

From: James Smith [REDACTED]

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To: "<Nuala.NiMhuircheartaigh [REDACTED]>
[REDACTED]"

Subject: A new form of State Interaction

Dear Nuala,

Hope this finds you well. I have been up and down to the National Archives working primarily on my new research project. That is going well thus far, and I am into a routine of spending Tues and Wed in Dublin and the remainder of my time here in the west. I also met recently with Patricia Burke Brogan -- are you still planning on taking with her? I think her insight on this issue is particularly relevant? I presume you were not able to speak with Mary Raftery before she passed (that was so very sad, and such a loss for the nation ... not to mention for her family and friends)?

But, while in Dublin I came across a new form of State Interaction with the Magdalene Laundries, as well as some additional relevant material on the Factories Act re: inspections and reporting of industrial accidents.

First though the new form of interaction. It would appear from the attached document that the Prison Service occasionally sought assistance from the Good Shepherd Nuns to accept into their care women who had served a life sentence for capital crimes. The document lists two such instances from 1940 ([REDACTED], sentenced in 1924, spent over 18 years in prison) and 1942 ([REDACTED], 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." I think it is important, obviously, to recognize that in all likelihood these women would have been destitute without the Good Shepherd Nuns--neither family or society was prepared to help. There is little doubt here that the women in question were absolutely abandoned with no where else to go--I found a local cork newspaper account about the funeral and burial of one of the women's mothers in which it implies the convicted daughter died while in prison, and obviously that was not the case. 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 made subject to the abusive conditions therein? (ii) How many other instances of this phenomenon occurred after 1942? Were other women who served long prison sentences directed to the Good Shepherds and similar congregations? At the very least, this certainly suggests the State's willingness to abdicate responsibility for "problem women" onto the Nuns in the face of no readily available alternative.

We are planing to pull Census data for these two women from 1901 and 1911, and that will in turn help us identify death certificates we hope. I should add that

a [REDACTED] died at a Cork Magdalene Laundry in 1963 (according to names listed on a gravestone at St. Finbarr's Cemetery in the city), and **if** (a big if, I know) that is the same woman it would mean she served over twenty years beyond her State sentence working in a Magdalene institution. Obviously, I will come back to you once we clarify this further. But, in the meantime, I thought you might want to follow up with the prison section at the Department of Justice to see if they can shed further light on this matter.

I have to rush to a meeting now, so I will write about Factories Acts again ... but suffice to say that there was a very detailed annual report dating back to the earlier Factories Acts (1908-1920) mandating inspections, reporting of industrial accidents, and medical examinations of all young people (under 16) applying to work in a factory. Summaries of these annual reports were discussed at cabinet level right through the mid-1950s when the new legislation took over—which even more overtly signals that institutional laundries were covered by the governing legislation. The crucial issue here would seem to be "why" were the magdalen laundries omitted from such investigation and reporting procedures when it is evident from the carefully detailed annual reports and government memoranda that there was an apparatus in place for precisely that purpose. As Felice Gaer asked at the UNCAT hearings, were the Magdalene institutions exempt?

Best wishes and talk soon,

Jim

CONVICTS SERVING LIFE SENTENCES (...HAVING BEEN ORIGINALLY SENTENCED TO DEATH) FROM 1866 TO 1920 - WITH DATES OF RELEASE.

Released between 1905 and 1922.	Date of sentence.	Date of release.	Period served.
[REDACTED]	11/4/88	4/5/05	17 years
[REDACTED]	11/4/88	27/4/03	15 "
[REDACTED]	6/12/89	12/1/07	17 "
[REDACTED]	9/12/96	1/6/12	13 1/2 "
[REDACTED]	21/3/03	16/5/14	11 "
[REDACTED]	8/4/04	3/5/17	13 "
[REDACTED]	3/6/04	22/10/14	10 "
[REDACTED]	20/3/05	6/10/17	12 1/2 "
[REDACTED]	7/12/05	1/1/18	12 "
[REDACTED]	10/12/06	24/6/18	8 1/2 "
[REDACTED]	15/12/08	5/5/17	8 1/2 "
[REDACTED]	11/4/10	26/4/19	9 "
[REDACTED]	2/12/13	1/1/19	5 "
[REDACTED]	6/12/15	26/2/19	3.1/3 years.

A large number of convicts under sentences for life were transferred to English Penal Prisons at the end of 1920. We have no record of dates of release.

B. Released between 1922 and 1931.

[REDACTED]	4/11/15	16/3/27	11.1/3 years
[REDACTED]	6/12/15	15/12/28	13 "
[REDACTED]	1/6/16	9/12/20	4.1/3 "
[REDACTED]	10/12/18	17/12/28	10 "

C. Released between 1932 and 1944.

[REDACTED]	30/10/23	10/3/32	8.5/12 "
[REDACTED]	23/11/23	30/6/32	8.7/12 "
[REDACTED]	26/11/23	30/6/32	8.7/12 "
[REDACTED]	12/2/24	18/12/28	4.10/12 "
[REDACTED]	21/2/24	6/3/26	2.3/12 "
[REDACTED]	25/1/26	21/6/32	6.5/12 "
[REDACTED]	4/2/26	21/6/32	6.5/12 "
[REDACTED]	21/6/29	12/12/36	7.0/12 "

* Eucharistic Congress releases.

WOMEN CONVICTS SERVING LIFE SENTENCES WITH DATES OF RELEASE.

[REDACTED]	10/3/05	1/12/17	12 3/4 years
[REDACTED]	9/3/05	1/12/17	12 3/4 "
[REDACTED]	12/12/24	18/7/30	5.7/12 "
[REDACTED]	27/2/24	23/10/42	18.2/3 "
[REDACTED]	30/6/25	18/9/42	17 1/2 "
[REDACTED]	21/6/29	25/1/36	6.7/12 "
[REDACTED]	6/6/32	21/7/41	9.1/12 "

* 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.

Notes:

On 24th March, 1945, [REDACTED] will have served a term equivalent to a sentence of 13 years penal servitude.

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