

NO/DAW/DP

15th April, 1962.

The Rt. Hon. The Lord Hailsham, CH, FRS, DCL, LL.d,
Lord High Chancellor,
House of Lords,
Westminster,
London, SW1A 0AA.

Dear Lord Hailsham,

On behalf of the National Campaign for the Reform of the Obscene Publications Acts, it is with very great concern that I write to you, in your capacity as head of the judiciary, to express anger and outrage at the savage prison sentences now being meted out by the courts for what are, after all, very minor "crimes" (notwithstanding that, in our opinion they should not be crimes at all) of a non-violent, victimless nature and for first offenders at that, under the Obscene Publications Acts, Acts which should in any case have been repealed ages ago.

This situation has resulted initially from the case *R. v Holloway*, heard before His Honour Judge Merton at Knightsbridge Crown Court on 22nd January, where the defendant was convicted of having so-called "obscene" articles for publication for gain contrary to Section 2(1) of the Obscene Publications Act of 1959, and harshly sentenced to a six months prison sentence plus a £3500 fine, for a first offence.

The defendant appealed to the Court of Appeal and the case was heard by Lord Justice Lawton, Mr. Justice Thompson and Mr. Justice Jupp. Lord Justice Lawton delivered the Court's judgment on March 16th when the appeal was dismissed. His Lordship seized upon the opportunity to harangue us with his highly personal, ill-informed views about the supposed "evil" of 'pornography' and issued sentencing instructions for all such future cases. These were that prison sentences should be imposed whether for first offenders or not. This policy is totally at variance with the Home Secretary's request that prison sentences, generally speaking, should not be awarded to first offenders and certainly not for non-violent, victimless crimes. It is generally understood that this is to help drastically reduce our "obscenely" (I use that word in this context advisedly) over-crowded prisons and also because of the ever-increasing public awareness that for most "crimes", prison is a most inappropriate answer.

As a result of Lord Justice Lawton's vicious edict, we already know of another case, *R. v Lindsay et al*, heard during the week commencing March 25th at Preston Crown Court where the three defendants all received prison sentences. Mr. Lindsay, a cinema club owner, was sentenced to three months, his manager to

...../continued

two months and the lady on the cash desk to two months imprisonment. They are all first "offenders".

Mr. Lindsay's case is particularly scandalous since the alleged "obscene" articles to which his charges related, have been cleared on at least four, separate previous occasions, including trials at Birmingham Crown Court, Knightsbridge Crown Court and the Old Bailey. I had already taken up this appalling case with the Attorney General before the Preston trial but, so far, he has refused to intervene.

The Lord Chief Justice, Lord Lane, has since added to the mischief by delivering a maiden speech in the House of Lords in which he made the preposterous assertion that the rise in crime among young people in this country was the result of very large quantities of 'pornography' imported into this country disguised as Dutch tomatoes and Danish bacon. Since sexual crimes, together with homicide, are the only categories of crime which have actually decreased during the past year, one can only assume he is making the lunatic claim that mugging, burglary, motoring offences and the Brixton and Toxteth riots, for example, were all attributable to this vast influx of pornography. The premise that the two things are correlated is barmy enough, but I would like to know just exactly where one can find all this imported pornography? Having founded and run this campaign for the past six years, and therefore not exactly out of touch with what is and is not going on, I have never come across it. Furthermore, how does Lord Lane explain why sexual crime has considerably decreased in Denmark and Holland, the countries of origin of this supposed imported deluge of pornography and where it is, and has been, freely available for many years?

The truth, I would suggest, is that Lord Lane's statement is a myth. He is jumping on the present bandwagon of blaming all our society's ills on sex, that favourite British scapegoat, and in so doing, attempting to divert attention away from the real evils of our society, like unemployment, inequality and privilege.

I have written to Lord Lane about his speech, especially regretting the judiciary becoming politically involved, and also to Lord Justice Lawton. However, since Lord Justice Lawton was speaking in his judicial capacity, whereas Lord Lane was speaking as a Life Peer, it is more appropriate for me to send you a copy of my letter to him and I thus enclose it herewith for your information and comment.

I hope you will agree that this is too serious a matter to be cursorily cast aside. Nearly every day we witness further erosion of our individual freedom in this country and it is a highly disturbing trend which must be stopped and stopped immediately. A Government formed by a political party so outwardly dedicated to the freedom of the individual and freedom of choice, and of which you are a member, must certainly be expected to take positive action in this respect without further delay. I hope it will and I hope that you will set an early example by castigating these ruthless judges and reversing their ill-considered, irresponsible and inhuman directives.

Yours sincerely,

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