

NO/DAW/DP

17th February, 1977.

The Rt. Hon. Merlyn Rees, M.P., P.C.,  
Home Secretary,  
Home Office,  
Whitehall,  
London, SW1A 2AP.

Dear Mr. Rees,

I first wrote to you on behalf of the National Campaign for the Repeal of the Obscene Publications Acts on 19th September last year and I did not comment immediately on your reply (from a Mr. S.J. Pike dated 20th October) since it arrived just before I left for a month's visit to the U.S.A. Since then, however, without wishing to overstate the case, there have been some alarming developments during your short term of office as Home Secretary which have not only invoked the gravest concern over the pernicious trend in ever-increasing censorship, but also filled the minds of all those who champion the cause of freedom with incredulity and outrage. It must surely bring shame to the Government of a supposedly radical political party.

Whilst I was in America, the Law Lords, headed by Lord Wilberforce, arrogantly took it upon themselves to change the law of the land. In their deliberations on the D.P.P. v Staniforth case, by ruling the inadmissibility of that part of Section 4 of the Obscene Publications Act of 1959, which deals with the defence of public good in "other matters of general concern", a handful of antediluvian judges have succeeded in usurping the prerogative of Parliament. (As the Attorney General pertinently reminded the House of Commons on 27th January - "the constitutional issue was whether the Courts should deliberately change the law or whether Parliament should do so" - and as Mr. Eric Heffer M.P. pointed out on 31st January when he said that "so many of us are getting fed up with judges trying to decide the law of this land instead of the House of Commons".) The Government, however, has remained silent and immobile.

Early in December the Courts sentenced Mr. David Waterfield to 18 months imprisonment and fined him £7000 for offences in connection with the showing of so-called "obscene" films in private cinema clubs to consenting adult audiences. As a reader wrote to "The Times" (8th December), on the same day another man was fined a mere £100 for driving without due care and attention, as a result of which he knocked down a group of ramblers, five of whom were killed. N.C.R.O.P.A. protests at such iniquitous injustice.

We note that the Government is to set up a Committee of Inquiry to investigate the laws on obscenity, indecency and censorship. Notwithstanding the fact that already there have been three major such investigations (the Danish Forensic Medicine Council Report to the Danish Penal Code Council 1966, the Arts Council of Great Britain's Report on the Workings of the Obscene Publications Acts 1968 and the exhaustive \$2,000,000 United States Presidential Commission on Obscenity and Pornography 1970), all of which reached the same conclusion, which is that porno-

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graphy, obscenity (call it what you will) is harmless and should be freely available to adults; and notwithstanding the fact, therefore, that the setting up of yet another such investigation is a totally unnecessary, expensive and repetitious exercise, we trust that the National Campaign for the Repeal of the Obscene Publications Acts will be invited to participate and allowed to present what we maintain is its unanswerable case.

We must, however, insist that the Committee of Inquiry's composition truly reflects the thinking of the modern, twentieth-century man and woman in the street and does not comprise largely of those tired old war horses from the "Puritan Brigade" who have, by turns, so consistently bored and infuriated us for so long without effective challenge and whose arrogant claims that they represent the majority of the people of this country are totally erroneous and based on such overt falsehoods.

What is certain is that censorship is increasing daily at an alarming rate. Not content with the fact that we already have far more censorship in this country than any other in Western Europe (with the exception of Spain and Eire) or the United States, every day sees the erosion of individual freedom of expression in some new area or other - Mrs. Mary Whitehouse's resurrection of the antiquated blasphemy laws against "Gay News", the new spate of customs seizures, the invocation by the police of the ancient common law offence of "keeping a disorderly house" to prosecute private cinema clubs, the sudden unexplained withdrawal of a series of television sex documentaries and, most serious of all, the censorship of thought and ideas by your own acknowledged action in refusing admittance to this country of Mr. Jens Thorsen, the film producer, on the grounds that his presence in Britain may lead to demonstrations and possible breaches of the peace and would not be "conducive to the public good".

In your letter (from Mr. Pike) last October you said that "if the proposed making of the film ('The Sex Life of Jesus Christ') results in the commission of any criminal offence, it will be for the prosecuting authorities (e.g. the police) to decide what action should be taken". You do not have that authority. Indeed in reply to a letter of mine to ~~your predecessor~~, Mr. Roy Jenkins, dated 15th October 1975, I was informed "that the Home Secretary has no responsibility for the enforcement of the law and does not give instructions to the police about the way in which they should exercise their functions". You were also freely quoted in the press as indicating that you would and could not exclude Mr. Thorsen. For example a "Daily Mail" headline on 17th September last read "Rees: I can't ban film on Jesus". You have in fact done just that - but not only that. On 13th February the news filtered out that you had released on parole Miss Anna Mendleson, who had served only four years of a ten year sentence for her part in the "Angry Brigade" bomb conspiracy. So Mr. Thorsen, who has committed no offence whatsoever, is denied his freedom whilst Miss Mendleson, a known and tried criminal who has participated in terrorist activities of the most heinous kind, is allowed hers, presumably because this would be "conducive to the public good"! The world has obviously gone mad - or rather this country has!

Incidentally, as a Danish national and Denmark being a member state of the E.E.C. and the Council of Europe, Mr. Thorsen is fully entitled to pass freely into this country and work here if he so wishes, as you will know. Furthermore he is entitled, under Articles 9 and 10 of the European Convention of Human Rights, to "the right to freedom of thought, conscience and religion" and "the right to freedom of expression and opinion". As a signatory to that Convention, this country is bound by it. By refusing entry to Mr. Thorsen for the reasons you have given, you have violated that

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Convention in the name of the United Kingdom. Authoritarian, Ministerial action of so irresponsible a nature cannot be tolerated. As you said in the House of Commons only yesterday "I have the law to carry out. The law that Parliament has passed". May we request, respectfully, that you do so in this case and thus reverse your ill-considered decision on Mr. Thorsen immediately.

Yours sincerely,

David Webb,  
Organiser,  
National Campaign for the Repeal of the Obscene Publications Acts