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Is he one?

*Duncan Campbell examines the blunders and
the malice that unleashed a gay witch-hunt
in Scotland*

Last Wednesday, Scotland's Lord Justice General, Lord Hope, invited two dozen of Scotland's newspaper editors and broadcasters for a 90-minute, off-the-record briefing. It was a response to the mounting rumours of widespread sexual scandal among the Scottish judiciary. The rumours—which ran from reports of rent boy rings calling at country holiday cottages to visits to gay discos in Glasgow—had been circulating with growing intensity since the end of a fraud trial in December, when a solicitor, who was openly gay, had been acquitted of charges of defrauding his clients.

In his press briefing, Hope summarised rumours and reports against Lord Dervaird and four other judges—identified only by the letters A to D—and stated the results of his enquiries. He meant to clear their names of allegations of homosexuality, and/or criminality and impropriety, and asked for the support of the gentlemen of the press in bringing calm to the situation.

He could not have got it more wrong. As the briefing ended, the Scottish editor of the *Sun* rushed to clear his front pages. The paper rapidly started ringing round MPs in London to ensure that the issue was raised in parliament. SNP MP Jim Sillars, a regular columnist for the paper, obliged and pressed questions on Scottish Secretary Malcolm Rifkind.

The *Sun* moved quickly on to the offensive with a telephone poll on the issue of "should gays be judges?" And the hunt for gay witches quickly moved far beyond the judiciary and the professions.

Last Friday, Scotland's top-selling tabloid, the *Daily Record*, printed a large picture of two men kissing, and beside it a list of well-known gay bars and clubs—describing them as the "sordid side" of gay life in Scotland. (The fact that the bars identified are significantly more salubrious than the average Glasgow public house is neither here nor there.) The *Record* received (and printed) many letters in protest. But this is unlikely to stem renewed attacks on homosexuals at the locations named.

Lord Hope had the "best of motives for what he did", said one senior Scottish advocate, but as a new lawyer in the job "was not media savvy. He was making a speech for the defence, and treating the press as a jury." By doing that, and especially by labelling the judges as though a formal indictment had been laid against them, he effectively did put them in the dock. Inevitably by his actions and words he lent

weight to allegations of no significance or charges for which there was no evidence save rumour and suspect sources. The suspicion against Lord D, for example, was based only on a report that he had once shared an Edinburgh flat with Lord Dervaird.

Other evidence was no better. Judges A and B had been to gay bars or discos, it had been alleged—and denied. These suggestions are inherently implausible, most of all because of the wide differences in social behaviour between gay men of different generations, whose attitudes have been conditioned by different legal and political climates. In meeting places like Glasgow's Bennet's disco (which is understood to be the venue allegedly visited by Judge B), a single man in his fifties who was not known on the "scene" would stick out like a sore thumb. But if he had gone into such a club, it is equally unlikely that younger customers would either have been able to identify him as a judge or would have rushed to confide their suspicions to the Crown Office (prosecution and investigation service).

One openly gay member of the Scottish bar said that he expected the affair to be seen as a nine-day wonder. There might even be a positive side to the case. In briefing the press, he pointed out, Lord Hope had said for the first time that homosexuality would of itself be no bar to being a judge.

No similar statement of this type had previously been made in England or in Scotland. Indeed, gay senior members of the English Bar say that, whatever official policy may be, they are only too well aware of the immense hostility held by the civil servants of the Lord Chancellor's department towards barristers who allow their gay sexuality to be generally known.

Very few gay men in public life who are in their fifties have found themselves able to deal easily with public attitudes to homosexuality. Those who had to live homosexual lives before the decriminalisation of adult homosexual relations, in 1970, have seldom been able to adjust, unless they were one of the courageous few who even then campaigned openly for law reform.

Gay men who have come out since the early 1970s can have a quite different attitude to their sexuality. "I ask myself," the gay advocate said, "What was it like for them when they were 20? Their universities would have thrown them out. They would have had no profession. What chance did they have?" ●