

PRIME MINISTER

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Attached is the additional material which Mary Whitehouse promised. I do not think you need look through this in detail since it broadly repeats what she said at your meeting. The Home Secretary is coming in to see you next Wednesday to discuss the issue of the obscenity laws in general and in particular Mr. Bright's bill. I gather that Lord Whitelaw has also expressed an interest and may well seek to raise the subject at one of the Monday meetings. Meanwhile you might simply like to write to Mrs. Whitehouse to thank her for the extra material and for the way in which she presented her case. A draft is attached.

21 October 1983

NATIONAL VIEWERS' AND LISTENERS' ASSOCIATION

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19th Oct. 1983.

Mr. Tim Herby,
10 Downing Street,
London. S.W. 1.

Dear Mr. Herby,

May I first say how very grateful I am for all the courtesy & kindness shown to me yesterday and I would be very grateful if you would pass on my appreciation to the Prime Minister -

I am enclosing herewith some material relevant to our conversation yesterday - some of them were no doubt covered but I think our suggestion (see comments on Home Secretary's letter) re the composition of any classification body was not referred to by me.

I expect you already have a copy of the Home Secretary's letter, but in case not I have included one as well as a copy of a letter which came to me recently from the States. It covers broader issues than just video but I felt it might provide some useful background information.

If I can help further in any way, do please let me know.

Again, with many thanks,

Yours sincerely,

Mary Whitehouse

PATRONS:

SIR CYRIL W. BLACK, J.P., D.L., F.R.I.C.S.
VICE-ADMIRAL BASIL BROOK, C.B., C.B.E.
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THE RT. REV. M. A. P. WOOD, D.S.C., M.A., R.N.R.,
Bishop of Norwich

COMMENTS ON HOME SECRETARY'S LETTER

Para. 3 The Home Secretary may feel it "an exaggeration" to describe the Obscene Publications Acts as "ineffective", but the police have no doubt at all that they are.

Para. 4 The Home Secretary appears to be decided for Parliament instead of giving it a chance to decide for itself!

Para. 6 The Home Secretary evidently feels it necessary to avoid the need for "subjective interpretations". But what else would be those made by the BBFC?

We much regret the Home Secretary's decision not to issue guide lines since this, in our view, is the only way to get effective legislation quickly on to the Statute Book to deal with the present urgent situation.

It is essential that the classifying body is not the BBFC.

We recommend that it should be composed of representatives of a cross section of men and women, young and old from all walks of life each to serve a limited period.



QUEEN ANNE'S GATE LONDON SW1H 9AT

10 October 1983

Dear Mrs Whitehouse,

Thank you for your further letter of 5 September about the legislation on obscenity and Mr Graham Bright's Bill on Video Recordings.

I fully understand your very deep concern about the availability of pornographic material in our society. What is, I think, at issue is the practicability of further comprehensive legislation in this field, given the wide differences of opinion that exist on the direction such legislation should take.

As I made clear in my earlier letter, I certainly accept that there are inadequacies in the Obscene Publications Acts. However I do consider it would be an exaggeration to describe them as ineffective; convictions continue to be secured under section 2 and forfeitures ordered under section 3 and, perhaps more importantly, the threat of prosecution continues to hang over those who deal in pornographic material - which includes violence. Furthermore, these Acts do not stand on their own; they are buttressed by a good deal of legislation dealing with particular areas of concern.

We must not underestimate the very real difficulties in the way of securing even broad agreement about the way in which these Acts should be reformed. It is my firm view that there would be widely diverging and strongly held views within Parliament over this. I must emphasise, moreover, that I would fully expect these views to diverge even within political parties. It is the usual practice on matters so closely affecting issues of individual conscience to seek to allow Members to vote as they wish. Given that I do not perceive a basis of general support within Parliament for a specific approach to this problem, I do not think that, at present, a general reform of the Obscene Publications Act is practicable.

It is entirely consistent with our manifesto commitment that, in this situation, we should concentrate on those areas which give rise to particular difficulties and concern and which can be tackled without attracting the sort of problems to which I refer above. As you know, we have been very active on this front over the last few years and Mr Bright's present proposals are an excellent example of this approach. It deals with a specific problem of great concern to many people and it has, I believe, a good prospect of receiving Parliamentary approval.

On the detail of the proposed Bill, you suggest that the body to be designated to carry out classification should be issued with guidelines on the type of material to be excluded from classification. I have given further thought to this since our meeting and I am afraid my view still remains that I do not think it would be possible to devise a list which was sufficiently precise and comprehensive and

/which avoided

Mrs M Whitehouse, CBE

which avoided the need for subjective interpretations. Not only would such an approach risk attracting the problems associated with the Obscene Publications Acts, there is a very clear risk that the inclusion in the Bill of such a formula would provoke so much disagreement and argument as to prejudice the prospects of its enactment. It is, of course, intended that the Secretary of State should have power to remove the designation from the classification body if that body failed to discharge its responsibilities properly and, in my view, this will provide the necessary element of public accountability.

Finally, I am grateful to you for letting me see a copy of the letter sent to you recently by Mr Hinson McAuliffe which I have read with interest. I do, of course, fully share your concern that cable television should be properly controlled. It is for this reason that we have made clear in our White Paper that all cable channels will be subject to the same good taste and decency rules as the existing broadcasting authorities and the same obligations to have regard to the programmes shown when large numbers of children and young people are likely to be watching. In addition, cable channels will be subject to the Obscene Publications Acts. This is an important extra safeguard.

Y sincerely

Leon Britton

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

PARLIAMENTARY ASSEMBLY

Doc. 5013 - E

Extracts from:

**A CULTURAL AND EDUCATIONAL APPROACH
TO THE PROBLEM OF VIOLENCE**

SWEDEN See pages 133, 134, 135, 136

DOMENICO MECCOLI pages 146 & 147

**Report
of the Committee on Culture and Education**

**Rapporteurs :
Mrs Anér, MM. Aano, Atkinson and Mayoud**

STRASBOURG

1983

**Poor quality
text due to the
nature of the
material.**

**Image quality is
best available.**

Video enters the stage. The appointment of a commission

As in other countries, video was first used in Sweden as an aid in education and training in a number of different contexts. Educational television programmes were - and still are - taped and used in public schools and in adult education classes and study groups. In hospitals, specially produced video programmes are used to train personnel and to instruct patients in the care of their illnesses. Within business and industry, video is used to train personnel, to explain company policy, to inform about new products, and for marketing purposes. Subsidiaries in Sweden of multinational corporations are connected to their world-wide video networks, and some Swedish owned companies have established their own networks. Various branches of the state administration are using video both in their internal and their external information activities.

When, in the early seventies, the old open reel machines gave way to video cassette recorders, it became obvious that they would be used not only in the institutional field but also for entertainment purposes in the home.

A very rapid growth of the market was expected. Anticipations of a widespread use of video as a means for home entertainment triggered a debate on the merits and dangers of the new medium.

Some were worried and feared that the public might become uncritical, passive consumers of sports programmes, light entertainment, violence and pornography. This was expected to lead to more isolation, making people less likely to take part in social and political action. It was also thought that the well educated would choose programmes of a higher quality than the less well educated and that this would tend to conserve cultural and educational differences between social groups. There was also concern that home video might have harmful effects on children, both because of the amount of viewing in which they might indulge and the kind of programmes to which they might be exposed. It was suggested that the state should take action to control the output of programming.

Other observers claimed that it was desirable that through the new medium people be given a wider freedom of choice than the two TV channels which the Swedish Broadcasting Corporation offered. Adult persons, it was argued, should be allowed to take responsibility for their own viewing habits, and parents should be responsible for what their children saw. The state should ensure that good programmes were available. Video programmes shown publicly should be subject to the same rules as films shown in cinemas. It was claimed that if the state should try to control or limit the output of video programmes for private use this would be to tamper with the principle of freedom of expression, which must have the freedom to receive information as its counterpart.

In 1977, the nonsocialist government, which had taken office in the preceding year, appointed a commission consisting of five members from all parties in the Swedish Parliament except the Communists, to make recommendations concerning the use of video technology within the framework of the overall cultural policy adopted by parliament three years earlier. The terms of reference of the commission recognised that videograms have considerable potential for cultural activities, in the field of education, and as a means to inform and involve the citizens. "One must not, however," it was added, "ignore the risk that videograms - like any other new mass medium - may also have less desirable effects with respect to cultural policy in the longer term. This might be the case, if for example, videograms were to become a mass market item featuring programmes produced with no other than purely commercial ambitions." The commission was to give special attention to "measures designed to safeguard freedom of expression and to secure the practical preconditions for the exercise of that freedom". The needs of certain groups were to be accorded special consideration. Among those were children, merchant sailors, Swedes living abroad, and certain handicapped groups. In order to ensure the availability of programmes of good quality, the commission was to give special attention to the possibility of making television programmes produced by the Swedish Broadcasting Corporation available as videograms.

The growth of home video

The growth of the home video market was much slower than the industry had expected in the early seventies, but in 1980 the market took off. During that year, the number of video recorders in Sweden more than doubled, rising from 60,000 to 140,000. By the end of 1981, the total was about 300,000, representing 9% of all homes with a TV set. That is probably the highest penetration in any country except Japan. This year, however, the market has grown much more slowly, and the industry hopes to sell roughly the same number of machines as last year, thereby reducing the rate of increase from 110% in 1981 to about 50%. Even this may turn out to be too optimistic an estimate.

It is even more uncertain what kind of growth to expect in the years ahead. Sometimes comparisons are made with the spread of other electronic media. If the number of video recorders should increase at the same rate as colour TV sets in the early years of that technology, there will be 1.5 million video players in the country by the end of 1985, representing 41% of the homes with a TV set. If, on the other hand, the same number of video recorders are sold in the next few years as in 1981, the total will be around 900,000 at the end of 1985, representing 24% of all TV homes. The Video Commission said, in 1981, that probably the real outcome would be somewhere between those two estimates. Present market trends indicate, however, that even the lower figure may not be reached in 1985.

At the outset, home video recorders were used almost exclusively for recording television programmes for later use (time shift). The rapid increase in the sale of video recorders starting in 1980 created a market for prerecorded cassettes. Initially a large share of the titles available were films of a deplorably low quality, containing much pornography and violence, often mixing sex and violence.

According to Swedish law, a film may not be shown in public unless it is approved by a special agency, the State Cinema Bureau. Such approval is not to be accorded to films or sequences which may have a brutalising or a harmfully excitatory effect or which may seduce to crime. Neither is the Bureau to approve the public showing to children of films which which may be psychologically harmful to children. These censorship rules do not apply to films shown privately or to "trapped societies". Since the law was enacted before the advent of video it does not apply to moving pictures recorded on magnetic tape or on discs.

Thus the market of prerecorded cassettes could grow without the restraints imposed on cinema film by the rules of censorship. In December 1980 a television programme, "Who needs video?", exposed the availability of some video films with scenes of brutal violence. For some time "The Texas Chain-Saw Massacre" almost became a synonym of video. Public indignation requested new legislation to restrain violence in video. This affected the work of the Video Commission, which will be dealt with in the next section of this paper.

At the end of 1980 the market of prerecorded cassettes included between 600 and 700 titles. The Video Commission found that some 14% of those contained scenes with "brutal, sadistic violence". Since then, the market has grown rapidly. Some of the most violent films have been withdrawn and a large number of films that comply with the standards set by the rules of film censorship have been added. A study made by the Swedish Broadcasting Corporation in March 1981 showed, however, that video recorders were still primarily used for time shift. During one week, 75% of the programmes viewed in homes with a video player had been recorded off-air. In 1982 the corresponding figure was 63%. Prerecorded cassettes accounted for the rest.

Among programmes recorded off-air, TV fiction and entertainment accounted for about 20% each, children's programmes and feature films for 15% each. Of the persons interviewed only 8% reported they had seen a TV programme dealing with political or social matters on video, and none had seen a nature or science programme. Those having viewed prerecorded cassettes the day before the interview mentioned about 250 titles. 10% of those are Swedish productions, 95% of them being children's films. Many of the titles mentioned by male respondents between 9 and 24 years of age are adventure films and Westerns. Video viewers above 24 tend to see feature films of a better quality.

The average TV viewing time in Sweden is 82 minutes a day. For video owners it is 80 minutes. This marginal difference shows that, on the whole, video owners do not see TV less than the average Swede. Half

the video viewing takes place before 6 o'clock in the evening, ie before TV transmissions start. It seems, then, that video viewing does not replace TV viewing but is added to it. That runs counter to the expectations of some observers. We do not know on what kind of activities video is infringing.

It should be remembered, however, that video still accounts for a rather small share of the overall media mix. On an average day only about 5% of the total population see video. About two thirds of video owners turn on their players once a week (1).

The recommendations of the Video Commission

The Video Commission covered a wide range of aspects of the new technology. It made recommendations on, among other things, the distribution of Swedish TV programmes on video cassettes to Swedes living abroad, the use of video as a communications medium for migrant workers from abroad, the distribution of videograms through public libraries, the use of video for the benefit of the deaf, the establishment of media workshops in order to stimulate local communication, the development of video art, and the use of video in education. Altogether in its four years of work the commission published six reports, totalling about 1,300 pages. In this section I shall confine myself to presenting its discussion of violence in video and the measures needed to restrict it.

At an early stage of its work, the commission asked a sociologist, Dr. Kerstin Elmhorn, to make a survey of research available in different countries on the way children are influenced by film, television and video. The result was published under the title Film on TV i barnens värld ("Film and TV in the world of children"). It partly deals with the effects of violence. From this report and other evidence available the commission in its final report, Video, drew the following conclusion: "Viewing TV programmes which repeatedly use violence for entertainment purposes and treat it in a positive way will result in influencing our attitudes so that violence is accepted. This, in turn, may lead to antisocial attitudes and asocial and maybe criminal behaviour."

Discussing the supply of prerecorded cassettes containing frequent scenes with violence available on the consumer market, the commission wrote: "Crude, speculative descriptions of violence in videograms and films are in glaring contrast to the ethical and humanistic values which are fundamental in our society." At the same time, the commission was aware that freedom of expression is another basic value, which enjoys the protection of the Swedish Constitution. Thus there is a conflict, which calls for careful solution.

(1) The report on video viewing in 1982 from the Swedish Broadcasting Corporation has not yet been published. Hopefully it will be possible to give a better account of its results at the hearing in Assisi. By then, other reports on video in Sweden may also be available.

In Sweden, there is a rather general consensus on three points that are of importance in this context:

1. The portrayal of factual violence, eg in reporting from war and unrest in different parts of the world, must be permitted. It may be regarded as an aspect of the freedom of information which is essential in the forming of public opinion. One must, however, be aware that even portrayals of this kind of violence may be harmful. Studies by Dr. W A Belson in London indicate that most people can stand a certain amount of violence without being influenced negatively by it but that they suddenly reach a limit where they start using violence.
2. In works of art the portrayal of violence may be justified or even necessary because it helps us to understand our world and ourselves. Obviously it is difficult to draw the line between what is justified on artistic grounds and what is not.
3. Films and videograms that are to be shown to children must conform to stricter standards than those seen by adults. This principle was easy to uphold when films were shown only in cinemas where age limits could be enforced. It was undercut when films started to be shown on TV and when prerecorded video cassettes became generally available, since in the living room no age limits can be enforced.

The Video Commission found that there are at least three different ways to curb the distribution of films and videograms with violence:

1. The adoption by the industry of self-imposed ethical standards

There have been attempts initiated by the industry itself to reach an agreement on such guidelines. The Video Commission tried to assist in this process and invited representatives of the film and video industry and the Swedish Broadcasting Corporation to a hearing in March 1981. The Secretariat of the Commission made the suggestion that wholesale distributors of videograms should sign an agreement on certain ethical guidelines and that, furthermore, they should undertake to distribute videograms only through retailers who had promised not to carry any videograms from companies not having signed the agreement. At that time, however, it was not possible to reach such an agreement. The representatives of the film industry wanted to wait and see if another government commission might recommend the abolition of censorship of films for adults. Deliberations on ethical standards continued, however, even after the Video Commission had completed its work. Largely because of the pressure of public opinion, ten major videogram distributors in November 1981 signed an agreement to conform to the standards of film censorship. A number of companies, however, have so far refused to join it.

2. Censorship

In Sweden, films that are to be shown in cinemas must first be inspected by the Cinema Bureau (see the preceding section). Demands have been made that this censorship be extended to comprise even films and videograms

which are made available for private use. The Video Commission discussed this matter in some detail. For a number of reasons, it rejected the idea of such an extension of obligatory censorship.

It would be in conflict with the principle of freedom of expression, the Commission said, adding that it was doubtful if it would be compatible with the Constitution. Furthermore, obligatory censorship of films and videograms for private use would require a considerable enlargement of the Cinema Bureau because of the number of titles that would have to be inspected. The Commission also referred to the fact that films shown on TV are not subject to censorship since it was considered important to give public service radio and television an independent position in Swedish society. The basic programme rules are laid down in a contract between the state and the Swedish Broadcasting Corporation, which allows considerable freedom of expression in those media. The Commission asked if it would be consistent to require films and videograms shown in the home to be inspected in advance by a government agency while TV programmes seen in the home were not subject to such censorship. Thus the independent position of the Broadcasting Corporation might be prejudiced. Finally, the Commission pointed out that obligatory censorship of films and videograms for private use would only be partially effective, since anyone would be able to buy uninspected video cassettes abroad, which could then be lent to friends and neighbours.

3. Legislation on content, with violations prosecuted "after the event"

In June 1981, a law was adopted which prohibits the commercial renting or showing to children below 15 of films and videograms with detailed and realistic portrayals of violence or threats of violence to human beings or animals. This year, parliament passed another law prohibiting the distribution to adults of films and videograms containing indiscreet and prolonged portrayals of brutal or sadistic violence. Violation of those laws will be prosecuted "after the event".

This was in line with the recommendations of the Video Commission, which in its final report suggested that the standards now governing film censorship be used to formulate a new law determining the kind of content which is not to be permitted in films and videograms. It should be the task of the courts to decide when this law is violated. Since the border lines between different media are becoming more and more hazy, it might be possible to extend a law of this kind to include several media - films and videograms, whether shown in public or distributed for private use, and television.

The procedure for deciding whether this law has been violated should be the same as in cases involving violations of the law on the freedom of the press. One important feature of this procedure is that for each publication there has to be a publisher who bears the sole responsibility for what appears in the publication. There seems to be no difficulty to transfer this requirement to films and videograms.

The Commission said that it is up to the publisher to judge whether the contents of a film or a videogram conform to the law or not. It ought to be in the interest of the industry to establish an advisory agency to which a publisher can turn in doubtful cases. The Commission also suggested that youth organisations and organisations of professionals who work with children might feel the need to create some kind of agency to review videograms that appear on the market and provide them with a declaration of content as a service to parents and teachers.

Most of the recommendations of the Video Commission have not yet been acted on by the Government. Matters dealing with censorship and other questions related to freedom of expression are being considered by a special commission which is expected to present its recommendations in the fall of 1982.

1. INTRODUCTORY REMARKS

a. Violence is said to be one of the two basic themes in films, the other being sex. The explanation of this phenomenon (and its success) lies, according to some psychologists, in the fact that violence and sexual freedom, which were natural in primitive man, were as though stifled with man's gradual adoption of the rules of life in society and survive as kinds of unconscious frustration.

b. Nowadays violence is a part of everyday life. The mass media give us a daily diet of wars, guerrilla activities, coups d'état, repression, outrages, slaughter, robbery and assaults that gradually induces a state of habituation from which individuals and their peer groups are roused only when they are directly concerned. And habituation is the parent of indifference, which turns the individual into a mere spectator of the sufferings of others.

For the same reasons and through the same channels a similar impact is made by non-sanguinary forms of violence ranging from those involving corruption and fraud to those such as advertising techniques that are in a sense conditioned by man's own behaviour.

c. Instead of improving and developing the individual's critical faculties the continuous, incessant, indiscriminate and contradictory torrent of audiovisual information ends up by diminishing them and fostering the decline and degradation of moral standards by increasingly blurring the distinction between good and evil, right and wrong, truth and falsehood. We all know that no news is good news, and public information channels are no exception to this rule.

d. The mass media have promoted and spread ostentation and the idea of the hero at all levels. (In the case of the cinema, Chaplin sensed this in no time in one of his earliest slapstick films, "Kid Auto Races" (1914), in which he is seen repeatedly showing off in front of a motion-picture camera that is filming a small-car race.)

e. The mass media themselves become instruments of violence when, as happens more and more often, they invade privacy and when they are controlled and directed by powerful political and economic interests.

2. THE CINEMA

In these circumstances, it is strangely enough the cinema rather than the other media that is held to be guilty of fostering violence, and this regardless of the fact that:

- a. motion pictures, even when based on real events, are fruits of the imagination and the spectator is aware of this;

- b. film production is conditioned by the public who are free to pay or not to pay for a ticket to see a particular film: indeed at the present time there has been a marked drop in the number of films of violence and box office receipts indicate a clear preference for films that amuse or offer opportunities for escape (eg. space adventures). In other words, the market reacts on its own account, opening or closing itself automatically to one genre or another, and therefore to violence too. The natural intermediaries between the public and film producers - ie. exhibitors and distributors - can speed up or retard this process but cannot prevent it.

At all events, it is a moot point whether violence in films is harmful. There are no scientifically irrefutable studies of a causal relationship. Psychologists and sociologists are divided, some claiming that the portrayal of violence acts as an incitement to copy it and others arguing that it is cathartic and liberating. Nevertheless even the latter group recognises that it may have a pathological influence on subjects with a predisposition to aggressiveness.

But even if negatively suggestible subjects are a minority, this does not mean that there is no need to consider the desirability of correctives, especially when the cineast's sole aim is, for reasons of pecuniary gain, to pander to the public's worst instincts or when his own moral and creative limitations render him incapable of so depicting violence that its inherent evil and the pain it causes are understood.

The following should be completely proscribed:

- detailed ("technical") portrayal of acts of violence and of crime generally;
- brutality;
- scenes of torture and gratuitous sadism;
- apologias of violence
- incitement to hatred.

But how can this be done? By the film industry setting up its own supervisory boards to ensure observance of a freely accepted code of practice? By state censorship?

Film industry's own supervisory boards: these have proved ineffective. Having no legal status, they cannot impose obligations on non-members and this, in short, means that their decisions are disregarded by the members themselves.

Censorship: this instrument is discredited because of its inevitable subservience to the political whims of governments and always constitutes a restriction of freedom. If adults are considered intelligent enough to vote, ie. to choose their own representatives to conduct affairs of state,

they must also be reckoned sufficiently intelligent to choose and judge a film without the intervention of some intermediary body. Properly structured censorship is, on the other hand, essential for deciding which films should be classed as unsuitable for minors. Such films would certainly include those containing incitement to hatred and violence of the kinds mentioned earlier.

An agreement along these lines between all Council of Europe member states would be desirable, and not only in respect of films screened in public cinemas but also in respect of those shown on television, a much more widespread and less easily controlled medium.

The magnitude of the problem is not fully appreciated and yet it is one that is going to get steadily worse as a result of technological developments which will make dissemination easier.

Furthermore, not all the regulations in force give the problem of violence the attention it deserves. (On the other hand, we know that there are countries with totalitarian regimes in which the film industry is brainwashed into exalting higher ideals and banishing violence, though this does not prevent such countries from resorting to violence to promote their own interests and impose their own will.)

If common action is to be taken on the essential principles, it would be important for the Assisi hearing to have an up-to-date comparative study of the attention paid to violence in the various European countries' statutes and regulations.

3. CONCLUSIONS

Freedom is the principal prerequisite of the search for truth, but truth cannot be established without dialectics and the dialectical process cannot ignore violence, which is one aspect of reality. Unfortunately, in most cases, violence becomes purely and simply a spectacle to satisfy the public's depraved tastes and in so doing contributes to deception and falsehood rather than to truth. This applies as much to the other media as to the cinema, their interrelationship being obvious.

How can we tackle and discourage this kind of aberration?

Mention has already been made of the possibility of a common agreement to control the screening and broadcasting of films classed as unsuitable for minors and of the inclusion of violence among the deciding factors for such classification. Furthermore, pressure might be brought to bear on economic interests, for instance by requiring states not to give financial aid to the production of films (for cinemas or, in most cases now, for both cinemas and television) that are characterised by gratuitous violence.

But an urgent appeal ought to go out from St Francis' native land and in his name for reflection on the media's moral responsibility, asking their staffs to show respect for man and for human life and, at the same time, reminding parents of the need and of their duty to prevent their children from seeing any scenes of violence that may be shown on television. The effects of repressive measures are partial and transitory, and private interests eventually find loopholes and ways round them. Generally speaking, therefore, the greatest emphasis needs to be placed on developing in children from their earliest schooldays a critical awareness of the positive and negative features of the mass media.

From Gb. Constable James Anderson. Greater
Manchester Police. This followed a meeting between
the group representing Chief Constables of which
Mr Anderson was Chairman, on Mr. W. J. Bolan at
5th August, 1983. Re Home Office

Control of Video Cassettes

I was very grateful for the opportunity yesterday to meet you and your colleagues at the Home Office to discuss the above matter. I appreciate that a note is being prepared about it which will presumably identify those areas which require further enquiry and more detailed discussions.

However, I would like to emphasise two particular aspects which cause me some concern. First, the proposal that the British Board of Film Censors should be the 'designated body'. For the reasons I explained I am quite sure that this decision should be reconsidered.

Second, is the problem of classification and certification. This is perhaps the most difficult and crucial issue of all. Everything will depend from the outset on the criteria for classification employed by the BBFC and the standards they choose to set. If, as was suggested at our meeting, the worst kind of horror film or video nasty is unlikely to receive a certificate of any kind from the BBFC, then some progress towards solving the problem we face will have been achieved. In that sense, the circulation of such material as a normal commercial venture will be almost totally nullified but the freedom to manufacture it will remain.

I noted your comment that no decisions have yet been taken on the nature of the classifications which will be adopted or upon whether the same classification will apply, without distinction, as between the high street cinema or cinema club on the one hand and the countless video outlets on the other.

A matter of paramount importance to the police is the question whether or not the BBFC are likely to alter the current appreciation by the police, the public and the Director of Public Prosecutions as to what is likely to deprave or corrupt and therefore be amenable to the law. This is really the crux of the matter and the starting point for the legislators. The relationship between the proposed Bill and the existing provisions of the Obscene Publications Act with the problematical "test of obscenity" is an equally critical point for the police.

As things stand at the moment, the question still remains whether the sale etc. of a certificated video will free the retailer or shopkeeper from the risk of prosecution under the Obscene Publications Act.

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The question arises whether a video which is certificated can still be obscene within the terms of that Act.

If, as seems to be the case, certification is merely intended to control and restrict the sale of videos to categories of people of a certain age rather than to control and prevent their being viewed by people who might be corrupted, then little will be achieved by the legislation unless actionable obscenity in the material is removed.

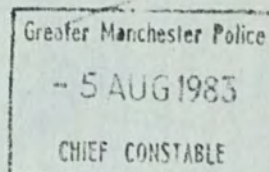
If, on the other hand, it is intended to take the opportunity not to certificate videos containing material of the kind now amenable to prosecution under the Obscene Publications Act, then the position will be much improved.

If, however, the emphasis goes the other way and the certification of material now said to be obscene frees shopkeepers and retailers from the risk of prosecution, then the problem will be very much worse.

I have already advised you that at the moment films certified by the BBFC and shown in the controlled environment of cinemas are still liable to seizure (and are seized) as objectionable videos and successfully prosecuted under the Obscene Publications Act. Unless, therefore, different criteria are applied to videos then this situation will remain.

It seems to me that an opportunity has now presented itself to clearly establish an acceptable threshold beyond which all offending material would be effectively banned or prohibited rather than merely restricted by the application of various conditions.

Unless this is done I fear that too little will be achieved by the proposed Bill and a number of consequential difficulties could arise. I say this because I am sure that the manufacturers of the most depraved videos and films, given the enormous financial backing they receive and the profits available, will find some way to circumvent the legislation as currently envisaged.



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August 9, 1983

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Mrs. Mary Whitehouse
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Re: Effects Of Cable Television

Dear Mrs. Whitehouse:

I am writing to you at the request of Hinson McAuliffe, my friend and former employer, who asked me to supply you with information regarding the effects of cable television on our society. Mr. McAuliffe has requested that I inform you that he will be writing to you, but only regarding the cable television situation in Georgia.

Because the appearance of explicit sexual activity on cable television is a recent occurrence, the "effects" of this kind of activity are difficult to document; however, I believe that I can make some observations that will be helpful.

(1) There is a relationship between pornography and sex crimes. We are better able to document this relationship today, because of studies such as the one performed by Lt. Darrell Pope of the Michigan State Police, which demonstrated that of 38,000 sexual assault cases on file, 41 percent involved pornography just prior to the act or during the act.

(2) During the past decade, the traditional family has become less common. One-parent "families" are on the increase in the United States. (see enclosed articles)

(3) Veneral disease has reached epidemic proportions. "Herpes" is out of control, and the homosexual population of our country has invented a deadly new disease known as "AIDS" for which there is no cure. (see enclosed article)

(4) The U.S. now has one of the highest teen-age birth rates in the world. More than 1,110,000 teen-age girls a year are getting pregnant in the U.S. Teen-age girls got 434,000 abortions in 1978, and accounted for 31 percent of all abortions and 46 percent of out-of-wedlock births. A total of 554,000 babies were born to teen-age mothers in 1978, more than half of whom were not married.

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(5) Child pornography is a problem of explosive dimensions in the U.S., and the relationship between child pornography and sex crimes involving children is irrefutable. (see enclosed materials)

(6) The relationship between the pornography industry and organized crime in the U.S. is documented by numerous law enforcement studies. (these materials should already be in your possession)

(7) Films that have been found obscene and in violation of the law on the local level in pornographic bookstores and theatres are now being distributed nationally into millions of homes by means of cable and subscription television. (see enclosed articles)

While statistical data is presently unavailable, I believe the following conclusions are warranted in light of the above:

(1) The presence of explicit sexual activity on cable television will cause further erosion of community standards of morality and decency. In my work as a trial lawyer, I have observed an increased tolerance among our population for pre-marital and extra-marital sex, homosexuality, and every form of sexual perversion imaginable. This will undoubtedly result in even higher rates of illegitimate births, abortions, venereal disease, etc.

(2) Sex crimes are likely to increase as the availability of pornography and child pornography increases.

(3) The traditional family will continue its demise.

(4) The availability of child pornography will increase as community standards decline.

(5) Organized crime will profit from this new market for their products, and these profits will be used to support other organized crime activity.

(6) Society will be forced to use our tax dollars to pay for: abortions; health care for illegitimate children; research to discover cures for new and existing forms of venereal disease; the investigations of sex crimes and the incarceration of sex criminals; birth control for teen-agers and indigent persons; etc.

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In conclusion, Mrs. Whitehouse, as the pornography industry distributes its goods by cable and video cassette into the homes of this country, it is obvious that we will witness a worsening of all of the many problems that already have been attributed to pornography and the "sexual revolution." I hope that the material enclosed will be helpful. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Paul C. McCommon III

Paul C. McCommon, III
Legal Counsel

PCM/lar

Enclosures