CABINET 61 (47)

CONCLUSIONS of a Meeting of the Cabinet held at 10, Downing Street, S.W. 1, on Tuesday, 15th July, 1947, at 10 a.m.

Present:
The Right Hon. C. R. Attlee, M.P., Prime Minister (in the Chair).
The Right Hon. Viscount Jowitt, Lord Chancellor.
The Right Hon. Viscount Addison, Secretary of State for Commonwealth Relations.
The Right Hon. A. Creech Jones, M.P., Secretary of State for the Colonies.
The Right Hon. Aneurin Bevan, M.P., Minister of Health.
The Right Hon. George Tomlinson, M.P., Minister of Education.
The following were also present:
The Right Hon. Viscount Hall, First Lord of the Admiralty.
The Right Hon. Hector McNeil, M.P., Minister of State.
The Right Hon. F. J. Bellsenger, M.P., Secretary of State for War.
The Right Hon. John Strachey, M.P., Minister of Food.
The Right Hon. William Whiteley, M.P., Parliamentary Secretary, Treasury (Item 3).

Secretariat:
Mr. W. S. Murrie.
Mr. S. E. V. Luke.
## CABINET 61 (§7)

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1. The Minister of State said that, though precise information about recent events in Greece had not so far been received, it was clear that extensive arrests had been made by the Greek Government. There had been no consultation with His Majesty’s Government, or so far as he knew, with the United States Government before these arrests had been made. The Greek Government claimed to have anticipated a major Communist plot, and the large-scale rebel attack on Konitza gave some colour to the suggestion that a Communist offensive might have been planned. It was impossible to form definite views until more information was available, and, meanwhile, we were pressing the Greek Government to make emergency arrangements for screening the arrested persons. There were still 5,000 British troops in Greece, but they were not involved in operations against the rebels.

The Cabinet—

Took note of the statement by the Minister of State.

2. The Cabinet resumed their discussion of the attitude which the Government should adopt with regard to capital punishment when the Criminal Justice Bill was before Parliament, and had before them a memorandum by the Home Secretary (C.P. (47) 200) drawing attention to the considerations which should be borne in mind in reaching a decision on this matter.

The Home Secretary recalled that at the discussion on 19th June it had been suggested that the question whether capital punishment should be abolished should be left to a free vote on the Report Stage of the Bill. This might well, however, be taken as an indication of indecision on the part of the Government and as an invitation to the House of Lords to delete from the Bill any provision abolishing the death penalty which might be inserted in it by the House of Commons. The Government would then be faced with the difficult question whether the reinstatement of the provision should be left to a free vote of the House of Commons. In these circumstances, if the Cabinet felt unable to take the initiative by inserting in the Bill a Clause for the abolition of the death penalty, the best course might be to table a Resolution which would enable the House to consider whether there should be more frequent recommendations for the exercise of the Royal Prerogative.

The Secretary of State for War said that the Army and Air Force Acts provided for the death penalty for certain military offences, such as shamefully delivering up a post or casting away arms in the presence of the enemy, as well as for those offences which were punishable by death under the ordinary law. Experience had shown that, if the death penalty for an offence was abolished in peace-time it was difficult, if not impossible, to reimpose it in war, and even in time of peace conditions in the Armed Forces, whose members were necessarily in possession of lethal weapons, were not comparable with conditions in the civil community. He hoped, therefore, that any decision to abolish capital punishment for offences punishable under the ordinary law would not be extended to cover offences punishable under military law without a careful enquiry into the consequences of such a step.

The First Lord of the Admiralty supported the Secretary of State for War; and The Secretary of State for Air said that, though the Air Council had reached the conclusion that the death penalty could safely be abolished for all offences other than those for which it could be imposed under the ordinary law, he agreed that an enquiry on the lines proposed would be desirable.

The Lord Chancellor said that His Majesty’s Judges were unanimously opposed to the abolition of the death penalty on the
ground that it constituted the only effective deterrent in certain cases. Moreover, at the present time, when there was an abnormal amount of crime with violence, abolition might have very grave consequences. He thought that it would be worth considering whether, in preference to the suggestion that there might be more frequent recommendations for the exercise of the Royal Prerogative, it might be possible to introduce a system similar to that adopted in some parts of the United States under which a distinction was made between murder in the first and second degree, the death penalty being reserved for cases of the former kind.

In further discussion it was urged that, since Ministers were not agreed on the merits of the question and since this divergence of view was reflected among Members of Parliament of all Parties, the right course was to leave the matter to a free vote, unless it were found possible to avoid its being raised altogether. It was pointed out that the Government might reasonably be expected to give a lead to Parliament on a matter such as the abolition of capital punishment and that if on a free vote in the House of Commons the Bill were amended to provide for abolition and the House of Lords were subsequently to delete the provision from the Bill, the Government would be placed in an extremely awkward situation. In these circumstances, there was much to be said for attempting to dissociate the question of the death penalty from the Criminal Justice Bill. One method of doing this would be to promise that a Bill abolishing the death penalty would be introduced in a later Session, but before such a promise could be given it would be necessary that Ministers should agree that the death penalty ought to be abolished and the discussion at the Cabinet’s meeting on 10th June had shown that Ministers were divided on this question. Accordingly, the best course seemed to be to explore further the possibility of drafting the title of the Bill in such a way as to exclude any amendment to abolish capital punishment. At the same time, an attempt should be made to assess the strength of feeling among Government supporters in favour of abolition and to determine whether it would be possible to convince them that they should refrain from pressing for the abolition of capital punishment at the present time. It could be represented to them that such evidence as there was of opinion in the country did not suggest that there was any strong demand for abolition; that the Government had no mandate for this change in the law; and that any attempt to deal with capital punishment in the Criminal Justice Bill might, in view of the attitude of the House of Lords, jeopardise the very desirable reforms contained in that Bill.

The Cabinet—

(1) Invited the Home Secretary to ascertain whether it would be possible to draft the title of the Criminal Justice Bill in such a way as to exclude any amendment for the abolition of capital punishment;

(2) Invited the Lord President to take soundings among Government supporters with a view to determining whether it would be possible to persuade those who were in favour of the abolition of capital punishment that in the interests of securing the passage of the Criminal Justice Bill in the 1947-48 Session they should refrain from pressing for this change in the law;

(3) Invited the Home Secretary to circulate a memorandum to the Cabinet on the suggestion made by the Lord Chancellor that it might be possible to distinguish between certain types of murder for which capital punishment would be retained and other types for which it would be abolished.
3. The Cabinet considered a memorandum by the Home Secretary (C.P. (47) 193) reporting certain conclusions reached by the Ministerial Committee appointed to consider the scope and form of any legislation on electoral reform to be introduced in the 1947-48 Session.

The Home Secretary said that he had set out in C.P. (47) 193 the conclusions so far reached by the Committee as a result of their consideration of the Report of the Committee on Electoral Registration (Cmd. 7004), the Interim Report of the Committee on Electoral Law Reform (Cmd. 6606) and the outstanding recommendations of the Speaker’s Conference (Cmd. 8534 and 6543). The Committee had still to consider the Final Report of the Committee on Electoral Law Reform, and they had not yet completed their consideration of the recommendations of the Speaker’s Conference with regard to speakers’ expenses and increased polling facilities in rural areas. With the exception of the recommendation that postal and proxy voting facilities should not be extended to absentee owners in Scotland, all the conclusions set out in C.P. (47) 193 were unanimous. The proposed Bill would deal not only with electoral reform but also with the redistribution of seats, and he was fully aware of the need to do everything possible to have the Bill ready for introduction early in the new Session.

In discussion the following points were made:

(a) There was general agreement that, in accordance with the principle that each person should have only one Parliamentary vote, the business premises qualification and University representation should be abolished. This would not be inconsistent with the retention of the arrangements under which local government electors who occupied, or in Scotland owned, premises in different areas should have more than one local government vote.

(b) The Committee had recommended that the City of London constituency, the electorate of which would, with the abolition of the business premises qualification, be reduced to 4,555 voters, should be abolished. The Cabinet were agreed that the retention of the City as a separate constituency was indefensible but it was suggested that, in view of its historic associations, the title of the City of London constituency should be preserved, the electorate being enlarged by amalgamating the City with suitable portions of adjoining Metropolitan boroughs.

(c) It was suggested that those Peers who were not entitled to a seat in the House of Lords should be given a Parliamentary vote; and The Home Secretary undertook to consider what amendment of the law would be required to effect this.

(d) The Minister of State asked whether it would not be possible to give Crown servants stationed overseas the same right to vote in Parliamentary elections as it was proposed to give to members of the Armed Forces. It seemed to him difficult to distinguish between a member of the Control Commission for Germany and a member of the Armed Forces who happened to be stationed in Germany.

In reply it was pointed out that, if any concession were made in favour of Crown servants stationed abroad, it would be difficult to withhold it from members of commercial firms who were sent abroad; and the general view of the Cabinet was that the right to vote in United Kingdom elections while stationed overseas should be restricted to members of the Armed Forces.

(e) It was questioned whether, in view of the shortage of man-power, it would be justifiable to revert to the pre-war system of basing the electoral register on a canvass. On the other hand, it was pointed out that the associations of local authorities and the Party agents were strongly in favour of a reversion to the canvass system and that the additional work entailed would in fact be carried out by existing members of local authority staffs and by retired persons, with the result that the man-power available for productive industry would not be affected.
The Lord President and The Chancellor of the Exchequer urged that the Government should not accept the recommendation that two registers should be published each year. The abolition of the qualifying period of residence would enable a more up-to-date register to be produced, and the compilation of a second register would involve an additional annual expenditure of about £4 million from the Exchequer and £4 million from the rates, as well as increasing the pressure of work on the printing trade.

As against this it was pointed out that the compilation of a second register each year was strongly advocated by the political Parties and desirable as a means of ensuring the smooth and efficient working of representative government. There were likely to be considerable movements of population in the coming year, and if there were only a single register each year many people would be disfranchised, which would give rise to complaint and undermine the support for Parliamentary government. Moreover, it was unlikely that in future years there would be the same difficulties as there had been in 1945, when the need for a complete reprinting of the register had coincided with a dispute in the printing trade. In these circumstances, the general view of the Cabinet was in favour of providing for two registers a year.

It was pointed out that if the Government accepted the recommendation in paragraph 9 of C.P. (47) 193 that all local elections should be held in the spring, the question would arise whether arrangements should be made to hold county council and district council elections on the same day. Discussions on this point were being held with the associations of local authorities and a final recommendation on the point would be made to the Cabinet at a later date. There was much to be said for holding both county council and district council elections on the same day, but there might well be objections to a similar arrangement for the London County Council and the Metropolitan borough elections.

The Home Secretary said that he had been in touch with the Service Ministers in order to ensure that the Service Regulations and the instructions issued to Commanding Officers were such as to ensure that all members of the Armed Forces had a full opportunity of exercising their rights as citizens and that suitable disciplinary action would be taken against any officers who failed to discharge their responsibilities in this matter.

The Committee had recommended that, in order to remove doubts, the law should be amended to provide that candidates at Parliamentary elections (but not their wives) should be eligible to vote as absent voters. The Cabinet felt, however, that the spouses of Parliamentary candidates should also be eligible to vote as absent voters.

The Home Secretary said that the Committee had intended that facilities for postal voting in Metropolitan borough elections should be granted, though this had not been specifically stated in paragraph 11 of C.P. (47) 193.

The Home Secretary undertook to consult the Minister of Education about the use of schools for election meetings.

The Cabinet—

1. Subject to the points noted in paragraphs (b), (e), (i) and (j) above, approved the recommendations of the Ministerial Committee as set out in C.P. (47) 193.

2. Took note that the Home Secretary would circulate a further memorandum dealing with the recommendations of the Ministerial Committee on the Final Report of the Committee on Electoral Law Reform and on any other outstanding points.