

E.R.

*Mrs. Hilditch to see
f. 2/2/81*

Mr Tate To see Mr Palmer's comment

28 JAN 1982

SCJ 28.1.82

Our Refs: PI.290/79
PI.412/81

Northern Ireland Office
DUNDONALD HOUSE

Mr Jackson:

*I am very grateful
to you for raising this wide ranging
issue in this way. I should be glad*

MR D A KERR

PRISONERS' ACCESS TO DICTIONARIES AND OTHER EDUCATIONAL BOOKS

Introduction

*to have it discussed (in the absence of
prior agreement all round) at a 28/1
meeting with Govs & Mr Palmer*

You will be aware that this is an issue which has been causing us concern for some time. Martin Wilson has done a useful review of the present situation, with reference to Prison Rules and to the practices in the various establishments, and I hope that this groundwork will enable us to move on to the preparation of some new central guidance to Governors. It would be helpful if we could do this in advance of the opening of Maghaberry, so that we do not have yet another establishment developing its own local approach. I recognise that there are security interests here, and that Mr Hilditch may well wish to express views, but I think I should put the papers to you, with the research that has been done, for comment in the first place.

English dictionaries

2. I am quite clear in my mind that we cannot maintain a position where every prisoner is not automatically allowed an ordinary English dictionary (special considerations may arise in regard to "special" dictionaries for example those which are in more than one volume or which are expensively bound). I am aware of our anxieties about taking any steps which may encourage the development of an organised system of self-education, and I come back to this later, but it seems to me far-fetched to say that an ordinary English dictionary - which helps with the writing of letters and doing crosswords - is a move down this road. It is difficult, anyway, to explain why we have permitted English dictionaries at Belfast and Magilligan but not in the other prisons.

3. There may be something to be said for the issue of a circular straight away saying that these dictionaries should in future be allowed to be sent in to all prisoners; that they will not count against the normal total allowance of books; and that a further circular will be issued as soon as possible about the other books that may be allowed.

Prison Rules and the European Convention

4. I confess that I had not previously taken in the words in the present Rule 97(1), which we propose to repeat in the new Rules. We are required, admittedly subject to any direction by the Secretary of State, to afford reasonable facilities to prisoners who wish in their spare time to improve their education by correspondence or private study (my underlining). Article 10(1)

of the Convention requires all persons, including prisoners, to have freedom "... to receive ... information and ideas without interference by public authority and regardless of frontiers." Under Article 10(2) this freedom may be restricted in the interests of, among other things, national security, public safety, and the protection of health or morals.

5. You may already have considered how far we are justified in taking the line that private study, as well as correspondence courses, must be arranged with the prison education service before facilities can be allowed facilities under Prison Rules.

Number of books allowed

6. I have no strong views about the number of books which a prisoner should be allowed to keep in his cell. Perhaps it is reasonable to apply the limit of six in the existing Standing Order in certain prisons where security considerations are more crucial; it may be that if we get to a more sophisticated system of security classification of prisoners, the allowance could be related to the classification.

Educational books (other than English dictionaries)

7. This moves us into more difficult territory. Once again we have the situation that Magilligan adopt a less restrictive approach. We have to grasp the issue of whether a prisoner necessarily needs to be taking a course of study arranged through the prison education service before he can have books of the "text-book" type. (It is not always easy to say if a book is a text-book unless it has a title which pretty clearly conveys that meaning.) I can see the reasons for wanting to hold to this line, but it is not easy to argue for it on the basis of Rule 97(1). If a prisoner has a particular interest in, say, British foreign policy in the 19th century, ^{should} we deny him the opportunity to have some relevant books in his cell rather than, or in addition to, a number of light-weight novels?

8. Books in foreign languages, particularly in Irish, and Irish dictionaries, are another problem category. I personally find it difficult to argue for the banning, in the absence of a related course of study, of an ordinary foreign language dictionary, whether the language concerned is Irish or anything else (the point has cunningly been made that as we allow Irish bibles, we ought to allow Irish dictionaries). Security considerations must be kept in mind, particularly in regard to the initial examination and subsequent searching of books, but I wonder if there is really any possibility of message being passed in the texts of books, for example. Books containing manuscript annotations in foreign language could reasonably be barred.

9. Mr Wilson has proposed that our new approach should be to allow a prisoner to have educational books, but that the total number of books allowed in a prisoner's cell should be increased to a total of 12 made up of 6 of his own plus up to six library or "educational" books. It may be considered by our colleagues on the security side, and by some Governors, that the maximum of 12 is too high because of the risk of concealment and the additional searching which would be involved.

Censorship of books and periodicals

10. This is another sensitive area into which we have ventured on previous occasions but have not felt able to depart from the present position that individual Governors must be left to decide what should be admitted. From time to time cases have come to our notice where we have thought that Governors have adopted too narrow a view on what should be excluded on "political" grounds. It seems to me that we should now take up the issue once more, and see if we cannot agree upon a set of criteria for dealing with these cases.

11. It is pretty clear that books which are likely to facilitate or encourage the commission of crime (the words used in the existing Standing Order), eg giving information about explosives or firearms, should not be allowed. The present SO about books likely to affect a person adversely from a medical point of view strikes one as paternalistic in 1982, but so far as we know it has given no trouble and is probably satisfactory if sensibly applied.

Subversive material

12. This is where the problem is at its most acute. I am interested to see the role which the Education Officer is playing at some establishments in the process of deciding whether prisoners should be allowed to have books which may fall within this category. On the other hand as he would advise about, or decide on, the acceptance of books for the library, perhaps it is not unreasonable that he should offer advice to the Governor in regards to books sent in for individual prisoners. I would think, however, that the decision should always be the Governor's.

13. I rather agree that in future censorship should not attempt to take into account political philosophy, in other words such items as Marxist literature, which advocate a United Ireland or British withdrawal or argue the case for any of the accepted "Loyalist" viewpoints, should be accepted. Books and periodicals which advocate or glorify violence in relation to Northern Ireland, or which contain sections which do this, should not be permitted. I doubt whether we should attempt to bar books about other so-called liberation movements, for example in relation to the Middle East or Zimbabwe.

14. It may be useful, as an illustrative example and as Mr Wilson suggests, to consider Tim Pat Coogan's book "On the

Blanket". There may be scope for different views, but I would be inclined to say that we should be justified in withholding the book since it gives a very one-sided account of the prison protest and the special category issue and glorifies, or comes close to glorifying, IRA terrorism. The issue is not straightforward, however, and demonstrates the problem of deciding particular cases by subjective judgment. I am sure it is right to say, as the draft SO does, that books should only be withheld on the personal authority of the Governor in charge. I would be inclined to add, however, that Governors should refer to Headquarters in cases of doubt.

Implications of a change of policy for self-education among paramilitary prisoners

15. There will be a proper anxiety that if we allow in a wide range of educational books, including books in Irish and books on Irish history and traditions, we shall encourage the passing round of these items and the development of self-education arrangements, with groups of prisoners getting together at association times and with certain prisoners playing the role of teachers. It will be for the Operations side, and for those Governors holding large numbers of paramilitary prisoners, to give us advice on this aspect; they may argue that once the self-education was well organised as a result of our concessions, requests will follow that the scheme should be extended to cover the normal prison work periods and that self-education should be regarded as a legitimate form of work. This would be in keeping with what we know about the aspirations of this class of prisoner, particularly on the Republican side.

16. This is obviously an important consideration to which due weight must be given. Also, the education service may fear that to allow "educational" books in pretty freely would weaken its position and make it difficult for the service to carry out its responsibility for the provision and implementation of education and training services.

17. One wonders, however, if those prisoners who are at present disposed to use the education services would give up the benefits of doing so merely because we had allowed the admission of educational books. The availability of books is obviously only one aspect of the pursuance of a course of study, particularly any course leading to an accepted qualification. Is it not preferable to allow prisoners who might otherwise not involve themselves in education at all to read books on their own? Are the present no-work protesters really likely to use their time in the dining hall and at association to concentrate on the Irish language and Irish history? If they are going to spend long periods in their cells as a result of their self-imposed regime, should they not be able to read serious material during this time? Or would we be perpetuating the no-work protest rather than encouraging the prisoners concerned to go back to a normal prison regime?

Summary

18. I think we should aim to issue an early circular to Governors on these issues, possibly dealing with the point about English dictionaries first (see paragraph 3). But I should be grateful, before the papers are referred to Mr Truesdale's Division and perhaps to Miss Simmons and Mr Hilditch (although the staffing implications should not be significant) to have your comments on the various points discussed in this note. It may be that the issue will be suitable for a discussion at the next ordinary meeting with prison Governors due in March, but we need not decide that until we have assembled the Headquarters views.

S C JACKSON

28 January 1982

cc Mr Palmer ✓
Mrs Hildebrand
Mr Mitchell