

1. CR pl copy from Mary
Whitehouse file.

MR. ADDISON

2 CR - to label.

I attach the latest letters in from
Judge King Hamilton. I have acknowledge
so no further action required except
for you to file. I would suggest a copy
also goes on the Mary Whitehouse file.

SH

STEPHEN SHERBOURNE

26.8.86

CABLE: AERIAL, LONDON, W.I.
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PATRON:
HER MAJESTY THE QUEEN.



128, PICCADILLY,

LONDON, W1V 0PY.

5th Aug, '86

as from 3, Darnhill,
Watford Road,
Redlett.

Dear Derek Howl,

As arranged, when we spoke on the phone just before you went away, I now enclose the two letters for the Prime Minister.

I understand you have arranged for them to be delivered to her when she leaves hospital. I hope you will have a most enjoyable holiday.

Kind regards,

Sincerely,

Alan King Hamilton



10 DOWNING STREET

LONDON SW1A 2AA

26th August, 1986

Dear Judge King Hamilton

I am writing to acknowledge your letter of 5th August to the Prime Minister. Mrs. Thatcher was most grateful to you for writing in the way you did and for keeping her informed about the Mary Whitehouse Research and Education Trust. She was also grateful to you for your good wishes following her operation.

I hope you will understand why I am writing in reply but the Prime Minister cannot at present sign letters personally as she would wish.

Yours sincerely

Stephen Sherbourne

STEPHEN SHERBOURNE
Political Secretary

His Honour Judge King Hamilton QC

Personal

1. Prime Minister to see for info
2. I have announced.

Figures

3, Darnhills,
Watford Road,
Radlett,
Herts WD7 8LQ

5th August, 1936.

Dear Prime Minister,

Many thanks for your two letters of 24th July. I was much touched by the kind remarks in the Personal letter. You may be assured that we are not discouraged, by the attitude of the Home Office, in our efforts to seek a change in the climate of opinion on the law of obscenity.

On the contrary, and in furtherance of our objectives, a few months ago we set up the Mary Whitehouse Research and Education Trust and I was greatly honoured at being asked to become its first Chairman. Amongst its members are the Rt. Rev. Maurice Wood (former Bishop of Norwich) and Professor Malcolm Waldron (of Surrey University).

The object of the Trust is to seek to inform and educate listeners, viewers and readers, individually and in groups, about the effects of radio and television, including cable and satellite broadcasting, particular attention being paid to violence, obscenity, foul language, blasphemy and other matters.

It is hoped to achieve this by means of talks, papers, seminars and conferences in schools, colleges and other places of higher education.

The Trust has been established by a Deed and we now await formal approval by the Charity Commissioners. Until that arrives, hopefully in the very near future, we are not making public the existence of the Trust and I am sure you will therefore regard the matter as confidential for the time being.

I hope you won't mind my taking up some of the points raised in your "official" reply, and this I am doing in another letter under separate cover.

My wife and I, and the girls, were so very sorry to hear that you are soon to have an operation on your hand, and we send our best wishes for a speedy and successful recovery.

With every good wish and
warm personal regards,

Sincerely

Alan King Hamilton

P.S. The enforced rest in hospital -
which you have earned - will do
you a power of good. A blessing
in disguise? A.K.H.

3, Darnhills,
Watford Road,
Radlett,
Herts WD7 3QL

5th August, 1936.

Dear Prime Minister,

Many thanks for your letter of 24th July and the trouble taken to deal so fully with the matters I had raised. It was good of you, particularly in the light of the much more important matters claiming your attention just now. I'm sure you won't mind my taking up some of the points in your letter; I hope you won't think there is any need for a further detailed reply.

Obscenity Law. In your third paragraph it is asserted that Clause 2 of our Bill provides that "material is obscene only if it could encourage similar acts". (The emphasis is mine). This is not strictly accurate. In addition to the possibility (which is all that "could" connotes - not, I submit, requiring the much higher standard of proof envisaged by "would") the Clause also makes it necessary for the material to be adjudged obscene "by a reasonable adult" when first read, heard or seen. With the hoped for abolition of peremptory challenges, it is more probable that future juries will comprise a majority of "reasonable adults".

Moreover, in Clause 3 of our Bill, the onus is quite deliberately placed on the defendant to establish that the material in question "was an essential ingredient of the narrative which could not otherwise be suggested or left to the imagination of the reader, listener, or viewer".

As presently drafted, this Clause is merely guidance. On further reflection, I think the Bill would be strengthened by making the essence of the Clause one of the statutory tests of obscenity. With an Act containing Sections such as those drafted in this Bill, I would much prefer to prosecute than defend!

I accept that pornographers - and their counsel - would argue that any offensive passages or scenes were essential to the story line, but that argument would be far less likely to succeed (when the prosecution was justified) than defence arguments under the present Act to the effect that the material did not "tend to deprave and corrupt etc". I know under which legislation I would prefer to defend, were I still at the Bar.

For these amongst other reasons I do not share the view of the Home Secretary and David Mellor that our Bill weakens the existing law. On the contrary, and as a judge who has tried such cases, I make so bold as to think that our tests of obscenity would be much more easily understood and applied by jurors and therefore they strengthen the law. If able and experienced counsel appear for the Crown and the judge gives a clear and helpful direction to a jury of reasonable adults (and, in future, more such juries can be expected) it is my firm belief that a conviction will be a much more likely result than an acquittal in an appropriate case conducted by or with the consent of the D.P.P.

If I may say so, our anxiety is that even though it is generally accepted that the present Act is unsatisfactory in several respects, the Home Office does not produce anything to take its place and yet obstructs our efforts to remedy the present defects. It is very frustrating.

contn.

School Examinations. I appreciate that these examinations are set and administered by independent boards, but I didn't realise that the Secretary of State had no power to intervene. I would hope that, at least, notice would be taken of a suggestion coming from the Secretary of State.

If the next, and presumably the last, of the present series of G.S.C.E. examinations is postponed from next June until December, it will not only give to the students an extra six months preparation but more importantly obviate the hay-fever season.

I realise of course that December is a time of colds, influenza etc. I have no statistics, other than in my own family, as to which ailments present the greater problem. With us, as I'm sure with a very large number of others, it is hay fever.

I have told my daughter Jane of your kind suggestion that the school might approach the relevant board and she is most grateful.

Income Tax I had forgotten what was the full effect, on Income Tax, of the last Budget. I entirely agree that what you have pointed out is in line with what I had in mind.

However, it is the catch phrases which linger in the public memory, e.g. to the effect that it is a "rich man's budget" or it "helps the rich more than the poor". I expect that whatever is in the next budget, it will be distorted by opposition politicians and Press. But if there is a cut in Income Tax and it is limited to, say, the first £20,000 p.a. then it must be clear to the meanest intelligence, and incapable of distortion to the contrary, that the cut helps the poor more than the rich. I hope I would take the same view if my income were in the top bracket!

We are all sorry to know that you are to have an operation on your hand, and wish for you a speedy and successful result. Unless you have taught yourself to be ambidextrous, you won't be able to sign anything for a time. So this letter does not expect even to be in the queue awaiting replies!

*With every good wish,
yours sincerely
Alan King Hamilton*