

N.C.C.L. A.G.M. 1985 - MOTION 17

This A.G.M. deplores the recent raids and prosecutions instigated by officers of H.M. Customs and Excise against importers of homosexual so-called 'indecent' material and demands the reform of the 1876 Customs Consolidation Act. At the same time, the N.C.C.L. re-affirms its opposition to the criminalisation of so-called 'obscene' material, by virtue of the Obscene Publications Acts, as well as 'indecent' material, and in accordance with Article 7 of its Charter of Civil Rights and Liberties, viz. freedom of speech and publication.

Motion overwhelmingly carried.

This is a copy of part of the instruction manual given to Customs and Excise Officers. It was given to me by a well-known sex counsellor when he worked for a well-known publication on human relations. He had somehow managed to acquire a copy and was very angry to find the name of the magazine's publishing company included in Appendix B of the instructions, which was a list of importers of so-called 'obscene' publications. He deliberately publicised these secret instructions, although the Customs and Excise subsequently denied that they were secret, notwithstanding that they contain the following passage, and I quote:-

"The names in the list are to be treated as strictly confidential to the Department. In no circumstances are the importers to be informed that they are listed, nor are their names to be divulged outside the Department."

"Gay News" and the "New English Library" were just two of the thirty-two names included, although, in view of the Customs & Excise Board's expansive interpretation of the 1876 Customs Consolidation Act, under which they operate, one wonders why every book importer's name was not there.

Their test for prohibiting material is laid down in their instructions as follows:-

Quote - "Meaning of "indecent" and "obscene". So far efforts to establish any universally acceptable legal definition of obscenity have been unsuccessful. (Surprise, surprise!) The standard adopted by the Board is determined by the

ordinary dictionary meanings of these terms qualified by decisions reached in the courts on customs matters. Court judgments accept that the words "indecent or obscene" convey one idea, namely, offending against recognised standards of propriety, "indecent" being at the lower end of the scale and "obscene" at the upper end of the scale. A thing that is indecent need not be obscene but that which is obscene is most certainly indecent. Inevitably the recognised standards of propriety change with the passage of time."

It then goes on to detail some of the things contained in ^{publications} ~~books, magazines, films~~ ~~etc.~~, which are considered as likely to fail the "decency" test:-

"Sexual activities, including variations e.g. masturbation, lesbianism, homosexuality and group sex etc. Non-heterosexual activities are thus clearly highlighted for special attention.

The absurdity of applying the test of "offending against recognised standards of propriety" is further compounded by the qualification that these "recognised standards of propriety" inevitably change with the passage of time. It is not simply with the passage of time that they change. They change all the time ^{and} from person to person. And these "recognised standards of propriety"? Recognised by whom? And what standards? Yours? Mine? No, Mr. Chairman, they are the standards recognised by each individual Customs Officer, ~~by~~ each individual magistrate and ~~by~~ each individual judge.

^{We} ~~The N.C.B.C.P.~~ believe that so arbitrary an ^{Law} ~~Act~~ should not exist at all and have consistently urged the reform of this archaic and dangerously repressive one-hundred-and-nine-year old Act. Such an Act is particularly hazardous for those whose sexual orientation differs from that of the majority. Whilst it exists, therefore, "gay" material is likely to be the most vulnerable.

However, it will be no solution for this Act's "indecentcy" test to be substituted by the "obscenity" test of the 1959 Obscene Publications Act, as was very regrettably promulgated by the General Secretary in a letter he wrote with others to "The Times" on 20th November last year. He wrote, and I quote:-

"If prescriptions are useful we would suggest that Customs law be brought into line with the law pertaining to books in this country - that only books which are obscene and without any redeeming social and literary value should be subject to censorship."

Notwithstanding that the sentiments expressed in that letter are quite contrary to N.C.C.L. policy which has been established over the years by the passage of a number of A.G.M. resolutions on ~~the~~ censorship ~~issue~~, they are also quite contrary to the spirit of Article 7 of the N.C.C.L.'s Charter of Civil Rights and Liberties - Freedom of Speech and Publication.

We must put an end to this kind of N.C.C.L. equivocation on the censorship issue. Nowhere was it more clearly displayed than in the long list of sponsors who put their names to the Charter when it was published on February 22nd last year in "The Guardian". Amongst those signatories were 81 Members of Parliament. Last year Parliament saw fit to pass one of the most repressive pieces of censorship legislation ever (which, by comparison, transforms the Customs Consolidation Act into a libertarian's delight.) I refer, of course, to the Video Recordings Act, the full horror of which has yet to make itself felt. (since the task of putting it into operation has proved to be ~~even~~ too much ^{even} for Big Brother Brittan!) Not one of these 81 Parliamentary signatories proclaimed any real dissent, let alone voted against the appalling Bill. Indeed, some, like Denis Howell actually voted for it - and Liberal M.P. Simon Hughes not only voted for it, but was also one of its sponsors!

I wrote to all eighty-one and asked them how they could reconcile their endorsement of the Charter and its Article 7, with their endorsement of the Video Recordings Act. The suggestion I'd made that their action was, to say the least, hypocritical, was, in general, met with outrage. We want to see an end to these double standards and the fraudulent espousal of our civil liberty/anti-censorship cause by political figures who are ^{eager enough to use} ~~frankly not serious~~ bodies like the N.C.C.L. for their own political advantage when it suits them, but turn their backs on libertarian philosophy and policy when it doesn't. That is why the second part of this motion refers to the re-affirmation of N.C.C.L.'s opposition to the Obscene Publications Acts, hand-in-hand with the call for drastic reform of the Customs Consolidation Act. I beg to move Motion 17 and urge your unanimous concurrence.

David Webb,

Honorary Director,

National Campaign for the Reform of the Obscene Publications Acts

27th & 28th April, 1985.