Caught between union and state

Warders' place in transforming prisons

The Jali Commission substantially blames the Police and Prisons Civil Rights Union for the state of South Africa's prisons. **Kelly Gillespie** traces Popcru's history and examines why the state would seek to delegitimise a union which commands huge respect from warders.

In 2002, President Mbeki ordered the Jali Commission to conduct a thorough investigation into prison violence, corruption and maladministration. It followed from the more general state project of transforming South Africa's prisons from violent agents of apartheid into centres of rehabilitation, democratic practice and 'correction'.

In post-apartheid South Africa, prisons are being planned as an institution with the capacity to transform criminals into good and proper citizens. It is advanced as a benign frontier institution in a moral crusade to save South Africa from crime. This post-apartheid imaginary relies heavily on the idea that the men and women at the coalface of prison practice, the warders, must transform into the kind of subjects that can labour towards and materialise these penal reforms. Warders, in other words, must become rehabilitators, or, in the new parlance, 'correctional officers'.

In the recently released final report of the Jali Commission, the first diagnosis of the problem with prisons is not the violent legacy of apartheid, not the abusive sex or the drugs that saturate prisons, nor is it the massive nexus of prison gangs or the frequent abuse of alcohol and sick leave by warders. The most significant problem with prisons, reports the Jali Commission, is the Police and Prisons Civil Rights Union (Popcru), the union to which the vast majority of prison warders belong. Popcru's presence in prisons has, according to the report, created a, "climate… now fertile for irregular appointments, selective discipline, break-down of disciplinary procedures, abuse of power, smuggling and all the other corrupt practices which were identified by the Commission to date."

To understand this position on unionism in prisons, it is important to return to a different moment in South African history: 1989 and the dying days of apartheid.

In September 1989, during the last white-only national election, a group of black protesters gathered in Mitchell's Plain, a township in Cape Town. They were aligned to a national defiance campaign protesting the validity of the elections. A local black policeman, Lieutenant Gregory Rockman, was monitoring the protest, which was peaceful and consisted mainly of placard-holding and singing. Under the emergency laws, the gathering was considered illegal and Rockman gave the protesters 20 minutes to disperse. Within that time, however, a police riot squad arrived and, with no warning, began charging the crowd with sjamboks, beating demonstrators and onlookers. Rockman tried to intervene, asking the members of the all-white riot squad to step away from the crowd and refrain from violence. But the white policemen continued attacking the crowd, provoking what one newspaper called "one of the bloodiest confrontations in recent years".

The story of undue force used by the apartheid security structures against black citizens was hardly unprecedented. What was new, however was the intervention of Lieutenant Rockman.

Black members of the apartheid security forces were widely regarded by the anti-apartheid movement as sell-outs, reviled for their collaboration with the white regime. In the September 1989

Lt Gregory Rockman in the 1980s - founder of the Police and Prisons Civil Rights Union.

attack, however, Lt Rockman not only tried to defend the protesters from his white colleagues, he also contravened the Police Act by making public declarations to the press about the illegitimacy of the police action. Famously, he accused the riot squad of behaving like "wild dogs".

Rockman also used the opportunity to speak out about his frustration with the racial inequality and discrimination in the police service. Rockman was catapulted into national and international news as a "hero" and a "people's cop", eliciting praise from anti-apartheid activists, death threats from right-wing Afrikaners, and a disciplinary investigation by the South African Police that eventually cost him his job.

In providing a statement of dissent from within the ranks of the police, he set in motion a series of events that provided the first crack within the apartheid security system. In effect, Rockman's statements began a process of separating the security agent from the state, and thus destabilising from within the legitimacy of the state's monopoly on violence. Here was a significant moment in the fall of the apartheid regime.

Although several black policemen came to the support of Rockman, it was from within the ranks of the Prison Service that he drew most support. Johnny Jansen, a black warrant officer from the Prison Service, was lying on his bed one night watching television when he saw Lt Rockman being interviewed on the news. It was, he described later, as if Rockman were speaking his own thoughts, articulating a position that Jansen had thought impossible given the extreme control of security staff by the state.

The degree of control that the apartheid state had managed to sustain over poorly treated black public servants was in large part a result of its recruiting practices. Black people living in urban areas of South Africa were on the whole more politicised than in rural areas through access to organised resistance, and were thus generally suspicious of the police and prison services for their role in state repression. The state thus did most of its recruiting work at small town high schools where young black students were impressed by the idea of a government job and secure professional work that it offered.

Labour in the apartheid Prison Services were organised hierarchically according to race, with the best jobs reserved for whites. Black workers could not rise beyond the rank of lieutenant, had lesser remuneration and benefits than their white colleagues, were denied access to social clubs and sports facilities reserved for whites, were accommodated in separate housing of a inferior standard (some even in stables), and were subjected to daily racist humiliations. Warders like Jannie Jansen experienced this system as deeply unjust. But the strictures of military protocol and the precedent set by their rural Christian upbringings prevented public dissent, funnelling all complaints through state-controlled channels. When Jansen and some of his black colleagues from the prison saw Rockman's critique on national news all of that changed. They made contact with Rockman, and began to seek ways to educate themselves about South African politics and labour organising.

Johnny Issel, a key Western Cape underground activist recalls an afternoon when Jansen and a colleague found him at a hall in Athlone and approached him to meet with their small band of dissidents. Issel's first thought, given the lack of trust in black security personnel, was that their request was a security police trap. But he decided to trust the earnestness of the plainclothes warders and agreed to meet at his home. Issel recalls the meeting,

Police and prison warders demonstrate in their union, Popcru, in the early 1990s.

"They wanted to know about the ANC, they wanted to know about individuals, they questioned me extensively about Mrs Mandela. They had become aware of names and personalities, but they knew very little. I got the sense that they had an inclination to be connected with this movement, and they wanted to know more… They really kept me till very late that evening."

Issel decided to assist in organising the group. His reasons were strategic. Even in the late 1980s, just before Mandela was released from prison and political negotiations had started, many leaders in the resistance movement were still preparing for armed revolution. Steeped in Lenin, they aimed to organise a mass base of activists with weapons for a direct attack on the white state. Johnny Issel saw in the security dissidents an opportunity to co-opt well-trained armed fighters into the liberation struggle. Commented Issel, "I saw the opportunity for reaching into the armed military or [para]-military apparatus of the state. And it was very important that we could make inroads within that environment. The eventuality of an armed insurrection would be greatly enhanced by the participation of black people within the state military apparatus."

Issel's strategic reading was subsequently corroborated by leaders such as Mandela and Hani, who, when news of the security dissidents reached them, claimed that the final alignment was now in place to take over the state.

What Lt Rockman, Jansen and their group wanted more immediately from Issel, however, was training in how to *unionise*. The group had decided that the way to take Rockman's initiative further was to start illegally a union within the security services. In November 1989, in the small living room of Jannie Jansen's home, amidst a gathering trembling from pride and fear, Popcru (Police and Prisons Civil Rights Union) was born.

Although black South Africans had won the right to unionise in 1979, unions were *not* permitted within the security structures of the state. A Public Service Association existed, but it was more of a forum than a union, and it only admitted white government employees. So a union for police and prison warders, and a black union at that, was provocative to say the least. It provoked a mass arrest of Popcru members, and their suspension and

later dismissal from work, costing them their salaries, medical insurance, even access to their homes.

Popcru organised a series of publicised defiance campaigns, strikes, marches and sit-ins. They toyi-toyied, sang freedom songs, were dispersed with teargas, and even provided security support for anti-apartheid demonstrations. All of these were the markers of anti-apartheid activists, providing a complete inversion of the public's perception of state security agents.

As the Popcru vanguard secured legal representation from activist attorneys, in particular Essa Moosa, members began travelling and organising in prisons across the country, swelling membership exponentially. The movement was able to support its activities, pay legal costs and cover the expenses of dismissed members through the murky accounting practices of the anti-apartheid coffers.

As Popcru began to formalise, it became clear that it was not acting simply for black warders and police. What began to emerge out of the Popcru movement was *a critique of the entire apartheid security system*, including its para-military ethos and rank, its secrecy, and even the way prisoners and detainees were treated by the state. Popcru thus became not only a labour movement, but a movement for civil rights and the transformation of the philosophy and practice of state security.

By the time Popcru was finally legalised in 1995 under the new post-apartheid Labour Relations Act, it had become a formidable grassroots force in prisons across South Africa. For many warders, Popcru had so humiliated state authority, and so surpassed it in moral stature, that it had established itself as an alternative source of allegiance for warders.

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The demilitarisation of prisons in 1996 was experienced by many warders as a Popcru victory, more than a post-apartheid *state victory*. As military parades, insignia, rank fell away, Popcru claimed the changes as its *own* victory over apartheid injustice. Despite the inauguration of an ANC government, Popcru remained in control of the imagination of most warders. Even when the new leadership of the Department of Correctional Services began initiatives to tackle the transformation of prisons, a vision in line with the civil rights momentum *initiated* by Popcru itself, the gap that the union had forged between state and warder persisted.

Popcru's interruption of the relationship between state and warder, and the degree of dissent which that interruption has made possible, makes the union a useful *alibi* in the diagnosis of the ills of post-apartheid prisons.

The Jali Commission's hounding of Popcru, ascribing even criminality to the union, is a means by which it seeks to assert its sovereignty over prisons. Delegitimising the union, the vehicle by which warders differentiate their needs from that of their employer (the state) and become *politicised*, is a strategy the state is using to reclaim the hearts and minds of warders and fulfil its task of transformation within Correctional Services. What is left begging is whether a truly post-apartheid criminal justice can be attained when the labour that is supposed to drive it is muscled away from its union. LB

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