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## **FB's prosecution of Peter Hain for criminal conspiracy**

May I please be allowed to correct some misconceptions that might arise from the item headed 'Prop for Bennion' in *The Times* Diary of February 24 1971? My prosecution of Mr Peter Hain is not, as the item suggests, limited to the abortive 1970 cricket tour. The 14 informations laid before the magistrate at South-Western court on January 21 relate also to the 1969-70 rugby tour, the 1970 Davis Cup match between Great Britain and South Africa, the Wilf Isaacs cricket tour and the forthcoming Wimbledon championships. You state that the Society for Individual Freedom is 'politically motivated'. Even if it is, this does not mean that because I accept the society's support my prosecution of Mr Hain is politically motivated. My only concern is to uphold the rule of law. The law allows peaceful demonstrations, and I fully support this.

It is not for me to speculate on why the National Council for Civil Liberties which you say has all-party backing, should use its supporters' money to defend Mr Hain. Its secretary, Mr Smythe, says that private prosecutions threaten free speech. The great constitutional lawyer Maitland said that the principle of allowing any citizen to prosecute was an important one. He added: 'A principle of law is not unimportant because we never hear of it; indeed we may say that the most efficient rules are those of which we hear least: they are so efficient that they are not broken. No person, even though he be a Minister of the Crown, can commit an indictable offence without running the risk of some member of the public bringing a prosecution against him'. The right to bring a private prosecution is in fact a bastion of civil liberties, especially in areas of political sensitivity where governments may hesitate to act. It guarantees that no one will be above the law.

I leave your readers to judge the propriety of Mr Smythe's remark that the basis for my prosecution is 'flimsy'. In doing so they should know that the National Council for Civil Liberties are well aware that, High Court proceeding being in progress, the matter is *sub judice*, and I have just asked my solicitors to supply particulars of the charges, which apparently are not known to them. Thus they have adversely commented on my prosecution of Mr Peter Hain at a time when they were ignorant of the charges.<sup>1</sup>

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<sup>1</sup> *The Times*, 27 February and 4 March 1971.