

CHILD PROTECTION, ENGLISH STYLE

by Roger Moody

Just about a year ago The Guardian in England ran a short feature showing Yorkshire's crime prevention officer, Chief Inspector Ray Leslie, with two of his "Special Agents", Darrell Tennant (12) and Andrew Ibbottson (9). They and many other Yorkshire lads, as part of a "child protection" effort, had just been issued "Agent Cards" on which there was space for the children's names, addresses, schools, etc. On the reverse side the cards carried a "4D Warning": D1 - Don't take sweets from strangers; D2 - Don't ride in a stranger's car; D3 - Don't play outside after dark; D4 - Don't loiter on the way home from school. Obviously Mr. Leslie and his police colleagues in Great Britain are interested in protecting children from traumatic experiences in the area of sexuality, right? Wrong. As all thinking Englishmen know, the police of the United Kingdom are among the worst threats to the healthy sexual development of the children under their jurisdiction, as is made quite clear in the following account by Roger Moody of his encounter with London cops and courts.

In November, 1977 my house was raided by a north London "porn squad". Ostensibly this was an attempt to link me with a small group of photographers and publishers involved in soft-core photography of boys. In truth, due to my political reputation and my frequent journalistic attacks on the establishment in a number of areas, I was regarded as the brains behind the Paedophile Information Exchange, of which I am not and never have been a member. "What we're after," one of the policemen was heard to mutter during the raid, "is PIE stuff."

The porn squad picked up non-pornographic photos of some of my young friends. As luck would have it the police also seized a family allowance book which I was about to cash for one of the hard-up families I had been helping; within a few hours they had traced the family and were interviewing the boys.

Nearly a year and a half later I was brought to London's Central Criminal Court (the Old Bailey) on a charge of bugging a ten-year-old by the name of Lee who had stayed with me during part of the summer holidays of 1976. He was identified by a letter sitting on my desk waiting for dispatch to his mother. In court Lee testified that the police had pressured him into making allegations against me and that my "assault" may have been "accidental". Lee's mother also testified that the police had asked her to leave on the

two occasions when the boy had made the allegations. The judge disallowed the letters and some semi-nude photos I had taken of Lee as corroborative evidence and the jury, after only fifteen minutes, returned a unanimous verdict of "not guilty".

That trial was the culmination of a large police effort to put me in prison. Seven boys involved in my adventure playground work had been interrogated. Only two of them had a parent present during this ordeal, and in that case only because their father had insisted that the questioning be carried out in their home by local police. Of the others, four (aged nine to fifteen) were held for a total of 14 hours each, without their parents. They were separated from each other and subjected to the kind of third-degree treatment used on hardened criminals. For example, all of the kids were refused any substantial refreshment. Twelve-year-old Paul was told that his thirteen-year-old brother Steve had "made a full confession" at the same time that Steve was told that lie about Paul. After the police said to him, "We know everything that went on between you and Roger Moody," Paul was threatened with an anal examination by police surgeons "who can discover everything you have been up to". He was also told, "We'll keep you here until midnight unless you tell us what we want to know."

Unfortunately for the designs of the

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police, there was nothing to tell. My relationship with these boys had been warm, reciprocal and very physical - but not sexual. After many hours of interrogation - interspersed with long periods of waiting in isolation - all the boys assented to statements virtually prepared for them by the police (their "protectors") alleging various acts of minor indecency. After the affair was over, Paul said that the deciding factor in his own breakdown was the lie the police told him that "Roger Moody had confessed everything". Paul thought, "If Roger himself said we did these things what point is there in holding out with the truth any longer?" Of course, I had made no such confession at all.

The kids' statements didn't sustain a charge against me. According to my solicitor this was because they couldn't be corroborated and nothing I had said during my two days of interrogation constituted corroboration.

There are several good lessons here. The most important concerns the attitudes of the kids. I had never discussed the possibility of arrest on a sexual charge

with my young friends (although none of them would have been surprised to find me arraigned for plotting to blow up a nuclear power station!). I now realise that this was a mistake. Any responsible adult who has a relationship with a "minor" (regardless of whether sex comes into it.) has an obligation to explain to his young friend the tactics of policemen: what a child sees on TV, masquerading as law and order, can easily be turned against them.

Kids also need to know that they have a right to silence, just as does anyone undergoing police questioning, whether they are suspects or not. Unfortunately, in Britain at any rate, police *never* inform youngsters of this. But under Judges Rules (administrative directives intended to protect the rights of people undergoing interview) no one under 16 years of age should be questioned by police in the absence "of a parent or guardian or some person who is not a police officer". This directive is flagrantly disregarded. In court, however, evidence that Judges Rules have been violated can weigh quite heavily with a jury: it did so in my case. Then, too, where the police have acted improperly parents can complain. The father of Steve and Paul was outraged at the treatment of his children. Even though he has little good to say about me (now), he told a mutual friend, "The police have done more damage to my kids in one day than Roger Moody could have done in three years." Unfortunately he was unwilling to make constructive use of his indignation and lodge an official complaint.

Not all parents are so reticent. Recently I was arrested again on another put-up charge concerning a nine-year-old boy by the name of Daren. Both parents complained in an official interview with my solicitor. The boy himself, under police questioning, said quite courageously, "I don't have to say anything. I can remain silent."

"Who taught you that?" asked a belligerent police constable. "Was it Roger Moody?"

"No," answered Daren, quite truthfully, "I read it in books."

Where a case has gone beyond the police station and is heading for trial it is still possible for both the parents and the child to stop the juggernaut if they wish. Lee's mother most emphatically did not want her son to appear in court against me, even though she believed the damaging statements the police had extorted from him. She wrote to my own solicitor, to the British National Council for Civil Liberties (NCCL), even to the Director of Public Prosecutions, stating, "whatever Roger did with Lee it can only harm Lee if he has to testify against Roger." For a while I was optimistic that Lee's mother would keep him from court. A sympathetic solicitor was even lined up to support her decision should the authorities serve a subpoena on her; my own barrister was pretty sure she could have succeeded had she stuck to her guns. "What court is going to deny a mother's right to protect her son?" he asked. Unfortunately as soon as the Director of Public Prosecutions received her letter two heavies were dispatched to put pressure on her. Alone and isolated from sympathetic advice, she succumbed.

It is a sad commentary on British police ethics that the more resistant an adult is to pressure - the more he invokes his right to silence or to a solicitor - the more mercilessly will the police often bear down on his young friend. The temptation, then, for the man to "confess" - even to something he didn't do - in order to let the boy get off

the hook, can be enormous. I know a clergyman who confessed to an indecent assault he didn't commit just to keep the youngster, who was only fourteen, out of court. In my interrogation, after I had been intransigent for nearly two days, the Detective Sergeant in charge made the same time-dishonoured move. "Surely you want to spare Lee the pain of having to testify against you in court," he said. "I can't believe you don't - if you love him as much as you say."

Even before I was arrested I knew what my response to this tactic would be. "If this case comes to court," I told him, "I will do my utmost to show that it is you, not me, who has put Lee through this suffering." Despite deep awareness of what trials can do to kids (they are unquestionably traumatizing) and despite my personal distress at having to watch Lee stand for an hour in the witness box in the Old Bailey officially testifying against me, I have little doubt that I was right not to "protect" my young friend in the way the police wanted me to. I am not sure whether Lee perceives it like that, for I have not spoken to him since the trial. However, had I made a false confession "to keep Lee out of it", I think he would have felt guilty for the rest of his life.

Statistics show that the great majority of paedophile sex offence cases which come to trial in Britain go undefended: the defendant simply pleads guilty. This in no way protects him from adverse publicity.

Roger Moody is a journalist who has worked for several years on various aspects of children's rights. In autumn 1975 he published the first article ever to appear in a British journal (Peace News) in which the author identified himself as a paedophile. It called for a radical movement for paedophile liberation. For more than a decade he has pioneered the development of adventure playgrounds in urban areas. He currently lives and works in London.

The material for the present article is largely drawn from a 64-page book by

*Roger Moody called **Indecent Assault**, published last March by Word Is Out Publishers, c/o 5 Caledonian Road, London N1 (80p Sterling). This is an account of his experience - legal but more importantly personal and emotional - in being prosecuted for allegedly bugging young Lee. It is not an easy book to read, since it relies largely upon diary entries made in the heat of the moment as events ground on. Disjointed and at times self-contradictory, it is nevertheless the most moving testimony to the cruelty of this kind of legalized moral persecution which has so far appeared in print.*

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Often it doesn't even win him the expected "light sentence" in court, for magistrates and judges are by now well used to boy-lovers making apologies and promises to get psychiatric treatment.

What is most important to realise is that a man's confession is often *the only corroboration* the police obtain - and without corroboration no defendant is supposed to be convicted. (In practice courts can, and sometimes do, convict without corroboration, but a defendant will stand a very good chance of success on appeal.) Without a confession the prosecution usually has to find evidence of "similar fact", acts which are so "strikingly similar" to those with which the defendant is charged as to comprise a "system". This cannot involve evidence that the defendant is a paedophile, or even that he has previously been convicted of a sex offence with children. It would also not, for example, be sufficient for a teacher to be observed sexually fondling another of his pupils in the same class as his young "victim". But if he were observed putting his hands inside the gym shorts of several boys in his gym class and he was accused of a similar act with another lad, that would almost certainly constitute a "system".

The most common corroborative evi-

dence used against paedophiles is photos or letters concerning the defendant's young friend. Such a written statement as "I touched John's cock" would be sufficient corroboration for a charge concerning John. Any paedophile who keeps such confessions around him, much less sends them to others, is putting his head irrevocably in the noose. In my case the police seized two photos of Lee undressing; both showed his unerect penis. The judge ruled that they could not be used as corroborative evidence of either attempted buggery or indecent assault. I don't know how he would have ruled had Lee had an erection - but it might have swung the jury against me in any event.

No paedophile needs to be told that he treads an extremely delicate dividing line between justifiable caution and paranoia. Should he destroy *all* photos and letters concerning his young friend? In my view that would merely fulfill the objectives of the police. We have a right to record the development of the kids we cherish - and the kids themselves have a right to be party to such records. But, while such material may not stand up in court, it can be, and frequently is, pandered by the police among the kids themselves, their friends and parents, and the children concerned thus made to feel guilty and humiliated. On balance I feel that paedophiles should keep only such records of their young friends as the kids themselves would not object to seeing published.

I won my case in court, but the victory was a Pyrrhic one. Although all my property was returned the police now have me on record as a boy-lover. Although most of the kids made a special point of associating with me throughout the case (as did three parents), they, too, are now well-known to the authorities. If anything positive came out of the experience it is what I had least expected: the boys who were most harshly dealt with by the police now have a very real appreciation of what oppression, in all its forms and ugliness, means. They have grown through the last two years with strength and new-found courage. But the price they had to pay for it has been unforgivably high.