

NO/DAW/DP

21st September 1993

Messrs. Ringrose & Co.
Solicitors,
The Old Vicarage,
Church Close,
Boston,
Lincs.,
PE21 6NE.

For the attention of Mr. John D. Storer

Dear Sirs,

Thank you for your letter of 2nd September (Ref: JDS/AMC).

Whilst I have extensive files of records (including vast correspondence) of many matters concerning and/or relevant to the promotion of the National Campaign for the Reform of the Obscene Publications Acts (NCROPA), which I founded in 1976, I do not have details of every allegedly "obscene" article featured in criminal prosecutions and certainly not of titles of video cassette tape recordings, many of which are, in any case, often marketed under different titles in different parts of the world, especially if they are unauthorised, 'pirated' copies.

Furthermore, and as I am sure you know, in most "obscene" publications cases involving a number of different titles of films or videos, the court, either with or without the accused's agreement, usually views what it regards as a representative sample of titles on which it bases its judgment. Many other titles thus virtually disappear from view, as it were, lost in mere lists of exhibits. It would be a hopeless task to try to keep a record of all these. Years ago we did once try to do so but gave it up as quite impracticable.

However, even if the video titles are known to have been previously unsuccessfully prosecuted under the provisions of the O.P. Acts, regretably the findings of another court will not necessarily carry any weight if and when the same titles (containing the same allegedly "obscene" material) are subsequently prosecuted elsewhere. This disgraceful state of affairs was most clearly highlighted in the cases brought against former film-maker (of sexually-explicit 8mm films) John Lindsay between 1974 and 1979. During that period Mr. Lindsay had five separate prosecutions brought against him (and his collection of identical films) in five entirely separate court hearings in different parts of England and Wales, including one Old Bailey trial (in 1979 or 1980) and one Birmingham Crown Court (in 1974). In each of the first four

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of these entirely separate trials and cases, Mr. Lindsay was acquitted (i.e. his films were adjudged to be not "obscene" and not publication of them not thus unlawful). Naturally he then continued to market and screen these films openly and publicly, mainly in London. He then opened a cinema club in Blackpool where these very same films were publicly screened. He was yet again prosecuted for these under the provisions of the O.P. Act 1959, was tried at Preston Crown Court, found guilty and sent to prison. He had been cruelly subjected not merely to 'double-jeopardy' regarding his films, but to 'quintuple-jeopardy'.

I took up this outrageous injustice with the then Attorney General, Sir Michael Havers (later Lord Havers, Lord Chancellor and now deceased). In spite of our strongest protestations and considerable exchange of correspondence, Sir Michael refused to intercede, or even concede that any injustice had been perpetrated on Mr. Lindsay. His view was that differing standards and therefore interpretations of 'obscenity' were to be expected in different parts of the country and that in this area of law, a finding of 'not guilty' in one prosecution (even for the same identical, material, remember!), had no bearing on the deliberations in another.

This will, of course, be of no comfort to your clients, but until the disgraceful, scandalously repressive draconian U.K. censorship laws are drastically reformed, and brought into line with those of virtually all other E.C. Member States and most other countries of the so-called 'free' world, British citizens daring to ~~exercise~~^{enjoy} freedom of expression will continue to be always dangerously at risk.

Whilst I appreciate your present concern is to do the best you possibly can for your clients interests, I do hope that whenever and wherever possible, and through you professional body The Law Society, you will make the strongest representations for fundamental changes to this country's uniquely vicious and unjust, intolerable censorship laws and thereby ensure that the U.K. truly honours its purported commitment to 'freedom of expression' as enshrined in both the United Nations Universal Declaration of Human Rights and the European Convention on Human Rights. It will also ensure that in future those like your clients will be spared having to endure such State tyranny.

I am sorry I cannot be of more positive assistance in responding to your specific enquiry, but should there be any other way in which I can help, please do not hesitate to contact me.

Yours sincerely,

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

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