

8 February 2010

Ms. Mary Harney, T.D.
Minister for Health and Children
Department of Health and Children
Hawkin's House
Dublin 2
Rep. of Ireland
Minister's_Office@health.irlgov.ie

Mr. John Gormley, T.D.
Minister for the Environment, Heritage and Local Government
Department of the Environment, Heritage and Local Government
Custom's House
Dublin 1
Rep. of Ireland
minister@environ.ie

Dear Ms. Harney and Mr. Gormley,

I am writing on behalf of Justice for Magdalenes (JFM), the survivor advocacy group that has proposed a distinct redress scheme for survivors of the Magdalene laundries. As you may be aware, your colleague in government, Mr. Batt O'Keeffe, T.D., rejected our proposal last autumn (4 September 2009), asserting that the "State did not refer individuals nor was it complicit in referring individuals" to these institutions.

JFM has recently met with officials in both the Departments of Justice and Education. Our group has presented evidence undermining Mr. O'Keeffe's stated position. The Department of Justice now acknowledges that it referred women "On Remand" to one specific laundry and that the courts routinely sent women to various Magdalene laundries. Likewise, the Department of Education, at a meeting last week (2 February 2010), acknowledged its awareness that young girls were in the Magdalene laundries as late as 1970, and it is considering JFM's contention that the State failed to protect young girls' constitutional rights.

I am writing at this time to underscore the fact that evidence of State complicity also entails the former Department of Local Government and Public Health, responsibility for which is split between the Department of Health and Children and the Department of the Environment, Heritage & Local Government. It is important that your two departments now acknowledge their complicity in this matter. JFM would like to request a meeting to discuss these issues.

As the following evidence demonstrates, the Department of Local Government and Public Health knowingly acceded to the transfer of women from State- and Local Government-funded mother and baby homes and County Homes into Magdalene laundries. And, as acknowledged by the Department of Justice recently, the State was

2471

always aware that there was no statutory basis for confining women within these institutions.

The archival evidence supporting JFM's claims can be traced back to the Commission on the Relief of the Sick and Destitute Poor, which recommended mandatory incarceration for women applying for maternity assistance a second time: "there should be power to detain for a period of two years" (Saorstát Éireann 1928, 69). Likewise, the commission stipulates that in instances of a third or subsequent admission the Board of Health should have the power to "retain for such period as they think fit, having considered the recommendation of the Superior or Matron of the Home" (Saorstát Éireann 1928, 69). Signaling mandatory periods of detention in this manner endorsed the practice of transferring women from state-funded mother-and-baby homes into unregulated Magdalene institutions.

The *Department of Local Government and Public Health Annual Report, 1932-33* underscores that the Commission's recommendations were already adopted as official policy. The *Annual Report* details the State's reliance on Magdalene laundries to confine women who gave birth to more than one child outside of marriage. It clearly states: "With regard to the more intractable problem presented by unmarried mothers of more than one child, 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 into their institutions. Many of the women appear to be feeble-minded and need supervision and guardianship. The Magdalen Asylum offers the only special provision at present for this class" (Saorstát Éireann 1933, 129).

JFM can demonstrate that this policy was still in place as late as 1958. At that time, 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." Moreover, seventy per cent of the women in the Magdalene laundry in Galway at the time were "unmarried mothers" according to the Sisters of Mercy who operated the institution (Halliday Sutherland, *Irish Journey* 1958, 81-3).

JFM is asking that your departments acknowledge that this "special provision" was indeed State policy. We ask that you declare how long this "special provision" remained in place. We ask that you detail how many women entered the Magdalene laundries in this fashion, and how long they remained behind convent walls working in harsh and physically demanding conditions receiving no payment for their labour? We ask whether the Magdalene laundries in question were ever licensed, inspected or regulated by the Department of Local Government and Public Health? We ask that you make available all records detailing the fate of these women. Finally, given the fact that these women were mothers, we ask that you account for each of their children. How many of these children were taken into Industrial schools thereby providing capitation grants for

religious congregations? How many of these children were boarded out or placed in foster care?

It is significant that the Departments of Justice and Education have come forth and accepted their complicity in referring women to Magdalene institutions. Hopefully the Department of Health and Children and the Department of the Environment, Heritage and Local Government will now quickly follow suit.

Looking forward to your response,

Sincerely,

James M. Smith (electronic signature)

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