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CABINET OFFICE,
WHITEHALL, LONDON SW1A 2AS

Chancellor of the Duchy of Lancaster

Tel No: 233 3299
7471

31st December 1985

The Rt Hon Douglas Hurd MP
Secretary of State for the Home
Department
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

NBPM

Dear Douglas,

MR CHURCHILL'S BILL TO AMEND THE OBSCENE PUBLICATIONS ACT

Thank you for sending me a copy of your letter of 18 December to Willie Whitelaw.

I agree that we should maintain contact with the promoters of this Bill and to seek a positive outcome. I concur with your view that the "list" approach, as advocated, will lead to difficulties in debate. I wonder whether the problems stem from the construction that certain material "should always be regarded as obscene", allowing the ingenious objector to look for an absurd example to discredit the Bill. Perhaps Winston Churchill should consider a form of strong presumption, rather than an absolute criterion.

As to the exemption from prosecution for the BBC and IBA, I support your view that we should not oppose its removal in principle; while the Chairman of the BBC and IBA would be sincere in their intentions to act upon their responsibility for the content of broadcast material, I would expect to see a constant erosion from within their organisations of any guidelines which they set. A less malleable, if still imperfect, sanction is that offered by the Courts.

I am copying this letter to the Prime Minister, other members of H Committee, and to Sir Robert Armstrong.

NORMAN TEBBIT

Time Affairs Oct. 83

Obscure Publications

