] an opportunity to get back into teaching. I also believe that other people had the right to information about Mr [Brander] if he was to be prevented from coming into contact with children in any capacity.

During my enquiries I have found that what happened to me in school is not at all uncommon. I now know that there have been and continue to be numerous similar cases. It appears that each year the Dept. removes the right to teach from a number of persons. I would think this number to be between three and six. This does not take into account the number of teachers sacked by individual managers or Bishops. I know from Department sources that complaints are frequently lost and are dealt with only when they are accompanied by an avalanche of similar complaints. In one case I know of this took five years. I would also like to point out that the teachers sacked by the Department go out on full salary or pension which is of course tax-payers money. I find this a little hard to accept as it seems unlikely as I will get medical or legal expenses or payment for time lost from work through illness.

It is clear to me that there are many thousands of people who have some knowledge of the problem of sexual abuse in schools. Every person I have spoken to connected with education recognises that there is a problem. It is undoubtedly something which many people do not forget and which many never talk about.

I recognise of course the problems of getting proof in such cases. However there is an unwillingness to deal with cases even when sufficient proof exists. The people who then suffer are the children who are left at risk. It is the children I am concerned about. I do not believe that the action taken in the [Brander] case was of any help to me either [at the time of the abuse] or now. The attitude of clergy I have been in contact with is to say the least regrettable. To an outsider it would seem like an attempt to cover up the facts rather than deal with them. If society is now more informed and enlightened on such problems as homosexuality it is no credit to the clergy in my opinion.

I ask you to consider the plight of many children who are sexually abused in their own homes by members of their families. Who are they to turn to for help. Various bodies try

to help while society in general continues to ignore the realities. The point I wish to make is that society will never deal with that abuse or alleviate some of the suffering that accompanies it until it first deals effectively with cases of sexual abuse in schools.

I now find myself interested in not one case of sexual abuse but many. I believe that the number of such cases can be greatly reduced if the relevant authorities are prepared to take action. I am therefore asking that an investigation be made to find out the extent of the problem and how it can best be dealt with.

I have made it quite clear at all times that I am interested in seeing that what happened to me in Walsh Island NS will not continue to happen to others. In anything that I have done I believe I have acted responsibly. Trying to do that can be frustrating if others do not accept their responsibilities. I am not saying that anyone would deliberately allow an unhealthy situation to continue. Somebody must show courage and leadership in tackling a problem which most are unable to even discuss.

I look forward to any early reply.

14.117 The Bishop replied:

I have your letter ...

I was under the impression that you had already been in touch with the Department prior to your visit to me.

I would query your reference to “numerous similar cases” – in fourteen years only three such cases were brought to my notice, and this is one of the most populous dioceses in the country.

In each case the families concerned were unwilling to testify publicly and the teacher concerned had to be allowed to resign. The question of another appointment to a National School should be covered by the fact that a reference from his last school is always sought in the case of a teacher–applicant, and no manager would conceal the facts in such cases. It does look as there is a loophole where post primary schools are concerned.

Subsequent to your visit I alerted the PP of Tullamore so that he will be aware of the dangers, but one also has to take in consideration the possibility of a man genuinely leaving his past behind him.

I can fully understand your feelings and your concern.

With every good wish.

14.118 Mr Rothe pursued the matter in a further letter:

Dear [Bishop]

In reply to your question on other cases I have been informed that during the seven months of the last Coalition Government two persons had the right to teach removed from them by the Minister Mr. Boland.

You did not in your letter give any answer on the question of an investigation or compensation for me personally.

I do not agree with your reasoning on the Tullamore case but do realise that it was the result of an oversight.

If my attempts to achieve an improvement through the proper channels fail I will use any other means available. What happens in our schools is everybody’s concern. The first time parents hear of the problem is after it has happened when it is too late. It is no consolation to know how many cases there have been. How many are necessary before action is taken.

- 14.119** Mr Rothe wrote a further letter, but there is no evidence that the bishop replied to either.
- 14.120** Mr Rothe also contacted Fr Derek, former curate in the Walsh Island parish, whose parish priest had been Fr Colm. Mr Rothe had approached Fr Derek, as he felt that his meeting with the Bishop had been unsatisfactory. He gave evidence of a meeting he had with Fr Derek, with whom he had a good relationship. Fr Derek advised him that, when Mr Brander was sacked, a Department of Education Inspector and an Irish National Teachers' Organisation official were involved. He did not learn their names.
- 14.121** Fr Derek advised him of the circumstances surrounding Mr Brander's removal:
- He did tell me the sequence of how Fr [Colm] heard about it on Sunday and he went to the Bishop on the Monday and consulted with the Bishop and then he came back the next day and ... confronted Mr [Brander] about it and how quickly it was done.
- 14.122** Fr Derek said that, if Mr Brander was still teaching, it was the Department's fault.
- 14.123** There is a Garda memorandum of an interview with Fr Derek in the mid-1990s. Fr Derek said that, following Mr Rothe's visit in the early 1980s, he consulted with the Bishop and visited the school curate of Tullamore to warn him about Mr Brander who was then teaching in the School.
- 14.124** Mr Rothe wrote to Cardinal Archbishop of Armagh. He discussed the problem of child abuse in general terms and said that he had been abused in a small rural primary school. He mentioned that had contacted the Bishop of Kildare and Leighlin and John Boland TD. The Diocesan secretary replied as follows: 'In the absence of [the] Cardinal I wish to acknowledge your letter ... As you have already consulted your own bishop concerning the matter you can be assured that [the] Bishop will bring it to the attention of the bishops if he deems it right that the bishops should be informed'.
- 14.125** The discovery from the diocese contained a further letter from Mr Rothe, which commenced:
- I have again asked [the Bishop] what action is to be taken to establish an investigation into cases of sexual abuse in schools whether or not I am to be compensated for medical expenses etc. and what the position is regarding the employment of Mr. [Brander] in Sacred Heart Secondary School, Tullamore, Co Offaly.
- 14.126** In this letter, he continued to express his frustration at the lack of will to tackle the problem of the sexual abuse of children in public schools.
- 14.127** He received no reply to this letter.
- 14.128** Mr Rothe said that he spoke to the curate in the parish of Tullamore. He felt he was more likely to listen to him than the parish priest:
- I made an appointment to see him, I went to see him and told him the whole story, he suggested that he would check out the story and that I would phone him a week later, which I did. He was very abrupt and very emphatic that he would do nothing, that he would not be a part of a witch hunt and that you could not drag a man's past after him like an albatross around his neck.*

Department of Education

- 14.129** In light of Fr Derek's information about a Department of Education inspector being involved, Mr Rothe decided to approach a national school inspector with whom he was professionally acquainted.

14.130 Mr Rothe spoke about Mr Brander's sexual abuse of his male pupils and physical abuse of both male and female students. Mr Rothe also spoke of the sexual abuse he had himself suffered while a pupil at Walsh Island NS. Mr Rothe testified to the Committee that he had expected his acquaintance to pursue his complaint officially with the Department, even though he was not in a position of authority over Mr Brander. However, the national school inspector gave evidence that he believed that the meeting was private and that it was not intended that he should follow up with action on his part.

14.131 While there is disagreement between the two men in relation to the number of meetings, what was said and what each understood to be the purpose of the meeting, the essential fact that Mr Rothe gave information regarding serious sexual and physical abuse by Mr Brander, a serving teacher, is not in dispute. The national school inspector did not follow up this complaint by passing on the information to the Department.

14.132 Mr Rothe gave evidence that his efforts thus far were an attempt to avoid having to write a formal letter of complaint to the Department of Education. He had no idea how to go about this task, and felt that there were implications for him professionally in so doing. Despite this fact, he wrote:

Dear Sir,

I wish to make the following points concerning Mr. [Brander] who is presently teaching in Sacred Heart School, Tullamore. Mr. [Brander] taught in Walsh Island NS, Geashill, Co Offaly from 1965 to 70. He was then sacked because it was found that he was sexually abusing boys in his classes. He was the principal teacher in Walsh Island.

The manager of the school, Fr. [Colm] reported the matter to [the Bishop]... Mr. [Brander] was then barred from teaching in primary schools. He then taught in Presentation Convent, Castlecomer before taking up his present post in Tullamore.

I have been in touch with the authorities in Sacred Heart, Tullamore and they informed me that they were not informed of Mr. [Brander's] behaviour in Walsh Island either by the Department or [the Bishop].

Many parents in Tullamore are unhappy with Mr. [Brander's] teaching and methods of maintaining discipline etc...

I am sure that [the Bishop] will verify anything I have said here regarding Mr. [Brander's] conduct in Walsh Island

I am myself a teacher and fully realise the seriousness of the charges I make against another teacher, I would not make any charge that I could not prove. I will expect the matter to be fully investigated and appropriate action taken.

Yours sincerely

14.133 This letter was received in the Secondary branch of the Department of Education. He followed the letter with a telephone call to an employee in the Primary Branch. She advised him that there was no record of any complaint. He received no reply to this letter. However, the letter did receive some consideration within the Department.

14.134 Mr Rothe's letter was passed between various sections of the Department before a decision to take no action was ultimately made. Two sections within the Department were mainly involved in the consideration of the complaint:

- (a) Post Primary Financial Section
- (b) Secondary Salaries Section

14.135 The letter from Mr Rothe quoted in full above raises the following points about Mr Brander:

- He is presently teaching in Sacred Heart Convent, Tullamore ;

- He taught in Walsh Island NS in the late 1960s;
- He was sacked from Walsh Island for sexually abusing boys;
- The manager in Walsh Island reported this to the Bishop of Kildare and Leighlin;
- Mr Brander was barred from teaching in primary schools;
- He taught in Presentation Convent, Castlecomer;
- Mr Rothe said that he had been in touch with authorities in Tullamore who advised him that they were not informed of Mr Brander's past behaviour by either the Bishop or the Department of Education;
- Many parents in Tullamore were unhappy with his teaching/discipline;
- The Bishop could verify the above information.

14.136 The following memorandum was sent from an official in Post Primary Financial to an official in Secondary Salaries:

Letter ... from Mr. [Rothe], N.T.

Essentially this letter is a complaint about a teacher's misbehaviour and it seems to imply that the writer considers that that misbehaviour was of such a serious nature that it indicates the unfitness of the teacher for employment in any capacity as a teacher.

Inspection Section does not deal with such complaints unless they involve also allegations of actual offences against pupils and seek investigation of such offences. This case does not have that dimension. What it essentially raises, in the Department's terminology, is the question whether the Dept. can properly continue to recognise the teacher as a "recognised teacher" and pay him Incremental Salary. If, however, the teacher is not a recognised teacher and is not in receipt of Incr. Sal., then the allegation still raises a question: can the Dept. properly aid the school out of public funds while it employs this teacher to impart instruction?

Perhaps you wd. deal with the complaint from the "recognised teacher" and Incremental Salary aspects. Presumably Primary Branch have a file about the alleged misbehaviour in a primary school on this teacher's part.

(Signed)

14.137 The matter proceeded through another exchange of memoranda between officials:

Re: Mr [Brander]

Mr [Brander] has been on incremental salary as a member of the staff of Convent of Mercy, Tullamore since ...

Previously he was in Presentation Convent, Castlecomer...

He served as a primary teacher from [the early 1940s until the late 1960s] with a number of very short breaks – almost a year in [the mid-1940s] and again [in the early 1960s] but otherwise very short.

He is now [in his early sixties].

The recruitment and employment of teachers in Secondary schools is a matter for management. Our concern is to ensure that they are properly qualified, that they are authorised quota and that they are properly timetabled.

If this man's work has been inspected and reported on during his years as a secondary teacher, then the records will be available in Inspection Section. If not, perhaps one could be arranged. Teachers Section would not call for the inspection of any particular teacher. "Recognised teacher" has a particular meaning ascribed to it in the Rules for the Payment of Incremental Salary to Secondary Teachers and we cannot go beyond that.

I would see the same limitations in relation to the payment of grants but this is essentially a matter for your own area.

Mr [Rothe] has, according to his letter, brought the matter to the attention of school management and I would say that the problem now rests there.

It would not be for the Department to give character references to a school in relation to a teacher which it proposes to employ. If Mr. [Brander] has served for the last 13 years as a secondary teacher – in girls' schools – without coming under notice, is it correct to rake up the past now? I have not attempted to trace any report in relation to his N.T. service.

Signed

14.138 The procedures allowed complaints to the Department of Education, but, as this memorandum points out, the problem now rested with the management of the school.

14.139 Further internal memoranda on the problem of Mr Brander were exchanged:

Convent of Mercy, Sec.school, Tullamore

[To] PO [in Post Primary Section]

- (1) This school caters for girls only according to the ... October Lists.
- (2) There is no adverse report on the teacher Mr [Brander] in the reports on this area's Inspection File for the school.

[Signed]

R/Cig (Inspection Section)

...

[To] PO [in Secondary Salaries Section]

We discussed this case on the telephone earlier today. As you will note from above, the teacher who is the subject of complaint is at present employed in a Girls School: the inference seems to be that he is not, therefore, a risk to the pupils even if he was guilty of the offence or offences complained about by Mr [Rothe].

As you will note also from above minute, there is no adverse report of any Inspector on file here in respect of Mr [Brander]. On the contrary, the last Inspector's report in which he was mentioned – one dated [two and a half years earlier] ... – praises the teacher's work in the phrase

"Oide an-mhaith é seo: cailíochtaí sa Ghaeilge aige."²²

Copy of that Report is attached.

The fact remains, however, that the Department has received Mr. [Rothe's] very serious complaint and that the whole context of the complaining letter might well appear to imply that Mr. [Rothe] considers the nature of the offence to be such as to indicate unfitness for employment as a teacher by reason of conduct unbefitting a teacher.

As you are no doubt aware, the relevant statutory regulations [viz. Regulation 4 of the Regulations for the Register of the Intermediate School Teachers] empower the Minister (not the Registration Council) to "remove from the register the name of any teacher who shall be shown to his satisfaction to have been guilty of conduct which is, in the opinion of the Minister, unbefitting a teacher." Before doing so (i.e removing a name), the Minister is required by the regulations to give the teacher an opportunity of being heard.

Having regard to the complaint and to the statutory provisions which I cite and which are obviously designed to cover the kind of offence or offences complained of I consider that

²² Irish for 'This is a very good teacher: he has qualifications in Irish'.

the papers should be submitted for the Department's decision as to whether any action beyond consideration of the complaint should at this stage – 13 years post eventum – be put in train.

I note that the complainant offers no explanation whatever of the lateness of his complaint; such explanation might well be considered reasonably necessary, however, in view of the implications of the lateness for the availability of evidence at this juncture. If, however, evidence was made available to the Department about the offence or offences at or around the time of their occurrence, then the question arises,; from the nature of the present complaint, why did the Dept. not act earlier.

I do not express any opinion on the bona fides of the complaint or on whether any action should be taken on it beyond considering it carefully – and in the light of any other evidence available on the matter in the Primary Branch – if there is any such evidence – and that a Departmental decision should be obtained. For the complainant may have the matter raised elsewhere presently and seek to blame the Dept. for alleged negligence.

[Signed]

[PO Post Primary Financial Section]

14.140 Some time passed before the matter was considered again. The following memo was sent by an official in the Secondary Salaries Section to a colleague:

I will have a word with you about this after the holidays D.V.

I understand from Primary branch that staff had no knowledge of the allegation made during the [teacher's] period of service as a N.T. Accordingly Minister had no knowledge of the alleged offence at time of registration. Do you think any action should be taken – I don't!

[Signed]

14.141 This memo was sent to HEO in Registration and Pensions, who noted:

- query out re primary
- no problem with Registration

[Signed]

14.142 On the same day, the HEO in Registration and Pension wrote to a HEO in Primary Payments Section:

[To] HEO

1. We have had a complaint about Mr. [Brander] currently a secondary teacher, but who taught in Walsh Island NS, Geashill, Co Offaly.

Could you ascertain whether there is any record of a complaint against this teacher on the primary side? Are there any indications on why he left Primary teaching.

2. Please also confirm that Mr [Rothe] teaches in ...

Thanks.

[Signed]

Registration [and Pension]

14.143 She in turn wrote to a colleague in Pensions:

Offaly 176/6 Walsh Island NS

[To] Pensions

Re: Mr [Brander] – Sec Branch –[HEO]– Registration has asked if we have any record of a complaint against this teacher – he transferred to Secondary Teaching some years ago and served as Principal Teacher in Walsh Island NS according to our school records [in the late 1960s]. His own cards are missing also the file ... for apt. of Principals in this school is missing so I cannot trace his details at all. (Taken up [late 1970s]). Perhaps you would have something on him in Pensions. I'd be thankful to get a reply if so.

[Signed] HEO

14.144 The official in the Pensions section replied setting out Mr Brander's service history which showed numerous changes of post.

14.145 The frequency of Mr Brander's changes of post, as evident from this document, and the nature of the complaint being made by Mr Rothe, should have raised questions and/or prompted a more detailed investigation.

14.146 The HEO in Primary Payments was then in a position to reply to the HEO in Registration and Pensions:

Mr [Rothe] apptd. as Asst. on ... and still serving.

1. We have no records unfortunately re Mr [Brander] – his cards and apt. file are missing – the file ... apt. of Principal is noted in Registry "Up" [late 1970s] but Records Section do not have it. All I have is a record of his past Primary Service. See copy obtained from T.P.O.

[Signed]

14.147 The HEO in Registration and Pensions then sent a memorandum to the official in the Secondary Salaries Section and this communication concluded the Department's consideration of the complaint made by Mr Rothe

[To] Uas P.O.

You are familiar with the background to this case. You will note from Primary Payments that neither the file nor the teachers cards are available. The General Section tell me that they cannot trace any papers either.

Perhaps the following points might help in reaching a decision:

the complaint refers to alleged incidents over 10 years ago;

the management of his current school are aware (per Mr [Rothe]) of the position;

the Inspectors report ... is satisfactory;

he is due to retire ...

as far as this section is concerned his registration papers are in order.

My feeling is that the Department (and in particular the Registration Section) does not now have a sufficient basis to proceed with any action against the teacher.

However, I do propose that we submit a file through [Principal Officer], and [Chief Inspector] for their agreement or observations. It might also be no harm to inform Mr [Rothe] that we have "noted" the contents of his letter. However, it does not seem appropriate for Registration Section to issue such a letter. Perhaps Inspection, or Primary Branch would be more suitable.

[Signed]

HEO Registration

14.148 The official in Secondary Salaries simply wrote his comments on the suggestions in the last two paragraphs and initialled and dated them. He wrote 'Agreed' next to the contention that the Department did not have 'sufficient basis to proceed with any action against the teacher', and against the suggestion that Inspection Section or Primary Branch should issue a letter to Mr Rothe he wrote 'Not necessary'.

14.149 The Department of Education has acknowledged that the manner in which Mr Rothe's complaint was handled was inadequate. Counsel for the Department of Education, pointed out in the course of his cross-examination of Mr Rothe that, on a current affairs programme in the late 1990s:

... Minister Michael Martin acknowledged that even by the standards of the time the Department's handling of your written complaint was impossible to stand over.

14.150 In the Department of Education and Science's Statement to Commission to Inquire into Child Abuse, made in the advance of its Phase III hearing, the Department wrote:

Mr [Brander's] conviction subsequently led to many parliamentary questions and ministerial representations on the apparent inaction by the Department of Education to deal with Mr [Brander] in [the early 1980s]. The letter appeared to cause no sense of alarm in the Department and effectively was not acted upon. This view was expressed by the Minister for Education in [the late 1990s], Michael Martin, when he stated that "*following my review of the papers, I am firmly of the view that the Department's response to this complaint was seriously lacking and that there can be absolutely no excuse by reference to the standards of the time*".

Rule 4 of the 1967 Regulations for the registration of secondary school teachers provide for the removal of a name from the Register of Secondary School teachers by the Minister if warranted – "*The Minister may, after giving the applicant an opportunity of being heard, refuse to register him on the grounds that, in the opinion of the Minister, his moral character renders him unfit to be employed as a teacher*" and "*the Minister may, after a similar opportunity of being heard, remove from the Register the name of any teacher who shall have been shown to his satisfaction to have been guilty of conduct which is, in the opinion of the Minister, unbecoming a teacher*". The Regulations allowed for legal representation. While the Department's papers on this case indicate that withdrawal of recognition as a teacher was identified as possible course of action, this was not pursued.

14.151 The memoranda set out above between civil servants seem to have been more concerned with procedural niceties in dealing with the complaint rather than actually investigating it. At no stage were the past, present or potential future victims of Mr Brander considered. The fact that the complaints related to a period 10 years previously and that Mr Brander was due to retire in the near future were used to justify taking no action.

14.152 A proper approach would have taken into account the following:

- There were serious allegations dating back at least 10 years of sexual and physical abuse of children.
- The alleged abuser was a vice-principal with power over children.
- At the time the complaint was made, Mr Brander had three years before he was due to retire and so could do much more harm.
- A full investigation was required.

14.153 The process took over a year and a half to come to the decision to do nothing. Another feature of the handling of this case by the Department was the dismissive attitude that was adopted in regard to Mr Rothe, who was not even given the courtesy of a reply to his letter. The debate

was not about how to investigate his complaint but about what to do about a troublemaker who had complained.

Events post Mr Brander's retirement

14.154 Mr Brander retired in the mid-1980s. He was subsequently convicted of abusing a boy to whom he was giving grinds. The publicity following this conviction led a former pupil of Walsh Island NS to come forward and make a statement to the Gardaí, which resulted in a full-scale investigation into Mr Brander's period of service there.

14.155 Around the time of his third trial, Mr Brander wrote to the Christian Brothers saying that he himself had been a victim of sexual interference during his time in the Christian Brothers after he joined the Congregation in the 1930s. He described several occasions over a period of 10 years during his education and training in the Brothers when he was sexually abused by a number of named persons. The latest of the incidents happened in the 1940s. One of the offenders he named was a Brother who was expelled from the Congregation because of sexual abuse. In the letter Mr Brander said:

I was very innocent when joining, and I look upon those incidents as having a profound influence on my teaching years.

14.156 Mr Rothe continued his quest to have his concerns, namely the exposure of Mr Brander and a general inquiry into the abuse of children, dealt with, in contacts with a number of politicians, some of whom raised the issues with Ministers for Education.

Conclusions

- 14.157**
- 1. By permitting Mr Brander to be eased out of the Congregation, the Christian Brothers did nothing to prevent him continuing in a career of teaching, despite his repeated sexual interference with children and knowledge as to the danger he represented to them. The Provincial at the time of his dispensation said that 'we could not allow him in future to have any contact with boys as it would be dangerous for himself and for the boys'.**
 - 2. Within days of leaving the Congregation, Mr Brander took up a position as Principal of a National School, which would have necessitated some form of application process to the School Manager, who was most likely the parish priest of the area. It is scarcely credible that an accurate reference could have been furnished, so the possibilities are that a favourable reference was given which satisfied the employer or that the latter did not seek a reference. In either case, there is ground for suspicion.**
 - 3. During the course of his subsequent career, Mr Brander's sexual and/or physical abuse of children came to the knowledge of his employers, including a parish priest and senior members of two separate communities of nuns, a Bishop, members of the clergy, the Gardaí, the Department of Education and an Inspector thereof, and colleague teachers, but on each occasion he was able to continue his career.**
 - 4. By choosing to take the easy way out, the persons and bodies with knowledge of Mr Brander's activities must bear heavy responsibility for the damage he did to children throughout his career and following his retirement.**

