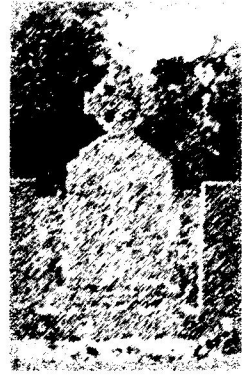


Justice for Magdalenes

**Crocknahattina, Bailieborough
Co. Cavan, Ireland**

Telephone/Fax: (353) 86 4059491
Web: www.magdalenelaundries.com
Email: info@magdalenelaundries.com



[The following letter was written on behalf of JFM]

September 22, 2009

Mr. Brian Cowen, T.D.
Taoiseach
Department of the Taoiseach
Government Buildings
Upper Merrion Street
Dublin 2

taoiseach@taoiseach.gov.ie

Dear Mr. Cowen,

I am writing to you in your capacity as Head of State. I write on behalf of the survivor advocacy group "Justice for Magdalenes" to seek further explanation of the State's rejection of calls for a distinct redress scheme for survivors of the Magdalene Laundries. Because the Minister for Education's recent letter (addressed to Mr. Tom Kitt, TD, dated 4 September 2009, ref. 0904695/SR) makes assertions that involve other government departments I am copying this letter to a number of your colleagues (listed below), but we ask that your department coordinate a formal response to matters outlined in this letter.

In the proposal from Justice for Magdalenes (JFM) that Mr. O'Keeffe was responding to, we proposed the establishment of a distinct Redress Scheme rather than an incorporation of Magdalene survivors under the terms of the Residential Institutions Redress Act, 2002. In doing so, we recognize that the nature of the State's relationship to the laundries was different from its relationship with residential institutions. Consequently, the only Magdalene survivors covered by the Redress Act are those young girls transferred from a residential institution (e.g., Industrial or Reformatory school) while still in State care.

Many other Irish children, however, were abandoned to the Magdalene laundries, many of them abandoned by their families. We assert that the State did have an obligation to provide for and protect these children from institutional child abuse. They were always Irish citizens. They were forcibly engaged in unpaid child labor. The Constitution governed the State's obligation to ensure that they receive a "certain minimum education" (Art. 42, sec. 3, sub. 2). It also asserts the State's right to "supply the place of the parents" in cases where parents "fail in their duty towards their children" (Art. 42, sec. 5). The means by which a child ended up in a laundry—whether she was abandoned by a family member or transferred from an industrial school—is immaterial as this did not obviate the State's constitutional obligation to protect her. That surely

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is what is meant by "cherishing *all* of the children of the nation equally." We ask that you bring this matter to the attention of the Minister for Children and request clarification as to the State's obligation toward these children.

Because the Religious Congregations will not release their records it is difficult to say with certainty how many girls entered the laundries in this fashion. However, the *Reformatory and Industrial School Systems Report, 1970* (i.e., The Kennedy Report) documents the State's awareness of two distinct populations of children confined in this manner. When discussing the Reformatory Schools, it states:

6.18: In some cases, these girls are placed on probation with a requirement that they reside for a time in one of several convents which accept them; in other cases they are placed on remand from the courts. A number of others considered by parents, relatives, social workers, Welfare Officers, Clergy, or Gardaí to be in moral danger or uncontrollable are also accepted in these convents for a period on a voluntary basis. From enquiries made, the Committee is satisfied that there are at least 70 girls between the ages of 13 and 19 years confined in this way who should properly be dealt with under the Reformatory Schools' system (page 39).

When addressing the Industrial Schools, the Report asserts that some there were "617 children ... resident in 'Voluntary Homes which have not applied for approval'" (page 12). Not all of these latter children were female, and thus not all of them entail Magdalene laundries. Notwithstanding such uncertainty, these two figures (70 and 617) offer a snapshot for the scale of the problem in 1969-1970. In recent months, JFM has been contacted by a number of survivors, all of whom were put into a laundry when still a child, some as young as 12 and 14 years of age. Some applied to the Redress Board. They were told precisely what the Minister tells JFM in his recent response: "[t]he Magdalen laundries are not listed in the Schedule to the Residential Institutions Redress Act, 2002." We ask that you again bring this matter to the attention of Minister for Education and ask for further clarification.

In his letter, Minister O'Keeffe characterises survivors as "former employees of the Magdalen Laundries." Whatever else the women were, JFM asserts that were never "employees." Rather than choose their labour, it was forced upon them. They were denied freedom of movement, among other basic human rights. If the Minister insists that they were "employees," however, then surely the State had a responsibility to ensure that the laundries themselves complied with the Factories Acts and other fair labour employment laws in terms of safe work practices, fair pay, regular work days, the right of free association, etc. We ask that you bring this matter to the attention of the Minister for Enterprise, Trade and Employment and ask for further clarification.

Minister O'Keeffe asserts that "[t]he State did not refer individuals to Magdalen Laundries nor was it complicit in referring individuals to them." JFM asserts that this simply is not the case and we are offering the following examples as evidence to support our claims.

(i) The *Department of Local Government and Public Health Annual Report, 1932-33* details the State's reliance on Magdalene laundries to serve women who gave birth to more than one child outside of marriage. The report reads, "... the Sisters-in-Charge of the Magdalen Asylums in Dublin and elsewhere throughout the country are willing to co-operate with the local authorities by admitting them to their institutions. ... The Magdalen Asylum offers the only special provision at present for this class" (Saorstát Éireann 1933, 129). This policy was still in place as late as 1958, when The Children's Home, a mother and baby home in Tuam, Co. Galway,



licensed and funded by the State, was sending "girls" that had "two confinements ... to the Magdalen Home Laundry in Galway." Seventy per cent of the women in the Sisters of Mercy Magdalen laundry in Galway at the time were "unmarried mothers" (Halliday Sutherland, *Irish Journey* 1958, 81-3). We ask that you refer this matter to the Minister for Health and request clarification on the stated policy above.

(ii) The State's judicial system routinely referred women to the Magdalene laundries. From my own research, I can document at least fifty-four instances dating from the mid-1920s to the mid-1960s. Often charged with crimes including "concealment of a birth," the woman's sentence was suspended if she agreed to enter a Magdalene asylum for a specified period of time (typically one to three years). The Central Criminal Court case files in the National Archives include committal orders from the courts detailing these referrals. Some files include correspondence between Judges and convent Mother Superiors outlining the terms of incarceration. Court probation officers escorted the women to the laundries. There is no record of the Probation Officers checking to ensure the women were ever released. It is possible, perhaps even likely, that some never left the Magdalene institutions. We ask that you refer this matter to the Minister for Justice and request clarification on the practice outlined above. Moreover, we ask that the Department of Justice demonstrate conclusively that every woman referred from the courts to a Magdalene laundry was released at the end of her period of confinement.

(iii) When introducing the Criminal Justice Bill before the Dáil on 28 June 1960, the Minister for Justice, Oscar Traynor, announced, "I acknowledge, with grateful thanks, the assistance on His Grace the Archbishop of Dublin who has made arrangements that St. Mary Magdalen's Asylum, Sean MacDermott Street, Dublin, will accept Catholic girls who may be remanded in custody" (*Dáil Éireann Parliamentary Debates* 183, 562). The Department of Justice was fully aware as to the function of the institution, stating in a memorandum prepared for the Taoiseach's office that:

It is a Convent, with a laundry attached, which older girls (over 17) may have to undertake to attend as a condition of their probation. They may refuse to attend, in which case they will be sent to Mountjoy. . . . Occasionally girls a little under 17 may be sent there on probation from the Children's Court, but that seldom happens (National Archives, Department of the Taoiseach, File S 13290).

When enacted, the Criminal Justice Act, 1960 provided for the use of this particular Magdalene laundry as a remand home for young women (sec. 9, sub 1). The legislation empowered the Minister for Finance to pay a capitation grant for women so-referred (sec. 14). We ask that you check your own departmental records, but also ask that you refer this matter to the Ministers for Justice and Finance and request that they demonstrate how many women were placed on remand in this manner and that they reveal the cost to the state to pay for such cases.

Ultimately, and contrary to Minister O'Keeffe's recent letter, JFM asserts that the State *did* refer individuals to Magdalene laundries and it *was* complicit in referring individuals to them. In light of these facts, Justice for Magdalenes reasserts its demand that the State introduce legislation for a distinct redress scheme for survivors. We contend that the State is morally obliged to apologize for its role in facilitating and silently condoning the abuse of generations of Irish women and children in these institutions.

We look forward to your response,



Sincerely yours,

James M. Smith
Associate Professor
English Dept & Irish Studies Program
Boston College
617-552-1596

Smithbt@bc.edu

cc. Minister for Children, Mr. Barry Andrews TD, minister_andrews@health.irlgov.ie
Minister for Education, Mr. Batt O'Keeffe TD, minister_okeeffe@education.gov.ie
Minister for Enterprise, Trade and Employment, Ms. Mary Coughlan TD, tanaiste@entemp.ie
Minister for Health, Ms. Mary Harney TD, minister's_office@health.irlgov.ie
Minister for Justice, Mr. Dermot Ahern TD, info@justice.ie