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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

30th August 1988

Allan Green, Esq., Q.C.,
Director of Public Prosecutions,
Crown Prosecution Service Headquarters,
4-12 Queen Anne's Gate,
London,
SW1H 9AZ.

Allan M. Green,

According to the presenter Donald MacCormick in the BBC Television "Newsnight" programme about Martin Scorsese's new film "The Last Temptation of Christ" and transmitted on Friday 26th August, you will, this week, be "considering whether legal action should be taken in view of the public concern that has been expressed over the film".

The National Campaign for the Reform of the Obscene Publications Acts (NCROPA) strongly urges you not to institute any proceedings for blasphemous libel against this film, for, whilst we appreciate that your primary role is to determine whether or not its publication contravenes this absurd and archaic Common Law offence, we are also mindful of the former attorney General's, Sir Michael Havers (now Lord Havers), prosecuting guidelines, a copy of which he kindly sent us, and which require that there would be at least a 50% chance of any prosecution succeeding, and that it would be against the public interest for such a prosecution not to be proceeded with.

The NCROPA contends that neither of these two criteria can be met in this case. As David Eady Q.C. pointed out in the "Newsnight" programme, the tests which the jury would have to apply in such a trial are very subjective and it is thus impossible to predict with any confidence the outcome. The Law Commission also referred to this subjectivity and unpredictability in its 1985 Report "Offences Against Religion and Public Worship" when it recommended that the offence of blasphemous libel should be repealed. With this firmly in mind, and the scandal of the conviction of Denis Lemon, the editor of "Gay News" in 1977, there is no doubt in our view that it would not be in the public interest to take legal action against "The Last Temptation of Christ".

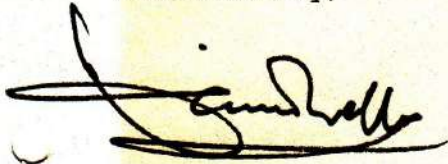
Finally, there is another worrying aspect about any Director of Public Prosecut-

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ions seeking to involve himself in any process of State pre-censorship, for that is, in effect, what any action by yourself in advance of any public showing of the film, amounts to. The NCROPA believes that this creates a dangerous precedent and is most improper in what is supposed to be a 'free society', and it is totally unacceptable to our many supporters, for whom nannyist State censorship is rightfully abhorrent.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Webb", with a large, sweeping flourish underneath.

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