

Date: January 1998

BLOODY SUNDAY

1. "This would be a judicial inquiry - highly sensitive to the judiciary itself, because it will call in question the fairness and objectivity of a previous Lord Chief Justice, Lord Widgery. Naming judges now as potential heads of the inquiry is imprudent because the Lord Chief Justice will have to be handled with care on this; and he may suggest that the inquiry should be headed by someone other than a judge. In this case it is unsafe to assume that the judiciary will necessarily play ball, although their tradition has always been to do so. This, however, could be the exception; and it would be imprudent to run the risk of having judicial names floated around should it prove necessary to go for a non-judge. If, however, the Prime Minister desires names now, I can discuss the issue with the Lord Chief Justice today and immediately revert.

2. The Lord Chancellor is doubtful about the suggestion of a Scottish judge. Most Scottish judges are Protestants. Republican terrorism has never extended to Scotland, despite the Protestant and Catholic communities in Scotland, not least in Glasgow. There is, of course, precedent for a Scottish Judge in Northern Irish Affairs: Lord Cameron, but the Lord Chancellor still thinks that his cautionary note is right.

SECRET

3. Point (1) above is emphasised by the advice of the Solicitor General, especially since the Lord Chancellor understands the SG's advice to be that the new evidence suggests Widgery is flawed.
4. It requires very careful consideration, in the light of (1) above, whether the only challenge to Widgery will be based on the new evidence. The Lord Chancellor doubts it. In reality the Inquiry will, he thinks, in practice have to look also at the adequacy of Lord Widgery's inquiry, on the basis of the evidence available to Lord Widgery or which should have been available to him if sufficient effort had been made to obtain all the relevant evidence at the time".