

## THE SUNDAY TIMES

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## Garda chief's journey has come to the end of the road

There is a danger that the non-stop avalanche of revelations concerning the administrative failures of An Garda Síochána has become so commonplace that the public will eventually switch off, concluding with a collective shrug that the force's reputation for competence is beyond redemption. Given its vital role in the management and security of the state, such an outcome would be welcomed by nobody other than anarchists. Yet one month after the extraordinary discovery that the gardai falsified roadside breath test figures by almost 100% between 2010 and 2015, we are no nearer understanding how this happened.

At its annual conference last week, the rank and file members represented by the Garda Representative Association sought to place the blame firmly on the desk of Garda management. Eschewing the notion that the buck might stop with her, the commissioner Nóirín O'Sullivan responded in kind, telling her troops that they bore just as much responsibility. The commissioner, as we have written previously, is no longer a credible leader of the force. So we were not in the least surprised at her intemperate response. Instead of promoting internecine warfare, Ms O'Sullivan would be better advised to provide answers to one of the most embarrassing episodes in the history of An Garda Síochána. But, as we discovered last week, answers there are none.

Hauled before the Policing Authority, Ms O'Sullivan and her senior management reported they had no new information that might shed light on the matter of falsified breath tests. The exchanges between the commissioner and Policing Authority chairwoman Josephine Feehily were testy, reflecting the oversight body's frustration at the lack of progress in uncovering the truth of the matter. Ms Feehily is right to be annoyed: if An Garda Síochána is not answerable to the Policing Authority, then to whom is it answerable? However, it was the revelations concerning a Garda review of homicide figures that left observers with the sinking feeling that this force is not just out of control, but also out of its depth.

Simply, there is no more serious crime than that of murder, but now we have

discovered that the gardai can't even classify these cases accurately. Following a review which involved checking Garda records against those of the state pathologist, it transpired there were "three or four cases" where homicides were misclassified, most of which involved men killing their wives or partners, in crimes that were subsequently recorded as "non-fatal offences causing harm". Unfortunately, massaging statistics by reclassifying the nature of some crimes is a long-established tradition in police forces but, when murder statistics are being misrepresented, it gives cause to wonder whether something more sinister is afoot.

The Garda commissioner, it should be noted, objected to being questioned about homicide statistics on the grounds that it was not on the agenda for last week's meeting. As Ms Feehily pointed out, advance warning of the line of questioning had been given at the policing performance committee, and the press had also reported ahead of last week's show-down that the commissioner would be quizzed on the homicide figures. So everybody, except the commissioner it seems, knew the questions were coming.

Ms O'Sullivan has much on her mind right now. She has lost the confidence of both Fianna Fail, the main opposition party, and Sinn Féin. Her force is mired in a series of controversies that have called into question its competence and, in the case of the financial scandal at the training college in Templemore, the honesty of certain members.

The commissioner herself is a key figure in Mr Justice Peter Charleton's inquiry into the alleged smear campaign orchestrated by senior members of Garda management against the whistleblower Sgt Maurice McCabe. The feisty stance she has adopted in denying she had anything to do with the smear campaign suggests she is confident of coming out on the right side of the inquiry. But, given the events that have unfolded on her watch, even if she clears that hurdle she will still be damaged. Ms O'Sullivan likes to proclaim that she has "a journey" to undertake in terms of reforming An Garda Síochána. Public-relations guff only gets you so far. Ms O'Sullivan's journey should end now.

## Government should provide answers in 'Grace' care case

Is the Health Service Executive so irredeemably dysfunctional that even a sense of shame is beyond its capacity? This is not a rhetorical question. It begs to be addressed after Peter Kelly, the High Court president, felt it necessary to obtain sworn undertakings from the state agency that it would abide by the terms of a €6.3m care package he awarded "Grace", the pseudonym given to a woman with severe intellectual disabilities.

The judge said Grace's treatment over 20 years was "not just shocking, but a scandal". Despite a decision by a health board in 1996 to remove her from a foster home in the southeast, following allegations of physical and sexual abuse in the house, she was left there for another 13 years. When removed in 2009, Grace "cut a sad figure", he said. She was in a "wretched" state, frail, dirty, unkempt and debilitated due to a poor diet and psychosis. Her only possession was a child's toy which she still clings to "for dear life". Despite advice by HSE lawyers that Grace be made a ward of court, no application was made because the agency feared the court would question her care. Rather than face that, Mr Justice Kelly said, the "unfortunate and voiceless" Grace was left where she was.

The message inherent in his demand that the HSE formally swear to implement the terms of Grace's award is that the

organisation responsible for the nation's healthcare cannot be trusted. Anyone who followed the horror story of Grace's mistreatment as it unfolded in hearings of the Dail's public accounts committee over the past 12 months will applaud Mr Justice Kelly's punctiliousness.

Tony O'Brien, the HSE's director general, has repeatedly had to return to the committee to correct false information relayed to it from his officials. These errata included the HSE's insistence it had formally apologised to Grace and her mother, when it had not. Mr O'Brien also returned to confirm that two officials involved in reversing the decision to remove Grace from the house now work for Tusla, the child and family agency, contrary to what he had previously stated. Mr Justice Kelly told the HSE that, had not a commission of investigation been established to examine the treatment of Grace and other residents of the foster home, he would demand to know why the decision to take her out of the house had been overturned.

There is no reason why the government cannot provide answers to this "mystery", as Mr Justice Kelly called it. Failure to do so only protects the HSE. Perhaps the government feels inhibited by the role played by the minister for health at the time, who was lobbied by the foster father to stop Grace being removed. That minister's name? Michael Noonan.

## Serious issue, dumb answers

The citizens' assembly, which has just returned its recommendations on abortion, is made up of 99 members of the public chosen to represent Irish society on the basis of age, gender, social class and geography. If it also represents Irish society on the basis of average intelligence, however, we are in a lot of trouble.

Asked to vote on a range of circumstances in which abortion should be permitted, 8% of these randomly chosen citizens suggested there should be no gestational limit for terminations. In other words,

full-term babies should be aborted, right up to their due date, if the mother changes her mind.

Either these people did not understand what they were being asked, which is worrying enough, or they truly envisage a 40-week foetus being delivered and potentially left to die. Under this regime, those whose babies are born at 38 weeks would have a two-week "cooling off" period when they could decide to keep them, or not.

Where did they find these geniuses?

Justine McCarthy  
NMH must be free of religious shackles

## Thousands right to urge block on nuns' ownership of maternity hospital

Christmas shoppers were scurrying in the streets outside the Four Courts on December 23 in 2014 as Peter Boylan, one of Ireland's most eminent obstetricians, stepped into the witness box. He had come to testify at a specially convened court to hear the barbaric case of Miss P, a young mother declared dead from a catastrophic brain trauma three weeks earlier. Her father and her partner wanted the court to order the hospital keeping her artificially alive, in order to sustain an 18-week pregnancy, to switch off her life support. The courtroom was haunted by evidence that doctors had pored over Bunreacht na hÉireann in Dublin's Beaumont Hospital in a vain attempt to determine whether they were liable to imprisonment if they stopped the machines.

More enduringly haunting were doctors' testimonies about the decaying state of Miss P's body. It was being invaded by aggressive infections, her brain was visibly decomposing, and she was being medically treated as "a corpse". When Boylan entered the witness box, the three judges turned towards him in a pose of professional respect. The presiding judge, Nicholas Kearns, then president of the High Court, listened as Boylan's credentials were recited, including his chairmanship of the Institute of Obstetricians and Gynaecologists and his previous tenure as the master of the National Maternity Hospital (NMH).

Boylan said infections were posing a risk to the foetus and the chances of it being born alive were "very low". Just because something can be done in medicine, he said, did not mean it should be done, and in any other jurisdiction the young mother would be allowed to die.

The court agreed. Kearns delivered its judgment in a voice softened by compassion, saying it would cause "unimaginable distress in a futile exercise" to continue somatic support. The judgment was subsequently awarded the Gender Justice Uncovered Bronze Gavel by an international human rights organisation, Women's Link Worldwide.

Despite the deplorable anguish it caused Miss P's family and its medieval grisliness, the case provided reassurance that this state does not always act with a heart of stone. Neither the doctors nor the judges could conceal their upset in the courtroom. That included Kearns and Boylan, two men at the top of their professions, of one mind in rejecting a narrow, rigid constitutional interpretation of obstetrical care.

That like-mindedness collapsed last Sunday when Kearns, now the NMH's vice-chairman,

texted Boylan asking him to resign from the hospital's board. It followed Boylan's denunciation of an agreement between the NMH and St Vincent's Healthcare Group (SVHG) that a new €300m maternity hospital the state wants to build on St Vincent's campus in south Dublin will be wholly owned by the Religious Sisters of Charity.

The new hospital is the avowed mission of Rhona Mahony, a successor of Boylan's as the NMH's master, and his sister-in-law. She and Kearns spent eight fraught months negotiating with SVHG following an almost two-year standoff, with the group saying the hospital could be built on its land only if the NMH submitted to SVHG's governance.

Mahony has ardently pursued the project, rightly denouncing the Dickensian premises in Holles Street as "not fit for purpose". Boylan is equally passionate in his belief that granting proprietorship to the nuns will breed ethical dilemmas, as the order is bound by canon law to uphold Catholic Church teaching. Boylan, Mahony and Kearns are motivated by what they believe to be in the country's best interests. Ireland is lucky to have professionals who care so deeply about the public good.

But somebody is right, and somebody is wrong. As more information enters the public arena, Boylan has been repeatedly vindicated. The bishop of Elphin, Kevin Doran, and Maynooth theologian Vincent Twomey have confirmed the canonical requirement that Catholic-owned institutions must obey church teaching. Two other leading obstetricians – Michael Darling, the former master of the Rotunda, and Chris Fitzpatrick, the former master of the Coombe – have said the nuns'

ownership is wrong. Fitzpatrick has resigned from the NMH's development board in protest. By yesterday afternoon, more than 99,130 people had signed a petition calling for the nuns' ownership to be blocked.

Simon Harris, the health minister, has tried to assuage concerns by saying the state will have a lien on the hospital, thus giving the minister an effective veto. Bank of Ireland has a lien on St Michael's Hospital in Dun Laoghaire, also owned by the order, but doctors are unlikely to ring Richie Boucher, the bank's boss, seeking guidance on medical ethics.

The sophistry of the language deployed in the debate is significant. SVHG has said the NMH will provide any procedures allowed by the law of the land. But what about the growing grey areas in reproductive medicine that remain unregulated? When Boylan claimed last April that St Vincent's hospital did not do elective vasectomies or tubal ligations, SVHG said it did the procedures "where clinically indicated". The terminology reminded Boylan how the late Cardinal Desmond Connell, as NMH chairman, had berated him for doing such procedures, unless they were "clinically indicated".

Defenders of the NMH-SVHG agreement depict the nuns, with a tincture of sexist ageism, as frail septuagenarians, ignoring that Kearns, too, is a septuagenarian, as are our finance minister and the president of America. The nuns' age is relevant only if the order might become extinct. Then the Holy See could authorise the redistribution of its assets.

Platitudes that the nuns will not exert influence fail to dispel public disquiet. This is a country raw with memories of Savita Halappanavar's death, the Miss C, Miss D and Miss X cases, and the macabre discovery of children entombed in a sewer at a mother and baby home. The Sisters of Charity ran two of the Magdalene laundries examined in the McAleese report, which chronicled how pregnant females were shorn of their hair, their identities and their freedom. Ireland's female population deserves certitude now, not appeasement.

Should abortion provision be liberalised as a result of a referendum next year, what would happen in a National Maternity Hospital owned by a religious order were a Miss C or Miss D or Miss X to turn up? Wistful reliance on compassionate professionals will not suffice.

Pregnant women have been too badly treated by the state for the protection of their wellbeing, once again, to be treated as dispensable. Isn't the road to hell said to be paved with good intentions?

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The same nuns ran two Magdalene laundries for pregnant women and refused to pay compensation

Conor Brady  
Young Ireland wants no part of the auld sod

## Public rows uncover generational split over willingness to trust church

The confluence of two events – the row over the future of the National Maternity Hospital (NMH) and the citizens' assembly's verdict on the eighth amendment of the Irish constitution – illustrates the divide in attitudes and values between a (mainly) older Ireland and a (mainly) younger one. And it reveals, or perhaps confirms, the depth of mistrust and suspicion between the two.

The divide is, to a degree, a generational one, but it is also between what may be termed "the establishment" and the people who feel they have little effective say in important matters that affect their lives. They no longer extend trust to anyone: not politicians, those who operate the public services, gardai, religious or the news media. Not the people on our hospital boards. Not even a former president of the High Court whose lucidity, humanity and wisdom were widely acknowledged during his years on the bench.

Comparative surveys that rate Ireland as one of the best countries in which to live have no resonance for such people. They have little sense that their country is delivering for them. Rather they feel they live in a land where political promises are made to be broken.

Ownership of a modest home is either beyond their reach or it mortgages them to the hilt. Public transport is generally inadequate while motor insurance rates are extortionate.

If they are parents, the cost of childcare is prohibitive. They see services such as health and policing as dysfunctional and often inaccessible. They believe almost nothing they are told by anyone in authority.

The crumbling of trust started with the Catholic Church, the abuse of children and the sustained cover-up at the highest levels. Inevitably, any issue involving church control or influence is viewed through that prism. The Religious Sisters of Charity may have 200 years of sacrifice and service behind them. They may

have established and operated some of the finest hospitals in the world. But for a generation to whom none of this is familiar or recognisable, they are part of an organism that is defined by its misdeeds, evasions and determination to maintain privileges. It may be unfair and inaccurate, but neither the board of the NMH nor its counterpart at St Vincent's will convince them otherwise.

Older people may be more disposed to seeing the various sides of the argument and perhaps to giving the arrangements proposed by independent mediator Kieran Mulvey a chance. They are more likely, perhaps, to be swayed by the detailed rehearsal of the safeguards set out by former judge Nicholas Kearns. They may give some weight to the protections to be vested in the minister for health. But younger people are less likely to take comfort or assurance from any of this.

Last week I heard a nurse scoff at the minister's so-called golden share. "Can you seriously imagine someone facing a crisis decision in theatre turning to the consultant and saying, 'Call up Simon Harris there and ask about his golden share?' Get real."

The anger and sense of betrayal that I have heard expressed by younger people about the

proposed hospital deal, both directly and in the media, has been striking. This is not the Ireland they wish for. They want no quarter for the church or for the Sisters of Charity. They consider that the health minister Simon Harris has let down his generation by acquiescing to the plan. They believe that if the church is given an inch, it will try to take a mile. They do not accept that a hospital run by a board that is heavily weighted with religious nominees will not be under pressure, at some point, to adapt its clinical practices to church teaching.

Somewhat similar instincts may have actuated members of the citizens' assembly in proposing that the eighth amendment be altered to permit an abortion law that would be liberal well beyond the contemplation of almost everyone in Leinster House. The aim of their proposal is to give women the freedom to decide when and in what circumstances they will have a termination, taking it out of the hands of doctors, lawyers, legislators and theologians. In the "old" Ireland, these were the people who were accorded respect and deference, and whose judgment was accepted. The respect and deference and, above all, the trust are gone.

Establishment Ireland – as represented by Leinster House, the administrative elite, the news media, the remnants of the churches, the judiciary and others – is bemused and even irritated by this. Members despair of what some of them call "the Joe Duffy syndrome" – striving to understand what drives people to go on air to complain about their lot in a country that, by and large, runs on decent principles and proclaims decent values.

Bridging that gap in understanding and restoring some sort of trust is a serious social challenge. The angry polarisation of opinions on the National Maternity Hospital and the anxiety of politicians to distance themselves from the citizens' assembly proposals suggest that it is not being met very well.

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