

CENSORSHIP: MEMORANDUM FOR DISCUSSION

1. In recent times the question of prisoners' correspondence has received a good deal of attention and, as Governors will know from the Department's minute dated 7 FEBRUARY, 1979, the Home Office is proposing to modify its Standing Orders so as no longer to prohibit material in any of the following categories.

- (a) Objectionable references to persons in public life.
- (b) Discussion of crime in general and criminal methods, or of the offences of others.
- (c) Complaints about the courts, the police and the prison authorities, including the Secretary of State in his responsibility for prison administration, if these complaints are deliberate and calculated attempts to hold these authorities up to contempt.
- (d) Grossly improper language.
- (e) Statements about private individuals which are patently scandalous or libellous or otherwise deliberately calculated to do them harm.
- (f) Begging requests for money or valuable property.
- (g) Attempts to stimulate public agitation or petition.
- (h) Representations about conviction or sentence.

2. In future correspondence will be classified into 5 groups. The last of these groups, 'General Correspondence', must not contain any material listed in the 14 prohibitions in paragraph 12 of

Other groups are subject to lesser restrictions (see paragraphs).

It will be noted that the 'prior ventilation' rule will be operative only for a

period of 2 months after the prisoner has made his complaint; at the end of that time he will be free to complain in writing to anyone.

3. If correspondence represents one side of the coin, censorship is the other; and in the present climate when the restrictions on correspondence are being eased it follows that the prison censor should encounter less objectionable material in the course of his work in other areas, ie in books and magazines, etc.

4. There is a further point, viz the degree of strictness adopted in deciding what is permissible in letters, books, etc and what is not. In deciding these questions Governors have a wide measure of discretion; and the Department would suggest that perhaps a more liberal interpretation could be employed than has been the practice in the past.

5. The problem of the censorship of political literature deserves to be treated almost as a separate subject. The present rules are laid down in the 'Dear Governor' letter dated 2 April 1975 from Mr W G Robinson; and while it covers the subject in a most comprehensive manner the Department now feels that the time has come to define some of the terms used more specifically and precisely. For example, the circular does not define the meaning of the following phrases:-

".... prejudicial to prison good order and discipline".

".... designed to hold up to contempt".

Moreover the advice given in the paragraph beginning "There may also be cases" is so general that it is, in the words of the second paragraph of the letter, a matter within the discretion of the Governor, ie it calls for a purely subjective judgment.

6. To understand the line taken by Governors in applying Mr Robinson's circular letter to actual cases, the Department would appreciate it if examples could be given of material which Governors have disallowed under the terms of the letter. The Department would hope that in the words of the circular Governors have tried to

be 'as liberal as possible over the admission of political literature'. In our view, comments on political matters, including the political aims and objectives of parties (other than illegal organisations) should not be regarded as objectionable, unless there is an implicit suggestion that these objectives should be pursued by violent means.

7. For that reason Governors are asked to consider specifically how they would view books, magazines or letters containing any of the following phrases, and to what extent the context of the phrase would be a factor in deciding on its admissibility.

- (a) God save the Queen!
- (b) God save Ireland!
- (c) Up the Republic!
- (d) No surrender!
- (e) Remember 1916!
- (f) Remember 1690!
- (g) Ulster will fight and Ulster will be right.
- (h) All true Irishmen must stand in the tradition of Wolfetone and the men of 1916.
- (i) Brits out!
- (j) Taigs out!
- (k) The descendents of English and Scottish settlers should go back to their own countries.
- (l) Republicans will not be welcome in the new Ulster.

8. The whole question of censorship will be discussed at the next Governors' meeting on 11 September. Meanwhile, if they prefer to, Governors may refrain from commenting on paragraph 7 above until the date of the meeting.