

many members of the Royal Ulster Constabulary are Freemasons? (2) Is Sir John Hermon, the Chief Constable, a Freemason? (3) Will Mr King instigate a full investigation into the links between Freemasons who are members of the RUC and Freemasons who are members of the police force in the Manchester area? (4) Is Mr King aware of an FBI surveillance exercise carried out on John Stalker and Manchester businessman Kevin Taylor in Miami, in 1981? (5) Is Mr King aware that prior to his promotion to Deputy Chief Constable, Mr Stalker was positively vetted, in a very full procedure, by

individuals who were fully aware of the FBI report? (6) Before being appointed to replace John Stalker, was the Chief Constable of West Yorkshire, Colin Sampson, vetted to ensure that he was free of links with criminals?

Mr Peter Barry will be doing all of us a service if he is able to obtain straight answers to these questions. Perhaps when all the Freemasons have been eliminated from the affair we could then address ourselves again to the very grave issues that John Stalker was investigating until the Freemasons decided to take a hand.

## Not so Gay for the Taxpayer

TED GOODMAN

It was to have been the most important censorship case in over 25 years. HM Customs and Excise, who often appear to be a law unto themselves, mounted an elaborate operation of surveillance and harassment of Gay's The Word bookshop in London. A magistrates' court committed them for trial at the Old Bailey in October. On 27 June, Customs and Excise announced that the prosecution would be discontinued. On 11 July, the charges were formally withdrawn. Customs officials were left with egg on their faces. Taxpayers were left with the bill.

The Gay's The Word case arose under Section 42 of the Customs Consolidation Act 1876, which prohibits the import of "Indecent" articles. Section 170(2) of the Customs and Excise Management Act 1979 states that any person knowingly concerned in any evasion of any prohibition shall be guilty of an offence and may be detained. Section 161(1) empowers customs officers to enter (by breaking in if necessary) any building at any place at any time and search and seize anything liable to forfeiture.

The English Courts have interpreted these statutory provisions as meaning that anyone in possession of indecent articles of non-British origin is committing the offence of being knowingly concerned in their illegal import. In addition, under the Obscene Publications Act, it is an offence to publish or to be in possession for gain of *obscene* articles. Obscenity is defined in the Act as material likely to deprave and corrupt persons likely to read, see, or hear it.

The Customs Legislation is therefore different from the obscenity law. The former prohibits foreign indecent articles, the latter prohibits all obscene ones. Indecency has been defined by the English Courts as including anything which is "immodest or unbecoming". It thus covers a much wider range of material than obscenity. In other words the prohibition on imports is far stricter than that regarding home-produced material.

The European Communities Act 1972 incorporated Community Law, including free trade between member states. This meant that it became illegal for the United Kingdom to have stricter restrictions on Community imports than on home-produced material. On 11 March, 1986 the Court of Justice of the European Communities ruled in the case of Conegate Ltd v HM Customs and Excise (case 121/85) that the British prohibition of "indecent" foreign articles was illegal under Community Law, since no such prohibition existed in British domestic law. The case concerned the forfeiture in 1983 of imported West German "sailor's friend" (inflatable, life-sized vaginal) dolls, even though such dolls are lawful inside Britain, as visits to London sex-shops will reveal!

Meanwhile (appropriately in 1984) British Customs Officers had embarked on a campaign of raiding bookshops, seizing "incident" foreign publications and prosecuting the booksellers for being concerned with prohibited importation. Amongst the victims were Adelaide Bookshop, Atomage, Balham Food and Book Co-operative, Essentially Gay, Giovanni's, Housemans London Peace Bookshop, Lavender Menace and Zipper.

The most spectacular raid was that on Gay's The Word bookshop in central London. Code-named "Operation Tiger", it started early in the morning of 10 April, 1984 when Customs officers forced their way into the flat of Glen McKee, a director of the bookshop. They kept him prisoner there for six hours, refused him access to his lawyer, searched all his belongings and took away his papers and some of his personal possessions. The officers then raided the shop, which they ordered the manageress and her assistant to close. The two were then taken to Customs Headquarters at Woburn Place for prolonged interrogation while 800 books, a third of the entire stock, were taken away from the shop.

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### *Not so Gay for the Taxpayer*

The customs officers then took the manageress home and there seized all the video recordings, including those of "Dallas" and Crufts Dog Show! They thereafter went to the house of director Jonathan Cutbill and searched every room. From their conversation, it became clear that all the overseas packages to the shop had been opened for over a year.

In October 1984, HM Customs sent seizure notices to Gay's the Word regarding 144 titles, including works by Jean Genet, Allen Ginsberg, Kate Millet, Edmund White, Tennessee Williams, and even *The Book of the City of Ladies*, written by Christine de Pisan, a nun in the fifteenth century! In November the nine directors including the manageress were charged with conspiracy to import prohibited articles (ie indecent books). They faced unlimited fines and/or two years in prison. They pleaded Not Guilty and on 26 June 1985 at Stoke Newington Magistrates Court, they were committed to the Central Criminal Court. The hearing was fixed for October 1986. The decision of the European Court in the Conegate appeal caused HM Customs to drop the charges in June 1986. All the books were returned, except copies of nineteen titles considered "obscene". If HM Customs prevent future imports of these titles, Gay's the Word plan to challenge it in the courts.

Salvation came from the Continent — the European Communities' Court sits at Luxembourg. In the House of Lords, however, on 2 June, Lord Denning, 87-year-old law Lord and practising Christian, urged the British courts to "cock a snook" at the European Court and continue to criminalize indecent imports.

When will Britain adopt an adult "Continental" attitude to sex? Even without the prohibition of indecent imports, the criminalization of all allegedly obscene material means that many films and books which are freely available on the other side of the Channel are illegal here. (Fourteen per cent of films shown in British cinemas have been censored). In addition, publishers of British contact magazines are liable to prosecution for the offence of "conspiracy to corrupt public morals". Two have received suspended jail sentences (*DPP v Rendezvous*, Birmingham Crown Court, December 1985).

The British Establishment's attitude remains that sex is filthy and manifestations thereof, especially of the gay variety, should be criminalized. This cannot be explained away by Christian guilt, since other Western countries do not have such a philosophy. (In 1984 the French Minister of Culture stated that his Government had no right and did not seek to control what adults read and viewed. That same year Argentina and Brazil abolished all restrictions on freedom of expression, including sexual ones). The reason must be ethnic and/or the authoritarian "nanny" attitude of the British ruling class.

## OBITUARY

### **Mr R. Fotheringhame**

Robin Fotheringhame, of Bourton-on-Dunsmore, Warwickshire, has died at the age of 49.

Mr Fotheringhame had been a lecturer at Coventry Technical College for 21 years. He was a much respected member of staff and known to hundreds of ex-students as the organiser of A-level courses in arts subjects. He was particularly aware of the problems of older students returning to college after a gap of many years. Thanks to him, many mature students went on to achieve success at universities and polytechnics.

Robin Fotheringhame was an unbeliever. There was a large gathering at Canley Crematorium, Coventry, for the secular committal ceremony.

### **Mr J. Gilmour**

John Gilmour, the distinguished botanist and horticulturalist, has died after a long period of illness. He was 79.

John Gilmour was associated with Cambridge, where he lived, for over sixty years. He went up to Clare College in 1925 and was Director of the University Botanic Garden from 1951-73.

He held the post of Curatorship of the Herbarium and Botanical Museum before becoming Assistant Director of the Royal Botanic Garden, Kew, in 1931. He was Director of the Royal Horticultural Society's Garden at Wisley from 1946-51, and moved from there to Cambridge.

Gilmour published a number of works and served with distinction on international committees. He was awarded the Victoria Gold Medal of Honour in Agriculture (1957) and the Veitch Memorial Gold Medal (1966).

John Gilmour had a long association with the freethought movement. He was the first chairman of Cambridge Humanists and succeeded E. M. Forster as president in 1975. He was an Honorary Associate of the Rationalist Press Association.

There was a large gathering of relatives, friends and colleagues at the secular committal ceremony at Cambridge Crematorium.

### **Mrs M. Liddle**

Minnie Liddle, who died suddenly in London at the age of 73, was a lifelong Socialist and in her later years a regular reader of *The Freethinker*. Her son Terry Liddle, a member of Lewisham Humanist Group and *Freethinker* writer, conducted the secular committal ceremony at Falconwood Crematorium. The Socialist Secular Association was represented at the funeral by its steering committee, members of which had been friends of Mrs Liddle.