

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,
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My dear Margaret:

Your handwritten letter about your conference speech reached me this morning. I have been agonising about the same problem for some weeks now and I have precious little good counsel to offer. I only type this reply in the hope that you can read it more easily. The horrifying series of children cases culminating in the dreadful story of the poor little girl left to die of thirst and starvation in a blocked room (which I cannot even think about without crying), the Handsworth riots and so forth I find absolutely horrifying.

I quite agree that we must be positive and forward looking. But there is a dimension to this problem which I find it extremely difficult to put into words - and when I do I find it difficult to put it into words which would do for a party conference speech. There are at least in my opinion, plenty of things wrong with the criminal law (for which, as you know, Douglas Hurd is now ministerially responsible). The Crown Court is cluttered up with trivial work which ought to have been tried by magistrates. The "right to silence" (sensible as it was as administered when I first joined the profession in 1932) has now become a sacred cow. I am pretty sure that criminal aid (for which I am responsible) is granted and continued in numerous cases where the real trouble is that the defendant will not take unpalatable advice and changes his advisers until advisers are found who tell him what he wants to hear. Juries are slower than ever to convict (60% of contested cases result in acquittals). Cases are brought so ill prepared that judges are driven to direct

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acquittals in a significant proportion of these. The result is that a vast number of people get off who ought to be inside. Reform would be exceedingly difficult to devise and even more difficult to get through Parliament in either House, since the legal professional establishment and the civil liberties industry are united in their worship of sacred cows, *and will oppose reform to the death as they did last session.*

What I do not go along with is the theory that judges are in the main too lenient. This theory is generally held (especially by our supporters) but is not I believe ^{generally} true, and even if it were true I do not believe that it would make much difference in the areas which count which are detection followed by conviction. Magistrates, I believe, are often too lenient, but their jurisdiction is so limited that I do not believe this is a truth which affects the issue except at the fringe. *It is difficult to dogmatise in the absence of an appellate system which can review allegedly lenient sentences on evidence and argument.*

None of this, however, is what I really wanted to say in this letter. There is something much worse and more pervasive than any defects in our legal system. It is the breakdown in our belief in moral values, respect for authority, personal integrity, kindness, tolerance, and chastity. Our educational system, largely I believe thanks to the moral climate but also a cause of it, is producing a moral ^{and spiritual} desert amongst our young. Our popular newspapers are advertising the acceptability of sexual licence and then complaining ^{the frequency of} of sexual deviance. The left wing press is preaching defiance of authority (not just of the Courts but all moral and lawful authority). Our Bishops consider that their function is to air their subjective heresies rather than feed their flocks.

One of the worst fallacies is that all this is due to bad social conditions. I am totally unpersuaded of this. I am old enough to remember the conditions before the war, much worse unemployment, horrible slums, poverty of a degree unknown today. Yet a judge could go round an assize with nothing much to try except a couple of murder trials and a few cases of

unlawful carnal knowledge. When I went down to Liverpool the other day in connexion with the Land Registry, I met the Manchester High Court judge (Russell) who had come over to see me. He had 14 murders to try in Manchester alone. When I first visited the Old Bailey there were four courts and four judges (who had not enough to do and spent much of their time in the Civil Courts in consequence). There are now about 30 Courts in permanent session. Most of my political life I have been arguing for better social conditions, education, housing, health, employment, the lot. But to believe that the present failure of moral values can be excused or explained by present day "urban blight", "deprivation", "unemployment" etc. is nonsense. There has been a steady breakdown of moral values all through the years of full employment and less full employment and in the context of steadily improving social services and social conditions. *It*

is difficult to say this as a minister without seeming on the defensive. No one should defend bad things.

Well, you will say, fairly enough, what use is this to me in my conference speech. I hang my head and say "precious little". But I end on one positive note. If one was left in a totally dark room and did not even know where the door was, one would not talk about fighting the darkness, or even overcoming it. One would reach for a switch ^{or} ~~and~~ a box of matches and switch on the light.

I cannot but advise you to revert to your (rather unpopular) theme to preach the moral values, not the values of the Victorian age, but of all ages. Liberty depends on respect for law (useful quotations here from Burke). If you hate rape or child abuse you must preach self restraint in sexual matters, kindness, patience, tolerance, gentleness, and above all example. [Burke also said "Example is the school of mankind, and they will learn of no other"].

If there is anything I can do to back you up or help about this believe me I ~~will~~ ^{will} do it. But, feeling pretty desperate about the world (not just this country) I just had to get all this off my chest. It is difficult to say any of it

without seeming to preach. But in the total bankruptcy of organised religion (not only in the C of E) it is difficult to know where else to turn. I believe you could make a difference by making the theme of your speech the restoration of a belief in moral values in our nation. I do not just mean sexual morals, but all moral values, starting with the proposition that a free society needs cement as well as licence to differ, respect for law and lawful authority as well as individual rights, support for the forces which make for moral discipline (not the civil rights industry).

Incidentally, I do not believe that Enoch has added much light in this confusion. Admittedly the British Nationality Act 1948 was a disaster. But the main victims (including the murder victims) of Handsworth were Asians, who are, some of them, models of industriousness, propriety, and enterprise, many turned out of their countries of origin by tyrants. *It seems a poor form of justice to turn the victims of injustice out.*

There is another thing that I have (as I think you know) worried about a great deal, and that is the (totally unjustified) campaign of hatred against yourself. I know you as a warm hearted, generous, and upright woman. Hatred is murder. I do hope Norman or someone will help dispel this miasma. In the meantime if I have a piece of counsel about the conference I would answer your question by seeking to persuade you to make a really inspirational speech, taking in law and order not just as a bare policing or criminal law problem but in the light of whatsoever things are true, whatsoever things are just; whatsoever things are of good repute. Britain must stand for the eternal verities, and ~~but for~~ without them it will go to pot, and it must be the labour of my party to get us back on to the true path. If we don't know one else will. Much love. I mean it. Q.