

Chapter 5

Our Lady of Good Counsel, Lota, Glanmire, County Cork ('Lota'), 1939–1999

Introduction

- 5.01** Our Lady of Good Counsel, Lota was founded in 1938 as a school catering for children with learning disabilities. It continues to be managed by the Brothers of Charity. Among its other services, the Congregation also operates a similar facility located at Holy Family School Woodlands, Renmore, County Galway.
- 5.02** There have been six separate investigations by An Garda Síochána into allegations of sexual abuse of the residents by members of staff of Lota.
- 5.03** Two Brothers of the Congregation were convicted of crimes of sexual abuse of children resident in Lota in the period 1952 to 1984.
- 5.04** In 2002, evidence was taken from three complainant witnesses and three respondents, two of whom had been convicted of sexual abuse offences and a third Brother of Charity respondent who admitted a single incident of sexual abuse while working in Lota. This chapter is based on evidence from those hearings and an analysis of discovered documents.

History

- 5.05** The Congregation of the Brothers of Charity was founded in Ghent, Belgium on 28th December 1807 by Canon Joseph Peter Triest, with the purpose of taking care of elderly men at the Byloke Hospital in that city. After three years of setbacks, the Novitiate started in 1810, and the first Brothers of Charity took their vows on 26th November 1811. Within a decade, Canon Triest and his Brothers had set up several charitable services that they would develop worldwide. The special aim of this Congregation was the sanctification of its members in the religious state by the exercise of works of charity, which, in the spirit of its founder, embraced every phase of moral and physical suffering and want. They tended the sick, sheltered the poor, cared for the aged, provided for those with learning disability, and raised orphan children. They opened their first service in Ireland in 1883 to provide for mental health needs.
- 5.06** In the beginning of 1938, the Chief Inspector of Mental Hospitals announced his retirement, and before he left office he expressed his wish that the Brothers of Charity would open a second centre in Ireland for the treatment of educationally disabled juveniles with special educational needs. The Central Administration of the Brothers of Charity, who were already operating a psychiatric hospital in Belmont Park, Waterford, were initially reluctant to become involved because they were already overburdened with debt through subsidising a number of their houses

in Ireland and the UK. Pressure was brought to bear on the authorities, who eventually agreed to give permission to start the work, provided the cost was borne by the Province in Ireland.

5.07 It was decided to base the centre in the diocese of Cork, and, after initial reluctance, the Bishop of Cork agreed to allow the Brothers to enter the Diocese. Suitable premises in Glanmire were identified, and the Brothers formally took possession of the buildings on 19th November 1938. It was officially opened in December 1938 and the first Superior was installed. He named the foundation 'House of Our Lady of Good Counsel'. The houses needed a considerable amount of work, and it was not until March 1939 that the Minister for Local Government and Public Health approved the Institution. The first patient was admitted on 11th April 1939 and, by the end of the year, they had 18 patients in residence.

5.08 The services of the Congregation of the Brothers of Charity for people with learning disability and their families have grown steadily over the years, and today the Congregation is the largest provider of services for people with learning disability in Ireland.

5.09 The motto of the Brothers of Charity is 'Deus caritas est', God is Love. Their mission is 'caring for people whose human dignity is threatened through disability, age, poverty etc'.

The vows taken by the Brothers

5.10 When a Brother of Charity is professed, he takes the vows of poverty, chastity and obedience.

5.11 In a document published in 1948 entitled 'Practices and Customs', the Congregation set out the aims, objects and works of the Congregation. In the section 'Education of Youth', it set out the Constitution, and then detailed what was expected of the Brothers involved in the education of children. It is clear that the danger of Brothers becoming inappropriately involved with their pupils was present in the minds of the authorities:

38. Though we must love our pupils we must not become too attached to them. We must never let our affection degenerate into particular friendship for one or more children; never must we allow ourselves to be led into dangerous intimacies. The moment such preferences becomes apparent to the other children they will at once feel slighted and neglected. It is certainly permissible to give praise where praise is due, but external marks of tenderness are unbecoming in a religious. He ought always to remember the gravity and modesty which befit his state and never allow a child to touch him familiarly or caress him.

5.12 In 1957, the 1922 Constitution of the Brothers of Charity was revised, following the agreement of the General Chapter. Chapter 20 deals with the vow of chastity:

215. By their vow of chastity the Brothers forego marriage and every satisfaction contrary to the virtue of chastity.
216. With the help of God's grace, they shall be most careful in preserving unsullied the beautiful virtue of chastity.
217. To that end, far from admitting in their conduct anything likely to bring suspicion upon themselves in this matter, they shall carefully guard against harbouring in their minds any thoughts contrary to this eminent virtue.
218. They shall observe sobriety in eating and drinking, for intemperance leads to sensuality.
219. Everywhere, but principally in going through the streets, they must prudently guard their eyes, knowing that it is often through these windows, that the enemy carries death into the soul.

220. Let them earnestly study to avoid in their manner all forwardness and levity, observing in their whole conduct the rules of christian modesty, since, according to the holy Fathers, modesty is the guardian of purity.
221. Therefore, all familiarity, all particular friendship between Brothers, novices or postulants, is strictly forbidden. For the same reason, they must never jostle, wrestle, indulge in horse-play or in any action whatsoever likely to take away or lessen the mutual respect due to each other, for the proverb says: If you would be respected, begin by respecting yourself.
222. A great circumspection and discretion should be observed in their conversation, be it at recreation or elsewhere, to avoid anything that might cause disedification.
223. This circumspection, indispensable among the Brothers, is a thousand times more so when they are with strangers or with persons confided to their care, such as old men, sick and insane persons, and principally children. He who should be unfaithful to this regulation and not fear to be the subject of scandal, is unworthy of the religious garb.
224. For this reason, it is strictly forbidden to play with a child in too free or familiar a manner, to be alone with a single child in a lonely place or in a room with closed doors, even with the view of giving him instruction, reprimand, punishment etc.
225. The Brothers, inspired by a wholesome fear, will ever be on their guard against the attractiveness of children, their cajolery and flattery, being fully persuaded that in this matter, the best children are the most dangerous.
226. They shall very carefully avoid giving the impression of having among their pupils what are called pets or spoiled children.
227. The Brothers are strictly forbidden to inflict corporal punishment on any of their subordinates, whether children or others, without the express permission of the Superior
228. As regards the bodily care or medical treatment which they may be obliged to administer to children or other persons under their care, the Brothers shall do nothing before consulting their Superior, who will judge whether such attentions or treatment had not better be entrusted to the physician or surgeon.

5.13 In the material discovered to the Investigation Committee are documents entitled 'Regular Visitation' in the houses of St Joseph's Province. The impression is given that an annual visitation was carried out in Lota. However, the paucity of records has made it impossible to establish whether in fact such visitations occurred annually. There are very few documents relating to management of the School and the living conditions within it. What records are available focus on matters of finance, building development and the like. A fuller discussion of these Visitation Reports is given below.

The Lota campus

5.14 In the early years, there was a mixture of children and adults residing in Lota and, although there was a school, it was not officially recognised by the Department of Education. Some qualified teachers were recruited in the early 1950s in order to obtain recognition from the Department, and this was granted in 1955.

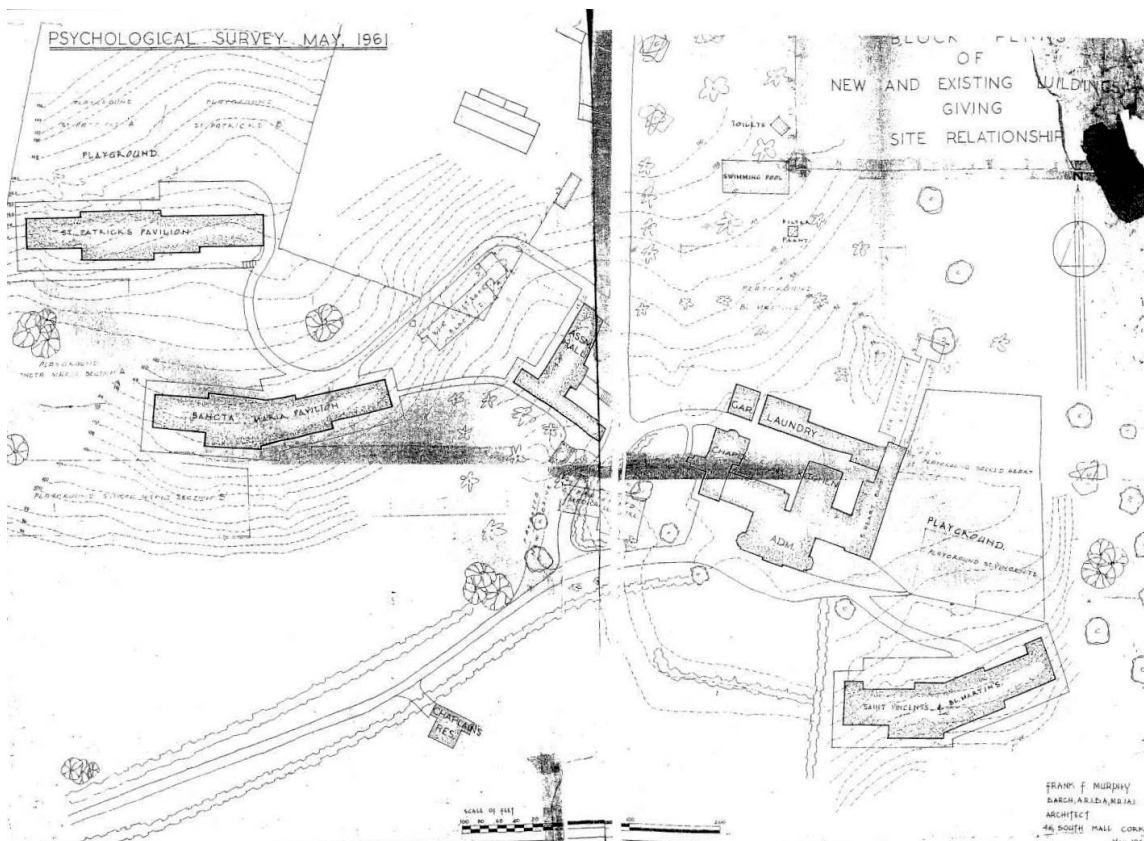
5.15 Between 1951 and 1953, there was a rapid expansion in numbers, and new buildings, considered to be innovative at that time, were constructed. They comprised three large, detached, single-storey buildings known as pavilions. They were quite a distance apart and separate from the main building. They each housed approximately 60 boys.

- 5.16** The boys slept in dormitories, and there were two rooms at each end where the Brothers slept. Although there was accommodation for four Brothers in the pavilion known as Sancta Maria, the evidence suggested that there were times when not all of the four rooms were occupied.
- 5.17** The school classrooms were scattered between the main building, reconstructed farmyard buildings and portakabins.
- 5.18** The children were allocated to these buildings by both age and degree of learning disability. One pavilion was used for boys with more severe disability. The other two pavilions were used for children between approximately 10 and 14, and 14 to 18 years of age, with mild learning disability. Br Dieter¹ explained the system as it operated in the late 1950s:
- I should give you the names of the three pavilions. One was Sancta Maria for eleven-year-olds plus who were mildly handicapped, and unfortunately among those there were some normal boys, as well, as discovered as time went on. Then in St Patrick's, the older age group of those boys, 14 to 16-year-olds, were catered for, and then the younger children who were coming in at that time, as well, they were four-year-olds. The Blessed Martin pavilion, which was designated for the very severely handicapped children, it was decided then to divide that up into two sections, and one section was used for the mildly handicapped boys that were coming in, they were four-year-olds plus.*
- 5.19** There were two dormitories at either end of these pavilions, each with 30 beds. The residential part of the building was completely separate from the classrooms.
- 5.20** The boys went to school in the original main building, where the younger children in Lota also resided.
- 5.21** After the Kennedy Report recommended that large institutions should be split up into group homes, these large pavilions became obsolete, but it was not until 1985 that the first of these pavilions was demolished, and 30 boys were moved into three bungalows, housing 10 boys in each. By 1988, all the boys were housed in bungalows in a more family-style setting.
- 5.22** The Investigation Committee received the following photograph and plan of Lota:



Source: Brothers of Charity

¹ This is a pseudonym.



Source: Brothers of Charity

The children in Lota

- 5.23** In theory, all the children in Lota had special educational needs. Unlike the industrial school system, which segregated the children according to their ages, with separate classes provided for younger children, the age profile of children in Lota was wide ranging and was based on different criteria. They were segregated according to their level of learning disability.
- 5.24** Children could be sent to the School at a very early age, some from the age of two years. A high percentage of the complainants were orphans who had been transferred from other institutions.
- 5.25** From 1956 to the early 1970s, there was an average of 240 boys in the School and they were cared for by 16 Brothers, who worked an 18-hour day. Some of the older residents helped with the younger ones, but this practice became less common as work became available for them outside the Institution.
- 5.26** During the course of his evidence, Br Dieter stated that some boys had been sent to Lota, even though they did not have special needs. He said:
- One was the Sancta Maria for eleven year old boys who were mildly handicapped, and unfortunately among those there were some normal boys, as well, as discovered as time went on.*
- 5.27** The Investigation Committee asked the Brothers of Charity to clarify Br Dieter's statement, and further requested if the Brothers of Charity had assessed the boys to ascertain this fact.
- 5.28** The legal representatives on behalf of the Brothers of Charity wrote the following:

Most of the children at Lota suffered from a learning disability. Our client believes that Brother Dieter's reference to some boys being normal was intended as a reference to the fact that a small number of the boys at Lota came from different circumstances. For example, whilst our client believes that it could not occur now, some boys were sent to Lota because there was no other institution better – suited to their needs available to them. Other boys were there because they were born outside of marriage, some boys were orphans, while others were placed for other social reasons – such as their family not being able to cope.

5.29 It was a school designed to cater for boys with mild to severe learning disability, yet boys without a learning disability were sent there and kept in the School for years. Even when it became known to staff in the School that these boys did not have a learning problem, no provision was made for them to be educated at a level appropriate to their needs. Not surprisingly, they resented their placement and retention in Lota, and their lives were blighted by the inadequate education they received.

5.30 One witness told the Investigation Committee that he believed he was sent to Lota for no other reason than that he had been truanting from school. He stated

As I say, I believe I am quite intelligent. I can pick up things, 99% of things. If I learn about something I will know about it forever. I am very interested in science for instance. I have done a lot of study into science, into space travel and stuff like that. I am very interested in a lot of that. I have done a lot of study into that and I am interested in that but I do not think I had the education good enough to have been able to follow it up, which I would have loved to do.

5.31 When asked if he felt that he was in any way educationally handicapped, he replied 'No'. He was asked if he felt he was inappropriately placed in Lota, and he replied:

Maybe it was my own imagination but I felt that I was not mentally handicapped. That if I was given an opportunity, I could learn properly ... I was able to pick things up a lot quicker. When something was told to me I could understand it much easier than some people you know. I do not know why I could do it but that is the way it was with me.

Complaints regarding Lota

5.32 There were 12 complainants in respect of Lota. Three of these complainants were heard by the Commission in 2002.

The duty of care

5.33 A high duty of care is owed to children who are less able to look after themselves, by reason of physical or mental incapacity. The children in Lota fell into this vulnerable category.

5.34 Children with learning disabilities rely heavily on adults to help them cope with everyday life. Whether raised at home or in institutions, they are more vulnerable because they are less exposed to the normal risks of life, and their lack of experience can leave them unable to assess risks in general.

5.35 In addition, children with learning disabilities may be less aware of social rules that govern everyday behaviour. They can be led into situations posing dangers that would have been avoided by children who had had the opportunity and ability to learn how to assess risks realistically. Learning disabled children, particularly those raised in institutions, often fail to see any risk at all. They may be unaware of what is socially and morally unacceptable, and as a result they are vulnerable to abuse and exploitation.

- 5.36** If children with a learning disability are harmed or abused, their disability and inexperience leaves them even more uncertain than other children as to what to do about it. If the person who is there to protect them is also the person perpetrating the abuse, then their confusion is complete.
- 5.37** Bearing these issues in mind, the Investigation Committee had to do more than assess whether abuse occurred in Lota. It had to assess whether the management structures and care arrangements were such that they could provide the additional level of care owed to the vulnerable population entrusted to the Brothers of Charity.

The dearth of documentary evidence

The supervisory bodies

- 5.38** Two Government Departments, The Department of Health and the Department of Education, were responsible for supervising services in Lota. The Department of Education inspected the education provided in Lota. They officially recognised the National School in Lota in 1955.
- 5.39** The Department of Health also inspected the premises, but only in relation to direct funding of capital development projects. The Investigation Committee asked the Department of Health about their inspection regime for institutions for persons with intellectual disabilities between the period 1939 and 1990, and they replied:
- From enquiries made both within the Department and the H.S.E² (S.H.B³. area as Lota is based there) this division is not aware of any inspections having being carried out by the Department or then Health Board staff on institutions for persons with intellectual difficulties between the period 1939 and 1990.
- 5.40** The Department was also asked specifically if it had carried out any inspections in Our Lady of Good Counsel, Lota during the period 1939 to 1990. The Department replied:
- From enquiries made both within the Department and the H.S.E (S.H.B. area) this division is not aware of any inspections having being carried out by Department in Our Lady of Good Counsel during this period.
- 5.41** The Department of Health stated that the ‘only inspections carried out and on behalf of The Department of Health and Children during the period 1939 to 1990 were in respect of children in Care in Foster Homes’.
- 5.42** Lota did not come within the scope of the Inspector for Reformatories and Industrial Schools either. Dr Anna McCabe, who inspected these schools, did not visit Lota, and no Department of Education inspection of the residential facilities took place either. The industrial schools were inspected and the Medical Inspector’s reports left contemporary evidence about diet, and living conditions. No such documentation exists for Lota.
- 5.43** Neither Government Department saw itself as responsible for overseeing the conditions and quality of care in the School. The witnesses who appeared before the Committee said very little about the diet and clothing of the residents, as their chief concern was to relate what had been done to them.
- 5.44** With no external supervision, the management of the Brothers of Charity alone assessed the quality of the care they provided and the suitability of the staff entrusted with the care of children with learning disability.

² Health Service Executive.

³ Southern Health Board.

Visitation Reports

- 5.45** The Investigation Committee received from the Brothers of Charity a limited number of Visitation Reports. They were written by Brothers delegated by the Congregation to conduct Visitations of the School.
- 5.46** The Brothers of Charity conducted two kinds of Visitation. One was a general inspection of St. Joseph's Province, with the Visitor reporting on every school within it. The second kind was a specific Visitation of Lota, which usually lasted a number of days. It reviewed how the School was being run and the extent to which the Congregation's Rules were being observed.
- 5.47** The Visitation Reports reveal certain preoccupations. The first concern was ensuring that the Rules of the Brothers of Charity were being observed by the Community. For example, the 1955 Report noted:
- There are no serious abuses to chronicle, but in closing the Visitation I drew attention of the Brothers to the following points: 1) Morning Rising and spiritual exercises in general; 2) Fraternal Charity; 3) Spirit of Poverty; 4) Care of the Patients. I also urged them to pray earnestly for good vocations and for the beatification for our holy Founder.
- 5.48** The Visitation Report of 1961 made various observations regarding the School. The Visitor remarked that, in relation to chastity, 'There appears to be no cause for complaint; the Brothers are attentive and careful in their dealings with the children and circumspect when they come in contact with outsiders'. He also noted that 'SPIRITUAL EXERCISES. These are well and regularly attended. There is a weakness at the midday exercises when a number of Brothers come late'. He was also critical of the way the Brothers said their prayers. He wrote, 'In respect of the Office, it is said somewhat on the fast side and too loudly – the superior is one of the worst offenders'.
- 5.49** The second preoccupation was the School finances. The Visitor in 1961 reviewed the financial situation of the School and found it in a healthy state and contributing its quota to the Province.
- At the conclusion of his Visitation, the Visitor wrote:
1. As religious, we must give to God at least what we vowed – the generous soul seeks ways and means of giving more. Be generous with God.
 2. The morning rising needs attention – it is the first sacrifice of the day, Generosity towards God.
 3. It is unbecoming and irreverent for Brothers to constantly come late to H. Mass.
 4. Pray daily for one another, the works of your house, the Province, the Congregation – especially for vocations.
- 5.50** This Visitor's report does not indicate that at any stage he spoke to any of the resident boys in the School, or to any Brothers in relation to the boys in the School. His priority was to observe the religious life of the community.
- 5.51** The Report of the Regular Visitation in 1975 is a typical example. It was a very brief, one-page report and listed each of the Brothers present in the Community, noting the position the Brother held in the School and his religious qualities, as well as an assessment of his contentment with religious life. The Visitor makes no reference to the boys in his report.
- 5.52** In brief, there is no contemporary comment on the condition of the boys and the premises. Even if everything was satisfactory, some comment to that effect should have been made. The existing records do not tell us whether all the conditions that were needed to ensure that a quality service

was being provided to the children in the Institution were in fact present. Indeed, there is no evidence that such matters were ever the concern of the Visitor.

Physical abuse

5.53 For the most part, it would seem that the children in Lota did not need to be controlled by a regime of frequent corporal punishment. From the limited evidence available to the Committee it would appear that they were seldom, if ever, challenging or confrontational.

5.54 One witness, Frank,⁴ told the Committee:

The only form of punishment I did receive during these years was being slapped with a ruler during school hours. This type of punishment was normal practice ...

5.55 However, Br John O'Shea, who is the Regional Leader of the Brothers of Charity in Ireland and Britain, talked of the 'authoritarian atmosphere' prevalent in schools at the time, and went on to explain what he meant. He said:

In a general sense, and I will go back to my own school days or whatever, that there was a very different perception of people in authority. I suppose we had all kinds of sayings like "children were to be seen and not heard", and the sense of maybe rights of children would in some way not be seen as being equal to the rights of adults. Maybe that is not correct, but in a general sense that children didn't have the same standing.

5.56 One respondent witness, Br Guthrie,⁵ who said he was known as a strict teacher, said that he did not need corporal punishment. He regretted the only time he did strike a boy. He told the Committee:

during the 32 years I was there I struck one boy on the face with my open hand, once, and I have always regretted it. That was in 1983. I remember that. I felt like falling on my back when I had done it. I was cross about some remark he had made or something, and there were no beatings. I had no weapon for beating like has been described, whips or sticks or rulers or anything like that.

5.57 His size and his formal appearance in his cassock were enough to instil fear and obedience. He explained:

I presume that, first of all, as you say, it was the size and then my position in regard to them. They had to come and go and stand up and sit down and everything like that when I told them.

5.58 He had no difficulty getting the children to respond to his every command. Because of their vulnerability, and their dependence on adults to help them cope with everyday life, they were powerless to resist authority.

5.59 In addition, many of these boys, because of their disability, were fragile and easily frightened. One witness, Graham,⁶ described the fear he felt at just the threat of violence:

Br Helmut⁷ he had a stick on the other side of him and he picked up the stick and he shook it at me, so I sensed there was physical abuse and I was completely – I was dumbfounded because these guys had the upper hand ... they had the same aim and the same approach towards me in that their aim was to frighten you, terrify you, get you to

⁴ This is a pseudonym.

⁵ This is a pseudonym.

⁶ This is a pseudonym.

⁷ This is a pseudonym.

be submissive to them, let them do what they want with you, which I wasn't able to escape from their hands.

- 5.60** He also recounted a punishment he received because a Brother believed he had attacked a female teacher. In fact, he had become curious about a bun upon her head. He had never seen anyone with her hair tied back in a bun and had approached her to explore the nature of the object. When contact was made, the Brother maintained he was attacking the teacher, and subjected him to a cold shower 'for a whole half hour'. He went on:

I was in the shower for between 20 minutes and a half an hour and by the time he asked me to get out of it I was freezing cold. He asked me to get up to bed, up to my bed and I got up to my bed and I was there for the rest of the day and while I was up in bed I was freezing. I was very very cold and I was not really in any humour for anything or even food and I think the same Brother came up and asked did I want anything and I said, no. I just waited until the next morning to get some food in me while I was a good bit of the day without food.

- 5.61** The evidence heard in respect of this Institution focused mainly on sexual abuse, and Br O'Shea was not questioned in detail about the Congregation's policy with regard to corporal punishment. It is clear from his evidence that the authoritarian atmosphere in Lota was sufficient to prevent children from speaking up about sexual abuse perpetrated by staff. It would also appear from Br O'Shea's evidence, and from the evidence of witnesses, that corporal punishment was an accepted method of ensuring obedience and control. It would not be credible for a Brother to carry a stick about with him if he never used it.

- 5.62** The Committee did not hear evidence of excessive corporal punishment, except what is outlined above, and there are no records of allegations or investigations into physical abuse of children in Lota.

Sexual abuse

- 5.63** The three witnesses gave evidence about the sexual abuse they alleged occurred while they were in Lota.

- 5.64** Conall⁸ entered Lota at the age of about eight, in the late 1950s. He told the Committee he was sexually abused by two different Brothers. One Brother abused him when he was younger and, when he stopped, the other Brother seemed to take over.

- 5.65** When he first arrived in Lota, he was pleased to have been removed from his National School, where the fact that he wrote with his left hand had led to his being frequently punished and made to stand against a wall for hours. He began playing truant and was sent to Lota. He said, '*I think I felt relief maybe at the beginning, maybe somebody was taking care of me at long last*'. He recalled many good times, such as the cycling trips organised by Br Guthrie, and the football and gymnastics.

- 5.66** Br Guthrie, the first Brother to sexually abuse him, was, he said, '*nice to me at the beginning*'. Then, he said, '*It changed one day ... I cannot remember dates or anything so you will have to forgive me there*'. He could not recall the first time, but incidents began to follow a predictable pattern. He described the scene:

There was a room between – there was a place where you could wash yourself, shave, wash basins and there was a room – there was actually doors and a kind of a little small corridor between the two and he took me in there.

⁸ This is a pseudonym.

- 5.67 The activity that took place was mutual masturbation.
- 5.68 This activity then took place regularly over the next three years or so in various parts of the premises where there were secluded nooks. He said that Br Guthrie never tried to do more than these acts of masturbation.
- 5.69 When this evidence was put to him, Br Guthrie agreed that the witness had described the types of activity he had perpetrated over his 32 years in Lota. It was always, he said, *'To do with the hands'*. He had various hiding places from which there was always an alternative means of escape. *'There had to be a hiding place'*, he said, *'the danger of discovery was ever present'*. He explained, *'you cannot stay too long in the one place. Somebody could come in or pass by or open the door or whatever'*.
- 5.70 His hiding places were chosen with every eventuality entering into his calculation. He would not choose the cellar, he said, because:
there was no way out except the way you went in. I think finding a suitable place is finding a way out rather than the way you came in, in case somebody comes along. The secretiveness was part of my operation, that we mustn't be seen or found out or caught or whatever the word is. I wouldn't pick out a dead end.
- 5.71 He also admitted that, in the dormitory he was in charge of, he would visit *'beds without removing the child from the bed, that was at night time'*.
- 5.72 He added, *'I cannot deny that I did these things to boys'*.
- 5.73 He also spoke about the kind of boy who attracted him. He preferred boys aged *'11 to 13 or 14'*. He was asked if older children attracted him, and he replied:
I do not know. Sometimes it could go on for years, you know occasional and now and again there was a sixteen year old but I probably done something to him 2 or 3 years previously. I would not pick out a 16 year old or a 17 year old, not knowing whether they would accept my advances or what. It never occurred to me. I would say my preferred range was 11 to 13 or 14 and it would also have been those that were fairly bright in their eyes and their speech and that kind of thing.
- 5.74 Conall then said that, towards the end of the three years, there was a brief period when both Br Guthrie and Br Dieter were abusing him. He said, *'At night time I used to be taken into Br Dieter's room and sometimes during the day I would be with Br Guthrie as well'*.
- 5.75 He described the first night that Br Dieter sexually abused him:
the dormitory I was in was Br Dieter's dormitory, room. There was some rooms – There was two dormitories upstairs and there was one I know that did not have a room onto it. That was in the main house now. My bed, there was actually three rows of beds in this dormitory. I remember the first night he came to my bed. As I say, I had been sexually abused by Br Guthrie but I thought maybe the same thing was going to happen here but it was much different altogether. I had oral sex ...
- 5.76 He then went into more detail:
I was taken from my bedroom to his room and we were more or less naked ... we did not wear pyjamas. We just wore ... Night shirt ... My shirt was off ... it was taken off me ... it was more or less oral sex that night ... It was not just quick bang and all it is over. It seemed to last a long time. There was a lot of foreplay, if I put it that way, before it got to that point.

- 5.77** After that night, the sexual abuse became regular until Br Dieter left Lota.
- 5.78** When asked what he had to say about the allegations made by this witness, Br Dieter replied:
- I pleaded guilty except that I have to honestly say that I do not remember Conall and it was because Conall was so insistent that I did abuse him, I then pleaded guilty because I felt, well then, I must have done since Conall was so consistent with his accusations.*
- 5.79** The consistency he mentioned was examined in detail during the hearing. The statement made to the Garda Síochána was read out and tested for discrepancies:
- I remember the first night Br Dieter came to me. I can take you back to the bed I slept in. I was asleep in bed, he woke me and took me into his room which was a nice distance away. He took me into the bedroom, locked the door and stripped me naked. I was completely naked. He then took all his clothes off. I was now terrified ...*
- 5.80** The Garda statement went on to explicitly describe acts of gross sexual assault on the boy. It concluded:
- He washed me and put me back into bed and told me not to say anything. The warning was stronger than that but I can't remember the exact words. This abuse continued on for a number of years and it was always the exact same. He would come to my bed, bring me to his room and play with me like a doll for 2 or 3 hours.
- 5.81** The witness underwent rigorous cross-examination but held firm. He said, *'What I have said is what I have said. I cannot expand on it or detract from it in any way'.*
- 5.82** A second witness, Graham, also described the sexual abuse perpetrated on him by Br Dieter. He described the first time:
- I was subjected to his oral sex. I was subjected to it ... It happened in his room off one of the dormitories ... Br Dieter asked me to – "he said come up, come up to my room and he also said if anybody sees you, tell them that you are cleaning my room out". So I went up the stairs and nobody saw me going up, and I went into Br Dieter's room and he said "if anybody sees you going up and they ask you where you are going, tell them you are going to clean Br Dieter's room for him". Obviously, it wasn't really to clean his room. I was a very very sad, timid, young boy and I didn't really have anyone to go to or to say that I have experienced this oral sex or evil that I would call it ... When Br Dieter called me up and he said after the oral sex, he said "don't say anything about this". Then a few seconds went and he said to me "if you say anything about this, you are for it". I was really caught in two corners. I had nowhere to run. I had no mother and father to come and rescue me.*
- 5.83** He was about seven years old when this incident happened. It continued until he was about 10. He said:
- ... between the age of seven and ten that I was subjected to abuse, oral sex abuse. I was subjected to it and as a young boy, sure, I had no choice of either yes or no ... It was very very frequent. There wasn't a week that it didn't happen. But I do remember Br Dieter coming down the stairs, and I was doing a rug and I was content and happy in doing it, but he called me up to his room and the sad thing is that he got the upper hand over a young, innocent boy.*
- 5.84** He recalled another incident when Br Dieter took him under his cassock when they were out for a walk:

Yes, that's right. He brought all of us, all of the boys up for a walk and we were a good bit up the laneway away from the building and that we were on our way – our walk led us right into the farmyard. When we were a good bit up the lane he called me back and he put me under his habit, his black habit and he pressed me up against his lower body. I was a young boy, I was wondering what was he doing here and why was he doing it. I had not a clue but I assumed afterwards that he was probably just doing it for his own pleasure or for his own good and that all the other boys were completely gone and Br Dieter had me with him and we were just up the lane a bit. He had me completely subjected to him so I could not do anything ... When that incident happened I would have been between 11 and 12 when that incident happened just up the lane, a good bit up the lane.

5.85 His bitterness about the abuse he endured was only too perceptible. He said:

As a young boy I would be wondering why they would be going on like that ... they took advantage of me. They took the liberty of doing things, and the things they have done were an awful lot of evil things ... I was only a young, innocent boy, and I went through evil things that I didn't want to go through. I went through their devilish hands ... I was only dirt.

5.86 Graham's anger emerged in a tirade against Br Dieter's defence that he couldn't remember:

The only sad thing I don't like is that if a religious Brother or a priest or a nun and they know very well they have done something, why don't admit to it, admit to the damage that they have done to me while I was in Lota because I didn't ask anyone to send me to Lota. I would have been better off in someone's family rather than putting up with all the oral sex and all the abuse that I was subjected to ... if he is not willing to tell the truth, I suggest go back to him and ask him face to face did he do this because I was very very annoyed when he said he doesn't remember ... Now, Graham who is here today remembers what happened. I'm not making up a story. I'm not making up a fairy tale. I'm not making up lies. I am telling the truth.

... Who has the right to take a mother away from you? Who has the right to take a child away from his mother? And who's idea was it to grab children and fill their schools up with children, not knowing what was going on? The devil was in my school. The devil was working through different Brothers ... I would ask him to come forward and admit his mistakes, admit his abuse, and admit that he had done it because if he doesn't admit to it down here, let me tell you when he goes to meet his maker, Jesus is going to say, "What have you done to my Graham? What have you done to him?"

5.87 When Br Dieter gave evidence, he again said he had no memory of the witness as a boy and he denied the oral sex, but he accepted that sexual abuse must have happened. He said:

I sincerely apologised to him for the dreadful unhappiness I have caused him and I realise the seriousness of my abusive behaviour ... I know that because of his insistence that I did abuse them, then I know that must be true and I have accepted responsibility for that ...

One thing that is true is that I did invite some of the adolescent boys individually to tidy my rooms, usually on a Saturday morning, so that would fit into what Graham has been saying.

5.88 He was then asked if that was as a prelude to abusing them, and he replied, 'Yes, yes. Not in all cases, but that has been the case, yes'.

5.89 He was asked to describe his pattern of abuse, and he replied:

My pattern of abuse was touching the boys and in some cases masturbating them and generally petting them, that sort of thing ... Not always masturbating, just touching them and, an expression that seems to be quite common now, fondling them.

5.90 He added:

I felt sorry for what I had done, but it became a kind of addiction, if you like, at that particular time for me, and it was a great source of stress and worry for me.

5.91 Apart from luring them to his bedroom, he also abused boys in their own beds. He would abuse them while they were asleep in the dormitory. Because he would be under observation in the dormitory, Br Dieter never went beyond surreptitious touching. But in his bedroom, he admitted, there was a chance for more extensive activity, *'I tended to touch them inappropriately and be more affectionate towards them and that'*.

5.92 He was asked to reconsider his denial of oral sex taking place, and he said:

Well, I will put it this way, it is possible that I have done so and if I have done so, I sincerely apologise to him, from the bottom of my heart I apologise. I have no recollection of doing it, but I apologise to Graham ... and I hope he forgives me.

5.93 The third witness to give evidence to the Committee, Frank, also described being abused by Br Dieter. He told the Committee:

I can recall very clearly when I was thirteen years of age in the Sancta Maria pavilion, I was bending down cleaning a bathroom when Br Dieter approached me from behind. He locked the bathroom door behind him and took out his penis and said to me "let me see yours". I said to him "no". He then said to me "if you don't, I will give you a good hiding".

5.94 The witness went on to describe an act of masturbation perpetrated by the Brother:

He then let down his habit and told me to say nothing about what had happened to anybody. This type of abuse of I having to rub Br Dieter's penis happened on quite a number of occasions over the next number of years until I reached 15 years approx. This took place in the Sancta Maria pavilion, his own bedroom and also in the bathroom. When he took me to his bedroom it was usually in the night time. He would wake me from the dormitory where I slept with the rest of the lads and in single beds. Each dormitory had 36 beds. I slept about seven beds from the door of his bedroom which was off the dormitory.

5.95 The witness recalled other specific acts of gross sexual assault, one of which occurred on Christmas Day. He said Br Dieter engaged in oral sex and anal rape. In respect of the latter, he stated:

*I could not understand why this was going on and this type of abuse happened to me by Br Dieter on at least four different occasions. I can remember one day Br Dieter brought me to his bedroom and tried the same sort of abuse ... and I said "no" and I used the word "f*** it, no more, finished" as this was very very sore I said to him. He got very mad with me and I got a beating from him.*

5.96 The abuse began in a bathroom, when he claimed anal intercourse took place. Thereafter, it occurred *'A right few times, make about six months, maybe a year. I don't know for sure, about a year'*. It took place *'Twice or three times a month or something like that'*.

5.97 Br Dieter then gave evidence. He said he had a good recollection of the witness. Again, he began with an apology:

The first statement I would like to make is that I feel very sad and sorry for Frank's experiences and I regret very much the unhappiness I have caused him. In relation to today's evidence, I am sad that he should accuse me of physical violence of beating him up and that sort of thing, because that is not the sort of person that I am. When I was accused by Frank and appeared before [A Garda Sergeant], I think it was around the end of 1995 and perhaps the beginning of 1996, I pleaded guilty, but I told [the Sergeant] and the other Gardaí that were there at the time present when this allegation from Frank was made that, yes, I did abuse Frank but that I didn't accept and denied the allegations of anal and oral abuse, also I denied the beatings. That is what I have to say.

5.98 He then spelt out what he accepted he was guilty of doing:

I know I am guilty of sexually abusing Frank by touch. He also mentions that he touched me and I encouraged him to do so, that could possibly have been the case, but I think that most of my abuse was by showing my affection for Frank, because I was very sympathetically disposed towards him. As I said in my statement, he was a lonely person and I was tended to look on him as I was myself when I was a young person and I tried to show him affection in an inappropriate way by my behaviour towards him that way ... I had a very genuine affection for Frank, yes, I had ... There was a sexual attraction as well that went with that, yes, unhappily, yes ... I have no recollection of how frequently, but at the same time I don't think in this particular case that the incidents were frequent.

... They took place, to the best of my knowledge, in Sancta Maria pavilion, where I lived. I have no clear recollection of the locations, but they could have taken place in my room in the Sancta Maria pavilion and they could also possibly have taken place in my classroom after school hours, but I am not certain about this because it is a long time ago and because of that I have no clear recollection of the locations of my sexual abuse.

5.99 The sexual abuse stopped, he said, because the witness was moved from the dormitory over which he had control. He told the Committee:

my recollection is that Frank ... wasn't very long in Sancta Maria pavilion because he eventually was changed and I can't remember when that took place, he was changed to St Patrick's. So my association with him would have terminated because both pavilions were physically quite a distance apart.

The position of the Brothers of Charity on whether sexual abuse took place in Lota

5.100 Senior counsel for the Brothers of Charity, at the end of the hearings, made clear the position adopted by the Brothers of Charity on the question of whether sexual abuse took place in Lota. He said:

I represent the current community of the Brothers of Charity, not all of those who were ever there historically, it is not a body corporate. I represent those who are now members of the Community which happen to include some people who have been abusers, and the Brothers of Charity have made no bones about that, we admit that abuse has taken place, of that there is absolutely no doubt, by our members and by many of our members. In terms of this Committee's function in determining whether a particular abuse took place with a particular complainant and by a particular Brother, that is something I can have very little to do with and have avoided getting involved in whether that is true in any particular case or not. That clearly cannot be my function.

... It is perfectly clear that in all three of these cases sexual abuse took place in the most appalling nature and must be condemned and is condemned by this Community

wholeheartedly and unreservedly. Whether individual acts of sexual abuse took place or not is not a matter for me, with great respect.

- 5.101** Following the appearance in court of a Brother on 21 September 1999, Br Alfred Hassett, the Provincial Superior, issued the following apology:

We deeply regret any abuse which may have taken place and we offer our apology to any person who may have been the victim of such abuse. Our first concern is for the victims of abuse, whatever the source of that abuse ...

As an organisation involved with people with learning disability we have in place specialist counselling teams, one of them in the Cork area, with back-up support from a national counselling co-ordinator. This team is ready to help any person with a learning disability who may have been the victim of abuse and this help can be offered on a totally confidential basis.

I would encourage anyone wishing to make an allegation to go directly to the Gardaí.

- 5.102** The fact that abuse took place is not in dispute. What this apology fails to address is the Congregational responsibility for what happened in their schools. The question that arises is the extent of the abuse, and whether it was systemic.

The Brothers of Charity on the emergence of sexual abuse

- 5.103** Br John O'Shea, leader of the region that incorporates both Britain and Ireland, gave an account of how sexual abuse emerged as a serious issue for the Congregation. He told the Committee:

I suppose it became a very significant issue in 1995, at late 1995 we were informed that somebody had gone to the Garda Station and had made allegations that they had been abused during that time.

- 5.104** Prior to 1995, he said that allegations were regarded as individual incidents:

The position prior to that is that there would have been a number of individual allegations, I think they would have been seen as isolated incidents and they would have been broadly dealt with as isolated incidents, that there wasn't the sense in which we had after 1995, that this was a bigger issue than we had imagined. I suppose prior to that, there wouldn't have been the kind of awareness of the impact that it had on the people who were abused.

- 5.105** He went on to state:

I feel for us that 1995 was the watershed in the sense of our awareness that we had a fairly significant issue with abuse ... It was quite a shock to us really because it wasn't something we were prepared for, and certainly the individual incidents we would have known of previously didn't add up to a comprehensive picture, if you like, of widescale abuse.

- 5.106** In the written statement prepared by Br John O'Shea for the Emergence Hearings and received by the Commission on 23rd June 2004, he wrote:

Prior to 1995, there were a few isolated allegations of abuse which were dealt with as deemed appropriate at the time. However, it was not until late 1995 that there was an awareness of more widespread abuse or the damage it had caused.

- 5.107** He admitted, however, that their record keeping was poor. He explained:

Yes, I suppose one of the things is many of our files have a limited amount of information in them. We would have some sense, again, that where allegations would be reported, I would feel that maybe they necessarily wouldn't be committed to writing. Yes, I think

maybe our broader culture or even the wider culture wouldn't have been as it is now where every allegation would be documented, there would be less kept on files.

- 5.108** When asked what procedures were in place for managing reported sexual abuse before 1995, he replied:

I divide them between lay people and Brothers. Each of the centres that I have mentioned, Cork, Galway, Waterford and so on, would have their own administrative structure and there would have been a Director of Services and in those days it would have been a Brother, who would be broadly responsible for the administration of the centre. The Brothers would be responsible to the Provincial at the time and I think particularly if incidents related to Brothers, that it would entail the involvement of the Provincial. Where they involved lay people, I think the structure, as I say, my sense is that legal advice would have been involved and that we would have acted on that. I suppose in regard to Brothers, depending on the time it was, if it was the early 1990s because we would be more aware of the kind of Department guidelines and so on and there was a broad awareness, that people would be withdrawn from contact with service users. I feel that possibly in all cases Gardaí may not have been notified, because I think our awareness of that would maybe be stronger at a later time, but essentially that people would have been withdrawn. Again, I think the awareness of the level of allegation, if you like, in the sense that now if we speak of an allegation, we have a whole lot of accumulated knowledge as to what an allegation can entail or what it is likely to entail, and I feel back then that there wasn't the same thing when you speak of an allegation. I would feel people didn't have a clear-cut idea of just what the allegation entailed maybe or put it down, if you like, people who were behaving inappropriately at various levels, that it might be seen somewhat differently to how we would now view it and with the knowledge that we have of the impact that allegations or abuse did have on people.

- 5.109** He was asked where the records from that period were kept, and he replied:

I suppose where they happened in locations and involved lay people, there would be records. The records would be kept at the location where the Centre was administered.

- 5.110** Complaints about abuse by lay people were recorded and kept. The situation was different for Brothers who had been reported for sexual abuse. He told the Committee:

In regard to Brothers, certainly later allegations would be documented. I suppose I have a sense again that it is only now that it is coming to light that certain allegations were made that there wasn't an awareness of until quite recently. I suppose our files in regard to Brothers tended not to have a lot of documentation on them, and I would have some sense again that, I suppose, the earlier allegations would have happened, the less likelihood there is that there would be something on file. I would also be aware of a particular situation that now with the knowledge I have, I can fairly definitely say it was an allegation of sexual abuse, but the document on the file doesn't specify that it was abuse.

- 5.111** Complaints against Brothers were either not written down at all or were in codified language designed to obscure the nature of the offence. They were dealt with, said Br O'Shea, 'in sort of a hushed way'. Despite this fact, enough records have survived to allow an examination of Br O'Shea's claim that prior to 1995 there were 'a few isolated allegations of abuse', and no 'awareness of more widespread abuse'.

The convicted sexual abusers: Br Guthrie

- 5.112** Br Guthrie gave evidence to the Investigation Committee on 21st March 2002 and again on 14th March 2002.
- 5.113** Born in the South East of Ireland in the early 1900s, he was the eldest of three children. He was recruited into the Brothers at the age of 13, and is still a member of the Congregation. He was educated in Belgium and England, and qualified as a primary teacher in the 1930s.
- 5.114** He told the Investigation Committee he taught in a school in the UK until 1951 or 1952, when he was brought back to Ireland to work in Lota, where he stayed for 32 years until 1984.
- 5.115** In the early 1950s, the Congregation were setting up a Special School in Lota and there was a need for trained teachers to enable the Department of Education to recognise the School officially. The Department gave recognition to the School in 1955, and Br Guthrie was made Principal of the School from the start until 1974, when a lay principal was employed and he took over as school manager and then Chairman of the Board of Management. He held this latter post until 1984, when he was removed from the School because of complaints made against him.
- 5.116** He was prosecuted for sexual offences in December 1995. He spent seven months in 1996 in Our Lady of Victory, a treatment centre in Stroud in the UK run by the Order of the Holy Paraclete for religious with psychological and behavioural problems. He returned in December 1996 to answer the charges in court. He pleaded guilty to sample charges in December 1996, and was sentenced on 14th February 1997 to four years' imprisonment, reduced to one year. He now resides under supervision.
- 5.117** He accepted the description of himself as a paedophile, someone whose sexual preference was for children, in his case teenage boys. He said he had no sexual attraction to them until they were aged 11 upwards to about 14, and he was most attracted to 11- to 14-year-old boys with bright eyes and good speech. He admitted to mutual masturbation but denied ever going any further with the children. His sexual activities started in 1937, when he was around 22 years old, and continued until 1983 when he was 69 years old with, according to himself, '*prolonged intervals*' of abstinence.
- 5.118** His modus operandi varied, but it usually involved isolating a child in a secluded part of the building. Aware of the ever-present danger of discovery, he found various hiding places where the abuse could take place. These nooks always had a well-planned escape route. He also admitted visiting the children's beds at night in the dormitory where he was the supervisor.
- 5.119** He did not think the other Brothers or members of staff were aware of what he was doing. On one or two occasions, he did hear talk among the boys. He recalled his reaction to one particular occasion when he heard there was talk:
- I brought them into a classroom and I sat them down and I said to them, people are saying this about me. Any of you that like to come with me now, we will go to the Brother Superior and talk to him about it, and, of course, that shut them up for good. Nobody took me up on it.*
- 5.120** He said that, if any boy resisted his advances, he would leave him alone, and denied ever threatening, coaxing or forcing anyone.
- 5.121** Despite his remarkable memory for dates and time and place, he could not recall the number of boys he abused over the 32-year period. However, on the first occasion when he gave evidence

to the Commission, when asked why he could not remember individuals that he abused, he answered as follows:

For one reason the lapse of time and the others, I suppose a fair number. I have no idea how many but there was a good number ... Over 32 years.

5.122 He was asked if the number would be in the hundreds, and he replied:

I might stop around a hundred, but it could have been more, it could have been less even.

5.123 By way of explanation, rather than excuse, he said he believed that the separation from his parents in his early years and the loneliness and isolation of the life of a Brother was the reason why he developed in the way he did.

Institutional responsibility

5.124 Br John O'Shea, outlined in the statement prepared for the Emergence Hearings, held in June/July of 2004, the reasons why the Brothers of Charity have issued apologies in respect of child abuse:

When allegations of abuse by two named Brothers were first brought to our attention in December, 1995, the two named Brothers confirmed that they had been involved in the sexual abuse of children in our care. The two named Brothers later admitted in court that they were guilty of perpetrating sexual abuse on children in our care and received custodial sentences in respect of this abuse.

5.125 The statement went on to give details of the sentences imposed on these two Brothers and a third Brother who was also found guilty of sexual abuse.

5.126 At paragraph 5 of the statement, the Regional Leader explained that, when the allegations were first brought to the attention of the Congregation, the two Brothers against whom the allegations were made were immediately removed from locations where they would be in contact with 'service users' and were placed under strict supervision. They had also both attended a seven-month therapeutic programme for sexual abusers.

5.127 The difficulty with Br O'Shea's statement is that December 1995 was not the first time the Congregation of the Brothers of Charity had become aware of sexual abuse perpetrated by Br Guthrie.

5.128 Br Guthrie started his teaching career in a primary school in the UK, run by the Brothers of Charity, in 1936. By his own admission, he started to sexually abuse children in 1937.

5.129 Br Guthrie's activities first came to the attention of the Congregation authorities in 1951.

5.130 In a letter dated 31st July 1951 from Fr Harvey⁹ to Fr Gordon,¹⁰ who would appear to be a senior member of the Congregation, it was stated:

Dear Father Gordon,

A very serious situation has arisen at Broadgreen. Bro. Guthrie has been accused of serious offences against boys, and the matter has been placed in the hands of the police; so I expect they will begin their investigation as soon as possible. Br Gerhard¹¹ will probably also be brought into it. Whether anyone else will be accused, I don't know.

I saw Br Guthrie this morning and he has no defence; I have told him I shall report to the Superior General, and he will probably be dismissed. Hence, I believe he will cross to

⁹ This is a pseudonym.

¹⁰ This is a pseudonym.

¹¹ This is a pseudonym.

Ireland to-day. I have told him what he does or where he goes is no concern of mine, but I have not transferred him to Belmont Park. I told him, however, that I will communicate to you any instructions, etc. that I receive from Fr. General.

I have sent Bro. Rory¹² this morning to Moffat to inform Bro. Gerhard of the situation, and he will probably do like Br Guthrie.

You should receive their clerical suits if they offer them, and also help them with clothing, and in any other way, at least for the time being.

Whatever these fellows do, is on their own initiative. They are not to remain at Belmont Park. You would, however, do well to know where they stay, at least for the time being. But I do not want to know.

As you see, I am in a very difficult situation, and am trying to act for the good of the Congregation.

I am now just going to ... with Messrs. [Solicitors], to interview a K.C.¹³ on the matter. I will then perhaps see things much clearer and will write you again as soon as possible.

In the meantime, please aid me with your prayers.

Greetings in the Sacred Hearts of Jesus and Mary.

Yours devotedly ... in JC

5.131 The letter accepted that Br Guthrie had 'no defence' to the allegation that he had committed 'serious offences against boys', and prepared the ground for his probable dismissal.

5.132 Fr Harvey wrote again on 1st August 1951, following his meeting with the legal team. The mood had changed, because with the two Brothers out of the way he had been given some assurances that the matter would 'fizzle out'. He wrote:

Dear Father Gordon,

Further to my letter of yesterday, I think I can say that things are somewhat better, and we are hoping there will be no publicity in the matter.

[The Solicitors] have helped very considerably; they took me yesterday to interview Counsel in ... and as a result I feel more at ease. Afterwards, I went directly to the Camp at Fleetwood and saw each of the Brothers privately. None of them has anything to fear if the police make their enquiries, so with Gerhard and Br Guthrie out of the way, we are hoping the matter will fizzle out.

Now with regard to Br Guthrie and Gerhard. Before I went to see Counsel, I got them away quickly, and told them to keep away from our Houses but to get in touch with you eventually, as I would communicate to you any further orders or directions regarding them.

My rights and duties have now been made clear to me as the result of my visit to Counsel. I have written again to Fr. General this morning suggesting that Br Guthrie be dismissed and that Gerhard be allowed to remain. As you know, Gerhard has been doing well at Moffat since January, and it is only as a result of Br Guthrie's irregularities that his case has now become known.

I would be glad if you will get in touch with Gerhard and Br Guthrie immediately; they should both be sent to Lota and await till I arrive there next week. The sooner you get hold of them both, the better, as both were given a considerable sum of money, and you require an account of it. I will discuss with you next week the future of these two men. If you think it better to separate them by keeping one at Belmont for the time being, then I have no objection, but you should warn them against 'talking'.

Greetings in the Sacred Hearts of Jesus and Mary,

Yours devotedly in J.C.

P.S. I am anxious to know if both are safe in Ireland. When you are sure of this will you please send me a telegram, "Everything all right".

¹² This is a pseudonym.

¹³ King's Counsel.

5.133 The opinion had shifted, in that it was felt that Br Guthrie could now continue his holy vocation. The next letter was apparently dated 6th August 1951, from a priest in Mount Mellary Abbey, Cappoquin, County Waterford to the Rev. Brother:

Dear Rev Brother,

Br Guthrie has consulted me about his vocation.

Considering his dispositions, other circumstances notwithstanding, it is my humble opinion that there is no reason why he should not remain faithful to his holy vocation, ordinary prudence being used in the assignment of employments to him.

Asking a share in your prayers.

I am

Very Sincerely yours,

5.134 Fr Harvey wrote again to Fr Gordon on 17th September 1951:

Dear Father Gordon,

I am afraid the Broadgreen affair has taken a very serious turn; they phone me that proceedings will have to be taken. However, I have asked for Counsel's advice, and am now awaiting a message from him.

The police are coming again to see me on Wednesday afternoon; they are very sympathetic and will do all they can to help; but the matter seems to be out of their hands.

However, you must do nothing until you hear from me. I will let you know immediately what transpires on Wednesday. If I get any special instructions from Counsel today, I will write again to you, even today.

In the meantime, we can only re double our prayers.

Greetings in the SS.HH of Jesus and Mary,

Yours devotedly in J. C.

5.135 Ten days later, in a letter to Fr Gordon, concerning the behaviour of another Brother, Br Johann,¹⁴ Fr Harvey mentioned that he was still very occupied with the Broadgreen affair and was meeting the Chief Superintendent of Police in a last-ditch effort to put things right. Br Johann had been physically abusive to staff and boys, and the authorities appear to have been in no doubt at all that this conduct deserved expulsion from the Congregation.

5.136 The meeting took place and on the same day, 27th September 1951, Fr Harvey again wrote:

Dear Father Gordon,

I have done all I possibly could; but there is no other way. The two Brothers must come back and stand their trial. I have promised the police they will come back on their own. If they do not, a warrant will be issued and that will make matters worse for them.

Hence, I think they had better come back at once. At the moment, I do not know if the strike has been settled, so I cannot say if the [boat/train] service is running. They should travel back next Monday night; so that they can come back to Runshaw. If you can find time to come with them I would be glad to talk matters over with you and Fr.Jan.¹⁵ I realize, however, that you will probably not want to be away from home, particularly as I have asked you to see to this matter of Br Johann. However, you might consider if it is wise to let the two fellows come over by themselves. What about sending [an escort] with them?

¹⁴ This is a pseudonym.

¹⁵ This is a pseudonym.

To-morrow I am meeting [the Solicitors] and probably we shall go also to see the Counsel in ...

I am feeling the strain very much, and I know I must be very careful or I shall have a collapse.

Please help me still more with your prayers.

Greetings in the SS.HH of Jesus and Mary,

Yours devotedly in J. C

5.137 Following his meeting with counsel, it was agreed that Fr Harvey would defend the two Brothers and, in a further letter to Fr Gordon, he stated that 'Everything possible will be done to keep down the publicity of the affair'.

5.138 There is no record in the discovery of the outcome of the case in the UK, but it is clear from the Minutes of the Provincial Council Meeting, held on 2nd October 1951, that the case was to proceed before the courts within a couple of weeks of that date. The Minutes note:

Everything has been done to provide for their defence; Advocate and Solicitors have been engaged who will see to the interests of the Congregation. The Vicar General of the Diocese has been informed and he is very sympathetic.

5.139 The details of this case are still not known to the Investigation Committee despite extensive inquiries.

5.140 By March of the following year, it was clear from a letter from Fr Harvey to Fr Gordon that Br Guthrie had been transferred to Lota, and he was still contemplating where to send Br Gerhard. Fr Gordon, by letter dated 18th March 1952, confirmed that he was sending Br Guthrie to Lota, as suggested by Fr Harvey:

If you think the other can be made better use of elsewhere it is alright with me. I have found both of them very willing and useful and I am sure the poor fellows will make well. The both admit that they have a better outlook regarding Spiritual matters. Lack of prayer was the cause of their trouble in the past.

5.141 Br Guthrie immediately took up a teaching post in Lota, and as previously stated he taught 11 to 14-year-old, mild to moderately learning disabled boys. By 1955, he was Principal of the School, a position he held until 1974 when a layman took over. Br Guthrie became School Manager and then Chairman of the Board of Management. He told the Committee that, from 1973 to 1984, he did *'other jobs'* and *'what you call recreational activities with the boys'*.

5.142 In 1984, he was *'taken out of it altogether. I have not been with children since'*. He was removed, he said, *'because of the complaints about me'*.

5.143 Just why he was removed from the post of Principal was not made explicit, but it may have been related to the concerns expressed in a letter that was sent by the Provincial Superior to Br Finn.¹⁶ It said:

21st May, 1975

Dear Brother Finn,

Brother Guthrie

In reference to the above named I am writing to confirm that it is absolutely imperative that he accept the necessary psychiatric treatment that his case requires. For the

¹⁶ This is a pseudonym.

implementation of this treatment I hereby request that you make arrangements for him to transfer to Belmont Park where [a doctor] will interview him and prescribe the necessary medication.

As this matter is most urgent would you please see Brother Eric¹⁷ [Superior of Lota] and explain the urgency of the matter and then, without delay, fix the day for him to travel to Waterford. The sooner he receives treatment the better as the matter could easily pass outside our control and this would be tragic.

I shall see Br Guthrie myself the next time I am in Waterford.

With every best wish,

Sincerely in J.C.

Provincial Superior

5.144 There is no evidence that the problem identified in 1975 was ever addressed, or that he was transferred to Belmont Park for psychiatric treatment. His transfer records show no break in his service in Lota between 1952 and 1984.

5.145 In 1984, Br Guthrie was removed from his post as Chairman of the Board of Management in Lota because of complaints made against him. He told the Committee:

I was changed to another house altogether and I did housekeeping and various odd jobs around the house but it was not a place for children. It was a place for grown-ups.

5.146 In a statement made to Gardaí, Br Guthrie stated:

The abuse was happening from 1952 to 1984 ... I can recall coming back from Lourdes after Easter in 1984, after spending three to four weeks there. Brother Bert¹⁸ who was Provincial Superior at the time, requested me to Dublin. He informed me of certain accusations being made against me, namely having sexually abused a child. I was not told whether it was one or more. I was kept in Dublin for nine months and then transferred to Limerick and I was given no more contact with children.

5.147 A Senior Child Psychologist on 19th January 1996 made a statement to the Gardaí, in which she recalled commencing work in Lota in early 1984, and having attended combined clinic meetings and having a considerable amount of interaction with professional staff. During that year, she became aware that a Brother was engaging in behaviour of a sexual nature with boys in residence, and this activity was giving cause for concern. A number of boys were interviewed by a Consultant Child Psychiatrist, for the purpose of validating the sexual abuse in which Br Guthrie was involved. A report was prepared and, as a result of the investigations, Br Guthrie was moved. The full account of the events of 1984 is given below.

5.148 The author of the statement said that her information about Br Guthrie's behaviour came from listening to the concerns of other professional staff and from information given to her by the Principal Psychologist in Bawnmore, Limerick, a residential care centre for adults with learning disability, to which many of the boys from Lota graduated. This psychologist said that the male clients that came from the Lota service had been a source of difficulty in Bawnmore because of their unacceptable sexual behaviour.

5.149 She had uncovered the sexual abuse within months of starting work, and the information emerged in the normal course of her duties. The sexual activities of Br Guthrie were not so secret that probing and sleuthing were needed to uncover them.

¹⁷ This is a pseudonym.

¹⁸ This is a pseudonym.

The events of 1984

- 5.150** Between March and May, two psychiatrists had seen an adolescent boy, Paraic,¹⁹ who had become depressed and anxious about his sexual activity with another boy and about his masturbation. In April, he disclosed to his headmaster the fact that Br Guthrie had been abusing him. His words were reported in the psychiatric report:

"I told [the headmaster] that I would let Bro. Guthrie interfere with me" "The last time was in Wexford just the two of us" – "We used to tickle each other in the privates" "I would have my clothes off" "Sometimes white stuff came out of him" "He pushed his privates into my privates – not very often" "He told me not to tell anyone" "I was in tents often with him, sometimes he would tickle my privates and I tickled his."

- 5.151** In April 1984, Dr Noble,²⁰ a Consultant Psychiatrist, wrote a letter to a number of people, including Br Eric the Superior of Lota in which he referred to an interview with Paraic during which 'disturbing evidence' came to his notice. He wrote:

Paraic went on to tell me that he was very distressed and upset about incidents that happened on cycling trips. He described how he stayed with Bro. Guthrie on a number of occasions when on these cycling trips both in tents, and also in the same room, and sometimes in the same bed in a house when they would stop on the cycling trips. He told me that he had voluntarily told [the headmaster] about how Bro Guthrie interfered with him during their trips. He told [the headmaster] yesterday and felt much better over talking to him. He said that these incidents had happened on and off over the past three years in trips to [the South of Ireland]. He said the last time was in [the South East]. On that occasion he had travelled alone to [the South East] with Bro. Guthrie. He described in detail how he and Bro. Guthrie had engaged in mutual masturbation on these occasions. He also said that he was warned by Bro. Guthrie not to tell anyone that these homosexual incidents had occurred ...

In view of the above history I feel this boy should not go on any further cycling trips or should go on any cycling trips until further notice.

November 1984

- 5.152** A memorandum was sent from Dr Noble on 8th November 1984 to Br Eric, [the Hospital Administrator] and [the Medical Director] outlining the allegations so far, and how Br Guthrie had not stopped contact. He had telephoned Paraic's house and once again visited Paraic's parents to get permission to take Paraic on another trip. No abuse occurred on this trip but it was a strain on Paraic. Paraic did not want his parents informed of the situation. He stated that immediate steps should be taken so that this could not happen again, and a meeting should be set up with all professional persons involved to make sure that Br Guthrie could not have any contact with any pupils, past or present. He also questioned whether Br Guthrie should be in any way involved with disabled residents of any institution, and whether it would be better if he were removed to an administrative capacity elsewhere:

Memo.

To: —

Bro. Eric, Superior,

[Hospital Administrator]

[Clinical Director]

From: Dr. Noble

Child & Family Clinic

¹⁹ This is a pseudonym.

²⁰ This is a pseudonym.

8th November, 1984

Lota, Glanmire,

Cork

Telephone [redacted]

On the 11th April, 1984 I wrote to the above regarding allegations made by a resident in [named school], Paraic. Paraic is an adolescent boy who is a resident in ... School. Paraic at that time was interviewed by Dr. Price and also by [the headmaster] who referred him on to me. Paraic told me that he had been interfered sexually on a number of occasions on cycling trips by Bro. Guthrie. He described these incidents in detail and they are documented in the report of 11th April, '84.... Because of this very serious situation at that time the above people had to be notified that such allegations be investigated and if there was any suspicion they were to be discontinued.

In 19.9.'84 I sent a second Memo regarding Bro. Guthrie and how despite being told by the Superior that he was not to go on any further cycling trips with the boys from [named school] he did so. This fact was reported to me by [the headmaster], who had been informed that some of the pupils had brought photos of a trip showing that Bro. Guthrie had resumed his cycling trips with [named school], even though he had left the Brothers of Charity Services in Cork at that time and was resident in Bawnmore, Limerick. I again wrote to the Superior, the Administrator and to the Clinical Director regarding my deep concern about what was going on. All the people involved and myself strongly felt at that time the situation could not be allowed to continue. Our views were communicated to Bro. Bert, Provincial Superior and we were told that all contact between Bro. Guthrie and the children and adolescents both past and present who were in the Brothers of Charity would cease immediately.

Unfortunately this did not occur. I interviewed Paraic on 19.9.84. He told me that Bro. Guthrie had phoned him at home and had asked him how the cycling had gone on when he was not present. He asked Paraic to phone him and to let him know a second cycling trip that he would not be participating in went on. Paraic did this and Bro. Guthrie informed Paraic that he was coming to see his parents. Bro.Br Guthrie arrived on 31.10.'84. He talked to Paraic's parents and he and Paraic went on a cycling trip. They stayed overnight in the house belonging to a Mr. Byron.²¹ Both slept in the same room in two separate beds. Paraic said, "It was a strain on me if anything went on". However, he stated that Bro. Guthrie did not touch him on this occasion as he had in the past. Thus, apparently there was no sexual contact between Bro. Guthrie and the boy on this occasion.

Again Paraic told me that he did not want parents to know anything about what had happened previously. He said that if they felt that this had happened that they would be very upsetParaic again repeated to me that he did not want his parents to be told about what had happened in the past as he felt that because of their age that they could not take it, and it would upset them and possibly kill them ...

I am absolutely appalled that this situation has recurred again,..... Paraic told me that he would be quite happy to go on cycling trips provided Bro. Guthrie was not there. In view of what has happened I feel that immediate steps will have to be taken by the Superior of the Brothers of Charity in Lota and the Provincial Superior that this can never happen again. I also feel that there should be immediately a meeting between the professional people involved to make it absolutely impossible for Bro. Guthrie ever again to have any dealing whatsoever with any of the pupils either past or present from the Brothers of Charity Services in Cork. I feel that the Superior in Bawnmore should be made known of all the facts and that he should know of Bro. Guthrie's whereabouts at all times. I am also very doubtful if Bro. Guthrie should be in a unit such as Bawnmore, I feel that he should

²¹ This is a pseudonym.

perhaps be in an administrative position far removed from residents in any mentally handicapped service.

Dr. Noble.

Consultant Psychiatrist.

December 1984

- 5.153** Dr Noble wrote a further letter to Br Bert, the Superior of Triest House in Dublin, informing him of the situation. He was appalled that Br Guthrie was still in contact, and had even written to Paraic's mother asking her to get Paraic to phone him at Triest House. Dr Noble wanted to know what action the Congregation were pursuing in relation to the matter:

Bro. Bert

Provincial Superior

Re: Paraic

Dear Br Bert

... I visited [named school] on 27.11.84 and interviewed Paraic. He told me Bro. Guthrie had written to his mother on the previous weekend asking her to have her son, Paraic, phone him at a number in Dublin over the weekend. Paraic was able to tell me the telephone number,... the phone number of Triest House. Paraic said this message did not affect him, but went on to say that "It doesn't affect me much unless he takes me on a trip". He went on to say he does not want to go on cycling trips with Br Guthrie or to meet him. He said he would like to go on cycling trips if Br Guthrie was not present.

... However, I am appalled to find now, despite the seriousness of the matter that led to Br Guthrie's removal from the Brothers of Charity Services in Cork, that he is still continuing to visit and harass this boy.

I want to re-iterate my concern for the mental welfare of Paraic and out of deference to his wishes (as stated above), I have not discussed this matter with his parents.

Following my discussion with you in [named school] on 27.11.'84 I wish to state that I am not alone in my concern about the lack of progress in this case. This is a great source of concern to the professional members of the staff and Community mentioned above, and, also to [the Head Master] and his staff who are aware of this problem.

As I feel that the mental welfare of this boy is at risk, I would appreciate it if you would write to me as soon as possible, and let me know what course of action you and the Congregation are pursuing so that I and the staff can be assured that Paraic will no longer, ever again, be subjected to stress by contact from Bro. Guthrie.

Thank you for your help in this very serious matter,

Yours sincerely,

Dr. Noble

January 1985

- 5.154** Br Bert replied on 17th January 1985, in which he noted that he had talked to Br Guthrie and issued him with a stern warning, and that Br Guthrie had given him a written undertaking to end his relationship with Paraic:

Dear Doctor Noble,

I thank you for your letter which I received by hand recently.

Since receiving it I have had two further very serious talks with Brother Guthrie, following which I issued a stern warning to him. I feel that now there will be a complete end to his

relationship with the lad concerned. Further, Brother has given a written undertaking to that effect to me.

I thank you most sincerely for your concern and solicitude in this whole matter.

Kindest regards and every good wish.

Yours sincerely

Bro. Bert

Provincial Superior

5.155 On 11th June 1985, Dr Noble once again wrote to Br Bert. He noted that, although Br Guthrie had not been in touch with Paraic or his family again, Paraic was living in absolute fear of him contacting him again and was, as a result, seriously depressed. Dr Noble felt that he had no option but to inform his parents of the situation and this was done.

5.156 On 25th October 1989, the Principal of [named school], wrote a memorandum about a further telephone contact from Paraic's mother:

[Paraic's mother] telephoned [school] today (around mid-day) expressing deep concern that her son Paraic, a past pupil [now residing elsewhere], was told by another past-pupil ... that Br Guthrie was visiting her home today and would also be calling [to Paraic's house] ... [Paraic's mother] was most upset to hear this from Paraic and stated neither she nor Paraic wished to meet with or talk to Br Guthrie ever again and Paraic was very upset at the prospect of meeting him anywhere.

I consulted Dr. Noble at his home by telephone at lunch time and later telephoned [Paraic's mother] (as arranged) to advise and confirm what I had already told her on the telephone earlier.

1. Paraic should not meet with or talk to Bro. Guthrie if he does not wish to – no matter where he may see him.

2. Bro. Guthrie should not be invited into the family home if he visited if that was [Paraic's mother's] wish and should be told politely but firmly that he was not welcome in their household.

I also made [Paraic's mother] aware of Dr Noble's offer of an immediate appointment should Paraic or his mother wish to meet with him and that Dr. Noble also wished to be informed if Bro. Guthrie made any contact with Paraic or the family against their wishes.

[Paraic's mother] apologised for contacting the school again about Paraic and was thankful for the support offered.

5.157 The persistence of Br Guthrie in pursuing this young teenager contradicts his testimony to the Investigation Committee. He was asked if he had ever fallen in love or had become strongly attracted to an individual, and he replied:

I would not say so, no. I never even had what people would call a pal. When I was moved from one house to another, for example, I never worried about the people I left behind ... anyone that is acquainted with religious life knows that there were two mortal sins when you joined religion. The first was not to get up at the right time in the morning and the other was to have a particular friend. They were strictly taboo in those days.

5.158 His relentless pursuit of this young boy suggested more than a passing sexual interest: he appeared to be planning an enduring relationship. The remarkable control he exercised over these vulnerable children is well illustrated by this case.

5.159 Prior to 1995, Br Guthrie presented the Congregation with several incidents of sexual abuse. He was known to be a serial sex abuser. His deeds were not isolated incidents. Br Guthrie sexually abused children under his care over a period of more than 45 years. Thirty-two of those years were spent in Lota, where he taught mild to moderately learning disabled young boys. He was sent to Lota by the authorities in the Congregation, in the full knowledge that he was a paedophile who had faced conviction in England. There is evidence in 1975 that something was amiss, and Br Guthrie himself told the Gardaí that he was ‘caught out a few times’. He subjected so many boys in Lota to sexual assaults that he cannot remember the numbers, despite having an excellent memory in respect of every other aspect of his life. Despite the dearth of information kept on the Brothers by the Congregation, there is clear and unequivocal documented evidence that the risk Br Guthrie posed to young boys was known.

5.160 In spite of his known abusive behaviour, Br Guthrie was made Principal of the School from 1955 to 1974, and then in 1974 he was made School Manager and, in 1981, Chairman of the Board of Management. He was given these positions of power and authority, with control over staff and boys, without the possible consequences being considered. As a result, by his own admission, a hundred or so vulnerable boys were abused.

5.161 The case against him was so overwhelming in 1951 it defies belief that the authorities could have seen fit to place him in a residential school for vulnerable young boys. Yet, this is precisely what they did, in the hope that ‘Br Guthrie will be all right in Lota’. On 1st August 1951, when Br Guthrie was in trouble with the police in England, Father Harvey wrote:

p.s. I am anxious to know if both are safe in Ireland. When you are sure of this will you please send me a telegram, “Everything all right”.

5.162 Br Guthrie was stowed ‘safe’ in Lota, with no regard for the safety and welfare of the boys residing there. That decision can only be seen as one taken to protect the Brothers of Charity from scandal and prosecution.

5.163 Br O’Shea in his Opening Statement, made two assertions about sexual abuse prior to 1995:

Prior to 1995, there were a few isolated allegations of abuse which were dealt with as deemed appropriate at the time. However, it was not until late 1995 that there was an awareness of more widespread abuse or the damage it had caused.

5.164 He also stated that there was no awareness before 1995 of the damage that sexual abuse could cause. This is not borne out by the documented evidence. The serious effects of sex abuse were made abundantly clear to the Congregation in the series of reports written by child psychiatrists in 1984.

5.165 The victims of Br Guthrie were sexually abused so frequently that it became part of their daily lives. As they had no power to do otherwise, they obeyed his demands, and it was only years later that they were strong enough to come forward and report what had been done to them. In the course of his Garda statement, one of the complainants said:

What was happening between the Brother and myself I thought were the rules of the school. I was told when I went to the school first, that the Brothers were to be obeyed at all times and anything they ask you to do you were to do it.

Conviction: UK (September 1998)

- 5.166 In September 1998, Br Dieter received his first criminal conviction in the UK on the complaint of George,²² a resident in a residential home and sheltered accommodation for vulnerable adults run by the Brothers of Charity in the UK. Br Dieter had been transferred there in 1970, after the disclosure of sexual abuse in Galway; described below. The abuse took place between 1971 and 1973. He was placed on probation for three years, on condition that he attended a sexual offenders course run by the probation service in the UK.

Conviction: Cork Circuit Criminal Court (November 1999)

- 5.167 In November 1999, Br Dieter received one of the most severe sentences ever imposed in this country for crimes of child sexual abuse. He pleaded guilty to 18 sample counts of child abuse of young boys in Lota. Br Dieter received two years' imprisonment in respect of each count (36 years) with a review in 18 months. This review was heard in June 2001 and the remainder of his sentence was suspended.

Conviction: Galway Circuit Court (November 2000)

- 5.168 Br Dieter pleaded guilty to 22 counts of child sexual abuse of boys in Renmore at Galway Circuit Court in November 2000. He was sentenced to three years' imprisonment, with the condition that the three-year sentence run from the same date as the Cork sentence received in 1999.

Conviction: Cork Circuit Criminal Court (February 2002)

- 5.169 In 2002, he was sentenced to five years' imprisonment, with four years suspended, after pleading guilty to two sample counts of sexually abusing boys in Lota. Some 75 other charges were taken into account.

Br Dieter's background

- 5.170 Br Dieter was born in the 1920s. He was the second youngest in a family of five children. His father died when he was young, and the following year he was recruited into the Brothers of Charity and was sent to the Juniorate in Preston in the UK. His mother died of cancer during his first year in the Juniorate and he was not allowed home for her funeral. He told the Committee that he was sexually abused once during his time in the Juniorate by a boy four years older than himself. He never reported the incident because he hero-worshipped the other boy.
- 5.171 He was in the Juniorate from the age of 11 until he was professed when he was 18. When he was a postulant, on an annual retreat, a priest had invited him to his room and had made sexual advances. He resisted them 'and felt very angry about what had happened'.
- 5.172 Initially, he wanted to become a teacher, but his Irish language skills were poor, so he could not train as one. Instead, he began work as a carer in Belmont Park Psychiatric Hospital, a private hospital run by the Brothers of Charity. In 1945, when he was 20 years old, he was transferred to Lota to work as a nurse with severely disabled children. They were '*confined to bed, and they needed spoon feeding and they needed to be individually sort of encouraged to use the toilet*'. He did this arduous work for six years. He lost weight and became quite ill. During this time, the Superior made sexual advances to him, and he began to have thoughts that he might be homosexual. He recalled years later, to the psychologist at Stroud, that a relative (his sister) used to visit him on a Sunday. While she was there, the Superior invited her up to his room for a coffee. She accepted. He was approached by the Superior early in the morning and was told that she

²² This is a pseudonym.

had stayed the night, and he asked him to take her home before any of the Brothers found out. Br Dieter was 'very upset by this discovery'. Again, he was afraid to say anything about it.

5.173 Br Dieter was struggling with his sexual orientation, and trying to control his sexual urges, yet his early experience in the Brothers of Charity was that the vow of celibacy was being regularly broken by religious men of standing and authority.

5.174 In or around 1953/1954, he attended a training course in Belgium. When he returned to Lota in 1955, Our Lady of Good Counsel School had obtained official recognition as a Special School. Br Dieter described the new position he held within the School as a teacher '*under inspection*'. In 1957, the Department of Education recognised him as a teacher because of his experience. He was given the post of Assistant Teacher.

5.175 Following a period of teaching in Cork, he returned to Lota in 1961, and remained there until 1965.

5.176 In July 1965, Br Dieter was moved to Renmore, Galway, where the Brothers of Charity were managing a School. At his oral hearing before the Committee in March 2002, he explained:

At that particular time then there was a very prominent, a very dominant association in Galway for mentally handicapped who were anxious to start a centre in Galway City, as a kind of residential day school for handicapped children and they approached the Brothers about the possibility of a Brother going there to start this. I was appointed to go there and I asked if I could be dispensed from it because of my – I felt totally inadequate for the position but they told me that they had confidence in me and they were totally unaware of my sexual abuse behaviour. They were totally ignorant of that and it was for that reason I was reluctant to be transferred to Galway. I was in Galway from 1965 to April 1969 when abusive behaviour was reported to the Superior ... and from there then I was transferred to our psychiatric hospital in Waterford.

5.177 In cross-examination, Br Dieter noted that the abuse was not reported by a pupil but by a member of staff, although he was unable to recall whether the member of staff involved was a fellow Brother or a lay member of staff. A full account of these events is given below.

5.178 As a result of this complaint, Br Dieter was removed from Renmore to Belmont Park, the Brothers' psychiatric hospital in Waterford. He testified that he remained in the hospital until January 1970. However, he claimed he was not there to receive professional help and counselling, but rather to help out in the hospital. He held the post of Acting Secretary I.N.C.A. (Irish National Council on Alcoholism).

5.179 He was then transferred, in 1972, to a residential school in the UK for adults with learning disabilities. He became involved with a resident in the school and sexually abused him. This led to his conviction in 1998.

5.180 He attended two courses in the UK, the first was a course in special education in Preston, and then a course at a polytechnic attached to Leeds University where he obtained his certificate in education. With this qualification and recognition as a trained teacher, he began teaching in 1974 in a junior school for children aged 7 to 11 years, where he remained for 15 years. He claimed that he had not abused anyone since 1973. He retired in 1989 and lived with his Community in the UK until 1995, helping out in the working of the house, doing voluntary driving, and visiting the elderly in a home.

5.181 In a psychological report prepared for his trial in the UK, a clinical and counselling psychologist concluded that, following his treatment in Stroud and in view of his decision to withdraw from

sexual relationships and recommit himself to celibate life, a decision he took in 1973, Br Dieter constituted a low risk in terms of re-offending.

5.182 The trial judge in the case in the UK took into account his plea of guilty, his age (73) and the fact the he was ‘a man of hitherto unblemished character’ and placed him on probation for three years on each count concurrently, on condition he attend a sexual offenders’ programme run by the Probation Office in England.

5.183 The judge appeared to have had no idea of the reason for Br Dieter’s transfer to the UK; it would appear that Br Dieter did not disclose his history of sexual abuse in Ireland to the psychologist.

5.184 The sentencing judge referred to Br Dieter’s upbringing and background:

Yours is a very sad story indeed. It is a Dickensian story. I do not want to say more than is necessary to justify the sentence I am passing but you have a wretchedly sad childhood, characterized by the untimely death of devoted parents, then your recruitment and placement in the hands of an entirely different religious order where you yourself, as a young child, had a desperately sad time of it. Then, as a postulant and as a novice in this order, the abuse that you yourself suffered from those above you and in turn, of course, as is often the case, you abuse someone else.

Yours is a very sad background, indeed. It is no excuse but it is an explanation for the wretched life you have had, particularly as a young man. Quite frankly the general public have, in recent years come to realize the lamentable criteria of recruitment that were applied 50 years ago or so by religious orders in recruiting very young men, children, to boost their numbers and the methods that were adopted. When I say, “the methods that were adopted” the encouragement, the enticement of people like you who were 11 years of age. That has all changed, and let it be said that it has all changed.

It was asking for trouble, it was sowing the seeds for disaster and you have to then battle within that confined claustrophobic religious organization with your own puzzling sexuality and so you did and this is how this happened: opportunity, privacy and power in a small way.

5.185 When Br Dieter appeared before the Investigation Committee, his standard response to most questions asking for details of the abuse he had perpetrated in Lota was to say that he could not remember. He was precise and prompt in recalling other matters, such as the dates of his transfers between schools, and the names of his colleagues. He was asked, for example, to estimate how many boys he had abused in Lota, and he replied:

I can’t remember really. I can’t remember ... I couldn’t possibly give you a figure ... It is an approximation. It is a long time ago ... I would say about 20 ...

5.186 Br Dieter was in Lota for 20 years, from 1945 to 1965, and this estimate of about 20 boys clashes with some of his other evidence. In another part of his testimony, he admitted he had a frequent compulsion to go to a boy for sex. This compulsion would occur ‘weekly’. He explained:

It was well planned in the sense if I needed the boy or felt the need of a boy I would, for example, in a classroom situation, I would ask him if he would come back after class.

5.187 While he said he could not remember specifics, Br Dieter did outline how he set about the grooming process to win a boy over. He explained:

I tended to attach myself to one boy and, as I learned afterwards in Stroud, it was a form of – they have a name for it – grooming, I think was the word, the terminology that was used, in order to get the affection of the boy ... it was an activity that I was ashamed of and at the same time, it is what happened. I became attracted to the boy, and then I

became more familiar with him and tried to gain his trust by being kind to him and that sort of thing.

5.188 He admitted these attractions could lead to a 'love relationship' with the boy. He said, '*I was very attached to one or two of the boys, yes. That's true*'. These loving 'relationships' could last a long time, and he believed it was rewarding for the boy as well.

5.189 He was asked whether he talked to the boy, and if the grooming continued, while he was having sexual relations with a boy. He replied, '*It was a silent act ... It was basically touching the boys' private parts*'.

5.190 It could lead to mutual touching that sometimes, but not always, ended in ejaculation. He went on:

It took place mostly during the day ... It would be, as far as I can remember, in the classroom, after school hours in the classroom in my room, and I can't remember where else just at the moment ... it would be asking them perhaps to clean the classroom for me after school hours ... It happened sometimes at night, yes ... in that particular case, I would go to the boy's bed and sit there for a while with them and chat with them and then invite them into my room ... he would go back to his bed then.

I saw it as a mortal sin, and I was very troubled about it. I was genuinely very troubled ... I went to confession regularly about it ... I realise it is a crime, of course, yes, now ... I think that was my way of thinking, that it was a moral lapse.

5.191 Once he had formed a 'relationship' with the boy, and he felt he 'could trust the boy concerned', the sexual activity began. In many cases, it became an enduring 'relationship'.

5.192 He was asked if he maintained contact when the boy had left the School, and he replied, '*In some cases, I did, yes, yes ... through correspondence*'. He admitted in some cases he arranged to meet them, and in reply to the question where he would meet them, he replied:

It was usually – well, on one occasion I arranged to meet one person in Cork ... I met this particular person in Cork on one occasion and in Dublin on another occasion.

5.193 When asked if these assignments were made in order to pursue a sexual relationship, he replied simply, '*yes, it was, yes*'. He was then asked if sex had taken place, and he replied, '*Not particularly ... It is a long time ago so I cannot remember. I am sure that is the case*'.

The circumstances surrounding the departure of Br Dieter from Renmore in Galway

5.194 There are different accounts of how Br Dieter came to be removed from his post as principal of the School in Renmore in 1969. The Department of Education version of events is different to the one given by the Brothers of Charity.

5.195 The Department of Education's version of events is described below.

5.196 Mr Parter²³ was the District Inspector of Schools, with responsibility for all Special Education Services in Connaught and Donegal. In 1969, he visited the School in Renmore on a routine inspection.

5.197 In a statement made to the Gardaí on 13th January 1998, and furnished to the Investigation Committee in the Department of Education discovery, he confirmed that in 1969 he visited the School. During the visit, a boy of around 15 years of age approached him in the school yard and complained that he had been sexually assaulted by the Principal of the School, Br Dieter. He

²³ This is a pseudonym.

questioned the boy, and was satisfied that the boy was making a very serious complaint, and that he would have to report the matter to the School authorities and to his own Department. He then consulted with his superior in Dublin and informed the Provincial of the Brothers of Charity (Br Baldwin).²⁴ He also discussed the complaint with the Manager of the School, Br Kurt,²⁵ (now deceased) who assured him he would investigate the complaint as a matter of urgency.

- 5.198** Within a couple of days, Br Kurt telephoned him and said Br Dieter had been confronted and, after initial denials, had admitted the sexual abuse of the boy. Br Kurt informed him that Br Dieter had been transferred to Belmont Psychiatric Hospital in Waterford.
- 5.199** At the request of his superior, (the then Assistant Chief Inspector with responsibility for Special Education), Mr Parter made a written report on the matter to him. The report is missing.
- 5.200** In their affidavit of discovery to the Investigation Committee, the Department of Education said that this report was last in the possession of the Department in approximately 1989 when it was seen by a now retired inspector. The Department of Education say it is impossible to say at what time since 1989 this report went missing.
- 5.201** The Brothers of Charity provided another version of events which is described below.
- 5.202** Br Baldwin subsequently left the Brothers of Charity. He had joined the Brothers in the late 1940s, and remained there until the early 1970s. The Brothers retained his services in an advisory capacity for a year after he left the Congregation.
- 5.203** On 16th April 1998, he gave a statement to the Gardaí in which he described his recollections of the details surrounding the events in Renmore concerning Br Dieter as hazy. He did recall receiving an anonymous phone call in his office in Dublin one night in 1969 to the effect that ‘Brother Dieter will be visited by the Gardaí’.
- 5.204** He travelled by car the next morning to Renmore and met with Br Kurt, the local Manager/Superior, and spoke with Br Dieter. He recalled that he immediately took Br Dieter with him to Dublin, and transferred him to the service in the UK. He said that Br Kurt managed the local situation and co-operated fully with the subsequent enquiries.
- 5.205** Br Baldwin met with a member of the legal team for the Investigation Committee in 2002, and he explained that, in recent times, he had been in touch with the Brothers of Charity and they had made some records available to him which would indicate that Br Dieter did not transfer immediately to the UK, but had instead spent some months in Belmont, County Waterford and he must have been mistaken in his earlier account given to the Gardaí.
- 5.206** Br Baldwin was unable to be of any further assistance to the Committee as to the identity of the anonymous caller. He confirmed that he, as the Provincial of the Congregation at the time, had not initiated any internal investigation into the allegations, but had preferred to leave it to the Gardaí. He confirmed that he did not contact the Gardaí directly himself and was not contacted by them, nor was he aware of the outcome, if any, of the Garda investigation.
- 5.207** He was certain in his recollection that Br Dieter did not deny the veracity of the allegation and, because of this fact, he decided to remove Br Dieter forthwith from Renmore and transfer him to a position that did not bring him into contact with children. He stated that Br Dieter was moved immediately. He confirmed that a unit in the UK was a suitable location for the transfer of Br Dieter, as it was a facility for the adult learning disabled, and no children attended this facility.

²⁴ This is a pseudonym.

²⁵ This is a pseudonym.

5.208 The records reveal the following:

- (1) In the “Historical Report” (The School Annal/Diary) for Renmore written in December 1970, the following is noted:

21st January Mr Parter, Inspector of Schools, spent all day in school

6th April, Mr Parter, Inspector of Schools, visited the school today.

3rd June Mr Parter, Inspector of Schools examined Br Alvin²⁶ for Diploma, Brother passed.

12th June Brother Br Dieter transferred to Belmont Park.

1st September Mr Walman²⁷ took up duties as Headmaster.
- (2) Records from the Brothers of Charity record the transfer of Br Dieter from Holy Family School in Galway to Belmont Park in Waterford on 14th June 1970. There are two separate records confirming this date.
- (3) A Report of the Provincial Council Meetings held at Dominican Retreat House in Cork from 13th to 16th April 1971 records at item 4 that Br Dieter was to be changed from Belmont Park to the UK, on 24th April 1971 (Br Baldwin chaired the meeting which was attended by Brs Kurt, Eric, Bruno²⁸ and Carl).²⁹
- (4) Another report of the Provincial Council Meeting held at Triest House on 29th May 1971 records again at item 5 that Br Dieter is in the UK and is happily settled there (Again, Br Baldwin chaired this meeting attended by Brs Eric, Bruno, Claus³⁰ and Franz³¹ with Brs Kurt and Carl absent).
- (5) Br Dieter appears on the annual report of the residential centre in the UK on 23rd April 1971: ‘We welcomed Bro. Br Dieter as teacher for our proposed new special school’.
- (6) 24th May 1971: special school opened – 5 pupils, Teacher and Headmaster – Brother Dieter.
- (7) List of Brothers and their functions – 31/12/1971 – Brother Dieter – Teacher.
- (8) The annual report for the year ending 31st December 1972 shows Brother Dieter as a Student.
- (9) The annual report for the year ending 1974 records:
 - (a) Brother Dieter, Certificate in Education Leeds University, April, 1st 1974, Department of Education Science.
 - (b) Brother Dieter – Teaching out (the job was in St. Michaels Primary school and he was there until he retired in 1989).

The Western Health Board Inquiry

5.209 In response to the emerging allegations of sexual abuse in Renmore School in Galway, the Western Health Board set up an inquiry in 1999.

5.210 In response to several written queries from the Chairman/Members of the inquiry team, the Brothers of Charity have consistently told the inquiry that the Provincial Superior at the time recalls that Br Dieter was removed from the Holy Family School in 1969. Br Dieter’s recollection was that he left the Holy Family School in 1969, and the meagre records available indicate this.

²⁶ This is a pseudonym.

²⁷ This is a pseudonym.

²⁸ This is a pseudonym.

²⁹ This is a pseudonym.

³⁰ This is a pseudonym.

³¹ This is a pseudonym.

5.211 These letters from the Brothers of Charity in general have been signed by either the Provincial or the Director of Services in Renmore.

5.212 For example, Br John O'Shea, Regional Leader for Ireland and Britain, wrote on 19th July 2004 to the Western Health Board inquiry as follows:

As I understand it Brother Dieter was moved from Holy Family School Renmore to Waterford in 1970 as a result of an anonymous phone call to the Provincial at the time Brother Baldwin. It seems to me that there was no follow-up on this incident between 1970 and the emergence of allegations in 1995 and the following years. Brother Kurt, RIP was the Superior in the Holy Family School at that time and my speculation would be that knowledge of the reason for this move could well be confined to Brother Kurt, R.I.P. and Brother Baldwin. I would consider it unlikely that there was any awareness in [the UK], either inside or outside the Congregation, of the reason why Brother Dieter was moved from Holy Family School between 1970 and 1995.

Given the above, there was no consideration given to carrying out a risk assessment in relation to Brother Dieter's teaching between 1971 and 1989. Likewise, there was no consideration given to withdrawing him from his teaching duties/contact with children. Neither was there any consideration given to notifying the UK Police, the Gardaí or the relevant Health Authorities.

Other documented cases of child sexual abuse by Brothers of Charity

5.213 While Brs Dieter and Guthrie were the only staff members of Lota to be convicted of sexual offences, other members of the Congregation were convicted of sexual offences in other Services managed by the Brothers of Charity.

5.214 Br Roland³² received a two-year sentence in relation to offences in Belmont Park, Waterford in July 1999.

5.215 Br Herman³³ received a sentence of three years in Waterford for the sexual abuse of young people in Belmont Park on 28th October 2004.

Incident in Lota in November 1989

5.216 The following is a report by Mr Admas, Qualified Childcare Worker, dated Monday 13th November 1989:

Report of Incident on Friday 10th November 1989

I acted on a report from one of our residents, (name redacted) at 5.15 p.m. (approx) that the "New Priest" was "interfering with" Robert.³⁴ Robert is 20 years of age and operates in the low moderate/severe range of mental handicap. Robert comes from ...

Not knowing what [name redacted] meant by the "New Priest" I went to the Activation Unit expecting to have been sent on a "wild goose chase". But to my complete amazement, at the end of the Activation Unit I witnessed Robert sitting down on a seat with Brother Alaric³⁵ sitting on his lap in a movement of "going up and down". Robert's trousers was half down around his buttocks, but this could have been as a result of the clasp being missing from it.

My first reaction was one of being completely dumbfounded, and on seeing me Brother Alaric promptly got up and made some comment to the effect that Robert was his best

³² This is a pseudonym.

³³ This is a pseudonym.

³⁴ This is a pseudonym.

³⁵ This is a pseudonym.

friend in Lota. I then, straight away, told Robert to come up for his tea, leaving Brother Alaric in the Activation Unit.

Some time afterwards, 15 minutes (approx) Brother Alaric came into the Unit during tea and started asking questions regarding the level of handicap of the boys etc. He left promptly after receiving a cool reception.

P.S. [name redacted] who operates in the high moderate/low mild range of mental handicap, claimed that Brother Alaric was “feeling Robert” something which I did not witness.

The initial report from [name redacted], which I acted upon, was witnessed by two other members of staff.

Mr Admas

Qualified Childcare Worker

13th November 1989

5.217 In a letter dated 15th November 1989 from Br Eric (Manager) to the Provincial Superior, Br Eric said the following:

Dear [Provincial Superior],

It is with deep regret that I feel obliged to send you the enclosed report.

I first was made aware of this incident by [the Clinical Director] when he came to my office at noon on Monday last, 13th November. Subsequently that day [the Hospital Administrator] gave me further details re the sequence of events and of how [name redacted] initially reported the matter to him and, at that stage, also handed me a preliminary unsigned report of the incident. The enclosed signed report was handed to me to-day Wednesday 15th November.

You will doubtless comprehend that we are faced with a matter of extreme urgency – a matter patently calling for immediate psychiatric attention. I’m sure you will deal with this as a matter of urgency as it is obvious that Bro. Alaric needs urgent attention for his problem in an appropriate setting.

With kindest regards and sincere regret to be burdening you with this unfortunate problem.

Yours Sincerely

Bro. Eric

P.S. This incident occurred in a completely public area – anyone could have witnessed it. Fortunately, Mr Admas was the only staff member who went to the Activation Unit at that time, as far as I can ascertain. [He] is one of our more experienced and loyal employees who has been in the service of the Brothers of Charity for [many years] and whose loyalty and commitment is without question ... It is some consolation that he was the sole witness and I am fully confident that his loyalty to the Brothers will prevail in this matter.

Bro. Eric.

5.218 The following is a report of a discussion between the Provincial and an unknown author (in the absence of Br Eric due to illness) which took place on 3rd January 1990:

Topic: Alleged incident involving Bro Alaric.

On the occasion of [the Provincial Superior’s] visit to Lota on the 3rd January, 1990, and in the absence of Bro Eric (Superior) due to illness, I asked him if any decision had been taken regarding the reported incident involving Bro Alaric and one of the residents. I said there was concern at all levels that some urgent action be taken to resolve the matter.

A summary of the points made by [the Provincial Superior] are as follows:

1. Bro Alaric is a very old man, and, if not already senile is bordering on senility.
2. It is often the case that senility brings on an increased sexual awareness and activity.
3. The alleged incident has been viewed with the greatest concern and Br Provincial has had a lengthy discussion with Bro Alaric expressing this concern. The Provincial now believed that there will be no further incidents of this nature.
4. He has considered the options available to him: should he transfer Bro Alaric to an old people's home or – given that he believes there will be no recurrence of the alleged incident – leave him in Lota where Bro has requested to stay.
5. He has decided that, for the immediate future anyway, to leave Bro Alaric in Lota. He will keep himself informed of progress and assess the situation on an on-going basis.
6. He anticipated that Bro Eric would be returning to Lota in the next week or so.

- 5.219** The transfer record of Br Alaric would indicate that he remained in Lota where he had been Superior in charge of the Sancta Maria Pavilion for a number of years in the 1960s.

Br Eric

- 5.220** Br Eric was in charge of the Sancta Maria unit in Lota from 1954 to 1963, along with Br Guthrie and Br Dieter. Sancta Maria unit had 60 boys, divided into two dormitories with 30 boys in each. Their ages ranged between 13 and 18 years. The dormitories were divided in terms of age, Br Guthrie was in charge of one and Br Dieter was in charge of the other.

- 5.221** Br Eric admitted to an allegation contained in a Statement of Claim in High Court proceedings from a boy, resident in Lota from the mid 1950s. His counsel asked '*Did you ever sexually abuse [this boy]*', to which Br Eric replied 'Yes'. He was then asked to explain to the Committee the circumstances:

1953 was the year, September 1953, and Cork had won the all Ireland hurling final that year and the captain of the team ... about a fortnight after the match ... rang me and he said, "We would like to bring up the cup and have a bit of a party and a celebration for the boys" and I said very good. So, they came up, big number of the local team called Sarsfields, they were the Glanmire area. So they brought the cup up and we had a party and there was whiskey poured in, in plenty, into the cup and we had a good few drinks of the whiskey and the boys then were sent to bed after the party. It was about 10.30. It was much later than the boys would normally go to bed and I was in my room and I left my door slightly open because the switches for the lights were on the wall outside and the boys were a bit excited, you know, being up late for this party. So I got ready for bed myself and just as I put on my pyjamas this boy ran into my room and he was naked apart from the – he had the top half of his pyjamas on him, so he started jumping up and down in front of me. I wasn't used to drinking whiskey at the time, as I said it was 1953 and I pressed myself against him and then he went out.

- 5.222** When asked by his counsel, '*is that the extent of what happened with [the boy]*', Br Eric replied '*That was the extent of it yes*'.

Conclusions on sexual abuse

- 5.223** 1. **Br Guthrie perpetrated sexual abuse for 32 years with at least 100 victims. Br Dieter, who had a room at the other end of the Sancta Maria dormitory from Br Guthrie, was in Lota for 20 years, with a few short breaks, and then was in Renmore for four years, when he was removed and sent to finish his teaching career in England. Between them, these two sexual abusers operated in schools run by the Brothers of Charity in**

Ireland for 58 years. Both were promoted to Principal, and one of them to Chairman of the Board. Several of their colleagues were also accused of sexually abusing children. The crucial questions are, 'how did this disturbing history of sexual abuse come about?' and 'what allowed it to continue for so long?'.

2. Lota was an enclosed and inward-looking Institution, and the pavilion system created three enclosed worlds within an enclosed world. The Brothers in charge had complete autonomy and acted without fear of repercussion.
3. The children with learning disabilities were treated as 'different', with fewer rights than children outside the Institution. Their near-total dependency on adults to care for them and protect them made them very vulnerable.
4. There was no training provided and no internal structure within the Congregation for reviewing the performance of individual Brothers. Once Brothers were appointed to Lota, they could remain there for decades, even if their performance was unacceptable and unprofessional and their behaviour fell below ethical and moral standards. With no system of inspection and no external supervision, sexual abusers were able to operate with little fear of detection.
5. When sexual abuse was discovered, management failed to take action. They chose to protect the Institution and the reputation of the Congregation, rather than the children. It was the failure of leadership to manage the problem, and remove the abusers, that allowed the sexual abuse to become systemic and pervasive within the Institution.

Emotional abuse and neglect

- 5.224** As a result of their learning disability, the children of Lota were more dependent and vulnerable than children in general. They required additional attention and help from their care-givers. This need for someone to look after them emerged from the evidence heard at the hearings. Graham told the Committee:

My first memory of Lota would be I made friends with the women teachers there ... Yes, they were nice to me. They were kind to me, and I felt more at home with them, an awful lot more so because there was only one reason I can say about these teachers, these women teachers, is that like my own mother, my own mother would have been motherly to me up to, maybe, the time she had me, you know. I realised afterwards that I was privileged to have a mother, even though I didn't know what kind of a mother she was, but I was glad to have her.

- 5.225** After leaving Lota, he could not praise enough the kindness that 'other people's mothers' had shown to him. He said:

But apart from that, I have experienced other mothers' care with me, and I found loving mothers that I met up with, other people's mothers.

- 5.226** He then added:

even though I said that with the women teachers I felt at home with them, but still I couldn't say anything to them because it would get back to the Brothers about what I said. So even though I appreciated the women teachers, I appreciate them as schoolteachers and that they have never done any harm on me, but it takes big giant 6 foot men to upset you, to do what they like with you because the public out there did not know what was going on in that bloody industrial school.

- 5.227** The happiest day of his life was when, after the deprivations of his childhood, he finally found a family through marriage:

It was one of the most nicest and wonderful day I ever had because a family were accepting me into their family and especially my mother-in-law, my mother-in-law to be, and then ... my wife to be. These few days were wonderful days in my adulthood. I saw that there were people there who cared.

5.228 The irony about Lota was that the Brothers who provided the care and the good times were also the sexual abusers. Conall told the Committee:

Yes, there was happy times too. I cannot deny that. A lot of people say there was not but there is. There was, of course, it was not all doom and gloom, let us be honest about it. There was good times as well ... The bikes ... The football, I was interested a lot in sports, gymnastics and things ... Even the plays, things we did ... I have to say, I thought Br Guthrie was nice to me at the beginning.

5.229 The emotional state of learning disabled children in the residential schools was seldom given much consideration by the Brothers of Charity. Putting children through the school system was the priority, not whether they were contented and happy. Children with learning disability had a greater need in this regard and they were frequently not regarded as experiencing the full range of human emotions.

General conclusions

- 5.230**
1. The Congregation kept records about sexual abuse allegations concerning lay people, and routinely involved the Gardaí. The situation was different for Brothers. The allegations were dealt with internally, and no records were kept, or else were kept in codified language. For this reason, factual information about the true extent of sexual abuse did not exist, and abusers were left free to abuse again.
 2. The Brothers of Charity failed in their duty of care to the children in Lota, in that they placed a known sexual abuser, unsupervised, in a school with the most vulnerable and at-risk children. They ought to have known that he would commit similar offences.
 3. By placing a known abuser in Lota, to avoid the intervention of the English police who were investigating him for sexual abuse offences, the Order showed total disregard for the safety of children in their care.
 4. The Brothers of Charity put the reputation of the Congregation over and above the safety and care of children who were among the most vulnerable in the State.
 5. The inadequate system of vetting and monitoring staff allowed abusive Brothers to be placed in managerial positions, with direct responsibility for and control over the entire School, staff and boys. Their position of authority within the School made detection an even more remote possibility.
 6. When Br Guthrie was removed from his duties in 1984, supervision of him was so inadequate that he still took children from another school on camping trips, and made persistent and unwelcome contact with a boy he had been abusing, to the point of taking him away on further excursions.
 7. The Brothers of Charity, despite knowing of his sexually abusive behaviour, removed Br Dieter to an institution in the UK where he abused again.
 8. The management of the Brothers of Charity consistently failed to provide a safe environment for the children in their care.
 9. When sexual abuse was disclosed, the Brothers of Charity did not conduct any proper investigation into the extent of the abuse. They simply removed the abusers and continued working as before.

10. The Department of Education and the Department of Health did not undertake any regular inspections of either the School, or boys in the care of the School, which could have identified problems occurring in the School. The residents were placed in a School where the Congregation who was charged with their care was reckless and negligent.
11. The additional duty of care owed to these children was not provided by the Brothers or by the State, who delegated this responsibility without provision to ensure that the necessary quality of care was provided.
12. It is incorrect for the Congregation to claim that it only appreciated the extent of the problem of sexual abuse after 1995, when the Gardaí became involved. The limited documentation that has survived clearly indicated that those in positions of authority within the Congregation were aware that children in their care were at risk of sexual abuse, and were in fact being sexually abused.
13. In its Emergence Statement to this Commission, the Congregation did not examine its own management failures that led to the appalling situation in Lota. The extent of the sexual abuse which was perpetrated in Lota on dependant and vulnerable children was not solely a result of the actions of predatory sexual abusers, but was also due to the extraordinary ambivalence of the Congregation to sexual abuse when committed by one of its own members.