



# Feminists Against Censorship

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## WINTER 97-98 UPDATE

Once again, our apologies for a dismal performance in getting the newsletter out to you. We know some people imagined life would be easier once we were rid of the Tories, but those people were living in a fantasy world. In fact, things have been much worse — because at least there was a way to get rid of the Tories, and while they were in office there was an opposition of sorts. But New Labour are every bit as repressive as their predecessors and then some, with Jack Straw proposing things even Michael Howard knew he couldn't get away with.

If anyone doubts that it's been a disaster, you only have to look at the recent performance of the National Council for Civil Liberties (NCCL), as they were once known, although under their new nickname of "Liberty" they have become less and less of a civil liberties organization as time has gone by. Since last May, in fact, they have rarely acted as anything much more than a rubber stamp for Jack Straw's policies.

NCCL is constitutionally a membership organization, and is supposed to carry out the will of that membership according to policies made at their annual general meeting. But in the last several months it's been clear that Director John Wadham isn't really interested in little things like NCCL policy or civil liberties. Despite long-standing policies of the organization, "Liberty" told the press in 1997 that they had no problem with indefinite sentencing, registers, and random stop-searches for drunk drivers; no interest in decriminalization of cannabis, although NCCL policy supporting decriminalization goes way back; and that they "welcomed" new language in the police bill allowing police to bug people's homes without warrants. All of these are elementary civil liberties issues; it's a shame no one has explained them to John Wadham.

Several months ago, Wadham turned to NCCL's longest-serving staff member, Nettie Pollard, and told her she was the last civil libertarian left on staff. Shortly thereafter he began claiming that it was necessary to make her redundant. Since she is one of the organizations few indispensable staff

members, and also the most expensive to make redundant, we suspect that economy is not the reason behind this move. We are equally suspicious about Wadham's sudden new chumminess with the Home Secretary, not to mention the extraordinary fact that the current chair of Liberty's executive committee, an enthusiastic engineer of the move to sack Pollard, turns out to be married to one of Tony Blair's own advisors.

Even with the best government in the world, a civil liberties organization should be a natural enemy of government — any government. Yet Wadham sees no contradiction in the fact that they are in bed with the enemy.

Meanwhile, it was an exciting year for personal freedom in Europe, where the court established, for anyone who had doubts, that if we don't protect civil liberties in our own country, we can't look outside of it for that protection. Early in the year, the European Court rejected Nigel Wingrove's appeal of the BBFC ban on his film *Visions of Ecstasy*, on the grounds that it might offend Catholics. We can't think of a better example of censorship against religious speech, a virtual affirmation that you do *not* have a right to your own beliefs — because that right only exists if you are allowed to express those beliefs. *Visions of Ecstasy* is the sort of film that only a Catholic would be likely to make — people who make art that questions a faith are usually questioning the faith in which they were raised, and if you can't question *your own* faith, what does that mean for freedom of belief?

No surprises then over the outcome of the Operation Spanner appeal. In February, the Court made clear that they had no better understanding of the issues than Judge Rant had in the original *Brown* decision, treating all SM acts as indistinguishable from maiming or killing. It remains a crime to leave "a mark that is more than trifling or transient" for the purposes of sex, or to "aid and abet an assault on yourself" by receiving one.

Without hope from Europe, and with New Labour holding a huge majority and facing no opposition, you'd better know that this country needs a real civil liberties organization more than ever. We don't, however, appear to have one.

There have been a few victories, although how much effect they will have in the long run is still unknown: Whiplash won their case because Nettie Pollard, expecting a raid to take place on the night, made sure to be present and identify herself as an observer from the National Council for Civil Liberties when the police showed up. Her testimony in court undoubtedly had a great deal to do with the outcome.

In another case, an anti-mining activist had several books you can buy in your high-street shops seized after a surprise visit from the child porn cops. Originally, there was supposed to have been an internet-related "complaint" involved, but no evidence ever turned up of that — indeed, there appears to have been no legitimate reason at all for the raid; we suspect it was initiated solely because his criticisms of the mining company RTZ must have annoyed the wrong people. The victim had hundreds of photography books in his collection and of course those of major artists were in his home — five of them were by acclaimed photographers like Sally Mann, Jock Sturges, Will MacBride and others. The CPS actually prosecuted him for possession of those books under the Protection of Children Act, but fortunately, they were found in court not to be child porn. It does seem extraordinary that an individual was prosecuted for private possession of legally-held "child porn" that is being openly sold in the high street.

Then, of course, we had the furore over the film of J.G. Ballard's book *Crash*. When it died down, James Ferman gave the movie an 18 certificate, but attacks on Ferman's "permissiveness" didn't disappear, especially after Ferman gave 18 certificates to racier films than usual toward the end of '97. There has been a shake-up in the BBFC, and the new top man is not a movie fan. Jack Straw says the BBFC "hasn't responded to public concern" about sex and violence in film and/or videos. The film *Kissed* was given a certificate, which outraged Jack Straw; the decision on the video release is still pending.

Of course, the real complaint movie-goers have always had about Ferman was not that he was too lenient, but that he cut too much.

Meanwhile, Culture Minister Chris Smith did his Virginia Bottomley imitation, announcing a ban on the sale of cards for the satellite channel Eurotica.

Late in the year, the police busted some bisexual swingers for a video of themselves that includes images of the two men having sex with each other — and were preparing to prosecute them for buggery, until a word to the *Observer* (thanks to Nettie Pollard and OutRage!'s Peter Tatchell) brought questions the CPS didn't want to answer; apparently it was only a good case as long as no one was watching.

But shortly thereafter, seven men ("the Bolton 7") were busted for having sex in their own home; three of them were convicted of having under-aged sex with a 17½-year-old and the others were convicted for "buggery" under the law that makes "public" gay sex a crime. They are expected to receive prison time. They were also forced onto the Sex Offenders Register.

#### SEXUAL SADISM CASE:

This is a case of real brutality by a prison officer who blackmailed a prostitute into submitting to violent acts, which he videoed. He injured her and she charged him. Although he was convicted, he received only a nine-month suspended sentence. Note that this crime would not make him eligible for the Sex Offenders Register. (Nor, by the way, would Fred & Rosemary West have been on it.)

Oh, yes, did we mention that the Sex Offenders Register is now law? Anyone who believes this protects us from violent sex offenders is naive.

We sadly note the passing of FAC member **Jenny White** in April. In the early days of FAC, Jenny fought to try to bring lesbian videos into the country and contested a Customs seizure; although she lost the case, she had somewhat of a victory when she wasn't charged costs. FAC was there, in the courthouse and in front of it, cheering her on. More recently, Jenny made her terminal breast cancer the subject of her art, and did shows in London about it. She was 65.

Believe it or not, there's *much* more, but we're out of room.

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