

NATIONAL CAMPAIGN FOR THE REFORM
OF THE OBSCENE PUBLICATIONS ACTS

N C R O P A

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The N.C.R.O.P.A. is affiliated to the National Council for Civil Liberties

NO/DAW/DP

2nd July, 1981.

The Rt. Hon. Sir Michael Havers, Q.C., M.P.,
Attorney-General,
Attorney-General's Chambers,
Royal Courts of Justice,
London, WC2A 2LL.

Dear Sir Michael,

On behalf of the National Campaign for the Reform of the Obscene Publications Acts, I write to express anger and outrage over the committal for trial to the Central Criminal Court of Mr. Michael Bogdanov, director of the National Theatre's production "The Romans in Britain" on a charge of procuring the commission by a man of an act of gross indecency with another man, contrary to the Sexual Offences Act of 1956.

As you and, indeed, Mr. Kenneth Harington, the Horseferry Road Court stipendiary magistrate will know full well, the 1956 Sexual Offences Act was never intended to be applied to simulated acts in the course of a theatrical performance. You, yourself, have ruled that there was no infringement of the Theatres Act of 1968 in the staging of the particular scene in question, since you refused to consent to a prosecution under that Act, either by the police or Mrs. Mary Whitehouse. As Mr. Bogdanov's counsel, Lord Hutchinson Q.C., asserted in Court, this trumped-up charge by the bigoted, vindictive Whitehouse and her loathsome cronies, is nothing more than an attempt to circumvent that Act. That this kind of thing is happening in this country, which claims to be a 'free society', in this day and age, is a scandal of monumental proportions.

What has incensed so many of us, probably even more than Mr. Harington's actual decision to commit the defendant for trial, is the award of costs to Whitehouse from public funds. I am further advised that, when the jury throw out the case — as they undoubtedly will — Whitehouse will still not be liable for costs. What kind of crazy society are we living in, for goodness sake? This is doubly infuriating for me, personally, because when I wanted to bring a private prosecution against Whitehouse for wasting police time, under the Criminal Law Act of 1967 (Section 5), the Director of Public Prosecutions refused to give me his consent, which is, as you know, required under that Statute, just as yours is required under the Theatres Act. If your, or the D.P.P.'s consent had been required under the Sexual Offences Act, I do not think I am being too presumptuous in thinking that Whitehouse would not have received it either. It is as clear as clear that she, frustrated as she was by your proper refusal to take action against the play, has scraped the legal

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barrel in an endeavour to find some way, any way, to get round your decision, cock a snook at the Theatres Act (an Act to abolish censorship in the theatre, as its preamble states) and "get" the National Theatre by hook or by crook.

I do hope you will not think it impertinent, therefore, if I ask that, in view of the extraordinary circumstances surrounding this case, would it not be an eminently suitable occasion for you to enter a stay of proceedings by nolle prosequi, particularly since you yourself have been involved in the matter and have already decided, in effect, that the law was not broken? This would at least restore some temporary sanity to the legal process in this country and prevent the waste of any further vast amounts of public money on promoting and publicising the perniciously repressive aims and activities of this appalling woman.

If I have written in excessively dramatic terms, I am sure you will appreciate that this matter is something about which I and the many supporters of the National Campaign for the Reform of the Obscene Publications Acts feel a sense of great outrage. It is an indisputable fact that the United Kingdom already has more censorship restrictions than virtually any other ^{country} of the so-called free Western World. That in itself is a disgraceful situation which should long since have been remedied. However if the present case against Michael Bogdanov succeeds, then we might as well bid farewell to freedom of expression in this country for, far from progressing into the realms of sanity and tolerance, we shall be retrogressing to the viciously restrictive standards of at least a hundred years ago.

I respectfully ask you, therefore, to initiate all necessary steps without delay, to ensure that this situation can never happen again. Any facilitating legislation required for this could well be incorporated in the one new piece of comprehensive legislation envisaged and recommended by the Williams Report, which the Government is still dogmatically refusing to come to terms with, in spite of the staging of last Friday's "show" debate in the House of Commons (more than eighteen months after the Report's publication!) when a pathetic sixteen M.P.s, out of six hundred and thirty-five, (twelve Tories and four Labour) bothered to attend.

Yours sincerely,

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