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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

25th November 1988

The Hon. Mr. Justice John Shand,
The Crown Court,
Town Hall,
Hanley,
Stoke-on-Trent, ST1 1QP

Dear Judge Shand,

In the past, the National Campaign for the Reform of the Obscene Publications Acts (NCROPA) has often been critical of judges who pontificate on the supposed evils of so-called 'obscenity' and 'indecent' and who interpret the U.K.'s grossly excessive and absurdly repressive censorship laws with what we see as bias and harshness.

It was hugely refreshing, therefore, to read of your criticism of the Crown Prosecution Service's action in sanctioning the case brought before your Court on 22nd November (R. v Clay), and in which the defendant, as the result of a complaint to the police by a lone woman, was prosecuted for displaying "a pair of stickers showing the outlines of a couple having sex" on the back of his car.

The NCROPA congratulates you in displaying such great, good common-sense over this absurd waste of your and the Court's valuable time, and very much hopes that many more of your judiciary colleagues will follow your excellent example.

As you may know, there are a number of busy-bodying, kill-joy organisations in this country who actively, almost fanatically, encourage their supporters to stir up as much trouble as possible by harassing others and complaining to the police at every opportunity when they see something of which they personally do not approve. Their commitment to dictatorial censorship is quite as repugnant as was Adolf Hitler's. They are the 'moral fascists' of our time and if we are still to claim this country as a 'free society', it is essential that their activities are curtailed forthwith. Whether or not Mrs. Mary Wally (an appropriate name, surely) is a member of one of these repulsive organisations, I don't know, but her behaviour certainly bears all their hallmarks.

According to "The Guardian" (23/11/88), the prosecution was brought under "the little used Indecent Display (sic) Act 1981". When M.P. Tim Sainsbury introduced this rather silly private member's Bill in the House of Commons, the NCROPA was severely critical of it on a number of counts, and I and our legal officer met him on 9th February 1981 to discuss the measure. We pointed out that, in any case, it was virtually duplicating other legislation already on the Statute book but he refused to be moved. However, a successful prosecution for 'indecent' display was

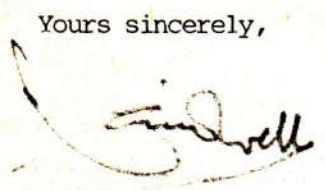
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brought under this other legislation against a Soho cinema club owner, even before Mr. Sainsbury's Bill had received its Royal Assent, thus exposing his (and Parliament's) claim that it was a vitally necessary measure to control this 'serious problem'.

The bringing of this case before you on 22nd November clearly illustrates the need for much more careful, unequivocal drafting of new statutes and, in the case of the Indecent Displays (Control) Act 1981, for a legal definition of just what is "indecent". We urged this on Mr. Sainsbury but, again, to no avail. We believe that all such highly subjective terminology, viz. 'indecent', 'obscene', 'deprave', 'corrupt', has no place in a statute. If such terms are legally indefinable, then that is the clearest indication of the impropriety and absurdity of their unqualified inclusion in any such statute.

Yours sincerely,



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