

Ref CES

University of Essex

Registrar's Office
(Academic Section)
Wivenhoe Park, Colchester, Essex
Tel: Colchester (OCO 6) 5141

DWT/FH

13th June, 1968.

The Secretary,
Committee of Inquiry,
Room 5A 108,
Social and Comparative Studies Building.

Dear Sir,

Thank you for sending me the circular dated 11th June from your Chairman.
May I respectfully submit the following comments.

- 2) Paragraph 2 invites comment upon the application of the principle of free speech whereas paragraph 3(a) then proceeds to enunciate the general principle itself as a matter for agreement or dissent. Is there not a slight contradiction here?
- 3) Presumably the principle itself need not be a matter for protracted "dialogue." Anyone in doubt need only refer to Dicey's Introduction to the Study of the Law of the Constitution, Part VIII, Chapter 3, where it is treated as a fundamental political freedom and is defined as ^{relating} ~~necessary~~ that a man may write or say what he pleases provided that his words are not treasonable, seditious, obscene or contrary to the law of defamation. Perhaps it would be as well to publicise in the University the fact that this is recognised constitutional law.
- 4) Paragraph 3(b): Endorsed except for two provisos. First, the "group" should be one approved by the University authorities, i.e. normally a University club or society; and the proceedings should of course conform to the rules of such club or society. Second, public order and public amenities should be safeguarded and there should not be any public nuisance committed. Otherwise theoretically a few individuals could set themselves up as a "group" and, say, stage an international mass rally in Wivenhoe Park, erect beer tents, etc.etc. No section of the membership of a club is normally free to take over part of its premises for meetings at will. And there is a difference between organized political party meetings and Hyde Park Corner free-for-alls - though it is arguable that a part of the premises, out of doors, should be specially designated for the holding of "open" meetings.

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5) Paragraph 3(c).

If a demonstration is "morally justifiable" then presumably the University authorities, if they were to impose even the minimum penalty, would be acting immorally! And is it remotely conceivable that the University could produce a definition of morality acceptable to all its members? Why not simply follow legal practice, and where there has been an offence committed but on grounds of conscience then let "extenuating circumstances" be pleaded in mitigation?

Yours faithfully,



D. W. Turberville
Barrister-at-law.