

# PRISONERS' ACTION GROUPS STATEMENT TO PENAL PHILOSOPHIES SEMINAR

## Preamble

In analysing penal philosophies and practices in Australia in the 1970s it is essential to recognise that the penal system in Australia is an integral part of a system preserving and reinforcing the structure of the Australian capitalist social and economic order.

Much of this conference has been conducted on a basic misconception of the reality of the order we live under. It has been based on a liberal pluralist image of society: that we are different interest groups, who compete equally with others under the watchful eye of the umpire, the end result being some balancing of interests and consensus. This view is, in short, a sham.

The reality in the conference situation is the reality of the wider society. Power lies with the agencies of the State, the agencies of the established social order, whether they be the on-the-spot agents, the screws, or those who parasite off this dirty work, the managerial and ideological legitimators, the administrators and sundry experts/criminologists, social work apologists and God-squaders.

These power relationships are manifested in a variety of blatant and subtle ways. One example was in the discussion yesterday when the taking of car numbers was viewed with such alarm and consternation. That such an action can cause alarm in a situation in which people are prepared to joke about the genocide of an entire culture in Tasmania, a situation in which it is clearly revealed that certain particular penal administrators are nothing other than managerial yes men who are not even aware of the legislative structure within which they purport to be operating, raises interesting questions.

It is time, perhaps, that the Visiting "Experts" started hearing something of the prison system in Australia, of the bashing and the brutality that continues daily while we are here talking. They may be interested to learn, for example, that the original Victorian P.A.G. nomination could not attend this Conference. His parole officer advised him that he would not recommend that the Parole Board allow him to leave Victoria for the purpose of coming to the Conference. The reason for this recommendation - that it would be in his best interests not to attend. Perhaps a very accurate assessment: perhaps an official attempt to censor his very attendance.

The Visiting "Experts" may be interested to know of the present bashing and intimidation of prisoners in New South Wales. The crime of these people? To attempt to organise and awake fellow prisoners to the fact that there is in the State of New South Wales a Royal Commission into Prisons, a subject on which some prisoners may, presumably, feel qualified to offer an opinion. In our fuller statement to be issued later, at this Conference, we may well document this intimidation and unlawful violence, and challenge the New South Wales prison administration to admit that the suspension of privileges, the destruction of notes and diaries, the theft of writing materials and typewriters referral to psychiatrists, the transfer to successively more brutal prisons and the actual physical brutality - all this being practised in recent weeks in New South Wales - not only is despicable and utterly indefensible, but reveals that frightening totalitarianism that would seek to prevent a prisoner from speaking his mind, from communicating to lawyers and eventually to the public, his experience of the so-called correctional system.

Make no mistake about it, the history of the present Australian Gulag Archipelagos is being documented, the truth cannot be bashed out, concealed, ignored, forever.

Returning to the inability of bourgeois liberal pluralist philosophy to do anything other than mystify our capitalist social order - let us ask yet again - how can we adjudge the working class thief a criminal and yet support the wholesale plunder of both Australian resources and the sweat and toil of Australian workers by American multi-nationals, and the similar plunder of Fijian and Bougainvillean workers by Australian capitalists?

How can we adjudge the violent individual a criminal given the existence of massive State violence, in its multitude of hideous forms: industrial accident and disease, pollution, deformed thalidomide children, poverty, unemployment; denial of access to essential services, sexism, patriarchy, racism, imperialism and so on?

That the law is a political weapon wielded on behalf of the ruling class by a variety of ideological agents is undeniable. We include within that category of ideological agents the Director of this Institute, William Clifford, who has much to answer for in relation to the propagation of crime control criminology in third world countries, particularly in Africa and Papua New Guinea, a claim we will develop further in our fuller paper.

Any analysis of the class composition of prisoners will demonstrate the essentially political nature of criminal definitions and of enforcement of those definitions. Prisons represent one of the most brutal outposts of our social and economic order. Who can view Katingal as anything other than a behaviourist nightmare, an epitaph to the poverty of penal philosophy in the seventies.

Who can seriously view the creation of a prison mentality in inmates, or the existing process of conditioning prisoners to adapt to prison captive life, as anything other than inevitable?

Who can view that fundamental contradiction between training for freedom in conditions of captivity, as anything other than irresolvable?

Abolition as a general goal becomes the only possible response to these contradictions, abolition as a continued and fundamental demand, abolition as a spiralling attack not only on penal institutions but also on the very law itself, for law is, after all, "the antonym rather than the synonym of order". (Quinney: 1974 p.190).

When has it ever been other than that captive people have asserted their very humanity through struggle, when has it ever been other than that the caged have resented their cages and cagers, when has it ever been other than that all people, deep down in their hearts, have known that justice lies in the oppressed and not in the oppressor. Human beings have always attempted to escape from oppressive institutions and we support this assertion of humanity.

#### Why rebellion?

Prisoners in Australia have, in the last six years, adopted the stance that it is valid, when all other attempts to gain redress for their grievances, have failed to destroy the system, philosophies and hardware which oppresses them.

In this period we have seen Bathurst Gaol destroyed, rebellions and major disturbances in Maitland, Parramatta, Goulburn, Boggo Road, Pentridge and Yatala Gaols and many other less forceful demonstrations and strikes, showing prisoners' frustrations, at almost every other maximum and minimum security prisons in the nation.

It is suggested that this phenomenon of prisoners' aggressive confrontation with the prison system, is no mere coincidence. It is answer, to which prisoners have recourse in relation to the barbaric systems which are euphemistically designated correctional institutions.

When one looks at the demands, that prisoners all over the world are making, it seems incomprehensible that the justice of their demands have not convinced prison administrators to implement them immediately.

Yet at this conference and generally, there is a basic reluctance by prison authorities, to relinquish the power they hold over the fundamental rights of prisoners as human beings.

The rebellions in prisons in this country are due not to one specific issue or goal, but to an accumulation of, what in isolation would in many instances amount to only minor grievances, but which, when combined, add up to an oppressive system without rhyme or reason that is intelligible to the prisoners.

This is coupled with an almost complete refusal by authorities to give due consideration and in many instances, even listen to, their demands. Prisoners, justly, feel that they are knocking their heads against a brick wall.

Accordingly, and because access to outside, sympathetic allies, is denied them they have concluded that the only course open to them is to attract publicity to their plight. Because of the above, the only methods, which have a chance of success, open to them are the sit down strike, hunger strike, demonstration and rebellion. It must be stated the system is not of the prisoner's making, he cannot control the fact that he has no access to the outside world. Similarly we cannot blame the prisoner for being backed into a corner and of having no alternative but fighting his way out. And in this struggle we support the prisoner.

Let us make clear that we in no way encourage rebellion. We know only too well, that the response of the system to it is vicious, uncontrolled, savagery against all prisoners within the prison.

There is a trend towards escalation in the violence of these disturbances and rebellions. Current prison administrators who honestly assess the situation cannot abdicate responsibility if this position is sustained. Bathurst Gaol is a classic example. In 1970 130 prisoners staged a passive sit down strike to protest against the conditions. The administration pretended to negotiate with the prisoners and as a result they returned to their cells. Over the next two days all of the undertakings of the administration were broken and some prisoners were sent to Grafton Gaol. On the next day the prisoners staged a full scale rebellion which was notable for the fact that during the rebellion absolutely no physical violence occurred. Again negotiations were entered into, again promises were made, including the promise that there would be no reprisals. As a result prisoners returned to their cells. They were subjected to, over the next three weeks the organised and systematic brutality of the prison staff.

Prisoners, knowing that they had nothing to lose, and knowing that they could expect violence in return for their actions, completely destroyed the prison. In the next rebellion prison administrators in New South Wales ran true to form and showed that they are slow learners because again their answer was cruel, systematic brutality over a prolonged period after the rebellion had concluded.

Unless there are fundamental and far-reaching reforms instituted rapidly the only foreseeable outcome of this spiral of violence is yet further bloodshed.

### Minorities

Minorities in prisons deserve special comment. The large proportion of Aborigines in our prisons is the result of a deeply entrenched racist system. Conditions of Aborigines in the society will not fundamentally be changed until that system is destroyed. To quote Paul Coe, President of the Aboriginal Legal Service, "The stealing of white man's property is rebellion against white man's values. As far as I'm concerned, as far as blacks in Sydney are concerned, every black prisoner in Australia is a political prisoner. He should not be there because you came, you stole this land in the

first place, you destroyed our culture, you destroyed so many black people." While the present system exists, black inmates must be given free access to the resources and organisations of the black community, so that they can formulate policies and changes relevant to their special needs. A similar principle must be applied to migrants.

Women represent only a small proportion of our prison population. They are more often institutionalised in mental hospitals. Patterns of deviance and crime flow from the oppression of women in this society. For example, child battering occurs because women are isolated and confused, conditioned to adopt a role which is still seen as the most legitimate one for all women. The solution to child battering lies in free 24 hour a day child care, co-operative forms of housing and a change in ways in which women are conditioned and viewed in this society. Similarly, the rare woman who murders her husband may have been beaten and abused for years by that man whose proclivity for domestic violence has been characteristically ignored by law enforcement agencies. Surely the answer lies in changing the nature of male-female relationships rather than in further punishing the woman herself. Women lacking the economic resources to provide for themselves and their children or conditioned by advertising and consumerism to acquire the latest fashions if they are to feel acceptable in the eyes of men may end up in prison for shoplifting.



*"There's no remission here, they just give you more slack!"*

Within women's prisons limited facilities are available and the emphasis of those which are available reflect a restricted view of the potentiality of women. Sewing, cleaning and cooking still make up the bulk of jobs available. While both men and women should be able to engage in this work clear alternative productive work should be available. Special reforms must be introduced to ensure that women have the same rights as men. Methods of control which take advantage of the conditioned passivity and submissiveness of women must not be used. For example, because of their conditioning, women may be more easily manipulated by the use of drugs, behaviour modification methods. Loss of clothes, make-up etc while unnecessary in the normal situation can result in a devastating loss of individuality in women - again because of a conditioning which leads women to associate their very selves with their physical appearance.

### Reform

It is undeniable that the "utopian" position that the prison population should be zero, because prisons are irrelevant, would command a universal consensus amongst delegates to this Conference, be they prison administrators, academics, ex-prisoners, prison warders or "reformers". Divergence would inevitably arise in relation to whether this is a realistic goal or to the methodology by which it ought to be achieved. Nonetheless it should be made absolutely clear that the ultimate goal should be the eventual abolition of prisons and, of course, any pseudo-prisons or cognate forms.

If it be said that, in the short term, it is simply impossible for pragmatic reasons, to achieve that objective, it becomes crucial (pending that result and not in substitution therefore) to implement immediately a number of reforms in the existing penal systems. This will, at least, ameliorate the barbarous destructive effects of prison on the human relationships of large numbers of people both inside and outside the walls. It is important to note that many of the recommendations which follow are straight forward, even mundane, and capable of rapid implementation, often without legislative change. If this conference really wishes to contribute to penal reform it will, at the very least, endorse the following proposals:

### Recommendations

1. Prison uniform should be abolished or made optional. (Shorts, singlets and thongs to be worn in summer). The use of prison numbers should be abolished.
2. The only possessions liable to forfeiture on admission should be money, weapons or things capable of being used as weapons.
3. All prisoners should retain the right to vote in all elections and facilities should be made available for them to exercise that right.

4. Present restrictions on personal possessions and goods and services should be considerably relaxed with a view to being eventually abolished, especially for long-term prisoners.
5. Prisoners should be allowed an unlimited number of visits, such visits to take place in proper facilities befitting human beings. There should be no physical obstruction between the parties and any conversation would be conducted out of earshot, if not actually out of sight, of warders.
6. Most prisoners should be entitled to conjugal visits with either spouse, de facto spouse or friend. These visits should preferably take the form of week-end leave. For those prisoners considered unsuitable for week-end leave, facilities should be provided adjacent to the prison for conjugal visits.
7. Female staff should be used in male prisons and vice versa. The single-sex nature of prisons should be broken down.
8. All restrictions on the writing and receipt of written communications should be lifted. The practice of withholding mail should be prohibited.
9. Any publication obtainable legally in the community should similarly be obtainable by prisoners.
10. All prisoners should be guaranteed the right to proper, meaningful work.
11. Prisoners should be paid the ruling rate wages for such work which apply outside prison and be entitled to membership of unions.
12. The money earned should be put towards the support of a prisoner's family or dependants where relevant. If there is no family/dependant the money should be placed in a bank account to be managed by the prisoner.
13. Much of the present prison routine should be changed to allow for greater freedom of movement and greater opportunity for association and interpersonal contact between prisoners.
14. A maximum time limit should be imposed beyond which it is not permissible to detain prisoners in their cells.
15. There should be no special segregation punishment blocks such as "H" Division (Pentridge), Grafton, Katingal, OBS.
16. All victimless crimes (vagrancy, drunkenness, prostitution, homosexual offences, abortion, consorting, marijuana usage) should be abolished.

17. Summary offences such as offensive behaviour and indecent language and all minor non-violent theft offences should be non-imprisonable.
18. All sentences less than 12 months in respect of first offenders should be suspended.
19. The criminal record of prisoners convicted of minor offences should be expunged after a relatively short period.
20. Prisoners should be allowed to form unions, meet regularly and circulate a newsletter to enable full and free discussion of any matter of concern to them.
21. Within the limited hours during which TV/radio is allowed there should be no restriction on selection of channels.
22. Disciplinary proceedings against prisoners should be reviewable on appeal to the District/County Court and should be originally heard in open court by magistrates. Prisoners should be entitled to representation and legal aid as of right.
23. There should be no dormitory accommodation for full-time prisoners unless specifically requested.
24. Prisoners should be entitled as of right to appear in any court during the hearing of any matter concerning them.
25. Prisoners should be entitled to appear at and/or be represented legally at any adjudication by a parole authority.
26. Prisoners in relation to whom parole has been revoked, refused or deferred should be granted the right of appeal to a superior court.
27. A parole officer should be available at prisons at all times during the day to answer prisoners' queries concerning parole.
28. The granting of parole should not prejudice statutory (or other) remission entitlements.
29. There should be no loss of remission as an additional punishment consequent upon a finding of guilt in disciplinary proceedings.
30. Prisons should be open to inspection by Members of Parliament, Magistrates, Judges and penal reform groups.
31. A prisoner should be entitled to one telephone call per a day (at his/her own expense in the case of trunk calls).
32. Buzzers should be installed in cells, in case of serious illness.



33. The prison library stocks should be improved and no political/sexual censorship should be imposed.
34. Allegations into beatings of prisoners by warders should be thoroughly and independently investigated.
35. Prisoners should be entitled to make representations in relation to and appeal to a Magistrate against a transfer decision.
36. Lawyers and prisoners should be entitled to meet privately out of sight and hearing of warders free from electronic surveillance, and without the interposition of any glass or wire grilles.
37. Greater emphasis should be given to furloughs and work release after serving the minimum portion of a sentence.

It is important to recall that none of the above suggestions is radical or revolutionary. If all were adopted tomorrow, a small step in the right direction would have been taken. A panacea for the fundamental problems they are certainly not. However, if they are not implemented it is clear that prison authorities will be faced with violence as the ultimate, agonised and frustrated response to a blanket refusal to consider reasonable and straight-forward demands which do not even broach the question of the legitimacy of the institutions they seek to perpetuate as organs of social control.

