CABINET

CONCLUSIONS of a Meeting of the Cabinet held at
10 Downing Street, S.W.1, on Thursday, 20th May, 1965,
at 10.30 a.m.

Present:
The Right Hon. HAROLD WILSON, M P, Prime Minister

The Right Hon. GEORGE BROWN, M P,
First Secretary of State and Secretary of State for Economic Affairs
The Right Hon. LORD GARDINER,
Lord Chancellor
The Right Hon. DENIS HEALEY, M P,
Secretary of State for Defence
The Right Hon. ARTHUR BOTTOMLEY,
M P, Secretary of State for Commonwealth Relations
The Right Hon. JAMES GRIFFITHS, M P,
Secretary of State for Wales
The Right Hon. DOUGLAS JAY, M P,
President of the Board of Trade
The Right Hon. ANTHONY CROSSLAND,
M P, Secretary of State for Education and Science
The Right Hon. DOUGLAS HOUGHTON,
M P, Chancellor of the Duchy of Lancaster
The Right Hon. FRED PEART, M P,
Minister of Agriculture, Fisheries and Food
The Right Hon. TOM FRASER, M P,
Minister of Transport

The Right Hon. HERBERT BOWDEN, M P,
Lord President of the Council
The Right Hon. JAMES CALLAGHAN, M P,
Chancellor of the Exchequer
The Right Hon. SIR FRANK SOKSICE, Q C,
M P, Secretary of State for the Home Department
The Right Hon. WILLIAM ROSS, M P,
Secretary of State for Scotland
The Right Hon. ANTHONY GREENWOOD,
M P, Secretary of State for the Colonies
The Right Hon. THE EARL OF LONGFORD, Lord Privy Seal
The Right Hon. RICHARD CROSSMAN,
M P, Minister of Housing and Local Government
The Right Hon. FRANK COUSINS, M P,
Minister of Technology
The Right Hon. FREDERICK LEE, M P,
Minister of Power
The Right Hon. BARBARA CASTLE, M P,
Minister of Overseas Development

The following were also present:

Mr. GEORGE THOMSON, M P, Minister of State for Foreign Affairs (Items 1 and 2)
The Right Hon. EDWARD SHORT, M P,
Parliamentary Secretary, Treasury
Mr. RICHARD MARSH, M P, Joint Parliamentary Secretary, Ministry of Labour (Items 3 and 4)

Secretariat:
Sir BURKE TREND
Mr. P. ROGERS
Miss J. J. NUNN
<table>
<thead>
<tr>
<th>Minute No.</th>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PARLIAMENT</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>OVERSEA AFFAIRS</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Dominican Republic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cyprus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vietnam</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>RACE RELATIONS BILL</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Conciliation Machinery</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>PRICES AND INCOMES POLICY</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Salaries of the Higher Judiciary</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>TELEVISION OF PARLIAMENTARY PROCEEDINGS</td>
<td>8</td>
</tr>
</tbody>
</table>
1. The Cabinet were informed of the business to be taken in the House of Commons in the following week.

The Cabinet considered the situation which might arise if the Government were defeated in the House of Lords during the Consideration of Commons’ Reason for disagreeing to the Lords Amendments of the War Damage Bill. It would be desirable in principle that the Government should indicate forthwith that they intended to invoke the Parliament Act in relation to this Bill and that, until this procedure had run its full course, there would be no question of any payment being made from the Exchequer to the claimant companies. But the practicability of a public statement to this effect would need to be further considered in the light of the fact that the Scottish courts might deliver judgment in favour of the companies during the autumn and it might then be open to doubt whether the Government would be entitled to withhold the payment due in discharge of this judgment until they had succeeded in amending the law.

The Cabinet—

Invited the Lord Chancellor, in consultation with the Chancellor of the Exchequer and the Lord Privy Seal, to give further consideration, in the light of their discussion, to the attitude to be adopted by the Government if they were defeated in the House of Lords on the War Damage Bill during the following week.

2. The Minister of State for Foreign Affairs said that the civil war in the Dominican Republic had been renewed and the military junta appeared to have gained some advantage over the so-called “constitutional” faction. The United Nations had now sent a representative of the Secretary-General to the country; and the President of the United States, President Johnson, had also despatched an official mission to assess the situation.

In discussion it was suggested that this action by President Johnson might indicate that the United States Government were beginning to realise that their military intervention in the Dominican Republic, although originally justified by the imperative need to save human life as far as possible, was no longer so defensible now that it appeared to be directed to ensuring that any new Government established there should be politically acceptable to the United States. Even so, they might be expected to continue to resist the suggestion that the peace-keeping initiative originally promoted by the Organisation of American States should now be formally brought under the aegis of the United Nations; but we, for our part, could not afford to oppose any move in this direction and must maintain our view that the United Nations should be regarded as responsible for restoring peace and order in the Dominican Republic.
The Commonwealth Secretary said that discussions were now in train between the Greek and Turkish Governments in a renewed attempt to devise some settlement of the communal dispute in Cyprus. But the President of Cyprus, Archbishop Makarios, had indicated that he would resist any procedure which would exclude the Government of the Island from discussions to this end; and, as the most effective means of demonstrating his insistence on this point, he had requested the United Nations to arrange for their mediator, Senor Gallo Plaza, to return to Cyprus forthwith. In these circumstances it would be desirable that, when the mandate under which the United Nations peace-keeping force was stationed in the Island expired on 26th June, we should support its extension for a further period.

The Minister of State for Foreign Affairs informed the Cabinet that the United States Government had recently suspended their air attacks on North Vietnam for a few days in the hope that the Government of North Vietnam would thereby be induced to open negotiations for a settlement of the Vietnamese war. But the Government of North Vietnam had rejected all the messages in which we ourselves and other intermediaries had urged them to take advantage of this opportunity; and the discussions which the Foreign Secretary had subsequently held with the Soviet Foreign Minister, M. Gromyko, in Vienna had made it clear that there was still no disposition on the part of the Communist Powers to embark on negotiations directed specifically to a settlement of the dispute in Vietnam. In these circumstances we must revert to our earlier intention of trying to arrange informal discussions about the situation in Vietnam under cover of a conference which would be convened primarily to discuss the neutrality and integrity of Cambodia; and it was therefore encouraging that the latest indications of the attitude of the other countries concerned provided some grounds for hoping that it might be possible for the Soviet Union and ourselves, as co-chairmen of the 1954 Geneva Conference on Cambodia, to issue invitations for this purpose in the fairly near future.

The Cabinet—

Took note of these statements.

3. The Cabinet considered a memorandum by the Home Secretary (C (65) 77) on the incorporation in the Race Relations Bill of provisions establishing conciliation machinery.

The Home Secretary said that Clause 1 of the Race Relations Bill, which made it a criminal offence to practise racial discrimination in a place of public resort, had been criticised on the ground that it introduced criminal sanctions into a field more appropriate to conciliation and that any infringement of civil rights should be a matter for the civil, rather than the criminal, courts. There was a considerable body of opinion in favour of providing a means of conciliating the parties before legal action of any kind was invoked.
He had therefore undertaken in the debate on the Second Reading of the Bill to consider the possibility of making arrangements for this purpose and, if they appeared practicable, to amend the Bill in Committee. After consultation with the Ministers principally concerned and a number of the Government’s supporters he proposed to amend the Bill by providing for the constitution of a Race Relations Board, which would appoint local conciliation committees to investigate complaints of discrimination and to promote a settlement of differences, coupled with adequate assurances against the repetition of discriminatory conduct. If conciliation failed, the committee would report to the Race Relations Board, who would have power to apply to the local county court for an injunction restraining the individual who was the subject of the complaint, on pain of committal for contempt of court, from any further acts of discrimination. The Board would be responsible for establishing Scottish conciliation committees; but it was thought more appropriate for any legal proceedings in Scotland to be instituted by the Lord Advocate. The Board itself would have no responsibility for undertaking conciliation, which would rest entirely with the local committees, composed of members of local authorities and other persons of goodwill. There would be strong pressure for the scope of the conciliation machinery to be extended to deal with discrimination in respect of housing and employment; but it seemed desirable to adhere to the Cabinet’s earlier decision that such pressure should be resisted.

In discussion there was general agreement that conciliation machinery should be introduced. It was suggested, however, that conciliation was not necessarily incompatible with ultimate enforcement by means of criminal sanctions. Those who objected to criminal sanctions, on the ground that they subjected the individuals accused of discrimination to a taint of criminality, objected to the Bill in principle; but the Government’s attitude should be that discriminatory conduct was so repugnant that it was right to regard it as a criminal offence. On the other hand there was considerable support in Parliament for the view that the retention of criminal sanctions would prejudice conciliation and exacerbate local tensions. The Bill already provided heavy criminal sanctions against incitement to racial hatred; but this was an offence against public order and must be differentiated from an infringement of personal rights of a kind which constituted a primarily civil complaint.

The introduction of conciliation procedure would undoubtedly expose the Government to strong pressure to extend the scope of the Bill to discrimination in housing and in employment, to which it would be argued that conciliation was especially appropriate. But in the field of housing it would be objectionable in principle and unacceptable to local authorities that non-elected bodies should be empowered to override the decisions of elected councils in the selection of council tenants; and in the field of employment the Ministry of Labour were already achieving some success, through consultation with employers and trade unions, in reducing discrimination.
Moreover, the difficulty here lay less in a refusal to employ coloured labour (except in cases where unions believed that an employer wished to use immigrant labour in order to depress wages) than in a refusal to concede it equality of opportunity of advancement. But it would be inappropriate to attempt to deal with this attitude by a process of conciliation backed by recourse to the courts; and there was no reason to think that a system of conciliation by conciliation committees without the use of sanctions would achieve greater success than the procedures already employed by the Ministry of Labour.

In further discussion attention was drawn to the fact that, contrary to the usual practice when a new civil offence was created, the victim of unlawful discrimination was not to be given the right to sue. This could hardly be justified on the ground that, if the right to sue were conceded, the courts would be overwhelmed by individual actions, since this appeared very improbable. But if it were sought to justify it on the ground that what was in question was primarily a matter of public policy, it would be more appropriate for proceedings to be instituted by the Attorney-General in accordance with the precedents of the Restrictive Trade Practices Act, 1956, and the Resale Price Maintenance Act, 1964. This argument was reinforced by the fact that, although the Race Relations Board would not itself be engaged in conciliation, it would be responsible for the proper functioning of the conciliation committees and its work might therefore be prejudiced if it appeared to the public in the role of a prosecutor. Moreover, since the provision confining the right to institute proceedings in Scotland to the Lord Advocate was unprecedented in the field of civil law, it would not be easy to justify making a distinction between England and Wales on the one hand and Scotland on the other hand on the ground that the legal system of the latter country required it.

The Prime Minister, summing up the discussion, said that the Cabinet agreed that conciliation machinery, supported by civil sanctions, should be created on the lines proposed by the Home Secretary but that the right to institute proceedings for an injunction in cases where conciliation failed should be vested in the Attorney-General in England and Wales and not in the Race Relations Board. The arrangements for the appointment of the Board should be the subject of further consultation between the Home Secretary and the Secretary of State for Scotland. Pressure for the use of the conciliation machinery to deal with problems of the housing or employment of immigrants should be resisted.

The Cabinet—

Approved the proposals in C (65) 77 for the establishment of a Race Relations Board, on the understanding that the right to institute legal proceedings, where necessary, would be vested in England and Wales in the Attorney-General and not in the Board.
4. The Cabinet considered a memorandum by the First Secretary of State (C (65) 76) about the salaries of the higher judiciary.

The First Secretary of State recalled that the Cabinet had previously agreed that legislation should be introduced in June or July in order to increase the salaries of the higher judiciary with effect from September. Subsequent discussion, however, had disclosed a division of view between the Ministers primarily concerned on the amount of the increase. This issue could conveniently be considered in terms of the salaries of High Court judges in England and Wales, although the proposals in question comprised a range of other judicial salaries which would be increased proportionately. The salary of a High Court judge had remained at £5,000 a year since 1832 until 1954, when it was raised to £8,000 with the declared intention that the new rates should stand “for a fairly long period, perhaps for a generation”. There was thus some measure of expectation in the rates fixed in 1954; and it was generally agreed that, by 1958, these rates were still currently appropriate. The Lord Chancellor had represented, however, in the light of changes in other comparable incomes since 1958, that the present salaries of High Court judges should now be raised by at least 30-40 per cent, to a level of £10,400-£11,200; and he had emphasised, in justification of this proposal, the great importance of maintaining the unchallengeable independence of the judiciary, of avoiding any action which might appear to diminish the status of judges and of continuing to attract the best individuals to the Bench. The Chief Secretary to the Treasury, on the other hand, had taken the view that the salaries of judges must now be considered in relation to the salaries of senior Ministers and Permanent Secretaries in the Civil Service and that on this basis a salary of £9,000 a year would be appropriate. In further discussion, however, agreement had been reached between the Lord Chancellor, the Chief Secretary to the Treasury and himself that they should recommend to the Cabinet an increase to £10,000 a year (other judicial salaries being increased proportionately) with effect from 5th April, 1966. This would represent an increase of 25 per cent, or a compound annual rate of just under 3 per cent, since 1958. If the Cabinet agreed, the date of the announcement of the increases and of the introduction of the necessary legislation might subsequently be decided in discussion between the Lord Chancellor, the Lord President of the Council and himself. Certain minor adjustments to the other proposals in C (65) 76 might similarly be settled subsequently by agreement between the Ministers concerned.

Discussion showed general agreement with the level and timing of the increases proposed. It was suggested that there might be some advantage in delaying the relevant announcement until after the summer recess. It was agreed, however, that, having regard to the extent to which the Government were already committed in this respect, a public statement of their intentions could not be deferred for so long. Meanwhile, the judges might be informed in confidence of the Cabinet’s decision.

SECRET
The Cabinet—

Approved C (65) 76, subject to such minor amendments as might subsequently be agreed between the First Secretary of State, the Lord Chancellor and the Chief Secretary, Treasury.

5. The Cabinet considered a memorandum by the Lord President of the Council (C (65) 75) discussing the desirability of arranging for Parliamentary proceedings to be televised.

The Lord President said that the Cabinet would need to decide the attitude to be adopted by Government spokesmen in a debate on this subject on a Private Member’s Motion on 28th May. It would be technically possible to televise the proceedings in the House of Commons; but at present this would require the installation of four cameras and a considerable increase in the strength of lighting in the Chamber. It seemed probable, however, that in 12 to 18 months’ time highly sensitive miniature cameras would be developed by the British Broadcasting Corporation (BBC), which would be easily concealed and would need only a slight reinforcement of the present lighting. A full Parliamentary service could be provided only by monopolising the fourth television channel; and it would be impracticable on this ground alone, quite apart from the fact that some £35 million of capital expenditure would be involved. But it would be possible to transmit the debates as part of the ordinary BBC Services on special occasions or to provide an edited review of the day’s proceedings on the existing services late at night. The cost of transmitting an edited version within an existing programme had been estimated in 1960 at about £250,000 in capital expenditure and £60,000 a year in annual outlay. No information was yet available about the cost of introducing the more sensitive cameras.

It was necessary to consider the effect of televising Parliamentary proceedings both on the conduct of the proceedings themselves and on the relationship between Parliament and the public. Experience elsewhere suggested that the live broadcasting of proceedings would lower the quality of debates and would therefore damage the reputation of Parliament with the public. On the other hand it could be argued that, if the public could observe the House of Commons in action, they would be encouraged to take a more active interest in the debates on major and controversial topics and that most of the objections to live transmissions would be avoided if an edited record were transmitted at the end of the day. The task of condensing the debate impartially would be difficult and might give rise to considerable political controversy but the BBC believed that they could surmount these obstacles. They had therefore suggested that they should be permitted to conduct experiments in sound recordings and subsequently in television, in order to give Members of Parliament an opportunity to consider whether the transmission of proceedings, either live or in an edited version, might be expected to enhance the prestige of Parliament and the public understanding of political affairs. If these experiments were permitted, it would be necessary to consider whether similar facilities should be afforded to independent television.
In the light of these considerations the Cabinet would need to decide whether, for the purposes of the forthcoming Parliamentary debate, the Government spokesmen should maintain the attitude adopted hitherto, by declining to initiate action without a clear indication that this was the desire of the House or whether they should give an undertaking that the Government would consult the Speaker and the Lord Chancellor with a view to promoting experiments on the lines proposed by the BBC. It would no longer be profitable to pursue a third possible course of action, in the form of a proposal to appoint a Select Committee which could itself arrange for whatever experiments it thought necessary, since the existing Select Committee on Publications and Debates had now decided, with the agreement of the authorities of the House, that this issue came within its own terms of reference. It seemed doubtful whether there was any strong demand, either inside or outside Parliament, for the proceedings of Parliament to be televised; and it might therefore be appropriate that the Government should initially confine themselves to indicating that they would take no action without a clear indication that this was the desire of Parliament.

In discussion there was some support for the view that changes in the relationship between Parliament and public opinion might provide stronger justification than had formerly existed for consenting to some degree of broadcasting of Parliamentary proceedings and that the Government should therefore not adopt a merely negative posture on this subject in the course of the forthcoming debate. It would nevertheless be appropriate that they should continue to refrain from expressing a definite view until it was possible to judge more clearly whether Parliamentary opinion as a whole was in favour of exploring the question further. If so, it would be necessary in due course to consider whether any arrangements which might be made for televising the proceedings of the House of Commons should also extend to the proceedings of the House of Lords.

The Cabinet—

Agreed that in the forthcoming debate on the desirability of arranging for Parliamentary proceedings to be televised Government spokesmen should confine themselves to indicating that the Government would not take any initiative in this matter but that they would be prepared to pursue it if this was clearly the general wish of Parliament.

Cabinet Office, S.W.1.

20th May, 1965.