



ADOPTION RIGHTS ALLIANCE
JFM RESEARCH

Cathaoirleach of the Seanad
Leinster House
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Dublin 2
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By email:
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26th October 2020

**Re: The Clann Project, a joint initiative of Adoption Rights Alliance, Justice for
Magdalenes Research and Hogan Lovells Solicitors**

Dear Senator Mark Daly

On 23rd October Senator Barry Ward abused his privilege in making statements in the Seanad of a defamatory nature. These statements referred to us, the people who organised a campaign to enable survivors, stakeholders and the public to email TDs and Senators to protest the Government's unambiguous statement of intent to 'seal' the archives of the Mother and Baby Home Commission for 30 years.

Senator Ward said that: 'In all of the discussions in both this house and the Dáil what has been absent is a recognition of what I think has truly caused that hurt [of survivors]. And that is a sustained and dishonest campaign of misinformation.' He referred to us as: 'parties out there and in here who have been involved in wilfully misleading the victims of these homes. In wilfully putting out information that has deliberately caused upset, anxiety, hurt to the very people they then come in here and purport to represent. And in fairness those same people have acknowledged minister your goodness in this because I think you have an honest and a forthright approach to this and you have sought to do something that was right. But others have twisted that. They have taken that information of what's in this Bill and misrepresented it and they have led those people up the garden path.'

In spite of Senator Ivana Bacik warning that: 'I think the senator making some very serious allegations... I think he just needs to be careful about where he is going with the allegations, what... I think he used the words 'wilfully misleading' and 'deliberately misleading' and I think that is a very dangerous sort of allegation...' and in spite of Senator Alice Mary Higgins reminding Senator Ward that 'there is a practice in this house that you do not refer to persons who are not in this house or organisations not in this house in a way that is identifiable in relation to specific campaigns run by specific organisations, I feel we have strayed into that area', Senator Ward continued to speak and describe us as conducting: 'a visible campaign of misinformation.'

We have been adversely affected by the making of these utterances which are in the nature of being defamatory. Some of our international colleagues, professors at universities of high repute, have already begun to publicly defend our professional integrity and attest to the bone fides of our scholarship but we continue to have to respond to concerns that we have wilfully misinformed the public. We protest that we have been left in an adverse situation of having to defend the merits of our professional intellectual labour and have to repeatedly point out that we have abided by the ethical protocols we profess to guide our public engagement.

The Senator has no basis in fact, whatsoever, to claim that we were incorrect or 'misinformed', still less that such alleged 'misinformation' was 'deliberate'. Our email campaign called upon the Government not to withhold the archives of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters and to amend the Bill to clarify that it would not. Our email campaign linked to the Government's own press release of 15 September, attached, which stated that 'all Commission records' deposited with the Minister would be 'sealed for a period of 30 years'. Prior to launching the email campaign we worked with Deputy Gary Gannon to elicit further clarification from the Minister as to his intentions; in the attached Parliamentary Written Answers dated 29 September the Minister repeated that his Department would be 'sealing' and prohibiting all access for 30 years to the archives received from the Commission of Investigation.

The day before the Senator made his defamatory remarks, Dr Maeve O'Rourke agreed readily upon the Senator's last-minute request to participate in a lengthy podcast on the issue of the Bill and the campaign surrounding it. The Senator did not put to Dr O'Rourke during the podcast the defamatory assertions that he made under parliamentary privilege the following day. In advance of the podcast, as can be seen in the attached text message thread, Dr O'Rourke clarified that the email campaign was in response to the Government's clearly stated policy that it would be 'sealing' for 30 years all records received by the Minister's Department from the Commission of Investigation.

We look forward to your response to this matter.
Yours sincerely,



Maeve O'Rourke

DocuSigned by:
Katherine O'Donnell

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Claire McGettrick, Dr Maeve O'Rourke and Associate Professor Katherine O'Donnell

On behalf of The Clann Project, www.clannproject.org

Enclosures:

1. Statement: Minister O'Gorman to introduce legislation to safeguard the Commission on Mother and Baby Homes general archive of records and database. Published at 15 September 2020, Last updated 6 October 2020
2. Mother and Baby Homes Inquiries 29 Sep 2020
3. Further Mother and Baby Homes Inquiries 29 Sep 2020
4. Email Campaign
5. Text message thread
6. Podcast Url: <https://podcasts.apple.com/ie/podcast/commission-of-investigation-mother-and-baby-homes/id1533809444?i=1000496071746>