

~~GENCENSORED~~

NATIONAL CAMPAIGN FOR THE REFORM  
OF THE OBSCENE PUBLICATIONS ACTS

**N C R O P A**

**FIGHTING SEXUAL CENSORSHIP**

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13th April 1998

*Sean Chief Constable Crew,*

Re: Seizure of Photographic Illustrations taken  
from book on the Work of Photographer Robert  
Mapplethorpe

Thank you for the letter dated 17th March (Ref: MR/JKG/7779) , on your behalf, from your Assistant Chief Constable, Miss S.A. Summers, in reply to my letter of 6th March to yourself regarding the above matter.

Ms. Summers is incorrect in stating that this matter is "sub judice". No charges have yet been brought and I have been informed by the Crown Prosecution Service that the matter is still under consideration. Indeed, in a letter I received from the Chief Crown Prosecutor's Office dated 27th March (at the request of the D.P.P., to whom, as I told you, I had written at the same time as to yourself), I was informed that "a full file of evidence has not yet been received from the West Midlands Police" and that any decision would only be made "upon receipt of the full file".

With regard to Ms. Summers comment that your officers "acted following a complaint by members of the public" (a 'High Street' film processing shop, as I understand), the implication is that the police always act following any complaint by any member of the public, at any time, and in any circumstances, however frivolous, absurd or petty. That patently is not so. The public are constantly reminded by the police that they have the right of "discretion" (indeed, I myself have personal experience of making complaints to the police about the alleged criminal actions of others and, when I have subsequently asked why no police action has been taken against the per-

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petrators as a result of my 'laid information', have been told that they have exercised their "discretion" not to do so.) The background circumstances of this Robert Mapplethorpe matter, coupled with sensible and considered application of the existing law (however 'non-sensible' that law may be), should surely have clearly pointed to an appropriate use of such police "discretion" - especially so in such a particularly 'grey' area of the law, where the test of any illegality inevitably rests on absurdly subjective judgments, and where such judgments wildly differ from Court to Court, Judge to Judge and Jury to Jury. The whole concept of 'obscenity' incorporated in national law is a nonsense. That is why it has been almost entirely discarded by virtually all other so-called 'free-world' nations - and certainly by nearly all other European Union Member States.

Furthermore it contravenes the "freedom of expression" provisions of both the United Nations Universal Declaration of Human Rights (Article 19) and the European Convention on Human Rights (Article 10).

Of course we accept that it is the duty of the police to "uphold the law", but where the deeply flawed Obscene Publications Acts are concerned, knee-jerk re-action to a member of the public's mere distaste - or even offence - at something, is singularly inappropriate. The issues at stake here cannot be cavalierly reduced to mere "nuisance", as Ms. Summers appears to indicate. They concern that fundamental human right to "freedom of expression" as opposed to the repressive authoritarianism of a 'police state'.

Yours sincerely,



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