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REFORM

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NO/DAW/DP

21st June, 1979.

The Editor,
"The Daily Telegraph",
135, Fleet Street,
London, E.C.4.

Dear Sir,

Barbara Conway's article on the inconsistencies in prosecutions for obscene publications ("The Pornographer and the Lawyer" - 19th June) was, indeed, welcome although long overdue. Such inconsistencies have been rife for a very long time, are increasing daily and, as Geoffrey Robertson says, can only "devalue the law" in a country boastful of its hitherto long-standing reputation for justice and fair play.

On 23rd April, the Marlborough Street Court Magistrate, Mr. St. John Harmsworth, ruled that one hundred 8mm films, seized by the police from a West-End private cinema club, were not "obscene", under the 1959 Obscene Publications Act and ordered that they should be returned to the owner. These were all films of a completely sexually explicit character, showing acts in a variety of positions including cunnilingus and fellatio, but most definitely not involving children or animals.

A subsequent hearing of a totally similar case against the same club, was heard at nearby Wells Street Magistrates' Court a few weeks later on 11th June. This involved about forty or fifty entirely similar 8mm films, that is to say sexually explicit and including acts of cunnilingus and fellatio but, and I stress, again excluding children or animals. The Magistrate officiating on this occasion was Mr. William Robins. He fuled the films to be "obscene" and ordered their forfeiture. This was not, however, really surprising, since, in between these two separate hearings, Mr. Robins had heard yet another case brought under Section 3 of the 1959 Act, against another private cinema club owner in which he

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also ordered the forfeiture of the films involved. The interesting point in this case, however, was that all the sexually explicit portions of these films had been systematically edited out by a careful and apprehensive owner before they were shown.

I mention these cases merely as two examples of hundreds of others which are currently coming before the Courts of which the outcome of each can fairly be described as nothing more than a lottery.

When I complained about this disgraceful situation and the continuation of police ~~address~~ to the Metropolitan Police Commissioner, I was politely but firmly informed that a decision such as that, ~~in my mind~~, sensibly made by Mr. St. John Harmsworth, "does not debar a Justice of the Peace from issuing further search warrants if he is satisfied that there is reasonable ground for suspecting that obscene articles are kept for publication for gain." That, in effect, means that, whatever the Courts' rulings on Obscene Publications cases, the police are going to ignore them, continue to apply for further search warrants which most Magistrates apparently issue with "rubber stamp" mechanism without really satisfying themselves of "reasonable ground" for so doing, and then bring continual cases against defendants ad infinitum, which their chances of winning (or losing) are as unpredictable as the purely subjective judgements of the individual officiating magistrates.

As Ms. Conway says, the Williams Committee is expected to report later this year and, hopefully, it will be sensible enough to recommend an end to this nonsense so that consenting adults may have the freedom to choose for themselves what they see, read and hear - that same freedom that others already enjoy in nearly all other countries of the so-called free Western World, and that same freedom of choice to which your leader column of the same edition referred, giving such strong support to the "splendid cause" of the "Freedom Organisation for the Right to Enjoy Smoking". Good luck to FOREST - and good luck to NCROPA!

Yours sincerely,

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