

## Chapter 2

# St. Patrick's Industrial School, Upton ('Upton'), 1889–1966

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## Introduction

### *The original building*

**2.01** When a local judge in Cork requested the setting up of a reformatory school to serve the area, the Cork Society of St Vincent de Paul set up the Cork Reformatory Committee in 1858, to plan such a school to contain juveniles outside adult prisons. They bought a 112-acre farm at Upton, 14 miles from Cork city, and asked the Rosminians, who had experience of such work in England, to take charge of the Reformatory. A building was designed by Richard Brask, architect, and was completed at a cost of £5,000 in 1860. The lease was transferred to the Rosminians in 1872.

**2.02** The buildings formed a square, surrounding a central courtyard. Fr Moses Furlong, the first Superior of Upton Reformatory, launched a Patronage Fund to gather public support for the work of the Reformatory. He pointed out in 1867, that the boys in the Reformatory came from all parts of Ireland. He reiterated the founding ideal when he wrote:

An instant's reflection will convince anyone that no matter how carefully a lad may be trained for a few years, his safety is fearfully imperilled if he be returned to his old haunts and old associations, with no money, no assured occupation, no friends but his former criminal companions, and no character but that of one who had been a criminal.<sup>1</sup>

**2.03** When the Industrial Schools Act was extended to Ireland in 1868, the Rosminians sought to have the School reclassified as an industrial school. It was certified as one in 1889, and was called Danesfort Industrial School. It continued as an industrial school until it closed in 1966.

**2.04** It was an imposing building, two storeys high, with extensive farmlands around it. One witness who was there in the late 1950s, told the Investigation Committee:

*It was a beautiful place ... [it] was beautiful for a visitor going there. It was better than Butlin's, but for us inside the walls it was a completely different thing. It wasn't just one day, it was every single day of your young lives. It was beautiful sometimes.*

**2.05** A former resident from the late 1950s and early 1960s said:

*On arrival, as far as I can recall, it was into a yard that looked like a prison. It was a kind of castle yard, like an old military parade ground, which a lot of children of my own age, younger, a few maybe older, had been walking around almost in circles. It was frightening. Naturally, I was crying – lonely it was.*

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<sup>1</sup> Quoted in Bríd Fahey Bates, *The Institute of Charity: Rosminians. Their Irish Story 1860–2003* (Dublin: Ashfield Publishing Press, 2003), p 74.

- 2.06** Another witness, from the late 1950s and early 1960s, said simply but evocatively:  
*When I arrived at Upton first, when I saw it, it looked like a mental home to me. That's what it actually looked like, a mental home.*
- 2.07** Initially, Upton consisted of a big house, located on a farm of 112 acres. The size of the farm was increased over the years and, at the time of its closure, it was approximately 220 acres. The main building was in the form of a square around a central courtyard. In later years further buildings, such as a chapel, a hall and various outhouses and workshops, were added.
- 2.08** The School was under the control of the Resident Manager, who was appointed by the Superior or Provincial of the Irish Province. The School was run according to the principles laid down in the Rules and Regulations for Danesfort Industrial School. The Resident Manager was responsible for the staff. They may be grouped into four categories: the Members of the Institute of Charity; the Dominican Sisters; the Teaching Staff; and the lay staff who worked in the various trade shops or on the farm. In addition, members of the Institute of Charity sometimes lived in St Patrick's while studying elsewhere, in University College Cork, for example.
- 2.09** The Religious staff worked in various capacities: some were Prefects, with responsibility for the control and supervision of the children; some were Secretaries, with responsibility for administration; and some taught in the School, or worked in the various trade shops or on the farm. The Dominican Sisters of the Congregation of St Catherine of Siena worked in the School in various capacities from 1946 to 1955. The School also employed a number of lay teachers, who were paid by the Department of Education. The staff also included a number of farm hands or lay staff that worked in the trade shops. The School was funded by the Department of Education and the appropriate local authorities.
- 2.10** A large part of the building was destroyed when an accidental fire occurred in Upton on 21<sup>st</sup> July 1966, but it was not the reason for the closure of the School.

### ***Closure of the School***

- 2.11** Upton closed on 1<sup>st</sup> October 1966. There had been ongoing discussions within the Order for a number of years previously regarding its closure. The falling numbers, lack of trained staff, and the reorganisation and rationalisation of the schools run by the Order ultimately led to its closure as an industrial school. The minutes of a Provincial Council meeting held on 19<sup>th</sup> November 1964 recorded that 'the writing is on the wall as far as this particular work of charity in Upton is concerned'.
- 2.12** On 1<sup>st</sup> March 1966, the decision was finally taken to close the School within six months from April 1966.
- 2.13** The certificate of the School was resigned on 1<sup>st</sup> October 1966. At the time of its closure, there were 83 boys in the School. These boys were either released or transferred to other industrial schools. 16 boys were transferred to Letterfrack, 10 to Artane, 10 to Tralee, and 28 to Ferryhouse.
- 2.14** It reopened in 1972 as a centre for adults with mental handicap and learning disabilities. The Institute of Charity handed over ownership of the School to the State in 2003, but it continues to exercise a pastoral role.

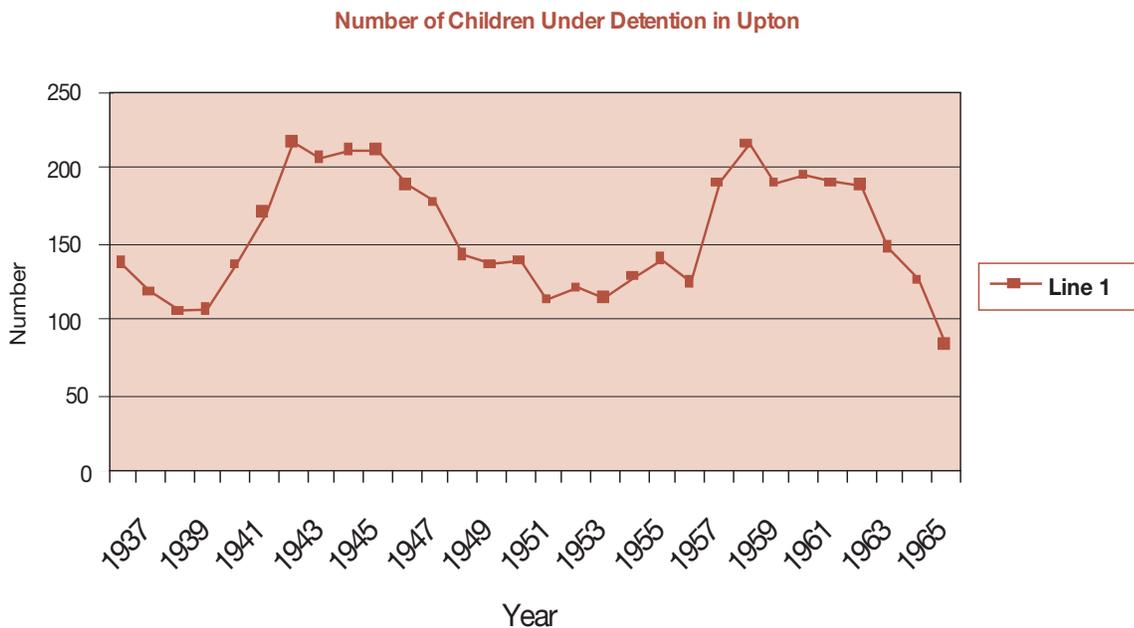
### ***Number of boys in Upton***

- 2.15** In 1889, Upton was certified for the reception of 200 boys, with an accommodation limit of 300. The number of boys in the School who were committed through the courts fluctuated during the years 1937 to 1966. In 1937, there were 137 boys detained in the School, and this number

increased to 217 in 1943. As can be seen from the table below, the numbers declined between 1943 and 1958. In 1959, however, the numbers increased significantly to 216, owing to the closure of Greenmount Industrial School and the transfer of boys from there to Upton. Thereafter, the numbers declined steadily and, at the time of its closure in 1966, there were 83 boys in the School. During its life as an Industrial School, approximately 3,000 boys were admitted.

Year	Number of boys committed
1937	137
1939	105
1941	136
1943	217
1945	212
1947	189
1949	142
1951	139
1953	121
1955	128
1957	124
1959	216
1961	195
1963	189
1965	126
1966	83

2.16 The rise and fall in the numbers in the School can be seen from the graph below:



2.17 The number of admissions to Upton was a cause for concern to Fr Giuseppe,<sup>2</sup> the Provincial, in early 1939. In correspondence in February 1939 he mentioned that the falling numbers were

<sup>2</sup> This is a pseudonym.

causing him some anxiety and that he had got a local TD 'on the job now to bring pressure to bear on the Minister to send extra transfers to Upton until our numbers have reached an economic number'. A month later, in March 1939, he again wrote to say that he had spoken to the then Minister for Education, Thomas Derrig, about the matter. However, according to him there was little prospect of increasing numbers, as the Department was governed by a recommendation of the Cussen Commission that children should be sent to the school that was nearest to their place of origin, and Mr Derrig was disinclined to 'override the regulations of his Dept'. He wrote that, when he saw the Minister, he showed him a copy of their accounts and emphasised that they were neither able nor prepared to continue to fund the School from their own finances. In a letter sent later in the same year, he again mentioned that he was in talks with the Department about the great inadequacy of the grants and the injustice to the religious orders in expecting them to meet the costs out of their own funds or by heavy borrowing, when funding should be done by the State.

**2.18** By November 1939, it appears that Fr Giuseppe had enlisted the help and support of Mr Eamon DeValera, the then Taoiseach and acting Minister for Education:

Dev. is taking up the matter of our school. I am informed that he has been convinced that we have been unfairly discriminated against in the way of transfers and committals and we are told to expect results soon.

**2.19** In 1941, Fr Giuseppe was happy to note that the numbers had increased from 110 at the beginning of the year to 144.

## Physical abuse

### *Concessions made by the Rosminians*

**2.20** In 2002, Fr Matthew Gaffney, the Provincial of the Irish Province of the Institute of Charity, submitted a general statement on behalf of the Order to the Committee. In this statement, he accepted that corporal punishment was used as 'a general disciplinary measure', and was also used as 'a punishment or deterrent' for bed-wetting, absconding and other infringements. The use of corporal punishment, he said, had to be seen in two contexts: first, from the perspective of the Institution, and second, in the light of the 'social attitudes of the time'. From an institutional perspective, he asserted that the 'maintenance of control was an absolute necessity', and was achieved through the use of corporal punishment. He accepted that its use 'produced a disciplinary environment in which the distinction between punishment and abuse could become blurred'. Indeed, he accepted that abuse had occurred in the administration of some corporal punishment, and he apologised for this fact.

**2.21** In their Opening Statement, dated 17<sup>th</sup> June 2004, the Rosminians reiterated their awareness 'that corporal punishment has led to abuse' and 'was known from time to time to have been excessive'. But they asserted that the use of corporal punishment was regulated to some extent by 'the spoken instructions of the Manager of the School, recording, and by trust in the judgement of those in charge'.

**2.22** Having heard the evidence at the Phase II private hearings, the Order were willing to make more concessions on this issue. In their written Submission in 2006 after the Phase III hearings, the Order accepted that corporal punishment 'was often used to excess' and was 'generally too readily used as a solution to the problems of the Schools'. Departing from their earlier stance, they conceded that 'the standards of the time are not an adequate excuse or explanation'. They went further, and conceded that the problems with corporal punishment were partly due to its discretionary and unregulated use, particularly by the Prefects who were unsupervised.

**2.23** They submitted that:

The susceptibility of corporal punishment to abuse seems inherent. If left to discretion, a cause can always be found for its use, especially where authority is threatened or insecure.

**2.24** Fr O'Reilly at the Phase III public hearing referred to the inherent difficulties in using corporal punishment in circumstances where there were no clear policies or guidelines. He described it as 'a trap':

*Corporal punishment is a trap, if you allow corporal punishment without having the most clear guidelines possible, it is a trap, it is a trap for everybody. It is a trap for the boys and a trap for the adults. Because what you are saying is it is okay to hit children. And there are times when they do things that are wrong and that are very, very wrong, and that cause an enormous problem for the entire Institution. So inside yourself you think, "well, it is okay", and the only response is to punish even more. It is a trap.*

**2.25** He did concede that, at times, *'the punishments that children received were brutal'*.

**2.26** The Order admitted that corporal punishment was used for absconding. Absconding was a serious problem, because of concerns for the safety of the boys, and the possibility that they could damage neighbours' property. Fr O'Reilly conceded at the Phase III hearing that *'boys who ran away were often severely punished because of the problem that it created in the School, the unease that it created among the rest of the boys'*. The punishment administered was either slaps on the hand or on the buttocks with a leather strap. He conceded that, on occasions, boys had to remove their trousers for punishment. While each absconding was recorded, reasons for absconding were not. He agreed that many ran away because they were homesick, fearful or deeply unhappy in Upton. He also accepted the possibility that boys absconded because of physical or sexual abuse. He acknowledged that, from time to time, boys' heads were shaved as part of the punishment for absconding. All children who absconded were punished, and ringleaders were likely to be punished more severely. One form of punishment was *'benders'*, the administration of the strap on the buttocks, but, he asserted rarely on the bare buttocks.

**2.27** The Order also accepted that boys who wet their beds were given corporal punishment. They were known as *'slashers'* and had their own section of the dormitory. Between 10 and 25% of the boys wet their beds, and for most of the period covered by the inquiry would have been *'slapped'*. Towards the later years there was *'less slapping'* for bed-wetting. The Rosminians also accepted that boys had to take their wet sheets to the laundry in front of other boys and, while it may not have been the intent, the Order accepts it was deeply embarrassing for them.

### ***The role of Prefect***

**2.28** The Institution was run on regimented lines and the daily routine was subject to a strict regime of order and discipline. The Prefects' main purpose was to maintain discipline and control over a large number of boys, and this they did by using corporal punishment. The job was described by Br Marcello,<sup>3</sup> who was in his early 20s when he arrived to take up the position of Assistant Prefect in Upton in the mid-1960s. He said, *'our work, or job was to contain the thing so that everything else ran, to a certain extent, fairly smoothly'*.

**2.29** He was questioned about his use of the word *'containment'* to describe the situation, and he reiterated that this term did describe how he felt. He felt he had to *'contain'* situations in order to ensure that they did not blow out of proportion. The Prefects were constantly vigilant for potential trouble.

<sup>3</sup> This is a pseudonym.

**2.30** He explained that discipline was maintained through the use of the strap or giving the boys a 'clatter', the term used for a blow with the hand. Corporal punishment was used on a regular basis and, with 100 boys to control, 'someone was getting it more or less all the time'. The range of offences that resulted in corporal punishment varied. Something small, like talking in the line for example, would warrant a 'clatter', but serious incidents were severely punished. He recalled giving a boy eight slaps of the leather on each hand for stabbing one of his companions in the tailor shop, and then being told by the Senior Prefect that he had not given the boy enough slaps. He was asked what, in his view, was the purpose of corporal punishment. He answered:

*Discipline, it was necessary. Because there were only two of us and any relaxation of discipline at that particular time could have caused havoc in the school. That was the position we had at that particular time. We thought that it was necessary ... I still think in the circumstances there it was necessary.*

**2.31** The boys were punished on the spot for minor offences by whoever was in charge. More serious offences that warranted 'fairly severe punishment' were dealt with by sending the boy to the Prefect's office for punishment, usually administered with a leather strap.

**2.32** He conceded that boys could be punished on the spot with 'a clatter' and then could be sent to the office for further punishment. The Prefect never inquired if a boy had already been punished, so it was possible that boys would be punished more than once for the same offence. Many of the witnesses felt aggrieved over this fact.

**2.33** When asked whether corporal punishment was a first or last resort for the Prefect, he replied:

*I think it was always the first resort ... We didn't have any other resorts ... A lot of the time I was frightened because at any time, if there was a concerted effort by the boys they could have flattened me.*

**2.34** He had no training for dealing with delinquent boys, nothing in his religious or scholastic training prepared him for it. There was no coherent scheme or policy for the boys in those years:

*It was piecemeal, it was different little things we did, but there wasn't the concerted effort that we have made in the last 20 years.*

**2.35** Another Rosminian priest, Fr Christiano,<sup>4</sup> who had also been a pupil in Upton, gave evidence to the Committee from two perspectives. He was in Upton as a pupil during the 1950s. He remembered an atmosphere dominated by punishment, which was meted out for misdemeanours such as talking in the dormitory, or causing difficulty for the supervisor in the workshop. The punishments were usually administered in the office by the Prefect. He recalled a particular incident of group punishment, when some boys, who had been confined to a small recreation room for the day while others attended a sports event, were punished for trashing the room and scattering the board games. His impression was that each boy got about 20 'benders', and he recalled that it only stopped because an older boy challenged the Brother who had been beating the boys until he had exhausted himself.

**2.36** Fr Christiano was a promising student and was sent to the Rosminian secondary school in Omeath. He remembered it felt like getting out of prison. He also recalled there was no corporal punishment in Omeath. The atmosphere there was not punitive.

**2.37** He believed that, before Upton closed, it had deteriorated and had become a punishment regime. At some time during each day, there were boys being punished. When he returned to Upton from Omeath during the holidays, he and the other secondary students ate in a little refectory situated

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<sup>4</sup> This is a pseudonym.

close to the Prefect's office, and far too often they could hear the bang of the strap. By the time the witness was in university, and Upton was coming to a close, the School had changed from his early years, when it was relatively benign, into an excessively punitive place.

- 2.38** When Fr Christiano was asked how he reconciled the religious life, which involved love, charity and kindness, with a system that required men of the cloth to be brutal and severe, he replied that he did not believe that this was a requirement. The post of Prefect did involve the obligation to impose discipline, but he did not see the need to be brutal:

*I later became a Prefect in Ferryhouse and one of the things I did was throw the strap in the river, in the Suir in Ferryhouse, the one I had. There is a different way. We have the feast of St. Don Bosco every year, he was a man who loved children and I read – there is a reading in the book – his instruction to his Brothers about looking after children, and I say, ‘my God, why didn’t anyone show some of our lads this piece?’.*

- 2.39** When asked whether he found a ‘different way’, he replied:

*No, I would say my judgement of Prefects was that those with better education or more culture were much better than those who were not educated and didn’t really have much of an idea what to do except keep order.*

- 2.40** When it was suggested to him that he had found a better way through education, he replied:

*Oh absolutely. My experience at Upton, it just made me never ever let that happen to anybody if you can possibly do anything about it. When I was in charge, I was not going to be a Prefect like I had seen.*

- 2.41** The use of corporal punishment as a general disciplinary measure for absconding, bed-wetting, and other infractions, many of which were of a very minor nature, produced an all-pervasive climate of fear. One former pupil described it as follows:

*I suppose first of all the place you were in, and obviously the people that were allegedly looking after you. I think they probably controlled these places with this fear, I believe. It was just a climate of fear that you were going to get hit, you were going to get beaten, something evil was going to happen to you. There was no happiness; there was nothing to be glad about. Maybe the only part of escaping out of that place was probably when you went to sleep, that was probably the only escape you had from the reality of that place.*

- 2.42** Many of the witnesses described the fear they felt when they had to wait outside the office for punishment. One witness said the fear and the waiting remained a more vivid memory than being struck with the leather.

### **Documentary evidence – the punishment books**

- 2.43** The main documentary sources dealing with corporal punishment in Upton are two punishment books, the first covering the years from 1889 to 1893, and the second relating to the period 1952 to 1963.

- 2.44** The obligation to maintain a record of punishments went back to the beginning of industrial schools in the late 19<sup>th</sup> Century, and this was re-reiterated in Rule 12 of the 1933 Rules and Regulations. This rule required all industrial schools to maintain a punishment book for serious misdemeanours, and also stipulated that it was to be shown to the Inspector of the Department of Education when he visited:

All serious misconduct, and the Punishments inflicted for it, shall be entered in a book to be kept for that purpose, which shall be laid before the Inspector when he visits.<sup>5</sup>

<sup>5</sup> 1933 Rules and Regulations for the Certified Industrial Schools in Saorstát Éireann, Rule 12.

**2.45** However, out of all of the industrial schools examined by the Investigation Committee, only Upton and St. Joseph's Industrial School, Dundalk, were able to produce punishment books, and then only for some of the period under investigation.

**2.46** The Upton books are leather-bound volumes, with double pages of entries set out in tabular form and divided into six columns, giving spaces for: the date of the offence, name of offender, nature of offence, by whom reported, the punishment given and remarks on the case.

**2.47** The first book for Upton spans the period 1889 to 1893, and has 87 pages of details of punishments. The later book, for the period 1952 to 1963, consists of only 18 double pages of entries. While the earlier book is of interest by way of comparison and is a valuable historical source, the later volume, covering years relevant to this inquiry, is of real importance. There are, unfortunately, serious deficiencies in the record keeping in this later book, but the contents are highly significant.

### **The 1952 to 1963 book**

**2.48** The first problem with this punishment book is that it is nothing like a complete record for the period between the first entry and the last. There are long gaps in time between dates and entries appear out of chronological sequence. It is obvious that the book was not kept up to date and that it was not filled in carefully or systematically.

**2.49** Another problem is inconsistency in the breaches of rules that are recorded in the punishment book. Between 1952 and 1954, there was almost no entry for punishment of immorality, yet from September 1954 onwards it was almost the sole reason for punishment. Given the frequency of punishments for immorality, it would be expected that there would have been some record of punishment for it in the first period, and, in the second period, there must have been some occasions when boys were punished for reasons other than immorality.

**2.50** There is a gap at the front of the book where pages appear to be missing. There is nothing to indicate the reason for removing them.

### **Contents of the punishment books**

**2.51** The offences listed between 1952 and 1954 include stealing, disobedience, giving cheek, absconding, lying, laziness, smoking, talking at Mass, wasting food, horseplay, rough play, missing from yard, and being out of bounds. Also listed on a very small number of occasions was 'immorality' with other boys.

**2.52** The recorded punishments varied according to the offence committed, and consisted of being hit with the leather strap on the hand or the buttocks. They were usually noted as being 'over pants', but on three dates in 1953 the book records that boys were punished by slaps 'without pants'. Their offences were 'run away, stole school property', 'run away', 'give cheek to a Brother' and 'destroying clothes'. The number of slaps with the leather strap on the bare bottom ranged from 6 to 15. These three dates in January and February 1953 are the only occasions when punishment was recorded as being given on the bare buttocks.

**2.53** The following table provides some examples of offences and punishments for 1952 and 1953:

<b>Date</b>	<b>Offence</b>	<b>Punishment</b>
26 Nov 1952	Giving cheek and being disobedient	6 over pants
20 Dec 1952	Disobedience in continually playing soccer	6 over pants
20 Jan 1953	Run away, stole school property [3 boys committed this offence]	10 without pants [for one boy] and 15 without pants [for two boys]
22 Feb 1953	Give cheek to a Brother	12 without pants
23 Feb 1953	Destroying clothes [2 boys]	6 without pants [each]
22 April 1953	Disobedience, sulking, slothfulness	6 on pants
22 June 1953	Disobedience to Prefect	6 on hands
24 June 1953	Disrespect for teacher	6 on hands
25 June 1953	Lying and helping himself to bread and butter in the pantry	Six on hands
5 July 1953	Fooling and talking at Mass	8 on hands
6 July 1953	In boiler house having a rest	5 over pants
9 July 1953	Destroying his coat	4 on hands
2 Sept 1953	Throwing good food away	5 on hands
5 Sept 1953	Neglect of religious duties	12 over pants
21 Sept 1953	Stealing and running away	6 over pants
28 Sept 1953	Smoking in W.C.	6 over pants
13 Oct 1953	Plotting against the Prefects – an enemy in the camp	10 over pants

**2.54** The entry for 19<sup>th</sup> September 1954 marked the beginning of the period of intense concentration on immorality. The last entry recorded that 18 boys were punished for immorality. The first 10 of them were guilty of ‘wretched’ immorality, and each of them received 20 slaps over pants. The remaining eight boys were also found guilty of ‘wretched’ immorality but ‘yet not so frequently’. Despite this mitigating circumstance, these eight boys nevertheless received the same punishment of ‘20 over pants’. A simple calculation shows that, on this day, one Brother administered 360 strokes of the leather strap on the buttocks of 18 boys.

**2.55** An entry in the book dated 17<sup>th</sup> November 1955 recorded punishment, for immorality with other boys, of ‘20 over pants’, and concluded with the comment:

A coward when faced with the music. But when Arturo Toscanini took the baton in his hand, there was more music in Beethoven’s “Fifth” than one expected to find.

**2.56** This was not explained in the book but it seems to be a self-congratulatory and pejorative reference to the cries that the beating produced. The Prefect, Br Alfonso,<sup>6</sup> who made the entry gave evidence to the Investigation Committee, and denied that the reference to Beethoven in the context of being conducted by Toscanini had anything to do with striking the boys, but was to do with making them sing.

<sup>6</sup> This is a pseudonym.

**2.57** A further entry dated 20<sup>th</sup> November 1955 recorded sexual offences by nine boys, including the same boy referred to in the above quotation. This time, the entry reads:

Observe that these boys have repeated the same offence – they were up to their eyes in it any time they got a chance: their activities were confined to their own happy circle and no one else could enter – where angels fear to tread.

**2.58** A comment about one of the boys displayed an awareness of peer sexual abuse, as distinct from immorality among consenting boys:

A new offender interfered with many small boys.

**2.59** Other examples of punishment in the latter part of the book, from 1954 to 1963, are set out in the following table:

<b>Date</b>	<b>Offence</b>	<b>Punishment</b>
19 Sept 1954	Immorality – wretched [18 boys]	20 over pants [each]
19 Sept 1955	Immorality – wretched, yet not too frequently [one boy]	20 over pants
19 Sept 1955	Immorality – not so extensive [one boy]	15 over pants
19 Sept 1955	Bad conduct – immorality [4 boys]	10 over pants [each]
19 Sept 1955	Immoral talk [2 boys]	3 over pants [each]
28 Sept 1956	Immorality [2 boys]	4 over pants and 6 over pants
31 Jan 1959	Immorality under the eyes of others in the billiard room [2 boys]	10 over pants [each]
26 Feb 1960	Immorality with others [6 boys]	10 over pants [for 5 boys] and 8 over pants [for one boy]
04 Mar 1960	Immorality with others	10 over pants
05 Mar 1960	Immorality with others [2 boys]	10 over pants each
08 Mar 1960	Immorality with others [2 boys]	10 over pants each
04 April 1960	Immorality with others	10 over pants
5 Jan 1962	Immorality in school giving bad example to small boys also going on with filthy talk	20 over pants
9 Jan 1962	Immorality with others while supposed to be working in sacristy	20 over pants

**2.60** The first punishment book for Upton spanned the period 1889 to 1893. For most misdemeanours, the punishment ranged from three to eight slaps of the leather and, for the more serious offences such as immoral conduct, cursing, immodest language and absconding, the number of strokes ranged from 10 to 15. The highest number recorded in the book was 15, and this occurred only twice. The next highest number of slaps was 14, which also occurred twice.

**2.61** Sexual acts amongst the boys did not seem to be a major problem at that time. A few instances were recorded in 1890 of immodest conduct and immodest language. A boy received 15 slaps on 5<sup>th</sup> April 1890 for immodest conduct. On 9<sup>th</sup> June 1890, nine boys were found guilty of immorality in the fields, and six were given 12 slaps, two received nine slaps of the leather, and one boy received no punishment. The only other example of immorality amongst boys is recorded on 11<sup>th</sup> December 1893, when five boys were found guilty and were stripped, and four received eight slaps and one received seven slaps of the leather.

**2.62** The most striking difference between the two books is that the earlier book is systematic, with a chronological method of recording the information. These entries make it probable that it is a full account of punishments for serious misconduct during the period covered, as required by the rules. The later book compares unfavourably with it: it is not comprehensive, it is unmethodical, and is often not chronological. In addition, the severity of punishment in the later book is greater than the earlier one.

### **Impact of 1952–1963 book**

**2.63** The information in the 1952–1963 book tended to undermine and contradict the recollection of former staff of the School as to the punishment regime.

**2.64** The severity of punishment, as recorded in the book, is greatly in excess of what some respondent witnesses remembered. Br Alfonso was insistent that the amount of punishment was not excessive, and he was quite vigorous in defending his position. The numbers of blows recorded in the book, however, were wholly in conflict with his recollection, and counsel for the complainants suggested to him that the evidence of this book was more reliable because it was a contemporaneous record, and the Prefect or other person recording the punishment in the book had no reason to exaggerate the amount. The intention must have been to give an accurate description of what was inflicted.

**2.65** Apart from Br Alfonso, the Investigation Committee had evidence in the form of correspondence from Br Giovanni,<sup>7</sup> who served in Upton for one year in the 1950s, a period covered by the entries in the book, which gave a different impression of the level of punishment from that indicated in the punishment book.

**2.66** The entries in the punishment book demonstrate that the severity and frequency of beatings were greater than what were recollected by the staff. This discrepancy explains why accounts given by complainants, whose credibility was not in doubt, differed so markedly from the accounts given by respondents. This conflict appears in other institutions investigated.

- 2.67**
- **The 1952-1963 punishment book provides evidence of the severity of punishments that were inflicted in Upton in the 1950s and early 1960s. It contradicts the recollections of Br Alfonso and Br Giovanni, who recalled that punishments were not excessive, and supports the accounts given by the complainants.**
  - **The later book contrasts unfavourably with the one kept in the late 19<sup>th</sup> century. It is not comprehensive, it is not methodical and is often not chronological, and the severity of punishment is greater.**
  - **Some of the comments in the book suggest that they were not written in anticipation of an official inspection of the book, and there is no record of any such inspection.**
  - **The punishment book is not a complete record, but it is accurate in respect of the punishment that it records.**

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<sup>7</sup> This is a pseudonym.

- The book does not demonstrate an ordered system of punishment that was properly supervised and recorded on all occasions.
- The punishment books are not a complete record of punishments administered during the periods they cover. It is highly likely that other beatings were also administered.

### *Evidence of respondents*

#### **Br Alfonso**

**2.68** Br Alfonso was a dominant figure during his time in Upton. He held the position of Prefect for a number of years from the mid-1950s. He was physically strong, and evidence from former residents confirms this.

**2.69** One former resident was asked to describe Br Alfonso. He said:

*He had a bubbly personality, he had a wonderful structure. He was a brilliant golfer and a brilliant hurler ... To me, I was his lap dog. If he hit a sliotar and it went into the woods or into the nettles, me in my short little pants had to go and look for it and bring it back to him. Likewise, with a golf ball. And if you couldn't find it you stayed until you did.*

**2.70** Another witness described the strength of Br Alfonso when he administered the strap:

*He really physically forced (indicating). It was like a golf driver and he was a golfer. That's what he used to spend his time, playing golf. He used use the straps like a golfer. I never got so much pain in my life.*

**2.71** Br Alfonso said that corporal punishment in Upton was an essential tool in the maintenance of order in the School. He was given no training or advice regarding its use, which was a matter solely for his discretion. Other members of staff would send boys to him for punishment, and he always knew the reason for the punishment. He said that he always recorded his punishments in the punishment book and that the Resident Manager inspected his book regularly. When the entries in the punishment book were first raised with Br Alfonso during the investigation into Ferryhouse, in questioning about absconders, he said:

*The most strokes on the seat of the pants they would get for anything like that, if it were that, would be 10 strokes, that was a lot but that was what it was, that would be the maximum.*

**2.72** He went on to assert that 10 would be the maximum number of strokes for any offence. He confirmed that the Prefect made the entries in the book after the punishment was given. When the information in the punishment book showing 20 strokes given on the bare buttocks on a boy for immorality was put to him, he was incredulous:

*That couldn't possibly have happened during my time ... That never ever happened. I put my hand on that Bible there, that never happened.*

**2.73** He was adamant that he himself had never exceeded 10 slaps when hitting a boy. However, when he was shown the punishment book, he had to admit that when he was Prefect he had himself meted out punishment of 20 strokes on the buttocks for sexual offences committed by the boys, for 'immorality' and 'wretched immorality'. He went on to justify the bigger punishment because it was for 'wretched immorality'.

**2.74** The importance of the punishment book can be seen from this exchange. Not only does it provide a contemporaneous account of the administration of corporal punishment, but it also affords corroboration of the evidence of some of the former residents who were adamant that they had received punishment in excess of 10 strokes.

**2.75** Punishment was administered in the Prefect's office, and it could happen, albeit rarely, that a boy would have to wait outside the office for punishment. Br Alfonso disliked the term '*punishment*', and described his position as follows:

*Punishment would be administered – well, I don't want to call it "punishment", but I have written in that book which I have there that when boys were chastised, I will use that word, they were advised. So there would be lots of advice going on instead of punishment.*

**2.76** This phrase '*lots of advice*', to describe multiple blows with a strap on a boy's hands or buttocks, minimises the whole nature of corporal punishment, which is exercising control by inflicting pain. He went on to say that punishment was not administered to boys of all ages, but he refused to be drawn on the age at which punishment started.

**2.77** Counsel for three complainants referred to the entry for 19<sup>th</sup> September 1954, the day on which it was recorded that 18 boys were each given 20 strokes for '*wretched immorality*'. Br Alfonso was unable to recall the occasion when so many strokes had been administered, although it was simple arithmetic (but erroneous because counsel thought 17 and not 18 boys were involved).

**2.78** On a number of occasions during his cross-examination, Br Alfonso appeared to find some of the suggestions made by counsel for the complainants derisory. One such instance arose when a witness gave evidence that he had felt children were being used '*like lap dogs to collect your ball*'. Br Alfonso was asked why he found this derisory:

*No, and the reason I laughed, excuse me, no, they were my children, I loved them. I had no approach to the children like that at all, they were wonderful and that is all and they are still my children and that so, just I could never treat any child like that as a lap dog, I could not do that.*

**2.79** He suggested, instead, that the boys played golf with him and they would all be having a good time.

**2.80** He said that, during his time in Upton, he never beat anyone for bed-wetting and never saw anyone being beaten for that reason.

**2.81** He said that, when boys were sent to his office for punishment, they did not always get a beating, as sometimes he gave them an orange or an apple. When asked if he thought he was strict or fairly strict, he preferred to describe himself as fair. In his evidence before the Committee in the Ferryhouse hearings, he was asked to comment on the following quotation from his submission to the Inquiry:

*During all those years I fought many battles for the boys, of which they know nothing. I am not ashamed to say that I often wept silently in empathy for the boys who were trapped within a system, which lumped together delinquents and orphans, an arrangement which compounded the problem.*

**2.82** He recalled someone saying to him once that it was a good thing for orphans to be exposed to delinquents, but this made no sense to him at all. In his view, orphans were coming from different places and needed entirely different treatment to delinquents:

*Not that the delinquents need have to get rigid treatment, or anything else like that, but they're coming from a different background, a different experience and everything else, and the orphans are a different people altogether. And so to expose them to that type – that's the orphans, to that type of criminality – I don't ever use that word because I never treated them as criminals, they were all my own children, every one of them. But to expose them to children who had such deviousness in their lives in the form of theft and all these type of things, that they had agenda hidden up their sleeves all the time, to expose them*

*to that was to encourage them to come in to that and to me there was something criminal about that.*

**2.83** He described Upton as *'a place of great activity, seething with action, excitement'*.

**2.84** The complainant evidence in respect of this Brother is dealt with below.

### **The letter of Br Giovanni**

**2.85** Br Giovanni joined the Institute of Charity in the early 1950s, a month after he was professed. He was appointed Prefect at Upton soon after, a position that he held for a period of 12 months. In a letter written in the late 1990s, he painted a picture of what it was like to be a Prefect in Upton during the 1950s.

**2.86** He viewed his appointment as Prefect as an awesome responsibility for one so young. Br Giovanni had just completed his religious instruction and had received no official training or instruction for his new job. The only advice he received came from his former Novice Master, Fr Cecilio,<sup>8</sup> who told him, 'Don't be a police man'. These five words constituted his only introduction to a job which involved both him and his colleague, Br Alfonso, taking responsibility for the care and control of over 300 boys.

**2.87** Br Giovanni said that he was never furnished with a precise description of what it was he was supposed to do, but it did entail the coordination of the activities of nearly all of the 300 boys from morning till night. He said that there was very little in the way of recreational activities for the boys when he was appointed. Not surprisingly, in light of their youth, both he and Br Alfonso attempted to remedy this deficiency by instituting a range of games and activities for the boys. He described Br Alfonso as a talented organiser, who was considered totally devoted to the task of trying to improve the lot of the boys.

**2.88** He said that the Prefects were responsible for the discipline of the boys. The Prefects had the authority to administer three slaps with a leather strap on the palm of the hand. The Prefect was obliged to record the incident in the punishment book. The Rector, Fr Fabiano,<sup>9</sup> would periodically review this book. Further punishment could only be administered with the consent of the Rector. He said that this consent would only be given in severe cases, and he stated that he personally could not remember any incident where further and extra punishment was administered.

**2.89** Br Giovanni stated that there was no brutality, cruelty or physical abuse in Upton during the 12 months he was there. He stated that, while the regime in the School was 'austere' and harsh, the level of corporal punishment would have been commensurate with the levels pertaining in every other school at the time. Indeed, he stated that, during the period which he spent in Upton, great strides were made to reduce the levels of corporal punishment. However, in a later letter, he compared the regime to that of a 'concentration camp', accepting that Upton was not a pleasant place to be as a pupil, and stated that he felt guilty for not having done more to help the boys. He stated that all he ever did was complain while others tried to help in a more practical way.

### **Evidence of complainant witnesses**

**2.90** The earliest witness account came from a boy who was admitted in the late 1940s. He recalled being physically punished for bed-wetting. He was also punished in the classroom by the lay headmaster, Mr Maher.<sup>10</sup> He described a number of incidents involving two of the Prefects, including one beating given to a boy who absconded because his father was dying and he was

<sup>8</sup> This is a pseudonym.

<sup>9</sup> This is a pseudonym.

<sup>10</sup> This is a pseudonym.

not allowed to go to his funeral. He described the Prefects as being 'over the top' in inflicting punishment. He explained:

*This particular man was always over the top, the two of them were definitely over the top. Any time I was hit or beaten or attacked, or hit by anyone, it was always in a rage ...*

**2.91** He disputed entries in the punishment book of two and three slaps, as he said the boys were always given more and remembered the Brothers making the entries in the punishment book.

**2.92** Another witness resident in Upton in the mid-1950s described the regime as brutal from the first day. He particularly recalled Saturday, which was shower day. No matter how hard the boys tried to clean themselves, it was never good enough for the Brother in charge. The boys would be clattered back into the shower with an open fist or with the leather if their nails were still dirty. Punishment with the leather was almost a daily feature for things like talking in the dormitory, talking in the ranks, etc. The most vicious Brother was Br Donato.<sup>11</sup> The witness recalled being punished in the washroom one day, because he could not explain how he came to have a spoon in his pocket; he had actually dug it up in the garden earlier in the day. His legs were so bruised from the beating, it was noticed by Br Nico<sup>12</sup> the following day in the garden. He assumed Br Nico admonished Br Donato for the beating because, a few days later, he received a further beating from Br Donato for telling tales.

**2.93** There were two Brothers who were siblings in Upton, Br Orlando<sup>13</sup> and Br Donato, and the witness claimed they were both vicious. Prior to Br Nico arriving in Upton, this witness recalled that the person in charge of the garden was very tough.

**2.94** This witness recalled that all punishments, except for minor offences, such as having holes in one's socks, were administered in the washroom. The leather was administered on the buttocks. He was only ever hit on the hand in class. The typical number of strokes of the leather administered was between 6 and 12, with the exception of Br Donato who kept slapping with the leather until the boy would eventually fall down.

**2.95** The worst experience for him was the physical abuse. The sexual abuse he was subjected to was not brutal, and the Brother who sexually abused him would give him sweets, so he did not see it as being as bad as the beatings from Br Donato.

**2.96** A witness present in the early 1960s recalled his very first experience of physical abuse. The boys were out for a Sunday walk and, on their return, they used the toilet and were talking to each other in there, unaware that it was against the rules. Br Alfonso overheard them and sent for them up to the office, where they were made to bend over a stool and hold the legs of the stool. Br Alfonso administered six "benders" on that occasion. The witness was not the first of the four to be punished:

*I wasn't first, I don't know who got the first one. Someone was first. Three of us would be standing watching this and believe me when you get one of these, if you thought you couldn't jump, you would jump when you get one of these, six feet in the air, no problem, especially with Br Alfonso. He really physically forced. (Indicating) It was like a golf driver and he was a golfer. That's what he used to spend his time, playing golf. He used use the straps like a golfer. I never got so much pain in my life. I remember the first one of those I got. I never thought anyone could go through so much pain as what we went through with them. I got six of those and you were that colour, all your hips would be that*

<sup>11</sup> This is a pseudonym.

<sup>12</sup> This is a pseudonym.

<sup>13</sup> This is a pseudonym.

*colour for weeks after and (indicating) you couldn't tell no-one. If you told anyone you would get more.*

**2.97** Other Brothers, including Br Donato and Br Ludano,<sup>14</sup> gave him beatings, but none were as severe as Br Alfonso's.

**2.98** He did not accept the contention that punishments were limited to three slaps on the hand. He said that he was slapped on the hand on one occasion, and the rest of the time he was beaten on the buttocks, and he sometimes got between 12 and 14 strokes of the leather.

**2.99** A witness who was also resident in the early 1960s said that, from his earliest days in Upton, the daily routine often involved receiving a smack on the face for minor things, such as not getting out of bed quickly enough in the morning. He was only 10 years old at the time, and remembered how boys had to stand to attention all the time, even when they were being beaten by a Brother. After dressing, the boys went to the yard and then to Mass. Any misbehaviour at Mass resulted in being sent to the office for benders:

*Punishment in St. Patrick's, Upton was a regular thing. I would have to say it was – you went to school, you went to bed, you went to work and there was nothing but fear, fear, fear. It was just fear the whole way.*

**2.100** He recalled receiving one severe beating from Br Alfonso. He was about 11 years old when he was accused of '*scamping*', a name used for masturbation. He also described how it was a regular enough occurrence for a boy to be brought to the office for punishment, this usually related to the boy being accused of '*scamping*'. He also recalled hearing the screams and cries of boys who had been taken from their beds in the evening to the office for punishment, as the office was situated underneath the centre of the dormitory. Punishment by the Prefect was normally administered in the office, but the boys could be beaten anywhere, in the washroom, or in the shower room on Saturdays.

**2.101** One witness resident during the early 1960s recalled an incident when the boys were watching a film, which they did not enjoy and, at the end of it, they gave a slow handclap. Each boy was brought out into the yard, one by one, and called into the washroom and beaten. He thought there were about 150 boys punished in total. This fact was confirmed by another witness. He recalled one Brother, Br Alfonso in particular who often beat him. The Brother was fond of music and particularly of hurling and golf. He used to make the boys fetch his golf balls and beat them if they couldn't find them. He said that punishment was normally administered on the buttocks with a leather strap. According to him, the minimum number of strokes with the leather was six, and he said '*if you didn't get six you didn't get anything*' and if the punishment was administered on the hand he would be '*very lucky*'.

**2.102** Another witness remembered being taken out of school to attend to the needs of an ill priest. He said he did not smoke at the time, but was accused of stealing Lucky Strikes from the priest's room. He denied he had ever done such a thing, but Br Marcello brought him upstairs to a classroom and told him to put on swimming trunks and proceeded to beat him severely. He also recalled a boy who was extremely thin being leathered in the showers by Br Marcello. This Brother requested that this witness should hold the boy down while he beat him. He said he refused to do this because the boy was so young.

**2.103** Finding oneself in the wrong place at the wrong time was a matter for punishment, according to one witness. He received the leather for not having his socks darned. He later attended a normal

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<sup>14</sup> This is a pseudonym.

national school, and was anxious to differentiate between the slaps that were acceptable there as compared with the punishment in Upton. He said:

*The level of punishment, the force, the ferocity of it. It was done in such a savage manner that it was way beyond anything that you could class as being the norm.*

**2.104** He did not agree with the Resident Manager, Br Alanzo,<sup>15</sup> who wrote in the late 1950s in response to a complaint, which compared the treatment of boys in Greenmount and Upton, that the leather strap was rarely used. He thought that what was written was an untruth.

**2.105** One witness said he was not long in Upton before he was called into the office by Brs Ludano and Donato, and questioned about his brother who had been in Ferryhouse and was now in Daingean. Once they established they were siblings, the Brothers said words to the effect ‘*we won’t make the same mistake with you*’ and proceeded to strike him across the face and gave him ‘benders’ on the buttocks with the leather. He was black and blue from this beating. He recalled being beaten also by a Fr Gian<sup>16</sup> on the farm, but the main punishments were meted out by Brs Ludano and Donato.

**2.106** The witness spoke about the punishment for immorality with others. He explained how, every couple of months or so in Upton, Brs Ludano and Donato would take a boy into the office and strap him until he offered up the name of a boy who had been scamping with him. This went on as the next boy would name another boy, ‘*it was a never ending ... circle*’.

### ***Internal survey carried out by the Rosminians***

**2.107** A decision was made in 2002 by the Rosminian Order to carry out a survey of all surviving Rosminian Brothers and priests, to assess the extent of their knowledge of physical and sexual abuse at the time. The survey was carried out in respect of both Ferryhouse and Upton. In response to a question about knowledge of physical abuse in Upton, the following responses were elicited:

**2.108** Br Tomasso<sup>17</sup> said that, although he had never witnessed anything himself, he did recall hearing that Br Alfonso administered excessive punishment on a number of occasions.

**2.109** Fr Stefano<sup>18</sup> said that he thought that there were a number of cases of excessive punishment.

**2.110** One anonymous respondent, when asked whether he felt that corporal punishment was excessive, replied:

Yes, the longer I spent there: but then, there were few Fr Flanagans in Ireland: nobody knew any better: it was common in most places at that time.

**2.111** When asked if the Rector was aware of the fact that excessive punishment was being administered, he stated:

If he wasn’t Blind, deaf and dumb, he must have known: but he didn’t know any better. In my years as prefect there was a punishment book, wherein we, prefects had to write in all punishment – three slaps were allowed. This was Fr Fabiano’s idea: it ended with him.

**2.112** Fr Gustavo<sup>19</sup> said that he witnessed Br Alba<sup>20</sup> beating boys in the old infirmary for talking in the dormitory. He said that he questioned Br Alba but was told to mind his own business. He said that he heard that Br Alfonso was tough and cruel.

<sup>15</sup> This is a pseudonym.

<sup>16</sup> This is a pseudonym.

<sup>17</sup> This is a pseudonym.

<sup>18</sup> This is a pseudonym.

<sup>19</sup> This is a pseudonym.

<sup>20</sup> This is a pseudonym.

**2.113** Br Flavio<sup>21</sup> said that, while he was a scholastic in Upton, he often saw punishment administered. He implied that this was excessive in nature as, in the next sentence, he stated ‘while in charge of discipline in Omeath, I too punished excessively’; when asked whether the Rector, Frs Alanzo and Eduardo,<sup>22</sup> knew about the excessive violence, he replied ‘not sure if the rector knew all the sordid details – probably not’. He identified Brs Donato and Alfonso as excessive punishers.

**2.114** All Brothers surveyed agreed that there was inappropriate punishment in Upton.

### **Conclusions on physical abuse**

- 2.115**
- 1. It was not in dispute that physical abuse took place, and the only issues were how widespread it was and how brutal.**
  - 2. Physical abuse was widespread and systemic. Excessive punishment was an everyday occurrence and was brutal and severe.**
  - 3. Like many other institutions, Upton kept control over the boys by maintaining a climate of fear.**
  - 4. Corporal punishment was used by religious and lay staff as an instrument of control as well as for the purpose of chastisement.**
  - 5. The punishment book of the early 1950s documents brutal corporal punishment.**
  - 6. Punishment was not supervised or controlled and the severity of punishment was a matter for the individual who administered it.**
  - 7. The abusive nature of the regime as recalled by complainants is corroborated by the entries in the punishment book, and by some of the religious.**

## **Sexual abuse**

### **Order’s approach to allegations of sexual abuse**

**2.116** At the Phase III public hearing held on 9<sup>th</sup> May 2006, Fr O’Reilly, Provincial of the Rosminians, went further than previous concessions, saying that:

*I accept totally that there are people out there who have also been – who have been sexually abused in our institutions who have not come forward to this Commission. I know that, and we accept that, there are people who were abused in our institutions, sexually abused who have not come forward to this Commission, or to any – or indeed to other forum.*

**2.117** Fr O’Reilly was asked whether the attitude of the Order in relation to the issue of sexual abuse had been changed by the evidence given at the Phase II hearings. He responded:

*I think we have grown in appreciation of the impact that being in the industrial schools had on the children. I think we feel different about the whole thing now than we did previously. Two years ago we had come an awful long way, I think we have come further since then. I think it has impacted on us enormously.*

**2.118** Fr O’Reilly acknowledged that the response of the Order, in the wake of revelations of sexual abuse, had been inadequate. He did concede that it was the fear of scandal which prompted them to keep quiet about the situation. However, he justified this response on the basis that those in authority at the time lacked a proper understanding of the situation:

<sup>21</sup> This is a pseudonym.

<sup>22</sup> This is a pseudonym.

*I think clearly at the time they did not want the scandal to be known, because they felt it would affect the entire Institution. I think they had a very immature sort of understanding of what the problem was ...*

**2.119** He did not concede that the Order's primary motive was to protect the abuser and cover up the situation, and instead asserted that those in authority at the time '*did know it was wrong and that it was hurtful to the boys and that that was the first priority*'. However, they did not seek at the time to consider the impact of such abuse on the boys. Although knowing it was wrong, such sexual abuse was not reported to the Gardaí until 1995, despite the Order being aware of sexual abuse in the 1960s and, more particularly, in 1979. Instead, known abusers were moved to other institutions.

### ***The Rome archive***

**2.120** Related inquiries led to the discovery of cases in 1956, 1957 and 1959. Questionnaires were circulated to members of the Order who had little or no involvement with the Industrial School. These corroborated the written material and referred to other previously unknown allegations.

**2.121** Fr Gaffney also stated that he had asked the Superior General of the Rosminian Order in Rome, Fr James Flynn, to carry out a search for documents containing references to sexual abuse through all the records of correspondence between the Generalate and the Irish and English Provinces. This search disclosed a considerable number of documents, 68 in all, dating from 1936 to 1968. They dealt with, among other things, seven sexual abusers who worked in Upton. The Rosminians provided this information, together with the questionnaires and related material, to the Committee in May 2004. These documents proved to be very significant and came to be known as the Rome files.

### ***Documented cases***

**2.122** Respondent evidence and the Rosminian survey disclosed that sexual abuse perpetrated by a lay teacher and employees in the Institution had been discovered and was dealt with through the removal or transfer of the offenders.

**2.123** Little information was available as to the nature of the abuse that was discovered or the circumstances in which it was detected. It is clear, however, that a large number of the perpetrators of the abuse were discovered as a result of the activities of Br Alfonso, who zealously pursued a policy of relentlessly rooting out and punishing sexual activity among the boys.

**2.124** This Brother was responsible for the exposure of six persons who were committing sexual abuse of boys in Upton. He served in the Institution from 1953 to 1960. In his curriculum vitae, he wrote:

I also enlightened the boys who had been molested by the staff members, of the evil that had been perpetrated against them. I left no stone unturned to eradicate this evil.

**2.125** Complainant witnesses confirmed the prevalence of sexual abuse by some of the Brothers during this period.

**2.126** The question is whether the period during which Br Alfonso served in Upton was a particularly bad period for the occurrence of sexual abuse, or whether it merely showed what could be detected or discovered by one campaigner.

## Fr Carlo<sup>23</sup>

- 2.127** Fr Carlo was posted to Ferryhouse in the late 1930s as Prefect, and remained in the School until he was transferred to Upton a few years later.
- 2.128** The information that is available about his departure from Upton is limited. The Superior General, Fr Montes,<sup>24</sup> wrote to the Irish Provincial, Fr Giuseppe, stating:
- Fr Carlo told me, sincerely, I think the whole story. He tearfully acknowledged his mistake. I sent him to Diano Marina on the sea between Genoa and Nice ... He accepts his present situation as a penance but I am convinced that we will have to find a place for him by September. Could he not go to America? ... I can understand that you were relieved at his departure. One could have had certain fears for the Upton house, also because, in the past the Government had some unfavourable reports regarding morality between the boys, as you will recall.
- 2.129** Although the letter in this case does not say it, it is apparent that the reason for Fr Carlo's departure was very serious, and that he was extremely contrite about it. He left the School at an unusual time of the school year, so it may be inferred that his transfer was made urgently, rather than waiting until the late summer when transfers took place. His situation at the time was 'a penance', and the Superior General was faced with a problem of where to put him. The Provincial was pleased at his departure from Upton, and the Superior General acknowledged that there could have been fears that were related to immorality between the boys. Fr Montes thought of sending him to America, a solution that was employed on a number of other occasions for people who sexually abused. There was no indication of any other abuse or fault that could have accounted for Fr Carlo's unseasonal departure, and in the circumstances the inference is that, on the balance of probabilities, Fr Carlo was guilty of sexual abuse in Upton.
- 2.130** He continued to work as a priest in a number of parishes in England until his death in the late 1970s.
- 2.131** • **The probability is that Fr Carlo was removed from Upton because of sexual abuse but the matter is not beyond doubt. The inferences from Fr Montes's letter are all indicative of sexual abuse, as indeed is his use of allusions rather than specific terminology in his letter to the Irish Provincial**

## The Rome file: Fr Santino<sup>25</sup>

- 2.132** Fr Santino worked in Upton from the late 1950s to the early 1960s, when he died just before he was due to be transferred to a teaching position at Omeath. He began sexually abusing children in England some time after he was ordained a priest in the 1920s.
- 2.133** He served in his first parish for 20 years before it was discovered that he had been sexually abusing children. He was then quietly transferred to another parish. The Provincial, Fr Andrea,<sup>26</sup> wrote to the Superior General, saying that, although the change had caused some surprise, 'he was glad to say' that it was received quietly enough. He stated that the fact that it occurred at decree time, a time when changes in staff would have been common, made it less conspicuous. Fr Santino was not happy with the transfer and wrote a letter of complaint to the Provincial who noted in a letter to the Superior General that:

<sup>23</sup> This is a pseudonym.

<sup>24</sup> This is a pseudonym.

<sup>25</sup> This is a pseudonym.

<sup>26</sup> This is a pseudonym.

The curious thing I note is that his compassion is merely for himself. He does not seem to realise the injury inflicted upon his victims and the consequences to them of his conduct. To me, at all events, this aspect of the affair is the most dreadful.

**2.134** The Superior General agreed, and suggested that in Fr Andrea's reply to Fr Santino he should stress the need for Fr Santino to pray that,

The persons to whom he has done such great harm will not carry its ill effects for their entire lives.

This exchange shows how both the Provincial and the Superior General were acutely conscious of and apologetic for the hurt and pain caused to those who suffered abuse at the hands of Fr Santino.

**2.135** In the late 1940s, in his new parish, it was discovered that Fr Santino 'had again lapsed. Badly'. The newly appointed Provincial, Fr Arturo,<sup>27</sup> stated in a letter to the Superior General, Fr Montes, that he had been trying to figure out what to do with Fr Santino, but he had come to the conclusion that there was no work in the English province that he would feel justified in allowing him to do, except perhaps as a Minister of a Rosminian house at Rugby. However, he stated that he could not place Fr Santino there immediately, because of the 'admiratio'<sup>28</sup> that it would cause to the members of the institute. Fr Arturo suggested sending Fr Santino to the Novitiate at Kilmurry, County Cork in the Irish-American Province for a period of six months, and that 'his face could be saved by making it part of an exchange between the two provinces'. He added that Kilmurry was a place where Fr Santino would be 'safe for the time being'.

**2.136** Fr Montes replied that the latest revelations constituted 'really bad news, even if not completely unexpected'. He told Fr Arturo that he had stressed the need to inform the local Rector in Kilmurry of Fr Santino's history, so that the latter could keep an eye on him. He informed Fr Arturo that he had been in communication with Fr Orsino, the Provincial of the Irish-American Province, about what could be done with Fr Santino. He noted that Kilmurry was short of space and that the only available position was that of confessor of novices, a position that Fr Montes stated that he 'couldn't in conscience give him that, even apart from his deplorable weakness'. He said that Fr Santino 'deserves to do two months of penance at Melleray', and he gave permission for him to be sent there. He also noted that Fr Santino 'will always be a problem because he does not acknowledge the evil he has done', and suggested that he would be somebody for Fr Torre<sup>29</sup> to study. Fr Torre was a member of the English Province who had some skill as a psychotherapist.

**2.137** Fr Santino went to the Cistercian Abbey at Mount Melleray in the late 1940s but, instead of staying for a period of months, he remained for 10 years and only left because the Cistercians would no longer have him. The problem then was to find a place for him. It was thought that Ferryhouse was not suitable because:

Melleray and Clonmel are both in Waterford diocese – and news travels even from the hidden depths of Melleray. I should be surprised if he returns to England. Perhaps he is the Providential answer to the quest for an English confessor at Porta Latina.

**2.138** For the time being, Fr Santino was sent to Kilmurry, pending a decision to place him on a more long-term basis. The Superior General thought of sending him to Florida but nothing came of that.

**2.139** In 1959, Fr Santino sought permission to visit his family in the UK whom he had not seen for years. This came to the attention of Fr Arturo, the Provincial in the United Kingdom, who wrote to his Superiors in Rome in March:

<sup>27</sup> This is a pseudonym.

<sup>28</sup> Latin for curiosity, astonishment, surprise.

<sup>29</sup> This is a pseudonym.

I am very worried about Fr Santino. I presume that you know his sad history. In spite of the fact that his misdeeds are known to quite a few people here in [parish] he has been writing, I understand from Fr Lanzo,<sup>30</sup> to various people here in [parish] saying that he has returned to the Institute etc. My fear is that he will want to return, perhaps on a visit, here, to see some of his friends. In my opinion it would be really dangerous of him to return here at all, since, if some ill-intentioned person were to denounce him to the police, he would be in danger of arrest, and the scandal produced would be disastrous. Hence I would ask you to make sure that he does not return to England and particularly to [parishes where he worked] ... I do not know whether Fr Placido<sup>31</sup> knows all the circumstances of the case, and I have therefore not wished to write to Fr Placido direct about it. I do not think my fears are exaggerated, Fr Santino is a man who has been singularly blind to implications of his case, and seems quite capable of thinking that he can act as though his past were forgotten, and that he could start afresh as though nothing wrong had happened. I therefore beg of you to take what steps are necessary to ensure that he does not return to England.

**2.140** Fr Arturo's worst fears were confirmed when he received word that Fr Santino was proposing to call to the parish where he first worked, to see his brothers and sisters:

As I said in the letter I have just written to you, in my opinion, in no circumstances must he go to [parish] – to tell the truth I do not like the idea of his coming to England at all, since what he did in both [parishes] is a criminal offence for which he could be prosecuted. He seems to have no sense of the fact that he is disgraced man in the eyes of, at any rate, some people in [parish].

**2.141** The Superior General wrote to Fr Santino forbidding him to leave Ireland. Fr Arturo, in another letter to his Superior in Rome, set out his concern more specifically:

Most Reverend and very dear Father General, Fr Santino's trouble is homosexuality. When I became Provincial, my predecessor Fr Andrea, thought it his duty to let me know that for 15 years (on and off I suppose) Fr Santino had been corrupting boys in [parish]. It was known to various people, but none dared come forward and report it. Fr Andrea, as soon as he knew about it, removed Fr Santino immediately to [another parish]. But the same thing began to occur again at [this parish]. Fr Calvino<sup>32</sup> telephoned me urgently one evening, and I went straight down to [the parish] and sent Fr Santino immediately to Ireland; there was danger of prosecution by the police – this offence being a criminal one in England. I interviewed Fr Santino, and suggested to him that the only thing for him to do was to retire into some place like Mount Melleray and do penance. This he did.

He seems incredibly unaware of the gravity of the whole position. Fr Lanzo tells me that when Fr Calvino was appointed rector of [the parish], Fr Santino wrote an indignant letter to the Provincial, to Fr General and to the General's monitor, complaining that after all his years of faithful service, he had been passed over for a rectorship!! Also Fr Lanzo tells me that during these last years he has frequently written to [former parish] people, and they have been to see him at Melleray. Fr Lanzo has imagination, I know, but there is probably foundation for what he says. I remember too in my last interview with him eight years ago that he blamed Fr Andrea for his troubles, because Fr Andrea had always been hostile to him. And from my last letter (which you apparently had not received when you write to me) he is actually expecting to be allowed to return to [former parish] for a visit – oblivious of the fact that for a certain number of people in [former parish], he is a completely disgraced person. Fr Santino tells me in the letter he wrote asking permission to come that he is translating some writings of the Founder with a view to publication. I

<sup>30</sup> This is a pseudonym.

<sup>31</sup> This is a pseudonym.

<sup>32</sup> This is a pseudonym.

think it would be a disaster to have any writing of Fr Founder's published over Fr Santino's name.

**2.142** In August 1959, Fr Placido was again required to deal with Fr Santino because Fr Salvatore<sup>33</sup> was no longer willing to keep him in Kilmurry, where he was having an unhealthy influence on certain members of the professed and also on some of the novices. He suggested that, if no alternative could be found, he would as a last resort be compelled to keep him in Upton but warned: 'there would be grave risks in accepting him here considering the class of boy we have in certain age groups here'.

**2.143** Despite this anxiety, Fr Santino was assigned to Upton and he remained in the School until the early 1960s when he died suddenly, just when he was due to be transferred to a teaching position at Omeath.

**2.144** A former resident, who was present in the School from the late 1950s to the mid-1960s, alleged that Fr Santino sexually abused him:

*Fr Santino did approach me from the back with both hands on my shoulder. I felt him leaning up against me, in doing so I ran away. I did so, I met a particular Brother, Br Ludano, at the end of the stair who asked me why was I running, I told him why and I was punished for it.*

**2.145** During cross-examination, counsel for the Rosminians apologised for the abuse that this witness received. He asked him how Fr Santino was perceived. The complainant replied that he remembered Fr Santino as being very approachable, with a great way with children. He would talk to them all day. Fr Gaffney accepted his allegations in his responding statement:

I have no justification for doubting the complaint of sexual interference made against Fr Santino, and those actions were shameful and wrong. I apologise for the hurt inflicted on [this witness] and for the association of the Rosminian Institute of Charity for that conduct. It was profoundly against the ideals and expectations of the institute.

**2.146** Another former resident of Upton, who was there from the mid to late 1950s and who himself was subsequently convicted of paedophile offences testified that he engaged in mutual masturbation with Fr Santino, whom he described as the only adult who seemed to take any interest in him. He stated that the relationship lasted a couple of months.

**2.147** The story of Fr Santino sheds light on the Rosminians' attitude to child sexual abuse at the time. In a letter from the Provincial of the English Province to the Superior General, the Provincial showed his awareness of 'the injury inflicted upon his victims and the consequences to them of his conduct'. The Superior General replied, stressing the need for Fr Santino to pray that 'the persons to whom he had done such great harm will not carry its ill effects for their entire lives'.

- 2.148**
- **The Order was aware of the damage caused to victims of sexual abuse. Although the Provincial and Superior General were critical of the offender in this case, they did not take steps to prevent further injury or harm being perpetrated on other victims.**
  - **Although Fr Santino was known to have sexually abused children for many years in his first posting, he was transferred to another post where he repeated the abuse. He was transferred because of fear that there might be a police investigation and without regard for the safety of children.**
  - **The next move took him out of the United Kingdom and brought him to Ireland, again for the purpose of obviating investigation.**

<sup>33</sup> This is a pseudonym.

- It is clear that Fr Santino’s conduct in each of his postings in Britain was criminal, and that he offended repeatedly to the knowledge of his superiors. His transfer from one English parish to another was irresponsible. The Order was aware of the risk that he posed and of the damaging impact of his behaviour on his victims.
- The transfer to Ireland was for the purpose of Fr Santino’s spending a short penitential stay in Mount Melleray. It was obvious that full information should have been given to the Abbot so that careful supervision could be exercised, but there is no evidence that such steps were taken and he remained in the monastery for a period of 10 years.
- Assigning Fr Santino to a position in Upton was irresponsible and reckless. With the knowledge that the Order possessed about his past history and attitudes, they must have been aware of the likelihood that he would sexually abuse boys in this Institution. It follows that the Order was prepared to put boys at risk in order to find a place for somebody who might cause public scandal if he were to be located elsewhere.
- The documents do not indicate any attempt by the Order to dismiss Fr Santino from the priesthood. They appear never to have given consideration to the possibility of doing so.

### The Rome file: Br Umberto<sup>34</sup>

**2.149** Br Umberto joined the Rosminians in the mid-1940s. He made his perpetual vows eight years later. He was posted to Upton as an Assistant Brother in the mid-1950s, and remained in the School for approximately three years until he was transferred to Kilmurry to work on the farm.

**2.150** The reason for his transfer was that he had been interfering with the boys in Upton, and the details were set out in a letter from the Irish Provincial, Fr Placido, to the Superior General, Fr Lucca,<sup>35</sup> in which he said that the Brother:

Who had been previously warned by the Rector [Fr Fabiano] and myself has not been discreet cum pueris [with boys] and is a periculum [danger] to them so I have been compelled to send him to the Novitiate house where circumstances are different.

**2.151** It is clear from Fr Placido’s letter that it was not the first time that Br Umberto had offended, but there was no evidence that dismissal was considered.

**2.152** Fr Lucca approved the decision to remove Br Umberto, and he remained in Kilmurry until the early 1960s when he was sent back to Upton. Although there was a new Rector, who may not have known the recent history at the time when Br Umberto returned, Fr Placido was still Provincial and in residence at Upton. On this occasion, the Brother remained for approximately six years, until he was transferred to Omeath. He continued to be a member of the Order until his death.

- 2.153**
- **This Brother was found to be committing sexual abuse with boys notwithstanding a previous warning, and the Provincial reacted by moving him to the Novitiate House ‘where circumstances are different’. This decision appears to have been a short-term expedient, because the Provincial returned the Brother to Upton five years later, notwithstanding the danger that he represented to the boys.**
  - **The case of Br Umberto is interesting because he left Upton while Br Alfonso was Prefect, yet he is not mentioned by Br Alfonso. It is surprising that Br Alfonso, a relentless pursuer of sexual abusers, did not hear of this case, particularly because of the reference to Br Umberto’s having been previously warned by both the Rector and the Provincial. It illustrates the secretive way in which abusers could be removed.**

<sup>34</sup> This is a pseudonym.

<sup>35</sup> This is a pseudonym.

- **Returning Br Umberto to Upton in the early 1960s amounted to reckless disregard of the safety of the boys, particularly as at that time a known sexual abuser who had served years at Upton had recently been uncovered. There should have been an appreciation of the need to eliminate the risks the boys faced.**

### **The Rome file: Br Constantin<sup>36</sup>**

**2.154** Br Constantin was sent to Upton in the early 1950s, where he remained until he was transferred to Kilmurry. He was transferred in November, not at the more usual time of September, because he had been discovered sexually abusing children. The Brother subsequently applied for a dispensation from his vows two years later and, when it was granted, he left Kilmurry.

**2.155** The correspondence between his superiors concerning his application for a dispensation provides some information about his sexual activities. In a letter to the Superior General concerning the matter, the Provincial, Fr Placido, stated:

I enclose the request of Br Constantin for a dispensation from his final vows ... He was ... here at Upton ... when he asked for a transfer to Kilmurry as his contacts cum pueris hic erat ei periculum [with boys, this was his danger]. He was getting out from here as he was really under suspicion and investigations were being made regarding some serious matters. I regret to say that he was most seriously involved in the case of at least two.

**2.156** The Provincial asked the Rector of Kilmurry, Fr Salvatore, to write to the Superior General, setting out his views on the matter. In a letter, Fr Salvatore wrote:

Br Constantin's case is a sad one. He came here [Kilmurry] over a year ago from Upton. Fr Provincial will, no doubt, have informed you that this Brother had great difficulty in observing his vow of chastity. His Rector at Upton was forced to send him away from that house because he had proof that, in two cases at least, he had sinned with boys. The fact that he is still a religious is due to the charity of his Superiors because, generally, in these kinds of cases the rule is to send the accused person away. I must say, Father, that Constantin himself did ask his Superiors to take him away from the occasion [in the sense of the occasion of temptation]. Sending him here was seen as saving his vocation but it is not like that.

**2.157** The letter from Rome to Fr Placido informed him that the dispensation sought from the Order of Religious had come through. The letter went on to say that the dispensation itself was retained in the Rosminian archive in Rome. Br Constantin was, therefore, free 'to return to the world without further delay ...'.

**2.158** Former Br Constantin reappeared in the early 1960s at Mount Melleray Seminary, Cappoquin, County Waterford, as appears from a letter to the Provincial:

Dear Father Provincial,

We had a student here last year named Constantin who spent some time in your Congregation. It was only quite recently that information of that fact reached me. He was admitted here on the recommendation of a priest in England and I would never be satisfied to keep him without a reference from his former Superior had I known he was in religion. I am writing now to you for a reference for him as I am expecting him back soon and he will get a bit of my mind for not telling me he was with you. He is very quiet and well conducted as a student but that would not be enough to get him into a major seminary later on.

With every good wish, I am, dear Fr Provincial,

Yours sincerely in DIE

President

<sup>36</sup> This is a pseudonym.

**2.159** There is no record to show whether a reference, or even a reply, was sent, nor is it known whether this ex-Brother joined the Cistercian Community.

**2.160** Further light on this episode emerged from the evidence of Br Alfonso, who described how one of the boys complained to him about Br Constantin's activities, which he immediately reported to the Rector and the Provincial.

**2.161** An Assistant Prefect at the time, Fr Giovanni,<sup>37</sup> in a statement supplied to the Committee confirmed the discovery of abuse by this Brother and another:

Later on we were both scandalised and shocked and distressed to find that two lay brothers, ... were also sexually molesting the boys in their care. Immediately Br Alfonso and myself reported this to the then Provincial of the Institute of Charity, Fr Orsino, I.C., who removed the offending Brothers: one brother later died in the institute, Bro Fausto,<sup>38</sup> the other, Bro Constantin, left the Rosminians and I haven't heard of him since.

**2.162** Another Rosminian, Br Tomasso, who was lodging in the School at the time, responded to a Rosminian questionnaire as follows:

As a student ... residing in Upton [during the 1950s] I made enquiries about Bro Constantin – when he had been absent for some time – and was told by Fr Gian that he had been interfering with boys, and had left the Order.

- 2.163**
- **When the Rosminians discovered this Brother was sexually abusing boys, the first response was to move him. There does not appear to have been any proper investigation of the extent of his activities because Fr Salvatore's letter says that the Rector at Upton had proof 'in two cases at least'. There were very possibly more. It would appear that he went on to be a problem once more in Kilmurry, because sending him there 'was seen as saving his vocation but it is not like that'.**
  - **The priority was again keeping the matter secret. Permitting the Brother to obtain relief from his vows avoided the need for a formal process, which suited the Order, and was convenient for the offender, particularly as the actual dispensation was not even contained in his record. Taking this course meant that minimal information was recorded about the departure of the Brother from the Order.**

#### **The Rome file: Br Fausto**

**2.164** Br Fausto was sent to Upton as Assistant Brother in the early 1930s. He made his perpetual vows in the mid-1930s and later was transferred to Omeath. He spent another year in Upton in the mid-1940s. He returned to Upton in the early 1950s, and worked in the Community kitchen. He was moved to Ferryhouse approximately three years later, and his record card indicated that this was done 'during year'. He was transferred to Glencomeragh in the early 1960s. He died in the early 1980s.

**2.165** This Brother was discovered to be sexually abusing boys in the 1950s. Br Alfonso said that he discovered that Br Fausto had been sexually abusing children at the same time that he found out about Br Constantin. Fr Giovanni corroborated the discovery of Br Fausto in his statement. A complainant, resident in the early 1950s, gave evidence that his brother, while being punished by Br Alfonso, complained to him that he was being abused by a Brother whose name the witness did not recall correctly, but by a similar-sounding name:

*When he started laying into him with the strap my brother turned around and said that he was abused by a Brother called [similar sounding name to perpetrator] ... Br Alfonso*

<sup>37</sup> This is a pseudonym.

<sup>38</sup> This is a pseudonym.

*stopped dead in his tracks, put the strap back in the thing and he couldn't apologise enough. [The Brother] was removed from the school shortly thereafter ... No, I did not witness that. My brother mentioned it to me a couple of years ago, three or four years ago.*

- 2.166** The note of the Brother's transfer to Ferryhouse in the mid-1950s 'during year' would indicate that there were urgent reasons for the transfer, and that it did not occur in the ordinary way, carrying the implication that there was some apprehension on the part of the authorities that dictated the move.
- 2.167** In other records, there are references to this Brother that are suggestive of improper conduct on his part, but nothing that was clear and unequivocal or that could be understood without knowing the evidence of Br Alfonso and Fr Giovanni.
- 2.168** Fr Fabiano, Resident Manager at Upton, wrote to the Provincial at Rome referring to this Brother. He said that he had done nothing more about an episode concerning him. He added:
- as it would be needlessly bringing things into the limelight again and I could do nothing without authority. The assertion about [Br Fausto] came up casually as having happened in the past and I decided that the prudent thing to do was leave it in the past while you decided what should be done. My own opinion about the matter is that he should quietly get a change and be taken out of the danger because it will always be there.
- 2.169** Other documentary references to the Brother are even more vague, although generally suggestive of reasons for apprehension about his behaviour. For example, one comment read, 'Fr Salvatore ... told me that he did not consider Fausto's influence there as being to the spiritual advantage of the Novices'.
- 2.170** Another reference discussed his suitability as follows:
- you don't mention Kilmurry; from what Fr Salvatore ... was saying to me, I have my doubts if Fausto is the best one for that house. But the Novice Master holds him in high esteem.
- 2.171** Another document remarked that his conscience was in a class of its own:
- I hope Fausto won't be a destructive element in the Novitiate I think he has a conscience that is sui generis.<sup>39</sup> At Omeath he used to bring the Scholastics with him, secretly, for a smoke.
- 2.172** In another letter, the Resident Manager said he knew of the Brother's propensities for particular friendships.
- 2.173** In a letter from the Superior General to Fr Orsino, Provincial in Ireland, he wrote:
- As regards the other, I can understand that because he flatly denies everything, one can only give him the benefit of the doubt. However, from what you write, it seems there is some suspicion in his regard and this obliges us to make provision for the future. You say that there is more than one victim. This needs to be checked out with great prudence, or else find a good excuse for sending Fausto away from Upton.
- 2.174** • **Concerns about this Brother are expressed in correspondence from the mid-1930s to the mid-1950s. It seems clear that there was grave suspicion about his conduct. The evidence of Br Alfonso and Fr Giovanni put the position beyond doubt, and reveals the full meaning of the earlier written statements.**

<sup>39</sup> Latin for in a class of its own.

- The failure to express these concerns clearly indicated a degree of concern on the part of the authorities that no information should escape on this issue, as it was seen to be potentially damaging. Such secrecy resulted in the serious consequence that there was reduced consciousness about the problem.
- The interest of the Order in avoiding adverse publicity was given priority over the protection of the boys.
- Transferring the Brother to Ferryhouse was another example of a reckless approach to child protection.

### The Rome file: Br Mateo<sup>40</sup>

**2.175** Br Mateo was a postulant in the Franciscan Friaries in Killarney and Louvain during the 1930s. No records exist about his departure from the Franciscans. He joined the Rosminians in the late 1930s, and made his perpetual vows in the mid-1940s. He was sent to Upton for just over a year in the mid-1940s, and he then went to Omeath for almost 15 years, before returning to Upton in the late 1950s.

**2.176** This is another Brother who was discovered by Br Alfonso to have been sexually abusing children in Upton. The matter is referred to in a letter in the late 1950s from the Provincial, Fr Placido, to the Superior General, Fr Lucca, without mentioning Br Alfonso's involvement:

Bro Mateo here has recently been indiscreet cum puero<sup>41</sup> or perhaps cum pueris<sup>42</sup> so Fr R deems it advisable that he should be changed to avoid danger or talk especially in view of the big influx. We thought first of sending him to Kilmurry but the Rector put forward good reasons against that apart from the fact that the place would be unsuitable for the brother's health in view of the insomnia from which he suffers. We are of the opinion that Omeath would be the better place where he had been previously ... and there was no complaint about him as regards conduct ... Bro Mateo should be satisfactory ... and I think his slip will be a lesson to him to be careful and watchful ...

**2.177** Fr Placido wrote again, expressing his relief at having received a reply to his previous letter, which he feared had gone astray, a matter which would have concerned him greatly as it contained references to matters about Br Mateo which he did not wish to become widely known. In the same letter he stated:

I don't think we need worry about Bro Mateo at Omeath as he has got a warning and the Rector will be vigilant. There wasn't much of a serious nature against him si dice.<sup>43</sup>

**2.178** A complainant from the late 1950s gave evidence that corroborated Br Alfonso. He alleged he was sexually assaulted by Br Mateo in his early days in the School. He recalled he was playing ball one evening and the ball went into the hall. Br Mateo found the ball and called the complainant over and sat him on his knee and fondled his privates and kissed him. This abuse went on over a period of time until it was eventually reported to Br Alfonso. He did not officially report it to Br Alfonso. What actually happened was that Br Alfonso found him coming out of the hall one night when he had been missing from the games room. He was initially frightened to tell Br Alfonso what was happening but eventually he did, and he was told to go and wait for Br Alfonso in the office. Some time later, Br Alfonso came back and questioned him further, and he gave all the details and was told not to worry any more as Br Mateo would be transferred. During the hearing into this evidence, counsel for the Rosminians intervened and said that they accepted that it had happened as described.

<sup>40</sup> This is a pseudonym.

<sup>41</sup> Latin for with a boy.

<sup>42</sup> Latin for with boys.

<sup>43</sup> Latin for As spoken.

- 2.179 • No steps were taken to dismiss this Brother, but he was transferred to another school where it was believed that he would be less of a danger.
- The Provincial was complacent and did not regard what the Brother had been doing as being extremely serious, referring to it as a 'slip'.

**The Rome file: Br Mario<sup>44</sup>**

2.180 Br Mario's parents died when he was young, and he was raised by the Rosminians at Upton. He took his perpetual vows three years later. In the mid-1950s, he was transferred to Upton and appointed to an administrative role. In the early 1960s, he was sent to Ferryhouse where he was appointed as an assistant to the Rector.

2.181 He was discovered by Br Alfonso to have been sexually abusing boys during his posting in Ferryhouse, where he had been transferred following his term in Upton. A letter from the Provincial to the Superior General in the mid-1960s reported the discovery, and stated that the Brother had been transferred to Kilmurry for the time being. The letter said:

that there were two members of his community who had been rather indiscreet with the boys and owing to some talk there and admiratio<sup>45</sup> he wished to have the two changed sine mora.<sup>46</sup> One was Br Mario<sup>47</sup> ... and went to Clonmel [Ferryhouse] at the request of Fr Alanzo ... He admitted his faults and went to Kilmurry on 19<sup>th</sup> pro tem and about the middle of January Fr Pietro<sup>48</sup> will find suitable work for him in the office there – at Drumcondra and so will accept him with the debite cautele<sup>49</sup> ... You will fully appreciate in such circumstances how instant action is often necessary and the changes made are a cover up in some respects.

2.182 He wrote again, a month later, stating that:

I hope you got two previous letters I sent ... the second one was about the changes of the brothers I was compelled to make owing to two who failed in fidelity to the sacredness of their work amongst the boys.

2.183 Fr Lucca replied a few days later. He wrote:

The distressing news ... shows that the Rector is very attentive and decisive. I approve the changes you had to make and I hope that the guilty ones are convinced of the serious wrong they have done and are repentant. All this causes me great sadness especially [when I consider] the elder of the two. We really must work out our salvation 'in fear and trembling.' I am well aware of the Brothers whom you have had to change in these painful circumstances and I pray that the Lord will help them in their new positions ... I am sorry for you too who have had to make all these urgent and painful changes. Let us pray the Lord that nothing else of the like will occur.

2.184 Br Mario was transferred to a Rosminian School for the Blind, where he remained until his death over 10 years later.

2.185 Transferring a Brother with this history of sexual abuse to a school for blind children was reckless and inexplicable.

<sup>44</sup> This is a pseudonym.

<sup>45</sup> Latin for curiosity, astonishment, surprise.

<sup>46</sup> Latin for without delay.

<sup>47</sup> This is a pseudonym.

<sup>48</sup> This is a pseudonym.

<sup>49</sup> Latin for due caution.

**2.186** A complainant, who was in Upton from the late 1950s to the early 1960s, made a complaint about Br Mario. He alleged that Br Mario pinned him up against a table in the kitchen, and the complainant said he was conscious of Br Mario's arousal. This happened on a number of occasions and only ceased when the complainant threatened to tell Fr Eduardo, the Resident Manager:

*That man annoyed me week in week out for four or five weeks, commencing when I was working in the kitchen. Now, he knew I wanted to go on holidays, that man used to have me in tears. He would come up behind my back when I would be scrubbing pots, and I mean scrubbing pots now, and he would put his arms around me and he would be saying to me "I don't know will I let you go on holidays or not". He used to force me up against the sink. Believe me he used to have an erection on him. This was going on for weeks ... He used to annoy me every day of the week for weeks until I threatened to tell Fr Eduardo on him. I told him to do what he wanted. I got the holidays anyway. When I threatened him with Fr Eduardo he didn't come near me any more.*

**2.187** **The question arises why this Brother was not removed, or even given a formal Canonical Warning. The Provincial expressly acknowledged the main purpose of transferring Brothers who had been abusing when he said 'the changes made are a cover up in some respects'.**

**The Rome file: Br Gilberto<sup>50</sup>**

**2.188** Br Gilberto joined the Rosminian Order in the early 1940s, and he took his perpetual vows in the mid-1940s. He was in Ferryhouse in the mid-1940s for 10 months and again in the early 1950s. He was sent to Upton in the mid-1950s in an administrative role.

**2.189** His personnel card recorded that he was moved from Upton to Kilmurry before the end of the year in which he moved to Upton. The words 'during year' follow but are crossed out, and the words 'left on this date: and later was dispensed from vows' inserted. His service in Upton, accordingly, was very short, extending from his transfer there, which in the normal way would have happened in September. This Brother was another alleged sexual abuser who was reported by Br Alfonso.

**2.190** The actual reason for his sudden removal from Upton and his quitting the Order was made perfectly clear by the evidence of Br Alfonso to the Investigation Committee. The reasons for his departure can be further deduced from a letter by the Superior General, Fr Montes to Fr Orsino, the Provincial in Ireland, although the details are obscured by circumlocutions:

As regards the latest painful news of Gilberto, keeping precedents in mind and his own spontaneous remark dating from last Spring about leaving the Institute, I now think that the best advice to offer him is to ask for a dispensation. He must realise that, after what has happened at Upton, he can no longer enjoy the confidence of Superiors and could not be happy in the Institute. If he agrees to what is suggested, tell him to write his petition on a large size sheet, as big at least as the one I am writing on, and to say that he is asking for a dispensation because he feels himself unequal to the obligations of a religious.

**2.191** It seems that the Brother was induced to apply for his dispensation, and the request was in fact granted, but the Superior General was unhappy about the form of the request from Br Gilberto, and he gave advice to the Provincial about how to deal with cases like these:

He [Br Gilberto] included a petition for dispensation that is worthless because he concludes saying that he is seeking it "because I have been requested to do so". His complaint is: "I have been condemned without being informed of the nature of the charge against me. Nor have I been called upon to state my case".

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<sup>50</sup> This is a pseudonym.

**2.192** Fr Montes went on to give advice about procedure ‘in cases like these’:

Even though the situation was difficult and dangerous, Fr Fabiano should have spoken with Gilberto before sending him to Kilmurry. He could have told him it was in his best interests to be sent away from Upton for the time being in order to put an end to gossip. I feel for Fr Fabiano because he was in a delicate situation, but experience has taught me in cases like these one has to let the person accused have his say. Otherwise, he will always be able to argue that he was condemned without being given the opportunity to defend himself.

- 2.193**
- **There is a lack of explicit detail in the correspondence. Because the issue of sexual abuse was a sensitive one, the Rosminians developed a means of discussing it that obscured the facts in vague and coded language. The reason why an abuser left one institution and went to another was concealed. Such secrecy not only lessened the likelihood of the reporting and discovery of any further abuse in the new setting, but also reduced the awareness of sexual abuse as a major issue among the Community as a whole.**
  - **The safety of boys in Upton, where this Brother had so recently served prior to his being discovered, were entirely ignored.**
  - **Even though the petition for dispensation in this case was considered ‘worthless’, the authorities were nevertheless in a position to achieve the desired outcome of the quiet departure of the offender from the Order.**
  - **It would appear that no investigation took place as to how many children might have been abused or how they might have been affected.**

#### **Conclusions on the Rome files**

- 2.194**
- **The contents of the Rome files illustrates the importance of good archives. Not merely did the files help to establish, through contemporary documents, the extent of sexual abuse, they also afforded corroboration of many of the allegations made by complainants. From the Rome files, the Committee also learned about attitudes to the sexual abuse of children at that time, and how known abusers were dealt with by the Order. They proved invaluable sources of information.**
  - **An institution without good records is one without a memory. It cannot learn from the past, so the management has to deal with each case of abuse as a new problem. Failure to keep records increases the risk of more children being abused, and of the discovery of abuse being mismanaged.**

#### **Respondent evidence**

**2.195** Three members of the Order gave evidence. Two of these denied any knowledge of sexual abuse as an issue in Upton. The remaining individual, Br Alfonso, gave detailed information about sexual abuse that he had discovered and the action he had taken on foot of those discoveries while he was Prefect in Upton and Ferryhouse between the early 1950s and early 1970s.

**2.196** Br Alfonso said that, when he was Prefect, he was responsible for identifying to his Superiors seven sexual abusers operating in Upton. He confirmed they were as follows:

Br Fausto;

Br Constantin;

A named night watchman;

An unnamed lay teacher;

Br Mateo;

Br Mario,

Br Gilberto.

- 2.197** He said that all of these individuals were removed from the School.
- 2.198** Br Alfonso said he reported these individuals to his then Superiors, Fr Fabiano and Fr Alanzo. Fr Orsino, Provincial of the Order, was also involved in the reporting of one of these individuals. He said that, when he reported these people, he was never given any indication about whether they had any previous history of abuse:
- These things were not tossed around among the Superiors nor were they ever mentioned at a table at any time, they were always kept secret.*
- 2.199** Despite the number of individuals who were found to be sexually abusing children in Upton, Br Alfonso told the Committee that there was never any instruction given to watch out for possible abuse and abusers, nor were there guidelines on how to deal with such activities.
- 2.200** What seems clear is that, following his discovery of some sexual abusers in Upton, Br Alfonso went on a crusade to purge ‘immorality’ amongst the boys themselves. His evidence suggests that, once he revealed the identity of the abusers amongst staff members, the opportunity was afforded to boys to come forward and to tell him if they were being abused by fellow pupils. This version of events is in stark contrast with the evidence from witnesses, some of whom describe being falsely accused of ‘scamping’, a term used in the School to describe masturbation.
- 2.201** One witness recalled an incident when another pupil received a postal order. The boy was showing the postal order to the complainant and had his arm around his waist. Br Donato came along and accused them of interfering with each other. They were taken into the washroom and told to take off their pants. They were then told to hug each other, while Br Donato leathered the two of them. This went on for about an hour, until a Brother came along and they were sent off.
- 2.202** Another witness recalled that Br Alfonso and Br Donato were totally obsessed with sex and the boys. They were super-vigilant and constantly accused him of masturbation and other sexual activity. He alleged that he was often beaten for the entire day, as the Brothers took turns to extract a confession of masturbation from him. He also alleges that the Brothers beat a confession from another boy who lied and gave his name up to the Brothers. The name he gave appears in the punishment book.
- 2.203** He described how these two Brothers had regular purges, and the boys called them ‘hobbles’.
- 2.204** During the cross-examination of Br Alfonso, it was suggested to him that the punishment book could be divided into two sections. As was discussed above, the first period of the book is from 1952 to 1954. The second period from 1954 to 1963 showed a marked difference in the type of offence being punished, in that the almost exclusive reason for punishment was immorality. He was asked to explain this shift in emphasis of punishment, and he failed to give a precise answer. His counsel attempted to ‘explain’ what Br Alfonso was saying:
- By his actions in reporting the activities of the community and the lay person, he brought a situation out into the open where the boys were now more comfortable coming forward. So the boys who had been allegedly victims of each other were now coming to Br Alfonso to report incidents between themselves as opposed to between themselves and the community. So that those things had now become more open, there was an atmosphere of honesty coming out that these things were no longer taboo, that there was a way to get some action.*
- 2.205** Br Alfonso also said that the reason why there was so much punishment for immorality in the punishment book during his time was due to an increasing awareness that sexual behaviour was unacceptable. He said:

*All I was saying is that somehow or another it must have in some way leaked out to the children that this is not acceptable, this standard. I think my attorney here spelt that out, that the boys realised that and then started to come to me and say, "this is what is going on here with us, these boys are molesting and will you stand up for us". If that makes sense, I don't know, but I cannot explain it any other way.*

**2.206** Br Alfonso gave evidence that the punishment that was administered was normally three or four slaps on the hand, or 10 strokes on the seat of the pants for more serious offences. The punishment book recorded that 20 strokes were administered to a boy for sexual impropriety and, on other occasions, 15 strokes were administered. When asked to explain why he said 10 was the maximum delivered, which was clearly incorrect, Br Alfonso explained that the severity of that particular punishment arose from a highly unusual situation. He said:

*I am saying that in these events we are talking about, boys wouldn't be one on one in this situation. They would be like animals among one another, everybody would be involved in it, young boys and all. It was having whatever, I don't know what you would like to call it, an orgy, I don't know what it would be. Certainly it wasn't a normal one to one thing. That is all I can say.*

### **Complainant evidence**

**2.207** The evidence of complainants who made allegations against documented abusers has already been set out. In addition, further credible evidence of abuse was given.

**2.208** One witness who was resident in the 1950s alleged that he was sexually abused in the tailor shop. The routine was normally that a boy would arrive in the tailor shop, and whatever item of clothing that required repair would be repaired on the spot. On this occasion, he was told by a lay worker to remove his trousers for repair. The lay worker then put him on his knee, on the pretext of showing him how the sewing machine worked. He sexually abused him, and he and the lay worker ended up on the floor. This only happened on one occasion, as the person normally in charge of the shop was absent. He did not report this incident, as he was too frightened.

**2.209** Another resident, present in the 1960s, alleged that he had been raped while he was a pupil in Upton. He stated that he awoke on a number of occasions to find a dark figure groping him. He stated that, on one occasion, a lay member of staff persuaded him to accompany him to the kitchen for the purpose of giving him cookies and milk. While in the kitchen, the man pushed up against him and attempted to lift him up. However, the witness stated that he froze and the lay worker got a fright and stopped. However, he was told to go straight to bed and not to say anything.

**2.210** Another complainant, present in the mid to late 1960s, said that he was sexually abused by a man named Mr Vance<sup>51</sup> who came into the School and would take the boys out for a walk. He would attempt to fondle him when they were out for the walks. He says he fought off his advances.

### **The statement of Fr Giovanni**

**2.211** Although he was not called to give evidence, the Committee were able to consider a statement made by Fr Giovanni, who was Prefect in Upton during the mid-1950s.

**2.212** Fr Giovanni stated that one of the most distressing memories he had of Upton was when he and Br Alfonso discovered that one of the primary teachers had been sexually abusing the boys. He stated that Br Alfonso immediately reported the matter to the Resident Manager, and the teacher was dismissed. He also stated that he and Br Alfonso discovered two members of the Community,

<sup>51</sup> This is a pseudonym.

Brs Fausto and Constantin, engaged in similar activities. Again, Br Alfonso reported the matter to the Resident Manager, and the offenders were removed from the School.

### ***The Institute of Charity internal survey***

**2.213** One section of the internal survey conducted by the Institute of Charity related to allegations of sexual abuse in Upton.

**2.214** Br Tomasso said that, as a student residing in Upton in the 1950s, he had been told that Br Constantin had been removed for interfering with the boys. He had also heard that Br Fausto was engaged in similar activities. Fr Stefano said that he had heard from Br Romano<sup>52</sup> that Mr Vance had been interfering with the boys.

**2.215** One respondent to the survey stated that, in the mid-1950s, a teacher had been fired for abusing boys behind the blackboard. He also stated that this individual had found employment in a local school a week later.

### ***Conclusions on sexual abuse***

- 2.216**
- 1. it is impossible to quantify the full extent of sexual abuse by religious and lay staff in Upton. The documented cases disclose that it was widespread and it is very likely that more abuse happened than was recorded.**
  - 2. Sexual abuse by religious was a chronic problem: a timeline of documented and admitted cases of sexual abuse shows that—**
    - a. For more than half the relevant period, there was at least one abuser working there;**
    - b. For more than one third of the period, there were at least two abusers present;**
    - c. For periods of years in the 1950s, there were at least three abusers present;**
    - d. In the course of two separate years, there were at least four abusers present in Upton at the same time.**
  - 3. The succession of cases that confronted the authorities must have alerted them to the scale of the problem, and to the need for a thorough ongoing investigation as to how deep the problem went among the Brothers and staff in Upton. Such an investigation did not happen. Instead, each case was dealt with individually, as if no other case had occurred.**
  - 4. Br Alfonso brought about the exposure of a large number of sexual abusers, and gave rise to the question whether any of them would have been discovered if he had not been there.**
  - 5. The question in this Institution arises, as it does in many others, as to whether the discovery of a large number of abusers represented a period that was a bad time for abuse or a good time for the discovery of abuse.**
  - 6. Transferring abusers to other institutions where they would be in contact with children put those children at risk.**
  - 7. The Order was aware of the criminal nature of the conduct, but did not report it as a crime.**
  - 8. Sexual abuse was dealt with in a manner that put the interests of the Order, the Institution and even the abuser ahead of the protection of the children.**
  - 9. The Order did not expel members for sexual abuse.**
  - 10. The extent and prevalence of the problem were not addressed.**

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<sup>52</sup> This is a pseudonym.

## Sexual activity amongst the boys: documented cases

### *A case from 1936 which led to a Special Inspection of Upton by the Department of Education*

**2.217** The issue of sexual activity amongst boys in Upton came to the attention of the Department of Education in 1936, when it was notified by the Attorney General's office about criminal cases that had come before Cork Circuit Court, involving former residents of both Greenmount and Upton Industrial Schools. The facts were that two former pupils of Upton, aged 19 and 16 years respectively, were convicted of crimes including attempted buggery, gross indecency and indecent assault. The boys were sentenced to 18 months' imprisonment.

**2.218** The Attorney General was the prosecuting authority at the time, and he felt it necessary to notify the Department because the defendants in their court depositions dated 'their original misconduct to a time when they were detained in the Industrial Schools ...'. Prosecuting counsel reported to the Attorney General that:

The revelations about Upton and Greenmount, at this sittings have given me furiously to think about Industrial Schools and Religious Orders ...

**2.219** The Attorney General's office wrote a carefully phrased letter to the Minister for Education, not making reference to the charges or other sexual activity, but simply referring to 'misconduct' and respectfully suggesting that the Department should take some form of intervention:

The Attorney General is slow to draw unfavourable general conclusions from these cases, and he transmits the information merely in the hope that the Minister in collaboration with the School Authorities may be able to devise some means of keeping the number of such cases in future at the lowest possible level.

**2.220** The letter went on to suggest a remedy:

The Minister may take the view, which would be shared by the Attorney General, that a closer supervision of the older boys would be calculated to discourage the formation of these unfortunate habits.

**2.221** It nevertheless acknowledged the problem for school authorities:

The Attorney General is fully alive to the great difficulty experienced by the school authorities in eliminating as far as possible these particular tendencies on the part of the older boys.

**2.222** The Minister for Education directed his Department officials to conduct a special inspection of both Greenmount and Upton, with particular emphasis on the supervision methods employed at both schools. This special inspection took place on 1<sup>st</sup> and 2<sup>nd</sup> December 1936 and was conducted by two officials of the Department, namely the Inspector of Industrial Schools and the Deputy Chief Inspector of the Primary Branch. The Minister considered that, as the matter was very grave, the services of a very experienced inspector from the Primary School Branch were required to assist the Industrial Schools Inspector, hence the appointment of the Deputy Chief Inspector of the Primary Branch. The internal Departmental memoranda made it clear that their brief was only to inspect the supervision practices at both schools, because:

... their visit is really one of inspection rather than enquiry but they should if necessary impress on the manager of the two schools the gravity of the recent cases, the need for stricter supervision etc.

- 2.223** The only other guidance provided to the two Inspectors, regarding the inspection of supervision at these two schools, was that they should ascertain ‘the measures taken to prevent or put an end to the occurrences which gave rise to the recent cases before the Cork Courts’.
- 2.224** The Inspectors submitted their report to the Assistant Secretary of the Department on 14<sup>th</sup> December 1936. In it, they noted that the ‘supervision exercised in both schools is adequate in ordinary circumstances and the recent occurrences will tend to keep the school authorities on the alert’. However, the Inspectors gave it as their opinion that there was always a danger of sexual activity occurring between boys, which could be increased in particular circumstances:
- there is an ever present danger of these cases arising no matter how well planned the supervision and the danger is aggravated when, as in the case of Greenmount, a member of the staff is known to have been implicated.
- 2.225** The Inspectors particularly stressed the need for supervision of the older boys:
- The problem, as we understand it, is for obvious reasons a most difficult one to deal with and we consider the only action that can be taken is to impress on the Manager (verbally for preference) of each boys school the possibility of such cases occurring and the necessity for close and constant supervision of the boys, especially the senior boys i.e. boys over 14 years of age, in all their activities.
- 2.226** The Inspectors noted that members of the Community were always present during boys’ recreation and free time. In addition, a Rosminian priest or Brother slept in each of the dormitories, and the Superior made visits to the dormitories. Furthermore, the Resident Manager had prevailed upon the senior boys who were destined for the Novitiate, unbeknownst to each other, to report to him ‘doubtful conduct among the boys’, in an attempt to prevent such activity occurring.
- 2.227** The Department informed the Attorney General’s office on 30<sup>th</sup> December 1936 of the outcome of the special investigation, and that the Minister for Education was ‘satisfied that everything possible is now being done to stamp out and to prevent a re-currence of the practices referred to in the cases in question’. The letter added that the Minister ‘also approved of a suggestion that the Inspector of Industrial Schools should impress upon managers of Boys’ Schools the danger of such practices existing and the importance of continual and close supervision of the senior boys’.
- 2.228** The importance of the court cases was clear to the Upton authorities and beyond. Writing to Fr Orsino in Rome on 20<sup>th</sup> October 1936 about his brother, Fr Giuseppe, the Resident Manager, Fr Gerodi,<sup>53</sup> described how the Manager was detained on urgent business:
- Fr Giuseppe was unable to be away from Upton, owing to a matter which had troubled him much for several weeks and during last week he had to be on call on the telephone ... Some ex-Upton boys got into very serious trouble, and there was very great danger that the reputation of the School would suffer.
- 2.229** That appeared to be the end of the matter, in the eyes of the Department, until another case involving a former Upton boy came to the attention of the Gardaí in Cork in 1944.
- 2.230**
- **The Inspectors considered the supervision as described to them to be satisfactory, while acknowledging the difficulty of dealing with the problem, and the only step they took was verbal exhortation as to supervision.**
  - **No new measures were put in place, yet the Minister was able to inform the Attorney General that he was satisfied that everything possible was ‘now’ being done to deal with the problem.**

<sup>53</sup> This is a pseudonym.

- **The School authorities were concerned about the ‘very great danger’ to the reputation of the School.**

### ***The case from 1944***

- 2.231** Alarming evidence of more extensive sexual activity among the boys at Upton came to light in August 1944. A former resident of the School, who had been detained there from the late 1930s to the mid-1940s, was arrested and charged with larceny. The boy had been released early from Upton on licence to a farmer and was considered very troublesome. He was convicted and sentenced to two years’ detention in Daingean Reformatory in 1944.
- 2.232** The boy was medically examined while he was in custody, and he was found to be suffering from venereal disease. He admitted that, while he was resident in Upton, he had engaged in anal intercourse with other boys on several occasions, and he made a statement to the Gardaí in which he named seven other boys with whom he had engaged in such acts, one of whom had died in the intervening period. The Gardaí interviewed the six boys, of whom all but two denied the allegations.
- 2.233** In their statements, the boys who admitted such sexual activity with each other gave explicit details of the acts, which took place in a number of locations such as the kitchen attached to the infirmary, the farm, water closets, the dormitory and the infirmary. One of the boys complained in his statement that he had been anally raped on approximately 10 occasions during his time there. He said that he told one of the Brothers what this boy was doing to him but, when the matter was reported to the Resident Manager, Fr Fabiano, the latter beat him. This boy named five other boys with whom he had committed these acts.
- 2.234** The two boys who had made admissions had been discharged from the School on the expiration of their detention orders and were residing with their parents. The prosecuting authorities decided that they, together with the first boy, who was in Daingean, should be charged, and that the remaining boys who had denied the allegations were not to be prosecuted.
- 2.235** The authorities at the School did not relish the prospect of another trial of sex charges involving boys from Upton, and they went to work to try to prevent the prosecution going ahead. When the local State Solicitor was at the District Court in Cork, he was approached by a senior member of the Order, who pointed out to him that the offences took place a long time ago when the boys were very young. He said that the boy in Daingean was to blame for the incidents, that the other boys ‘did not realise what they were doing’ and that they had been punished accordingly at the School and were now leading good lives. He specifically asked the State Solicitor ‘that no prosecution should be taken’.
- 2.236** The Resident Manager of Upton, Fr Fabiano, followed up this representation with a letter to the State Solicitor in 1944. He stated that the School had been aware of sexual activity amongst the boys in question, and had dealt with the two boys at that time who ‘afterwards became very good’. He impressed upon the State Solicitor that no good would be derived from prosecuting the two boys who had now changed their ways and were now upright citizens. He said:
- We believe that we have attained our object when we make of these boys upright law abiding citizens, but it is now unjust to draw into the limelight the sins of their youth or perhaps I should say misdemeanours as they may not have been sins at all.
- 2.237** Fr Fabiano took a benign view:
- I wonder if the law in this case is being interpreted rightly or if the name attributed to the crime of adults can rightly be applied to children who often may not know that they are breaking the law of God let alone the law of the State.

- 2.238** In praise of the children, he asserted that they 'are good normal children perhaps better than the average and have a right to their good name'.
- 2.239** These efforts proved successful, and the State Solicitor recommended that the three boys should not be prosecuted, and the Attorney General agreed. The reasons were, first, that the boy at the centre of the allegations was already serving a two-year sentence of detention at Daingean, and it was felt that no benefit would be derived from a further prosecution. Secondly, with regard to the other two boys, it was felt that, having considered all the circumstances of the case, no prosecutions should be taken. Each of these reasons existed at the time when the boys were charged, and the only new development was the opposition of the Upton authorities to a prosecution.
- 2.240** There could have been strong arguments put forward for not proceeding with this prosecution, but one of the motives of the Manager appears to have been to avoid adverse publicity and 'very great danger' to the reputation of the School. The attitude to sex between boys, that he advanced in his letter seeking to stop the case, was very different from what emerged from their attitude in other cases.
- 2.241** An unwelcome consequence of this Garda investigation for the School management was the renewed attention of the Department of Education. The Superintendent of Bandon Gardaí informed the Inspector of the Department of Education in 1944 of the charges being brought against the three boys. An internal enquiry was mooted by the Department of Education, but it was decided that there was no point in writing to the Resident Manager of Upton to ask him 'to explain how these acts went undetected until it had been proved that they took place', i.e. until after the court cases. Such an enquiry never went ahead, presumably because there were no prosecutions.
- 2.242** The Department was unsure as to how it should deal with the situation, but eventually decided almost two months later to write to the Resident Manager to express the 'Minister's grave concern at the continued prevalence of this serious vice in the School'. This the Inspector of Industrial Schools duly did, by letter dated early the following year. He expressed in very strong terms his concern on behalf of the Minister of the 'continued prevalence of sodomy amongst the boys' in Upton, and he specifically drew attention to the 1936 Special Inspection, whereby the need for tighter supervision of senior boys was stressed to the Resident Manager at the time. The letter also expressed, even more forcefully, the burden on the Minister who, as the regulator of all industrial schools, was placed in a grave predicament when these allegations of sodomy arose. In order to impress upon the Resident Manager the urgency and problem posed by sexual abuse amongst the boys, he threatened that the school certificate would be withdrawn if radical action was not taken to eradicate the problem:
- The danger that this is so places a burden of the gravest responsibility on the Minister, since it is by virtue of his continued recognition of the School as an industrial school that a steady stream of young boys are sent there under the Children Acts. If it should become clear that this ruinous vice has taken firm root in your school and cannot be eradicated so that boys are exposed to an abnormal degree to the danger of indulging in it, the Minister may feel bound to withdraw his recognition from the School.
- 2.243** He then requested the Resident Manager in the letter to take 'radical action immediately to stamp out this vice', by tightening up supervision and keeping surveillance of boys over the age of 14 years, with particular attention to their activities on the farm.
- 2.244** This letter evoked a quick and indignant response from both the Resident Manager and the Provincial at Upton. The Resident Manager in his letter to the Department admitted that 'we do get odd cases of immorality', but 'I most emphatically deny that this school is the den of iniquity

implied in your letter'. Fr Fabiano defended the management of the School in unequivocal terms, stating:

It has always been my greatest anxiety to see that the boys are moral in every way and that they are never exposed to any risk, whatsoever, in other words as far as it is humanly possible this particular danger is guarded against.

**2.245** He went on in the letter to defend the actions of the school staff in preventing such abuses taking place, stating that he had 18 years' experience in the School and knew how to protect the boys' morality, in addition to making frequent visits to the farm and the whole school 'at all sorts of odd and unusual times' and having 'always dealt severely with anything like indecent conduct and have taken a particular interest in the boys concerned making sure they become God fearing boys'. The Resident Manager ended his six-page letter with a challenging declaration:

If the minister is worried about the welfare of these children and is ready to accept the evidence at its face value notwithstanding Fr Giuseppe's statement to the contrary I am authorised to state that he (Fr Giuseppe) is willing to hand up the certificate in the interests and for the safety of the religious staff dealing with the school.

**2.246** The Provincial, Fr Giuseppe, also wrote to the Department on the same day, expressing his outrage and annoyance, but went further and expressed his desire to resign the certificate of the School and prevailed upon the Inspector 'to make provision as soon as possible for the committed children at present in the care of the Fathers of Charity in this school'.

**2.247** The fact that the Department did not take very seriously the Provincial's threat to close the School can be gleaned from an internal memorandum. They considered that the decision by the Provincial was made 'in a fit of pique, seeing that this incident follows on the heels of the clean up at his other school, Clonmel'. However, they sought to smooth the ruffled feathers of the Upton authorities by issuing a 'mild apology' and explaining the reason behind the forceful letter that was sent. They wrote to the Provincial and offered the explanation that the Department thought that, when the two inspectors visited the School in 1936 and urged stricter supervision, that was the end of the matter of sodomy. When it came to light in 1944 that abuses had taken place over a further seven-year period from 1938, this gave rise 'of grave concern and disappointment'. The statements of the boys were also furnished to the Provincial, in the hope that this would clarify and explain the gravity of the situation and the response of the Department:

I have no doubt that you will recognise this when you have read the statements, and that you will understand why it was considered desirable to urge you in the strongest terms to spare no efforts to stamp out this form of misconduct in your School.

**2.248** It did not have the desired effect on the Resident Manager. Instead, after having read the statements of the three boys, he wrote a very defensive letter to the Inspector, dismissing his concerns outright. As to the statements of the three boys, the Manager analysed them and pointed out reasons why they should not be believed, and he referred to the difficult backgrounds from which each of them came. He certainly did not think that he was in any way to blame for the misconduct of the boys, and insisted that the acts complained of in the statements were well known to him and he had done everything in his power to be vigilant:

I do not know that there is a case mentioned in any of the statements which was not either known or suspected and every vigilance was exercised.

**2.249** Instead of attempting to understand or alleviate the concerns of the Department in this matter, the Resident Manager took the moral high ground and dismissed outright the stance taken by the Department:

My conscience is quite clear and untroubled about the whole matter and I do not believe I could have done more.

**2.250** The Assistant Secretary stated in an internal memorandum in 1945 to the Secretary that the letter 'is reasonable enough on the whole' and that he did not expect that the Resident Manager would actually resign the certificate. The course taken by the Department was simply to do nothing more about the matter and to let it all blow over. When the Medical Inspector, Dr Anna McCabe,<sup>54</sup> carried out a routine General Inspection of the School on 19<sup>th</sup> March 1945, she had a long discussion with Fr Giuseppe about the situation and particularly his threat to resign the certificate. She considered that the threat was 'a bit of a bluff'. The Manager informed her that he could always turn the School into a secondary boarding school. By April 1945, a reply to the Manager's letter had not been issued from the Department, and they felt it was unnecessary to do so and that it was safe to 'assume that the Provincial will not pursue his threat to resign the Cert. of the School?'

- 2.251**
- **This episode illustrates the priority given by the school authorities to avoiding adverse publicity.**
  - **The Resident Manager was prepared to make light of what was considered to be the most heinous conduct that a boy could commit in Upton, in an effort to stop the prosecution and thus avoid adverse publicity or 'danger to the reputation of the school'.**
  - **The correspondence demonstrates the weakness of the Department; first it did not achieve its purpose, second to assert its entitlement to supervise this School, and third to protect vulnerable children.**

## **Neglect and emotional abuse**

**2.252** The Department of Education and Science furnished, as part of the discovery process, General and Medical Inspection Reports for Upton spanning the period 1939 to 1966. Although a number of them are missing for various years, they are a valuable source of information on the conditions that prevailed in the School at the time. These documents allowed the Committee to view complainants' evidence in the light of contemporary records.

### ***Living conditions***

**2.253** The Department's Medical Inspector, Dr Anna McCabe, considered the School 'well run' and the premises 'well kept' for the most part. Throughout the 1940s and 1950s, her reports reflect anticipation of improvements in general living conditions, but any such improvements occurred very slowly. A difficulty with Dr McCabe's reports is the fact that no specific information is provided as to the actual condition of the School or the nature of the improvements needed. The food and clothing of the boys were the two main areas with which she was least satisfied, and these are discussed in detail in the paragraphs below.

**2.254** After a General Inspection of Upton on 9<sup>th</sup> June 1939, Dr McCabe was very impressed with the School. She found that the house and grounds were 'in good order' and the 'boys appeared very healthy and bright' and their physical condition was 'excellent'. Apart from their outward appearance, Dr McCabe noted that the 'boys all appear very pleased and content, and freely talk with their Superiors'. She also commented that the boys had 'plenty of playing space – a great big cement yard and field' as well as a 'fine Swimming Pool in the grounds'.

**2.255** The next available record of an Inspection by Dr McCabe is a report dated 10<sup>th</sup> November 1943. On that occasion, conditions had deteriorated somewhat from 1939. Dr McCabe described the School as only 'fairly good' but she noted that the boys were 'well cared and happy'. The reasons for her dissatisfaction included the fact that there were dirty tablecloths on the tables in the refectory, and the towels for the boys were worn and ragged. She recommended that these be

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<sup>54</sup> Dr Anna McCabe was the Department of Education Inspector for most of the relevant period.

replaced. She also called for better supervision of the boys in the dressing room and for each boy to be supplied with a toothbrush.

**2.256** The next available Inspection Report, two years later, reported conditions had not altered. In her report dated 19<sup>th</sup> March 1945, Dr McCabe again described the School as only 'fairly good' and the premises as being 'fairly well kept'. But she did not elaborate on what needed to be done to improve conditions. She commented that improvements were being made to the School, but did not specify what the improvements were, except to say that a new kitchen was being built. Again, she found that the boys were 'well cared and happy'.

**2.257** On the next General Inspection, which took place on 2<sup>nd</sup> September 1946, she found the School was 'much improved'. Dr McCabe noted that the new kitchen was a great success and a new sanitary annexe had been added. Of even greater importance was the fact that a bungalow had been built on the grounds of the School, for the purpose of housing six nuns who were due to arrive to assist in the running of the School. Their presence, according to Dr McCabe, would bring about great changes 'for the best'. These nuns were from the Dominican Order and arrived in Upton in October 1946.

**2.258** When Dr McCabe visited the School on 27<sup>th</sup> October 1947 she found 'altogether there is a great improvement in this school' which was due in no small measure to the arrival of the Dominican nuns. She declared that 'the advent of the Nuns has made a great difference to the school'. In particular, she felt that the nuns had brought about much improvement on the domestic side of the house. In 1948, she noted the same improvements, again because of the nuns. In her report dated 22<sup>nd</sup> October 1948, Dr McCabe detailed that the corridors and dormitories had been repainted and the premises were clean and 'well kept'.

**2.259** There are no Inspection Reports for the years 1949, 1950 and 1951. The next available Inspection Report is dated 21<sup>st</sup> May 1952. On that occasion, Dr McCabe again praised the nuns for bringing about 'great changes' in the dormitories and kitchens, and found that the School was altogether 'much improved' and the painting of the entire house was being undertaken at the time. Dr McCabe made similar comments when she visited on 17<sup>th</sup> December 1954. She remarked that the 'school continues to improve', particularly in the area of clothing and food.

**2.260** From 1947 to 1954, Dr McCabe consistently remarked on the great positive changes which had taken place at the School by the arrival of the Dominican nuns in 1946. The precise changes cannot be gleaned from her reports. However, by 1955 the nuns had to leave Upton due to staff shortages in the Dominican houses. Dr McCabe lamented the departure of the nuns in her Inspection Report of 11<sup>th</sup> November 1955 where she stated:

School has improved – Unfortunately now that the Nuns have departed I wonder if this happy state of affairs will continue.

**2.261** Despite the departure of the nuns, the School conditions had not deteriorated, as was evidenced by Dr McCabe in her General Inspection Report of 29<sup>th</sup> November 1956. She still considered that the School had 'much improved' and there was a 'Nice Spirit' prevailing.

**2.262** Dr McCabe's Inspection Reports from 1958 to 1964 repeatedly record her anticipation of conditions improving in the School. Throughout those years, she consistently stated that 'improvements have been made' and 'continue to be made', but very little information was provided as to the exact nature of these 'improvements' except to say that they were occurring 'slowly'. In 1958, Dr McCabe remarked in her report that the Resident Manager 'is investigating the central heating'. It took another four years before central heating was installed in the School. During those years, Dr McCabe consistently described the School as 'well run' and the boys 'well cared'.

- 2.263** In 1961, with the appointment of a new Resident Manager, Fr Eduardo, Dr McCabe was positively hopeful that he would bring about greater improvements, which up to that time had been occurring slowly. She wrote, 'Now with Fr Eduardo in charge I expect to see great works'.
- 2.264** Dr McCabe's last inspection was carried out on 12<sup>th</sup> May 1964. On that occasion, the Resident Manager, Fr Eduardo, came in for particular praise by her:
- Fr Eduardo deserves the greatest praise for the work he has done since his appointment. He has redecorated all the school inside and outside and its appearance is much better and brighter. Great improvements everywhere.
- 2.265** Every area of the School on that occasion was referred to as being 'very good', including the food and diet of the boys, which had been an ongoing issue for the Medical Inspector for a number of years. Even the clothing on that occasion was described as 'much better'.
- 2.266** Her view, however, was contradicted by the Lord Mayor of Cork, who visited Upton in January 1965 with a number of students. His report gave a very different account of life at the School. Each week, a number of students from Cork visited Upton 'to help brighten the lives of the boys'. On one of these visits, the Lord Mayor was invited to join them, which he did on 26<sup>th</sup> January 1965. Whilst there, he admitted to taking 'an unofficial tour of the buildings' and he arrived in the dining room while the boys were preparing for tea. The scene that greeted him 'came as quite a shock'. He went so far as to say that:
- The conditions I saw would not be tolerated in a workhouse of by-gone days.
- 2.267** The conditions in the dining room, which came as such a shock to the Lord Mayor, were the battered tin plates and cups from which the boys ate and drank, the dirty tables stacked high with piles of bread, and the lack of knives and forks. One Brother and a woman did the entire cooking for 130 boys.
- 2.268** He was also critical of the boys' dormitories, where he found 'some eighty beds all closely packed together'. Apart from the lack of privacy, he found that the pillows were hard 'as if made of straw' and there 'didn't appear to be any sheets'. He commented:
- It is bad enough to see delinquents subjected to these conditions but orphans who are there through no fault of their own should surely deserve more humane treatment.
- 2.269** The only positive remark he had to make was in respect of the recreational facilities, but felt that 'surely essentials should come first'. He concluded from what he saw that:
- It is hard to visualise any of these lads adapting themselves to conditions in the outside world after their years in Upton.
- 2.270** This report reached the Department of Education and it prompted them to dispatch a senior officer, Mr McDevitt, to inspect the School on 4<sup>th</sup> and 5<sup>th</sup> March 1965.
- 2.271** In his report following his inspection, Mr McDevitt 'found the school generally very much improved'. He commented on each of the complaints raised by the Lord Mayor. First, he reported that each boy received a fork and spoon, but confirmed there was a shortage of knives, with only 30 in existence, which resulted in two knives being supplied to each table of eight boys. He noted that the Brother in charge of the kitchen complained of the shortage of knives. Secondly, he disagreed that the boys used tin cups, stating that the tableware was aluminium, which had been purchased in the interests of hygiene, as the Department of Health had issued a warning on the dangers of eating from chipped or cracked delph. Previously, according to the report, delph cups were used in the School. He did, however, concede that, owing to constant wear and tear, the aluminium plates and cups had become battered and needed to be replaced. Thirdly, he reported that the

dining hall was adequately heated, that tablecloths were not used in any industrial school, and the tables were newly topped with formica. Fourthly, he found that the kitchen was adequate, with first-class equipment, but it was supervised by a Brother who 'has had a nervous breakdown and seems rather neurotic'.

**2.272** Mr McDevitt was of the view that the dormitories were 'highly satisfactory'. He added that there were two sheets to every bed and a blanket underneath, and that the pillows were stuffed with either feathers or fibre. He concluded that the School 'has improved immensely'. In support of this conclusion, he cited figures provided to him by the Brothers that £32,000 had been spent: on renovating the toilets, play hall and T.V. room; on the central heating; and in extending the dormitories and shower rooms.

**2.273** That appears to have been the end of the matter. At the Phase I hearing, Fr O'Reilly, when questioned about the Lord Mayor's report, conceded that a 'lot of his comments – would have to be accepted'. But he added that:

*... a lot of it depended really on what a person's background was. If [he] had extensive experience in other places where the standards were entirely different obviously then his criticisms were justified. But if the Inspector had a different standard then that told its own story obviously.*

**2.274** The final General Inspection of Upton took place on 15<sup>th</sup> June 1966, shortly before its closure, by Dr Lysaght. He provided a very detailed and lengthy report on the School. His overall observations of the School were good. He found that the premises 'for the most part' were in a 'reasonable state of repair' but the roof in the recreation hall was leaking. He was critical of the lack of wardrobes and lockers available in the boys' dormitories, which he viewed as a necessity. The mattresses on the beds he felt could be replaced, as wire meshing and film were outdated. His report noted that there was a modern bathroom in place, fitted with communal showers. Dr Lysaght noted that the Resident Manager gave sex education classes to the boys. Dr Lysaght was very impressed by Fr Eduardo, the Resident Manager, as he came across as someone 'very interested in his work and devoted to the boys' welfare and sorry at the prospect of the school closing down'.

### **Food**

**2.275** The Rosminians concede that boys were hungry in Upton. Fr O'Reilly, at the Phase III public hearing, said, '*I absolutely accept that children were hungry ...*'.

**2.276** Dr McCabe's reports were not of great assistance, because she describes the food in very general terms as being 'satisfactory' or 'could be improved'. Nevertheless, she repeatedly recommended to the Brother in charge of the kitchen to vary the diet.

**2.277** Dr McCabe, in her report dated 21<sup>st</sup> June 1939, summed up the boys' food as 'good in quantity, quality and variety'. Thereafter, in the 1940s it appears to have deteriorated, as Dr McCabe described it as 'fairly satisfactory' or 'satisfactory'. No precise details of the quality, quantity or type of food provided can be elicited from these reports. A number of reports are missing for the 1940s and early 1950s. The reports of 1943 and 1945 characterised the food as 'fairly satisfactory'. In 1946, 1947, 1948 and 1952, Dr McCabe described the food as 'satisfactory'. There are no Inspection Reports from 1949 to 1951.

**2.278** When Dr McCabe visited the School on 27<sup>th</sup> November 1953, she commented that the food was 'much better'. Between 1953 and 1962, her reports regularly described the food as 'improved', although it is not clear what it had improved from or what it was actually like. Her report of 1955 categorised the food as 'very good'. But, by the following year, problems had arisen again with the food, as her report of 29<sup>th</sup> November 1956 asserted that the food 'could be improved'.

- 2.279** Dr McCabe's report of 1956 gives some indication of the problem regarding the food, namely that not enough food was being given. In particular, she was critical of the insufficient quantities of meat and milk provided for the boys. At the time, only 15lbs of meat per meal was provided for 180 boys, and she recommended to the Brother in charge that this should be increased to between 30lbs and 45lbs. She also recommended that each boy should be given one pint of milk per day. In addition, she suggested that honey or golden syrup and 'vitaminised' margarine should be supplied at lunchtime.
- 2.280** In 1957, when Dr McCabe called on the School on 1<sup>st</sup> November, she again reported that the food 'could be improved' but added that it was 'on the whole not too bad'. From her 1957 report, no information can be gleaned as to what the nature of the problem with the food was or how it could be improved. Unlike her report in 1956, she provided no recommendations to improve the food. Neither did she report whether her 1956 recommendation had been implemented.
- 2.281** Former residents of Upton complained that they were constantly hungry and that the food provided was of poor quality. One witness, who had been resident in Upton throughout the 1950s, complained that he was '*always hungry*' while he was in the School. His hunger was such that he had to resort to eating the slops and leftovers from the priests' kitchen. In evidence, he recounted this vivid memory of watching and waiting for his own brother, who worked in the priests' kitchen, to bring the slop from the kitchen to a pit so that he and his friends could eat from it. He said:
- He used to take the slop from the kitchen, he used to take it down to this pit. It was quite a way away from the house. I used to watch him. I used to see him take the food down to this pit, apple skins and bits and pieces. When he left I used to go down there with my little team and we used to go eat all the apple skins.*
- 2.282** A witness from the mid-1950s described the food as 'absolutely terrible' and insufficient in quantity, particularly for boys who had to do heavy farm work:
- The food was absolutely terrible; a starvation diet is all I can say it was, everything was rationed. We were expected to work, do men's work on that kind of food.*
- 2.283** He said that breakfast consisted of bread and dripping, with porridge on some mornings, but no milk. Bread with margarine was provided for supper, and the dinner he described as '*pea soup*', which had the consistency of '*gruel*'.
- 2.284** Another witness, who had been in the School for a short period of time in the late 1950s, stated that the boys were starved in Upton, and the situation was one of '*a total lack of food*'.
- 2.285** The issue of lack of meat for the boys was also attested to by another witness. He remembered each week that two sheep were killed on the farm, but the meat from the sheep was not given to the boys. His only recollection of meat was of black pudding and sausages, in a stew with potatoes for dinner. But, as regards other forms of meat, he stated adamantly that they never got any:
- Meat, you would never see meat. You might get a chunk of fat now and again but you would never see meat even though I was there and I knew it was there. The boys never got any of it.*
- 2.286** This witness who worked in the kitchen peeling potatoes saw a distinct difference in the food provided for the priests and the boys: '*there was food for the clergy and food for the boys*'.
- 2.287** Fr O'Reilly at the Phase III public hearing, conceded that the Brothers received better quality food than the children:
- I accept that the food was so much better for the people who lived and worked in the place, yes. I would say it was a better quality of food.*

- 2.288** In 1958, Dr McCabe noted that the food for the boys had 'improved' but, at the same time, she felt that more could be done as she 'had a talk with the Br in charge and advised several improvements I thought could be made'. Again, there are no details provided as to what was needed to be done to ameliorate the food situation.
- 2.289** A complaint about the food was made in May 1959, when fathers of two boys who had been transferred from Greenmount Industrial School to Upton complained to their local TD about the poor conditions prevailing in Upton, and he forwarded their complaints to the Minister for Education, Mr Jack Lynch. One of the complaints was that the boys only got three slices of bread with dripping for their tea each day, compared to Greenmount where they received bread and jam each evening and two ounces of cheese four nights of the week (other complaints were made about punishment). He felt compelled as their local TD to forward the complaints on to the Department of Education, but he did not think there was much merit to the complaints, as he qualified his letter by saying that much of what they said was hearsay and that, having questioned them very closely on some of the information, he had formed the view that some of it 'is obviously exaggerated to say the least of it'.
- 2.290** The Department of Education forwarded the letter of complaint to the Resident Manager, Fr Alanzo, for comment. He replied in a letter dated 3<sup>rd</sup> June 1959, stoutly defending the food provided in Upton:
- All I can say is St. Patrick's was always outstanding and still is regarding feeding the boys well. Our friends ... did not say that our boys get sausages and eggs Sunday mornings, which they never got in Greenmount. Our boys are the admiration of all visitors, because they look so healthy. Hungry children do not look healthy.
- 2.291** He did not take the complaints very seriously as he considered them to be '100% exaggerated'. Nor was the complaint taken very seriously at Department level. Dr McCabe, whose opinion was sought on the issue, dismissed the complaint outright. Her views about the complaints are contained in an internal Departmental note dated 11<sup>th</sup> June 1959, as follows:
- The boys in this school are very well fed and cared. I have no comments to make on this letter as I consider it is a 'grouse'.
- 2.292** One witness was questioned about receiving sausages and eggs as contended by the Resident Manager in 1959, and had the following to say:
- Well, it sounds as if they owe me a few breakfasts by the sounds of it. There is just no answer to that. That's just a joke. I wouldn't know a sausage down there if I tripped over one. That's just not the case.*
- 2.293** When Dr McCabe inspected the School on 17<sup>th</sup> December 1959, she commented in her General Inspection Report that the 'quality and quantity' of the food had 'improved'. Despite this improvement, she still felt it necessary to make further recommendations to the Brother in charge of the kitchen to vary the diet. Again, the exact nature of the problem with the food was not specified.
- 2.294** Dr McCabe called to the School on 13<sup>th</sup> August 1960, and yet again she discussed the need for improvement with the Brother in charge of the kitchen, particularly with regard to 'various methods of varying meals', and in this she found him 'most co-operative'. In her 1961 report, Dr McCabe, whilst commenting that the food and diet had improved, remarked that she had 'discussed problem of food with Br in charge and he hopes to make further improvements'. In 1962, the food was said to have 'improved'. By 1963 and 1964, it was 'good'.

**2.295** As discussed above, the Lord Mayor's criticisms in January 1965 led to an inspection by the Department's Inspector, Mr McDevitt on 4<sup>th</sup> and 5<sup>th</sup> March 1965. The Mayor had not made any criticism of the food, but Mr McDevitt investigated that matter and uncovered a problem with the kitchen and the diet. The source of the problem, as he saw it, lay with the 'neurotic' Brother who was in charge of the kitchen. When questioned about the food by Mr McDevitt, this Brother replied that the 'diet was highly satisfactory except that the milk and cake rations were inadequate'. He was also questioned about supplying margarine rather than butter to the boys, and his reply was that margarine was more nutritious. Mr McDevitt summed up this Brother as the 'problem child of the community and as the likely original source of the complaints made to the Minister'. When he mentioned this Brother to other members of the Rosminian Community, they replied 'with either a smile or an expression of sympathy for his nervous condition'. Yet this Brother was in charge of supplying the daily nutritional requirements for all the boys.

**2.296** Overall, Mr McDevitt did not give much credence to the Lord Mayor's complaints, and the root of the problem, as he saw it, lay with the Brother in charge of the kitchen. From the documents furnished, no action was taken on foot of the report with regard to this Brother.

**2.297** The final General Inspection of Upton took place on 15<sup>th</sup> June 1966 by Dr Lysaght. He reported in detail on the food and diet of the boys and listed the four meals a day which they received and enclosed a sample food menu. He commented that the boys get 'all the milk they want at dinner or any other meal'. However, he noted that the Resident Manager, Fr Eduardo was 'not altogether satisfied with the meals' which he felt could be improved with better culinary equipment.

### ***Clothing***

**2.298** An ongoing area of dissatisfaction for Dr McCabe, and one which she often raised in her General Inspection Reports, was the clothing provided for the children.

**2.299** The first recorded complaint is contained in Dr McCabe's General Inspection Report of 10<sup>th</sup> November 1943. She described the boys' clothing as 'fair – but rather patched'. She had the same complaint to make two years later, on 19<sup>th</sup> March 1945, when she characterised the clothing as 'Fair – rather patched'. On her next inspection, on 2<sup>nd</sup> September 1946, Dr McCabe noted that the clothing 'Could be improved'. No details are given in this report about the exact condition of the clothing or the nature of the problem. When she spoke to the Resident Manager, he informed her that they had experienced 'great difficulty in obtaining material for suits', and as a result they had to purchase a number of them from shops in Cork 'which was most expensive'. He nevertheless said that he would 'endeavour to make improvements'. She noted that he 'is severely hampered on account of small quota of material' and wanted to obtain a permit for supplies so that he could 'obtain sufficient material'.

**2.300** When Dr McCabe called on the School on 27<sup>th</sup> October 1947, she commented that the clothing was 'improved' but she gave no information as to how the clothing had improved. In her Inspection Report of 22<sup>nd</sup> October 1948, Dr McCabe again described the clothing as 'improved' and added that 'much remains to be done'. Again, no further details can be elicited from her report on the extent of the problem or what exactly needed to be done to rectify the situation.

**2.301** Four years later, Dr McCabe, in her General Inspection Report of 21<sup>st</sup> May 1952, again found that the clothing of the boys had 'improved' and added that the tailors were busy making new suits. There are no Inspection Reports in existence between 1948 and 1952. For the years 1953 and 1954, Dr McCabe described the clothing situation as 'much improved'. In her Inspection Report of 1955, clothing was simply described as 'improved' but, by 1956, the clothing was again described by Dr McCabe as 'much improved'. From 1957 to 1960, Dr McCabe consistently used the words 'improved' or 'much improved' in the section on clothing in her General Inspection Reports.

- 2.302** On 22<sup>nd</sup> February 1961, Dr McCabe noted that the clothing was ‘improved’, but she specifically recommended that the boys ‘could do with a new issue of clothing all around’. The subsequent Inspection Reports do not provide any insight as to whether this recommendation was carried out. When she visited the School on 20<sup>th</sup> June 1962, she again remarked that the clothing was ‘improved’. In 1963, she said it was ‘much improved’ and, by 1964, she described it as ‘much better’.
- 2.303** The Lord Mayor, who visited the School in January 1965, was also critical of the boys’ clothes. He was told the boys slept in their shirts, as they had no nightclothes. According to his report, their everyday clothing was ‘rough and ready’.
- 2.304** The General Inspection Report of 15<sup>th</sup> June 1966 by Dr Lysaght provided somewhat more information on this matter. He described the boys as being ‘well clothed neat and clean’. According to his report, the tailor on site made the boys’ suits with the assistance of some of the boys. In the summer, they wore shorts and blazers.
- 2.305** A former resident who was in the School in the 1950s gave evidence about the type of clothes the boys wore. He told the Committee that the clothes were unsuitable and inadequate, and summed up the situation as follows:
- We wore the same things year in year out; khaki shirt, khaki pants and a short jacket. No pullovers, no underwear.*
- 2.306** The footwear, he said, consisted of leather ankle boots, which were made by the boys. He said that sometimes he had socks and sometimes he didn’t, by reason of the fact that they each got only one pair, and when they needed repair they were sent to the knitting shop. While they were being repaired, boys went without socks, as there was no replacement.
- 2.307** Another witness, who was in Upton in the 1950s, described the clothes he wore as ‘rags’, comprising a top, shorts and a pair of sandals. He also said that they wore no underwear and had a change of clothes once a week. They did have nightclothes, in the form of a nightdress, and there were no heavy winter clothes provided.

### ***Bed-wetting***

- 2.308** Bed-wetting was a persistent problem for some of the boys in the School. It was treated as a disciplinary issue by the Rosminians, and they attempted to solve the problem by the use of physical punishment. They sought at the time to halt the problem by waking children during the night to go to the toilet. Boys who wet the bed were known as ‘*slashers*’ and were placed in a separate section of the dormitory. Each morning, these boys had to take their wet sheets or mattresses to the boiler house to dry. Fr Matthew Gaffney, in his general statement in 2002, accepted that this was the regime regarding bed-wetting, but stated that:
- In past decades the psychological nature of the difficulty was not understood, and it was thought that deterrence through corporal punishment or embarrassment in front of others was an appropriate remedy. I can appreciate by present standards, that such a response was obviously humiliating and unfair.
- 2.309** Former residents gave evidence of being beaten for bed-wetting. This allegation is accepted by the Rosminians. Fr O’Reilly, at the Phase III public hearing, stated, ‘*I accept that boys, regrettably, were punished for bed-wetting*’.
- 2.310** Bed-wetting was seen principally as a disciplinary issue. Fr O’Reilly added, ‘*the response to bed-wetting was more than wholly inadequate, it was terrible. It was terrible on boys to be punished for this*’.

**2.311** He also conceded that the practice of carrying wet sheets down to the boiler house to dry was a humiliating ritual for the boys:

*... I think that boys felt humiliated by having to carry sheets. Whether it was intended to do that or not, I don't know. But obviously, having to carry your sheet in front of other boys ... was a deeply embarrassing thing to boys. There might have been just a practical reason in terms of removing the sheets from the bed where they're wet to another place where they'll be dried. But obviously it was embarrassing.*

**2.312** A witness, who arrived in the School in the late 1940s, recalled that he was relegated to the bed-wetting section of the dormitory. He clearly remembered the nightly visits to the dormitory by the night watchman, who used to call the boys three times during the night to go to the toilet. He described this night watchman as a 'savage', as he would hit the boys with his walking stick to wake them and get them out of bed. According to this witness, it was like trying to 'run the gauntlet' to the toilet, trying to avoid a blow from this man's walking stick. If they wet the bed during the night, the next day they had to carry their mattress across to the boiler house to dry, which this witness found degrading. On the way to the boiler house, they were teased and humiliated by the other boys. His entire memory of Upton was of 'stale urine, overflowing toilets, abuse ...'. This witness also recollected that the night watchman used to have a slice of bread and butter with sugar for his 'pets' that did not wet the bed. Eventually, he got the treat of bread and sugar when he stopped wetting the bed so in that sense he felt that giving a treat did work in halting bed-wetting.

**2.313** Another witness who was in the School in the 1950s also remembered that the same night watchman would do the rounds of the dormitory, and would wake the boys who wet the bed by roaring at them and hitting them with his blackthorn stick. Even though he himself did not wet the bed, he recalled that this practice of hitting the boys to get them out of bed continued from the time he arrived until the time he left the School, which was over a five-year period.

**2.314** One witness remembered being sent to the 'slashers' dormitory, which was the name given for those who wet the bed. To his knowledge, he did not wet the bed in the previous industrial schools he had attended. The punishment for bed-wetting was to receive benders.

**2.315** The Committee also heard evidence from Br Alfonso. As Prefect in Upton for a period of six years, he was a dominant figure, and his evidence is dealt with in more detail in earlier sections. He completely rejected the allegation that there was an atmosphere of fear in Upton, and he insisted that during his time in Upton he never beat anyone for bed-wetting and never saw anyone being beaten for it.

### **Education and trades**

**2.316** The Order stated that the boys were educated to primary level only. According to the records of the Rosminians, 339 boys sat the Primary Certificate Examination between 1943 and 1966,<sup>55</sup> of whom 167 passed, 164 failed and 8 were disqualified. The Irish language was the main difficulty. When they reached 14 years of age, their formal education ceased and they went to work in the trade shops, such as the tailors or the shoemakers or on the farm.

**2.317** One witness, who spent approximately five years in Upton in the 1950s, recalled that when he first arrived in the School he was unable to read or write. However, while at Upton he learnt to read and write, an achievement that he attributed to the lay teacher there who was 'very good'. He went on to sit the Primary Certificate, which he passed. When his schooling ended, he was sent to work full-time in the garden and subsequently on the farm.

<sup>55</sup> Records exist for only 19 of the 23 years.

**2.318** A witness who was in Upton in the 1960s did not recall learning anything much while he was there. He had attained fifth class standard before going to Upton and, once there, he compared the education to being back *'into first class again ...'*. He felt that he didn't learn anything more than what he had been taught prior to going there. His schooling lasted a total of three weeks, and then he was sent to work in the Brothers' kitchen to wash pots and pans and scrub the floor. He remained there full-time until he came back from holidays one year – he had delayed his return and he was sent to the garden as a punishment for this, to work for the rest of his time there.

**2.319** One witness described how the regime of punishment interfered with his ability to learn in the classroom and in the tailor's shop. In particular, he recalled that another lay teacher used to hit him on the tips of his fingers with a map, which was cylindrical in shape and wrapped around a stick. According to him, it was very hard to learn anything because, as he said in evidence:

*It was very, very hard to learn anything because everything was pressure and violence, abuse, "shut up", "sit down". I can never remember anyone saying anything with any degree or modicum of affection or tenderness, I can never remember.*

**2.320** Not all boys learnt a trade in Upton. Some of them, once their schooling ended at the age of 14, were sent to work in the kitchen or the farm or in the garden, and some worked with the builder who was on site at the time of the renovations taking place in Upton. A number of boys went on to become members of the Rosminian Order.

**2.321** No secondary education was available in Upton itself as there was no secondary school. However, boys who were sent forward to the Novitiate in Omeath received secondary education, as was evidenced by Fr O'Reilly. Reference was made by Fr. Christiano to three to four boys who attended Omeath returned to the School during holidays etc. They were segregated from the other boys. They slept in an old infirmary, ate in a small refectory and did odd jobs around the School.

**2.322** Br Nicoli,<sup>56</sup> who was the Secretary in Upton for over 15 years until the late 1960s, was, according to the Rosminians, 'quite meticulous in sourcing work and trades for boys' once they left the School at 16 years of age. This Brother was unique in this regard, as he took it upon himself to seek work for the boys, since there was no policy in the School itself concerning aftercare. He kept a diary record of the number of boys who were apprenticed and engaged in different occupations. From this record it appears the boys got work in the Army, and as blacksmiths, butchers, post office clerks, postmen, draper's assistants and welders.

### ***Family contact***

**2.323** The boys detained in Upton came from many of the surrounding counties and also from as far away as Dublin. They were officially allowed home in July for two weeks. They were also allowed to receive visits from parents and relatives. However, the amount of family contact depended on where the children came from and their family circumstances. For some, this meant reasonable family contact, and, for others, little or none.

**2.324** One witness was already one year in the School when his brother arrived. He also had regular visits from his parents. His father came almost every second week. They would be allowed to see each other alone in a room for visitors at the end of one of the corridors.

**2.325** The separation from family was described by one witness, who said he was deeply affected by the fact that he was sent 160 miles away from his family. He got no visits and only recently became aware that his father had extensive correspondence with the authorities, seeking to have him transferred to Artane or to an Institution nearer the family home. His mother even wrote to President De Valera at the time. His mother died in 1957, and she had been buried by the time

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<sup>56</sup> This is a pseudonym.

he was told about it, despite the fact that his father telephoned and tried to have him released in time for the funeral.

**2.326** Another witness said he had no family contact and was prevented from going home on holidays, as the ISPPC put a stop to it because his mother had illegitimate children. He was sent home at age 16 on his own, having been institutionalised at the age of four, and only then met his sister for the first time.

**2.327** A witness described how, when his mother died when he was eight years old, which resulted in him being sent to an industrial school, it effectively broke the bonds between him and his siblings:

*As I say, having lived in a family environment, however limited that may have been it was still a family, you still had your siblings and you had a parent and to be taken from that environment and placed in a place where you suddenly were no longer human, you were treated as a number and any chance of having any love, affection...*

**2.328** When he was discharged from Upton, he was sent to the home of a neighbour who had previously looked after him. This arrangement was not successful, as the father of the house abused him, and he eventually ran away to sea at the age of 14. The whole experience was extremely unhappy, and he believes the neighbouring family should have been properly vetted.

**2.329** One witness described how, during his time in Upton, his father consistently applied to have him discharged. His family made him aware of this fact, but he was never told of it by the authorities in Upton. He did go home on holidays and his parents also visited him. They used to send him money and parcels from home.

**2.330** Witnesses remembered being allowed home for two weeks in the summer. For about a month beforehand, the regime was relaxed a little bit and the boys were reminded not to speak about Upton at home. The boys were also allowed to write a letter home once a month, and this letter was written for the boys on the blackboard and they were checked before they were posted.

### ***Conclusions on neglect and emotional abuse***

- 2.331**
- 1. At times during the relevant period, food, clothing and accommodation in Upton fell below acceptable standards, for which lack of resources was not an excuse.**
  - 2. Boys went hungry and, given the size of the farm at Upton, there was no reason for it.**
  - 3. The food that was provided to the boys was poor in quality. The Brothers and priests who lived in Upton received far better food than the children.**
  - 4. Bedwetting was a persistent problem, and children were punished, humiliated and segregated in a futile attempt to deal with it.**
  - 5. The regime of punishment and fear interfered with children's ability to learn in the classroom.**
  - 6. Removing children to this distant Institution caused emotional harm, because it cut them off from their families and social networks.**

**2.332** General conclusions on Upton and Ferryhouse are at paragraph 3.454 of the following Chapter on Ferryhouse.