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Senator Martin McAleese
Independent Chairperson
Inter-Departmental Committee

to establish the facts of state involvement with the Magdalen Laundries
Montague Court
Montague Street
Dublin 2

Dear Senator McAleese,

As we plan to meet this week, I wanted to submit in advance some additional archival evidence indicating state involvement with the Magdalene Laundries. Most of this evidence I compiled while conducting research at the National Archives and the Department of Health's Data Management Offices. This evidence augments earlier electronic submissions indicating state involvement that I forwarded to Nuala Ni Mhuircheartaigh on various dates since our formal meeting on 9 September 2011.

Apologies in advance for the length of this letter—I want to ensure to provide all the relevant information in one place and thereby help the Committee to follow up.

1. In an email dated 27 October 2011, I shared with Nuala evidence corroborating JFM's claim, outlined in "A Narrative of State Interaction with the Magdalene Laundries" (section 8.a. *Women transferred to Magdalene Laundries from State-funded Mother-and-Baby Homes*, pg. 30-1), that women were transferred from Mother-and-Baby Homes to Magdalene Laundries. The archival evidence stems from the Department of Health File A 124/34 "Children and Mothers in Special Homes: Annual Returns." I pointed out in the aforementioned email that:

You will note that the return for St. Patrick's for the year ended March 31, 1956 signals that one woman was sent to "St. Patrick's Refuge D'laoire," a Sisters of Mercy Magdalene Laundry. Similarly, the return from St. Patrick's for the year ending March 31, 1962 signals that two women were sent to "G/Cester Convent," presumably the Sisters of Our Lady of Charity Gloucester Street Magdalene Laundry, and one woman sent to "High Park Convent." The St. Patrick's annual returns further document that 60 women "Absconded" from that institution

between 1952 and 1973 (relevant because it suggests that women did attempt to escape from these religious run institutions).

I recently examined this file in person. In addition to returns for St. Patrick's, Navan Road, Dublin and Bessboro, Co. Cork (the two homes I had access to Annual Returns for before), the file contains similar information for Sean Ross Abbey, Roscrea, Castlepollard, Dunboyne and the Baby Home, Tuam—all state-funded Mother-and-Baby Homes. Many institutions did not fully complete the Annual Return document and "specify" where women were sent to upon leaving the Mother-and-Baby Home, although nearly all indicate that women were "sent to other homes" and/or list the "number of other discharges." Sean Ross Abbey, Roscrea is the exception. That institution indicates that they consistently sent women to the Good Shepherd Congregation upon leaving the Mother and Baby Home. I list the relevant information below in Table format, but attach copies of the originals below.

Year ended March 31st:	Number of women sent to other homes	Number of other discharges (specify)
1951	"to G.S.H."—5	To Hospital—2
1952	"to Co. Home (2 nd case)—1 to G.S.H.—5 to Hospital—6 to Mental Hospital—1"	Expectant Mothers—2
1953	"to G.S.H.—1 to Co. Home—1"	(Epileptic Hosp.)—1
1954	"(G.S.H.) —2	Exp. to own home—6
1955	"Married in Institution—1 Exp. home to marry—1 Sent to G.S.H.—1 Sent to Mental Hospital—3"	Other discharges—3 Exp. Home—2
1957	"G.S.H.—1 Hospital—4 Mental Home—4"	Expectant Home—7
1958	"Sent to G.S.H.—1 Sent to Hosp.—4"	
1961	"Sent to G.S.H.—1	Ex Mothers—6 1 to Hospital
1963	"Sent to Good S. Convent—2 Sent to Navan Road—1	Hospital—4 Exp Mothers discharged—7
1964	"Sent to Good S. Convent—4"	To Hosp. —1 Ex Mothers discharged—5
1965	"1 Admitted & Discharged 1 Good S. Convent	1 to Mental Hospital Ex Mothers Discharged—6
1968	"Good Shepherd Convent—1 Orwell Road, Rathgar—1	To Hospital—2 Expectant Mothers Home:—14

Because Sean Ross Abbey did “specify” to which institutions certain women were sent, we know that at least 25 ended up Good Shepherd “homes” during this period. It is probable, indeed likely, that these “homes” or “convents” refer to the Congregation’s Magdalen Laundries in Limerick, Cork, Waterford and New Ross.

Likewise, I would point out that the 1968 Annual Return indicates that at least one woman was transferred from this Mother-and-Baby home to The Bethany Home, Orwell Road, Rathgar, Dublin. The Bethany Home also accepted women from the Irish Courts on probation and/or upon a suspended sentence being conferred, in much the same way that Catholic women were transferred from the courts directly to the Catholic Magdalene Laundries.

As important as the Sean Ross Abbey evidence is for what it documents, i.e., a consistent pattern of traffic between Mother-and-Baby institutions and Good Shepherd institutions (most likely Magdalene Laundries), it is equally important for what it suggests about the other Mother-and-Baby homes (Bessboro, Castlepollard, Tuam, Dunboyne, and Navan Road) who choose not to “specify” where women were sent to when completing their Annual Returns. Such information is germane, I suggest, to the work of establishing State interaction with the Laundries involving the Department of Health.

Finally, you will note that the five latest annual returns indicated above (1961, ’63, ’64, ’65, and ’68) also provide information on the destination of children adopted from the Sean Ross Abbey. In addition to listing the numbers of children adopted in different countries (e.g., “Irish, USA, Scotch, English”), the forms also reveal that children were routinely transferred to an array other institutions, mostly State-registered Adoption Agencies, including St. Patrick’s Guild, Catholic Protection & Rescue Society, Stramullen, and Orwell Road, Rathgar, Cappagh, and Eccles St.

It would appear, therefore, that Sean Ross Abbey, a state-funded and licensed Mother-and-Baby Home, discharged unmarried mothers by transferring them to Good Shepherd Magdalen Laundries *and* sent some of these women’s children for adoption via an array of State-licensed Adoption Agencies.

JFM asks the Inter-Departmental Committee to determine the extent of this practice—both the extent of transfers between such institutions and the adoption of children born to women transferred to Magdalene institutions. And, I direct you again to the set of questions outlined on pg. 31 of our initial submission to the Committee. This latest information only heightens the need for continued investigation of these issues.

2. I also discovered two instances of Department of Health officials recommending the use of Magdalene Laundries to confine/contain “problem women.” Both examples point to the State’s understanding that the Laundries were always available to provide for women in need.

a. On 29 September 1956, the Secretary, Carlow County Council wrote to the Secretary, Department of Health seeking advice regarding a married woman who had one child with her husband (cared for by his family) and two subsequent children with other men. One of these latter children was boarded out. The other child and the mother were resident in the "Sacred Heart Home, Carlow." The letter concluded with the following statement, "The County Manager would be glad to know whether the Department could suggest any Home or Institution to which mother and child might be admitted."

This correspondence led to a series of Department deliberations (see notes dated 4.10.56; 22.11.56; 14/11/56; and 30/11/56 attached). It is clearly stated within these internal notes back and forth between officials that the Department should advise the Carlow County Manager to send the child in question to the "Ind Sch (St. George's) Good Shepherd Convent, Limerick" and that the mother "if willing" be "admitted to St. Mary's (the Penitentiary) at the same convent." This is exactly the advice forwarded to the Secretary, Carlow County Council on 3 December 1956 as directed "by the Minister for Health" (see copies below):

I am directed by the Minister for Health to refer to your letter of 29 September, 1956, (ref. HA.34) regarding a suitable Home or Institution to which a Mrs. D_____ and her 8 year old daughter, Anne, might be admitted and to suggest that Anne might be placed in the Good Shepherd Convent, Limerick, (St. George's Industrial School) and her mother induced to go at the same time to the same convent (St. Mary's).
[See Department of Health File A 124/23 Homes for Unmarried Mothers, 1951-57, NATARCH/ARC 10/410763]

b. In a similar vein, Dr. W. Sterling Berry, Secretary & Registrar, The Hospital of St. Margaret of Cortona, Townsend Street, wrote to the Secretary, Department of Local Government and Public Health on 12 September 1946 regarding the "great difficulty ...being experienced in finding foster mothers even for healthy babies. Local Authorities will not take these children unless the mother accompanies the child." In his response, dated 27 November 1946, the Secretary of the Department wrote the following:

The care of infants as well as the general work of County Homes is, as a rule, carried out by mothers who are maintained therein and the motherless child is liable to neglect, but there should be no difficulty in having infants, who are chargeable to counties Galway, May and Dublin (including Dublin City) where proper care can be given to motherless infants, discharged to the public assistance authority concerned. Where an unmarried mother is willing to go into an institution such as the Good Shepherd Home for penitents, the baby should be discharged to the public assistance authority concerns. ...
[See Department of Health File A 124/9 Foster Mothers, CEL/INACT/0/478458]

Both examples, (a) and (b) above, suggest that the Department of Health (formerly the Department of Local Government and Public Health) was not only aware of the

operation and function of the "Good Shepherd" convent "Home(s) for penitents" but also that the Department relied on the availability of these and similar institutions for cases involving so-called 'problem women' and unmarried mothers. In advising Local Government officials, in the former instance, and Public Health Professionals/Administrators, in the latter, as to the suitability of Magdalene institutions as a place of confinement for such women, the State signaled that such placements were appropriate. Moreover, in doing so, the State abdicated its primary responsibility for marginal and vulnerable citizens to Catholic sisterhoods who often were ill trained to provide for them and moreover had a competing financial/commercial motivation to seek such women out.

3. In an email dated 26 January 2012, I forwarded to Nuala archival evidence suggesting that the Prison Service occasionally turned to the Good Shepherd Nuns to accept into their care women who had served a life sentence for capital crimes. The document (copy below) lists two such instances from 1940 (██████████, sentenced in 1924, spent over 18 years in prison) and 1942 (██████████, sentenced in 1925, spent over 17 years in prison). You will note the language at the bottom: "These women were not considered quite normal. They were kept in prison for such a long period as no person could be found to look after them on release. The Good Shepherd Nuns finally agreed to take them." It is important to recognize that these women would likely have been destitute without the assistance of the Good Shepherd Nuns--neither family nor society was prepared to help in their time of need.

That said, the evidence begs a few questions: (i) Did the women end up in one of the Good Shepherd Magdalene Laundries and if so did they work in the laundry and thus were they subject to the abusive conditions therein? (ii) How many other instances of this phenomenon occurred after 1942? Were additional women serving long prison sentences directed to the Good Shepherds and other congregations because no one wanted them? Once again, this evidence underscores the State's willingness to abdicate responsibility for "problem women" to Nuns in the face of no readily available alternative.

I should add that a ██████████ died at a Cork Magdalene Laundry in 1963 (according to names listed on a gravestone at St. Finbarr's Cemetery in the city). If they are one and the same woman (and again, that is by no means certain), it would mean that ██████████ served over twenty years beyond her State sentence confined in a Magdalene institution, and presumably was compelled to work for part of that time. The implications of that being the case are quite serious from JFM's perspective.

4. While in the National Archives recently, I also had cause to examine archival material related to the various Factories Acts and the Factory Inspectorate Service. I wanted to follow up on the direction offered to the Inter-Departmental Committee by the late Mary Raftery, in her last published Opinion-Editorial addressing the Magdalene Laundries (*The Irish Times*, 20 June 2011).

To date, I have only examined two Department of the Taoiseach Files, [S9951B/1 Factory and Workshop Acts, 1901-1920. Factory Inspection, Annual Reports, 1947-1969/70 & S 9951 C Factory & Workshop Acts 1901-1920/ Factory Inspection Annual Reports 1951-1969/70. Industrial Inspectorate, Annual Reports 1971-1974]. These files do not really address the historical contexts for the 1955 legislation, which remains something I hope to examine at a later date.

What is revealing from reading these files is that there was a Factory Inspectorate Service operating in the State, that this Inspectorate published an annual report documenting, among other things, the numbers of Irish factories inspected, the numbers of fines and prosecutions for unsafe work practices, as well as recording the numbers of young people entering the work force on an annual basis. Moreover, a copy of the Inspectorate's Report was forwarded to each member of the Cabinet together with a "Memorandum for Government" on an annual basis.

The "Memorandum for Government" typically explained the purpose of the Annual Report as follows:

Since 1922 a formal report has been prepared each year indicating the number of premises on the Register of Factories and Workshops and the percentage inspected, the number of young persons examined by certifying surgeons with a view to the issue of certificates of fitness for employment in factories, the number of accidents classified according to industry, age, sex and causation, the number of prosecutions, the number of premises under special Regulations for dangerous or unhealthy trades, together with a list of the Acts relating to conditions of work in factories and workshops

A Table depicting the information for the current as compared to the previous year typically accompanied this explanation. I include a number of examples below:

	1946	1947
Percentage of premises on Register inspected	41.4	61.6
Prosecutions ...	11	11
Accidents: Total No. Reported	1397	1382
No. fatal	8	13
Cases of sopsis	87	94
Dangerous Occurrences: Fires	11	9
Collapse of Lifting Appliance	2	-
Certifying Surgeons: New Appointments	15	11
No. of young persons examined	5275	5611
No. rejected as unfit		
(a) girls	96	164
(b) boys	68	87

	1948	1949

Percentage of premises on Register inspected	53.8	57.7
Number of visits made to Premises	8662	9248
Prosecutions ...	23	10
Accidents: Total No. Reported	1370	1329
No. fatal	11	14
Cases of sepsis	51	73
Dangerous Occurrences: Fires	9	14
Collapse of Lifting Appliance	-	-
Certifying Surgeons: New Appointments	-	12
No. of young persons examined	5730	6174
No. rejected as unfit		
(a) girls	130	183
(b) boys	76	67

	1949	1950
Percentage of premises on Register inspected	57.7	69.5
Number of visits made to Premises	9,248	10,432
Prosecutions ...	10	17
Accidents: Total No. Reported	1329	1,422
No. fatal	14	12
Cases of sepsis	73	54
Dangerous Occurrences: Fires	14	3
Collapse of Lifting Appliance	-	1
Certifying Surgeons: New Appointments	12	22
No. of young persons examined	6174	3,880
No. rejected as unfit		
(a) girls	183	80
(b) boys	67	36

	1951	1952
Number of premises on register	12,684	12,735
Number of visits made to Premises	9,399	9312
Prosecutions ...	35	11
Accidents: Total No. Reported	1264	1,156
No. fatal	18	19
Cases of sepsis	73	54
Certifying Surgeons: New Appointments		
No. of young persons examined	5,478	4,325
% rejected as unfit	1.6%	0.8%

These Reports and various “Memorandum for Government” beg a series of important

questions pertinent to the work of the Inter-Departmental Committee.

- Were Magdalene Laundries, which were considered Factories under section 84 (1) of the Factories Act 1955, inspected as part of the Factory Inspectorate Service? If so, do reports survive? If not, why not?
- Survivor testimony suggests that industrial accidents were routine in the Laundries. Were such accidents reported and did follow-up inspections take place? Do records survive indicating the number of “fatal” accidents or “loss of limbs” being reported from Magdalene institutions?
- Survivors also speak about the very young ages of some girls working in the Laundries. The Ryan Report (Vol.3, Chp. 19) echoes that testimony, suggesting that some girls as young as 10 years old worked in these Institutions. Did a State Certified Surgeon examine young women under the age of sixteen working in the Magdalene Laundries? Were these girls not entitled to the same protections afforded to their sisters working in commercial, as distinct from Institutional, factories?

If the Magdalene Laundries were omitted from inspection and regulation, and given the State’s provision of an investigation and reporting procedure for precisely that purpose, then one must ask the same question posed by Felice Gaer at the UNCAT hearings last May, “were they [the Magdalene Laundries] exempt?” And, it remains for the State to answer why this may have been the case?

Finally, I note the Memorandum for the year 1956 (dated 9 Sept. 1957), which cites the governing domestic legislation requiring the publication of an annual Report, but goes on to state the following:

3. The particulars given in the Report fulfill the requirements of Convention No. 81 of the International Labour Organisation concerning Labour Inspection in Industry, ratified by Ireland on the 16th June, 1951.

Given the Irish Human Rights Commission’s (IHRC) arguments, as laid out in its *Assessment Report* (9 November 2010), regarding Ireland’s ratification of ILO Conventions and the State’s obligation to protect workers from forced or compulsory labour, it is noteworthy that the State in this particular instance heralds the Inspectorate Services Annual Report as fulfilling those obligations when simultaneously the State was failing to protect women and young girls working in the Magdalene Laundries.

In conclusion, I will continue to submit material as it comes to my attention. Again, please don’t hesitate to contact me if you want to discuss further any of the above.

Sincerely,

James M. Smith

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