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NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS

N C R O P A

ORGANISER — David Webb, 15 Sloane Court West, Chelsea, London SW3 4TD — Tel: 01-730 9537
(Sunday afternoon & evening only, Dec 20th, Tel: 01-467 8647)

COMMITTEE — The Viscount Norwich, F.R.S.L., Gerald Fowler, M.A.Hon., F.A.B.E.,
E.A.C. Goodman, LL.B.(Sol), Clifford Hanley, Pamela Manson, Eric E. Miller,
Dr. Christine Pickard, M.B., Ch.B., Dr. Brian Richards, M.B., B.Ch., William J. Wright, B.A., M.A.I.E.

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

NEWS MEDIA RELEASE

REGINA v. LINDSAY — CAUSE FOR CONCERN

The NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS has made a formal protest to the Attorney-General, SIR MICHAEL HAVERS, M.P., about a recent series of prosecutions brought under the Obscene Publications Acts against one of its supporters, Mr. JOHN LINDSAY, and heard at Knightsbridge Crown Court in October before His Honour JUDGE BABINGTON, and has demanded an immediate inquiry.

DAVID WEBB, the N.C.R.O.P.A. organiser, has written to Sir Michael (copy of the letter attached hereto) asking him to investigate what he believes to be serious mal-administration of justice on the one hand and police persecution on the other.

The N.C.R.O.P.A. is outraged by the action of the Metropolitan Police in pursuing these prosecutions at all in the light of their experience of other similar cases, but especially bearing in mind the extraordinary history of Mr. Lindsay's previous court appearances. Their action would appear to be at best grossly irresponsible or, at worst, simply vexatious, an opinion clearly shared by Judge Babington as is borne out in the résumé of this scandalous train of events set out in the letter to the Attorney-General.

It is to be doubly deplored because the N.C.R.O.P.A. made urgent representations to the Home Secretary in April this year for him to intervene and instruct the Metropolitan Police Commissioner to order the immediate cessation of police harassment of sex cinema clubs in London, following the outcome of another trial at Knightsbridge Crown Court on 5th March, typical of many brought by the police under the Obscene Publications Acts, in which the defendant, also a club director like Mr. Lindsay, had been found "not guilty" of publishing "obscene" films and after which the Judge, Judge Cassel, also severely criticised the police for making repeated raids (eight in this case) in what he described as an attempt to impose censorship and put the owner out of business. "I deplore it", he said and he also accused the police prosecution of being wholly unwarranted in refusing to abandon similar trials. The defendant's costs were paid by the court and his films ordered to be returned. Far from heeding the Judge's words on that occasion, the police not only continued these futile raids, but actually increased them.

David Webb wrote to the Home Secretary on 15th April, as well as to the Metropolitan Police Commissioner, Sir David McNee, and Lord Hailsham, the Lord Chancellor. The Lord Chancellor is responsible for the supervision of the Magistrates' Courts

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and the Magistrates' Courts were, so to speak, aiding and abetting these mass raids by so freely "rubber-stamping" police applications for the necessary search warrants. So they too were acting irresponsibly by issuing these warrants with such carefree abandon.

The Lord Chancellor's office replied on 28th April that "the conduct of the police is not a matter for the Lord Chancellor. This is the responsibility of the Home Secretary." No reference whatsoever to the conduct of the Magistrates.

The Home Secretary replied on 1st June that he "has no authority to issue directions to the Commissioner as to the way in which his responsibilities in this matter should be discharged".

No-one seemed responsible for anything and the Metropolitan Police were apparently accountable to no-one! Mr. Webb was not satisfied with the Home Secretary's lame explanation and wrote again, at length, on 10th June analysing and destroying all the reasons he had given previously, especially the point made to him by the Commissioner that "it is often the case that after films have been seized the owner obtains further supplies and continues to operate whilst court proceedings are outstanding. In the event of the defendant electing to go for trial there can be a delay of more than two years before court proceedings are finalised." "where the meantime defendants continue to show similar films the police would be open to criticism for failing to enforce the law if they took no further action". What a damning indictment on British justice! Isn't everyone deemed innocent until proved guilty? In any case, why shouldn't the defendant obtain further supplies of films in the meantime because, as often as not, and as Mr. Webb pointed out, when the case does eventually come before the court, the charges are thrown out and the defendant is acquitted. That is exactly what had happened in the case before Judge Cassel. The law had not been broken and would not, therefore, be broken if the defendant had been showing similar films in the meantime. How then could the police be open to criticism for failing to enforce the law when it had not been breached?

The Home Secretary's further reply, of 30th June, did nothing more than re-iterate what he had said previously, about it being inappropriate for him to intervene in these matters, except that he did say that he would send a copy of our correspondence to the Commissioner "so that he will be aware of your views".

Notwithstanding this disturbing background of events, and completely ignoring Judge Cassel's stern rebuke, the police prosecutors, under the Commissioner's overall control, saw fit to pursue five consecutive trials set down for hearing against John Lindsay et al at Knightsbridge Crown Court last month. These trials involved numerous indictments relating to a considerable number of films and video-cassettes, all of which were of a similar nature and had been made the subject of prosecution under Section 2 of the 1959 Obscene Publications Act, where the onus is on the prosecution to show that the films and videos would tend to deprave and corrupt the kind of people who, in all the circumstances, are likely to see them.

The most appalling, and almost unbelievable, aspect of John Lindsay's case, however, is that, in effect, he has already been tried three times for the same offence - and that there is even a fourth trial currently in progress. (The details are documented in Mr. Webb's letter to the Attorney-General, herewith).

Whatever one's individual opinions on sex and sex films and publications, this alarming travesty of British Justice and the concomitant horrendous cost to the British taxpayer, must be ruthlessly exposed.

ENDS

THIS RELEASE IS EMBARGOED UNTIL 2200hrs. ON SUNDAY, 20th DECEMBER, 1981.

Issued at 1400 hrs., Wednesday, 16th December 1981 by David Webb, tel: 01-730 9537
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