

BOSTON COLLEGE

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29 March 2010

Deleted: 8 February 2010

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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

Dear Ms. Harney,

Thank you for taking the time to meet with my colleagues from Justice for Magdalenes (JFM) on Thursday last (26 March 2010). Everyone in the group appreciates you taking the time out of your busy schedule. And, we are especially appreciative for your commitment to raise the issue of religious orders releasing their records with your colleagues at the cabinet table and at the upcoming meeting with the religious congregations.

I understand from Claire McGettrick and Katherine O'Donnell that you have asked us to resubmit our evidence detailing the Department of Health's complicity in referring women to Magdalene institutions. Much of this material was included in my letter to you dated 8 February 2010. I am happy to provide it again here.

As you may be aware, your colleague Mr. Batt O'Keeffe, T.D. (then Minister for Education), rejected JFM's proposed distinct redress scheme for Magdalene survivors last autumn (4 September 2009), asserting that the "State did not refer individuals nor was it complicit in referring individuals" to these institutions. Since this statement, JFM has presented evidence leading to admissions of complicity from both the Department of Justice and the Department of Education.

This letter outlines two bodies of evidence documenting Department of Health complicity. It is important that your department now acknowledges its complicity in this matter.

A: Transfers from Mother and Baby Homes to Magdalene Laundries

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

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into Magdalene laundries. And, as acknowledged by the Department of Justice recently, the State was 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 "special provision" 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 the Department of Health now 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?

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B. Capitation Grants for "problem girls" at religious convents

I attach a copy of a letter (below) detailing the former "Boards of Health" payment of capitation grants to the Sisters of Our Lady of Charity (of Refuge) for "Problem Girls" sent to the "An Grianan" institution at High Park, Drumcondra as late as 1972. "An Grianan" was a "Training Center" set up in 1969 at the High Park Magdalene Laundry. Survivors of the Industrial School at High Park have informed JFM that "An Grianan" was housed in the same building as the Magdalene Laundry, and that the "problem girls" slept in the Magdalene dormitory. Just in the past few days, Sinead O'Connor has written about her time at "An Grainan" (<http://www.washingtonpost.com/wp-dyn/content/discussion/2009/04/29/DI2009042902200.htm>)

It is notable that in 1972, "An Grianan" was receiving capitation grants for "problem girls" that were "On Remand" and "On Probation" via the Department of Justice [this process set in motion by the 1960 Criminal Justice Act] while at the same time receiving "problem girls" via the Boards of Health with a different capitation grant. From JFM's perspective this fact signals a disturbing contradiction—two different arms of the State were paying Capitations grants to the same institution for different populations of "problem girls," one group being referred for punitive reasons ("On Remand" and "On Probation"), the other being referred presumably for "protective" reasons (Health Board). Was the Department of Health aware at the time that the one institution contained such diverse populations of women?

JFM is asking the Department of Health to acknowledge its role in paying capitation grants for "problem girls" referred to "An Grainan." We ask that you make public all relevant information for similar payments made to other Magdalene laundries and religious convents. We ask that you explain the statutory basis upon which these capitation grants were paid. When did this arrangement originate, and how long did it continue? We ask whether these institutions were ever visited, inspected, licensed, or regulated? We ask whether records exist detailing the numbers of "problem girls" confined in this manner? Were any of these "problem girls" single mothers, and, if so, what became of their children? And, ultimately, we ask that the Department of Health make available all relevant records for the "problem girls" referred to Magdalene institutions under this scheme.

JFM is asking that the Department of Health now follow Justice and Education and acknowledge publicly that it was complicit in referring women into Magdalene institutions. Moreover, we urge you to use your position at the Cabinet table to promote what JFM has outlined by way of an official apology and a distinct redress scheme.

Please do not hesitate to contact me if you have any questions.

Sincere thanks,

James M. Smith (electronic signature)

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617-552-1596

Attached: Correspondence re: "An Grianan"

Grianan Training Centre,
High Park,
Drumcondra,
Dublin, 9.

31st July, 1972.

A Chera,

We wish to draw your attention to the following matter.

We have here a Training Centre for problem girls. Our Centre has also been certified as a Remand Home.

The Health Boards have paid maintenance at the rate of £8.25p. per capita per week. This has been increased to £9.90p. per week as from 1st, July, 1972. On the other hand, we receive only £7.75p. per week from the Department of Justice for the girls we have here on Probation although the same care and subsistence is accorded to each girl.

We consider that it is the Department of Justice which should pay a higher rate as the over-heads for a girl in trouble with the Law are usually much higher than for the girl in need of care and protection. It is difficult to understand how the rate of £7.75p. was calculated.

We ask you therefore to be good enough to investigate this matter and to have the maintenance rate brought up, at least, to the level of the Health Boards' allowance.

Is nice, is mess.

S. Columbia

Sister-in-Charge.

The Secretary,
Department of Justice,
(Prison Section)
72, St. Stephen's Green,
Dublin, 2.

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