

From England

WINSTON CHURCHILL'S SPEECH 1910

by Winston Churchill

Mr CHURCHILL: I am very glad that the House has found an opportunity of discussing for the first time for several years the Prisons Vote. The debate and discussion which has arisen upon it has not touched upon any point which is not of substance and value. I can only say that I have not listened to any speech since the Vote came on which did not contain some suggestion, some point, or argument of real use and value.

Flogging

Whether it be the question raised by my honourable Friend behind me of the proper access of Non-conformist ministers to local and convict prisons; whether it be the point raised by the honourable Member for Sheffield as to the special treatment of chronic drunkards while in prison for other offences, or whether it be the question of flogging raised by the honourable Member for Salford, concerning which I will only say that it has been reduced to the most rigid minimum, and is only inflicted for acts of brutal violence to the persons who have to live among convicts, or for mutiny, which has not arisen at all of late years, or whether it be with regard to the question of the hours of warders, or of warders in criminal lunatic asylums which has been raised by the honourable Member opposite — on all these points the public have a right to know the view and opinion of honourable Members of this House, and on all these points I find myself if not, in complete concurrence, at any rate I have a sympathetic interest with those who have spoken on these points. The honourable Member for Bethnal Green referred to one special point which I will deal with before I venture to offer my general statement to the House.

Women Prisoners

The honourable Member dealt with the treatment of women in prisons. It is quite true that we have not got any women on the Prison Commission, but that is not a matter on which I shall close my mind at all. We have, however, a lady inspector, and I think it might be possible to arrange that the lady inspector should be specially consulted at times when questions regarding female convict prisons are being discussed. I do not think it is true to say that women have suffered in prison because there is not a woman on the

Prison Commission. May I point out that whereas the male convict only obtains a remission of one fourth of his sentence by good conduct, a female convict in this manly world can obtain one third remission of her sentence? It is quite true that we have not yet organised women labour in prisons to anything like the same point of utility, having regard to the prisoners' returning to industrial life as in the case of men, but that is due very largely to the fact that a very great proportion of the women are committed for such very short periods, so short, in fact, that it is practically impossible to organise any constructive course of labour for them. I agree that that is a matter to which attention should be drawn, and if it be possible to improve the classes of employment and technical instruction open to women in prisons I shall certainly be very glad to be able to announce it to the House of Commons.

Importance of Prevention

The first real principle which should guide any one trying to establish a good system of prisons should be to prevent as many people as possible getting there at all. There is an injury to the individual, there is a loss to the State whenever a person is committed to prison for the first time, and every care, consistent with the maintenance of law and order, must be taken constantly to minimise the number of persons who are committed to gaol.

Probation

My honourable Friend the Member for Bethnal Green has referred to the Probation of Offenders Act. It is an admirable Act, and an Act which has already made its effect manifest upon our criminal statistics. That Act has now been in operation for rather more than a year, and it has already produced very satisfactory results, but it is quite true, as my honourable Friend has said, that it is only in operation in the fullest sense of the word in certain parts of the country. Some are very good, others not so good, and others again do not seem to understand the provisions of the Act at all. A Committee was formed at the Home Office shortly before I became responsible, over which my right honourable Friend, now the Postmaster General (Mr. Herbert Samuel), presided, to inquire into the working of the Act and to try and secure its more uniform adoption. The Committee made various recommendations, some of which we have already carried out, but its principal recommendation, or rather one of its most important recommendations, was that the magistrates should be individually circularised on the subject of the Act to make them fully acquainted with its use and with its provisions. No circular has ever been sent out before to individual magistrates, but I thought the circumstances connected

with this Act were so important and valuable that departure from precedent might be justified, and so we have sent the circular to every magistrate throughout the country explaining to them clearly the provisions of the Act, and urging them to take advantage of it on every occasion. But, even with the difficulties of the partial adoption of the Act under which we suffer at the present time, there has been a most sensible improvement.

Fines

There is one point, however, in which the Probation of Offenders Act has not operated, and that is in preventing persons from being unnecessarily committed to prison for the non payment of fines. I have lately been giving my attention to the question of trying to see how we can ensure a period of grace always being allowed before the payment of a fine is enforced by imprisonment. There were 90,000 persons committed to prison last year in default of the payment of fines, and of those 13,000 or 14,000 paid the fine in whole or in part after they had been committed to prison. I think a much larger proportion would have paid the fine if they had had a reasonable period of time to get the money either by earning it or obtaining it from their friends and relations. The Governor of Wandsworth gaol, one of those military gentlemen, I believe, of whom my honourable Friend the Member for Montgomery Boroughs (Sir J. D. Rees) has such a high opinion, tells me that of 138 prisoners committed in one of the early weeks in June he thinks some forty or fifty would have paid the fine if time had been given, and about twenty five were, in his opinion, fit subjects for the Probation of Offenders Act. Nearly the whole of the persons committed to prison in default of the payment of fines are given no time to pay. Here are a few typical cases from Wandsworth Prison:

‘ Tower Bridge Police Court, obscene language. In the opinion of Governor, prisoner could have paid if time were given — belongs to Special Reserve and would have gone for training — committed to prison forthwith — Thames Police Court — Could have paid — in good work — a proper case for probation. — Forthwith — Lambeth Police Court — offence under School Acts — well known resident — could have paid if given time — Forthwith — Greenwich Police Court — Pedlars’ Act. — well known resident — first offence — Brentford Police Court — obscene language — could have paid — seventeen years resident -Forthwith — Lambeth Police Court — betting — has lived with parents in same district for over twenty years — could have paid if given time — Forthwith.’

There is, almost, an unlimited string of cases of men of fixed abode whose character is well known who commit offences for which they are properly punished by a fine, and who could pay the fine if they had the time, but in default of the money being in their pocket are practically given no time at all, and are committed to gaol. Let the House see what an injurious operation it is. The State loses its fine, and the man goes to prison, perhaps for the first time — a shocking event. He goes through practically all the formalities for a four or five days' sentence that would apply if he were sentenced to a long term of imprisonment for a serious offence, and the State has to pay for it all. Further, more than half the people committed to prison in default of paying fines are committed for offences of drunkenness. The enforcement of a fine is a far better punishment in a case of drunkenness than committal to prison. When the sentence of seven or fourteen days is over, release is very often celebrated by the prisoner, but a fine effectively enforced means a period of temperance and of saving, and it achieves the very purpose which the court and the country had in view in the infliction of that punishment. This question of time to pay fines has been the subject of repeated circulars from the Home Office. The right honourable Gentleman opposite (Mr. Akers Douglas) sent out a most admirable circular in 1905, in which he showed how many people were taken to prison before they could save the money necessary for the payment of a fine, although it subsequently appeared that if a little time and some facilities for communication with their friends had been allowed they would have been able to pay the full amount of the penalty. It shows how this very often falls upon the working man for an offence against the sanitary laws and other minor offences of our civilisation. I think it is time that these circulars should be disregarded or imperfectly attended to no longer, and I hope it may be possible in the Autumn Session to pass a short Act the main provision of which will be to secure a certain period of time to every person of fixed abode for the payment of any fine that may be inflicted upon him.

Punishing Youth

I now come to another branch of the problem of preventing persons being committed unnecessarily to prison — I mean the treatment of offenders under twenty one. Up till sixteen there is the Children Act, an admirable Act which has practically destroyed the statistics of juvenile commitments. I would ask the House to consider specially the case of youths between sixteen and twenty one. There is a disaster in sending a lad of that age to gaol, as an old prison visitor told me the other day that often they cry the

first time, but not on subsequent occasions. It may be due to the accommodation provided, but at any rate it is a great misfortune when a young lad is sent to prison for the first time. It does not matter much whether he is sent to prison direct or whether he goes in default of paying a fine which he could not pay any more than he could pay the National Debt. I am sure the House will support me in any steps that may be taken to prevent this unnecessary imprisonment. It is an evil which falls only on the soil of the working classes. The sons of other classes may commit many of the same kind of offences and in boisterous and exuberant moments, whether at Oxford or anywhere else, may do things for which the working classes are committed to prison, although injury may not be inflicted on anyone. In my opinion no boy should go to prison unless he is incorrigible or has committed some serious offence. I think we ought to discover some form of disciplinary correction outside prison. I hope the House will not be startled at the proposal I am going to make. I see no reason why we should not introduce some kind of system of defaulters' drill — I do not mean military drill, because that would be dishonouring the profession of arms, but I think there are systems which might be extremely salutary which at the same time would be extremely disagreeable. I cannot see why it should not be possible to introduce some system that will create some branch of probation — a disciplinary branch for dealing with minor offences and mere rowdyism, which can be punished without putting the offenders into prison. Let the House remember there are at least 5,000 lads committed to prison for this class of offence every year, and they would be saved if some method of correction of the kind I have indicated could be devised, with a proper regard to the best time for inflicting this punishment. I hope to be able to make proposals next year on this subject. I am proposing to lay down certain general principles for the treatment of youthful offenders. No youth should go to prison unless he is shown to be incorrigible or to have committed some serious offence. We have at the Home Office, in Sir E. Ruggles Brise, one of the foremost reformers of this country, whose efforts in dealing with youthful offenders have admittedly proved very valuable. No youth between sixteen and twenty one ought to be committed to prison for any time which is not educative or disciplinary. I think no youth should be committed to prison for any term under a month. It is an abuse to send a boy to prison for a week or ten days for an offence which might perfectly well be settled outside. It is an evil to send him to prison for a long period. I think for

young people under twenty one the three years' Borstal course ought to be the maximum except in the case of gross crime, and I hope, if I am in office next year, to make more detailed proposals on that point.

Moral Turpitude

My honourable Friend the Member for Montgomeryshire has spoken about political prisoners. He has said there is no such thing as a political prisoner known to law. I have never attempted to trespass on that difficult ground, but I will point out that there are prisoners who are committed to prison for offences which do not involve any moral turpitude. I think that will be the general opinion of the House. I am very glad the House has assented to the new prison rule which I placed on the Table some time ago. That rule enables the Home Secretary, in virtue of the various Acts which he has to administer, to relieve certain prisoners not guilty of any acts involving moral turpitude. I propose to relieve them of the necessity of wearing prison clothing of being specially searched, and of being compelled to take the regulation prison bath. I also propose to enable the offenders of the first division to be permitted, under certain circumstances, to obtain food from outside, to exercise freely both in the morning and in the afternoon, to converse with other prisoners when taking exercise, and to have at their own expense such books, not dealing with current events, and such literature as are in accordance with the public interests.

Sir J. D. REES: May I venture to ask my right honourable Friend, if there is no moral turpitude involved in deliberately breaking the law?

Mr. CHURCHILL: By moral turpitude I mean offences involving dishonesty, indecency, gross violations of morality, or cruelty. I am not now talking of those other offences which are undoubtedly reprehensible, but do not go so far as that. I have given instructions that all persons committed to prison for passive resistance and all persons committed to prison as suffragettes are, as a matter of course, in the absence of special circumstances, to be accorded the full benefit of the new rules, and there may be other cases to which it will be possible to apply those rules.

Separate Confinement

I come to the question of separate confinement. My noble Friend Lord Gladstone made all his preparations ready for effecting a substantial reduction in the period of solitary confinement. That subject has been brought before our notice by various able writers in the Press, and exponents of the

drama, who have with force and feeling brought home to the general public the pangs which the prisoner may suffer in long months of solitude. I have decided that my noble Friend's proposal to reduce solitary confinement to three months in all cases shall be carried one step further, and that it shall be reduced to one month in all cases, except in the case of convicts who return again and again to penal servitude, and who are called recidivists. In those cases it will be maintained as at the present time, because those are the men who are anxious when they get into prison to join their old associates, and it is necessary that some deterrent should be put upon those who come again and again back to penal servitude, but for all the rest of the prisoners committed to penal servitude the period of solitary confinement will be one month, with this exception: that if the prisoner wishes for separate confinement — [Laughter.] — A great portion of them do. I hope the House will not laugh at that. A certain portion of them shrink from association with the prison gang, and prefer to remain in their cells, and therefore if a prisoner wishes to be permitted to be in solitary confinement for three months, that licence will be granted to him. Then I am glad to say that my right honourable Friend the Chancellor of the Exchequer has been very kind to me in this matter.

Education in Prison

We have to consider now that it is forty years since the Education Act of 1870 was passed, and that we have got a class of men in our prisons who need brain food of the most ordinary character. There have from time to time been occasional lectures given in the prisons, and a few months ago the Somerset Light Infantry, quartered near, had their band in Dartmoor Prison and it played to the convicts. It was an amazing thing the effect which was produced on all these poor people, and their letters for a month after had been eloquent in recognition of the fact. I have been able to arrange with the Treasury for a small sum of money — only a few hundred pounds a year — which will enable four lectures to be given a year in every convict prison throughout the country. Once in every three months is quite often enough, but it is not too much, and there is every reason to believe that these will be looked forward to, will be the means of securing good conduct, and also the means of supplying persons in prison with certain food for thought, and in regard to music with a certain solace which cannot be injurious to the purpose the State has at heart.

Mr. FALLE: The music will be an added punishment to some.

Mr. CHURCHILL: I do not know about that. The honourable Member for Salford (Mr. Byles) has spoken of the serious figures of recidivists, and they are indeed very serious. In 1900, 1901, 1902 and 1903, in those four years about 4,000 convicts were released from gaol: that is about 1,000 a year. Three out of four have already returned under long sentences; that is appalling. We must make every allowance for weak-minded persons. There is a great element of weak-minded criminals in our system who are being increasingly segregated and classified, but who must not be regarded as on the same footing as the ordinary rational offender; but when all allowance has been made for them, the House, I am sure, will feel that it is a very grave and serious situation. There are two reasons which are given for the recidivists, one is that the criminal is born and not made, and the propensity to crime is only an affliction and weakness; the other is that the pressure of the prison system is such on the mind and character of a man and his reputation when he comes out that he is never able to establish himself in ordinary life again. I do not know which view is true, but, at any rate, we must regard the figure of recidivists with deep and increasing anxiety. The Prevention of Crime Act, to which the House assented in the last Parliament, is one way of dealing with recidivists. That Act, has been at work now for more than a year, and I think that its working should be very closely and carefully scrutinised and watched. The House, with great justice and wisdom, excluded from that Act the indeterminate sentence. But there is no doubt that the Act has had the effect, as was intended, of procuring much longer sentences in certain cases than would have been enforced under the older law. It is not only the length of the sentences which makes it necessary that the Act should be carefully scrutinised; it is the fact that the disparity between one sentence and another has I believe been aggravated by the Act. The method of working the Act is as follows: First of all an application has to be made by the police authority to the Director of Public Prosecutions, who says whether the application shall go forward or not and a particular prisoner shall be prosecuted as a habitual offender. There have been 439 applications by the police authorities, of which 305 have been allowed. There are now in prison 174 persons who have been convicted as habituals and sentenced to a term of penal servitude and of preventive detention of not less than eight years.

Uniformity of Police Authority

I have made it my duty to search the calendars in which not merely those cases which would ordinarily come under the view of the Home Secretary are contained but where one can view the whole stream of our criminal

punishments, and I see in these calendars scores of cases which could just as properly be characterised as habitual as those which have been made the subject of special prosecutions and of this extremely severe treatment, I should like the House to realise that, if that be true, as I believe it is, the really important decision as regards convicts depends upon whether the application is made or not for him to be prosecuted as a habitual criminal. If that decision is once made it is irreparable, and it is only three to one that he does not shoot over Niagara in the sense of a very long sentence of eight, ten, or twelve years for an offence for which in many other cases three or four months would be deemed sufficient by the court. That decision, the most important of all as regards the prisoner, is not taken by the judge or the jury or the Director of Public Prosecutions or the Home Office. It is taken by 188 different police authorities from one end of the country to the other doing their duty to the best of their ability no doubt, but doing it from entirely different points of view in each case and with all the variety of the personal equation as between man and man. I have been very carefully considering this fact, and I have come to the conclusion that altogether too wide a discretionary power is given in the first instance to these numerous authorities, and I am considering by what means limits can be assigned to the exercise of that power so as to secure a much more general and a much more even application of these very special powers and sentences of such great severity which the House has thought fit in its wisdom to authorise in the past. There is a great danger of using smooth words for ugly things. Preventive detention is penal servitude in all its aspects. There may be modifications but in the main it is a form of confinement and of surveillance which must necessarily be of a severe and rigorous character. I only hope those who are charged with the administration of this Act in its very early days will very carefully bear in mind the very severe character which all forms of penal detention must necessarily take in the present state of our prison system.

Support after Release

The House will agree that such a system of preventive detention must be closely watched and that it cannot stand alone. We cannot impose these serious penalties upon individuals unless we make a great effort and a new effort to rehabilitate men who have been in prison and secure their having a chance to resume their places in the ranks of honourable industry. The present system is not satisfactory. Convicts obtain a 25 per cent reduction for good conduct and leave prison on a licence. There are several excellent prisoners'

aid societies, to one of which convicts are persuaded to go by the fact that a gratuity is paid them by the society. These societies do extremely good work and I honour them for it, but of course there is a lack of coordination and a certain amount of rivalry between them, and behind all these societies stands the strong apparatus of police provision and the regular machinery of ticket of leave. I have a great admiration for the way in which the police conduct the business of police supervision of prisoners who have been released on licence. It is not a bit true to say they harry a man and hunt him down. At the same time, it is a great impediment to a man to have to go and report himself repeatedly to the police, and to have the police coming repeatedly inquiring after him, in obtaining his position in honest industry again. The proposal I make is that we should establish a new central agency of a semi official character, half official members representing the authorities and half the representatives of all these prisoners' aid societies. That would combine official power with what I think essential: that there shall be an individual study of every case; that all convicts shall be distributed by the central agency between different prisoners' aid societies of all the different denunciations, and all the different charitable societies; that the whole business of police supervision shall be absolutely suspended and the whole system of ticket of leave come to an end completely, and that except in the case of refractory persons, a convict, when he leaves prison, will have nothing more to do with the police. They need not see them nor hear of them again, but will be dealt with entirely through the agency of these societies, working under the central body, whose only object will be to do the best for the convict. The Chancellor of the Exchequer has been good enough to assign me £7,500 a year for the development and strengthening of the methods by which we are to enable prisoners, on release from penal servitude, to have a fair chance of taking their place in the ordinary life of the country.

Sentence Reduction

When His Majesty came to the Throne one of the very first wishes which he was pleased to express was the desire that at a time when all hearts were stirred, and when everyone felt anxious to lay aside old quarrels, the wretched prison population of the country should not stand outside that movement, in the national mind.

On similar previous occasions the proposal has always been to release a certain number of prisoners definitely. I think we have found a much better way, and that is not to release individuals, but to make a general *pro rata*

reduction of sentences over the whole area of the prison population. The remissions which were granted on this occasion affected 11,000 prisoners, and at a stroke struck 500 years of imprisonment and penal servitude from the prison population. I am glad to be able to tell the House that no evil results of any kind have followed from this. It is not at all true to say that a number of the men released have already returned to gaol. We must not allow optimism, or hope, or benevolence in these matters to carry us too far.

The Dignity of Prisoners

We must not forget that when every material improvement has been effected in prisons, when the temperature has been rightly adjusted, when the proper food to maintain health and strength has been given, when the doctors, chaplains, and prison visitors have come and gone, the convict stands deprived of everything that a free man calls life. We must not forget that all these improvements, which are sometimes salves to our consciences, do not change that position. The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm and dispassionate recognition of the rights of the accused against the State, and even of convicted criminals against the State, a constant heart searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man — these are the symbols which in the treatment of crime and criminals mark and measure the stored up strength of a nation, and are the sign and proof of the living virtue in it.

Winston Churchill was the Home Secretary in a Liberal Government when he delivered this famous speech in the House of Commons on 20 July 1910. It has been reproduced through the kind assistance of Victoria who works in the Archives Office of the House of Lords Record Office.