CABINET 35 (48)

CONCLUSIONS of a Meeting of the Cabinet held in the Prime Minister's Room, House of Commons, S.W. 1, on Thursday, 3rd June, 1948, at 10 a.m.

Present:

The Right Hon. C. R. Attlee, M.P., Prime Minister (in the Chair).
The Right Hon. Sir Stafford Cripps, K.C., M.P., Chancellor of the Exchequer.
The Right Hon. Viscount Jowitt, Lord Chancellor.
The Right Hon. A. Creech Jones, M.P., Secretary of State for the Colonies.
The Right Hon. A. Woodburn, M.P., Secretary of State for Scotland.
The Right Hon. Aneurin Bevan, M.P., Minister of Health.
The Right Hon. George Tomlinson, M.P., Minister of Education.

The Right Hon. T. Williams, M.P., Minister of Agriculture and Fisheries.
The Right Hon. J. H. Wilson, M.P., President of the Board of Trade (Items 1-4).

The following were also present:

The Right Hon. James Griffiths, M.P., Minister of National Insurance (Item 9).
The Right Hon. G. R. Strauss, M.P., Minister of Supply (Item 8).
The Right Hon. William Whiteley, M.P., Parliamentary Secretary, Treasury (Items 1-5).

Secretariat:

Sir Norman Brookes.
Mr. W. S. Murrie.
Mr. S. E. V. Luke.
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1. The Prime Minister, on behalf of his colleagues, welcomed Mr. Hugh Dalton's return to the Cabinet on his appointment as Chancellor of the Duchy of Lancaster.

2. The Prime Minister said that experience in the summer of 1947 had emphasised the need for making arrangements in advance to ensure that a reasonable number of Ministers would be available for the transaction of Cabinet business at all times throughout the summer recess. He would, therefore, be asking all Ministers to inform him, through the Secretary of the Cabinet, of their holiday plans. When these were known, he would consider whether a sufficient number of Ministers would be available for duty at all times throughout the Recess: he hoped that on this occasion it would not be necessary for him to ask many Ministers to modify arrangements which they had already made.

The Cabinet were informed that important decisions would have to be taken, in about the second week of September, on a five-year economic programme which had to be formulated in connection with the European Recovery Programme. It would be convenient, therefore, if Ministers closely concerned with those questions could arrange to take their holidays during August.

3. The Cabinet were informed of the business to be taken in the House of Commons in the following week.

4. In the Committee Stage of the Criminal Justice Bill on the previous day the House of Lords had deleted, by a majority of 181 votes to 28, the clause suspending the death penalty for murder. The Home Secretary recalled that a substantial majority of Government supporters in the Commons had voted in favour of this clause, despite the advice given by the Government; and on the Third Reading of the Bill he had announced that the Government accepted the decision of the House of Commons. In the House of Lords, on the other hand, though some speakers had offered uncompromising opposition to any change in the existing law, it seemed likely that a majority would accept some compromise by which the death penalty would be retained for a limited class of murders, as when a prisoner murdered a prison officer or a criminal committed murder in an attempt to evade arrest. He therefore sought the advice of his colleagues on the question whether an attempt should be made to devise some such compromise and to ascertain, by discussion at a meeting of the Labour Party, whether it would be acceptable to a majority of Government supporters in the House of Commons.

The Home Secretary also recalled that, on the assumption that the new clause would be enacted during the present Session, he had decided that it would be his duty to ensure that meanwhile no death sentence for murder should be carried into effect, and he had announced his intention to advise His Majesty to commute every death sentence by conditional pardon to a sentence of penal servitude for life. In the House of Lords debate on the previous day the Lord Chief Justice had argued that this decision was unconstitutional. Subject to any views which his colleagues might have to offer, he did not propose to modify his earlier decision on account of this criticism.

The Cabinet agreed that the Home Secretary should continue to advise commutation of all death sentences passed while the suspension of the death penalty was under discussion in the present Session of Parliament.

On the main issue the Cabinet recognised that, since the clause suspending the death penalty had been passed by the House of Commons, widespread doubts had been expressed about the wisdom of making this change in the law at the present time, and it seemed likely that the balance of public opinion throughout the country was against the clause. In the discussions on the Parliament Bill the Government had taken the line that the House of Lords was not
competent to interpret the popular will as against the judgment of the House of Commons; and it was expedient on this account that, if the Government now considered that the earlier decision of the Commons on the question of capital punishment did not accurately reflect the present mood of public opinion throughout the country, they should find some means of avoiding a direct conflict of view on this issue between the Lords and the Commons. It was significant that Lord Chorley, the President of the National Council for the Abolition of the Death Penalty, should have indicated in the Lords debate on the previous day that he would be willing to agree that the death penalty should be retained for treason or for the murder of a policeman or a prison officer. The Lord Chancellor had drawn up an outline of a clause designed to reserve the death penalty for specially serious classes of murder, and there was reason to believe that a compromise on those lines might be acceptable to majority opinion in the House of Lords. There was no evidence that among Government supporters there had been any substantial swing of opinion against the clause since it had been carried on the Report Stage of the Bill; but it was possible that, if the difficulties of the situation were fully explained at a Party meeting, a majority of Government supporters might be persuaded to vote in favour of such a compromise.

The Chancellor of the Exchequer and the Minister of Health said that in the circumstances which had now arisen they would be prepared to support a reasonable compromise along the lines which had been indicated in the Cabinet’s discussion.

The Cabinet—

(1) Agreed to recommend to the Parliamentary Labour Party that the Government should seek a solution of the situation arising from the decision of the House of Lords to delete Clause 1 of the Criminal Justice Bill by putting forward a compromise clause under which the death penalty would be retained only for certain specified classes of murder.

(2) Invited the Home Secretary and the Chief Whip to take informal soundings with a view to ascertaining whether in the circumstances which had arisen a compromise solution on these lines would be acceptable to the more moderate opponents of the death penalty among Government supporters in the House of Commons.

(3) Invited the Home Secretary and the Lord Chancellor to devise a new clause giving effect to the suggested compromise, which could be discussed at an early meeting of the Parliamentary Labour Party.

5. The Lord Privy Seal said that, when the debate on the Second Reading of the Parliament Bill was resumed in the House of Lords on 8th June, members of the Conservative Opposition were likely to urge that the Bill should be rejected outright. There was, however, a substantial body of Cross-Bench opinion in the Lords which would be in favour of giving the Bill a Second Reading and seeking to amend it in Committee in a way which might be acceptable to all Parties. In these circumstances it would probably be necessary for him to indicate, in replying to the debate, how far the Government would be prepared to go in accepting amendments which might be moved in Committee. Would his colleagues be agreeable to his giving an indication that, if the Bill went into Committee, the Government would be prepared to accept an amendment providing that the "period of delay" under the Parliament Act procedure should be either twelve months from Second Reading in the Commons, or nine months from Third Reading in the Commons, whichever was the longer?

In discussion there was general agreement that it would be unwise for the Government to promise in the Second Reading debate
to accept any particular amendment which might be moved in Committee. The Government spokesman could not properly go further than to promise that the Government would be prepared to consider on their merits amendments which did not destroy the main principle of the Bill.

The Minister of Health said that in his view it would be preferable that the Government should make it clear from the outset that they were not prepared to make any further concessions on this Bill. The amendments which had been tentatively discussed in the Party Leaders’ Conference had been put forward in the hope of reaching a comprehensive agreement on both the powers and the composition of a Second Chamber; and, as no such comprehensive agreement had been reached, the Government were now under no obligation to look favourably on any of those suggestions. He himself had not been in favour of attempting to reach an agreement between the Parties on House of Lords reform and, now that the attempt had failed, he thought the Government would be in a much stronger position if they insisted that the Bill must be passed in the form in which it had left the Commons, even if it had to be enacted in this form under the Parliament Act procedure. He was concerned at the lengths to which the Government representatives in the Party Leaders’ Conference had gone in discussing House of Lords reform, without full consideration of all the issues by the Cabinet; and he believed that if any further concessions were now made on the Bill, the Government would find themselves in grave difficulties with the Parliamentary Labour Party.

In reply it was pointed out that the alternative formula of twelve months from Second Reading or nine months from Third Reading had been fully discussed by the Cabinet on 8th and 11th March, and the Cabinet had agreed on the latter date that the formula might be put forward by the Ministers taking part in the Party Leaders’ Conference on the basis that the Government would be prepared to include this in any agreed set of proposals on which the Party Leaders might undertake to ascertain the views of their supporters. It was clear that no concession could now be made on the Bill without further discussion at a meeting of the Parliamentary Labour Party. But the immediate question was whether the Government spokesman in the Second Reading debate should exclude in advance all possibility of the Government agreeing to any amendment in the Committee Stage.

In further discussion it was suggested that in the Second Reading debate the Government should take the line that the primary object of the Bill was to ensure that the power of the Lords to delay the passage of legislation could not be used to prevent a Government from making effective use of the fourth session of a five-year Parliament. They were determined to secure that object. If, however, the Bill were given a Second Reading they would be prepared to consider, in Committee, on their merits, any amendments which were consistent with that object. There was general support for this suggestion.

The Minister of Health said that, in agreeing that the Government spokesman might take this line in replying to the Second Reading debate, he should not be understood to commit himself to the view that the powers of delay which might be accorded to the House of Lords as now constituted would be appropriate for a reformed House of Lords designed to discharge the functions of a revising Chamber.

The Cabinet—

Agreed that, in replying to the debate on the Second Reading of the Parliament Bill in the House of Lords, the Lord Privy Seal might indicate that, if the Bill received a Second Reading, the Government would be prepared to consider in Committee, on their merits, any amendments which were not inconsistent with the Bill’s primary object
of ensuring that the power of the Lords to delay legislation could not be used to prevent a Government from making effective use of the fourth session in a five-year Parliament.

6. The Foreign Secretary said that since 10th May His Majesty’s Ambassador in Cairo had been negotiating with the Egyptian Minister for Foreign Affairs on a draft Ordinance for constitutional reform in the Sudan. In return for Egyptian approval of the draft we had offered to agree to—

(i) Two nominated Egyptian members on the Executive Council.
(ii) An Anglo-Egyptian Committee to supervise the elections to the Legislative Assembly.
(iii) An Anglo-Egyptian-Sudanese Committee to supervise the Sudan’s progress towards self-government.

This offer had not satisfied the Egyptian Government, who had pressed that the Egyptian members of the Executive Council should be heads of departments in the Sudan administration. We could not accept this, since we were pledged not to introduce Egyptians into the Sudan administration; but His Majesty’s Ambassador had been authorised to offer a third seat on the Executive Council to be occupied by the senior staff officer of the Egyptian forces in the Sudan. The Egyptian Minister for Foreign Affairs was satisfied with this offer and it was understood that he had the support of the majority of the Egyptian Cabinet. The Egyptian Prime Minister, however, wished to insist on equality of status for the Egyptian members of the Executive Council and his view might prevail. The extended time-limit fixed for the final Egyptian reply expired on 7th June and, if the reply was not favourable, it was proposed to authorise the Governor-General to promulgate the Ordinance without Egyptian approval. This would be illegal, but our case in equity would be strong and it seemed unlikely that the Egyptians would bring the matter before the International Court. Any further delay would lead to unrest in the Sudan, which might well spread to Kenya.

The Cabinet—

Agreed that, if by 7th June the Egyptian Government had not approved the draft Ordinance for constitutional reform in the Sudan, the Governor-General should be authorised to promulgate the Ordinance without Egyptian approval.

7. The Lord Privy Seal said that Lord Strabolgi had put down a Question for Monday, 7th June, inviting a further Government statement on Palestine. If this Question were asked, a debate might develop on the situation in Palestine. He assumed that this would be undesirable and he therefore proposed to arrange for the Question to be removed from the Order Paper.

The Foreign Secretary said that any debate in either House on Palestine at the present stage would prejudice the efforts of the United Nations mediator to reach agreement on a date for the beginning of the proposed four weeks’ truce in Palestine.

The Cabinet—

Took note that the Lord Privy Seal would arrange for Lord Strabolgi’s Question about the situation in Palestine to be removed from the Order Paper.

8. The Cabinet had before them a memorandum by the Minister of Supply (C.P. (48) 130) reporting what had been done to increase deliveries of booty scrap from Germany and to place additional contracts there for commercial scrap.

The Minister of Supply said that the situation was extremely disquieting. Though good progress had been made in providing the
equipment necessary to enable deliveries of booty scrap to be increased, it had so far proved impossible to do anything effective towards obtaining commercial scrap. Even if all went as well as possible, we were likely to be $\frac{1}{2}$ million tons short of the amount of scrap needed in the year 1st July, 1948–30th June, 1949. He would circulate shortly to his colleagues the final report of the Graham Cunningham Scrap Investigation Committee.

The Chancellor of the Exchequer said that we now had to face strong competition from the United States for supplies of German commercial scrap, and it would be dangerous to rely on obtaining large quantities from Germany. The fall in steel production that would take place if we failed to obtain the necessary supplies of scrap would be disastrous to our whole economy and, in his view, every effort must be made not only to obtain the maximum amount from Germany but also to draw supplies from other foreign countries and to exploit all possible sources of supply in the United Kingdom. He understood that the output of scrap from ship-breaking at Faslane, Garelochhead, could be considerably expanded if arrangements were made to add to the labour force, and the additional labour could be housed in empty camps in the neighbourhood.

The Foreign Secretary said that a date for the introduction of currency reform in Germany had now been fixed. If the Chancellor of the Exchequer and the Minister of Supply would give him the necessary information about our difficulties in obtaining German commercial scrap he would take the matter up with the United States Ambassador. He would also be glad if the Minister of Supply would let him know whether the Italian Government were carrying out their undertaking to deliver scrap to the United Kingdom.

Other points in discussion were:

(a) The production of pig iron was being expanded as rapidly as possible, but this did not affect the immediate need for large supplies of scrap in the next year or two.

(b) In recent trade discussions with the French Government an attempt had been made to obtain scrap from France.

(c) The Egyptian export tax on scrap had been withdrawn, but physical difficulties made it impossible to obtain more than very limited supplies from Egypt.

(d) The Minister of Supply might consider with the Minister of Transport whether highway authorities might not be asked to expedite the work of removing derelict tram lines during the next year or two.

(e) General Loch had accepted the invitation to take charge of the work of obtaining both booty scrap and commercial scrap from Germany.

The Cabinet—

(1) Invited the Chancellor of the Exchequer and the Minister of Supply to give the Foreign Secretary a note showing what quantities of commercial scrap were required from Germany in the year 1st July, 1948, to 30th June, 1949, what difficulties stood in the way of obtaining this scrap and what suggestions might be made to the United States Government for overcoming these difficulties; and took note that the Foreign Secretary would then consider how the United States Government might best be approached.

(2) Took note that the Minister of Supply would shortly circulate a further memorandum on steel scrap covering the final report of the Graham Cunningham Scrap Investigation Committee, and invited the Minister to include in his memorandum estimates of the amount of scrap which might be obtained from overseas sources other than Germany and from the collection of scrap in the United Kingdom in the year 1st July, 1948, to 30th June, 1949.
9. The Cabinet considered a note by the Foreign Secretary (C.P. (48) 131) covering the report of the Official Committee set up in accordance with the Cabinet's decision of 23rd February, 1948, to consider the possibility of securing a uniform standard of social services in Western European countries. They also had before them a memorandum by the Foreign Secretary (C.P. (48) 132) covering a report by the Official Committee on a proposal that the five signatories to the Brussels Treaty should jointly arrange a Social Services Exhibition.

The Foreign Secretary said that he was anxious that the machinery established by the Brussels Treaty should be used as soon as possible for promoting joint study and co-operation on important social questions. The Official Committee had drawn attention to certain fields in which useful results might be achieved and had suggested certain topics that His Majesty's Government might put forward for discussion. If the Cabinet approved, he proposed to embody the Committee's proposals in a memorandum for submission to the Consultative Council established under Article VII of the Treaty. The Official Committee had also examined M. Bidault's proposal for a Social Services Exhibition and had recommended that a film or series of films would be a better medium for portraying the social services of the Western European countries. He suggested that the Foreign Office and the Central Office of Information, in consultation with the Departments concerned with the main social services, should study this alternative proposal with a view to framing a recommendation for submission to the Permanent Commission at an early date.

The following points were made in discussion:

(a) The work connected with the introduction of the National Insurance Scheme and the National Health Service would impose a heavy strain on the staffs of the Ministry of National Insurance and the Health Departments during the next six weeks. It would, therefore, be expedient if the submission of the proposed memorandum to the Consultative Council could be postponed for a short period.

(b) Attention was drawn to the importance of developing co-operation in social services with Commonwealth Governments. Good progress was being made in this field.

(c) There were already close contacts with Western European countries in matters of education.

The Cabinet—

(1) Agreed that a memorandum based on the proposals made in the report of the Official Committee on Social Services in Western Europe annexed to C.P. (48) 131 should be prepared for submission to the Consultative Council established under Article VII of the Brussels Treaty, and invited the Foreign Secretary to settle with the Health Ministers and the Minister of National Insurance the date on which this memorandum should be submitted.

(2) Invited the Lord President and the Foreign Secretary to discuss the proposal made by the Official Committee on Social Services in Western Europe that, as an alternative to a Social Services Exhibition, a film or series of films should be prepared portraying the social services of the Western European countries; and agreed that, if this suggestion proved practicable, it should be submitted to the Permanent Commission established by the Brussels Treaty.
10. The Cabinet considered a memorandum by the Foreign Secretary (C.P. (48) 124) giving an account of the proceedings at the United Nations Conference on Freedom of Information. Annexed to this memorandum were the texts of three draft conventions which were to be submitted to the Economic and Social Council, together with any comments by the Governments which had taken part in the Conference. The Cabinet were asked to take note of these conventions and to agree that, subject to any comments that it might seem desirable to make on them as a result of consultation among the Departments concerned, His Majesty's Government should inform the Secretariat of the Economic and Social Council that they were in agreement with the principles of the conventions.

Points in discussion were:

(a) Article 3 of the draft convention on the gathering and international transmission of news would preclude a Minister from holding a Press conference confined to Lobby correspondents.

(b) When the draft convention on freedom of information came before the Economic and Social Council, the representative of His Majesty's Government would have to resist any attempt to make it automatically applicable to non-self-governing territories.

The Cabinet—

Took note of the draft conventions and of the resolutions passed by the United Nations Conference on Freedom of Information and agreed that the Economic and Social Council should be informed that, subject to the points noted in paragraphs (a) and (b) above and to any other comments that it might seem desirable to make as a result of consultation with the Departments concerned, His Majesty's Government were in agreement with the principles contained in the draft conventions.

11. The Prime Minister informed the Cabinet that it had been hoped to hold a meeting of Commonwealth Prime Ministers in June. This had proved impossible because the Prime Ministers of Canada and South Africa were unable to attend at that time, and it was now proposed to hold a meeting in the autumn. Meanwhile, individual Prime Ministers would be encouraged to visit the United Kingdom during the summer.

The Cabinet—

Took note of the Prime Minister's statement and invited the Secretary of State for Commonwealth Relations to arrange for a Parliamentary Question which would enable him to announce the Government's plans for a meeting of Commonwealth Prime Ministers.

Cabinet Office, S.W. 1,
3rd June, 1948.