

~~CENSORED~~

NATIONAL CAMPAIGN FOR THE REFORM  
OF THE OBSCENE PUBLICATIONS ACTS

**N C R O P A**

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**FIGHTING SEXUAL CENSORSHIP**

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14th December 1995

The Hon. Thomas Sackville, Esq., M.P.,  
Parliamentary Under Secretary of State,  
Home Office,  
Queen Anne's Gate,  
London,  
SW1H 9AT.

*Sean Mr. Sackville,*

Thank you for your letter of 7th December in reply to my letter of 14th November to the Home Secretary about the law on photographing naked children.

With respect, after the recent appalling Julia Somerville/Jeremy Dixon trauma, and about which it is now confirmed that no legal action is to be taken over innocent, family photographs of their daughter, your second paragraph is breathtakingly complacent about the efficacy of the present legislation. It is just that very fact that the determination of whether or not a photograph of a child under 16 (or who appears to be under 16) is "indecent" is "ultimately a matter for the courts", which renders this 17 year old, hysterically-conceived legislation such bad law.

The omission in the Statute of what is meant by "indecent" is an open invitation (as we have frequently seen) for the law enforcement authorities to assume and/or allege 'indecenty', with all the inevitable attendant likelihood (as was so outrageously demonstrated in Ms. Somerville's case) of massive media publicity way before any prosecuting authority's determination or possible court hearing - and even when a subsequent court hearing does not take place. Such appalling situations are simply bound to arise when the law centres around the absurd, undefined, imprecise, bald concept of 'indecenty', something which is only capable of being interpreted entirely subjectively, because, by its very nature, we all have different ideas about what it means and what is, and what is not, "indecent". There is no "ordinary" meaning

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of the word, as you suggest, - even for 'learned' judges! It is simply intolerable that parents - or, indeed, anyone else - should be subjected to the very real risk (much more real and frequent than is generally known) of being stigmatised perverted child molesters (because mud once thrown nearly always sticks), when they are doing nothing more sinister than innocently and innocuously taking family 'snapshots' of their own or other people's children.

You may well content yourself with the thought that "the law is not intended to penalise parents who are simply taking family snaps on the beach or in the garden" and that "harmless photographs of this nature are unlikely to be considered indecent by the courts", but I doubt whether Ms. Somerville and Mr. Dixon share your contentment. In any case, as Lord Justice Reid said in *Kneller v D.P.P.* (1973, A.C. 435), "a bad law is not defensible on the ground that it will be judiciously administered". And the Protection of Children Act 1978 is a bad law, as we pointed out when we made our strong representations against it during its passage through Parliament. I enclose a copy of a NCROPA press release (dated 16th February 1978) which clearly expresses our fears and worries about the legislation, and which, all too prophetically, have sadly and shamefully been realised, however well-intentioned the Act's original supporters may have been.

In order to prevent any repetition of the Somerville/Dixon 'nightmare' fiasco, and in the interests of common-sense, the Act should be reviewed and reformed forthwith. Will you please therefore convey our demand to the Secretary of State as a matter of urgency.

Yours sincerely



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

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Copies to: Mr. Jack Straw, Shadow Home Secretary  
Ms. Julia Somerville and Mr. Jeremy Dixon