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Richard Sawdon Smith
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8 September, 1989

Dear Richard,

Re: Your Exhibition Of October 1989

Thank you for your letter of the 18th August. In answer to your request I enclose details of C.A.C. and N.C.R.O.P.A.

Regarding your query, I am afraid that there is no definite answer; the Police resolutely refuse to give any legal advice to any one about the legality of any future action. Infact merely making the query of the Police might invite prosecution.

Regarding the Silvester Art Gallery prosecution, what happened there was a member of the public complained as soon as the exhibition started, whereupon there was a police raid followed by a prosecution of the Art Gallery owner and the artist. Convictions followed (sentences being fines). The Gallery owner is appealing. The appeal has not yet been heard.

No one can prevent a future prosecution. The remedy for such a prosecution is to plead not guilty and win the case.

Therefore it is a question of whether you wish to risk a prosecution. Basically any one who does any thing which might be construed illegal is risking prosecution.

It should be noted that in the Silvester case the prosecution purposely used the old common law offence of "outraging public decency" instead of obscenity, so as to prevent the defence of "artistic merit" being used. If the Crown Prosecution Service decides to prosecute it can choose any offence it wishes. Each offence has different rules and different defences.

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I am sorry to be so negative, but the state of the law regarding exhibitions at the moment in this country is so difficult that the only remedy is to get it reformed. That is what C.A.C. and N.C.R.O.P.A. are trying to achieve.

Yours sincerely,

Ted

Edward A.C. Goodman