

MSS.116/4/11

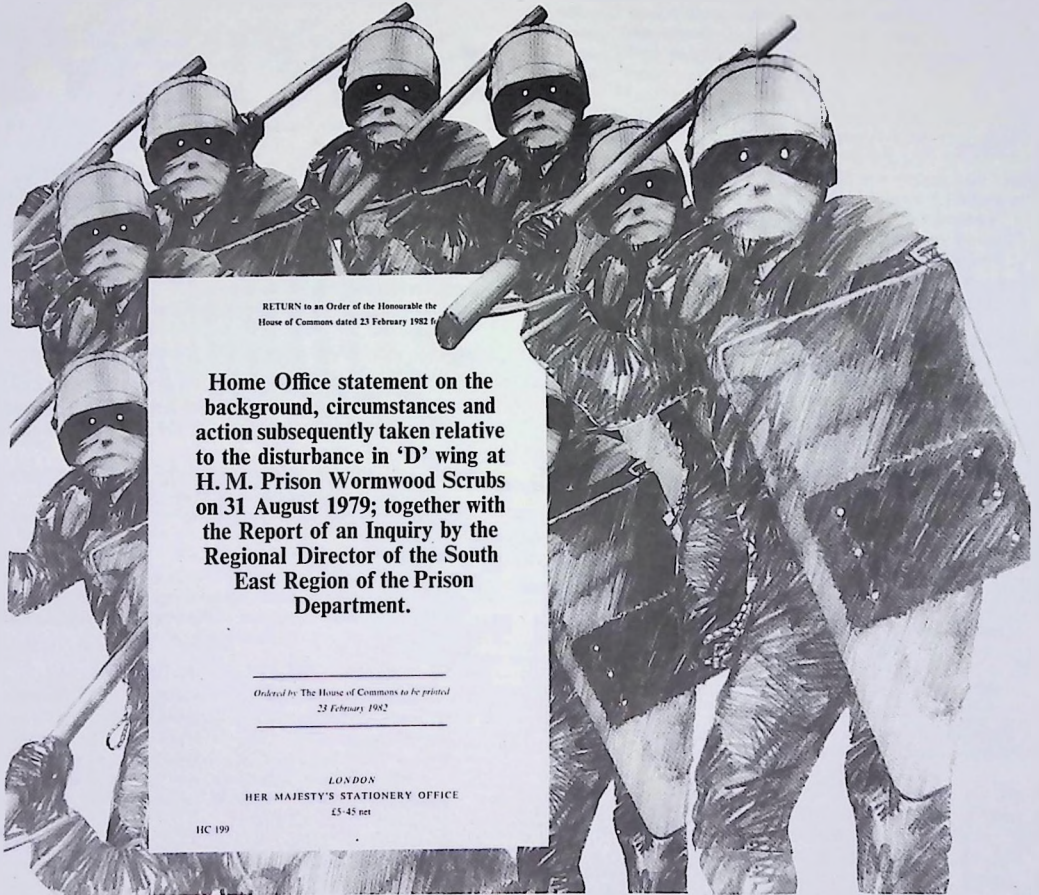
THE ABOLITIONIST

a quarterly journal from Radical Alternatives to Prison

Number 11

(1982 no. 2)

WORMWOOD SCRUBS A HOME OFFICE WHITEWASH



RETURN to an Order of the Honourable the
House of Commons dated 23 February 1982.

Home Office statement on the
background, circumstances and
action subsequently taken relative
to the disturbance in 'D' wing at
H. M. Prison Wormwood Scrubs
on 31 August 1979; together with
the Report of an Inquiry by the
Regional Director of the South
East Region of the Prison
Department.

Ordered by The House of Commons to be printed
23 February 1982

LONDON
HER MAJESTY'S STATIONERY OFFICE
£5.45 net

11C 199

WORMWOOD SCRUBS INQUIRY
GROUP THERAPY IN PRISON
PRISON MEDICINE
PRISONS AND 'HOSPITALS'
SCOTLAND'S POLITICAL PRISONERS
THE MEANING OF 'LIFE'
ALTERNATIVES
RESTITUTION

plus
prison briefing

80p

Radical Alternatives to Prison

1. RAP is a pressure group working towards the abolition of imprisonment. We do not believe that imprisonment is a rational, humane or effective way of dealing with harmful behaviour or human conflict. We believe that it functions in a repressive and discriminatory manner which serves the interests of the dominant class in an unequal society — whether capitalist or 'socialist'.

Most people in prison are there for crimes which are a response to the frustrations of their social and economic position. Capitalism creates its own 'crime problem', and no amount of tinkering with the penal system will solve it.

We recognise that there will be no possibility of abolition without fundamental changes in the social order. We also recognise, while working *towards* abolition, that it may never be fully attained. There may always be some people whose behaviour poses such a threat to others that their confinement is justified; we cannot tell. There are some such people in prison now but they are, without doubt, a very small minority of the prison population.

2. A capitalist state cannot do without imprisonment, but it can make do with very much less of it than ours does, as other countries, notably the Netherlands, have shown. RAP supports measures to reduce the prison population by means of:

- an end to prison building;
- legislation to cut maximum sentences;
- decriminalisation of certain offences, such as soliciting and possession of cannabis;
- an end to the imprisonment of minor property offenders, and of fine and maintenance defaulters.

3. The introduction of 'alternatives' like community service orders and intermediate treatment has not stopped the prison population from rising, but has increased the scope for interference by the State in people's lives. We do not deny that some good things have been done in the name of alternatives within the penal system, but we hold no brief for them. What we do support are 'radical alternatives' which are, as far as possible, non-coercive, non-stigmatising and independent of the State.

4. Many prison reforms amount to a sugar coating on a toxic pill. But while prisons remain, some features of our present system can and should be done away with, in particular:

- secrecy and censorship;
- compulsory work;
- the use of drugs to control prisoners;
- solitary confinement (by whatever name);
- the system of security classification.

These demands are largely satisfied by the Special Unit at Barlinnie Prison, which has shown what can be achieved by a less authoritarian and restrictive approach.

5. Many of RAP's medium-term goals are shared by other groups who do not share our political outlook. But RAP's fundamental purpose is, through research and propaganda, to educate the public about the true nature, as we see it, of imprisonment and the criminal law; to challenge the prevailing attitudes to crime and delinquency; and to counter the ideology of law-and-order which helps to legitimate an increasingly powerful State machine.

The main theme of this issue is the way the administrative structure of the prison service operates to protect it from independent scrutiny. Prison doctors, chaplains, the Parole Board and its Local Review Committees, Boards of Visitors, the people who conduct official enquiries; even, we strongly suspect, the new 'independent' Inspectorate — are all far too closely tied to the Home Office to fulfil their ostensible functions as guardians of prisoners' rights. (It has probably long been forgotten that this was supposed to be one of the main roles of prison chaplains and doctors — see the Holford Report of 1811.) As the Government refuses to make any serious attempt to tackle the prison crisis — and particularly if the Home Office decides, as Mr. Whitelaw has hinted, to decant some of the overcrowding in the local prisons into the long-term, riot-prone, 'training' prisons — the likelihood of another outbreak of repressive violence such as occurred at Wormwood Scrubs in 1979 increases; and the demand for genuine 'public watchdogs' becomes the more urgent.

CONTENTS

WHITELAW'S WHITEWASH — a review by PROP of the official report on the MUFTI's 'riot' at Wormwood Scrubs. 3

THE OTHER SIDE OF THE SCRUBS: RAP looks at the Annexe, a rare oasis of humanity in the English prison system. 8

PRISON MEDICINE: RAP on the drugging of women prisoners and the case for abolishing the Prison Medical Service. 10

THE MEANING OF 'LIFE': The case of Frank Marritt. 14

POSPITALS AND HISIONS: Andrew Roberts explains the Government's 'reform' of mental health law, and argues that mental patients can't be clearly distinguished from prisoners. 16

SORCERERS OR WITCHES? What is a 'political prisoner'? Our Scottish correspondent argues that some of Scotland's longest serving prisoners are in jail for their beliefs. 17

A SCANDAL WITHIN A SCANDAL: Once again, Dorset wins RAP's annual Ball and Chain Award for the magistrates with the highest rate of imprisonment. Bristol RAP takes a closer look at the different benches within the county. 19

ALTERNATIVES — A WAY OF LIFE: Douglas Kepper on his experiences with drug addicts and others. 20

REVIEWS: Restitution and 'community justice'; 'Society against Crime'; prisoners of apartheid; gender and crime; the prison film. 21

Editor: Tony Ward
Layout: Whoever we can get
Typeset by Bread 'n' Roses (TU) 30 Camden Road, NW1

Whitelaw's Whitewash

A PROP Review of The Official Wormwood Scrubs Report

The long awaited report of the inquiry into the Wormwood Scrubs disturbance and MUFTI assault of 31 August 1979 takes the form of 51 pages by the South East Regional Director of the Prison Department, preceded by a 9 page statement by the Home Office. It is a quite meaningless separation: the second part is in fact the report of an inquiry by the Home Office into itself and the first part is a commentary by the Home Office on its own inquiry into itself.

With the very first words of its introductory statement the Home Office nails its colours firmly to the mast in as blatant an example of a non sequitur as can be imagined: "Prisoners in D wing at Wormwood Scrubs prison took part in a concerted act of indiscipline on Friday 31st August 1979, as a consequence of which a number of prisoners and prison officers received injuries." The action of which the eventual violence was the consequence could legitimately have been identified as the assault on the wing by the riot-equipped force of prison officers. Alternatively the cause could have been fairly traced back to the progressive curtailment of prisoners' accustomed privileges, culminating in the closure of the prison's education building and the abrupt ending of O level, A level, HND and other courses which together constituted one of the few constructive facilities available in an otherwise bleak and futile regime.

Having set the tone the Home Office statement then launches into a series of criticisms — of prisoners, prison officers, the Governor, the Board of Visitors — with the one purpose, it seems, of absolving the Home Office itself of responsibility for what happened or for the falsehoods and concealment that followed the violence. Regrettably it is a ploy which our national press falls for time after time. The fact that the Home Office is publicly seen as criticising its servants is presented by leader writers as an example of the manner in which the Home Office is moving towards greater openness and accountability. It is nothing of the sort, and the increasing willingness of the Home Office to publish the reports of its inquiries has got to be seen in the context of its continued refusal to publish the report by Major Gale (The Gale Report) of his investigation of the situation in Parkhurst prison in 1969. That is a report which really would be worth seeing, as distinct from subsequent reports which have been vetted for publication from the start.

We will return to the Home Office statement after considering in detail the report made by the Regional Director, Mr Keith Gibson. Mr Gibson, it should be remembered, was most inappropriately appointed by Mr Whitelaw to carry out the inquiry. Not only was he operationally responsible for Wormwood Scrubs in the first place but he demonstrated the extent of his complicity even before his appointment by sending a congratulatory message to Wandsworth prison officers for the part they played in the riot squad — a "disciplined body of men" who "obeyed their every command" — scarcely a position of impartiality from which to conduct an investigation.

THE 'TROUBLEMAKER' THEORY

In this chapter on the background to the events of 31 August Mr Gibson makes much of the factions within the prisoners' sub-culture — the "London gangsters", the "IRA" and the "black prisoners" — and the manner in which the transfer to other prisons of a number of the "London gangsters" left a "power vacuum" which the other factions sought to fill. This theory of conspiracy by sinister elements is much beloved by the Home Office, as is the attempt to try and cast different sections of the prison population in rival roles. It doesn't only happen in the prison context of course: much the same "reasoning" was employed to explain the Brixton and Toxteth street riots of a year ago.

As in the streets of London and Liverpool the anger and frustration in Wormwood Scrubs prison needed no stirring up by anybody. Indeed, no major prison protest ever fitted into a scenario of rivalries or intimidation. The very opposite is true, that mass protests only develop when prisoners' solidarity, fired by deep feelings of discontent, transcend such differences.

BACKGROUND TO PROTEST

The Report states that many of the curtailments of privileges which led to prisoners' protests, were the result of staff insistence that manning levels be increased because of the tensions existing in the prison, leading to an inevitable increase in these tensions when the new rostering caused the closure of the education block and cuts in prisoners' association time. The intransigence of the Wormwood Scrubs POA had indeed been a matter of concern to PROP for many years, though it is important to recognise that regular D wing prison officers included many who, left to themselves, would have preferred to operate a commonsense regime which permitted a more relaxed existence for prisoners and staff alike. But the long-term D wing constituted only a small part of this multi-purpose prison which was elsewhere grossly overcrowded and highly vulnerable to prison officers' militancy.

It is thus easy to cast the Wormwood Scrubs prison officers as the villains of the piece, particularly as so many of them appear to glory in their reputation for militancy. However, just as prisoners' action cannot be explained away by simplistic allusions to 'troublemakers', so must mass staff intransigence have a deeper cause than the bloodymindedness of a score or more of National Front prison officers or the more subtle pressures exerted by Mr Ivan Field (the local POA secretary) and his particular brand of militants.

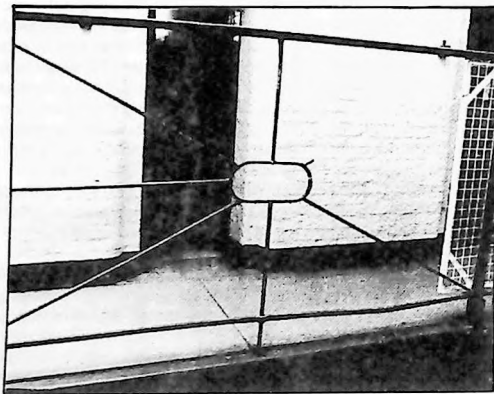
Whether or not manning levels in the uncrowded long-term prisons really are inadequate is not the point, and certainly is not an argument that PROP can get into. But the fact that such a case can be made, and moreover enforced, is a clear sign of the strong bargaining position of prison officers within

the prison system as a whole. Prison officers' pay is good, but only because of the excessive overtime which they work, some of it contrived but much of it undoubtedly necessary. Such perverse conditions of employment and the pressures which they create are the direct result of Home Office policies as laid down by successive government in their acceptance of judicial sentencing levels which have given us the biggest prison population in the EEC. That is the background against which every happening inside prison must be seen.

UNCONVINCING PICTURE

The prisoners' protest took the form of a sitdown demonstration in support of a list of complaints which they had earlier presented to the Governor. It was at the time described by PROP as a predominantly peaceful demonstration, which offered no possible justification for the violent manner in which the prison authorities reacted. Attempts by Mr Gibson to portray it in a different light are utterly unconvincing. Thus, on page 23, he reports that after supper had been served (at about 2000 hours and therefore three hours after the state of the protest) "a bucket of water was kicked over one of the top landings, whence also a metal tray was thrown onto D1 landing. The man who had thrown the tray was restrained from any further actions of this sort by his fellow prisoners."

That, surely, is no indication of any plan for concerted violence, but the very opposite, particularly as it is the only example that Mr Gibson could cite, amongst a demonstration by 190 prisoners. He follows by saying "Despite this incident the Assistant Governor felt that a slight chance remained of securing a peaceful outcome if a representative of the Governor would come and speak to the prisoners on his behalf." The mistaken impression, he says, was then given to the prisoners that such a visit by the Governor's representative would take place — again in complete accordance with what PROP, using smuggled information, was stating as early as September 3rd.

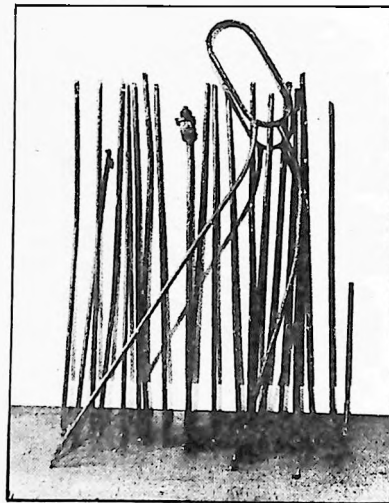


Landing rails of the old pattern as fitted in D wing on 31st August. Similar rails, dismantled from adjacent wings as part of the prison's general reconstruction programme, were collected together by prison officers and stacked as "evidence" of D wing prisoners' "weapons".

It was shortly after this that MUFTI ("Minimum Use of Force Tactical Intervention") squads began arriving at the prison. They formed up in their hundreds on C wing exercise yard before moving across to the D wing gates shortly before 2200 hours. It is only with his description of the MUFTI assault that Mr Gibson's report mentions that "a number of prisoners had armed themselves with improvised weapons, either from cell furniture or landing railings." This was surely a natural and spontaneous reaction to the intimidating sight of the advancing riot squads in their helmets and visors, brandishing shields and 4 foot staves. Any idea of a planned prisoners' violence is scarcely supported by Mr Gibson's further admission that "there were few injuries to staff and the number of direct assaults on staff appear to have been relatively few."

FABRICATION OF EVIDENCE

The impression of violence is reinforced by the photographs published with the report, showing a stack of weapons taken from prisoners during and after the assault. No mention of course is made of the evidence given by a woman probation officer during a BBC News Night programme in October 1979 that these "weapons" were largely manufactured by prison officers themselves during the weeks following the incident. Prisoners' property, she then said, was taken out of their cells, "broken up and photographed for the Home Office". PROP also reported in September 1979 that "prisoners' hobby materials such as easels and picture frames, together with items of cell furniture, were removed from cells and taken to an office in the administration block for photographing as evidence. Included were iron railings which were being dismantled as part of the Scrubs building repairs programme." Needless to say, the national media have prominently displayed the incriminating photographs with no mention, in BBC News Night or elsewhere, of what had been uncovered a couple of years earlier.



Part of the "armoury" retrospectively collected by prison officers during September in the attempt to justify the violence of the MUFTI squad's assault. Similar collections were made of property taken from prisoners' cells.

WHO WAS INJURED?

17 Prisoners were subsequently charged with assault, 14 of them with "assaulting unidentified officers". Mr Gibson lists injuries to 14 prison officers and mentions that 5 others reported assaults but were not injured. The worst injury was a fractured finger. The rest included "injured thumb", "sprain to right hand", "injury to left foot" — all items that contrast strongly with the list of injuries to 60 prisoners, 50 of them with head wounds and 19 requiring sutures.

None of these injuries were admitted at the time or indeed for a month after they occurred. Other facts, such as the existence of the specially trained MUFTI squads took even longer to emerge from a tightlipped Home Office. Far and away the most serious aspects of the Wormwood Scrubs D wing disturbances concern the complicity of the authorities, from the Home Secretary down, in attempting to conceal from the public the true extent of what had happened. In this instance they were all too clever by half and what finally emerged was a well documented picture of blatant misrepresentation and downright lies on a massive scale.

FACTS IGNORED

Before considering the Home Office's attempts in the current Report to explain away its action and inactions during September and October 1979 it is necessary to remind ourselves from contemporary sources of the timetable of events and disclosures as they occurred.

31 August Prisoners' demonstration broken up by riot-equipped squads.

1 September Home Office spokesman admits that "a concerted act of indiscipline" had taken place at Wormwood Scrubs but had been brought under control "within five minutes and with no injuries to prison staff or inmates".

7 September PROP commences regular picketing outside the prison and distributes a leaflet headed "Bats out at the Scrubs — Prison Officers' Rule in D Wing". It gives details of the background to the protest which it states was joined by 192 prisoners. It puts the numbers of the special riot squads as "between 300 and 400" and accurately describes their equipment. Injuries to prisoners are described as "numerous and some of them serious" and an appeal is launched for information on a number of named prisoners known to have been badly hurt.

10 September A Home Office spokesman, reported in the following day's Guardian, corrects the original statement about the lack of injuries. Five prisoners, he says, had suffered "very minor injuries".

11 September PROP'S updated leaflets, distributed outside Wormwood Scrubs and circulated to the press, claims that a tight cordon of prison officers had been placed around the affected wing and access denied to all non-uniformed prison staff. Latest information on prisoners' injuries is given as "between 50 and 60 hurt, including many with serious head injuries".

15 September The WRP's newspaper *News Line* carries a whole page article which prominently reports PROP's claim. Asked to comment on the allegations a Home Office spokesman is reported as saying:

"On the night of August 21 prison officers entered the wing and within 5 minutes had the prisoners in their cells. There were no injuries to prison officers. I did report at the time that there were no injuries at all, but it was subsequently found that some did have minor injuries. 5 were taken to hospital for treatment for bruising and then returned to their cells immediately afterwards."

27 September *Shepherds Bush Gazette* (the local newspaper for Wormwood Scrubs) reports PROP's allegations together with renewed denials by a Home Office spokesman:

"About 5 prisoners were treated for bruising and minor lacerations but they were not badly hurt. There is a grain of truth to PROP's allegations but to say that the story is being hushed up is completely false."

Mr Ivan Field, secretary of the Scrubs POA, is reported as describing the figures of injuries alleged by PROP as "absolute rubbish".

27 September PROP holds a press conference in Fleet Street under the chairmanship of Mr John Platts-Mills QC and introduces members of prisoners' families and two lawyers, Alastair Logan and Brian Rose-Smith, who have been in touch with injured prisoners. Also present are representatives of the Irish Prisoners Aid Committee and the Black Prisoners' Welfare Scheme, with whom PROP had been pooling information since August 31. PROP alleges about 60 prisoners hurt, many with head injuries requiring stitching. The names of 15 of those injured are given. An independent public inquiry is demanded.

28 September Virtually the whole of the national press headlines PROP's allegations. The Home Office, called upon for comment, capitulates to PROP's claims though still trying to play down the seriousness.

"53 prisoners had received minor injuries. I think we based the original (sic) figures of 5 on those who required hospital treatment. We have been honest all along about this incident. It is nonsense to suggest that there was any sort of cover-up" (*Daily Mail*). But the existence of a special anti-riot force is still denied — and continued to be denied until mid-October.

3 October *Shepherds Bush Gazette*. A Home Office spokesman refers to the injuries as "mostly slight — bruising, all sorts. There were no injuries to prison officers".

4 October The Howard League for Penal Reform calls for an immediate public inquiry into the Wormwood Scrubs disturbance and appeals to prisoners' families for information (subsequently published 30 October with a renewed demand for a public inquiry).

October Jonathan Pollitzer, an official prison visitor at Wormwood Scrubs, and Kay Douglas-Scott, a voluntary associate of the probation service, appear on Thames Television and describe the injuries to prisoners with whom they have been in contact. Both accuse the authorities of continued cover-up and call for a police investigation of prison officers' behaviour. (Both were subsequently sacked for their temerity in speaking out in public.)

19 October The Home Secretary orders an investigation by Mr Keith Gibson, the director of the Prison Department's South East Region.

21 October In a Parliamentary Answer to Chris Price MP, the Home Secretary states "As regards injuries, prison medical records show that a total of 54 prisoners incurred injuries consisting of cuts, bruises and abrasions. 11 prison officers incurred similar injuries."

It is tempting to continue this saga of official squirming under pressure but the intention is merely to give a flavour of the deceit which an embarrassed Home Office must now attempt to explain away in its long awaited report. Of course the fact that it has been so delayed means that its main tactic is to ignore much of the history of falsehoods and rely on the short memory of journalists and their reluctance to deal with anything other than instant news.

SCAPEGOATS

What is immediately obvious is that Mr Whitelaw was still giving inaccurate information nearly two months after the event. The second very obvious point is that the Home Office's decision to 'come clean' (or at least a bit less dirty) was forced

by PROP's successful exposure of the facts at the big press conference on 27 September. Mr Gibson naturally makes no such admission in his Report and instead tries to build up a picture of a Home Office that was starved of the information which would have enabled it to issue truthful statements:

Immediately after the Wing had been brought under control the Chief Officer reported to the Emergency Control Room (ECR) that no prisoners had been injured. . . . The medical reports of the injuries . . . were completed by a member of the hospital staff during 1 September, by which time it would have been possible for the Governor to obtain accurate information for onward transmission to Headquarters, Regional Office and Public Relations Branch. . . . Whilst the Governor took no steps to obtain that information it is equally true that no other senior member of staff, except the Hospital Chief Officer, made any effective effort to elicit the truth and inform the Governor. . . . On 3 September the Hospital Chief Officer provided the Governor with a written report of the injuries sustained by prisoners [but] . . . the Governor took no steps to correct the erroneous reports which had earlier been made to Regional Office and Public Relations Office. The Governor has been unable to explain why he did not do so, nor why, in subsequent verbal reports . . . he failed to mention that a substantial number of prisoners had sustained injuries.

The debriefing exercise conducted at Regional Office on 6 September was primarily concerned with a review of the effectiveness of Regional Contingency Plans and . . . nothing was said that might have alerted anyone to the possibility that injuries had occurred. . . . The information confirmed the Governor's earlier report . . . that no-one had been hurt. A large number of people present . . . must have known that an incomplete and misleading account was being presented.

The initial report that no prisoners had been injured was later amended to the effect that 5 prisoners had been admitted to the prison hospital on 31 August. It was not until 25 September, when the Governor submitted a written report to Headquarters, that any mention was made of the other prisoners, at that time said to number 53, who had sustained injuries as a result of the staff intervention.

The Home Office, in its introductory statement to Mr Gibson's Report, further emphasises the manner in which it was kept misinformed and speaks of the "inability, despite constant enquiries, on the part of the regional office, headquarters and the Board of Visitors, to obtain the full facts from the prison."

HOW DID PROP KNOW BETTER?

This pleading of ignorance insults the intelligence of readers of the Report. It is simply inconceivable that the Home Office, with its tentacles into every aspect of the State's functioning and holding detailed dossiers into the activities of many of its citizens, should have been unaware of what was happening inside one of its prisons, let alone a top security wing with its own hotline security communications, bypassing the prison Governor, to the security and control echelons at the Ecclestone Square headquarters of the Prison Department.

Even if the pretence of its own ignorance were not self-evident, how does the Home Office explain the accurate intelligence gathering which enabled PROP, through clandestine sources, to piece together, *within days*, a highly detailed and fundamentally accurate account of what had occurred on 31 August? PROP has always prided itself on its links with the most top security prisons but for us to have better communications than the Home Office itself is a ridiculous assumption to make; yet the logic of the Home Office's stated position makes precisely that assumption. It is of course nonsense, and the only explanation that is left for the rigmale of excuses presented by this Report is that the Home Office is still engaged in deceit.

AN IMPOTENT PRESS

Unfortunately, although the Home Office insults the intelligence of ordinary readers of its reports, it assesses only too accurately the unlikelihood of the press taking time off from its pursuit of instant news to research its own files on the subject matter in question. That is why one Home Office statement after another gets reported out of context and no general indictment is ever built up. Instead criticisms, if they are voiced at all, are aimed at the false trail of individual shortcomings which have been consistently exposed for that very purpose. Newspaper leader writers then as often as not compound the error by actually complimenting the Home Office on its openness in admitting the mistakes of its servants.

This is why PROP consistently presses for independent public inquiries into major abuses that take place within the prison system, rather than indulging in the pursuit of individuals. Even in the case of Barry Prosser we were less than enthusiastic over the prosecution of prison officers, not because of any softness towards whomever were directly responsible but because the ultimate responsibility resides at much higher levels and must be exposed at that level if the abuses which are inherent in the system are ever to be halted. For example, the prosecution and conviction of Hull prison officers after the 1976 riot and its brutal aftermath changed nothing. However richly deserved, their most important and intended effect was to divert criticism from the Home Office which was the proper target for investigation.

THE PRISON DOCTORS

However, certain individual criticisms in the 'Wormwood Scrubs Report can be usefully taken up, notably those referring to the Prison Medical Service and the Board of Visitors - two institutions which the Home Office uses to provide a veneer of legitimacy and respectability to its penal operations. On the evidence of Mr Gibson's Report, the least of the charges that could be levelled against the prison's Principal Medical Officer is one of gross incompetence. At the regular Board of Visitors meeting on 5 October, *six weeks after the event*, the PMO reported that "four of five prisoners had required sutures for head injuries out of a total of 55 prisoners reporting sick". Pressed for more details the PMO "left the meeting to check his figures" before giving "a revised set of injury figures" which included 16 prisoners sutured. As the Report makes clear, none of the figures were accurate.

A member of the Board of Visitors [not the Chairman] later went to the prison hospital and asked to see the Reporting Sick Register. She was told by the PMO that he would have to seek authority before complying with her request, and he repeated this when she pointed out her entitlement under the Prison Rules to see the medical records as a member of the Board of Visitors.

She did eventually get to see the records but "it required a great deal more pressure than she had ever known before."

Is this the picture of a Principal Medical Officer who did not have the faintest idea what his department was up to, or of one who knew only too well and tried desperately hard to conceal it? Wormwood Scrubs has for long been regarded as "the flagship" of the prison system and its hospital is one of the four main regional hospital units. The fact that the doctor in overall charge could behave thus offers strong reinforcement for the demands that prison medical health be removed completely from Home Office control.

Mr Gibson refers to two other doctors in his Report. The first mention is of the duty Medical Officer's routine visit to the prison to deal with receptions on the evening of 31 August. She had "no idea of the possible scale of the disturbance and had not been a party to any of the contingency planning. She had left the prison at 2000 hours after consultation with the Hospital Chief Officer (a prison officer, not a doctor) who had indicated that she could always be recalled should she be needed." She was recalled to the prison by telephone at about 2300 hours. "She did not go to D wing, but remained in the prison hospital until she went off duty in the early hours of 1 September."

There is no indication of any of the prisoners being seen by a doctor until the morning of 2 September when they were examined by the duty Medical Officer, "a local general practitioner employed part-time at Wormwood Scrubs." Both these doctors were obviously aware of the extent of the injuries and were thereby party, by their silence, to the cover-up which continued for four weeks to deny the scale of what had happened. PROP and RAP have for long campaigned for the disbandment of the Prison Medical Service and for prisoners' health to become the responsibility of local doctors through normal National Health procedures.¹ The local GP referred to has nothing to do with such procedures but is clearly a doctor selected by the Home Office without reference to the patients' wishes.

Even for the general public there are many shortcomings to the National Health Service but it is difficult to imagine that a proper patients' service, staffed by a normal cross section of local doctors, responsible for their prisoner patients and answerable, not to the Home Office at all, but to the District Health Authority and General Practitioners' Committee, would have connived so totally in the public deception which occurred during the month after 31 August.

THE BOARD OF VISITORS

A prison's Board of Visitors is ostensibly the public watchdog of the prison system. The idea of a management board made up of local people is a good one and would be supported by PROP if its members were both selected by the local community and answerable to it. As it is, the selections are made by the Home Secretary and it is to him that they are answerable. As it is, the selections are made by the Home Secretary and it is to him that they are answerable. A proportion of the selections are from amongst local magistrates, whose own methods of selection are something of a mystery to start with. Nowhere in the institution of the Boards of Visitors is there any element of either democracy or independence and the role which they fulfill is fundamentally that of a rubber stamp.²

Mr Gibson's Report states that the Chairman of the Board of Visitors, (a Mrs Hilary Burgess, MBE, JP) was informed of the disturbance in D wing "when she was telephoned at home by the Assistant Governor in the Emergency Control Room and informed that everything was quiet and under control. The Chairman offered [our emphasis] to go to the establishment immediately, but was advised that this would not be necessary and it was agreed that she would telephone the prison for additional information early the following morning." She accordingly telephoned at 0900 hours on 1 September and "explained that she had arranged to be free all day and would like to see the Governor as soon as possible. The Chairman was not contacted by anyone from the Wormwood Scrubs during the remainder of the day."

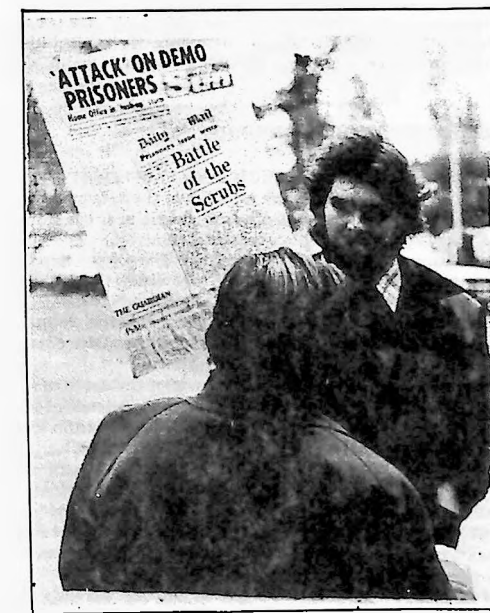
1. See RAP's article 'Prison Medicine', in this issue.
2. See 'Boards of Visitors: The Dogs Don't Bark', *Abolitionist* no.10, p.10.

It was not until the morning of 2 September that the Governor telephoned Mrs Burgess. She then went straight to Wormwood Scrubs "arriving at about 1230 hours". Although she visited D wing . . .

she did not speak to any of the prisoners. She enquired about the number of injuries arising out of the incident and was told that of the five prisoners who had been transferred to the prison hospital, four had returned to the wing on 1 September . . . and that a number of prisoners had been treated in D wing immediately after the incident. She was not told that a number of prisoners had required sutures.

GROSS NEGLIGENCE

It is Mr Gibson's clear intention to criticise prison staff for their failure to keep the Chairman of the Board of Visitors informed. To PROP and RAP this is not the serious point at all. Prison Rule 96(2) states: "A member of the Board of Visitors shall have access at any time to every part of the prison and to every prisoner, and may interview any prisoner out of the sight and hearing of officers." The rights and duties of any member of the Board, let alone its Chairman, are crystal clear. Yet here we have Mrs Hilary Burgess MBE, JP, Chairman of the Wormwood Scrubs Board of Visitors, letting just about the whole prison staff walk all over her and making not the slightest attempt to assert her rights. Such a gross dereliction of duty is only unsurprising because it has for long been PROP's experience that it typifies the uselessness of Boards in general and their chairmen in particular. Mr Gibson's comment in his conclusions that "it would have been more appropriate for the Chairman of the Board to have adopted a more positive role" is really meaningless in view of the general behaviour of Boards.



THE REAL LESSONS

The numerous personal criticisms in the Wormwood Scrubs Report, then, should be carefully analysed to identify the fundamental structures which they reveal. The Home Office statement preceding the Report pays lip service to recognition of the "mistakes made at Wormwood Scrubs and the important lessons to be drawn from them." But the real lessons have nothing to do with failures in procedures or the disobeying of regulations but with the manner in which the prison service is structured, whereby specialist non-uniformed staff, because of their reliance on Home Office selection and approval, are tied by vested interests to a close identification with the management and disciplinary staff.

This close identification is the reason why abuses will continue to occur and to be concealed, no matter what regulatory safeguards are introduced. Although this article has picked out the particularly blatant and disgraceful misconduct of prison doctors and members of the Board of Visitors, the cover-up could not have been effected without the silent acquiescence of teachers, probation officers, chaplains and other ancillary staff. One woman probation officer and two voluntary workers did speak out but with no support from their colleagues, nor protest when the two volunteers were suspended and subsequently dismissed. The three have earned an honorable place by their actions: the rest deserve only contempt. Beneath contempt was the behaviour of the Roman Catholic, Church of England and Methodist chaplains — typical members of the most hypocritical section of the prison service whose record of doing nothing and saying nothing has permitted brutality and abuses to continue unchecked in prisons all over the country.

The urgent need is to remove all these specialist non-uniformed prison staff from Home Office patronage and control. It is a change which the Home Office will resist tooth and nail, precisely because of the genuinely independent spotlight it would throw into the darkest corners of prison management. Instead we are given the new office of H.M. Chief Inspector of Prisons, "independent of the Prison Department" but significantly not independent of the Home Office which controls the Prison Department. It is a move which takes us nowhere, as is made very clear by the nature of the inspection reports published in recent months.³

INDEPENDENT PUBLIC INQUIRIES

Published reports of investigations carried out behind closed doors are inevitably whitewash jobs. When they emanate from a Government department as provenly deceitful as the Home Office they should never be accepted at face value as documentary evidence of anything at all. The proper step for those concerned to expose serious abuses within the prisons is to demand, in every case, a public and independent inquiry whose terms of reference would include the closest scrutiny of prison management and of the Home Office itself.

In the latest and most tragic circumstance of the death of Barry Prosser in Winson Green prison, such a demand for a public and independent inquiry has come not only from PROP and RAP but in equally outspoken terms from the Howard League for Penal Reform, MIND (the National Association for Mental Health), NCCL and the National Association of Probation Officers. We hope that none of them will allow themselves, as happened in the case of Wormwood Scrubs, to be jockeyed into accepting anything else.

Geoff Coggan, PROP

3. e.g. the Report on Cookham Wood prison, discussed in 'Prison Medicine'. Other reports will be examined in future issues.

The Other Side of the Scrubs

There is one aspect of life at Wormwood Scrubs which the authorities have no reason to be ashamed of, but which they are not at all anxious to publicise — the Annexe. The Booklet being prepared by the RAP Sex Offences Group will include a detailed look at the way the Annexe deals with sex offenders. Here we take a more general look at its work.

NO EASY LIFE

If any prisoner enters the Annexe under the impression that he will have an easy time, it doesn't take him long to find out that the benefits of the more relaxed regime are more than offset by the ordeal that can be experienced in the groups. Offenders are asked to tell their life stories in detail and to give a frank account of their crimes. Their day-to-day behaviour also comes under scrutiny. The extent of such exposure leads some prisoners to ask to be transferred back on to the wing or into solitary confinement.

Childhood deprivation and tragedy is the major common factor in the life stories. In the case of sex offenders especially (but not exclusively) there is also consistent evidence that they have themselves, as children, been victims of sexual abuse. Other features shared by Annexe inmates include the incidence of homelessness, unemployment, lack of friends or family, and broken marriages. It can be claimed, however, that in these respects there is no significant difference between Annexe inmates and prisoners generally.

FEEDBACK

The group takes a critical look at an offender's behaviour, focusing on general rather than specific aspects. Group consensus provides accurate and consistent feedback, emphasising how this behaviour relates to the prisoner's crime. His attitudes will be questioned and various aspects of his personality will be identified as problem areas.

He may be given educational help and, through a course in social skills, he may learn strategies to help him to cope with social situations he would formerly have found impossible. His self-esteem, of primary importance to any rehabilitation plans, may be raised as minor achievements and behavioural changes are recognised and reinforced, especially by the group.

The prisoner is generally given every opportunity to gain some insight into why he committed his crime; help to modify the 'maladaptive' aspects of his personality; and the awareness of positive traits on which he can build new patterns of behaviour for the future. All this, along with basic training in coping with daily existence, may add up to a more thorough and pragmatic attempt to reach the basic problems in comparison with the alternatives — drugs, which suppress the behaviour, and aversion therapy, which treats only the symptoms.

INTEGRATION

Due to lack of workshop facilities in the prison, no work is available in the Annexe apart from the general requirement to share in the cleaning and domestic activities.

Apart from the priority of group work the main objective of the regime is to further integration and co-operation. To this end part of the daily programme is taken up with a system of smaller integrated groups comprising individuals drawn from the 3 main areas. The content of these group discussions is seen as necessarily of a lighter nature, the main objective being to encourage harmonious relationships within the Annexe.

Advocates of group therapy might argue that helping people to relate to others in general is sufficient to the aims of the Annexe, and it would be tempting to agree. Violence against other individuals is the common factor in the crimes committed by almost all Annexe inmates, and to help individuals to interact in a less destructive way must be a central aim of any rehabilitation programme. But violence against women and children, as in the case of the sex offenders, although not essentially different, must be recognised as an added dimension. Group therapy tends to level behaviour and attitudes to the group norm. But in an all-male environment (apart, that is, from a handful of teachers and probation officers), a consensus on the subject of acceptable behaviour towards women may leave basic assumptions unquestioned. Annexe groups carry out valuable and essential work in the field of sex offenders. But it has to be suggested that, in their examination of the bounds of common decency, they may at the same time reinforce the inferiority of women's status in the social structure and thereby undermine any real understanding of sexual crime.

POTENTIAL

Despite this one reservation, the Annexe's progressive attempt to deal constructively with sex offenders, and with prisoners who have drinking or drug problems, must be applauded as one of the very few humane and positive features of the British prison system. However the potential of the place has hardly begun to develop.

More evidence of the necessary Home Office support would make for more confidence within the Annexe community. The dedication and sense of purpose exhibited by the staff might then extend to allowing their own attitudes (towards women especially) as well as those of the prisoners, to be questioned. Some more tangible improvements might also be made, including the provision of an after-care hostel. It hardly helps a prisoner in overcoming a drinking problem, for example, if at the end of his sentence he is virtually thrown out on the street.

But the very fact that it is situated in a prison can only be a hindrance to the Annexe's work. Group therapy may be a partial answer to some offenders' problems, but it would be better if they did not have to go to prison to receive it.

RAP Sex Offences Working Group

PRISON MEDICINE



'81



Readers of *The Times* and *The News Line* (not forgetting the *Chatham News*) may have read about RAP's report on Prison Medicine when it was released in May. Here we publish the complete text.

INTRODUCTION

The latest annual report by the Prison Department includes, like the two previous reports, a table showing the number of doses of drugs dispensed in penal institutions (Appendix 6, table 7). It also sets out the Prison Department's arguments for retaining the Prison Medical Service as a separate body under Home Office control (paras. 243-252). The first part of this paper is an analysis of the dosage figures, with special reference to the three closed prisons for women: Holloway, Styal and Cookham Wood. In the second part, RAP challenges the Prison Department's reasoning and restates the case for abolishing the Prison Medical Service.

DRUGS IN PRISON

Table 1 was derived from the one in the Report by dividing each of the dosage figures for drugs acting on the central nervous system by the average population of the relevant establishment(s) (appendix 3 of the Report) so as to arrive at the dosage rate per head of inmate population. Those figures in the Report which were obtained by grouping together 4 prisons or more have been ignored. It is unfortunate that some of the figures which would have been most interesting - e.g. those for Albany and Gartree - are not disclosed in the Report. Table 1 presents the figures as a 'league table', with the highest rates at the top. The figures in brackets in the left-hand column show the position of each establishment in the similar table for 1979 (*The Abolitionist*, no.8, p.24 - copies 70p from RAP office).

HOLLOWAY

It will be seen that there is very little change in the relative positions of the various establishments. There has, however, been a marked fall, for the second year running, in the dosage rate of the top prison in the 'league', Holloway. Holloway's total dosage rate in 1979 was 941 doses per prisoner; in 1980 it was 634; in 1981, 369. Thus Holloway has managed, presumably in response to public criticism, to cut its dosage rates by more than 60% over 2 years. But it still dispenses one dose of a behaviour modifying drug per prisoner per day.

COOKHAM WOOD & STYAL

The decline in Holloway's dosage rate throws into sharp relief the position of Cookham Wood, a small closed prison for women in Kent. Cookham Wood is known to make liberal use of drugs: its own Board of Visitors has expressed concern, following an inspection when 50 out of 52 prisoners were found to be under night sedation. But in the Prison Department table its dosages are combined with those of Styal, a much larger establishment well known to prisoners' organisations as one where drugs are *not* extensively used. This has been confirmed by Styal's own medical officer, who was quoted on Thames TV's Thames Report last year as saying:

We are very much against the use of drugs. Unless there's a definite psychiatric illness they virtually do not get them. There are no routine sedations. As regards the so-called tranquilisers, they're virtually never used.

Because Styal has more than 3 times as many prisoners as Cookham Wood (262 compared with 85), the dosage rate for the two prisons together must be very much lower than the true figure for Cookham Wood. Let us suppose that Styal has a low, but not exceptionally low, dosage rate of 50. The true figures for the two prisons would then look something like this:

	Psychotropic	Hypnotic	Other	Total
Styal	25	5	20	50
Cookham Wood	643	200	403	1,245

We are not, of course, claiming that these are the real figures: only that they are within the bounds of possibility and show how spectacularly misleading the Prison Department's presentation of the data could be. But even if we double and redouble the figures for Styal, those for Cookham Wood remain in a class of their own (but a class which Holloway has only recently left), as Table 3 shows:

Possible total dosage rates for Styal and Cookham Wood

Styal	50	100	130	150	200
Cookham Wood	1,245	1,091	999	937	783

It seems most unlikely that the figure for Styal could be much higher than that for Bullwood Hall & East Sutton Park, which is 183. So we can conclude that, on the crude measure provided by the Prison Department figures, Cookham Wood is almost certainly using 2-3 times as many drugs as Holloway, the next highest user; and probably even more than Holloway was using in 1979.

Table 1

Dosage rates per head of average population in certain British penal establishments of psychotropic, hypnotic and other drugs acting on the central nervous system, 1981.

ESTABLISHMENT (HMP = prison HMBl = borstal HMRC = remand centre)	1. Psychotropic drugs (anti depressants, sedatives & tranquillisers.	2 Hypnotic drugs.	3. Drugs acting on the central nervous system other than 1 & 2.	4. TOTAL DOSAGE RATE.
1. (1) HMP Holloway	198	76	95	369
2. (2) 2 female establishments (a)	176	53	114	343
3. (5) 3 female establishments (b)	226	4	67	297
4. (3) HMP Parkhurst	135	20	140	295
5. (6) HMP Brixton	167	27	34	229
6. (4) 2 girls' borstals (c)	71	6	106	183
7. (8) HMP Wandsworth	68	12	48	129
8. (10) HMRC Risley	78	17	19	114
9. (7) HMP Norwich	64	12	30	106
10. (9) HMP Cardiff	40	6	58	104
11. (12) HMP Wormwood Scrubs	55	8	35	98
12. (8) HMP Wakefield	45	9	37	91
13. (15) HMP Manchester	29	4	29	62
14. (14) HMP Durham	23	8	30	62
15. (19) HMP Leicester	24	2	31	57
16. (13) HMP Bristol	24	5	27	55
17. (17) HMP Birmingham	19	2	34	55
18. (16) HMP Pentonville	21	4	27	52
19. (18) HMP Winchester	22	3	25	50
20. (25) HMP Grendon	23	8	19	50
21. (20) HMP Leeds	15	0.5	33	48
22. (21) HMP Liverpool	12	2	29	43
23. (23) HMRC Ashford	18	5	12	35
24. (24) HMP Lincoln	16	0.4	17	34
25. (22) HMBl Feltham	9	0.2	16	25
26. (26) HMP Dartmoor	9	3	5	17

Footnotes

- (a) Cookham Wood & Styal.
(b) Askham Grange, Drake Hall & Moor Court open prisons (Drake Hall was not included in 1980).
(c) Bullwood Hall & East Sutton Park.

NB: Because all figures greater than 1 are given to the nearest whole number, some of the totals do not exactly 'add up'.

COOKHAM WOOD AND THE INSPECTORATE

An attempt to allay public disquiet about medical practise at Cookham Wood was made by HM Chief Inspector of Prisons in his report on the prison published last year, and again in recent annual report for 1981 (paras. 2.33-2.34). When they inspected the prison, the Chief Inspector and his colleagues were told that "when the Medical Officer took up the post, 18 months previously, he had inherited a prescribing list which reflected a specialised psychiatric style"; and they accepted that the new Medical Officer was gradually reducing the amounts of sedatives prescribed. But prisoners do not normally stay at Cookham Wood for more than 12 months: so, 18 months after the new M.O. took up his post, all the patients he 'inherited' from his predecessor should have left. If the drugging of prisoners merely reflects individual doctors' assessments of the needs of their individual patients, as the Home Office would have us believe, it is difficult to see the

relevance of the Inspector's explanation. And while the M.O. may have reduced the *strength* of doses, no reduction in their number is reflected in the combined dosage rates with Styal, which (in all 4 columns) are almost identical to those for 1979. It would be a strange coincidence if an increase in drug use at Styal had cancelled out a decrease at Cookham Wood so exactly. (The 1979 figures were: psychotropic drugs, 169; hypnotic drugs, 60; other, 112; total, 341.)

Although the Inspector of Prisons categorically denied that drugs are used at Cookham Wood for 'control purposes', he admits, by implication, that some prisoners are dependent on them. His report on Cookham Wood states that "the general withdrawal of specific sedatives sometimes required the addition of supplementary drugs with a synergic action" (this could account for an increase in the rates for 'hypnotic' and 'other' drugs in 1980); and his Annual Report states that the M.O. was "actively engaged in reducing the dependence of some inmates on night medication".

The Inspector also stated (Cookham Wood report para. 11.07): "It was apparent that when discussing sedatives it was necessary to distinguish between scripts issued with a view to providing a degree of evening tranquility . . . and those issued with a view to inducing sleep." The distinction is not made any clearer by the Prison Department's division of drugs into 'anti-depressants, sedatives and tranquilizers' on the one hand, and 'hypnotic drugs' on the other. Is a sedative 'issued for the purpose of inducing sleep' a sedative or a 'hypnotic drug'? Could the same drug be 'psychotropic' at 7pm and 'hypnotic' at 9pm? Despite repeated criticisms by RAP, the Prison Department continues to use these categories without any further explanation.

CONTROL?

Are drugs used in prisons for purposes of control, as the Inspector of Prisons so emphatically denies? The Governor of Wormwood Scrubs has recently written that the aim, common to inmates and staff, which dominates prisons is that of "wanting a quiet life" (John McCarthy, 'The Modern Prison' in Howard Jones (ed.), *Society Against Crime*, Penguin 1981). He also acknowledges that: "It can be argued that 'the quiet life' is partly a method of living in the presence of a superior power." Now the prescription of sedatives and other behaviour modifying drugs unquestionably tends to promote 'the quiet life', and if prisoners fail to go along with that aim the 'superior power' can apply powerful informal sanctions. For example, many prisoners at Cookham Wood

PRISON DOCTORS & THE NHS

It is because of the conflict of interests inherent in the dual loyalty of prison doctors to their employers and to their patients that RAP, along with PROP and INQUEST, has called for the abolition of the Prison Medical Service. The need for change has been highlighted after a series of cases where prisoners have died after receiving inappropriate or inadequate medical treatment — George Wilkinson, Richard 'Cartoon' Campbell, Matthew O'Hara, Barry Prosser.

We are not proposing the mere administrative incorporation of the Prison Medical Service in the NHS. Prisoners should have the right to choose their own GPs from among those who serve the area around the prison, and, when a specialist is required, to see one of their own choosing.

The Prison Department (para. 243) claims that "As a person in a prison establishment could not, in practice, have the same freedom of choice of medical services that is available to a person at liberty, the present system of control and accountability provides an essential safeguard for those in custody." RAP disputes both parts of that statement. At most prisons — those which are not remote from centres of population — it should be possible for prisoners to be offered a reasonably extensive choice of GPs; and specialists, as the Report points out, are usually called in from outside at present, though by the authorities rather than by the prisoner. Prisoners would have ready access to information about the merits of different doctors, so it could be argued that 'freedom of choice' would be more meaningful for them than for most other people. Even if it were not always practicable for prisoners to see the doctor of their choice in the case of minor ailments, it should certainly be possible with problems of a more serious or long-standing nature — particularly psychiatric ones. As for "the present system of control and accountability", it is control by, and for the most part accountability to, the Home Office. The Home Secretary "is

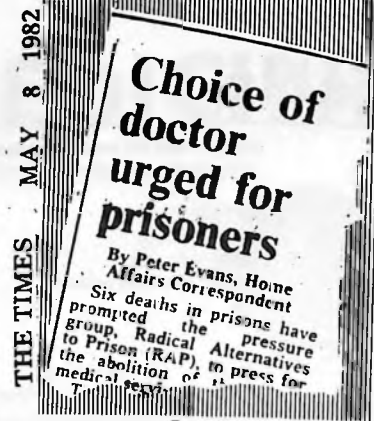
can expect to be transferred to an open prison — provided they do not 'make trouble'. In our view, the concept of 'the quiet life' is basically a roundabout way of stating the obvious: that to run prisons it is necessary to control the prisoners, and that it is generally expedient for the prisoners to submit. But "wanting a quiet life" may convey more accurately than 'control' the conscious motivation of prison doctors. Be that as it may, while medical care in prisons remains in the hands of doctors who are an integral part of the system of prison management, and while dosage rates remain as high as they are in certain prisons, the inference will be unavoidable that the interests of control have something to do with it.

accountable to Parliament" — which simply means that if an MP asks him a question, he will tell Parliament the Home Office's version of events. The Parliamentary Commissioner for Administration (Ombudsman) has an obvious counterpart in the Health Service Ombudsman. There is also the Inspectorate of Prisons; the NHS, on the other hand, has Regional Health Authorities, Family Practitioner Committees, Community Health Councils, the BMA — none of which has ever ventured to trespass on Home Office territory. The Prison Department says that under the NHS, "it would not be possible to devise arrangements by which there would be the same degree of central control." But why does the control have to be central?

The Prison Department goes on to make a series of points about the duties of prison doctors which it regards as demonstrating the need to retain the existing administrative structure, and which we regard as demonstrating the opposite. One of our main objections to the present arrangements is that the various duties which prison doctors perform for the authorities should *not* be carried out by the same people who undertake the medical care of prisoners. Among those duties are the following.

1. Preparing reports for the courts

We believe that far too many people (women especially) are remanded to prison for medical reports which should be prepared in the community, and that prison doctors have an excessive influence over the disposal of certain offenders. If prisons did not provide staff to prepare medical reports this would make it more convenient, and thus perhaps more common, for offenders to be examined without being remanded in custody.



The 'enormous influence' wielded by prison doctors in determining which offenders should be sent to special hospitals is discussed in an article by Dr. C. Treves-Brown, a consultant forensic psychiatrist ('Criteria for Admission to Special Hospitals', *Prison Medical Journal* Jan. 1976). He points out that it is the prison doctor who calls in the second doctor required to sign the necessary papers under s.60 of the Mental Health Act, and as a result, "If the Prison Doctor thinks a patient should be in Broadmoor there is virtually no way of preventing this recommendation from taking effect." He also found that "Mental State . . . was not a significant criterion for admission to a Special Hospital. It is much more likely . . . that the Mental State was used to support or justify a decision made primarily on other grounds." We would suggest that these 'other grounds' may be largely a judgement as to how manageable the offender would be in prison. If the offender's mental state were assessed by two psychiatrists, neither of whom was a prison employee, their judgement would be less likely to be coloured by such considerations.

2. Preparing reports for parole

The World Medical Association's 1947 'Declaration of Geneva' — a modern version of the Hippocratic Oath — lays down that "a doctor should preserve absolute secrecy on all he knows about his patient because of the confidence entrusted in him." This duty must inevitably conflict with the prison doctor's duty to advise the Parole Board. Dr Paul Bowden has written in the *Journal of Medical Ethics*: "It seems quite ethical . . . for a doctor to have divided loyalties as long as his patient both appreciates the full implications of the situation and has the opportunity to be treated by a doctor who does not have such a dual role." (Quoted in S. Cohen & L. Taylor, *Prison Secrets*, NCCL/RAP 1979, p.69.) Our proposals would ensure that prisoners had such an opportunity.

3. Examining prisoners charged with offences against discipline

To quote Dr Bowden again: "It is not possible to be responsible for the physical and mental health of a prisoner and also to sanction his punishment, on the ground that he is fit to receive it, by methods which may be prejudicial to health." (*Medical Services for Prisoners* King's fund/Howard

League, 1978.) Yet this is what prison doctors do when they declare prisoners fit to undergo solitary confinement, either as a formal punishment or (sometimes for very much longer periods) in the interests of 'good order and discipline' under Prison Rule 43. So long as the practice of solitary confinement persists, the Prison Department will have to employ some doctor to perform this task; but it should not be the same doctor who has the prisoner as a patient.

4. Advising on living and working conditions, hygiene, sanitation, etc.

The Prison Department claims that in such matters, the Medical Officer's "clinical independence and . . . professional responsibility for the health of inmates . . . enables him to act, on occasions, as an independent referee of the system." RAP cannot recall a single occasion when these 'referees' have blown their whistles." For example, the 'medically disgraceful' sanitary conditions at Wormwood Scrubs were exposed, not by a prison doctor, but by the North London Blood Transfusion Service which (having been alerted by a prisoner) refused to accept blood from prisoners because of the risk of hepatitis (*Guardian* 26/8/74). Public Health Inspectors, Factory Inspectors, etc., should inspect prisons to ensure that ordinary standards of safety and hygiene are complied with.

Conclusion

After discussing the various duties of prison doctors and Hospital Officers, the Prison Department clinches its case with the observation that: "were the National Health Service to take over the provision of medical services in establishments, these duties would have to be divided between various agencies, and there would no longer be one person in an establishment responsible for medical matters; there would be a real risk of conflicting priorities and contradictory advice." (para. 250). But this is exactly what our proposals are designed to achieve. Our argument is that 'conflicting priorities' are an inbuilt feature of prison medicine; and that the possibility of 'conflicting advice' is no more to be deplored than the fact that if the opposing parties to a dispute retain different lawyers, those lawyers may put forward contradictory interpretations of the law.

REVIEWS IN BRIEF

Defendants' Handbook

by Alan Leader
Second Chance/ELWAP (East London Women Against Prison), 56 Dames Road, London E7 0DR.
1981. Price 50p.

The *Defendants' Handbook* does not claim to be 'a complete guide for defendants', but to, 'cover some of the most important areas'. Law, it says, 'is too important an area in our lives to leave just to lawyers'. The first few chapters give advice on what to do if charged with an offence, one's right to a 'McKenzie Lawyer' (a friend to sit in the dock with you as your legal adviser), on defending oneself (and dealing with police prejudice or corruption) and getting bail. There is material on the technicalities of committals, on 'verbals' (confessions the police claim were made verbally but not signed) and on identification parades. If you still get sent down, 'it's a defeat — but it's not the end'; the last chapter gives hints to guide you through the pitfalls of 'resistance inside'. Even if you don't think you'll need this book (and who can be sure nowadays?) it's worth reading for its robust style.

Prison Poems

In a quieter vein Second Chance and ELWAP have put together an anthology of the poems they receive from prisoners throughout the country. A prison cell is no inspiration: 'white tiles, concrete cold floor, dim bulb, chill, smell, stale cleanness of disinfectant, pan in the corner'; so it's not surprising that many of the prison poets write of their life outside; or inside their heads: 'We live in tombs.' 'Living out our lives in dreams . . . I've earned universal Oscars for the parts I play in dreaming life.'

Poetry, Second Chance say in their preface, is one of the few ways open to a prisoner to tell people how he (or she) feels, how prison affects them and what they dream of. They would like to hear from any prisoners who have poetry (or other writings) they would like published. The first anthology, *Hidden Voices* (November 1981) costs 60p from the same address as *Defendants' Handbook*. The extracts above are from the poems of Lindsey Cooper and 'Paris'.

Andrew Roberts



The Meaning

This isn't going to be easy. I want to persuade people to read Ian Cameron's *An Account Paid in Full: The Frank Marritt Dossier*. There is no difficulty at all in extolling its merits: it is a tremendously impressive piece of work, packed with detailed information both about Marritt's case and about the rest of this country's 'life' population, the largest such population in the world. Ian's dedication in his efforts to help Marritt is awe-inspiring. The difficulty is how to 'sell' what is one of the most depressing documents imaginable.

The death penalty can be dramatic, even entertaining, as in one of the films revived in the recent NFT/RAP Prison Film season. Robert Wise's unforgettable *I Want to Live*: the picture that does for the electric chair what *The War Game* does for the hydrogen bomb, and with a good deal more style. In Marritt's seventeen years of imprisonment there is much that is disturbing, but very little that is dramatic. If the sentence of death "concentrates the mind wonderfully", that of 'life' numbs it. According to a former prison governor, lifers "go to sleep" from about the second to the sixth year of their sentences. Thereafter they show a "quickening of interest . . . because they feel they can see a light at the end of the tunnel". They have, of course, no way of knowing where the end of the tunnel is: a refinement of cruelty that parallels the repeated appeals and stays of execution on Death Row. Ian's meticulous piecing together of events is in poignant contrast to Marritt's own letters: "How are you keeping. The weather's nice isn't it. I will have to close now as I can't find anything to think about . . ." Two months later: ". . . like you said the weathers bad for August. Like you said there isn't much I can write about. That's why I never bother writing letters . . ."



I Want To Live (Robert Wise 1958)

As for Marritt's crime, it was savage, shocking, but obviously unpremeditated. Marritt, then aged 25, had an affair with a 17-year old girl called Ada Foxtan. They quarrelled; Ada threatened, according to Marritt's later account, to tell his wife of their relationship. In a drunken frenzy, he stabbed her 25 times, and then battered her already dead body with a metal bed-post. Marritt and his wife clumsily buried the body, and Marritt concocted an equally clumsy story about a non-existent seaman called Joseph. If Marritt had abandoned this doomed defence and pleaded provocation (he claims it was Ada who first used the knife) he might have been convicted only of manslaughter.

JUSTICE?

I have gone into these gruesome details because the importance of the dossier is that it raises the question of what constitutes just and humane treatment for a person convicted of such an unpleasant crime. If Ada Foxtan had been killed 10 years earlier, there is little doubt that Marritt would have been hanged. That would have been a very crude kind of justice: there is really no moral equivalent between killing a person on a crazy impulse, and the cold-blooded torture of telling a man you are going to kill him and throwing him into a cell to wait for death. *An Account Paid in Full* is not about the morality of capital punishment, but it forces the reader to confront the uncomfortable question whether Marritt's 17 years in a series of different prisons, often in solitary confinement, really constitute a great advance along the road of humanitarian progress. It is abundantly obvious that Marritt's years in prison, and the various 'treatments' and 'punishments' to which he has been subjected, have been a thoroughly destructive experience; and there clearly are real doubts in both Marritt's mind and Ian's about his ability to survive for very much longer. Marritt's 'life' could turn out to be a protracted death sentence.

It is impossible to judge in any absolute terms at what point Marritt's 'account' was 'paid'; how many years of misery it took to atone for those few frenzied moments. What one can do, and what Ian Cameron does in his dossier, is to compare Marritt's punishment with that of other murderers; and to try to interpret the decisions of those functionaries who determine, in utter secrecy, what retribution 'society' demands, so as to discern what he is really being punished for.

Marritt was convicted in 1965 of 'non-capital' murder under the Homicide Act, 1957. In January 1981 he was one of about 25 people so convicted who were still in prison (several have since been released). By contrast at least 25 'capital' murderers had their sentences commuted to life imprisonment between 1960 and '65, but only 4 of them were still in prison at the beginning of 1981 (Dossier p. 59). I would not wish to suggest that the distinction between 'capital' and 'non-capital' murder had any valid basis, or that Ada Foxtan's murder was any less serious than the murder of a policeman; but it is anomalous that prisoners should be detained for longer for what Parliament had deemed to be the less serious of the two types of offence. It appears, in fact, that the Parole Board's judgement of who merits the harshest sentence is quite different from that which formerly appealed to Parliament: a Home Office Research Unit Study (no. 51) of *Life Sentence Prisoners* indicates that 'long stay' lifers are likely to have been convicted of killing "women or children for sexual reasons, or men or women in the course of theft, or of women for other reasons (except in the family situation)." It is impossible to make any moral sense of this category, so presumably it is based on the view that a person who commits such a murder is likely to have a dangerous propensity to inflict violence for sexual, occupational or psychological reasons. But no-one, so far as the Dossier indicates, has suggested that Marritt, who has never used violence while in prison has a 'dangerous' personality. And in any case, if Ada is classified as Marritt's "mistress or girlfriend" his case seems to fall in the group regarded by the H.O.R.U. as likely to be released after a "medium stay". How long a stay is "medium" is not made clear, (the H.O.R.U. declined to give any information on this point) but the commonest stage for a lifer to be released is from 8 to 12 years after sentence. If the Parole Board's repeated refusals to release Marritt have been based on the nature of his offence, they have been arbitrary in the extreme.

of 'Life'



Frank Marritt on the roof of Maidstone Prison

TRAPPED

It appears, however, that Marritt has long since passed the stage of being punished for his crime, and is caught up in a vicious circle of being punished for his reaction to punishment (in common with at least one other long-stay lifer who, according to H.O.R.U. "would almost certainly have been detained for only an average period but for his behaviour"). His series of confrontations with the authorities began in 1972 when he was suffering from withdrawal symptoms after being abruptly taken off tranquillisers. The medical staff at Wakefield failed to recognise this, and repeatedly declared him fit both to work and to be punished for refusing to work. It was after this that he began to campaign for release and for redress of his grievances; as he later remarked, it at least gave him something to write about. And so began the grim cycle of protest, solitary confinement, refusal of release, and more protest that is chronicled in the Dossier. The attitude of the authorities was summed up by an anonymous civil servant at "P3 lifers" who saw Marritt as being "on a precipice or ledge as it were, and we want to see which way he will go."

Frank Marritt is trapped by the crazy logic of the parole system, which dictates that the more a person is damaged by imprisonment, the longer s/he must be imprisoned. At the time of writing he is awaiting the result of the fifth review of his case. He is in solitary confinement in Albany; his mother ("... I don't know what I'd do if you were gone . . .") has recently died. Whether *An Account Paid in Full* will have any effect on the Parole Board is impossible to predict; it at least offers Marritt some encouragement and support.

Meanwhile Jim Jardine of the Police Federation, smarting from the defeat of his 'bring back hanging' campaign, is demanding that "life should mean life". Maybe if he read this Dossier he would get an idea of what life means now. It is not a document that anyone is likely to read with enjoyment, but a lot of people would be wiser for having read it.

Tony Ward

An Account Paid in Full is available from Friends of Frank Marritt, 124c Elgin Avenue, London W9, price £2 inc. p&p. Cheques should be payable to "Friends of Frank Marritt".

Pospitals and Hisons

THE MENTAL HEALTH (AMENDMENT) BILL

"We are talking about running a proper system, with hospitals that work and prisons that work, and with the means of determining which institutions certain people ought to be in. If the noble Lord wants to propose a new set of institutions with 'pospitals' or 'hisons' which are hybrid institutions that is another matter."¹ Lord Elton, Government spokesman on the Mental Health (Amendment) Bill, *House of Lords Hansard* 23.2.1982, col. 1071.

The Mental Health (Amendment) Bill, which is expected to become law in September, deals with the 'rights' of patients detained in custody in psychiatric hospitals — whether offenders or not. These hospitals include the 'Special Hospitals' (Broadmoor, Rampton, Moss Side and Park Lane) and the new 'Psychiatric Secure Units' we featured in the last *Abolitionist*. Special Hospitals and secure units have many features that make them more like prisons than hospitals, and the same can be said of many wards in ordinary psychiatric hospitals. Whilst detention and compulsory treatment for mental disorder exists, one cannot — as Lord Elton attempted to do — draw a sharp line of distinction between hospitals and prisons.

INFORMAL PATIENTS

94% of the inmates of mental illness and mental handicap hospitals in England and Wales are not formally detained under the provisions of the 1959 Mental Health Act. Such patients are (dishonestly) called 'voluntary'. In fact nobody knows how many are willingly in hospitals. Under the 1959 Act the doctor responsible for an informal patient's treatment (the 'RMO' — Responsible Medical Officer) can sign a 'section 30(2) form' at any time to secure the patient's detention for up to three days whilst procedures for longer term detention are completed. The legal position of an informal patient is, therefore, that s/he is free to leave unless the doctor says no. In practice doctors are rarely on the wards and so the Bill (Clause 6) would allow qualified mental nurses to detain informal patients for up to six hours whilst a doctor is fetched to sign a section 30(2) form. As few nurses will risk taking the blame for letting a patient leave it will in future be practically impossible for any patient to leave a psychiatric hospital without his or her doctor's consent.

THE MENTAL HEALTH ACT COMMISSION

The Bill proposes a 'Mental Health Act Commission' (MHAC) to monitor the procedures of formal admission and the compulsory treatment of patients detained under the mental health Acts. The Government intends the Commission to include lawyers, doctors, nurses, psychologists, social workers and lay people. They will be employed part-time to visit hospitals once or twice a year. The MHAC will have power to regulate compulsory treatment but, in the Bill as it entered the House of Commons in March, these powers were only to be exercised by the psychiatrists on the Commission².

CONSENT TO TREATMENT

In practice medical treatment is regularly administered to informal and formal patients without explicit consent (and often despite explicit objections) in hospitals throughout the country. *Informed* consent is as rare as a paternalistic approach to mental patients is common. However, the 1959 Mental Health Act made no explicit provision for any patient to be compulsorily treated. Clause 41 of the Amendment Bill proposes to remedy this omission:—

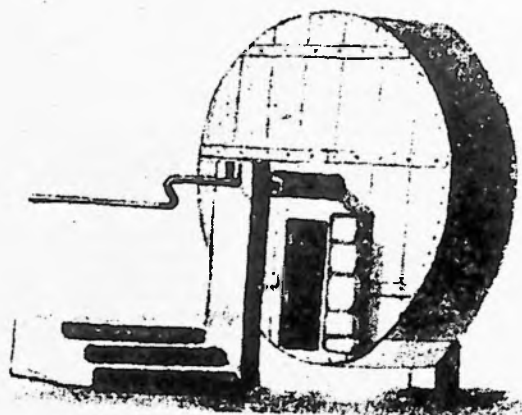
Emergency Treatment: There will be no constraints on the compulsory treatment (authorised by the RMO) of any formal patient if it is:

- immediately necessary to save the patient's life, or
- (not being irreversible) immediately necessary to prevent a serious deterioration of the patient's condition, or
- if (not being irreversible or hazardous) it represents the minimum interference necessary to prevent the patient from behaving violently or being a danger to himself or to others.

Under other circumstances compulsory treatment will require detention on a section that lasts for more than three days (i.e., not an emergency power) and not including remand in hospital of an accused person for a report to a court on his/her mental condition³.

Treatments will be divided into three groups:—

1) Of 'special concern' because they are hazardous, irreversible, or not fully established. These will be listed in REGULATIONS by the Minister after the Bill becomes law. Most, if not all, forms of brain surgery will probably be regulated: but not electro convulsive therapy (ECT) or anti-psychotic drugs⁴. Doctors will not be able to give regulated treatments without the express consent of the patient and the agreement of a psychiatrist² on, or appointed by, the MHAC.



Machine used for calming violent lunatics, eighteenth century. From *Ciba Symposium*, 1950, 11, p. 1227

2) Other specific treatments — (i) surgical; (ii) any administration of medicine; (iii) ECT — not listed in the Regulations: (a) may, when prescribed by the RMO, be administered without consent if a psychiatrist on, or appointed by, the MHAC agrees. If a formal patient is not capable of giving a valid consent the MHAC psychiatrist will have to certify this before treatment can be given.

(b) Some group 2 treatments will be listed in a CODE OF PRACTICE drawn up by the MHAC in consultation with the mental health professions. These will be ones which, although not listed in the Regulations, are of sufficient concern for doctors to be *advised* not to give them without the patient's consent as well as that of the MHAC psychiatrist. The Code will probably not include ECT except when it is used other than for the treatment of severe endogenous depression (its main use) but may include long acting drugs and behaviour therapies.⁴

3) All other care and attention (e.g., general medical and nursing care) may be given without a formal patient's consent.

COMMENT

This Bill was introduced into the House of Lords in November 1981 as a charter of patients' rights — but it will make 'voluntary' patients prisoners and override common law rights to refuse electrical, chemical and surgical assaults on one's physical and mental integrity. Those who speak of 'rights' in such a context believe in the right of mental patients to be detained and forcibly medicated. They should be careful: English mental health law is so loosely worded that almost anyone is at risk — and section 141 of the 1959 Mental Health Act effectively stops legal actions against the mental health authorities for any misuse of their powers.

Notes:

1. The Government's argument is that if psychiatric patients were entitled to refuse treatments the hospitals would only be able to detain (not treat) them — and so would be prisons. The forced drugging of prisoners seems to have escaped their attention.
2. Under pressure the Government has now accepted in principle that multi-disciplinary confirmation of a patient's consent to a treatment listed in the Regulations (group one above) should be required. MIND wants the concept of multi-disciplinary approval extended to the other categories of treatment (Letter in *The Times* 20/4/1982 and information from MIND's Legal Department).
3. Under the 1959 Act someone who appears in court can be sent for psychiatric treatment on a 'hospital order' (section 60). The Bill would implement a suggestion of the Butler Report (1975) that courts should be able to remand in custody to a hospital (for medical report, treatment and assessment) to decide if a hospital order would be appropriate.
4. See *Reform of Mental Health Legislation*, Cmnd 8405, HMSO 1981 (A White Paper explaining the Bill) paragraph 38 and *Review of the Mental Health Act 1959*, Cmnd 7320, HMSO 1978 (a previous White Paper) paragraph 6.26.

This article has been developed from parts of *The New English Mental Health Bill*, a LAWLETTER Special Leaflet explaining the Bill, available (5p plus a s.a.e.) from Lawletter 90 Fawcett Estate, Clapton Common, London E5 9AX. For this article the edition of the Bill ordered to be printed 9/3/1982 (House of Commons Bill No.83) has been used.

Andrew Roberts

Sorcerers or Witches? Scotland's Political Prisoners

"I come here not as the Accused but as the Accuser — of Capitalism, dripping with blood from head to toe."

John Maclean's splendidly defiant "Speech from the Dock" strikes many resonances as it echoes down the years. Reprinted many times, it remains a very popular read in Scotland; though not, of course with everyone. Thirty Year Rule or no Thirty Year Rule, Maclean's Prison Record remains unavailable to historians. The influence of a man 60 years dead is still feared by the Establishment.¹

If vital facts about a historical figure of Maclean's stature are still deliberately withheld it is unsurprising that the public knows so little of contemporary Scottish political prisoners. Even some Abolitionist readers may be a little startled to learn that there are any. Such ignorance is quite understandable. In some respects the existence of Scotland's separate media system militates — paradoxically enough — against the wider diffusion of information about Scottish affairs. That media, too, is as prone as any other to consign a prisoner to oblivion as soon as the cell door slams. Only an Appeal, an escape (such as 'Bald Eagle' Peter Wardlaw's recent fifteen minutes of freedom) or a fresh charge revives interest. Neither does any Parliamentary Party remind the public of the prisoners' situation. (The SNP is desperately concerned to present nationalism as respectable and all other parties to denigrate it as an irrelevant creed.)

What makes a prisoner "political"? There is, naturally enough, very little agreement as to this. Perhaps a useful parallel may be found in the distinction which the Azande (and several noted sociologists) draw between the role of sorcerer and that of witch. A sorcerer(ess), they hold, is a sorcerer because of what he or she *does* whereas as a witch is a witch because of what she or he *is*.

1. John Maclean, the Glasgow school teacher, first Soviet Consul and founder of the Scottish Workers Republican Party died on St Andrew's Day, 1923, worn out not only by his own considerable exertions but also by the effects of a recently completed term of imprisonment.

The analogy with the "criminal"/"political" prisoner dichotomy is fairly exact. If a "criminal criminal" is defined by his/her activity and a "political criminal" by his/her perceived motivation (which is to say, what he/she is or is seen to be) then instances of widely different penalties or of additional punishment over and above the norm for the activity complained of should serve to identify a person as a political prisoner, irrespective of which label the authorities prefer to stick on them.

In 1971, Matthew Lygate was convicted (wrongly, think many people) of participating in a series of politically motivated bank robberies. At the time of his arrest Matt was a leading member of the Workers Party of Scotland (M.L.)² and ran one of its bookshops. He was a committee member of the National Convention Movement.³

The Convention connection was brought out in a recorded interview televised at the conclusion of the trial. "Don't you think", asked the interviewer, "that association with these people is a most dangerous course for you personally?"

Matt's principles have certainly proved costly to him. Had no political motivation been alleged, he would have received a very much shorter sentence (8 or 9 years is about 'par for the course') so that, even without remission he would be now be free. Instead Matt is serving no less than 24 years while a co-accused Bill MacPherson drew an initial 26. These are believed to be the longest sentences (excepting only 'life') ever to be imposed by the Scottish Courts. Whether or not political considerations were present in the minds of whoever committed the robberies, it can scarcely be claimed that they failed to influence the judge who passed sentence.



Matt Lygate has just been refused parole and is thought to be contemplating an appeal to the European Court of Human Rights. His firm adherence to his beliefs has led both to collisions with, and, ultimately, the wresting of a certain respect from the prison authorities.

Arguments often centred around the work he was given to do. Sewing buttons on army officers' uniforms is scarcely the most congenial of occupations for one of Matt's persuasion. Strip searches in the middle of the night were a not infrequent feature of his early years inside.

As for 'respect', the author has seen a letter from a Prison Governor to Matt's (now deceased) father in which the Governor records his "admiration" for the way Matt had "stuck to his principles". All the same, the Governor hastened to add, "Rules are Rules" . . .

2. A Maoist group which claims to stand in a sort of apostolic succession to Maclean's SWRP.

3. An all-party body interested in Scottish self-determination.

An enormously resilient person with a razor sharp mind, Matt as well as pursuing his abiding interest in Marxist theory has developed while in prison into a fine artist. Unfortunately, even such allegedly progressive galleries as Glasgow's "Third Eye" Centre have shied away from according him recognition. Political prisoners cannot, it seems, rely on getting "the Jimmy Boyle treatment" from Scotland's artistic establishment.

Bill MacPherson's prison career has followed a different trajectory. A much younger man, his collision with authority have tended to take a more physical form. Sentenced to an extra 4 years for organising the Perth Prison Riots — a charge he vehemently denies, asserting that he was merely umpiring a table tennis match when 'screws' and players began fighting. Bill has spent some time in the infamous cages (Scotland's answer to the control units) which viewers of "A Sense of Freedom" will undoubtedly recall.

CATCH 22

Acquittals notwithstanding, the trials, which have taken place in the decade since Matt Lygate's incarceration have produced a steady stream of Nationalist and Republican prisoners.

An early example of the practical distinction which is drawn between political and 'straightforward' offenders was furnished by *H.M. Advocate v Fairlie and Others* (1975). As a prelude to the fascinating and seminal A.P.G. Trial (the first of the so-called "Tartan Army" cases) Fairlie and two other men who had pleaded guilty to robbery and other charges, appeared for sentence.

After fulminating at the Accused for some time, the judge imposed a 12 year sentence on Mr Fairlie — a political activist with no previous record. His two companions, who both had considerable 'form' but were previously thought innocent of ideology, received 9 years apiece.

Struck by this disparity, someone suggested (in a letter to the *Glasgow Herald*) that is would henceforth pay all bank robbers and other crooks to "disavow any political intent and claim instead to be activated by sheer wickedness and vice".

His Lordship got the message. Sentencing an embezzler the following week, he remarked "if you'd done it for a cause, I could have understood it — but you did it for yourself, you selfish little man".

"HOW CAN I BE TRAITOR?" CRIED WALLACE . . ."

The experience of the last ten years — and, come to think of it, of Scottish prisoners through the centuries — has tended to confirm the proposition that it is 'better' to be called a selfish little man than an ideologue, a rebel than a revolutionary, a sorcerer, in our original analogy, than a witch.

The point, though, is that Scottish political prisoners have the worst of both worlds and their antagonists the best. Either the prisoners are 'political' or they are 'criminal'. Present practice is, increasingly, to treat them as political when it comes to proving motivation, imposing swingeing sentences or refusing parole, while in every other respect the hoary myth that Britain has no political prisoners, is blandly maintained.

The root of the problem lies in Scotland's unsolved National Question. This became very clear in one of the most recent cases (*H.M. Advocate v Wardlaw and others* (1980)). The

lamented Nicholas Fairbairn (known affectionately in the trade as "Unfairbairn") was prosecuting — in his then capacity as H.M. Solicitor General — some Scottish Republican Socialists for having allegedly conspired and attempted to blow up the Scottish Assembly Building.

Space does not permit extended treatment of a trial in which (with the aid of a servile media) the Accused were by turns made to appear diabolically sinister, then amusingly incompetent, then once more, sinister. By turns too, they were villains or subversives.

The essence of the situation may best be conveyed by an — appropriately subversive — comparison which occurred to several observers. This was Scotland's own "Reichstag Fire" Trial, they opined. If this seems a touch extreme, consider that here was a personal confrontation between a "tightly knit group of politically motivated men accused of trying to destroy an empty shell of a building — and a member of another such group (the Government) which had already destroyed the living institution which was to have filled the building: the Scottish Assembly for which the people voted. It is perhaps not altogether grotesque to recall Casement's retort to Birkenhead: "yes, we have both served Ireland but your way leads to the Woolsack and mine to the Gallows".



Mr Fairbairn is, as things have turned out, at least as unlikely to reach the Woolsack as Mr Wardlaw (who, incidentally, got 16 years) is to reach the Gallows. This should not, however, diminish the seriousness of the confrontation.

This will almost certainly not have been the last such clash. Minority Government of extreme unpopularity, a politically emasculated majority, a savagely worsening recession, growing militarisation against the country's will and interest, the introduction of a new 'sus' law and of restrictions on political activity — all aggravate the basic problem.

At his mockery of a trial, the 18th century revolutionary martyr Muir of Huntershill, claimed to have worked for the Cause of the People. "It is a good cause", he proclaimed, "it shall finally triumph, it shall ultimately prevail". One day, perhaps, it will. Until then we could do a great deal worse than to struggle for the liberation of those accused of hastening the day. They may be prepared to suffer for their beliefs. Are we prepared to let them?

from our Scottish correspondent.

STOP PRESS: Following a blanket-style protest about prison conditions — and, it is said, a beating up by prison officers — Peter Wardlaw and other prisoners were taken from Peterhead Prison last month and placed in the notorious Inverness 'cages'. This gave rise to a further disturbance in Peterhead and the transfer of yet more prisoners, including a hunger striker, to the cages.

"A Scandal within a Scandal . . ."

RATES OF IMPRISONMENT IN MAGISTRATES' COURTS: ENGLAND & WALES 1980

Adult male offenders convicted of indictable offences and sentenced to immediate imprisonment in magistrates' courts (police force areas) in England and Wales*

Area	%	Area	%
1 Dorset	12.45	23 Hampshire	8.11
2 Lancashire	11.81	24 Bedfordshire	8.05
3 Cleveland	11.43	25 Cumbria	7.73
4 Sussex	10.93	26 Gloucestershire	7.73
5 Greater Manchester	10.56	27 West Yorkshire	7.66
6 Devon & Cornwall	10.31	28 West Mercia	7.35
7 North Yorkshire	10.15	29 Humberside	7.16
8 Nottinghamshire	9.59	30 Northamptonshire	7.06
9 Avon & Somerset	9.44	31 Lincolnshire	6.80
10 West Midlands	9.31	32 Staffordshire	6.79
11 London City	9.07	33 Derbyshire	6.72
12 Kent	9.06	34 North Wales	6.71
13 South Wales	8.90	35 Merseyside	6.29
14 Cheshire	8.88	36 Leicestershire	6.17
15 Durham	8.78	37 Hertfordshire	5.93
16 Thames Valley	8.70	38 South Yorkshire	5.92
17 Surrey	8.67	39 Wiltshire	5.81
18 Norfolk	8.62	40 Warwickshire	5.38
19 Essex	8.58	41 Northumbria	4.71
20 Cambridgeshire	8.46	42 Dyfed Powis	4.27
21 Suffolk	8.45	43 Gwent	3.20
22 Metropolitan	8.34	NATIONAL AVERAGE	8.45%

* Percentages calculated from Table S3.3(E) of the *Criminal Statistics for 1980, HMSO.*

Signs of hope?

There are two redeeming features to be seen in the criminal statistics for 1980. One is that the national percentage of men imprisoned by magistrates has fallen for the first time in five years — only marginally from 8.6% in 1979 down to 8.45% — but it is a step in a welcome direction. A second sign of hope lies in the diminishing use of prison by particular benches. Suffolk for example came sixth in the 1979 table with an 11% imprisonment rate; in the 1980 figures the county was in twenty-first place at exactly the national average of 8.45%. Gloucestershire which once regularly headed the league, much as Dorset does now, has continued to abate its enthusiasm for locking people up:

GLOUCESTERSHIRE MAGISTRATES		
Year	% imprisoned	Position in RAP table
1977	13.83	1
1978	12.11	3
1979	9.50	11
1980	7.73	26

This remarkable record demonstrates the extent to which the Gloucester bench has taken seriously previous criticisms by Radical Alternatives to Prison and done something positive to reduce its use of immediate imprisonment. Their achievement is a model for other benches to follow. It proves that historically high rates of imprisonment are not immutable and can be brought under the conscious control of the magistracy. If the rate remains high in Dorset, that must represent a deliberate decision on the part of the courts there to continue to send more of their fellow men to prison than any other area in England and Wales. For that they would deserve not only to be condemned; they would deserve to be removed from the positions of judicial power which they exercise with so little justice and so little humanity — a continuing tribute to the Tolpuddle judgement of 1834.

Tolpuddle

On Wednesday 19th March 1834, in the Crown Court at Dorchester, six local farmworkers were sentenced to seven years transportation for the 'crime' of swearing allegiance to the aims and ideals of the Friendly Society of Agricultural Labourers. The six men passed into history as the 'Tolpuddle Martyrs', and Dorset 'justice' became synonymous with vindictiveness, harshness and repression.

Today, the spirit of 'Tolpuddle' lives on in the disproportionate severity of the sentences imposed by the Dorset county magistrates. In 1980 — the last year for which figures are available — the Dorset bench imprisoned 12.45% of all the adult males they found guilty of indictable offences, compared to a national average for England and Wales of 8.45%, and a national low of 3.20% in the Welsh county of Gwent. For every *one* man sent to prison in Gwent, in other words, the Dorset magistrates sent *four*. This is the third consecutive year in which the Dorset bench has headed RAP's annual league table of rates of imprisonment, and the fourth time in five years.

Prison overcrowding

What this means is that during 1980 the Dorset bench contributed to prison overcrowding at a rate *four times* greater than their colleagues in Gwent. In that year, magistrates in England and Wales sent 13,741 men directly to prison. If they had all sentenced at the Dorset rate, the figure would have risen to 20,246 which would have pushed hard-pressed local prisons up and down the country beyond the point of collapse. By way of contrast, the Gwent rate spread nationwide, would have meant only 5,203 committals to prison, which would have gone a long way towards relieving some of the chronic pressures on 'dustbin' local establishments.

A scandal within a scandal

Within the high overall imprisonment rate for Dorset there is concealed another set of even greater inconsistencies, inequalities and injustices:

Petty sessional division	% imprisoned
Weymouth	20.00
Dorchester	15.49
Bournemouth	14.37
Poole	8.19
Rest of county	5.53

The figures for *Weymouth* are almost *twice* the county average (itself the highest in the country), almost *four* times the rate for the rural parts of Dorset, and an astonishing *six* times higher than in Gwent.

There is also a tendency in Dorset, which is reflected in the national table, for seaside places to resort more frequently to the use of imprisonment.

Radical Alternatives to Prison: Bristol Group

Alternatives... WALNUT

In recent months the subject of "crime and punishment" has been a main talking point; in the press, in parliament and amongst the public. In the case of press and parliament it has been mainly to divert attention from the political, economic and industrial problems that people have to wrestle with. All kinds of punitive measures are being proposed but nobody is suggesting that we should discuss the main issue, that is, the causes of crime, and how to eliminate them. This will only happen, however, when sufficient people have the knowledge which will enable them to make these revolutionary changes. In the meantime we have to stop sending people to prison and provide alternatives.

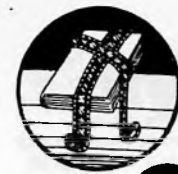
My own experiences may help to present some ideas. Throughout my life I have wanted to help people and have done so as an individual dealing with people as I came into contact with them. For several months before the second world war and again afterwards I was a tramp on the road, and suffered, with others, harassment and humiliation by the police and was a victim of the Vagrancy Act before the war and the National Assistance Act after 1948. During the Committee of 100 years (1960-1967) I was arrested a number of times, although never imprisoned, and became involved with many other people arrested and some imprisoned.

From 1963 until 1967 I accommodated and cared for homeless young men in my flat in Bethnal Green and also found myself helping many, freshly discharged from H.M. Borstal, Feltham. In 1967 I moved to Leytonstone where I continued this work gradually taking over the whole house and eventually finding myself working entirely with registered drug addicts. This inevitably brought me into contact with the law a great deal. It was not possible to remain at Leytonstone and I eventually rented a cottage in a village in Somerset,

where I could accommodate and care for between five and seven people at a time. During the eight years that I was there over 100 young people were resident; young men who had come off drugs and wanted to stay off; homeless persons; people on probation; former mental hospital patients; ex-prisoners and as an alternative to prison. This work also involved me in visiting people in a number of prisons (*not* as an "official" visitor but at the request of the prisoners); appearing in courts in different parts of the country; and visiting patients in mental hospitals.

It was a secular establishment and entirely libertarian. Rules and regulations were non-existent, with the exception, perhaps, that residents were *asked* not to have illegal drugs in their possession and were told, before committing themselves, that we were a vegetarian household. Walnut Cottage was not a hostel or even a "home", it was a household, or a community. How successful we were, is not for me to say, and in any case it is far too soon to assess this. I believe that most people who stayed with me got *some* benefit out of it. There were no paid staff. I was in receipt of social security benefit and I had help from a friend, as well as voluntary help from the residents themselves. Residents paid for their board and lodging and I received a number of donations from friends and well-wishers and a sizeable gift from a TV Company. I gave up Walnut Cottage, mainly through personal ill-health.

I don't take the view of Mrs Thatcher that all social work should be voluntary. I believe the State should face up to its responsibilities and establish communities of this kind with paid workers; but with less bureaucracy and red tape. There is also a need, side by side with this, for communes, run by the communards themselves and for the sort of voluntary set-up that I had at Walnut.



BOOKS

Community Justice

Beyond the Courtroom: Programs in Community Justice and Restitution by Benedict S. Alper & Lawrence Nichols
Lexington Books, 1981. Price £14.50

Crime, it could be said, is never having to say you're sorry; for although the principle of restitution has a long and honourable history in debates and conferences on criminal justice, practical expression of it in modern times has been very limited. This is very strange when one considers that in many pre-Reformation societies restitution was considered the very essence of justice. Remember, however, the words of Pascal: "justice is as much a matter of fashion as charm is", and depends for its substance on the values of the surrounding society.

Within the majority of traditional European societies, a variety of mechanisms existed for the settlement of both major and minor disputes, whose central aim was the reconciliation of the wrongdoer and the wronged, rather than the mere punishment of one and the compensation of the other. A

particularly fascinating mechanism, mentioned by Alper and Nichols was the 'Mediaeval Loveday', first recorded in France in 1194 and mentioned briefly in both Chaucer and Shakespeare. Lovedays were specially designated occasions on which community conflicts — in which we would nowadays include crime — could be settled amicably by arbitration, or mediation with either friends of the disputing parties or community officials acting as 'referees', without recourse to any sort of legal proceeding. According to contemporary statutes, a decision made 'in love' was as binding as one made 'in law'.

Times have changed, and lovedays long ago ceased to be part of the legal and cultural map, so much so that even the idea of them now seems quaint. Most other forms of conflict resolution which depended on direct contact between victim and offender vanished with them. The main reasons for this, in Europe, was the growth of the state, which steadily appropriated interpersonal and inter-familial conflicts, and made them the province of specialised institutions and personnel — courts, lawyers and police forces. This development was legitimised by social contract theory, which allowed and encouraged potential victims of crime to forego their ancient rights to private means of redress (which had admittedly included random acts of vengeance and long-standing blood feuds) in return for the protection of the state, whose officials were empowered to act on their behalf. In practice, the status and significance of the victim was greatly diminished by this, and eventually reduced to no more than a walk-on part in judicial proceedings, as witness for the prosecution, or simply as the complainant. The state — or, in this country, 'the Crown' — became the symbolic representative of the body politic and it was against this abstract entity, rather than individual human beings, that crimes were then said to have been committed. Routine mechanisms for the repayment of victims, as well as the more sophisticated measures aimed at reconciling them to offenders, fell into disuse, and were eventually erased from the statute book. Nowhere is this more apparent than in the case of monetary penalties, which were once used solely to compensate victims but which are now regarded as being the due of the state, the apparent representative of all victims. The £83 million, which was collected in fines in Great Britain in 1979-1980 may not be a significant source of the state's overall income, but it is not difficult to imagine how useful a contribution it would have made to the many victims of property crimes, and even to the victims of violent crimes.

The past decade has seen a renewal of interest in the victims of crime, for a number of reasons whose relative significance varies considerably between countries. Alper and Nichols claim that one such reason in the U.S.A. is the growing hostility to the court system, whose procedures have become so protracted and complex that only the most dedicated observer can comprehend their relevance to crime and punishment. Far more so than in this country, there is a belief in America that the legal process has swung too far in the favour of the accused, and that the victim is getting even less of a look-in than usual. In Britain, where faith in the infallibility of the courts is still surprisingly high; there is only a vague and ill-defined unease that offenders, and particularly prisoners, 'have it all too easy' to justify an interest in victims. Were it not for this touching concern, many of the more ardent

COTTAGE

We *must* start to rid the country of prisons, borstals, etc. They are cruel, inhumane, and the breeding grounds of crime. Crime and criminals are caused by the system of society we are living in. Whilst this system continues, so will crime, and punitive measures will result.

We can start by demanding that drug addiction; drunkenness and alcoholism and vagrancy *should cease to be crimes*. A man or woman, found drunk in the streets is usually (but not always) arrested, and charged either with being drunk; drunk and disorderly or drunk and incapable. They are either fined or sent to prison. Neither of these is a solution. Such a person needs help. There should be either day centres or residential care centres where these people could be recommended to stay and receive the care and help that they need. This applies also to drug addicts. The Misuse of Drugs Act comprises two or three pages about the dangers of drugs and treatment, and then pages and pages of "penalties"!!! It is no use sending junkies to prison. They need *proper* "treatment centres", day centres and, again, residential care centres and more than anything else, they need love and affection. As for vagrants, all they need is a clean dry, warm, comfortable "kip" for the night, where they can have a "wash up", some food and the change to move on without being harassed. If a person wants to come "off the road", they need *proper* rehabilitation centres, that are voluntary, have decent bed-sitting rooms; decent dining rooms with good food. If they want to move about, then they should be able to do so and find reception centres where they can spend the night that are neither like the old casual wards nor the modern punitive reception centres.

It is time to stop theorizing and get cracking with some practical work.

Douglas Kepper.

supporters of the law and order lobby would be revealed as the barbarians which in reality they are; a few brief words of compassion for an elderly victim of mugging, tagged on to a call for flogging and longer sentences, makes all the difference to their image.

Exhaustive

Arrangements for the monetary compensation of victims form only a minor part of Alper and Nichols' concerns in this book. Their understanding of restitution goes way beyond this minimalist position to encompass a whole range of procedures and projects designed to restore the victim's prominence, in both communal and judicial settings. Their aim is to bring as much conflict resolution as possible out of the court arena (an apt term, for it is the adversarial system to which they are most strongly opposed) and to foster the development of non-judicial means of redress. They are exponents of massive citizen participation in all spheres of administration and in relation to criminal justice they believe, in the words of their Foreword writer, a Commissioner for Children, Youth and Families in Washington, D.C., that it "should be viewed not as a distinct objective entity, but as an extension of people, of community, of society". Rather than looking to the police, courts and prisons for a solution to the crime problem they look instead for ways of generating a more democratic and 'popular' system of justice, using neighbourhood associations, tenants' groups, and the flair and dedication of progressive lawyers and welfare workers who are willing, in conjunction with local people, to set up mediation schemes outside the established system.

A surprisingly large number of restitution schemes, operating in many different ways, have already developed in America and according to Alper and Nichols most states have passed some legislation in this area. Like so many penological innovations they are now available for export to this country, the irony being that many of their guiding principles originated in mediaeval Europe. To describe even one of these projects in detail would be beyond the scope of this review, but what makes Alper and Nichols' book so outstanding is the sheer number of practical projects which they manage to describe. Quite apart from this, and an elaborate analysis of the key principles involved — restitution, mediation and arbitration — and their overall relationship to punishment and treatment, the book also contains an account of restitution's historical precedents, and a survey of the peasant and primitive societies in which it is still operative. Add to this an exhaustive bibliography and you have a book which more or less justifies its very high price and which is most unlikely to be superseded by the forthcoming English books on the same subject, or by any other American book for years to come.

Blood money

Inevitably, Alper and Nichols end on a note of great optimism: "It may not be too much to hope that local communities may thus help to point out to the world at large the way to the reduction of international tensions — through arbitration, mediation, compromise, even restitution — to attain to that level of justice without which there can be no truly lasting peace." In my opinion, this is overdone, and even the chances of setting up many *genuine* restitution schemes in this country are remote: the values of our society tend in the direction of

'combative self-assertiveness', as Archbishop William Temple once put it, and we are neither encouraged to feel sorry, nor to forgive — the prerequisites of restitution — by the political and economic institutions which circumscribe our lives. Nonetheless, the present writers are at pains to point out that the concept of restitution can be adapted to a wide range of regimes and ideologies, and depending on the way in which it is presented and operationalised, it can be either a progressive or a reactionary force. A campaign for the establishment of community-based restitution schemes could be very threatening to a system of justice which relies on the adversarial process and the polarisation of parties, and which cares nothing for the promotion of communal order. Equally, restitution can be used as a means of punishment no less destructive than any of those already in use — although it would be preferable in such cases to call it by its proper name of retribution. Tory backbencher, Ivor Stanbrook, has recently suggested something along these lines, by arguing that the financial compensation of victims "under the ancient rite of blood money" ought to be incorporated into our legal system (*The Sun* 15/3/82).

Stanbrook's comments at least serve as a reminder that the ideal of restitution is no less corruptible than any other penal philosophy, and that it could be turned to repressive purposes just as surely as rehabilitation was, in certain prisons and in certain community based treatment programmes. Like rehabilitation, restitution does not in itself imply an end to custody, and its adoption by groups like RAP does not in fact make the struggle against excessive incarceration any easier. The radical task, as far as restitution is concerned, is to ensure that its *humane* potential is fully exploited, that it is allowed to advance under its true colours as a healing device and that it is used genuinely as a means of resolving conflict, whether inside or outside the existing court system. To equip oneself for this task one could do no better than read this book.

Mike Nellis

Don't just sit there...

In the next *Abolitionist* we plan to focus on the victims of crime, and particularly on restitution and other 'victim-oriented' alternatives. If you have any thoughts on these subjects, get them down on paper and send them to us by the end of July. Contributions on other topics are welcome too. As a general rule, articles should not exceed 3,000 words.

If you're interested in young people and live in or near London, why not join our Young Offenders Working Group? You don't have to be young, an offender, working, or even a RAP member. Write to Douglas Kepper, Basement Flat, 179 Isledon Road, London N4.

What a Silly Title!

Society Against Crime: Penal Theory Now
Howard Jones (ed.)
Penguin Books, 1981. Price £3.95 (pbk)

It is not often one comes across a completely worthless book, but it is difficult to see what contribution this superficially academic treatise can offer to a public which is bewildered over the whole issue of law and order. Turgidly written, it is not a book one willingly backtracks on, particularly in the absence of an index, and it is a pity that this basic requirement was not given priority over the lengthy bibliography following each chapter. The emphasis of the long lists is on Home Office reports and statistics, which would be all very well if they were critically analysed. But no, these questionable facts and figures, provided by the most secretive of our governmental departments, are taken at face value as if they were primary sources of undoubted validity.

Apart from the chapter by John McCarthy, the current governor of Wormwood Scrubbs, there is not the slightest indication that any of the authors know the first thing about prisons. They discuss prisoners on the one hand, and prison officers on the other, without giving either the opportunity to speak for themselves. There is none of the humility present in recent sociological writings of the two Taylors, Cohen, Morgan, King, Fitzgerald and Sim, all of whom, to greater or lesser extents, acknowledge the contribution made by prisoners and their organisations. True, Fitzgerald's and Sim's *British Prisons* is listed in the bibliography but there is no suggestion in the text that any of the sources quoted or referred to (apart from a passing mention of RAP's work on young offenders). Nor is the Prison Officers Association.

The public misconception that this country is soft on law and order and soft on prisoners is nowhere dealt with in a manner which might usefully influence this supposed barrier to penal reform. The question as to why anyone should consider it reasonable that we imprison, proportionately, more people than any other EEC country is not even put. The nearest that the authors approach to such fundamental factual evidence is in a bleak sentence on the first page of the first chapter where it is misleadingly stated that Britain sentences more people to prison than any other country in Europe except West Germany. If the author means this in real terms, unrelated to the size of different countries, then the statement is meaningless. If, on the other hand, the author (in this case also the editor) is writing in proportionate terms, then he is wrong on several counts. England and Wales are second (just) to West Germany in the EEC. But Britain, in this context, presumably includes Scotland and Northern Ireland and the inclusion of either of these countries, let alone both, is enough to put us proportionately firmly in the lead. But this is anyway in relation to the EEC, not Europe. If Europe is quoted, then the appalling record of countries like Austria must be taken into account.

The muddle is indicative of the unimportance which the authors attach to these comparisons and also of the standard of scholarship to be expected of the book as a whole. How can Britain's penal policy be seriously discussed at all without any recognition of just *how* excessive is our existing use of imprisonment? What should have been spelt out (though who but PROP and RAP are saying it?) is that our present prison population of 45,000, if it were to be reduced to Dutch levels, would have to be cut to 11,500. A Belgian equivalent would

be 23,500 and an Italian one 27,000. Even to emulate the country next in line to ourselves, France, our prison population would have to drop below 35,000. (The figures, proportionately adjusted, refer to 1980 EEC statistics and are related to the figures for England and Wales rather than to the even worse record for the United Kingdom as a whole.)

On the very same page Mr Jones throws away another statistic — that the average length of prison sentences in England and Wales increased by over 50% between 1966 and 1975. The significance of the timing is not mentioned, yet this is precisely the period of the introduction of parole. In other words a clear indication of the judiciary discounting the intentions of Parliament and an extremely important point to make in view of present discussions about remission and parole.

The chapters by authors with first hand experience of their subjects — the governor on prisons, the ex-head of an approved school on 'Dealing with Delinquents' — are significantly more readable and freer from the confusion that comes from ignorance. But they are hopelessly partisan and should have been balanced by a view from those at the receiving end of their particular specialities. Governor McCarthy states categorically that the 1976 Hull riot was caused by a disruptive minority exploiting the rest of the prison population by means of violence and intimidation. Anyone who can believe that will believe anything. This nonsense is preceded by a very odd sentence: 'The series of prison disturbances of 1972 led to improvements in [prisoners'] conditions but management reasserted control shortly afterwards.'

What does McCarthy mean by those last words? He seems to imply that management reassertion of control involved a worsening of prisoners' conditions. If that is so, then it is obvious what lay behind the cutback in privileges, including the most basic educational facilities, that sparked off the Hull riot and which more recently provoked the protests in Wormwood Scrubs D wing and the subsequent MUFTI action. Disruptive minorities indeed!

But really, the book is not worthy of a detailed critique. On Victorian prisons, overcrowding, riots, it misleads to the point of dishonesty. Thus Andrew Willis on page 170 quotes without question a Home Office publication: 'Sanitary arrangements that were thought adequate in Victorian times seem quite unacceptable today.' But the Victorians would NOT have seen the sanitary arrangements prevailing in today's prisons as satisfactory at all: they would have been appalled by them.

Or what are we to make of this, again from Mr Willis: 'It seems quite unrealistic and absurd for the penal reformer, any more than the prison administrator, to conjure up images of a splendid range of purpose-built brand new penitentiaries constructed in order to eliminate prison overcrowding.' Presumably that is the authors' idea of prison reformers: it certainly isn't mine. I doubt if any of them will listen to PROP or RAP so perhaps the Howard League will take their education in hand.

Finally, what a silly title. 'Society against crime'? Where on earth do they think crime comes from?

Geoff Coggan (PROP)

DEVIANT WOMEN

Comparing Male and Female Offenders

Marguerite O. Warren (ed.)

Sage Publications, 1981. Price £4.95 (pbk)

The lack of research about female offending and offenders is often attributed to the fact that there are so few female offenders compared to male offenders. Thus female offending is viewed as only of small concern for social policy and of little interest to the 'mainstream' of deviancy theory. Traditional writers who have considered the problem of female deviancy tend to give great weight to the assumption that the small amount of female compared to male deviancy relates to a 'chivalrous' attitude towards women on the part of the Criminal Justice System.

Comparing Male and Female Offenders is a compilation of articles that looks critically at the gender stereotyping of crime. The book challenges the assumption that the number of female offenders is solely related to gender passivity or the often unsubstantiated claim that female offenders receive lighter sentences and treatment from the 'Law'. The authors attempt to establish a 'gender-integrated' approach to deviancy which investigates 'the conditions under which both genders will behave similarly'.

However, this approach does *not* exclude an analysis of gender in relation to the type of crime committed by men and women, and the different way in which the Criminal Justice process interprets their deviant behaviour. But the gender-integrated approach does emphasise that women offenders, like male offenders, are *social* beings and that factors such as class, race, social visibility and socio-structural constraints affect both the level and prosecution of female deviancy.

This book is a modest but intelligent contribution to the discussion around female deviancy. The book suggests that further research is needed, which analyses the role of women in relation to sub-cultures; police practice regarding female offenders, as well as legal, court and prison interpretations of female deviancy; and structural, socio-economic analysis of crime that relates particularly to women and female sexuality. Although the style of some authors is awkward, this book is easy to read and worth attention.

Jill Box-Grainger



NO MORE CAGES

Prisoners



Island in Chains: Ten Years on Robben Island Prisoner 885/63
(Indres Naidoo, as told to Albie Sachs)
Penguin Books, 1982. Price £1.95 (pbk)

In 1963, Indres Naidoo was arrested following the attempted sabotage of a signal box. A member of the African National Congress of South Africa and one of the first volunteers for Umkhonto we Sizwe, the armed wing of the ANC, he was sentenced to ten years imprisonment, most of it spent on Robben Island. ANC Director of External Publicity, Francis Meli, in his foreword writes of the island as '... a grey, soulless, cruel spot, designed to crush the spirit of the bravest and truest leaders of our revolt against the apartheid system, to douse once and for all the flames of rebellion in our hearts, to deter and subdue us for ever.' And such indeed it is.

The apartheid regime while not recognising the category of political prisoner does in fact distinguish between political and common law prisoners. Political prisoners receive no remission of sentence and there is a concentrated effort on the part of the security police and prison warders to 'break' them, Indres Naidoo together with his colleagues served his full ten years. Released in 1973 he was placed under a banning order which prevented him from communicating with his colleagues, from writing or publishing, and under which he was confined to his house every evening and for the entire weekend. In 1977, on the instructions of the ANC, he left South Africa.

He describes his treatment and that of his colleagues at the hands of the security police, the unrelieved abuse, assault and torture during interrogation. Once imprisoned the attempted *dehumanising* process implemented by the prison warders began, the back-breaking useless work they had to do, the hunger, the cold and the relentless punishments.

'We sat on small pieces of rock, about eight hundred of us in a huge circle, the wire mesh giving us a weird appearance; our hammers

of Apartheid

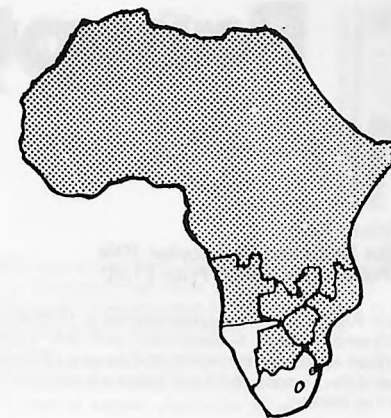
flying up and down, a pile of stones supplied by wheelbarrows in front of each of us, hard, granite rocks which we had been ordered to split into small stones measuring half an inch and one inch in diameter.

We were absolutely new in the quarry and did not know what to do, but instead of explaining things to us the warders simply started lashing out with their rubber batons, sticks and pieces of rubber piping, calling us names, telling us how stupid we were.'

Some of the treatment these prisoners received (no doubt those remaining on the island continue to receive it) is of a startling brutality even in the history of brutality for which the South African security police and prison authorities are well known.

But one leaves the book reluctantly, for the keenest impression is that of the comradeship between the ANC political prisoners. Their efforts to improve the treatment they received through agonising hunger strikes which did, in fact, win them some relief albeit temporarily; their concern for each other and their consistent political work is impressive. Their influence, one feels, induced a new awareness in a number of common law prisoners and even in some of the warders.

The powerful presence of Nelson Mandela dominates the book. Confined with others serving a life sentence to a prison within prison, Mandela served 20 years on Robben Island



(recent reports state that he has been moved to a prison on the mainland).

Written with great simplicity this book is an important contribution to the literature on prison conditions in apartheid South Africa for those who oppose that racist and repressive system.

Ethel de Keyser
Director, Defence and Aid Fund

Argentine's Torturers in SA

In recent years the government of SA has formed a close alliance with Argentina. Her imports from Argentina rose from \$9m. in 1975 to \$16m. in 1980, and her exports from \$10m. to \$60m.

Even more significant, SA's military connections with Argentina are extremely close. Both countries were involved in the proposal for a South Atlantic Treaty Organisation. Each has a strong military attachment in their Embassies. Last year four Argentinian torturers were discovered to be attached to the Embassy in Pretoria. They were Rear Admiral Ruben Jacinto Chamorro, codenamed 'Dolphin', who was armed forces attache from June 14, 1979; Jorge Perren, codenamed 'Puma', appointed to the armed forces commission on October 17 1979; Captain Jorge Acosta, codenamed 'Tiger', a diplomat with no designation; and Lieutenant Alfredo Astiz, naval attache since June 20 1979.

From October to December 1981 the Durban *Sunday Tribune* carried a series of articles connecting these officers to the notorious *Escuela Mecanica de la Armada* in Buenos Aires from 1974 to 1978. This detention centre is alleged to have accounted for the lives of some 5,000 people, including women and children; and the identities of the torturers have been attested by the survivors. Chamorro was commander of the *Escuela* from 1974 to 1978. Acosta was identified, with Chamorro, as the man who took the decisions about who was to be killed. Astiz was responsible for kidnapping operations. Perren was identified as one of the torturers.

Evidence grows of the use of new forms of torture in SA, which are known to have been used in Argentina. Detainees have been released in growing numbers into hospitals, including psychiatric wards, and released with permanent disabilities, partly as a result of the administration of metal poisons.

Responding to suggestions that these 'diplomats' were cooperating with the SA police in stepping up the practice of torture in SA jails, the SA Department of Foreign Affairs said on October 19, 1981 that it was impossible to screen every individual posted to an embassy in the country. To questions as to whether these men were acceptable to the SA government, the department commented only in the case of Acosta: 'For some reason the Argentinians have never given us the usual information on his personal details, identity number etc. We have just been informed that he has been operating here'. By December 1981, all four men had left SA. Neither SA nor Argentina explained their presence there.



Captain Alfredo Astiz

Panopticon Vision

The Prison Film
by Mike Nellis and Christopher Hale
RAP Publication, 1982. Price £1.50

The first RAP Prison Film season was run in 1979 at the Scala Cinema, London. In conjunction with RAP's second Prison Film season for the month of February ('82) at the National Film Theatre, Nellis and Hale have produced this interesting booklet.

The Prison Film gives a history of the prison film genre from the 1920's to the present day, and outlines how the peculiarity of the genre is that it has consistently reproduced standard themes and conventions. Nellis states that by the end of the 1920's the 'classic' plots and themes had been pioneered:

... the pure melodrama, the social protest, the comedy, the imprisonment of the innocent man, the reform of the hardened criminal, the jailbreak, the riot and the imprisonment of women. (p12)

Nellis considers both the impact of particular films on the genre as a whole as well as their impact on real-life social policy.

For instance, in the 1930's *I was a Fugitive from a Chain Gang* (Mervyn Le Roy, 1932) was based on the experience of Elliott Burns (1890-1955) and is the story of a wrongly convicted young war veteran. In real life, Burns escaped from prison twice and whilst on the run the second time his story was published in a New Jersey magazine. After much difficulty, the lawyers who took up Burns' case proved him innocent at Trenton, New Jersey in 1932. Subsequently in 1937 the film of *I was a Fugitive* ... paid some practical dividends and very slowly some Southern States, especially Georgia, reviewed their chain gang system.

Another early film, *The Big House* (George Hill, 1930), is a film chiefly concerned with the inability of prison to reform or rehabilitate, and the official ineptitude of a system that encourages crime and anti-social life-styles. The status of this film as a minor classic derives, says Nellis from its theme:

... this theme, the failure of prison to rehabilitate, together with the scenes of admission to prison and solitary confinement have become integral to the narrative and iconography of subsequent prison films. (p.15)

Nellis also gives weight to films such as *Riot in Cell Block 11* (Don Siegel, 1954), *Birdman of Alcatraz* (John Frankenheimer, 1962), *Cool Hand Luke* (Stuart Rosenberg, 1967), *The Glasshouse* (Tom Gries, 1972), *Straight Time* (Ulu Gosbard, 1978), *One Flew Over the Cuckoo's Nest* (Milos Forman, 1976) — a reflection of the shift in institutions towards the treatment/medical model, and *Brubaker* (Stuart Rosenberg, 1980).

The aforementioned are just a taste of what the book holds in store, as well as including a brief analysis of the significance of the prison film genre by Nellis and an analysis of slightly greater depth by Hale. Nellis notes that the sensationalism of many 'light' prison films tends to influence reaction to the more critical films — as just 'sophisticated' versions of the former. But, for Nellis, what all the genre has in common is the exploitation of our ambiguity towards confinement — our fear of being locked in, and of being locked out.

Hale attempts to trace the history of punishment, as consistently and intimately involved with the 'visible'. Before imprisonment as we know it, Hale says that punishment was a public spectacle and often viewed by the public as an excuse for ribaldry. Today, our closed and secret prison system has developed to some extent in relation to Bentham's 'Panopticon' vision. Inside, prisoners are the objects of unceasing observation and yet from the outside they are shrouded from view by awe-inspiring architecture. But today's public also is ambiguous towards punishment and law-breaking. There is a conflict between identification with outlaws and the fear of the different (criminals, see Lombroso) and the unknown (prisons). The prison film, claims Hale, is the extension of, and depository for, public 'fantasies of punishment'.

Possibly owing to my own unease with 'art-form critics', I have some tentative reservations regarding this booklet's analysis of the significance of the prison film. Nevertheless, I found the book interesting and I am now sufficiently inspired to rush out and buy tickets for the NFT season. Having never been to the NFT before I am firmly indebted to this booklet for my present 'cultural curiosity'. This book could change *your* life.

Jill Box-Grainger



Birdman of Alcatraz
Director John Frankenheimer (1962)
Burt Lancaster

COMING SOON . . . Jill Box-Grainger's *Sentencing Rapists* is a carefully researched, subtly argued analysis of the problem of rape and the possible impact of changes in sentencing policy, and shows how rape might be dealt with more effectively by a radically reformed penal system. Look out for it!

PUBLICATIONS



— All prices include postage charge.

Prison Secrets (1978, postscript 1979), Stan Cohen & Laurie Taylor. This important study of the way our prisons are shielded from outside scrutiny will soon be out of print — buy one while you can! £1.80.

The Prison Film (1982), Mike Nellis & Christopher Hale. Illustrated study of a neglected genre and its political and cultural significance. £1.75.

Outside Chance: The story of the Newham Alternatives Project (1980), Liz Dronfield. Preface by Stan Cohen. Report on a unique alternative to prison in East London, founded by RAP in 1974. £2.30.

Parole Reviewed: A Response to the Home Office 'Review of Parole in England and Wales' (1981). Critique of the parole system and of proposals for 'automatic parole' for short-term prisoners. 65p.

"Don't Mark His Face" (1977), PROP. The real story of the 1977 Hull Prison Riot, as told by the prisoners themselves. 60p

A Thousand Days of Solitary (1980), Doug Wakefield. Foreword by PROP. This eloquent account of life on 'Rule 43' had to be smuggled out of Long Lartin prison on toilet paper. PROP's Introduction and Appendices analyse the growing use of segregation in prisons, and the alternatives. £1.20

Control Units and the Shape of Things to Come (1974), Mike Fitzgerald. Segregation, control and secrecy in prisons. 40p

The Abolitionist no. 1 (1979). French prisons; the Liquid Cosh; RAP and the Howard League; Children and Young Persons Act; law 'n order and party politics. 45p.

The Abolitionist no. 2/3 (1979). Includes RAP's evidence to the May Committee and part one of a guide to drugs used in psychiatry. 75p.

The Abolitionist no. 4 (1980). Experiences of a juror; Brigit Brophy on 'Burying People Alive'; Wormwood Scrubs — the 'MUFTI incident'; Irish prisoners in Hull; drugs used in psychiatry part 2; RAP and the 'penal lobby'. 50p.

The Abolitionist no. 6 (1980). RAP's first decade; Brighton Alternatives to Prison Project; alternatives for violent offenders; the Court of Appeal; anarchism. 65p.

The Abolitionist no. 8 (1981). Sex offenders in prison; victims of sex offences; women in prison; prostitution laws; drunkenness offences; prison drugs in 1980; Barry Prosser; parole. 65p.

The Abolitionist no. 9 (1981). Special feature on Radical Probation Work. Plus: medical treatment of sex offenders; 'What About the Victim?'; excerpt from 'In the Belly of the Beast'. 65p.

The Abolitionist no. 10 (1982). Dangerous people; rape; caged cells; 'restraints'; psychiatric secure units; Boards of Visitors; 'Politicians, Judges, the the Prisons; partially suspended sentences; reviews of Taylor, 'Law and Order: Arguments for Socialism' and Walker & Beaumont, 'Probation Work'. PLUS first issue of *Prison Briefing*. 80p.

SPECIAL OFFER!

All 8 available back issues for £2.50. Or any 3 for £1.25.

Out of Sight: RAP on Prisons (1981). Special issue of *Christian Action Journal*. Includes: Prisons in 1981; parole; prison deaths; prison doctors; Frank Marritt; what is a radical alternative to prison?; dangerousness; sex offenders; the future of the prison system. Especially recommended as an introduction to RAP. 70p.

MEMBERSHIP

Annual subscription rates: £6; unwaged/low paid: £4. Includes 4 issues of *The Abolitionist*.

Please enrol me as a member of RAP.

I enclose £.....

Name

Please send

Address

A banker's order form

A receipt..... (tick if required)

Tel. (day and/or eve)

Radical Alternatives to Prison
97 Caledonian Road
London N1. 01-278 3328

Occupation/special interests

Want to know more about RAP?

Now
see
this.

OUT OF SIGHT RAP ON PRISONS

CONTENTS Autumn 1981

Editorial	3	Tim Owen
Prisons in 1981	4	Geoff Coggan
Parole Reviewed	6	Tony Ward & Tim Owen
Turning the Key on Cell Deaths Care or Control?	9	Phil Scraton & Melissa Benn
A Lifer in the Balance	12	Tim Owen
What About the Dangerous Offender?	14	Ian Cameron
Sex Offenders in Prison	16	Chris Wallace
Short, Sharp Shocks From Crisis to Collapse	18	RAP Sex Offences Working Group
What is a Radical Alternative to Prison?	20	Tony Ward
Review: The Coming Penal Crisis	22	Chris Wallace
Further Reading	24	
	25	Peter Evans
	27	

EDITOR Eric James
GUEST EDITOR Tim Owen
LAYOUT Carol Burns
TYPESETTING & PRINTING Russell Press Ltd.

50p
CHRISTIAN ACTION JOURNAL

65p
(inc. postage)

RAP

97 Caledonian Road,

London N1.

OUR NEW ADDRESS:

RAP

Radical Alternatives to Prison, 56 Dames Rd. London E7
tel 01 555 0289

AN ANNOUNCEMENT AND A THANKYOU

We must apologise for the non-appearance of intermediate monthly issues of Prison Briefing. Unfortunately, immediately after the launching of Prison Briefing as a supplement to The Abolitionist, its editor who is also PROP's main organiser was the victim of intimidatory violence. The surprise attack, by an assailant nearly 20 years his junior, left our organiser with a fractured left orbit (the bone of the skull forming the eye socket). This has already necessitated one eye operation and will shortly require another though it is still uncertain to what extent this can restore normal vision.

A loss or curtailment of anyone's contribution to an organisation such as ours is bound to limit our activities. In order to maintain our other work it was therefore decided to shelve, for the time being, the publication of Prison Briefing as a monthly news sheet. It will however continue to appear quarterly as an 8 page supplement to The Abolitionist, which also contains its usual quota of PROP articles.

We would like to acknowledge the many letters and cards of goodwill received from all sorts of people and from all over the country - and, most warming of all, from prisoners in Parkhurst, Albany and Hull prisons (lots of them!) The general message was 'Don't be deterred'. No we won't be. And, again, a thankyou to everyone.