

### What shall we do about Derry?

What on earth is to be done about Wallpaper Derry? Shall we sweetly sing him the London-Derry air, or smite him smartly on his London derrière? I speak thus disrespectfully of Mr Blair's Lord Chancellor because mockery is the only weapon left when grandees show themselves deaf to reason.

We long for almost any of Derry's predecessors. One cannot imagine Clement Attlee allowing William Jowitt to cavort in this gormless way. Not that Jowitt would have wished to do so; it would never have entered his decent, learned, level head.

Derry worships the one who appointed him (I do not refer to H.M. the Queen). He reminds me of the typical chuprassie in the far-off days of British India, and here I quote from an old source. "The chuprassie paints his master in colours drawn from his own black heart. Every insinuation he throws out, every demand he makes, is endorsed with his master's name".

It seems to me that Wallpaper Derry has tin ears. Inaudible to that humming, scheming brain are the subtle signals that his betters would detect and absorb. They tell what the people want, and also what they will not stand for. One remembers such humdrum political operators of yesteryear as Lord Hailsham of St Marylebone and Lord Mackay of Clashfern, who neither ever put a foot wrong. They were political, as a Lord Chancellor must be, but unlike Wallpaper Derry they instinctively knew where to draw the line.

One recent Sunday (February 18), just after reading the newspaper report of Derry's Labour Party fund-raising letter, I wrote to this man. I said, as one who was called to the Bar over fifty years ago, that for a currently serving Lord Chancellor to solicit from those subject to his powers of patronage contributions to the coffers of his own political party is disgraceful. It conveys an obvious message. The bigger the contribution you make to Labour funds, the better your chance of receiving Derry's favours.

I said I felt sullied. I reminded this upstart Derry from Scotland of an English Lord Chief Justice's apophthegm. Lord Hewart famously said "it is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done" (*R v Sussex Justices, ex p McCarthy* [1924] 1 KB 256 at 258).

My old friend Lord Renton, who succeeded me as chairman of the Statute Law Society and served it valiantly for many years, joined in condemning Wallpaper Derry. He told the House of Lords on February 20 that as the second most senior Queen's Counsel in England he had a memory of these matters going back 70 years. With characteristic understatement he added: "May I say that during that time there has never arisen such an occasion as this".

With characteristic overstatement "Private Eye" joined in the general condemnation of Wallpaper Derry. A spoof item in the St Albion Parish News of February 23 (where "the Vicar" is identified as the Rev A. R. P. Blair MA (Oxon)) said that a Mr Lairg cordially invited all lawyers to a special "Support the Vicar" cheese and wine party to be held in his office on Cash Wednesday. It added: "the Vicar always remembers his friends". How rotten of Derry to lay our learned and upright profession open to such mockery.

I believe his misconduct renders Derry liable to impeachment by the House of Commons, if only its members would do what is right and not blindly follow the party whip. The parliamentary bible *Erskine May* notes that impeachment of magnates has fallen into disuse, yet adds that it has never been formally abolished. A recent report by the Joint Committee on Parliamentary Privilege stated that the circumstances in which impeachment has taken place are now so remote from the present that the procedure may be considered obsolete.

And yet, and yet . . . The same used to be said of the High Court of Chivalry, which had not sat for centuries. Yet in 1955 the city of Manchester successfully applied to that court to protect its monopoly right to use the city's coat of arms (see *Manchester Corp'n v Manchester Palace of Varieties* [1955] P 133). A constitutional procedure is not obsolete until it has been formally abolished. The remedy of impeachment has not been formally abolished. It should perhaps be revived for Wallpaper Derry.

After much pressure, Derry condescended to answer his critics on February 21. He said he had done nothing wrong. He added that he would do it again. I leave the last word to a master parliamentarian.

**Lord Howe of Aberavon:** Instinctively and intuitively, [former Lord Chancellors] recognised the conflict between the process of fundraising and the process of political campaigning.

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