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HISTORICAL INSTITUTIONAL ABUSE INQUIRY
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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 2nd September 2015

commencing at 10.00 am

(Day 135)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

1 Wednesday, 2nd September 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.50 am)

5 Opening remarks by MR AIKEN (COUNSEL TO THE INQUIRY) (Cont.)

6 CHAIRMAN: Good morning, ladies and gentlemen. Before we
7 start can I remind everyone to please ensure that their
8 mobile phone has been turned off or at least placed on
9 "Silent"/"Vibrate" and also remind you that no
10 photography is permitted either in the Inquiry chamber
11 or indeed on the Inquiry premises.

12 I am sorry we are a bit late starting this morning,
13 but there were quite a number of documents that the
14 Panel had to consider before we were ready to sit this
15 morning.

16 Now, Mr Aiken.

17 MR AIKEN: Chairman, Member of the Panel, good morning.

18 Before I begin we took appearances yesterday.

19 Mr~Collins is in attendance this morning.

20 CHAIRMAN: Yes.

21 MR AIKEN: Not a stranger to the Inquiry. He appears for
22 a number of the Brothers who face allegations during the
23 course of the evidence that you are going to hear over
24 the coming weeks.

25 When I finished --

1 CHAIRMAN: I don't think you need to record your appearance
2 again, Mr Collins. We have it. Thank you very much.

3 MR AIKEN: When I finished last evening, Members of the
4 Panel, we were looking at the 1950 inspection report
5 involving Miss Forrest and Dr Simpson, and the
6 conclusion that was expressed in that report was that
7 St. Patrick's in general remained an excellent
8 institution with a cheerful and homely atmosphere and
9 the training received was said to be of the highest
10 order. The boys looked healthy and happy.

11 I was drawing your attention to the contrast between
12 what was being said in that inspection report by the
13 author compared to the 1953 document which we looked at
14 a number of times in the earlier modules, when the same
15 lady conducted a review of various children's homes and
16 expressed rather stark views about some of those that
17 she had visited.

18 The inspection of December 1951 is also available.
19 I am afraid this is going to be one of the last that we
20 are in a position to look at. If we can look, please,
21 at 10393. In this year it is recorded that there were
22 150 boys in residence. You can see there were two
23 voluntary pupils amongst them. There were 134 boys from
24 1950, including six voluntary pupils. You can then see
25 set out on the document those who were admitted during

1 the year, those who were discharged, those who were
2 licensed and then the number of absconders were recorded
3 and those who had been traced.

4 Reference is made to the health of the boys. I was
5 drawing your attention in the inspection of yesterday to
6 the fact that BR39 was putting forward the idea of
7 a medical card that would encompass all training
8 schools. So it was one document that went across the
9 various institutions. You can see it is now:

10 "A modern card index system of medical records
11 cards, which incorporates the new medical record card
12 for training schools, is kept in a filing cabinet in
13 a well-equipped medical room."

14 So what he had been suggesting in terms of a uniform
15 training school medical card appears to have now come
16 into existence.

17 As we scroll down, reference is made to the fact:

18 "In view of the new school building, which is
19 presently in the course of erection, it is undesirable
20 to spend too much money on the existing building."

21 The present conditions are then described. They
22 record that they were impressed by the kitchen and
23 dining room accommodation and consider real ingenuity
24 has been displayed in the design of the chairs that were
25 being looked at.

1 You can see then they visit the site of the new
2 school on the Glen Road where work was in progress.

3 CHAIRMAN: Just can we pause a moment? We see a reference
4 to electric light and power having been laid on to most
5 of the dormitories.

6 MR AIKEN: Yes. It perhaps assists with the context that --

7 CHAIRMAN: So some had no light or power.

8 MR AIKEN: Yes. The inspectors then go on to talk about the
9 training facilities, the public elementary school, and
10 various classrooms and the trades, as it were, that are
11 being taught. They were looking to replace a particular
12 type of training with an alternative.

13 If we scroll down, please, the recreation facilities
14 are then described as the same as last year. They were
15 looking forward to the new playing fields at the new
16 school.

17 Then as a minor criticism:

18 "We thought one or two of the senior boys were
19 rather untidy in their dress, and while we do not expect
20 boys working at their benches to be quite spick and
21 span, we would like to see their working clothes kept in
22 better repair."

23 But the conclusion again is:

24 "In general, this remains an excellent institution
25 with a cheerful, homely atmosphere. The training

1 received is obviously of the highest order. All the
2 boys seen appeared healthy and happy."

3 That's then signed by Dr Simpson and Miss Forrest.
4 So positive reflections are being recorded in respect of
5 the training school.

6 I should say in passing that there are documents
7 that would suggest that there was an annual medical
8 report within the Department of Health. It is not clear
9 whether the short paragraph at the beginning of the
10 Children's Inspector's report that we have just looked
11 at on screen is what's being referred to or there was
12 some other, more detailed medical report from the likes
13 of Dr Simpson. We haven't been able to find any
14 documents to suggest there were these other reports.
15 That's not to say that there weren't.

16 Now just at this point so that you can see what
17 happens to the inspection as far as training schools are
18 concerned, and I appreciate the context of this is when
19 the new Act is coming into force and bedding down, if we
20 look at 10392, please, we can see that the report is
21 being considered then. If we just -- 10392. So you can
22 see the handwriting is about the report of the
23 inspection by Ms Forrest and Dr Simpson on 18th
24 December 1951. It is being recorded:

25 "To see if there seems to be a high standard of

1 efficiency in running the school and according to this
2 report this standard is being maintained."

3 It refers to the one minor criticism:

4 "It is proposed, subject to your approval, to send
5 a copy of this report to the managers as in former
6 years and I have no doubt that he will note the above
7 criticism and deal with it without his attention being
8 drawn to the matter.

9 It is interesting to note the training in metalwork,
10 as some such trade is to replace training in shoemaking.
11 This should be better for the boys.

12 The recommendations for the installation of electric
13 heaters in the dormitories has been noted and I think
14 there is no doubt that BR39 will take this matter up
15 promptly and that we will soon be hearing further about
16 this matter."

17 I am not sure whether that was code for there was a
18 suggestion they be asked to fund the heating.

19 Then the person that that note is written to agrees
20 that:

21 "A copy of the Inspector's report should be sent to
22 the manager for his information, but I think the -- he
23 should be asked for his observations on the points
24 marked at A, B and C."

25 If we were looking back at the inspection report,

1 that was the annotation in the left-hand side.

2 Then there seems to be a reference:

3 "I agree. I was present at this inspection. Was
4 favourably impressed by the way this school is
5 conducted."

6 Now on 1st February -- if we can bring up, please,
7 10389, on 1st February 1952 a memo set out the procedure
8 in the Ministry of Home Affairs so that the Secretary to
9 the Minister would see the training school reports, and
10 the Secretary would show them to the Minister as the
11 Secretary considered necessary. So you can see:

12 "I notice from a prison file that it has been the
13 custom here over a great many years to regard reports of
14 inspectors on the borstal and training schools as
15 a purely routine matter and to deal with them as such.
16 The practice appears to have been that the report is
17 dealt with by the principal officer, is seen by the
18 Assistant Secretary and then sent out verbatim to the
19 institution concerned. It appears to have been quite
20 an exceptional proceeding for the report to go to the
21 Secretary and to have been more exceptional for it to
22 have gone to the Minister.

23 So far as this part of the procedure is concerned,
24 while it may have been in the past that these reports
25 were not of any particular importance, with the amount

1 of limelight that has now been shed upon the question of
2 juvenile delinquency, the position has altered and in
3 future all such reports should come to me and I will
4 then pass them on to the Minister unless they are of
5 a very routine character."

6 Now if we can just pause there, you will recall
7 yesterday you saw a letter from the Minister of Home
8 Affairs to the Prime Minister in 1948. There was
9 a White Paper from 1948 that heralded the introduction
10 of the 1950 Act to bring more structure and control to
11 the Ministry over juvenile justice, and here someone
12 that's high up in the Ministry is putting in place
13 a system that's going to see the inspections considered
14 more rigorously at the top level.

15 CHAIRMAN: Well, I think we may assume that's the Permanent
16 Secretary.

17 MR AIKEN: Yes. He then goes on to say:

18 "A more important aspect of the matter, however, is
19 that the procedure of sending the Inspector's report
20 verbatim to the person or authority concerned is
21 entirely wrong.

22 An Inspector's report is well recognised as
23 a confidential document and as such it is regarded as
24 a privileged document by the courts.

25 There are two ways in which the report should be

1 communicated and they are:

2 The Ministry should send a letter to the authority
3 concerned saying that it is enclosing extracts from the
4 report of its Inspector on the occasion of his visit to
5 the institution on such and such a date and request the
6 attention of the authority to the matters referred to
7 therein; any particular matters can, of course, be
8 stressed.

9 The second method is that a letter should be written
10 saying that the Ministry has received the report of its
11 Inspector consequent upon his visit to the inspection,
12 that the Inspector reports so and so and so and the
13 letter then proceeds to give erratic oblique (sic) the
14 substance of any matters referred to by the Inspector
15 which it thinks should be brought to the notice of the
16 authority."

17 So two things are happening here post the
18 introduction of the 1950 Act. The Ministry of Home
19 Affairs, inspection reports of training schools are
20 going to be seen at Permanent Secretary level and
21 brought to the Minister's attention as necessary unless
22 they are -- unless they are routine, and how the
23 conclusions of the inspectors are disseminated is being
24 set out, and we can then see that policy being
25 implemented by the letter to the manager of

1 St. Patrick's.

2 If we look at 10395, the letter has possibly -- it
3 is 2nd February 1951, but it may be it is meant to be
4 2nd February 1952. This is the one from February 1951
5 sending the whole report.

6 If we can just scroll up the page, please. Scroll
7 up, please. Sorry. The other way. I think that's the
8 1951 report being sent rather than the 1952. I will
9 have to come back to you with the right reference.

10 In 1952 then the school became subject to the
11 training school rules, and we discussed last evening how
12 they seemed to mirror what was already in place for
13 St. Patrick's in their own generic version from 1948.

14 At the same time as per the inspection report work
15 was continuing on the Glen Road site with the Brothers'
16 house on the site completed in 1952, and it still stands
17 today and operates as part of the Glenmona Resource
18 Centre.

19 By way of background, Glenmona provides residential
20 care and education for up to 28 young people. So it's
21 a much smaller facility than St. Patrick's Training
22 School, and again it is for children between the ages of
23 11 and now 18.

24 Unfortunately, for reasons that are unclear, we have
25 been unable to locate any further inspection reports for

1 the rest of the 1950s and the 1960s, although it is
2 clear from material the Inquiry has obtained that annual
3 inspections were taking place and I will explain what
4 I mean by that.

5 We get into greater difficulty then in the '70s when
6 we don't have the inspection reports, nor do we have
7 material that allows us to see the inspections taking
8 place, but if the pattern is as directed by the
9 Ministry, then you can take it that where there was
10 an annual report, it was being seen by the Permanent
11 Secretary, potentially seen by the Minister, and the
12 process of dissemination of the findings was going to
13 then be dealt with in accordance with the policy
14 document that we have looked at.

15 We are able to assist with showing when inspections
16 appear to have taken place and as part of the chronology
17 I am going to illustrate that. The source of evidence
18 for this is the St. Patrick's log book in which key
19 events appear to have been recorded. I will give you
20 some examples of that.

21 If we look at 10446, if we just scroll down, please,
22 there is a reference to the meeting of the board taking
23 place. Just scroll down.

24 CHAIRMAN: Is it not at the top of the previous page?

25 MR AIKEN: Yes. Sorry. Go back up to the top of the page,

1 please. Yes.

2 "Miss Miller, Ministry of Home Affairs, visited the
3 school."

4 You may recall from earlier modules Miss Miller was
5 another one of the Children's Inspectors. So this would
6 appear to be her conducting the annual inspection. It
7 had been December and now it has moved slightly forward
8 into January, the last one being December 1951.

9 You can also see from the reference -- if we scroll
10 down to 16th February, you can see it recorded:

11 "Visit of probation officers."

12 If we scroll down a little further, we should find
13 reference to the Child Welfare Council visiting. Yes.
14 So you can see:

15 "The Advisory Council on Child Welfare visited the
16 school today."

17 The Child Welfare Council then produced -- and there
18 were a series of them over the ensuing twenty years --
19 a series of reports were produced. So one of the places
20 they were visiting was St. Patrick's.

21 We can see in October 1953 at 10450, please, if we
22 scroll down to the bottom of the page to the underlined
23 portion, you can see that Dr Simpson and Miss Forrest of
24 the Ministry of Home Affairs are recorded as having
25 visited the school.

1 There is a similar entry at 10452 for October 1954.

2 You can see again Ministry inspectors, Dr Simpson and
3 Miss Forrest, doing an annual inspection.

4 On 10th August 1955 the log book records a visit
5 from the then George Hanna, later His Honour
6 Judge Hanna, who was the Minister of Home Affairs
7 between 1953 and 1956. So the Minister himself was
8 visiting. He is recorded as visiting St. Patrick's
9 holiday camp, if we look at 10454. By this time the
10 Order had acquired the use of a holiday home in
11 Glenariff. We will see that in the context of some of
12 the allegations during the ensuing weeks. The Minister
13 is recorded as having -- if we just scroll down, please,
14 until we get the underlying portion, so the Minister has
15 called to visit in Glenariff, and in a similar fashion
16 to Rubane the pattern at St. Patrick's was for large
17 groups of boys in the school to go for periods of
18 holiday.

19 The log book at 10455 records the annual inspection
20 taking place involving Dr Simpson and Ms Wright on 29th
21 November 1955.

22 Just scroll down, please. There is a similar entry
23 relating to the annual inspection on 30th November 1956
24 at 10456.

25 Now at this point while still based in Milltown

1 numbers are generally around 170 boys resident per
2 annum. If we look at 10457, we can see a visit to the
3 training school of Lord Wakehurst, the Governor of
4 Northern Ireland between 1952 and 1964.

5 At the bottom of 10458 we can see that on 31st
6 May 1957 the then Minister, Walter Topping, visited the
7 school. He was the Minister of Home Affairs between
8 1956 and 1959.

9 So you can see that while the school has been at
10 Milltown up to 1957 it appears to have been annually
11 inspected by the Ministry of Home Affairs and in
12 addition to that various dignitaries and Ministers have
13 themselves gone to visit the premises.

14 At this point in time the school is moving then on
15 to the Glen Road site. The new school was officially
16 opened on 10th September 1957 by Bishop Mageean, the
17 then Bishop of Down & Connor. The programme from the
18 opening, which is available to the Inquiry, described
19 the facilities that made up the new St. Patrick's
20 Training School. The first of the 27 witnesses relates
21 to this period from 1957 to 1960.

22 The document, which I am not going to go through,
23 for the opening begins at 10022, but it contains some
24 pictures of the premises. If I can show you 10026. We
25 looked at the Milltown picture yesterday. This is

1 an image of the training school at the Glen Road. If we
2 can scroll down, please, on to the next number of
3 pages and perhaps if there is any you want to see, we
4 can pause at. So you have the chapel, the recreation
5 room. Then you have some examples of the woodwork and
6 cabinet making shop, the engineering department, the
7 boys' dormitory. That gives -- just pause there -- that
8 gives you some idea of the form of the dormitories. You
9 will recall this being a major issue in the debate
10 between Ministry policy of small units and the views of
11 the Diocese and the Order that in their view control
12 could be better maintained by large dormitories in terms
13 of supervision. You then can see the boys' dining hall
14 and then we move back into the text, which is explaining
15 the facilities that are available.

16 The school, to try to put some context to this, as
17 I said, was on approximately 100 acres. So it was
18 a very large complex on a very large site. The
19 accommodation was described in this document as a block
20 system of large dormitories as opposed to the chalet
21 system that was favoured by government. It had school
22 classrooms, workshops, administration offices,
23 a gymnasium, a chapel and had capacity at the time it
24 begins for 145 boys to be resident.

25 Now the form of the accommodation was changed in the

1 1970s with the construction of chalets in a similar form
2 to those that were created at Rubane and then
3 a subdivision of the dormitories into single rooms where
4 more privacy could be had for an individual.

5 There was much media coverage of the opening, some
6 of which has been exhibited to the De La Salle statement
7 starting at STP677 and following. I am not going to
8 take time now to look at that other than to show you two
9 entries that may be of interest.

10 If we look, please, at 677, so this records the
11 amount of money that was being made available, and the
12 address given by Bishop Mageean. Then if you look down
13 on the right-hand column towards the bottom, if we just
14 scroll up a little bit, please, you can see it being
15 said:

16 "Although I do not like to select any particular
17 Brother for mention ..."

18 They identify and commend BR39, but then they go on
19 to talk about:

20 "The fact that we have both the land and the
21 building is largely due to BR39 and to the cooperation
22 of the Ministry of Home Affairs. I'd like to take this
23 opportunity of expressing appreciation -- expressing my
24 appreciation for the action of the Ministry of Home
25 Affairs and to thank them for showing such initiative

1 and such shining judgment in carrying out such a large
2 project as this."

3 CHAIRMAN: That would give the impression the Ministry had
4 entirely funded the construction.

5 MR AIKEN: Yes. It is not -- because we can't find files
6 that detail this to any significant extent, it is not
7 entirely possible to work it out from the documents, but
8 there are some that suggest it was a grant type
9 mechanism in the same way as Rubane in terms of 50%
10 towards the capital project, but there are lots of
11 documents that imply it was simply paid for by --
12 construction was paid for by the Ministry of Home
13 Affairs. It may be we are able to work with the core
14 participants and get further clarity on that and I will
15 return to you about it, but certainly the impression
16 that's given in some of the documents is that the
17 Ministry paid for the construction.

18 The other entry that I want to look at, if you are
19 content to move on from that one, is at 683. You may
20 recall when we were dealing with Rubane that there was
21 reference to Brother Lawrence O'Toole, who was the
22 Assistant to the Superior General in Rome. He was
23 originally from Ireland and would travel at various
24 times over to meet the Provincial. He is attending this
25 opening. What he is recorded in his speech as saying

1 you can see:

2 "The Very Reverend Lawrence, the Assistant Superior
3 General of the De La Salle Order, described the Ministry
4 of Home Affairs as a 'fairy godmother'. He had never
5 before come across such a palatial building and the
6 Ulster Ministry of Home Affairs, a liberal and
7 benevolent Ministry, had provided the pounds, shillings
8 and pence without which the De La Salle Order could not
9 carry on."

10 CHAIRMAN: Well, it says at the beginning:

11 "The Training School for Roman Catholic boys built
12 by the Northern Ireland Government at a cost of
13 £300,000."

14 MR AIKEN: Yes.

15 CHAIRMAN: Well, I suppose that's the Belfast Newsletter.

16 They had a slightly different style to the Irish News in
17 those days.

18 MR AIKEN: There is amongst the -- there are some Irish News
19 clippings and they are broadly the same. So it may well
20 be the case and we will try and just get some precision
21 to that, but you can see that Brother Lawrence was
22 obviously someone who was over -- had the opportunity to
23 oversee schools in many countries in his role as the
24 Assistant Superior General. So the impression that the
25 St. Patrick's facility created he described it as

1 palatial in the context of school facilities, and he
2 obviously had a high view at the time of the approach of
3 the Ministry.

4 There are some newspaper clippings also as part of
5 it that indicate not everybody was pleased at the amount
6 of money that was being spent on St. Patrick's, but it
7 would appear that the facilities were regarded in any
8 event as that of a model for training schools, and when
9 you reflect on what was built at St. Patrick's with the
10 type of facility described in the English approved
11 schools policy document and then follow through into the
12 Northern Ireland policy documents, it is clear that this
13 was the very thing that the policy was recommending
14 should exist at that period of time in terms of dealing
15 with children who needed something more than just
16 children's homes and for those who were caught up in
17 juvenile offending.

18 It is clear that in October 1957 -- the reference is
19 at 10459 -- the Child Welfare Council -- I think that
20 was now the second Child Welfare Council or the third --
21 visited the new Glen Road site and they are recorded as
22 having done so.

23 The inspection pattern continued in that at 10460 in
24 the log book it is recorded that Dr Simpson and
25 Miss Forrest inspected. Unfortunately, as I said, there

1 is no inspection reports available. It may be that the
2 core participants can look again, certainly the
3 departmental core participants, to see if any trace of
4 these files or what has happened to them can be provided
5 to the Inquiry.

6 It is between 1957 and 1960, as I said, that the
7 first applicant was resident in St. Patrick's and I will
8 summarise the material relating him on Friday morning.

9 The annual inspection is recorded on
10 9th December 1958 at 10462 and again on 16th
11 December 1959 on 10463. So it is clear that the new
12 premises are now being annually inspected by the same
13 inspectors.

14 In May 1960 the Lord Mayor and High Sheriff of
15 Belfast are documented as having visited at 10464, and
16 on 11th October 1960, again 10465, the then Minister of
17 Home Affairs between 1959 and 1963 Brian Faulkner, later
18 the Prime Minister of Northern Ireland, visited the
19 school, and three days later the school had a visit
20 from -- if we just look, please, at 10465 -- had a visit
21 from Ministry officials accompanied by -- if we just
22 scroll down to the bottom, please -- accompanied by
23 representatives of the Ministry of Justice in South
24 Korea.

25 On the next page we can see the annual inspection

1 for 1960 taking place on 8th December, and in 1961 on
2 20th September the Superior General of the De La Salle
3 Order visits the school. That's at 10468.

4 On 10th July 1962 the Lord Mayor and Town Clerk
5 visit.

6 At 10470 we can see the annual inspection taking
7 place on 11th December 1962.

8 Then perhaps an entry if we look at 10471, please.
9 On 14th March 1963 you can see that:

10 "Party of lay members of juvenile courts visit
11 school."

12 So you can see the pattern that's taking place in
13 terms of external -- both oversight in terms of the
14 inspectors, albeit we don't have the product of their
15 work, and external visitors coming into the premises.

16 If we look on the next page, 10472, we can see that
17 two weeks later two members of the Department of Justice
18 in the Republic of Ireland visited the school.

19 Then in the following year on 14th March 1964
20 a series of MPs accompanied by Miss Forrest and
21 Mr Parkes, a name you will recall from the Ministry
22 documents we looked at during the Rubane module, visited
23 the school. That's at 10473.

24 On 13th November 1964, on the same page, we should
25 have -- in fact, just moving on to the next page, we

1 will see the juvenile court panel visiting, and on 8th
2 February 1965 Lord Erskine, the Governor of Northern
3 Ireland between 1964 and 1968, visits the school.

4 Obviously with so little material beyond the log
5 book it is rather difficult to shed any light on
6 particular events. We will be able to do that shortly
7 when we look at some allegations that are made in the
8 1990s about the time period of the 1960s, but one such
9 document I am going to cause to bring your attention to
10 at this point so that it is contextualised, and that's
11 a report from St. Patrick's of a particular incident
12 involving a boy.

13 If we can look, please, at 20868, he was in --
14 I will ask you just to remember his name from the page,
15 because when we come to look at some of the police
16 papers shortly, the same name is going to appear. If we
17 can look, please, at 21118 -- 21118, this boy was in
18 St. Patrick's between 1963 and 1965 between the ages of
19 13 and 15. You can see that his father has come to the
20 school. It would appear that this is a note. It's
21 called "Report on the visit of ..." So it seems to be
22 a document that someone in St. Patrick's prepared
23 arising out of the incident. Allegations had been made
24 by the son to the father. BR83, which is a name that
25 you will become familiar with during this period, was

1 informed and he called BR39. So BR39 then dealt with
2 the matter. There was an issue over the condition of
3 the person who was speaking to him, and he told him he
4 should inform the police of his allegations. So that's
5 perhaps something I would ask you to note in terms of
6 the approach, but it seems that whatever was said,
7 despite asking the man to leave and telling him to tell
8 the police, an investigation of some sort was conducted
9 and it was discovered that the allegations were
10 concerning an immoral act, as it was described,
11 involving this boy and three other boys, and it was
12 being said there did not appear to be much substance in
13 the allegations.

14 Then you can see that there is then a visit from the
15 mother, who took it seemed a much less serious view of
16 whatever it was precisely that was said to have
17 happened. Then:

18 "The police called on the Tuesday and told BR39 that
19 the boy's father was to have called at the police
20 station to make a statement, but had failed to do so.
21 There the matter rests."

22 So that's a record that was found among police
23 papers when they were investigating a particular aspect
24 of allegations from the 1960s and it allowed them to
25 corroborate certain matters that the Panel have had

1 an opportunity to read.

2 As it turned out, and as it will turn out when we
3 look at it, the police traced this same boy, then a man,
4 in 1994 as part of its investigations into allegations
5 made by a man called SPT96 , to which we will
6 shortly turn as normal. No names that are used in the
7 chamber should be used beyond it. It was alleged, as we
8 will see, that he walked in on SPT96 being anally
9 raped by BR26. That's an allegation that -- you can
10 find the references to it at 20811, 20606 and 20868. It
11 was said as a result of that he was then sympathetic
12 towards SPT96 , because he said that he himself
13 had been sexually abused by a BR43. That's according to
14 SPT96 .

15 Whenever the police traced this then a man, but the
16 boy who is referred to in this document that's on the
17 screen, he explains that he never saw BR26 doing
18 anything to SPT96 and that he himself was never
19 sexually abused by any Brother in De La Salle in
20 St. Patrick's. His police statement which he made -- he
21 was living in . The police tracked him down as
22 part of a police investigation, and in speaking to him
23 in August 1994 a statement was then taken through
24 police. I give you the reference for that.
25 It is at 20868, where he explains in some detail that he

1 never witnessed any sexual act being perpetrated by
2 a member of staff during his time in St. Patrick's and
3 never saw any Brothers committing any acts of indecency
4 on anyone. He did not make any mention of the matter
5 involving himself and the three boys identified in the
6 1965 report.

7 However, the police did proceed to trace the three
8 individuals and interviewed them in any event, and I am
9 just going to give you the reference. The summary of
10 that police work is at 20608 and essentially none
11 accepted that they had been involved in any sexual
12 activity with other boys; none had been abused by staff;
13 and none were aware of others being abused by staff.

14 One of them said that he was aware of a rumour that
15 three Brothers, BR39, BR1 -- this is now BR1, not BR70
16 that we were speaking of yesterday -- and BR43 were
17 involved in sexual abuse, but that he had no personal
18 knowledge of this. So one boy was aware of a rumour.

19 I am going to leave that 1965 story and move on with
20 the chronology for now, but the issues involving
21 SPT96 and those he said could corroborate his
22 allegations we are going to return to.

23 So we have had this document, which is May 1965. On
24 14th September 1965 the then Attorney-General -- if we
25 can look at 10478, the Attorney-General for Northern

1 Ireland, Edward Jones QC, later Lord Justice Jones, is
2 recorded as having visited -- if we just scroll down,
3 please -- is recorded as having visited the school.

4 If we move on to 10480, on 12th November 1965 the
5 longest serving Lord Chief Justice of Northern Ireland
6 Lord McDermott, who held the office from 1951 to 1971,
7 is recorded as visiting the school.

8 In January of 1966 the Lord Mayor visits at 10481
9 and then on 3rd March 1966, if we look at 10482, the log
10 book records that BR39 received the Order of the British
11 Empire award from the Queen Mother.

12 Miss Forrest and other members of the Ministry
13 visited the school on 8th March 1966 at 10482 and then
14 on 19th May 1967 the Permanent Secretary of the Ministry
15 of Home Affairs visits with other Ministry of Home
16 Affairs officials.

17 If we look at 10488, you can see the 1967 annual
18 inspection being conducted on 22nd August 1967 by
19 Miss Forrest and Dr Simpson.

20 Ministry of Home Affairs officials are recorded as
21 visiting on 8th May 1968. That's at 10489, and on
22 2nd July 1968 education welfare officers visit the
23 school. You may recall me -- that will be at 10490.
24 You may recall me mentioning that one of the ways that
25 boys could have ended up in St. Patrick's not

1 necessarily involving social workers was through the
2 educational welfare officers bringing them before the
3 court.

4 On 13th August 1968 representatives from the
5 Department of Education in the Republic of Ireland
6 visited the school. That's at 10491.

7 Moving into 1969, the log book records at 10492 the
8 visit of the Lord Mayor along with Miss Forrest and
9 Mr Blackburn, another name from the Ministry of Home
10 Affairs when we looked at Rubane, a high-up official.

11 Then, to contextualise, it was in August 1969 that
12 troops were first deployed on to the streets of Belfast.
13 In October 1969 the first RUC officer to be murdered
14 during the Troubles was killed.

15 On 7th November 1969 at 10492 you can see that
16 members of the juvenile court lay panel were visiting
17 St. Patrick's.

18 BR39 died. He had been the
19 Director of the community, the Superior, as it were, in
20 the De La Salle community at St. Patrick's from 1942 and
21 had been the principal as well of the school. So
22 a significant era was coming to an end with his death.

23 I am going to pause there at the end of the 1960s to
24 say that numbers during the 1960s -- because you will
25 recall that with the onset of the Troubles life was

1 going to become very, very different -- up to the end of
2 the 1960s the numbers were generally around the 200 mark
3 in St. Patrick's, though that included a number of what
4 were described as boarded-out individuals. In fact, one
5 of the Management Committee minutes records the bishop
6 and his brethren talking about being encouraged to work
7 on getting more boys boarded out. That was the Ministry
8 officials encouraging that path. So while there had
9 been maybe 200 on the books, there were, in fact, only
10 160 boys actually present in St. Patrick's.

11 There are six applicants to the Inquiry who relate
12 to the period of the 1960s.

13 At this point, Chairman, I am going to move on to
14 deal with a biography of BR39, because he faces a number
15 of allegations, and obviously they won't be dealt with
16 through oral evidence. So I am going to summarise the
17 nature of those allegations for the Panel to reflect on,
18 because the allegations, if true, have serious
19 implications in terms of systems failures in respect of
20 the Inquiry, given the period of time that this man was
21 both the head of the Order in St. Patrick's and the head
22 of the school.

23 I wonder, Chairman, if this is a time to give the
24 stenographer a short break.

25 CHAIRMAN: Yes. We will rise for ten minutes.

1 (11.40 am)

2 (Short break)

3 (11.50 am)

4 MR AIKEN: Chairman, Members of the Panel, what I am going
5 to do now, having reached 1969 and the death of BR39, is
6 set out for you a biography of BR39 and look at the
7 allegations that he faces by others who have not come
8 forward to the Inquiry, but whose material has been
9 obtained by the Inquiry as part of its work.

10 If we can look, please, first at 14720, this is the
11 type of biography that you will be familiar with from
12 the Rubane module prepared from the record cards kept
13 for the Brothers.

14

He was born on

16 He came to St. Patrick's at Milltown, as it
17 then was, on as a prefect. It appears
18 that he made quite an impression, because upon the
19 sudden death of BR104, who was the
20 Superior of the community at St. Patrick's, BR39 was
21 appointed the Director or the Superior of the Milltown
22 Brothers in at the age of . He remained in that
23 post as the head of the community of Brothers until his
24 death in 1969. You will recall from us looking at the
25 rules in respect of the Brothers during Rubane that

1 Directors of communities generally changed every six
2 years, and therefore it perhaps indicates the view that
3 he was held in.

4 The Order has exhibited a very detailed memorial
5 document written by a BR24 at the time of BR39's death
6 and that includes a record of the tributes paid to BR39
7 by many very well-known people. The tribute document,
8 which sets out a history of BR39's work, runs from
9 SPT232 to SPT258. I am not going to read that out. The
10 Panel will no doubt take the opportunity to consider it
11 in the context of what I am about to say.

12 BR39 is also recorded as serving as the principal of
13 the St. Patrick's Training School from 1942 until 1960.
14 Now you will recall that, similar to Rubane, at
15 a certain point the decision was made to separate the
16 role of the Director of the community from the person
17 who was also in charge of running the school, and
18 a different principal took over in 1960, but BR39
19 continued to be the Director of the community.

20 He is recorded in the memorial as having said on his
21 arrival in St. Patrick's that, "Things have got to
22 change around here". You will find the reference for
23 that at SPT235. Ultimately it was he, as you saw from
24 the media reports, who would oversee the move from
25 Milltown to the new site on the Glen Road, where the

1 school was re-named St. Patrick's Training School, and
2 although quite young for a position of responsibility,
3 given that he was when he became the head of the
4 group at St. Patrick's, it is described that his ideas
5 and methods of dealing with young deprived children and
6 youths and his keen and determined interest in their
7 welfare had not gone unnoticed in the higher echelons of
8 the Order. He was regarded, according to the memorial,
9 as being ahead of his time and not getting -- not
10 prepared to get bogged down with old and out-of-date
11 thinking.

12 It was said in the memorial he supervised every
13 detail of the building work in the new system at St.
14 Patrick's and ensured it was built on the block system
15 with large dormitories rather than the chalet system
16 favoured in Great Britain. There is evidence to suggest
17 that BR39 believed that that model of building reduced
18 the risk of peer abuse, which obviously from the
19 material we looked at yesterday he was aware of from at
20 least 1948, if not earlier. The reference for that is
21 in the De La Salle statement at paragraph 63 on SPT658
22 and paragraph 130 at SPT670.

23 You may recall BR39 also sat -- was nominated to and
24 sat on the Child Welfare Council and produced a series
25 of reports -- a number of councils -- between 1950 and

1 1966.

2 You will recall that he was also involved in
3 establishing Rubane in 1950 because of his concern about
4 the mixing of reformatory school and industrial school
5 boys.

6 As the Inquiry is aware from Module 3, he also had
7 much dealings with the Ministry of Home Affairs over the
8 two institutions and, as I have said, he was awarded
9 an OBE in 1966.

10 Amongst the numerous tributes upon his death a press
11 release on behalf of the government of Northern Ireland
12 summarised his life and work and I quote:

13 "BR39, a member of the De La Salle Order, devoted
14 his life to children in need."

15 He died in Belfast .

16 The Inquiry will hear evidence summarised in respect
17 of one witness who came forward to the Inquiry to make
18 allegations of sexual abuse against BR39. That is
19 HIA314, who is HIA314.

20 He wanted to make a statement to the Inquiry before his
21 death. He was in St. Patrick's between and .
22 He is the one witness that relates to the period
23 and refers to sexual abuse taking place in Cushendall,
24 and we will look at that on Friday morning.

25 I should say at this point the Order does not accept

1 the veracity of the allegation or that BR39 would have
2 abused any children in his care. The Order set that out
3 in its statement in paragraph 12 at SPT225 and notes
4 that the allegation from HIA314 is one of only three
5 allegations of sexual assault alleged against BR39
6 during his approximately 30 years working in St. Pat's,
7 where a significant number of young men or boys between
8 the ages of 11 and 16, and later slightly older, would
9 have passed through.

10 The other two allegations against BR39 can be found
11 in the police and civil claims material that have been
12 provided to the Inquiry. I referred earlier in the
13 opening to a major police investigation into
14 St. Patrick's that took place in 1993 and 1994. I will
15 be saying more about that in another context later, but
16 the record of that extensive police investigation is
17 contained in a 572-page police file, which is
18 C61/220/93, which can be found at STP20572 to 21143.
19 From the number of pages you can get some idea of the
20 extent of what's involved.

21 To try to summarise that, following an initial
22 allegation relating to the late 1970s and early 1980s
23 period, so nothing to do with BR39's time, which
24 ultimately was determined to be without foundation, the
25 police proactively sought out over 300 individuals who

1 had resided in St. Patrick's around the same time as the
2 original complainant. That's the end of the 1970s/start
3 of the 1980s period. They were able to find and
4 interview 155 of them. I will say something more about
5 that part of the police operation later, but during that
6 process of conducting that investigation and finding and
7 interviewing so many former residents from the late
8 '70s/early '80s period a media article appeared in
9 a Sunday newspaper in August 1983 about the fact that
10 the investigation was taking place.

11 This prompted a letter, which I am not going to
12 open, but I am going to give you the references to,
13 which are SPT21113 and 4. It is a two-page letter from
14 a man called SPT96 . He sent the letter to the
15 Chief Constable of the RUC, alleging that while he was
16 resident in St. Pat's between 1964 and 1967, so
17 an earlier period than the period that was being
18 investigated on foot of the initial complaint, he
19 claimed that he and others were the victims of extremely
20 serious sexual abuse by De La Salle Brothers at
21 St. Patrick's.

22 The story of the extensive police investigation into
23 his allegations relating to the mid-1960s is set out in
24 an extensive police report at 20603 to 20622. It is
25 complicated to summarise that investigation, but in

1 fairness to everyone involved before the Inquiry it is
2 important that I try to lay it out as succinctly as
3 possible, and I intend to concentrate primarily on the
4 allegations made against BR39, because it is about him
5 that I am setting out a biography at present. So it is
6 the case that SPT96 's allegations went beyond
7 BR39. Some of -- in order to deal with what he alleges
8 against BR39 I will have to show you the precursor to
9 them, which involves other individuals, but my focus is
10 going to be about what was alleged in respect of BR39.

11 The police interviewed SPT96 on 26th
12 October 1993 and his statement can be found at 20807 to
13 20812 in the bundle. The part relating to St. Patrick's
14 begins at the bottom of 20808.

15 If we can just bring up, please, that page at 20808,
16 please. If we scroll down to the bottom of the page,
17 you can see:

18 "I became involved with the law and subsequently was
19 sent to St. Patrick's Training School on the Glen Road
20 about . I was about years old at the time. When
21 I was put in St. Patrick's, I escaped on two occasions.
22 I was caught and taken back, where I was seen by BR83.
23 I think he would then have been the head of the senior
24 section of the school. He took me and locked me in
25 a cell type room" -- you recall me talking about the

1 cells yesterday near the boiler area -- "which was at
2 the rear of the kitchens."

3 I also drew to your attention that in the police
4 investigation that this aspect forms part of when they
5 asked the 155 boys about the cells, none of those 155
6 boys were claiming that they had ever been held in the
7 cells, although they were aware of them being there.

8 He says:

9 "I think there were iron bars on the windows and
10 doors. BR83 locked me in the room and told me that
11 I would be kept in it for five days and fed on bread and
12 water."

13 He says he was completely terrified. He then goes
14 on to describe as a result BR83 engaging in anal rape of
15 him in that room. He then, if we scroll down, explains
16 that he was told that if he was prepared to carry on in
17 that vein and agreed to BR83's sexual wishes, that he
18 would be given a comfortable and privileged time in
19 St. Patrick's. He says then as soon as he got the
20 chance he ran away.

21 Then you can see at the bottom of the page:

22 "As soon as I could get away I ran away and was
23 chased by some of the boys. I went down South, got
24 brought back."

25 Then he says this:

1 "I was brought before BR39, who was the principal of
2 St. Patrick's at that time. BR39 threatened me with
3 being sent to Millisle borstal if I did not behave and
4 cooperate. At that time the thought of borstal was most
5 frightening. I had been sent by the courts to
6 St. Patrick's for a period of one to three years" -- if
7 we scroll down, please -- "and BR39 told me that if
8 I cooperated and did what I was told by him, he would
9 have me released within the year. A couple of days
10 after I had been returned from Dublin I was called to
11 BR39's office. BR83 was there also. The two Brothers,
12 BR83 and BR39, took me into a storeroom beside the
13 office and I was there stripped of all my clothes.
14 I was made to kneel on top of a chair while they both
15 stood behind me. They then had full anal sex with me.
16 I was again threatened with borstal and beatings ..."

17 You can see slightly further down the page that he
18 claims to have eventually told SPT142 , who was
19 in St. Patrick's at the time, about what
20 BR39 and BR83 had done and, in fact, you can see that
21 what he says happened was that SPT142 arranged
22 a confrontation with BR39 about what SPT96 had
23 told Father Crossin, but he wasn't prepared to say more
24 about it.

25 If we look at the next page, please, and the third

1 line down, he explains that he told a lady identified as
2 a SPT 144 , although he told her in general terms
3 about what occurred.

4 Then he goes on to say that for the remaining time
5 that he was in St. Patrick's he was sexually abused on
6 a regular basis by BR39, BR83 and BR26. He says all
7 three Brothers would have full anal sex and other sexual
8 activities with him, which ranged from petting to
9 masturbation to full anal sex, on an average of once to
10 three times a week.

11 He then describes an incident where he was being
12 anally raped in the stage area by BR26 and he says a boy
13 whom he identifies as SPT 143 , which the police
14 subsequently work out to be the SPT 143 that I was
15 referring you to earlier, walked in on this activity,
16 and SPT 143 then was sympathetic towards
17 SPT96 , because SPT 143 said he himself had been the
18 subject of sexual abuse by BR43. That's a different
19 Brother.

20 You can see on the next page of the statement that
21 he, SPT96 , says the boys were all aware that
22 BR83, BR39 and BR26 had been bugging him on a regular
23 basis:

24 "... and that is the reason that they said they
25 abused me",

1 he had had -- he had been abused by a different Brother,
2 BR43.

3 He also identifies another boy in a later statement
4 called SPT145 , although it turns out to be
5 a SPT145 , who caught SPT96 having sex with BR83
6 in the common room. The reference for that you will
7 find at 20811.

8 He then describes the gang rape involving four boys
9 who he says knew that BR39, BR83 and BR26 were abusing
10 him.

11 He made a second statement to police on 29th
12 November 1993, 20813 to 20816, and there is also typed
13 notes that he prepared in advance of that interview with
14 police, which can be found at 21115 to 21117.

15 Now in that second statement, if we can bring up,
16 please, 20813, I am going to show you in brief terms the
17 three passages that relate to BR39.

18 At the bottom of the first page he talks about
19 having previously mentioned BR39 in his earlier
20 statement. He describes here an occasion when BR39 took
21 him out of St. Patrick's for the day and drove in the
22 car up the Antrim coast road towards either Cushendun or
23 Cushendall. He says:

24 "It was somewhere on the coast road where BR39
25 stopped the car on a layby under a hill."

1 He then describes the sexual abuse that took place
2 there. When they finished, then they moved on up the
3 coast. You will see further down toward the bottom
4 third of the statement, if we scroll down, please, there
5 is a passage that begins:

6 "BR39 then drove me to the De La Salle holiday home
7 in Glenariff. He stated that he was just going to check
8 the vacant premises."

9 Then he describes how BR39 took him upstairs to one
10 of the bedrooms, told him to make the bed and then to
11 undress and get into it. BR39 then undressed and got
12 into the bed and they had full anal sex. He says he
13 abused him in every way. Then he describes how when
14 they got back to St. Patrick's he was accused of
15 stealing money. He felt that was BR39 feeling guilty.

16 You will see at the top of the next page that it was
17 alleged that BR39 continued to anally rape this
18 individual throughout the remainder of his stay in
19 St. Patrick's. He is describing these incidents
20 happening when he is years of age.

21 If I can ask you to note at the bottom of this page,
22 because it is going to link in with something I say at
23 the end of the biography, if we just scroll down to the
24 bottom, you can see one other matter. He says:

25 "I recall when I heard of an occasion ...",

1 and he names a boy called . He names him as
2 . It turns out it is SPT97, and I will be
3 coming back to him at the end, but it is said that he
4 had come out of BR39's office after being involved in
5 an act of sexual abuse when he was approached by two
6 other pupils, who then abused him as a result.

7 So to summarise that so it is clear when we look at
8 the responding material, when he was , BR39 took him
9 up the north coast towards Glenariff, abused him on the
10 way, then abused him in the Glenariff holiday home,
11 including anal rape.

12 He identified another boy in that statement from
13 -- that's all he could describe him as, a boy
14 from -- whom he believed had also been
15 sexually abused by BR39 and BR83. That's in the middle
16 of 20815. If we just scroll up so the Panel can see the
17 reference to the boy who was believed to be from
18 because the police go to the extent of
19 working out who that is, tracking him down and speaking
20 to him.

21 Now the police file shows the efforts that were made
22 to trace all the individuals who were identified by
23 SPT96 , who he said would be in a position to
24 corroborate what he was saying or were otherwise abused
25 themselves or were engaged in abuse of others, and all

1 of the names, and there is about 22 names, the police
2 tried to pursue all of them, and they can speak to and
3 do speak to about 16 of them.

4 I am not going to go through all of those
5 individuals, but there are a number I want to draw to
6 your attention because of more general relevance that
7 comes out of what they have to say. I am going to show
8 you what the , who obviously was an adult at the
9 time this event was being described -- as far as telling
10 him about it. 20867, please. SPT142 , who by
11 that stage is an priest elsewhere. You can see
12 he describes his time. He was
13 between . He can -- he doesn't
14 remember -- he remembers him vaguely he says, but then
15 he says:

16 "I can say without a doubt that this is not so and
17 no such event ever took place."

18 So he is denying that he was told of abuse or that
19 he arranged any confrontation with BR39 about it.

20 If we can look then, please, at 20606, the police go
21 to the extent of tracking down who SPT 144 was. You
22 can see they establish that SPT 144 was SPT 144 ,
23 now retired, living in a convent in the South of
24 Ireland. They record the telephone conversation that
25 Detective Sergeant McArdle had with her. She is

1 described as:

2 "Despite her years, she is still an active lady,
3 but has no recollection of the boy. She did add that
4 during her time at St. Patrick's, which was
5 to , no inmate reported any case of
6 sexual abuse to her."

7 The boy that we talked about earlier, SPT 143 ,
8 who was said to have caught SPT96 having sex with
9 BR26 and was sympathetic because of his own abuse, if we
10 can look at 20868, please, he was tracked down to
11 Australia and a statement was taken from him. If we
12 scroll down, please, you can see he says he does recall:

13 "I can recall a person. I cannot recall him, as
14 I didn't have anything to do with him and he was not in
15 any of my classes."

16 Prior to being shown a photograph he had only
17 a vague recollection of the name. He could recall him
18 after he looked at the photograph and said:

19 "I have never witnessed any person committing
20 a sexual act upon SPT96 ."

21 If we scroll down, please, he then says this:

22 "I can also say that during my period in detention
23 I have never been sexually assaulted by any of the staff
24 members at the college.

25 Today I have been asked by the

1 Police if I have any recollection of the staff of the
2 college at St. Patrick's at the time of my detention.
3 I can recall a BR83, a BR39, who was known as "BR39", as
4 he used to whistle all the time."

5 I take that to be perhaps BR39, although we can
6 clarify that.

7 "I can also recall a BR26, but I don't know his
8 surname.

9 I can say that I have never seen these Brothers
10 commit an act of indecency on any person in my
11 presence."

12 As an aside, a name that you will be familiar with
13 from the 1964 incident in Rubane which involved the
14 police and was one of the earliest incidents of abuse,
15 if we can look, please, at 20619, you can see that in
16 the -- scroll down, please, to the passage that begins:

17 "One important factor ..."

18 So they're talking about a boy called SPT 146 :

19 "One important factor that was established during
20 this interview was that SPT 146 was a very good
21 friend of SPT 143 . SPT 146 stated that if SPT 143
22 had witnessed such an act being committed, he most
23 certainly would have told him about it, but he never
24 mentioned it."

25 The allegation is made that BR83 was caught in the

1 common room having sex and that a boy -- as it turned
2 out, SPT145 was actually a SPT145 . His
3 statement can be found at 21119 to 21124. While he
4 expressed the belief to police that he believed SPT96
5 that there was things going on, when you read through
6 his statement, he is able to say to the police that he
7 recalls seeing SPT96 and BR83 in the common room at one
8 time watching television, but he didn't see any abuse
9 taking place.

10 Then there are a number of individuals who were
11 alleged to have been involved in the gang rape. They
12 were other boys in the school, and the police tracked
13 them down and interviewed them, and their interviews may
14 be of particular interest to the Panel aside from the
15 particular issue that we are asking -- being asked to
16 address.

17 If we can look at 21127, please, this man is being
18 asked about what had taken place. He deals with the
19 allegation and indeed denies the allegation and he is
20 then asked about, "Well, what was life like in St.
21 Patrick's? What sort of things did happen?" He says:

22 "'There was the odd thing that happened now and
23 again, but it wasn't any such thing as rape'.

24 When he was asked what he meant by 'the odd thing
25 now and again', he said that boys used to masturbate one

1 another by consent. He added that the staff would not
2 have been involved, that he had never seen any evidence
3 of it. He was asked if he had any knowledge or
4 information that the sexual activity went beyond mutual
5 masturbation. He said not to his knowledge.

6 He was asked what he could tell us about BR83, BR39
7 and BR26 in respect of the allegations made against
8 them. He said that BR83 was a bit of a nutcase, that he
9 would hit you about the head when he was walking about,
10 but apart from that there was nothing at all."

11 I think at this point BR83 would have been quite
12 an elderly man. We will look at him in a different
13 context during the evidence.

14 " SPT147 was asked how long he had been in
15 St. Patrick's. He said, 'For a couple of years'. He
16 was then asked from the personal knowledge he had had of
17 BR83 could he imagine him having been involved in
18 buggery of inmates. He said he didn't think so. He was
19 asked about BR39. He said that he didn't know much
20 about him, but added that he had his favourite boys and
21 that he used to take them out in his car on visits, but
22 that he didn't know if anything was going on or not. He
23 didn't hear if anything was going on. He also said that
24 if anything was going on, that the word would have got
25 about.

1 SPT147 was then asked if he had heard any rumours
2 about any of the Brothers. He said that he didn't.

3 He was asked about BR26. He said that BR26 didn't
4 come across as being like that, that he was not
5 affectionate, and added that none of them were, that he
6 had never seen any of them embrace a boy or anything
7 like that.

8 It was pointed out to SPT147 again the seriousness
9 of the allegations. He said that it was a lot of
10 nonsense.

11 SPT147 was asked if anyone had ever interfered
12 with him in the school. He denied that anybody had."

13 Then he goes on to deal with the specific
14 allegation.

15 Another boy who was involved in the same episode it
16 was said, if we look at 21131:

17 "He was asked about the allegations. He said it was
18 ridiculous. He asked if there were allegations against
19 the staff. He was told that -- he asked if there were
20 allegations against the staff. He was told that there
21 were, and that the reason given for himself and the
22 other boys abusing SPT96 was because they were
23 aware that the Brothers were also abusing SPT96. He
24 said that it was a pack of lies, that he had never seen
25 any of the Brothers at that nonsense.

1 He was asked if he could recall BR83. He said that
2 he could, that he was an elderly man. It was then
3 explained that the reason it was being talked about the
4 Brother was that he wanted as much information as
5 possible to establish what truth there was in the
6 allegations.

7 He was then asked if there were any rumours
8 circulating in the school that BR83 was involved in
9 sexual abuse. He said there was none at all.

10 He was asked the same in relation to BR39. He said
11 BR39 was all right, that he was the head man then.

12 He was then asked about BR26. He said he knew him
13 as well and added that he could not say anything about
14 the three of them.

15 He was asked were there any rumours in the school
16 about sexual abuse involving anybody. He said that
17 there was nothing. We then discussed a particular man
18 again. He said he could not recall him, that he himself
19 had associated with the country boys, that there were
20 fights between the city boys and the country fellows,
21 but that there was none of that other nonsense going on.

22 He was asked then how he was generally treated. He
23 said that it was good, that he never seen any physical
24 abuse by staff members, but a few times he got six of
25 the best for absconding and locked in the cell for

1 24 hours.

2 He was asked where the cells were located. He said
3 there were two on the second floor beside the middle
4 dormitory, that you would have got your meals in the
5 cell."

6 He then addresses the particular allegations
7 and denies them.

8 Can we look, please, at 21135? Now this is
9 an interview with a boy who the complainant SPT96
10 said had not actually engaged in the rape, but had been
11 present when it occurred, and he disagrees with the
12 particular allegation.

13 "It was put to him that the allegation was he had
14 helped to hold down SPT96 when this had taken place.
15 He said he totally denied that. He was not there. He
16 added that things like that did not go on in St.
17 Patrick's. He was then asked was he saying -- he then
18 added that things like that did go on in St. Patrick's.
19 He was then asked was he saying that boys got raped? He
20 then said that he did not really see it, that he heard
21 other boys talking about it and added that he did not
22 see it or have anything to do with it. He was asked
23 when did he hear about this. Was it in recent times or
24 was it when he himself was in St. Patrick's? He said it
25 was when he was an inmate.

1 He was asked what his own view on it was. He was
2 asked if he thought it was boys telling yarns or did he
3 believe it was going on?

4 SPT148 said that the thought of it made him
5 sick, that with him being a country boy that he kept
6 himself to himself. He didn't hold any boy down to get
7 that done to him, that it would make him sick."

8 Asked if he could imagine particular matters.

9 " SPT148 was then asked how he knew it was going
10 on and was told that there were two possibilities. He
11 was told that on one hand you could have a group of boys
12 in a dormitory involved in mutual sexual activity. On
13 the other hand, you could have some young lad that was
14 picked on and taken away and raped by a number of boys.

15 He was then asked to tell us exactly what was going
16 on. He said that you could see a big lad and maybe
17 a younger lad heading off on their own along the
18 football pitch or heading towards the back of the shops.
19 He said that you knew they weren't going out for a walk,
20 that you had your own ideas. He then added that he had
21 never seen anyone being forced into having sex."

22 Scroll down, please.

23 "He was then asked if he had ever seen anyone that
24 wasn't being forced having sex. He said he never seen
25 it happening, because if the boys were doing it, they

1 would not let the others see it happening.

2 He was then asked if he would be surprised that boys
3 were having sex with each other. He said that he
4 wouldn't be surprised.

5 He was asked if he would be surprised that members
6 of staff were raping boys. He said that he couldn't see
7 members of staff involved in it.

8 He was then asked if there were any rumours that
9 staff were involved. He said that there was one
10 Brother, that he couldn't remember his name, who was
11 supposed to be a fruit.

12 SPT148 was then asked if he could recall any of
13 the Brothers taking the boys out.

14 He said he recalled going to a house in Cushendall
15 with some of the boys and BR39. He added that BR39 was
16 very good to him and the other boys. He said that BR39
17 never tried anything on with him.

18 We then discussed BR83. He said that he was one of
19 the oldest Brothers, that he was a bit of a demon, that
20 he was quick to slap or strike out for no reason. He
21 said that he had no knowledge that BR83 would touch up
22 boys.

23 He was asked about BR26. He said that he would have
24 been in the junior school. He was then asked about BR1.
25 He said that he was the one he previously mentioned that

1 he could not recall his name. The boys called him
2 'Fruit'. He could not remember any of the rest of
3 them."

4 I mentioned that in the statement, if we can look,
5 please, at 20615, the allegation was made that
6 a particular boy was the boyfriend of
7 BR39. You can see in the third paragraph down the boy
8 described was identified and the police interviewed him
9 in

10 During the interview -- this boy is now -- at the
11 time of his interview he would have been nearly years
12 of age -- years of age. During the interview he
13 denied that he was the boyfriend of BR83 and BR39. He
14 said he was never sexually abused by anyone in the
15 training school and had no knowledge that any other
16 inmate had been the victim of sexual abuse.

17 Now that's a lot of information to take in, but when
18 you put it together, it is clear that there, you may
19 consider, was evidence of boys in the school definitely
20 engaging in sexual acts with each other and to some
21 extent rumours about some of the Brothers, but that all
22 of the people who were said to have knowledge or have
23 been involved or have themselves been victims during
24 that period in the mid '60s who were identified, who
25 were chased down by the police, and I have only dealt

1 with it in summary form, and you read, as the Panel has
2 had the opportunity to do, read the detail of the police
3 report, which summarises the investigation, you may
4 consider that it is evident that the police went to
5 considerable lengths to try to get to the bottom of
6 whether there was any corroboration for the allegations
7 that were being made.

8 Obviously, as it was 1994 when this was happening,
9 BR39 couldn't be asked about the matters. He had died
10 in

11 The conclusions that the police reached, including
12 in relation to the various allegations of SPT96 ,
13 can be found at 20619 and following. The conclusion --
14 I am not going to bring it up and look at the detail of
15 it now -- but the conclusion that was reached in
16 relation to the later aspect that prompted the whole
17 investigation in the first place to do with allegations
18 from the late '70s/early '80s, the conclusion the police
19 reached was that there was no foundation to the
20 allegations that were being made and that they were
21 described as "fantastic". In respect of the allegations
22 that were made by SPT96 the conclusion of the
23 police was that there was simply, despite all of the
24 length they had gone to, no corroboration whatever for
25 the allegations that were being made.

1 The file was submitted to the DPP, who directed no
2 prosecution in January of 1995 and the reference for
3 that is at 20576.

4 The Order has identified to the Inquiry that SPT96
5 who was the subject of this particular set of
6 allegations and investigation relating to the '64 to '67
7 period, on 19th February of 2014 issued a Letter of
8 Claim to them to initiate a civil claim, in which he
9 names BR39 as one of his abusers. That material can be
10 found at 30052. The civil claim is ongoing and the
11 Order draws the Panel's attention in paragraph 84 of
12 their statement at 661 to the timing of the Letter of
13 Claim as coming very shortly after the Order's apology
14 before the Inquiry, which was made on 17th February and
15 obviously was publicised thereafter.

16 So we mentioned the individual who has come forward
17 to the Inquiry. We have looked at the second set of
18 sexual allegations that were made against BR39 by
19 SPT96 and those he then named as also being involved.

20 The third set of allegations against BR39 arise from
21 another civil claim brought by an SPT97. The papers
22 relating to that can be found at 30029 to 30051. It
23 would appear that this may be the same person that

24 SPT96 was speaking of at the bottom of
25 page 20815. If we just look at that so you can see.

1 20815, please. If you can just scroll down to the
2 bottom of the page, you can see this reference to a
3 SPT149 and him coming out of BR39's room after having
4 been sexually abused. Now what SPT96 is saying
5 is that he recalls hearing of this from others and he
6 names the people who were said to be involved in the
7 aftermath of it. If we scroll down, you can see what's
8 alleged that they did.

9 So what is said is that this man was taken by these
10 boys who are named -- I will ask to hold the names in
11 your mind as we look at the papers we are about to turn
12 to -- that they took him into the toilet and bullied him
13 until he confessed that he had been anally raped by BR39
14 and then on foot of that they raped him.

15 The police weren't -- if we look at 20615, please,
16 you can see -- if we scroll down just a little, please,
17 you can see the reference to SPT149 . So that's
18 going back to the statement that we were looking at,
19 that they were able to identify that person as SPT97 and
20 give the details of his date birth and where he came
21 from. The police indicate here that they were not able
22 to trace his whereabouts. So they were not able to
23 speak with him in connection with the allegations, but
24 what they were able to do was to trace the boy that
25 SPT96 said had raped SPT97 in the aftermath of

1 him being abused by BR39.

2 That man denied that he had done that and had any
3 involvement in this whatever. His statement -- I am not
4 going to turn to it now, but I can give the reference
5 for it. It is at 20617.

6 I want us to look now at a record of the meeting
7 that took place between the Order and SPT97 in
8 September 1999. If I can ask you to note the date. So
9 it is long before there was any involvement with this
10 Inquiry being in existence. As you'll be familiar in
11 Rubane, the policy of the Order had been where someone
12 alleged they were abused. they would meet with them,
13 make counselling available, and if they wanted to pursue
14 compensation, then it was dealt with through the
15 lawyers.

16 If we can look, please, at 30050, and in doing this
17 if I can ask you to keep in mind the allegations that
18 were said to relate to SPT97. So this is a meeting that
19 take place on 18th September 1999. The

location you can see from
21 the first couple of lines are the same, and he
22 identifies when he was in St. Patrick's. He doesn't get
23 the dates quite right and the note record the dates he
24 was actually there, which were between and He
25 was when he was discharged and he had been there for

1 two years and five months.

He describes

3 what he did and he says this.

4 He alleges that after two or three months BR39
5 brought him to the office and asked him to undo his zip.
6 Then he says he began moving his penis around with
7 a pencil. So that's the first incident. Then a month
8 later he masturbated him. That happened about six or
9 seven times. He said he didn't tell anyone about that
10 until he told his partner in 1997. Then he does refer
11 to being sexually abused by -- bullied and sexually
12 abused by other boys, but in the medical report, which
13 I am not -- well, what then happened, this meeting takes
14 place and the allegations made against BR39 is one of
15 masturbation. So you can see the contrast between what
16 was being said in the police statement, but proceedings
17 were then issued in 2001, so two years later. They were
18 ultimately discontinued in 2009. The reference for that
19 is at 30042, but why I asked you to hold the names of
20 the individuals who were accused of being involved in
21 your mind was that he did identify the older boys that
22 he says abused him to a psychiatrist in 2000.

23 If we look at 30044, and if we can just scroll down
24 a little so the details of abuse are set out, you can
25 see -- and obviously again I repeat none of the names

1 should be used beyond the chamber -- you can see that
2 the names being identified are not the people that
3 SPT96 was associating with SPT97.

4 You can see that the principal issue as far as the
5 psychiatrist was concerned was at the hands of a group
6 of older boys, but then the last line of that
7 paragraph he also named BR39, who is now dead, as having
8 sexually abused him. You can see the nature of the
9 abuse is repeated as masturbation.

10 So that is the third set of sexual allegations. So
11 you have one applicant to the Inquiry; you have the
12 police material relating to SPT96 ; and then you
13 have these civil papers, which was an action that didn't
14 proceed in respect of an SPT97.

15 There is then a final set of documents involving
16 BR39 from another civil claim. It is not of a sexual
17 nature. It relates to a man called SPT98, who was in
18 St. Patrick's between and , so an earlier
19 period than the SPT96 allegations, but
20 overlapping with one of the individuals who came forward
21 to the Inquiry. He actually initially wrote to the
22 Order from his home in in 1998.

23 If we can look at that -- in fact, he wrote a second
24 ten-page letter in September 2010. I want to show you
25 that letter not just because it relates to BR39, but

1 because of the content of that letter to help understand
2 what at least that person was saying at this point in
3 time in 2010. 30061, please. So he is writing about
4 his time as a -year-old. He was accused of breaking
5 into a butcher's shop and he explains that he was sent
6 so St. Patrick's for an indefinite period. He spent two
7 years and about three months there. A week before
8 Christmas he was taken by the police.

9 If we scroll down, please, you can see then he
10 describes:

11 "... kept calling him 'Father' in my first few
12 hours. BR43 soon put me right. He shouted at least
13 twice in my face, 'Call us "Brother"', then punched me
14 on the left ear."

15 Scroll down. He then describes:

16 "In the first few days I was given a uniform and was
17 assigned to various duties like working on the farm or
18 on a kitchen garden ... put into various workshops like
19 metalwork or paint shop, but after a trial period I was
20 assigned to the woodwork shop. I enjoyed the woodwork
21 shop."

22 He then explains:

23 "The school was divided into two sides, the junior
24 side for the children from about 10 years up to 14 years
25 and the senior side for teenagers from 15 to 18."

1 As he was , he was in the senior side.

2 "Most of the boys were given nicknames",

3 and he describes his. Then he is afraid -- he

4 says:

5 "There were bullies, but I got on with most of the

6 boys except for a small few bullies. I'm afraid the

7 worst bullies were some of the De La Salle Christian

8 Brothers and all the boys were terrified of them

9 (including me). Most of the Brothers were okay, but

10 a few were quick to use their fists and boots and seemed

11 to enjoy inflicting pain on the unfortunate boys who did

12 not react quickly enough to their commands. As I was

13 a quiet small boy, I thought that if I kept my head down

14 and did what I was told, that I would escape the bad

15 moods."

16 He said:

17 "That was not to be. The smallest mistake would

18 catch their attention and would end up with a slap or

19 a punch or a kick up the backside or any other part of

20 your body they could kick or punch. Once when I didn't

21 polish BR83's shoes properly, he lifted me out of my

22 seat by pulling on both my ears.

23 Another frightening time was not long after, maybe

24 a month after, I arrived some other boys were larking

25 around impersonating pop singers."

1 He was engaged in that:

2 "BR43 pulled me through two doors and then locked
3 them behind us. Shouted that it was sinful to shake and
4 shimmy like the devil Elvis Presley. He then set about
5 me like he was in a frenzy. He gave me a cut lip
6 and bruised testicles. The next morning he went to mass
7 as usual. I wanted to report him to someone, but I had
8 no-one. I could not put up with the physical and mental
9 abuse from the Brothers, so I decided to run away."

10 He describes then running away and then getting
11 caught. You see further down:

12 "... the Christian Brother who was searching for us.
13 I was put in a car."

14 If you scroll down, please:

15 "We were taken back and were given white nylon
16 shorts to wear so we could not run away. We were then
17 given three strokes of a strap. The strap was made of
18 rigid leather and was about a metre long by 1 inch wide
19 and half an inch thick. BR43 was the one who shaved our
20 heads and wielded the dreaded strap which brought cries
21 of pain from both of us.

22 The De La Salle Christian Brothers never said what
23 their surnames were and no-one dared to ask. BR39 was
24 the principal or head Brother and the other Brothers
25 took their orders off him.

1 ",

2 and some of the lads in the woodwork shop thought
3 it would be great fun to paint hot fish glue on his
4 privates. So when the woodwork teacher was out that's
5 what they did. If we scroll down, it was uncomfortable.
6 It was the Brothers' rule that you had to wear swimming
7 trunks and you weren't allowed to wash your privates or
8 your backside and they would stand and watch you so you
9 wouldn't touch yourself under or over your swimming
10 trunks."

11 That gives an indication of how the washing was
12 done:

13 "As I had hard ..." --

14 He talks about the hard glue and then needing to
15 deal with that. Unfortunately BR83 caught -- BR83
16 caught him -- he had the soap down his shorts -- and
17 grabbed him by the arm and pulled and pushed him out of
18 the building and into the exercise yard outside and just
19 left him there. He tried to explain what happened. He
20 feels he was wronged by this happening when he was just
21 trying to clean his body.

22 Then this incident he describes:

23 "The custom was that every Saturday the lads from
24 Belfast would be allowed to go home for Saturday and
25 Saturday night and return on Sunday evening, and every

1 Saturday the lads not from Belfast were marched down the
2 Glen Road and the Falls Road to the Broadway cinema. It
3 was about 30 lads. After the earlier episode of having
4 my head shaved I realised -- I requested to see the
5 principal Christian Brother, BR39. I explained to BR39
6 that I was ashamed and embarrassed to have to walk
7 two miles to and back from the Broadway cinema every
8 Saturday and could I please be excused until my hair had
9 grown back. BR39 blew his top and shouted, 'This is all
10 part of your punishment for running away'. So I had to
11 endure the embarrassment of being walked down the Glen
12 Road and the Falls Road every Saturday afternoon and
13 then back again for six weeks until my hair had grown
14 back.

15 After about six months at St. Patrick's I was
16 allowed home for weekends."

17 He describes BR39 sitting in his elevated dais and
18 chair and he is getting punished. He is ordered to
19 stand in front of him, and for being one hour late back
20 sentenced him to four strokes of the dreaded strap. He
21 panicked. Scroll down, please. He describes being
22 caught and then being punished by the Brothers with
23 a strap.

24 So he is describing the regime that he says he had
25 experienced in the and , and then

1 he talks about the firm, getting the job, working for
2 the firm that was building the De La Salle school.
3 I will leave you to read the rest of the -- there is two
4 more pages to it.

5 In the Order's -- if I can just pause there to try
6 and bring this together, in the Order's admission
7 statement of Brother Francis Manning of 15th August 2015
8 the Order does not accept that BR39 sexually abused boys
9 in St. Patrick's. They take that view generally about
10 the Brothers who face allegations of sexual abuse with
11 the exception of BR97, who we were looking at yesterday,
12 and they say they remain sceptical of the veracity of
13 some of the allegations.

14 Obviously BR39 was an important figure in both the
15 De La Salle Order and in childcare in Northern Ireland
16 for many years. He was the head of the training school
17 or a training school in Northern Ireland for 20 years.
18 So if the allegations are correct, you may consider that
19 this could amount to a very serious systems issue.
20 Equally you can take into account the limited extent of
21 the allegations and the views that are expressed about
22 BR39. It is obviously a matter the Panel will want to
23 reflect on.

24 I am now going to resume the chronology at the start
25 of 1970. Before -- I appreciate the time, but if I can

1 say -- I should say it may be core participants as they
2 have listened to me outlining the period up to 1970,
3 they may identify relevant, significant events that
4 I haven't touched on, and they will be able to draw
5 those to the Panel's attention in their written
6 submissions. If it is of particular import, no doubt
7 they will draw it to my attention, but if we can pause
8 there, Chairman, and start --

9 CHAIRMAN: Yes. We will sit again at 2 o'clock.

10 (12.55 pm)

11 (Lunch break)

12 (2.00 pm)

13 CHAIRMAN: Yes, Mr Aiken.

14 MR AIKEN: Chairman, Members of the Panel, when we rose for
15 lunch we had just finished looking at material relating
16 to BR39 and we had got to the end of 1969. I am going
17 to resume the chronology now before looking at certainly
18 at least one and possibly, depending on how we get on,
19 two specific events that arose in the 1970s, but before
20 I get there if I can just resume the chronology.

21 We were looking at -- from the material that's
22 available to us in terms of diaries and logs we can see
23 that on 14th February 1970 John Taylor MP, who had
24 become the Parliamentary Secretary at the Ministry of
25 Home Affairs while Sir Robert Porter was the Minister

1 visits St. Patrick's. The reference for that is at
2 10493.

3 Two days later there were visits recorded from
4 probation officers on 16th February 1970 and by
5 representatives again of the Department of Education in
6 the Republic of Ireland, who came on 24th February 1970.

7 If we can bring up, please 10496, because we then
8 have a different form of diary to the type that we have
9 been looking at. We can see the form of this diary is
10 different to the one that had been used to record the
11 various events.

12 On 15th -- if we just scroll down a little bit,
13 please -- 15th June 1971 we can see that:

14 "Home Office officials visited the school today.
15 I understand it was the annual inspection."

16 So although it will be Ministry of Home Affairs, but
17 it is being referred to as the Home Office who are doing
18 the inspection.

19 MS DOHERTY: Can I just see the bit above?

20 MR AIKEN: Yes. If we just scroll up, please.

21 MS DOHERTY: Just about the clothes.

22 MR AIKEN: "The manager suggested that all the boys should
23 be neat and well dressed tomorrow as there are some
24 visitors coming to the school. Boys with dirty or torn
25 clothes should have them changed and those with bad

1 shoes should be given new ones. Also beds and
2 dormitories should be well made and", something, "in the
3 mornings, the place left neat, clean and tidy."

4 CHAIRMAN: "... brushed ..."

5 MR AIKEN: "... brushed ..."

6 So it appears this was not an unannounced visit.
7 I presume there would have been a letter saying, "The
8 Ministry of Home Affairs inspectors will arrive on ..."
9 and therefore it was known about in advance.

10 I am sorry to have to say that from this point, so
11 this is 1971, until 1988 the Inquiry has found no
12 evidence of any inspections being carried out in that
13 for the same reason as the period '52 to '71 there are
14 no inspection reports themselves, though, as we have
15 seen, we found references to them occurring post-1951.
16 The log book from which we were able to glean a lot of
17 the information that I have outlined to show the
18 inspection regime being operated, that log book comes to
19 an end in 1971. So if there was another log book of
20 a similar type that was carried on, that's not presently
21 available to the Inquiry and unfortunately any files
22 that would have contained any inspections that took
23 place from 1971 on through to 1988, so 17 years of
24 missing inspections on top of the 20 years that preceded
25 it, so nearly 40 years, unfortunately we don't have the

1 reports.

2 Therefore I trust that the core participants who
3 have some potential for finding this material, so that's
4 the two departments, will now step forward and endeavour
5 to plug what is obviously a very large gap in the
6 evidence and/or explain to the Inquiry precisely what
7 steps have been taken to find the inspection files, and
8 if no further material can be produced, which may well
9 turn out to be the case, then to the extent that it is
10 possible provide the Inquiry with a detailed explanation
11 as to what the Department say has happened to them. If
12 there are not destruction records, then it will not be
13 possible potentially to bring any greater definition to
14 it, but in view of the extent of the records that are
15 missing I have raised the matter with my two colleagues
16 to have the matter looked into further.

17 So I am afraid that at this point in 1971 it is
18 difficult to say much more in the chronology up until
19 1988, when there is enough material to allow at least
20 something further to be said, but it is the case that
21 through other material that has come to the Inquiry's
22 attention it has been possible to identify some specific
23 events that did occur and the material that is available
24 will be of particular interest to the Inquiry in terms
25 of looking at systems failures.

1 In that regard there are two particular key events
2 in the 1970s that I am now going to outline to the
3 Inquiry. The first event took place in 1973 and it
4 related to the abduction from St. Patrick's and murder
5 of a 15-year-old boy who was resident in the training
6 school called Bernard Teggart.

7 Now I should say, Chairman and Members of the Panel,
8 the Inquiry has deliberately made contact with the
9 family members or their representatives to make them
10 aware that the Panel will be looking at this subject
11 matter and they are aware that I will be addressing it
12 during the opening. I don't believe any of them are
13 present. If any of them are, some of what I am going to
14 outline now, while they have lived with it for many
15 years, it will no doubt be distressing to hear, and
16 therefore if there are any present in the building, then
17 I make that known so that they are aware at this point
18 before I outline the matters.

19 Yesterday we received in addition to the material
20 that we have been amassing, and there is some further
21 material to be obtained which is being pursued by the
22 Inquiry's legal team -- a statement was filed from the
23 De La Salle Order explaining some further interaction
24 that the Brothers had in relation to the matter, and
25 that statement is at SPT2109 and 2110 and it has

1 exhibits that run from 2111 to 2162. The exhibits
2 include the Historical Enquiries Team investigation that
3 was conducted into the murder of Bernard Teggart. That
4 had already been received -- that document had already
5 been received by the Inquiry and therefore there is
6 a second copy at Bates references that I am going to use
7 as I outline the matters. It may be that there is
8 further steps that will result in further material that
9 I will bring to the Inquiry's attention as and when that
10 arises.

11 So I am going to turn now to look at what you may
12 consider to be the most horrific incident of child abuse
13 that has come before the Inquiry to date. That relates
14 to the murder in November 1973 of a 15-year-old boy
15 called Bernard Teggart, who was a resident in St.
16 Patrick's Training School. He was murdered by the
17 Provisional IRA, a Republican paramilitary group
18 responsible for approximately 50% of the just over 3500
19 deaths that occurred during the Troubles in Northern
20 Ireland.

21 The IRA came into St. Patrick's and took Bernard
22 away to his death. Bernard was one of 263
23 Troubles-related deaths that occurred in 1973. In
24 November 1973 alone there were 20 such deaths, nine of
25 which occurred in Belfast. Now those statistics are not

1 in any way to minimise the horror of this particular
2 murder or the suffering of the family to whom it
3 occurred, but it gives some context for the Panel into
4 just what life in Belfast may have been like in the
5 early 1970s, and this sad reality perhaps assists in
6 understanding the degree of turmoil going on in Northern
7 Ireland and Belfast in particular at the material time.

8 He was found lying at the side of the entrance road
9 to the Floral Hall in Bellevue Park on the evening of
10 Monday, 12th November 1973. He had been shot in the
11 head. When he was found by a passing military patrol,
12 he was still alive. There was a cardboard sign with the
13 word "Tout" printed on it lying beside his body and he
14 died in hospital of that single gunshot wound to the
15 head in the early hours of 13th November 1973.

16 Papers available to the Inquiry reveal that prior to
17 his death he and his brother were moved from house
18 to house before his brother was released on the night of
19 12th November and he was taken to his death.

20 In the aftermath of the murder the Irish News
21 published an article on 17th November 1973 under the
22 headline "Murder of Bernard Teggart: Priests pose four
23 questions". The priests in question were Father ,
24 and Father . We can see the questions
25 as a contemporaneous report of the reaction to what had

1 occurred if we look, please, at 18825. Just scroll
2 down, please. Friday November 17 the Irish News carried
3 the headline, "Murder of Bernard Teggart: Priests pose
4 four questions":

5 "What kind of an organisation would feel threatened
6 by a boy with the mental age of 8?"

7 I will come back to the basis for that shortly.

8 "What kind of justice did this boy receive who was
9 ill-treated and murdered without trial?

10 What kind of moral standards operate in people who
11 are responsible for this child's murder?

12 What kind of Irishman would condone, support or be
13 associated with the people who did this deed?"

14 It was not until 2004 that the IRA admitted that it
15 had murdered Bernard, apologised for the pain and grief
16 it had caused and said that the killing should not have
17 happened. The references to that can be found at 18789
18 and 18808. No-one has ever been convicted of the murder
19 of Bernard Teggart.

20 Bernard was born on . As I said, he
21 was a with his brother , who was also taken
22 by the IRA but was later released. He was from a large
23 Belfast family of 13 siblings and was a Catholic. He
24 had learning difficulties and was reported as
25 a 15-year-old as having a mental age of potentially 8 or

1 9. The reference for that can be found at 18787.

2 He was first sent to St. Patrick's Training School
3 by a juvenile court on foot of a Training School Order
4 for offending on 17th April 1968 at the age of 10. The
5 reference for that is at 18787. He was recommitted to
6 St. Patrick's on 22nd April 1970, aged 12. So that
7 gives some indication that he was a boy that was having
8 difficulty in his life and was coming to the attention
9 of the courts. The reference for that is at 18787.

10

21

23 An alternative explanation is given by one of
24 Bernard's siblings in a media interview in 2004. The
25 reference for that is at 18233. That was that Bernard

1 had come on an IRA robbery of a Bass beer lorry --
2 I think the Bass factory was nearby St. Patrick's --
3 when he called to the assailants to leave the driver
4 alone or he would tell on them. He said that in his
5 simple way, the suggestion being he would tell the
6 police and this is why then he was pursued.

7 It is not possible or necessary for the Inquiry to
8 look at what the reasons for it were, but in any event
9 from the inquest papers of October 1974 it is possible
10 to piece together what occurred in the immediate days
11 leading up to his murder, and the statements from the
12 then principal of the school and of one of his teachers
13 will be of particular interest to the Panel both for the
14 specifics of this horrific incident, but also of
15 understanding what trying to run a training school would
16 have been like in West Belfast in the time period that
17 we are looking at.

18 If we look, first of all, at the statement of the
19 teacher, SPT151 , if we can look, please, at
20 18849, if you can just maximise that for me as much as
21 possible, please, this is a statement made the year
22 after. This is in October 1974, the murder having taken
23 place in November 1973. SPT151 , the teacher at
24 the school, says:

25 "I am a school teacher at St. Patrick's. I came

1 back to the school after lunch on Sunday, 11th November"
2 -- so that's the day before the abduction -- "and was
3 told that " -- that's the brother of
4 Bernard, who was murdered -- "was told that
5 was being interviewed in the woodwork room by
6 three men. This was not surprising as of late years
7 representatives of all kinds of organisations, as CDC,
8 vigilantes, Association of Legal Justice, etc, come and
9 go here and we have learned to live with them. I joined
10 the group in the woodwork room and watched these men
11 question for a few moments. He was obviously
12 taken aback and I decided to come to his rescue.
13 I invited what I thought was the oldest of the men
14 outside the door and he came, but he was followed by
15 another who stood behind me during the conversation.
16 I asked them who they were and they declined to answer.
17 I told them I was not happy about the verbal treatment
18 that was being subjected to. I told them
19 he was an extremely backward boy with a mental age of
20 about 9 years and little education and that I thought he
21 would answer 'Yes' to anything he thought they wanted
22 him to say 'Yes' to and 'No' when he anticipated that
23 they wanted 'No' for an answer."

24 So you can see that the day before Bernard is
25 murdered what the teacher is telling those who had come

1 to abduct them:

2 "The man behind me said they knew all this, that
3 they knew Taggart well. I asked them exactly what they
4 wanted and they informed me that they were going to take
5 out of the school for an hour. I told them
6 I couldn't permit that, because I felt responsibility
7 towards the boy, but that they could speak to the boy in
8 the school. I said I would make available a room and
9 the questioning could be done there. They rejected this
10 offer, saying that the questioning had to be done by one
11 other than themselves. I told them that I would arrange
12 the use of a room for this someone to do the questioning
13 and they said the person could not come here. They told
14 me they were taking . They were not
15 abusive, nor were they threatening, but they were firm
16 about what they had come to do. In all I suppose I was
17 30 minutes with them, and then having assured me they
18 would keep him only one hour, they left with . At
19 this stage seemed less anxious than when
20 he was being questioned in the room. By this time it
21 was 3.40 pm. Five minutes after they had gone I met
22 BR52" -- this is BR52, who was the principal of the
23 school at the time -- "and I told him the story. He
24 said, 'That's very worrying' and we talked about it for
25 ten minutes and he left my company. I was annoyed at

1 this stage that I had given in to 's removal from
2 the school. However, at 4.40 pm exactly the door opened
3 and in came smiling, accompanied by the
4 three men. They spoke to me for a few minutes about
5 absconders from our school and they offered to help by
6 returning these to the school when they came across
7 them. They were very friendly and genuinely gave the
8 impression that they wanted to assist in particular
9 areas. They seemed in no real hurry to leave and
10 had rejoined his pals and was not in any way
11 perturbed about the episode. When they had gone, I rang
12 the Brothers' house and told BR52 that had
13 returned and then I dismissed the whole thing from my
14 mind."

15 So if we pause at that point, this is the end of the
16 episode on the 12th November and there is no reference
17 to this being reported beyond the school.

18 "When they had gone -- within 24 hours I was to be
19 involved in the continuation of the same episode or in
20 something very similar. At 20 minutes or so past noon
21 on 12th November" -- what we were looking at was 11th --
22 "I was in my office making a phone call when two men
23 entered. I passed little notice of them as I thought
24 they were two of the working men who had been doing
25 a job erecting a guard frame on the greenhouse. I am

1 sure I was on the phone for nearly five minutes, but
2 I acknowledged them and signed that I would be a few
3 moments. They waited until I was finished and then
4 asked to see a SPT151 . I said SPT151 was on
5 night duty and they said that Mr I was speaking to
6 on the phone would do instead. At this stage I began to
7 put two and two together. I asked them if their
8 business had anything to do with the previous day's
9 incident and they replied that they had come to take out
10 Bernie Teggart."

11 Bernard was known as "Bernie":

12 "I informed them that if they wished to speak to any
13 boy, they must do so on the premises. They said that
14 a someone else wanted to speak to Bernie and I told them
15 to bring that someone else to the school. They said
16 'No', that Bernie must go with them. I told them
17 I could give no such permission and that they would have
18 to go to a higher authority. They said that they must
19 take Bernie and I replied that they must see BR52. At
20 first they were reluctant, but then I rang BR52 and told
21 him what was happening and that I was bringing the two
22 men down to his office. When we reached his office,
23 I showed them in and signed to BR52 did he want me to go
24 in and he signed back that he did. I went in and BR52
25 and I sat down. They remained standing with their hands

1 buried in their pockets just as they had done since
2 I first had met them. It was much more sinister than
3 the previous day's occurrence. They were more
4 threatening than the men of the Sunday. We talked for
5 about 20 minutes and the essence of the conversation was
6 that they were taking the boy. We set up arguments."

7 Scroll down, please:

8 "We offered ..."

9 Scroll down:

10 "We offered alternatives, but they said the boy must
11 go with them for an hour. Eventually BR52 gave his
12 permission and I was told to get the boy. I said he was
13 at lunch and to let him finish and they agreed. Then as
14 we opened the door to go out, another man was standing
15 there and I got the impression he was impatient. I told
16 him I was going to get Bernie and he said that it was
17 he wanted",

18 the same boy who had been taken the day before:

19 "I asked BR52 was that all right and he nodded.

20 I went to the dining room and was having dinner.

21 When he had more or less finished, I brought him to the
22 front of the school and he went off in a taxi with the
23 men. By this time it was 1.20 pm and I should have been
24 gone to lunch. I waited a few minutes and then headed
25 home. When I returned after lunch at about 2.05 pm,

1 arrived up with me. Like myself, he was now very
2 worried. I told him I thought we must now do something.
3 Police were mentioned and some people of authority in
4 the neighbourhood. At 6 o'clock I went down for tea and
5 was back up at 6.50. There was still no sign of the
6 boys. Then BR52 came over and he and I went looking for
7 them. He called at Father 's house, but he was
8 not there. Then BR52 went to the Taggart house, but
9 they were not there. He went then to Clonard Hall,
10 because we were told they played bingo there, but again
11 our search was in vain. We returned to the school and
12 there was further talk. Eventually I went home at about
13 10.30 pm. I heard the dreadful news in the morning.

14 I was told I should not", I think that's, "contact
15 the police by two Brothers."

16 I am finding some of that quite difficult to read.

17 MS DOHERTY: "... September 1973. I was a teacher."

18 MR AIKEN: Yes.

19 "This happened September 1973. I was a teacher.

20 I was then", something, "assistant ..."

21 MS DOHERTY: (Inaudible.)

22 MR AIKEN: We can do a little bit further work in due course
23 and see if we can work out --

24 CHAIRMAN: "None of the Brothers I consulted", something,
25 "headmaster in the school -- in the senior school."

1 "None of the Brothers I consulted was headmaster in
2 the senior school and the other had no further",
3 something. "Even if a boy is being ..."

4 MR AIKEN: "... brought ..."

5 CHAIRMAN: "... brought", something.

6 MR AIKEN: "... brought to this school ..."

7 I hear the tones of Ms , who has read some
8 documents in handwriting of this type before. We will
9 do some further work and see if we can work out
10 precisely what that is.

11 CHAIRMAN: Yes. There seems to be a handwritten note and
12 then an additional comment written in the margin, which
13 makes it difficult to see what the sense of it is
14 without seeing the original.

15 MR AIKEN: Yes. It may be -- Chairman, you will probably
16 know this better than any of us -- when the deposition
17 was being taken, some questions are asked and some
18 further information of evidence is added and then it is
19 signed.

20 CHAIRMAN: I think that's probably the coroner's handwritten
21 note of the evidence.

22 MR AIKEN: That's what SPT151 , the teacher
23 involved, had to say about what occurred and we are
24 going to now look at the statement from BR52, who was
25 the principal of the school at the time. If we can

1 look, please, at 18853.

2 CHAIRMAN: Just one moment. Yes.

3 MR AIKEN: Again in October 1974 BR52, BR52 as he then was,
4 said:

5 "I am principal of St. Patrick's Training School.
6 I remember Sunday, 11th November" -- so that is the day
7 before the murder -- "about 3.10 pm I was in the junior
8 side of the school. I was approached there by

9 SPT151 , a senior staff member, who told me that
10 three men had called at the school and wanted to see
11 a youth named Taggart."

12 This is the we are talking about at the moment,
13

14 "I should here explain that there are two brothers,
15 and both these youths
16 have been inmates of St. Patrick's for several years.
17 They had originally been committed as being in need of
18 care to our home at Kircubbin in Rubane and could not
19 settle there, so they were transferred to St. Patrick's,
20 and at various times they had absconded and got into
21 trouble, usually for thefts and small crimes of that
22 type. SPT151 had apparently talked to the men for
23 a while, but they had insisted that they wanted Taggart
24 for questioning. I did not know at that time which
25 Taggart the men wanted to talk to. I learned from

1 SPT151 that the men had already left the school
2 taking one of the Taggart brothers with them. I later
3 learned that it was . I understood from
4 SPT151 that they wanted Taggart only for questioning
5 and that he would be returned to the school within the
6 hour. was, in fact, returned to the
7 school within the hour. That was the end of that
8 particular episode."

9 So that's on 11th, the day before. The next day:
10 "... Monday, 12th at about 12 noon ...",
11 and it was not until approximately 10.00 pm or
12 10.30 pm when Bernard was murdered:

13 "On Monday, 12th November about 12 noon SPT151
14 phoned me from the junior headmaster's office to tell me
15 that two men were there and they again wanted one of the
16 Taggart brothers. This was again for the purposes of
17 questioning. I told SPT151 to bring them down to my
18 office and he did so. I asked SPT151 to stay in the
19 office with me. Both men told me that they wanted
20 Taggart for an hour to question him. I asked them what
21 they were going to question him about and they said that
22 they had only been sent to get him. I asked the men to
23 question him in the school with me being present. They
24 again said that they would not be doing the questioning.
25 I then said to the men, 'Would you get the men who have

1 to do the questioning and get them up here?' One of the
2 men said that would not be possible -- that would be
3 impossible. I then said, 'What if I don't allow the
4 boys away with you?' Their answer was that they were
5 sent to get him and they wanted him. At that stage
6 I had the impression that these men were armed, although
7 they did not at any time produce guns. I again tried to
8 persuade them not to take the boy and pointed out that
9 we had been left alone to look after these type of boys
10 for 60 years and it was my duty to stand by them. I saw
11 that they were determined to take Taggart, as they were
12 paying no heed to what I was saying. At that stage
13 I weighed up the situation, taking into account that
14 they had kept their promise the day before, and I was
15 also considering the danger to other boys and staff
16 members. At that point I made the decision to allow the
17 boy to be taken away. I then asked SPT151 to see to
18 the matter and the men left the office with him. I had
19 an appointment at Lisnevin Training School at
20 Newtownards and went on there. I returned to
21 St. Patrick's about 5.00 pm and discovered that some men
22 had come in a car and taken the other Taggart brother
23 away shortly before 2.00".

24 That's a reference to Bernard.

25 "I then gathered that it was who had been

1 taken away at the beginning and that other men had
2 returned and taken Bernard away. Neither boy returned
3 to the school. I waited until about 7.00 pm for their
4 return, and when they had not done so, I went to Father
5 's house off the
6 intending to make enquiries. He was not there. I went
7 then to the boys' home at and
8 was told by an older brother that they were not there.
9 The older brother suggested that they may have been
10 attending the bingo at Clonard Hall. I went down there
11 and they weren't there. I then returned to
12 St. Patrick's School. I telephoned the Casualty
13 Department of the Royal Victoria Hospital and they had
14 no record of anyone answering the Taggarts' description
15 being admitted. The police at Newtownabbey later asked
16 for clothing and found that it belonged to Bernard" --
17 sorry -- "later asked for an identification of clothing
18 and a laundry number. I checked the number on the
19 clothing and found it belonged to Bernard. I informed
20 the police and went back again to their home to see if
21 the other boy had returned there. His mother told me he
22 was in bed. I then went to the Royal Victoria Hospital
23 and went to Ward 21. The doctor and nurse brought me to
24 the bedside and I saw that it was, in fact, Bernard who
25 was unconscious in the bed. The doctor then informed

1 the police. I do not know -- I do not know any of the
2 men who came to the school to take the Taggart brothers
3 away for questioning."

4 Now it is clear from the Historical Enquiries Team
5 report that the HET had access to the police file in
6 relation to the murder investigation, and the Inquiry is
7 working on the obtaining of that documentation, because
8 it clearly contains material relevant to systems issues
9 for the Inquiry in relation to what the school did,
10 because if we look, please, at 18801 and the last
11 paragraph of this particular page in the HET report --
12 because, as the Panel will be aware, the Inquiry is not
13 investigating this murder; it is looking at what
14 occurred surrounding it -- you can see it is said in the
15 penultimate paragraph:

16 "Detective Inspector Neill", who was the
17 investigating officer, "recorded in his investigation
18 log book when Bernard died at 2.45 am. In the same log
19 entry he also recorded Bernard's date of birth, his home
20 address and that he and his brother were reported
21 as 'escapees' from St. Patrick's Training School. There
22 is no record of where this information originated, but
23 it must have been supplied by BR52.

24 Due to weather conditions ..."

25 It goes on to explain ...

1 If we just move over on to the -- yes. You can see
2 in this paragraph beginning:

3 "The general circumstances ..."

4 that it wasn't until later the day after the murder
5 that the police --

6 "The general circumstances of the brothers being
7 removed from the school were passed from Inspector
8 Jackson to Detective Inspector Neill at 2.20 pm. This
9 was the first time the investigation team knew of the
10 brothers being taken from the school, having been
11 wrongly informed by the school that they had escaped
12 from there."

13 So what is being said is that the sister of Bernard,
14 who identified him, told the police officer that they
15 had been taken from the school and that that police
16 officer then tells the investigating officer and that's
17 the first that he knows of it and that's ...

18 If we can look, please, at 18803 -- just scroll down
19 to the last paragraph, please -- we can see that there
20 is a report that the HET had access to of November 15th,
21 1973, so that's two days after Bernard's death, from
22 Detective Inspector Neill to the Assistant Chief
23 Constable outlining, it is said:

24 "... difficulties encountered by the investigation
25 team at St. Patrick's School in obtaining accounts from

1 some of the key witnesses. The officer asked could the
2 Ministry of Home Affairs be asked for any information
3 they had on the school.

4 It had been said in the press ..."

5 by this time -- there are extracts from the press
6 investigation that has been exhibited to the HET report
7 that the Panel has access to:

8 "It has been said in the press that the Ministry of
9 Home Affairs was to conduct an investigation.

10 Detective Inspector Neill explained in his report
11 that he had only learned about the
12 abductions from their sister after the post mortem
13 examination; the school had not divulged this
14 information to him. He explained the reluctance of
15 Canon and Mr , who was acting on his
16 instructions, to allow to be
17 interviewed."

18 That was because of concern over 's
19 welfare:

20 "He stated that BR52 had dictated a prepared
21 statement to police, but SPT151 was too
22 agitated to provide a statement. He reported the added
23 difficulty for SPT151 and his family ..."

24 You can see then that the HET was unable to find any
25 further correspondence replying to Detective Inspector

1 Neill's request for the Ministry to do something to
2 assist the investigation and can find no record -- the
3 HET can find no record of a Ministry of Home Affairs'
4 review into the school.

5 The author of the HET report was Philip James, who
6 was a former detective superintendent with the
7 Metropolitan Police in London and a holder of the
8 Queen's Police Medal at the time he wrote his report.
9 It was given for his services to policing, and he
10 devoted a page in the report to the conduct of
11 St. Patrick's.

12 If we can look at, please, 18818, these are
13 obviously conclusions he reached on behalf of the HET.
14 It will be a matter for the Panel to consider the
15 circumstances in the context of the terms of reference
16 of the Inquiry, but he brings together some of the
17 issues that arise. If we just scroll down, please:

18 "The conduct of two senior members of staff must be
19 mentioned.

20 BR52, the principal, failed to report 's
21 abduction on November 11th and agreed to and
22 Bernard being taken away from the school on
23 November 12th.

24 He failed to inform the police of the circumstances
25 at the earliest opportunity, when inquiries were being

1 made about the laundry marks, and he knew it was likely
2 that it was Bernard who had been shot.

3 It must also have been his information that,
4 distressingly for the family, resulted in the boys being
5 branded as escapees. Early press reports referred to
6 them as such.

7 The first record of assistance by BR52 is when he
8 supplied police with a prepared statement.

9 SPT151 also supplied police with a prepared statement,
10 declining to be interviewed or to go to the police
11 station."

12 Scroll down, please.

13 "The school had a duty of care to the boys. This
14 was belatedly demonstrated by Canon , who
15 correctly identified the vulnerability of to the
16 police, not allowing him to be interviewed and obtaining
17 legal representation for him."

18 He then makes -- expresses the view that wasn't
19 exercised when the school allowed the abductions,
20 although SPT151 gave context to the
21 difficulties the school was facing. His description of
22 suspected terrorists entering the school on a regular
23 basis demonstrates very intimidating and uncomfortable
24 times. He also pointed out that cooperation with these
25 groups in the past had never resulted in such tragedy.

1 The RUC investigation team were very concerned at
2 the time about the conduct of the school, its failure to
3 give the true circumstances of the abductions and its
4 lack of cooperation after the murder.

5 A report was submitted outlining from the
6 investigating officer his concerns about the school
7 and seeking any further information about the school
8 from the Ministry of Home Affairs."

9 He goes on to explain that:

10 "No further information could be found from the
11 HET's investigation, but the HET acknowledged that it
12 was the Provisional IRA who murdered Bernard. However,
13 the school failed", in his view, "lamentably to fulfil
14 the duty of care towards him in allowing his abduction
15 and failing to report it to the authorities. It is
16 unclear whether they ever acknowledged this or
17 apologised to the family."

18 If we just scroll down, you can see that there is
19 a record -- scroll down a little further, please --
20 a particular record in the period before Bernard's
21 death, and it is recorded:

22 "Perhaps the latter days of his life were the
23 happiest in this particular sense, because he was really
24 trying to improve in gymnastics, and was very proud of
25 the little praise I gave him for his progress. It is

1 reassuring to know that all that could be done to make
2 life a little happier for Bernie was being done here at
3 the school."

4 This is obviously a teacher writing about his
5 reflections on Bernard after his murder.

6 Obviously the Panel will bear in mind the context in
7 which the training school was operating, in particular
8 its geographical location at a time of enormous social
9 unrest and where the very fabric of society was under
10 threat.

11 The Panel will also want to bear in mind that the
12 staff may themselves have felt under threat and/or
13 helpless to prevent the boys being taken.

14 However, it remains the position that those running
15 the training school do not appear to have informed the
16 police or anyone else of the first abduction of
17 Bernard's brother on 11th November. They do not appear
18 to have informed the police or anyone else of the second
19 abduction of first Bernard's brother and then Bernard
20 the following day, 12th, and the Panel is aware there
21 were some eight hours between Bernard being taken and
22 the time of his death, though you may consider the staff
23 involved may not have had reason to believe he was going
24 to be murdered for the reasons that SPT151 had set
25 out.

1 Media reports in the aftermath of the murder -- and
2 I am just going to show you this document. 18825,
3 please. It's a summary of a newspaper article. The
4 Belfast Telegraph on the day of the murder said:

5 "The report described how an inquiry had been
6 ordered by the Ministry of Home Affairs ..."

7 Now by this point in November 1973 the Ministry of
8 Home Affairs continues to exist for about another month
9 and thereafter the Northern Ireland Office, but
10 Parliament had already being prorogued and effectively
11 the Northern Ireland Office and Direct Rule was being
12 administered during this period. It is said that:

13 "The Ministry of Home Affairs had ordered an inquiry
14 into why Bernard and his brother had been abducted from
15 their training school."

16 It presumably, as I say, would have been the
17 Northern Ireland Office who would have ordered any
18 investigation in November 1973. The Inquiry has not
19 found any evidence of that investigation to date, and
20 I have raised that matter with counsel for the
21 Department of Justice, who is going to make further
22 inquiries in that regard.

23 The Inquiry has found one Northern Ireland Office
24 file, but it relates to dealing with a subsequent civil
25 claim, which ultimately, if it took place involving the

1 family in 1973 and '74, may have been dealt with by the
2 school, but that file doesn't contain any evidence of
3 the investigation that was mooted in the aftermath of
4 the murder.

5 You may consider that those with responsibility for
6 the provision of training schools would have wanted to
7 establish how a boy residing in a training school could
8 be abducted and murdered by terrorists, would have
9 wanted to establish why those responsible for the
10 training school didn't consider it essential to report
11 the abduction at the first opportunity to both the head
12 of the Management Board of the school after the police
13 and perhaps to the Ministry, would have wanted to
14 consider what steps might be taken to ensure that such
15 an event couldn't happen again in a training school
16 where children were sent by the courts, and would have
17 wanted to consider if the view was arrived at that there
18 were no steps that could prevent such an event happening
19 again in light of the context and geographical location,
20 then more drastic measures would have to be considered
21 in order to ensure the safety of those committed to
22 training schools.

23 As I said, this story is being pursued in terms of
24 trying to find further papers, and when those are
25 available and they add to the picture that I have

1 outlined, then I will bring that to the Panel's
2 attention, but identifying potential systems failures by
3 those who regulated or ran a training school does not
4 change the fact that it was the IRA who murdered Bernard
5 Teggart, a 15-year-old boy said to have the mental age
6 of an 8 or 9-year-old. That's a matter that we will no
7 doubt return to during the course of this module.

8 Chairman, I wonder is that an appropriate time to
9 take a break.

10 CHAIRMAN: Yes. We will take a short break for ten minutes.

11 I think we are going to turn to another topic now.

12 MR AIKEN: We are.

13 (2.55 pm)

14 (Short break)

15 (3.05 pm)

16 MR AIKEN: Chairman, Members of the Panel, just before
17 I move on, an original minute book that's helpfully been
18 provided to the Inquiry jogged my memory about
19 a document that I wanted to draw to your attention in
20 the context of what we were looking at, because one of
21 the issues the Panel will be interested in is, "Well,
22 who did what after this occurred?"

23 The minute book of the Management Committee reveals
24 there was a meeting on Friday, 10th May of 1974 and it
25 appears if we just look at the record from 1st June 1973

1 -- so if we can look at 80296 just to ground what I am
2 saying to you, this is the minute of the Management
3 Board presided over by DL260 . You can see it
4 is a meeting of the Board of Management held in the
5 school on Friday, 1st June 1973. So Bernard Teggart was
6 murdered in November 1973. So if we just look at the
7 bottom of the page where you can see that this minute is
8 signed off by Bishop --

9 CHAIRMAN: Can we just see who is present?

10 MR AIKEN: Yes. Just scroll up, please.

11 CHAIRMAN: Yes. Thank you.

12 MR AIKEN: If we just scroll down to the bottom, you can see
13 that the minute is signed by DL260 on
14 10th May 1974. So although from 1965 approximately
15 there had been a move towards quarterly meetings, it
16 seems -- I gave some example of this -- Belfast and West
17 Belfast in particular was in major turmoil during this
18 period of time, but it would appear that the next
19 meeting after the one of June '73 is not until May 1974.

20 So if we look at the next minute that has been
21 provided to the Inquiry on the next page, there is
22 a missing page in between in the minute book, but the
23 date that that previous minute of June '73 is signed
24 would suggest there was no other meeting took place
25 until that of May 1974. Now that's not to say there

1 wouldn't have been lot of conversations and exchanges
2 that took place between the Brothers and the bishop
3 and/or other members of the Board in the aftermath of
4 the murder, but they are not recorded in the minute
5 book.

6 The passage that I want to draw your attention to,
7 there is discussion about -- if you see down at the
8 bottom of the page, if we just scroll down, please, the
9 meeting is told by --

10

11

21 Then it seems BR52 is asked how things were in
22 St. Patrick's.

23 "BR52 informed the Board" -- and this is the passage
24 that I wanted to draw the Panel's attention to -- "that
25 presently there were nine boys there on murder or

1 attempted murder charges and eight on firearm charges."

2 This is at 80298.

3 "His Lordship expressed dissatisfaction that the
4 school should be used for this type of boy and said
5 a letter should be sent to the Ministry expressing
6 concern at the presence of this type of boy in the
7 school."

8 Now the difficulty that we have got is in the
9 context of not having inspection files the files that
10 might have contained the inspection and might have
11 contained whatever investigation there was and might
12 have contained this correspondence and that reply to it
13 that might have been written, we have not been able to
14 trace those, and whatever further work is done to try to
15 explain why we can't trace them, if they can't be found,
16 it will not be possible to take it any further. It
17 gives you again some context that here you have young
18 boys on very serious charges being sent to the training
19 school in the early months of 1974.

20 There will be some further matters to add, which
21 I will come back to over the coming days and weeks.

22 I want to move on now to another major incident
23 which raises issues about systems failures that occurred
24 in the 1970s. This relates to DL137, DL137. I am going
25 to turn now to say something about the abuse perpetrated

1 by DL137 and the circumstances relating to it. It is in
2 addition to the abuse itself. I am going to look at
3 this in some detail, because the documents that I am
4 about to show the Panel demonstrate that abuse by DL137
5 was known about in 1978, which is two years before he
6 was allowed to resign in 1980, and matters concerning
7 him were never reported either in 1978 or 1980 or at any
8 time until the matter comes to the police's attention in
9 1994 in a way that I will explain shortly.

10 The sad outworking of these facts is that, similar
11 to we saw in the last module to do with Father Brendan
12 Smyth, it is the position that most, if not all, of
13 DL137's abuse in St. Patrick's, including at least three
14 of the victims he was convicted of abusing, could have
15 been avoided if a different course had been taken in
16 1978.

17 In addition, some of the material I am going to
18 outline will be of general relevance to the Panel in
19 assessing the evidence during this module of those
20 witnesses who relate to the period of the 1970s.

21 DL137 was born on in Northern Ireland.
22 He died in Belfast on . He had, in
23 fact, been a resident in Rubane House in Kircubbin
24 between 16th August 1968 and 4th August 1970 between the
25 ages of 13 and 15. In 1994, while being interviewed

1 about the allegations facing him, he did allege he was
2 sexually abused in Rubane. He then elected not to
3 proceed with making a statement about that, but he did
4 make one after his conviction, and that statement is of
5 26th March 1996, and can be found in the Rubane evidence
6 bundle at RUB61377 to 61382.

7 So he is in Rubane between 1968 and 1970, at which
8 point he is 15, and then we know that on 22nd February
9 1975 he was employed as an at
10 St. Patrick's. So by the age --

11 he is given a job in St. Patrick's and he
12 remains employed in that capacity until just before his
13 March 1980. So he is there as
14 a 19-year-old through to the age of 24.

15 During that time between February 1975 and
16 March 1980 BR95 or BR95 was the of the
17 St. Patrick's Training School. The reference for that
18 can be found at page 655. BR26 was the of the
19 De La Salle community at St. Patrick's at that time. So
20 you had the roles split, as happened during the time of
21 BR39, and BR52 had moved on and now BR95 is the
22 , as it were, of the
23 school and BR26 is the of the community.

24 Now DL137 was convicted on 27th September 1988. So
25 we know he left St. Patrick's in 1980, aged 24. Eight

1 years later, when he is 32 or 33, he is convicted of the
2 sexual abuse of a number of boys in the community. The
3 abuse happened in his home. The abuse took place
4 between 1985 and 1987, so post his time in
5 St. Patrick's, at which time he would have been between
6 the ages of 30 and 32, so after he'd left St. Patrick's,
7 and the reference for that is at 21387.

8 When he was convicted of these offences between the
9 years of '85 and '87, he received seven years'
10 imprisonment, which was reduced to four years on appeal.
11 However, while serving that sentence -- in fact, he had
12 probably finished that sentence. He then was prosecuted
13 again, this time for offences that occurred in
14 St. Patrick's between 1977 and 1980. He was convicted
15 on 1995 of sexually abusing four boys and
16 he was given a three-year suspended sentence. The
17 suspended sentence was for three years' duration.

18 There are a number of witnesses to the Inquiry who
19 speak of DL137 and then a number of individuals who have
20 spoken to the police or engaged in civil claims, and
21 I am going to try to set the context for that as we look
22 at some of the material that will raise issues for the
23 Panel in terms of systems failures.

24 If I can just at this stage signpost that there are
25 five witnesses who have come forward to the Inquiry who

1 make allegations of sexual assault against DL137. Two
2 of those five were part of the four boys he was
3 convicted of abusing. So two individuals have come
4 forward to the Inquiry who were part of the criminal
5 process that saw DL137 convicted in 1994. The other
6 three didn't make allegations against DL137 before his
7 death. I am simply going to flag up the individuals as
8 part of this biography so that it is comprehensive.

9 You will hear -- I have summarised the evidence of
10 HIA320, and he was resident on various dates between
11 . The Panel is aware of who that
12 is, and his material will be opened in due course.

13 The second individual is HIA227, and he was one of
14 those for which DL137 was convicted of abuse, and he
15 pleaded guilty to a charge of gross indecency in respect
16 of abusing him, and he was resident during right
17 through until

18 The third is -- third and fourth are brothers,
19 HIA218 and HIA219, and they were resident between
20 and , and they did not make
21 allegations until recent times, perhaps 2010 I think the
22 date is onwards, and their evidence will be looked at in
23 due course.

24 The fifth person then is HIA347 and he also was one
25 of the four boys whom DL137 was convicted of abusing.

1 In respect of him DL137 pleaded guilty to two charges
2 and I am going to flag up for the Panel at this stage
3 that he pleaded guilty to two charges of indecent
4 assault in respect of abuse, and the individual was not
5 prepared to give evidence about an attempted buggery
6 charge, and therefore it wasn't proceeded with. He was
7 in the home between and .

8 Now I just want to flag up -- I will speak of it in
9 more detail, but so I have set the context, at the same
10 time the 1994 prosecution takes place. Four individuals
11 are the complainants. DL137 pleads guilty to gross
12 indecency charges and indecent assault charges, and this
13 charge of attempted buggery was not proceeded with, but
14 in addition there was an allegation of buggery in
15 respect of someone who has not come forward to the
16 Inquiry. DL137 did plead guilty to gross indecency in
17 respect of him, but DL137 contested before a jury the
18 charge of buggery and was acquitted by the jury on that
19 charge. I just flag that at this stage and I will
20 explain it a little more as we go.

21 I want to now -- so there are five witnesses. Two
22 came forward at the time of the police investigation in
23 1994. We will understand the context of that a little
24 more shortly. Three have not come forward before 2009.

25 I am now going to look at the police material that

1 the Inquiry has received and I am going to now try to
2 put in context what initiated the police investigation,
3 one particular aspect of which we looked at earlier in
4 respect of SPT96 and BR39.

5 Having received a complaint of sexual abuse by an
6 ex-resident of St. Patrick's alleging abuse by staff --
7 that ex-resident was a man called SPT134, who made this
8 allegation in England in 1993 -- the police begin an
9 extensive proactive police investigation and, as I said,
10 earlier, they trace over 300 ex-residents and interview
11 155.

12 You will recall from earlier modules that this is at
13 the period of Operation Overview, which was an extensive
14 police inquiry into allegations of sexual abuse that was
15 not necessarily limited to children's homes such as
16 Rubane.

17 The police summary report from this file at 20583
18 explains that each of the 155 individuals interviewed --
19 and I want to show this to the Panel, please. 20583 and
20 it is the third paragraph. You can see:

21 "During the interviews of the 155 young men who were
22 inmates with SPT134, they were asked if they had been
23 the victim of sexual or physical abuse at the school, or
24 locked in cells, or if they had knowledge of any other
25 inmate being the subject of such abuse."

1 They were then also given a description of seven
2 individuals that SPT134 couldn't name but who were his
3 alleged abusers.

4 Now of the 155 who were spoken to six individuals
5 made allegations across all of the three categories that
6 were being asked about by the police: whether they
7 themselves were abused, whether they knew of abuse
8 happening to others, and whether they had been locked or
9 were aware of people being locked in the cells.

10 Six of the 155 made allegations. Four of that six
11 were allegations of sexual abuse against DL137. Two --
12 the remaining two of the six made allegations, one of
13 which was determined to be false, and ironically that
14 was the conclusion ultimately that was reached in
15 respect of the complainant that had sparked the
16 investigation in the first place. The other allegation,
17 the person elected he didn't want to have it proceeded
18 with.

19 So of the boys who were identified that covered the
20 period at the end of the '70s and start of the '80s,
21 which was the period that the initial complainant
22 covered, of those who could be traced, only two of them
23 were making allegations other than against DL137. One
24 of those allegations was found to be false. The other
25 did not wish to proceed with his allegation.

1 The 149 others are recorded as having had no
2 complaints to make of physical or sexual abuse or any
3 knowledge or information of an evidential nature that
4 anyone in the training school had been the victim of
5 such crimes.

6 As I said to you earlier, the result of that major
7 piece of police work are contained within the police
8 file C61/220/93. That file runs to 572 pages and I'll
9 give you it again. It's at 20572 through to 21143.

10 In respect of the four individuals who made
11 allegations against DL137 -- so that's of the six out of
12 155 four make allegations against DL137. Two of them
13 I have already identified to you as having come forward
14 to the Inquiry. That's HIA347 and HIA227. The other
15 two were SPT133, and the Panel will be aware of who that
16 is, and SPT122, and their police statements of what they
17 say happened to them can be found at 21424 and 21428 in
18 the bundle.

19 As I said to you, DL137 ultimately pleaded guilty to
20 two charges of gross indecency against SPT133 and was
21 found not guilty by a jury on the buggery charge. That
22 can be found at 26100, and he pleaded guilty to two
23 charges of indecent assault against SPT122, and that can
24 be found at 26294.

25 Now as the original complainant that sparked the

1 police investigation, SPT134, was not in St. Patrick's
2 during the time that DL137 worked there, the police
3 moved the four complainants against DL137 over to
4 a separate police file and began a specific
5 investigation into DL137. That police file is C64/35/94
6 and it runs to some 227 pages. It can be found in the
7 bundle at SPT21319 to 21545.

8 The police report from the file, which is some ten
9 pages, runs from 21414 to 21422. The file deals with
10 the four individuals that I have now identified, two who
11 came forward to the Inquiry and two for whatever reason
12 did not.

13 In respect of the two who did not come forward the
14 Inquiry Panel have access to statements, and I am not
15 going to -- I am not going to open those statements at
16 this point other than to say that one of the two alleged
17 masturbation and buggery -- the buggery charge was not
18 accepted by the jury -- and the other alleged
19 masturbation on a number of occasions and also oral sex.

20 DL137 was interviewed on 10th February 1994. The
21 interview runs from 21441 to 21469. He denied buggery,
22 attempted buggery and oral sex. He did admit that he
23 masturbated himself and the four boys, but later changed
24 that account to masturbating himself and just feeling
25 the boys while doing this. He denied that any of the

1 boys had masturbated him.

2 It was during the second interview that day on 10th
3 February 1994 that he claimed he had been a victim of
4 sexual abuse during his childhood and he also alleged
5 that the Christian Brothers in St. Patrick's Training
6 School were involved in sexual abuse. You can find that
7 at 21469. Those matters weren't explored during the
8 interview. Police advised him to discuss those matters
9 fully with his solicitors and they could be returned to.

10 On 21st February 1994, so eleven days later, DL137
11 was again interviewed and refused to elaborate on what
12 he had said in his previous interview of 10th February.
13 He made a statement that he didn't want his own abuse
14 investigated and he had no information to assist the
15 police into the investigation regarding sexual abuse at
16 St. Patrick's Training School.

17 During the police investigation documents came to
18 light that suggested that the then principal, BR95, had,
19 in fact, known contemporaneously of allegations against
20 DL137 from two other boys, so not the four that were
21 involved in the police prosecution or who have come
22 forward, two of them, to the Inquiry.

23 The documents appear to have been in DL137's
24 personnel file, which had been provided to the police by
25 BR26 during the initial proactive SPT134 investigation

1 I was speaking of earlier. The evidence for that taking
2 place and BR26 giving the file over is at 21365.

3 When these documents were brought to the attention
4 of Detective Chief Superintendent George Caskey -- if we
5 can just look at his letter, please, at 21367 -- he
6 directed that a full investigation be carried out into
7 the matters contained in the documents. It is recorded
8 that:

9 "DL137, a former ..."

10 That's not right. He was a . He is recorded as
11 being about to appear. It then set out about the
12 documents. They'd initially actually been handed over
13 by BR26. A subsequent set had also been handed over by
14 the Northern Ireland Office.

15 If we scroll down:

16 "A cursory examination of the documents would
17 suggest that responsible people at St. Patrick's
18 Training School either knew or suspected DL137 of
19 unlawful activity towards inmates.

20 Please initiate a full investigation into the
21 matters contained in the attached document, the original
22 of which, handed to the police, be treated as
23 an exhibit.

24 Should any evidence of criminality in relation to
25 child abuse be disclosed during your investigation, this

1 office must be notified immediately."

2 It is then said:

3 "This is necessary so that the appropriate authority
4 can be informed in order that consideration can be given
5 to the protection of inmates at St. Patrick's Training
6 School."

7 We are going to look now at the documents that
8 Superintendent or Chief Superintendent George Caskey, as
9 he then was, was referring to.

10 If we can look first, please, at 21382, it appears
11 that on 9th July 1978 BR95, who was the principal of the
12 school, met with DL137 in respect of allegations that
13 had come to his attention. So you can see this is
14 a note:

15 "Re DL137 -- 9th January 1978."

16 You see it is signed by BR95, the principal, and it
17 says:

18 "A severe warning ..."

19 CHAIRMAN: Is it January or July? I think you said "July".

20 MR AIKEN: I think it is July. There's a --

21 CHAIRMAN: It is not clear whether it is a 7 or a 1.

22 MR AIKEN: Yes. I take it as a 7. It may be a -- there is
23 probably a document I can check this evening in the
24 police file that will --

25 CHAIRMAN: It looks more like a 7 to us I think.

1 MR AIKEN: Yes, I think it is. 9th July is what I have
2 taken it to be. It says:

3 "A severe warning was issued" -- I am grateful --
4 "to the above named re conduct with boys and he admitted
5 to offering money for illegal purposes but maintained
6 that he never touched any boy in the school. He was
7 forbidden to mix with junior or senior boys for any
8 reason, and if found in their company, would be
9 dismissed from the school."

10 Now that document was put to BR95, BR95, BR95 during
11 his second police statement of 19th December 1994. If
12 we can look at that, please, 21394. So he says:

13 "I have been from until I retired in
14 . Today, 19th December, I have been shown a file
15 which contains 19 pages of typed and handwritten
16 documents. I have examined page 15, which is a copy of
17 a minute in my handwriting, 'Re DL137', dated
18 9th January 1978."

19 So it may be.

20 "With the passing of time I have no recollection of
21 speaking to DL137 about the content of the minute, which
22 relates to a severe warning issued to DL137 with regard
23 to offering money to inmates at the school. I am
24 satisfied that DL137's involvement with the boys did not
25 go beyond the offer of money, otherwise the Management

1 Board would have been informed to have further
2 investigations made. At the time I would have informed
3 the senior members of staff reference the warning issued
4 to DL137 so that they could report back to me if DL137
5 had been seen in the company of inmates. If I had
6 received any such report after the 9th January 1978" --
7 scroll down, please -- "I would have recommended to the
8 Management Board the immediate dismissal of DL137.
9 There was no further problems with DL137 until March
10 time 1980 when he resigned from the school. The details
11 of that has been covered by me in a statement dated 10th
12 October."

13 We will look at that shortly for a different reason.

14 So from that statement it appears to be that the
15 then principal is acknowledging that he didn't tell the
16 Board of Management of the school that a staff member
17 had propositioned two boys with money to carry out what
18 was described as "illegal purposes", which I am going to
19 assume is sexual misconduct.

20 Now we have the -- we are just processing at the
21 moment the Management Board minutes from 1978, and
22 I will be able to open that to you tomorrow, but it
23 appears that nothing else was done other than this note
24 being put in the file with the warning having been
25 given. It is said in the statement that he would have

1 informed the senior members of staff reference the
2 warning issued to DL137 as opposed to "I did do that".
3 So he is saying that's something he would have done, but
4 there it appears the matter rested until 1980. When you
5 look at the material that I have signposted, you will
6 see that the abuse for which he was convicted, almost
7 all of it takes place in the dates post January or July,
8 in fact, 1979. It is all later.

9 Now another document that was found in the file that
10 is being examined by the police is at 21372. Can we
11 look at that document, please? Now it is possible to
12 work out from the document that it is dated in 1980 and
13 what's being referred to first is an incident on 24th
14 February of 1980 when DL137 is recorded as having
15 apparently molested a boy whose name appears there in
16 the swimming pool, and that was one of the modus
17 operandi. You will hear, when you hear the evidence, of
18 meeting the boys at the swimming pool, albeit he was not
19 supposed to be there.

20 He was also noted as offering two other boys -- and
21 you will see in the second paragraph two further names.
22 One of those was one of the four whom he was prosecuted
23 in respect of, the first name that you can see in the
24 second paragraph. So it's the same allegation, that
25 money was being offered to engage in sexual activity,

1 and then you will see that there are some other
2 incidents that predate that that are also recorded,
3 including something before Christmas, which would have
4 been then in 1979.

5 So as you -- if we scroll down the page, you can see
6 that advice appears to have been given or recorded about
7 how to deal with DL137. It may be that advice was
8 sought and then was being recorded, and we are looking
9 at that handwritten record of what -- if we go back,
10 please, to 21370, there are three handwritten pages.
11 Just scroll to the top so we can see. The options that
12 are being recorded about sacking him, suspending him and
13 not being obliged to give an explanation. So summary of
14 potential employment law options.

15 If we scroll down, please, then a draft letter is
16 prepared that could be written, and if we just scroll
17 down a little further, if we scroll down a little more,
18 please, so the options of how to deal with him are being
19 recorded about dismissing him, suspending him, after
20 these matters had come to the principal's attention.

21 Then we have -- if we look at 21381, please, there
22 is a letter of 12th March 1980 that is prepared, which
23 is the same day that DL137 resigned, as we will come to
24 shortly see. The principal says:

25 "I regret to inform you that certain allegations

1 have been made against you. These allegations, if
2 substantiated, could amount to gross misconduct.
3 Pending further investigations, I have no alternative
4 but to suspend you with pay from your present post as
5 and from Wednesday, 12th March 1980.

6 You are instructed to report to my office for
7 a disciplinary hearing"

8 two days post that.

9 Now if we look at the first police statement that
10 BR95 made on 10th October 1994 -- we can see it at
11 21392, please -- he explains how this comes to his
12 attention. He said:

13 "I believe it was March time a member of staff
14 brought to my attention that a complaint had been made
15 by two inmates of the school against DL137, who was
16 employed at the training school as a chef. I cannot
17 recall the names of the two boys concerned",

18 but records show the two boys that we looked at in
19 the handwritten note.

20 "I do recall that when I interviewed the two boys"
21 -- so the principal spoke to them -- "they alleged that
22 DL138 had offered them money to do bad things with them.
23 I recall that was the term used by the boys, and that
24 one, in fact, alleged an attempted indecent assault on
25 him at the swimming pool."

1 Then he says:

2 "I interviewed DL137 regarding these complaints, and
3 when I put the allegations to him, he broke down and
4 started crying and said that he would resign. He didn't
5 admit the allegations, but from his behaviour, when
6 confronted, I assumed that there was some truth to what
7 had been alleged. He offered his resignation at the
8 time, which was accepted."

9 Then he says:

10 "From records the date that he resigned was
11 12th March 1980. There were no other inmates at the
12 school at the time that alleged anything against DL137.
13 They were the only two. When DL137 resigned, I in my
14 position as principal decided that there was no need for
15 any further investigation into the complaints. I cannot
16 be certain, but I imagine that I would have had some
17 consultation with the parents of the boys concerned
18 before I made that decision."

19 So the suggestion being made here is again not that
20 "I did", but that "I imagine I would have with the
21 parents before I made that decision that there was
22 nothing more needed to be done".

23 "There was no police investigation into DL137 in
24 relation to his time of employment at St. Patrick's."

25 We can see on 21369, if we go to 21369, please, this

1 is the resignation letter of 12th March:

2 "I, DL137, offer my resignation from my post in
3 St. Patrick's as and from today, 12th day of
4 March 1980."

5 Now we have the Board of Management minutes from the
6 next meeting that predates these events in March 1980.
7 If we can bring up, please, 80338, and I want to draw
8 your attention to about eight lines down on the
9 right-hand side. You can see arising from the minutes:

10 "The principal informed the Board ..."

11 So the principal was present at this Board of
12 Management meeting, and from my reading of the minutes
13 I can't find any reference that would suggest the Board
14 of Management were informed about this, that two boys
15 were making these allegations, that there had been
16 previous allegations in 1978, and an explanation of what
17 had been done and what the principal had decided was not
18 to be done.

19 If the Panel will permit me, we have had a long day
20 with a lot of material. If I pause there, there's one
21 final part to this jigsaw which I will open in the
22 morning when I will just raise some questions for you to
23 consider in respect of this particular issue.

24 CHAIRMAN: It is very appropriate. We will adjourn now and
25 resume tomorrow morning.

