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4th March 1989

J. Crofts, Esq.,  
Chairperson,  
Conference and Elections Committee,  
National Council for Civil Liberties,  
21, Tabard Street,  
London,  
SE1 4LA.

Dear Sir,

Re: N.C.C.L. Annual General Meeting 1989

Although I am a member of the National Council for Civil Liberties, I write this letter in my capacity as solicitor and legal adviser to the National Campaign for the Reform of the Obscene Publications Acts (N.C.R.O.P.A.).

The honorary director of the N.C.R.O.P.A. has asked me to reply to your letter of 25th February 1989.

I have taken the opinion of Mr. Nigel J. Ley, of Counsel, who has authorised me to divulge it to the N.C.C.L. He has advised as follows:

"It could be said that the motion in question reflects exclusively on the behaviour of Ms. Catherine Itzin. However, the N.C.R.O.P.A., as an organisation affiliated to the N.C.C.L., is perfectly entitled to raise at the A.G.M. anything which is of relevant concern to members of the N.C.C.L. Clearly a termination of membership is a matter of concern to all members. Consequently, a libel action against the N.C.C.L. (or the N.C.R.O.P.A. for that matter) would be defeated by a plea of qualified privilege.

So far as the members of the N.C.C.L. are concerned, they could only be liable in defamation if they spoke in the A.G.M. debate with malice. Ms. Itzin would have to prove the malice and the N.C.C.L. could not be held liable for any malicious statements by its members or affiliates."

Our Counsel is of the opinion that the N.C.C.L. Annual General Meeting is in simile casu with the A.G.M. of a company. Qualified privilege attaches to resolutions and statements at a company A.G.M.

In the circumstances, the N.C.R.O.P.A. demands that within 14 days of the date of this letter, the N.C.C.L. agrees, in writing, to include the N.C.R.O.P.A. motion in question on the agenda for the N.C.C.L. 1989 A.G.M. If not, the N.C.R.O.P.A. will take legal action to force the N.C.C.L. to make the necessary arrangements to include this motion.

Yours faithfully,

Ted Goodman, LL.B. (Sol.)

Copy to: Ms. Christine Jackson, Chairperson, Executive Committee, N.C.C.L.

COPY OF THE SUBMITTED MOTION IN QUESTION

"This AGM censures the Executive Committee for refusing to terminate the membership of Catherine Itzin for reported and substantiated breaches of the Council's Constitution and Rules."