

# Civil Liberties in Britain Today

/This memorandum concentrates on the legal aspects: specific examples under the various heads are referred to without going into detail/

1. As we have no written constitution we have no liberties positively secured to the individual by law (except freedom from arbitrary arrest which can be enforced under the Habeas Corpus Act). In general the basic freedoms of speech and assembly and association rest simply on the tenet that what is not prohibited is lawful. Thus, these and similar liberties depend on how the authorities choose to administer or enforce the law in any given place or time.

Example: there is no right to use the highway (or street corner) for a public meeting or demonstration; whether or not the meeting or demonstration takes place without interference depends therefore in practice on whether the authorities, i.e. the police, decide to break it up on some such ground as obstruction of the highway, danger of a breach of the peace, or breach of some regulation or other.

A further example is very topical: the Court of Appeal has in the last week or so come to the startling conclusion that the only right which the public have over the foreshore around our coasts is to pass over it in boats for the purpose of fishing when the tide is in. Apparently the public have no right to walk on the foreshore when the tide is out - bathing is tolerated but only just - to quote from The Times in its editorial comment on this remarkable decision.

2. Our Party tends naturally to be particularly concerned with freedom of demonstration and in this field there is the growing menace of the frequent resort by the Commissioner of Police in the Metropolitan area to the making of 'snap' Regulations which he has power to do for the purpose of keeping the streets clear. This makes everyone who stays in a particular street after being ordered to leave, automatically guilty of an offence. At recent Vietnam demonstrations which have taken place in Grosvenor Square, arrests have been made on the basis of "wilfully disregarding the Commissioner's Regulations". No advance warning of these Regulations was given and they were apparently issued verbally by loudspeakers which many of the demonstrators did not hear or understand (Civil Liberty 1966, p.8)

Generally the tendency as regards freedom of demonstration, apart from what is noted in the previous paragraph, is much the same as at any other time during the past 20 years, which means in effect that demonstrations are alright except when the government of the day does not like them. (Committee of 100 at Airfields; Queen Frederika; 13 students arrested outside Leeds Town Hall in April 1966 during Vietnam demonstration; similar arrests in Grosvenor Square July 1966; complaints of police brutality by students of LSE demonstrating against UDI Nov. 1965, etc.). The above may be taken as equally covering freedom of speech and of assembly. Note, however that the Race Relations Act viciously introduced an amendment to the Public Order Act 1936 which was duly used against the Left when, in June 1966, two young people were arrested for carrying placards against Menzies when he arrived in Dover for a Cinque Ports ceremony.

3. Ancillary points to be considered under the heading of freedom of speech and assembly are:-
  - (a) discrimination against Communist Party and other minorities in the allocation of radio and TV time both at election times and between elections (Grieves and Douglas Home petition).