

## Dominic Grieve



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### The referendum pledge and the 2016 campaign

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**UK in a Changing Europe (UKICE):** Thinking back to the Coalition Government, did you think that a referendum was becoming inevitable?

**Dominic Grieve (DG):** No, I didn't. I don't think that David Cameron need have offered the referendum, and, you know, the circumstances in which he said he was going to go for one were really quite surprising. We had a meeting of the political cabinet, which took place upstairs at Downing Street before the main Cabinet one morning, whenever it was, and he simply announced he was making this speech at Bloomberg that afternoon in which he was going to announce that that was his intention.

It was an absolute classic. Now, it had been discussed, I think, with George Osborne, who had tried to dissuade him. I suspect that William Hague knew about it. But I'm not sure that anybody else did. And I just sat there, and one or two people made protesting noises, but, as so often happened with Cameron, it was a *fait accompli*, he'd made his decision. Until then, it hadn't crossed my mind that he had to do it.

Of course, I knew that he was under pressure – there was pressure within the Conservative Party. He'd been grappling with this for years, and he tended to zig-zag. When he became leader, he, crazily – I think it was one of the biggest

mistakes he ever made – took us out of the partnership with our European Christian Democratic colleagues and put us in with another group, which he got poor William to go and negotiate. That was quite funny in itself. I remember David Davis being absolutely apoplectic that he should've done such a thing. Which in the circumstances, looking back on what's happened since, is quite interesting.

And in the early days of the coalition, he didn't give that impression, but I think as the coalition went on, he became increasingly anxious about his Conservative backbenches, and, of course, anxious about the growth of UKIP and the way in which Farage was biting at his heels, and that's what was causing him problems.

**UKICE:** Do you think the Conservative Party could have won a majority without a referendum in 2015?

**DG:** Yes, I do. Yes, I do. I'm absolutely sure of it. I think that the irony of it all is that, although it's one of those subjects that makes people irritated and angry, when it comes to the crunch I don't think it featured so high on people's list when it came to a general election. But I may be wrong. I do have to accept Cameron didn't really expect to win in 2015 – he thought there was going to have to be another coalition. So, perhaps you can argue, I can't deny that, you can argue that it was the tipping thing. I've never done the arithmetic of what seats we might've won, which we might've been denied had he not done it, by virtue of Farage's activities. So, I think we could've won, but the fact is he saddled us with it, and, of course, he may have thought that he was never going to have to honour it because there would be another coalition government.

**UKICE:** So, what did you think of the speech when you heard it?

**DG:** Well, I thought it's alright as far as it goes. I was loyal. I knew that it would mean that I would be campaigning for Remain if there was a referendum. I thought it was risky. And I have to also accept that, up to a point, and probably beyond that, I slightly closed my mind to it, because as he'd made the speech. Short of leaving the Government, which I wasn't about to do then, there was nothing else you could do about it. I was in the Government, I had to be supportive.

I remember going to my association and saying, 'Well, perhaps this will finally clear the air and give people an opportunity to come to a decision,' and I was also mindful of the fact that some of the critique we had of the EU was absolutely valid. And I felt, if it was possible that he could do a negotiation which would lead to a better outcome for the UK prior to having a referendum, that would be a plus.

**UKICE:** Looking back, when it came to the passage of Brexit and the referendum through Parliament, were there missed opportunities there in terms of setting the ground rules, say, in the franchise, things like that?

**DG:** I think that my participation in that was very limited and, in hindsight, I think I regret it. I was busy with my chairmanship of the Intelligence and Security Committee, which had just kicked in, he was bringing in the referendum bill, and I had a sense that I didn't want to be rocking the boat.

And whilst I was sympathetic to some of the criticisms and noted everything which Ken Clarke was saying, because I think he was the only person who voted against it, I'm afraid I just accepted the inevitability there was going to be this referendum and that we would just have to go with the flow. I was troubled by it, but I didn't raise vocal opposition to it, even if the group of MPs who I was probably mixing with by then were all sitting around saying, 'This is quite a risk.'

**UKICE:** In retrospect, looking back at the campaign, what could and should the Remain campaign have done differently?

**DG:** Oh, the campaign was dreadful. The campaign was very, very badly conducted, and the trouble was it was run as an extremely tight operation from Number 10, the Remain campaign. The ability to feed in to it, I think, was very limited. We had to make a positive case for the benefits of EU membership, and there was an emotional case that could be made even in the United Kingdom, which was really all about the First and Second World War, about bringing people together, preventing conflict, and building a future with a group of partners with whom we were going to be inevitably entangled, whether we remained or whether we left.

And it was much better to work for that from within. Instead of which most of

the campaign, to my mind, was about if we vote to leave whether there would be an immediate financial crisis in the markets. And I certainly found when I was doing the campaigning work – I did very little campaigning outside my constituency, I did lots of public meetings – that it was that first message which resonated, and if you went in front of an audience, very often there were older people, they listened to you when you started talking about that. Whereas if you banged on about the economic consequences, their eyes just glazed over.

As a consequence, we also lost the argument over the actual concessions he won out of the EU, which were not inconsiderable, and which, just like John Major's concessions at Maastricht, were chucked in the waste paper bin of public appreciation almost before the ink was dry on it. It was very, very curious because, actually, some of those were quite significant.

**UKICE:** Do you think David Cameron over-promised on those negotiations to some extent, and that's why they were chucked in the bin?

**DG:** Yes, he did. Yes, he did. Yes, I think his desire to do something about freedom of movement was never going to work, and he should've avoided doing it. He should have, instead, tried to focus on reform within the EU about managing the problem of immigration better, and have kept it more general. Yes, I think he over-promised on that. That was always going to be a fatal flaw. And that's why the rest of his achievements on that were lost.

**UKICE:** Did you, nevertheless, think Remain would win?

**DG:** No. I started out hoping it would win, and I concluded around the middle of May that we were in very serious danger of losing. It all sprang from a lecture I went down to Devon to deliver at a place called Clovelly. They have two lectures a year put on by the landowners who own Clovelly, who are philanthropical. It was a lecture on the UK constitution but, inevitably, the whole issue turned to a discussion, largely, on Brexit.

And the audience were local farmers and landowners, some local businessmen, some of whom had a share in the Appledore Shipyard which was building patrol vessels for the Irish navy – it was their last order at that time, they then shut. They've just reopened. And there were some retired merchant bankers with toy estates, and there were some retired diplomats and

some academics from Exeter University. And apart from the academics and the retired diplomats, everybody was voting Leave.

When people say this was about the revolt of the marginalised and the northern towns, yes, I'm sure that played a part. But, actually, it was a revolt of the wealthy elites and if, frankly, he couldn't persuade even people like that of the advantages of being in the EU, including farmers who were receiving massive amounts of money from the CAP, then I thought we were sunk.... I remember driving back and saying to my wife, 'I think we're going to lose this.' That, for me, was the absolute wake-up moment, and I could also see it in the constituency.

So, no, on the day of the referendum, I remember coming back into London having done some last-minute campaigning in the constituency, and going off to the Festival Hall via a snatched supper in a little café at Westminster, and I was very gloomy.

## After the referendum, June 2016 - June 2017

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**UK in a Changing Europe (UKICE):** What, if anything, did you think Brexit would mean when you woke up to the result?

**Dominic Grieve (DG):** Chaos, which is exactly what it's delivered. I went into the House of Commons, I sat down and got myself some breakfast, and Francis Elliott came up to talk to me. And apart from making – and my making, not Francis – some comments about Boris Johnson, which were probably fairly unprintable, my concern was that this was going to turn into chaos and that, in fact, it was not an easily-managed process at all, but that it was going to cause massive difficulties. And I didn't think anybody had paid the slightest attention to just what the complexities were going to be.

I was angry, I was very depressed. Indeed, one of the things I had to do, and I've always come back to it in the four years after, is I used to say to myself, 'Whatever you do, you mustn't do this because you're angry.' So, I hope I got the anger out of my system. 'You must only do this if you think it's going to be constructive.' But, yes, I have to accept I was very angry. I was angry at the way the Leave campaign had been conducted and the behaviour of some of my colleagues.

I was also aghast. And that's the other reason why I was actually pessimistic about the outcome. What had shocked me particularly was that colleagues in the House of Commons, Conservative colleagues, who I'd never regarded as being hard Eurosceptics, even particularly concerned about Brexit, had suddenly materialised in the tea room and said they were going to campaign for the Leave campaign.

And that was the other moment that chalked up, for me, that there was a really serious problem. I think Cameron had expected, I don't know, 70 Conservative rebels. In fact, we got about 130-odd people who decided they were going to back Leave. Now, that was astonishing. I mean, people who I regarded as rational – there were past Cabinet Ministers, close friends. That was an eye-opener.

And, as I say, on the morning after, having watched the way the Leave campaign had conducted itself, I was furious, particularly because Cameron pulled his punches in the first month because he wanted to bring the party back together, so he treated the Leavers with kid gloves. It was only when it became apparent as to how powerful the Leave campaign was becoming that the Remain campaign started to trade blows. It was too late.

**UKICE:** You said you were angry on the morning of the 24 June. Did you have any sense then of whether whoever took over from Cameron was going to pursue a 'hard' Brexit, in other words, leave the single market and the customs union, or were you not thinking of that at that stage?

**DG:** I don't think, at that stage, I was thinking ... I mean, clearly, it was apparent even then that the Leave campaign was totally opaque as to what the future relationship should be. What I did think, and this proved absolutely right, is that, like all revolutionary events, it has a momentum and dynamic all of its own.

So, although there were large numbers of people who went into that referendum saying they wanted a Norway-style relationship, even in the immediate aftermath, I could see that there was a remorseless logic which was going to push people towards more and more extreme solutions. Because one of the problems has always been that to justify leaving and the disruption, there's no point in ending up in a relationship that looks rather akin to having



remained whilst losing the advantages of membership.

**UKICE:** Do you think David Cameron should have resigned?

**DG:** Oh, I think it was inevitable. He could've stayed, but what was he then going to do? All of us knew. I remember talking to Ken about this. I mean, it was Ken who famously, when somebody said, 'Oh, Cameron's going to stay on,' said, 'He'll be gone in five minutes.' The way political leadership works in the UK is when you get damaged like that, it's below the waterline, and I think that your authority is shot.

The fact that some of the Leavers were asking him to stay is a reflection of their own anarchic streak. They'd created this, and then they didn't actually have a clue what they, themselves, were going to do next, partly because I don't suppose Boris Johnson thought he was going to win.

**UKICE:** When did you start thinking that you and likeminded Europhiles needed to start organising within the Conservative Party? Was it straight after the referendum or did it take a bit of time?

**DG:** I think you've got to understand that there are a number of periods in this long process between Theresa (May) becoming leader and my being kicked out of the party. I think in the first phase there was a general view that whatever happened, Boris Johnson must not become leader. So, there was an immediate rallying around, and, frankly, Theresa, in my judgement, was the only available option. On top of that, I've known her since university, so she's somebody that I've always had respect for, and, although people could identify potential shortcomings, it seemed to me it was the only option available.

So, the first thing was getting her as leader. I think the second thing started to happen in the autumn of 2016. Her famous, or rather infamous, speech at the party conference about the citizens of nowhere and the citizens of somewhere, I have to say that rather appalled me. What it said to me was that, as this process was developing, she was constantly going to be pushed into a more and more difficult position.

And, indeed, the history of her approach to Brexit is that she negotiated for a close relationship whilst engaging in rhetorical flourishes indicating something

very different and the ERG, as they started to develop, were bullying her. It was that which started to bring Conservative MPs of a like mind together in the autumn of 2016, because we were really concerned that the Government was being pushed into an increasingly extreme position where, in fact, getting a close relationship would become impossible.

I always said the group started as a sort of psychotherapy sessions for mutually hurt ex-Remainers. And, of course, they brought together people who subsequently parted company over a number of issues. They brought together people who wanted a 'soft' Brexit and, at that stage, all of us wanted a 'soft' Brexit. Although it's probably fair to say that, for me, always in the back of my mind, certainly from the autumn of 2016 onwards, was, the question where on Earth is this going to end? And are we going to end up with a situation where, at the end of the day, we might even have a majority in the country of people who are thinking, 'This really looks like a thoroughly bad idea?'

And I remember raising this with Theresa on the floor of the House when she'd made one of her statements. I said, 'You shouldn't close down options,' which, I suppose, was a slight suggestion of, 'Don't completely rule out that this may be such a bad idea that you ought to have the courage to encourage people to think again about it.' But, at that stage, the idea of a second referendum as such was not something that I was actively supporting at all.

As the time went by thereafter then the groups started, in the course of 2017, to continue talking. And then, of course, the result of the 2017 election created an even more difficult situation because her capacity for being bullied by the ERG now she had no majority and was reliant on the DUP became even greater.

**UKICE:** Were you surprised the Government picked a fight on the Miller case on the triggering of Article 50?

**DG:** Yes, I was, actually. Let's put it this way, I was surprised on Miller I by two things. One, I couldn't really see why they should pick a fight on it. Whilst preserving their position, why didn't they just trigger it using a statute? After all, eventually, they did it and it didn't cause them any problem at all – I voted for it. So, it was picking a fight at a time when sections of public opinion were



inflamed and being, in my view, unreasonable. It was almost inevitable that the legal case would be surrounded by a lack of understanding and a lot of froth.

And then they did nothing to control it. Another nail-in-the-coffin moment in my confidence in the way the Government was handling things was the behaviour in response to the judgement in the divisional court. The fact that Liz Truss failed abysmally to stand up to her oath of office, and delivered a totally mealy-mouthed statement about freedom of expression, and didn't understand the nature of the attacks that were taking place on the judiciary, and the fact that we all knew that she'd been unable to say anything for 24 hours, even though she's taken this particular oath of office, because she was waiting for Number 10 to tell her what to say, was not exactly encouraging.

And I thought Number 10's response was also pusillanimous. And that, again, reinforced this sense for me that the Government was just being pushed – pushed by events, pushed by sections – and was never going to be able to say, 'This is where we are. We need a moderate approach to this,' and was always going to bend with the wind. So, yes, Miller I was unnecessary, and, interestingly, I wasn't the only person who thought it was unnecessary.

I think even members of the Cabinet thought it was unnecessary, some of them, including some who were Brexiteers, that it was just a fight that there was no need to pick at all. And I'm not quite sure why she did it. Although, I do accept that there was an esoteric, academic point of law about treaty-making and statutes that a court could nicely resolve, and, in a sense, the court resolved it in the way the Government didn't want. There was nothing disreputable about the Government fighting Miller I at all.

There was a clear arguable case to be made both ways, as reflected by the split judgement. But whether it was wise, politically, to pick this fight when it was completely unnecessary, that's another matter.

**UKICE:** Did you have any reservations about voting for triggering Article 50? Ken Clarke voted against it, didn't he, although not many other people did.

**DG:** Yes, he did. Well, I voted for it with a heavy heart. I thought in the circumstances of having voted for the referendum, and what I had myself said in my constituency, I couldn't do anything else. You see, Ken was justified in

doing it because he'd voted against the referendum in the first place. I'd voted for it. I felt absolutely bound, and I felt that it was the proper thing to do. And we had to initiate it.

But, in doing it, I was also thinking, 'That doesn't mean to say that if this all goes horribly wrong, one might not be justified in calling into question whether this should be carried through.' Though at the time we voted for it we thought it was irreversible even then there is nothing irreversible if two parties wish to reverse it.

## Brexit in Parliament, June 2017 - October 2018

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**UK in a Changing Europe (UKICE):** Theresa May's mantra at that stage was 'no running commentary'. Did you have any expectations of how Parliament should be informed or involved in the withdrawal agreement negotiations?

**Dominic Grieve (DG):** I was certainly sympathetic to the view that the executive has got to get on with negotiating, and it can't constantly be running back to Parliament to tell Parliament what's happening on a minute-by-minute basis. But I was also concerned that Parliament should have a full role – and, of course, once the EU Withdrawal Bill came in, it started to become very clearly apparent that the Government was seeking, possibly because it feared the lack of a parliamentary majority, to marginalise the House of Commons in ways that I found unacceptable.

And, in a way, that then moves us on to the second stage of resistance, and what happened at the end of 2017. Bear in mind that, by the autumn of 2017, there was now quite a well-working group of Conservative Members of Parliament talking to each other, looking at options; exploring whether, if we couldn't stay in the single market, should we be staying in the EEA; meeting on a weekly basis to try and decide what the best strategy was; worrying about the increasing extremism of the ERG; and trying to see if there was a way in which we could both be supportive of the Prime Minister, but also try to move the Prime Minister towards what we saw as a more sensible approach.

And the breaking point with the government came over the EU Withdrawal Bill, because there was so much in it that was frankly extraordinary. I think I described it as a monstrous piece of legislation: the Henry VIII clauses, the

notorious Clause 9, which I think is now, well, it's now been repealed, largely, but what was then Clause 9 and became Clause 13, which gave the government powers to implement a withdrawal agreement without Parliament ever having agreed the agreement, which was rather surprising.

And that's, of course, what led to the rebellion of December 2017 when we defeated the government, and inserted what subsequently became known as the requirement for a meaningful vote. But, actually, that wasn't what it was. The meaningful vote was an assurance from the government to try and head us off. What it actually meant was that the withdrawal agreement couldn't be used to take us out of the EU without a vote, which I think, at one stage, was the government's original intention.

**UKICE:** Did you expect the government to change tack after the 2017 election?

**DG:** I think that's a very good question. When Theresa May called the election, it looked as if we were about to win by a landslide, and obviously there was the hope amongst myself, and Nicky Morgan, and Stephen Hammond, and all these other people who were involved in this sort of group that, as a consequence, she would be able to face down the ERG. Although that was also partly dependent on who came in at this election, you know, what were the new MPs going to be like – so there were some imponderables.

But one sensed that her desire to hold the election could be partly explained by that. Although, again, there was some mixed rhetoric. There was a rather odd comment, the Daily Mail said that the election was to get rid of the 'saboteurs' of Brexit. I think that's the expression they used – 'May calls the election to get rid of the saboteurs' – and I think the saboteurs were people like me.

But, actually, I think most of us thought that it was more likely that she would use a big majority to face down the ERG, because she knew the ERG were really a serious nuisance. So, when that didn't happen and the ERG were, in fact, even more powerful, that was an extra layer of trouble for us.

**UKICE:** But what about the possibility that she could, having lost that election, have pivoted to a more consensual or even cross-party approach? Was that, as far as you were concerned, never going to happen?

**DG:** No, I think that the whole history of the next 18 months was about our trying to persuade her that if the ERG was blocking what she was trying to do, she should reach across the House and start to build cross-party coalitions. And, of course, it was from that effort that started the cross-party working, which gradually became probably dominant, and even more important, than the internal party working.

And, indeed, in that process, some of the internal party working broke apart to an extent because there were people who wanted a 'soft' Brexit, and then, increasingly, but we'll come on to this, there were people saying, 'Frankly, only a second referendum is going to solve this problem. We're heading for a really bad place with this. We've got to work with others to try and bring about a significant change.'

So, yes, of course, you'd talk to some of her special advisers, sometimes people would talk to her directly and say, 'If the ERG are preventing you doing something, you've got to have the courage to break free of this. You've got to look at the national interest first.' Well, of course, that's a very difficult ask of a Prime Minister, particularly a Prime Minister who was rooted, absolutely rooted in the Conservative Party grassroots. I mean, it's her life.

She was my neighbour in Maidenhead when I was in Beaconsfield. I knew this. I'd been to her functions, I'd addressed her meetings. She goes out on a Saturday to canvas, and would do that not at election time. She enjoyed the tea ... I mean, I enjoyed those tea mornings, as well, but she was absolutely rooted in this with her husband.

So, the idea that she could turn around and say to people who were her friends, and social friends, 'Look, I'm terribly sorry, but we're going to reach out cross-party,' at the risk of alienating 65 to 70 members of the ERG ... in my heart, I thought to myself, 'I'd love this to happen, but it's not going to.'

**UKICE:** Why is it that your grouping never achieved anything like the influence that the ERG had?

**DG:** Well, firstly, it wasn't big enough to do it. Around it there was a much bigger group which sympathised with our aims but which was a group of loyalists. Many of those loyalists, although sympathetic, were never going to

put their heads above the parapet. Generally speaking, their loyalty centred on just backing the PM up, so the more the ERG became difficult, the more they wanted to back her up. And the idea of doing things that might be seen to be hostile to her they thought was likely to be counter-productive. And you could see that right through the 2018 period.

Indeed, after we got through the EU Withdrawal Bill amended, there was then a lull period, really – February, March, April, May, until the Withdrawal Bill came back to the Commons in June. Of course, it all came back with the Lords amendments. And the Lords amendments was another moment which divided our group. It is sometimes referred to as my famous, or infamous, Grand Old Duke of York moment when I voted against my own amendment which was designed to ensure that the Commons would be able to vote on alternatives to any deal the PM had negotiated for our departure if her deal was rejected by the House.

That came about for two reasons. Firstly, because I didn't believe we would win it as the group had split on the issue. Secondly, I had become really worried that we were getting to such a pitch of hysteria – and I can come on to this in more detail – that the party was about to be rent asunder, and even at that stage my loyalties to the party were sufficient for me to be really worried about that. But there was still a rebellion with Ken, and Anna Soubry, and some others. I also thought, correctly as it turned out that there would be further opportunities to return to this issue later if the PM's deal was in fact rejected when it had been concluded.

And, in a way, the initial group never completely recovered from that. It recovered from it initially, because, actually, we never held it against each other when we disagreed on issues which were so delicate. But in the longer term, it saw people like Nicky Morgan go back into the mainstream and the remaining group perhaps became more radicalised ourselves, or at least we were more worried and appalled about the prospects of what was coming down the track.

**UKICE:** So, did you have any links into any of the Cabinet while you were doing this, because we know that there were some Cabinet Ministers who were very concerned about the direction, or was this entirely a backbench phenomenon?

**DG:** It was mainly a backbench phenomenon at that stage. Later on, there started to be much more feed-in from senior Cabinet members like Philip Hammond, but that's at a much, much later stage – that's when we get into 2019. In 2017 and 2018 yes, of course, there was talk. Everybody knew that there were some members in the Cabinet who were sympathetic, and were probably rather pleased about what we were doing. People always imagine there's a lot of plotting going on. Actually, I think there's less plotting than people realise. There may have been at the end. But, at that stage, there were people talking, trying to find a way through what was a dilemma, and trying to keep the party together.

I mean, the events of the ping-pong with the Lords on the EU Withdrawal Act in 2018 were quite astonishing. I attended meetings called by the whips to be shouted at by members of my own party who had been brought in. Actually, the whips brought them in specifically, I think, to make us realise what they were dealing with on the other side. So, it was probably deliberate to try to make us more willing to compromise. But I have to say I also found it quite shocking. I mean, sitting in a room with Jacob Rees-Mogg and Mark Francois was to listen to a language of ideological purity which was quite astonishing compared to the pragmatism my party normally is supposed to display.

**UKICE:** Beyond that, how much difference did it make that it was Jeremy Corbyn over the aisle?

**DG:** Well, it made a huge difference. I mean, it was catastrophic. Ultimately, you could argue it's why things ended in the way they did. If there had been a half-decent Labour leader, then life would've been much easier. If there'd been a half-decent Labour leader with a settled policy on Brexit, including the possibility as time moved on of a second referendum, then we would've been in an entirely different place.

It became more marked towards the end, the extent to which Corbyn was massively destructive. The joined-up working with like-minded Labour, SNP, Liberal Democrat and Plaid Cymru members really started in late 2018. Remember, firstly we had the summer of 2018 and we had the EU Withdrawal Act, and all the shenanigans, and I pulled back. And, actually, I was right to pull back. I mean, one of the reasons I pulled back on that famous Grieve amendment was because I took the view that we would get it eventually, and



we did in January, courtesy of the Speaker.

So, it was all about neutral motions and the ability to have a debate subsequently. And I took the view that this was not the moment to split the party asunder, or to create a total breach with the Prime Minister, which is why I backed off and took the flak for it. But, in any case, as I say, I think we were unlikely to win that vote. Then, as so often happened with Brexit, we had a lull period. But well, I suppose not for very long.

We had members of the cabinet resigning when the outline of the agreement started to manifest itself. And then we had an autumn where it became clearer and clearer that we were heading for a massive political crisis, and that was the point in anticipation of the deal coming back to the House of Commons that the cross-party working really started in earnest. Prior to that, we'd just talk to each other informally and occasionally.

**UKICE:** And what did you think of Chequers? Did you think, 'Oh, this is going in my direction. This is getting softer, and the Prime Minister's moving?'

**DG:** Well I thought, in one way, it's going in my direction, but, on the other hand, the resignations immediately afterwards made me realise that her ability to deliver on this was going to be very limited. After all, Chequers ushered in David Davis going, Boris (Johnson) going. I'm trying to remember who else left, but other junior ministers left. I mean, this was a rupture moment, wasn't it?

**UKICE:** And one of the accusations from some of your Brexiteer colleagues is one of the reasons why the EU wasn't giving way was because Remainers were going over to Brussels regularly and telling them that the UK would change its mind. Do you think there's any evidence for that accusation?

**DG:** I can't speak for who the Remainers were who were going over. I myself went over to Brussels twice. I went over once and had a meeting with Michel Barnier. We were all photographed going in and photographed going out, and I had the usual hate mail afterwards. They would've derived from that a view that there was a cross-party group of MPs who, by then, were very concerned about the direction of travel. It was January 2018 when we first went over. Well, at that stage, would it have made a difference? I don't think so. Firstly,

on that visit, I was perfectly realistic about the prospects of a deal... We made clear we were against no deal, so they may have thought that a no deal outcome was unlikely. We wanted to get across the message that the ERG didn't represent the Conservative Party, but I must say I think it's rather unlikely, because it's a pretty sophisticated audience, that they would've thought from that visit that they could be tougher in the negotiations than they proved to be.

Certainly Northern Ireland was discussed and the problem of the Northern Ireland border. But, actually, in discussing Northern Ireland, I remember following an absolute UK government line, which was they had to understand that the union of the United Kingdom mattered to Theresa, 100%, and that there could be no possibility of carving Northern Ireland out of the UK. Which, rather ironically, it's what Boris has eventually done. So, I do remember that being on the agenda in the January 2018 meeting when I went over. And, on that, I remember discussing it before I went with one of the Prime Minister's Spads. I mean, we only met with Michel Barnier for about 15 minutes. He was held up in traffic coming from Paris, and so we met with his deputy.

**UKICE:** And just before we move into the autumn, just before the 2018 recess in July, you were part of a rebellion on a customs union, on the Trade Bill. Did you think you might win? What did you think might happen if the Government had lost that time?

**DG:** Well, I don't know. Funnily enough, I have to confess to you that, in voting for it, I had mixed feelings. I wasn't wholly convinced that a customs union was a satisfactory outcome. I mean, this has been the problem all along. One of the difficulties is that you're either in this club or you're out of it. And the customs union, for me, was such a second-rate relationship, and one which was going to be very binding on the United Kingdom and its ability to do other things, that I worried about it.

My decision to support it was loyalty to the group, and I'd no idea if it would've made a significant difference if we'd won it. I really do not know. But it was worth doing, and I did it out of solidarity.

**UKICE:** You say loyalty to the group, I mean, how much was there a sense that you guys were a group and that you had very little in common, or

increasingly little in common with those Conservative MPs who were in the ERG? I mean, were you still talking to friends in the ERG, if you had any?

**DG:** Yes. Only at the very end, really, did personal relationships become so strained with some people, and, even then, it was with individuals. I mean, even on the night that I finally left Parliament, and the last day the Parliament sat, there we all were, because we were voting for the new Speaker, sitting in what's no longer called the Smoking Room having drinks, and I wasn't just sitting with my group of rebels.

Colleagues with whom I've had friendly relations for years were also coming up and drinking. I had a sense it was the end – I knew it. But, you know, my friendship with Steve Baker, you may be surprised to hear, is quite considerable – he's a neighbouring MP in Buckinghamshire who I used to see frequently. So, it was only with one or two angry people that the differences of view spilt over so that they wouldn't speak to you or they glared at you.

I'd be talking out of school if I identified who these individuals were, but it's quite an entertaining and eclectic group. Otherwise, that was never that feeling. Obviously, there was sorrow at the division – we agreed on other things – and I think this probably applied to most members of the group.

Although, depending on how strident people were, their relations with other MPs might deteriorate. My good friend Anna Soubry has never been lacking in anything to say on subjects, so Anna was probably irritating people more than me. But yes, clearly as time went by our cohesion as a group grew and the group also limited itself, because you've got to accept that there were some people who just said, 'Enough. You know, I've gone to the limit of what I feel I can do.'

This is a personal thing for me, but these issues are so difficult that I never had a word of criticism for any colleague who decided that they wouldn't follow us into the lobby on something. There's no point. I mean, it's an absolutely pointless thing to do. These are people who are in great difficulty and applying their consciences to a hard issue, and if there comes a day when they won't come and vote with you, well, they won't come and vote with you.

Some of them drifted from being very supportive to becoming almost 'Yes'

people to the Government – I can think of one who certainly did. And they also got bullied. The whips are very good at bullying backbench MPs, and if they see a backbench MP who's susceptible to bullying, they will bully them. If they don't think they're susceptible to bullying, they won't. And I watched one or two colleagues being bullied into following the Government line.

**UKICE:** What form does that take?

**DG:** I think it's just emotional pressure. I don't think the whips go in for, sort of, 'We're going to report you to your association,' but I think it's about loyalty ties. That's how the Conservative Party is normally held together. And being told, 'This is very disloyal,' you know, 'What future have you got in the party if you continue with this?'

Some people will just say, 'Get lost,' or something even ruder, but if you're susceptible to it... I mean, I saw one colleague reduced to tears over this. Even the 2017 rebellion, there was one person who didn't join us who was bullied out of it in the course of the afternoon – I watched it happen. She was in tears beside me, almost incoherent.

## The Brexit Impasse, November 2018 - June 2019

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**UK in a Changing Europe (UKICE):** When we came to a meaningful vote, were you at all concerned that you found yourself in a kind of unholy alliance with the ERG to oppose it?

**Dominic Grieve (DG):** Yes, it worried me a lot. I think it was perhaps the most difficult decision. Even now, I think I did the right thing, but it was always a problem. I made clear, personally, to the Prime Minister that if I thought her deal would get through if it depended on my vote, and was deliverable, I would vote for it – despite the fact that I wanted a referendum and by then I'd come out for one. In the autumn of 2018 was when I finally started talking openly about a second referendum, because I thought it was the only way of solving the problem. And I should emphasise, in doing that, I was also alive to the fact that the referendum might go against my own views. But I thought at least we'd have clarity that this is what people wanted.

Whereas my concern, by the end of 2018, was that the deal that was being

offered by the Prime Minister bore parlous little relationship to what was being promised by the Leave campaign in the referendum. I thought, even if delivered and if better than no deal, it would take us into a second-rate future. That was my conclusion. So, I would've liked to persuade the Prime Minister to turn to a second referendum, and reach out across the House to do it.

**UKICE:** What would've been your referendum question?

**DG:** Well, it would have to be Remain versus the deal on offer. Although I was even prepared to contemplate, and I said this to ERG colleagues, I was even prepared to contemplate the possibility of having three options, and then there would have to be a way of dealing with that. I mean, I realise that's difficult, but you could do it, or you could do a referendum in two tranches.

Because I did recognise that the issue they were putting forward of a no deal Brexit had some resonance with my constituency – I mean, there were some constituents who clearly wanted it – and excluding it completely as a matter of propriety bothered me, even though I thought it was a crazy outcome. So, I was prepared to consider a three-question referendum.

It would have had to have been some form of alternative vote, because you can't end up with 30% of the electorate supporting the final option, so it wouldn't be first past the post. You'd have had to have an opportunity for people to vote for the deal against remaining, and then if the deal was rejected remaining against leaving with no deal. I said that publicly on a number of occasions. But we never got close enough to look into the detail of it, and I was prepared to consider alternative options.

I did accept there was a legitimacy in the ERG's position, even if I disagreed with it vigorously. So, coming back to your question about January 2019, I said to the PM, 'If I thought that my vote was going to be the thing that takes you across the line, and as much as I don't like your deal because of the reasons I've given, and I think it's not your fault, you've done your best. I would feel constrained to vote for it.'

But there was no possibility of her deal getting through in January 2019, or in March. And the only time it really started to impinge was in the final March vote on 29 March, and that I did find difficult. I thought to myself, 'Should I vote for

this, because the situation is getting so bad, just to show solidarity against the ERG?' But we did the arithmetic, and the arithmetic was that whatever we did, she was going to lose. And so I stuck to my guns, whilst again making clear to her that that was my view.

I mean, ironically, it was too late by then, but just before she got chopped there was active consideration being given in Number 10 to coming back with, if you may remember, a withdrawal agreement bill, and she said that she would put on the face of the bill a referendum so that the House could consider it and decide whether to take it out. I had told the Chief Whip that if he did that, I would support it.

**UKICE:** Was there ever a majority in parliament for a referendum, do you think?

**DG:** Well, we came very close to it. I reckon there were about 290 people willing to support one so the question was whether we could edge it up so that we could get it over the line, but we never succeeded in doing it. Partly because the Conservatives were, let's say, reticent, pusillanimous, you can say whatever you like. We came jolly close to it. Of course, if Corbyn had not agreed the general election, even at the very end, I thought there was a possibility that we might get it in the period of November and December last year, simply because people would come to the conclusion that there was no other option.

There were a number of colleagues who repeatedly said, 'Look, I can't support a referendum, but I would do it if I thought it was the only option for getting us out of this mess,' one of whom subsequently stood as an independent. So, there were various fora in which we could speak to each other. There was the group I was working with, but there were also wider fora.

There's the One Nation dining club, which is always a rather good place for bouncing around ideas. Mainly made up of Remainers, ex-Remainers, with one exception I think, but mostly people who were loyal and trying to find a way through. So, it was always a good sounding board as to what people might or might not do.

**UKICE:** How confident were you in January 2019 that the Speaker would allow



your amendment to what some people saw as an unamendable motion?

**DG:** I didn't think he would. There's been a lot said about this story. I never discussed it with him or anybody else before I tabled it, and in tabling it, I had low expectations. Although, in the back of my mind was the knowledge that, when I had backed off the previous summer, it was on the basis of the Government giving a number of rather bland assurances, as you may recollect, that the House of Commons would have an opportunity to debate everything it wanted. Which, by January, I thought was a promise that was probably not going to be honoured.

And, at that stage, that looked like the only way of doing it – although, if you remember, subsequently emergency debates under Standing Order No. 24 could also be used as a mechanism for doing it. So, in fact, I think that it would have happened anyway. But, no, I had low expectations he would grant it to me. I was just trying to think what I was going to do next in the situation that was arising, and it was putting down a benchmark of our concerns.

**UKICE:** And, overall, how central was John Bercow to what transpired?

**DG:** Well, he was plainly central to that. Although, as I say, on the interpretation of emergency debates under Standing Order No. 24 he could have achieved the same thing by a different route, because previously it was thought that Standing Order No. 24 debates could only be done in neutral terms, and, in fact, there's nothing when you read SO24 to say that.

But, yes, I mean, he was central in the sense that he's a very controversial Speaker for a whole range of reasons, but faced with a political crisis in which he felt that the Commons, as a body, was being marginalised, and might well have a view which was different from the Government, he decided to stand up for the rights of the Commons and interpret the standing orders in a way that helped us.

**UKICE:** And what did you think of one of the other rows between the Government and Parliament at that stage, which was over the disclosure of the Attorney General's advice? Did you have reservations about that?

**DG:** Yes, I did. In fact, I went into the House and spoke up in favour of the

Attorney. There's always a group of ex-Attorneys General who ought to stand up for each other, and I said in the course of that debate that it was asking for something that shouldn't be asked for. But then, of course, subsequently, we ended up with a situation where there was an issue that the House of Commons found the Government was in contempt of Parliament.

And then it came back on that resolution, and I said, 'Well, actually, however wrong it may be, whilst I have total sympathy with the Attorney, I think the Commons motion has to be respected.' But, no, I didn't support the original demand for the publication of the Advice and I made quite clear that I was going to support the Attorney, whose role would otherwise be made very difficult.

**UKICE:** And what did you make of the Malthouse Compromise? You were talking earlier about working with people like Nicky Morgan – but Nicky Morgan was one of the members of the Malthouse Compromise group, along with some other people who you might think were more natural sympathisers with your perspective?

**DG:** Well, I thought the Malthouse Compromise was not worth the paper it was written on, really – awful to say. It just didn't seem to me to make sense. And it was a quite significant moment of separation – although my personal relations with Nicky have always stayed perfectly friendly, and will remain so, I hope, until kingdom come.

But that was what had started in the summer with the episode around the votes where I'd backed off and where Nicky had been supportive, but then ceased to be, for perfectly understandable reasons. She then progressed through the autumn into a very different place, and that group was really the group that then started to work on the Malthouse Compromise.

**UKICE:** The other unifying development in the Conservative Party was the Brady amendment. What did you think of that?

**DG:** I don't think I thought very much of it. I mean, I can't even remember all the details of the Brady amendment now.

**UKICE:** What did you make of the Government, which must have known that

there was no negotiating mileage in it, whipping in favour of the Brady amendment?

**DG:** Yes, well, I mean, we thought the Brady amendment was a mere piece of symbolism, which was why people like Ken and I didn't vote for it. It was designed as a sort of cheer moment where you brought the whole party together, and so you were being told, you know, classic loyalty thing, 'There's no reason not to vote for the Brady amendment.' And, by then, I think we were just saying, 'This is fantasy. We are living in fantasy land and, given how deep this crisis is, pandering to fantasy is not going to solve your problem. Please get real.'

**UKICE:** Do you think Theresa May was ever serious about no deal?

**DG:** No. No, no, no, no. She knew very well that no deal was catastrophic, and when we passed the Cooper-Letwin Bill, I mean, the truth is she didn't mind a bit. Well, she may have minded, but it took some of the heat off her. Indeed, as we did it, we knew that it would take some of the heat off her, because it removed her fingerprints from seeking the extension from 12 April to 31 October.

You've got to understand that the other phenomenon that started to take place in early 2019 was the creation of a completely new group, which, oddly enough, didn't necessarily have what I call the 'Nicky Morganites' in it.

That's to say, once it became clear that her deal was not going through, there was a group of senior Conservative parliamentarians and senior Labour parliamentarians who became so alarmed about the prospect of no deal that they stepped in and showed a willingness to work with people like me, who were seen as being reprobates a bit, because we could cooperate to stop no deal. That's where my cooperation with Oliver Letwin started.

Prior to that, Oliver had been an honest broker on difficult issues, but once Oliver got to the point where he realised that there could be a no deal, he was really concerned about it. So, that was when we then started getting two groups. There was what I called the second referendum people, a cross-party group with a small number of Conservatives in it and people who were now part of Change UK, because by then Change UK had happened. Then you had

a group around Oliver and Hilary Benn who were saying, 'Whatever else happens, we must stop no deal,' and those two groups started to cooperate.

That's when the Cabinet input that we were talking about earlier also started, because it was quite clear there were members of the Cabinet who were appalled at what was going on and believed no deal to be catastrophic.

**UKICE:** Do you think that the indicative votes could ever have worked and produced a clear outcome?

**DG:** I wasn't very confident about the indicative votes. But I mean, in the circumstances, they were a potential way forward – although of course we ended up with nothing very much really being indicated. So, it showed the difficulty in the log jam that was occurring.

The customs union came back then as an idea as well, didn't it, as I seem to recall? So, that also created some difficult areas of decision-making. As I said, I always thought the customs union was a bad idea. I know Ken disagreed with me on that. He would say, 'Oh, a customs union, why not? We'll just live with it.' I thought we were going to end up with the worst of all worlds. But, I was sympathetic to trying to be supportive of him.

**UKICE:** One of the reasons why the indicative votes failed was because people who might've favoured a soft Brexit if the only alternative was a very hard Brexit refused to vote for any soft Brexit alternatives. In retrospect, do you regret that?

**DG:** It's a valid point, but I don't think I do. I became persuaded by then that it didn't matter what the terms were of our departure. I thought that Theresa May's days were numbered, and I thought the ERG would destroy a deal after it had been done. By then, I'd concluded that the radicalisation of the Conservative Party was so great that I didn't really have much confidence a deal was going to solve the problem.

I may have been wrong. And, you know, on a personal basis these weren't easy decisions and they were never going to be. Also I have to recognise that, by then, the trust relationship that had been built up on a cross-party basis was quite extensive, and, on the whole, I wanted to try to maintain that.

But I do accept you can say, perhaps if we'd done things differently, she would've got her Brexit through and the ERG would suddenly have fallen away. But, look what's even happened with the Brexit that Boris Johnson delivered. Theresa was labouring under huge difficulties with having no majority, and the opposition were not going to lie down.

Unless, as I say, if she had formally reached out and built some sort of tacit coalition with Labour and the Liberal Democrats, such that it looked as if it was credible to take us through Brexit and out beyond it before we ended up with an inevitable early general election, that might've swayed it for me. But I never thought any of this was going to work, because the ERG had real clout in this.

**UKICE:** Were you ever tempted to jump ship and join Change UK?

**DG:** No. I'm very respectful of my colleagues who did, and had amicable relations with them afterwards. I had doubts that Change UK would work, and I think those proved to be correct – it just didn't have the right feel about it. And, secondly, I was very reluctant to leave my own benches. I mean, I realise people might've been gently sitting away from me on the backbench even before social distancing. It struck me that I was much more effective standing up there and saying what I wanted than disappearing down to the far side of the other side of the chamber to be pontificating from there. And also, finally, I'm a Conservative. So, I wasn't at all clear in my mind that, as much as I like the Change UK MPs, where was the philosophy which was going to bring them together, apart from their opposition to Brexit.

**UKICE:** How deeply involved were you in the organisational side of the People's Vote and in setting their strategy?

**DG:** Very little. The People's Vote campaign ran itself, or not, as the case may be, towards the end – when it went in for a period of very considerable difficulty. I got involved with the People's Vote campaign because I was invited. And I can't remember when I first went to a meeting, but there was a meeting bringing together the organisers and parliamentarians, which started to take place once a week.

And, thereafter, we were the political sounding board. And then, as the summer of 2019 progressed they were upping the ante with the marches so

they asked me to get involved and make speeches. I was also addressing the European Movement, or ex European Movement as it all morphed into this one campaign, going to meetings around the country, and I was very happy to do everything I could to lend them support.

I wasn't a directing mind of the campaign, although I could feed in my views and we certainly did that at the meetings with the politicians. Indeed, there came a point where Margaret Beckett and I were, sort of, vice-chairmen of the campaign. But I think you can exaggerate the influence we had. We were not running this campaign, this campaign was run by a group of ex-Labour Spads, one or two Liberal Democrat Spads, and input from some peers.

I wouldn't have had the time or, I think, the contacts to take over its running, and I wasn't in a place to do it. We did our best to guide it, we tried to say what we thought mattered, we tried to explain the political dynamics in Parliament and how they could impact on the wider political dynamics. They in turn also had to factor in that they had to appeal to a grassroots movement, which, by then, had become very large, indeed.

**UKICE:** Were you happy with the strategy they pursued?

**DG:** I think, broadly speaking, yes. Towards the end, of course, it all fell apart with an internecine conflict which was deeply regrettable and, to an outsider, would've appeared utterly arcane. Indeed, seeing that it was born in the depths of Labour Party politics I wouldn't wish or pretend to have a complete understanding of it. My only involvement then was to try to pour oil on troubled waters and, initially, to bring them together. But it was a very bad moment and very, very unsatisfactory.

No, I thought broadly what they were doing was right. They were mobilising, they were lobbying MPs, they were bringing people out on the streets, they were demonstrating support through the opinion polling and other things they were doing. Actually, there was probably a majority in favour of a second referendum and a bit of buyer's remorse beginning to creep in, although it was fairly marginal, but it'll be for historians to judge whether they had a significant impact or not. I will say they were emotionally-sustaining, morale-wise, for people like myself, and I've got reason to be very grateful to them.



## The Johnson Government, July - October 2019

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**UK in a Changing Europe (UKICE):** So, I just wonder if you'd like to talk us through the period from Theresa May standing down, the Conservative leadership elections through into the autumn, and ending up with a general election.

**Dominic Grieve (DG):** Johnson becomes Prime Minister, which was completely predictable once my colleagues in the House of Commons had committed the folly of putting him on the ballot paper. Well, they ought to have been, most of them, aware of how dreadful he was going to be. Forget about Brexit. I have strong views on this subject. I may be proved wrong, but I think we've probably got one of the most incompetent Prime Ministers in UK history on our hands, but perhaps he will magically transform himself next year.

But lots of my colleagues knew about the issues around him and were quite content to go ahead because they were desperate, and because they wanted to win, and he is an election-winner in the short-term. So, I can understand why they did it, and I certainly wasn't surprised at the outcome – I thought it was a foregone conclusion.

Obviously, his arrival sharpened up the alienation we felt, because a lot of us had had loyalty to Theresa. I mean, I know that may sound surprising, but we actually had an affection for her. So, we found ourselves in late July marginalised, very worried and, of course, we were joined by the ex-Cabinet Ministers who were in the same position. We were co-operating with the Labour led Benn-Cooper group, as I would describe it, and that led us to do two things.

Prorogation we feared, despite the fact Johnson had denied intending to do it – I think it was Dominic Raab who first suggested proroguing parliament. It was Raab's brilliant idea. So, then the next thing was Johnson saying, 'No, no, no' – he thought that was too draconian, I think. But we were very suspicious. If you remember, we amended the Northern Ireland Bill to try and prevent it. But once the summer recess kicked in, I think the mood music coming out of Number 10 Downing Street, and the extraordinary things that (Dominic) Cummings was putting out into the public domain, increased our concern. You know, the idea that if the Prime Minister were ever defeated on a vote of

confidence, he wouldn't leave Downing Street. It was a sort of culture war taking place, and very Trumpian. And we concluded we had to do more, and the risk of prorogation was very great.

By then, the leaks were starting to come out that, despite their denials, they were thinking about prorogation. We met, or we had a series of meetings, virtually and physically, to plot – there's no other way to describe it. We plotted the Benn Act and we plotted taking control of the order paper on the day we came back, and, of course, we enacted the Benn Act even though Johnson had decided to prorogue, having told a whole series of lies about his lack of intention of doing this. But we couldn't prevent prorogation.

So, the events of early September were well-planned, and it's the one moment where we really all worked very, very effectively as a group to deliver it, helped by the Labour frontbench. And that was successful. But he prorogued. And then of course prorogation was overturned, which I thought would happen – because once it was apparent they couldn't put in an affidavit, because nobody was prepared to swear to the truth of their own conspiracy to prorogue, which long predated 15 August when the first document appeared, that was when I thought they'd had it.

So, that's what happened. And then we all came back. Of course, the problem was that, during the course of prorogation, the ability to plan ahead became much more difficult. With hindsight I think that our return from prorogation and the party conferences, even though the House wasn't prorogued, left people floundering around what they should do next.

Obviously, the remorseless logic was that the House of Commons, if it wanted to do something else, had to seize control of the order paper and say what it should be – including, potentially, a second referendum. But, you know, that's rather like trying to get octopuses into a string bag, I'm afraid. It may not have made any difference, but in those ten days after we came back it was difficult to get a collective strategy.

And, of course, at that stage, Johnson was doing three things: one was to say 'This useless Parliament'; the second was to call for a general election; and, thirdly, of course, he went off and stitched his extraordinary deal with Leo Varadkar and then with the EU and said, 'I've solved the problem.' And it was

obvious that his deal hadn't solved the problem. Some of us said at the time that it had the capacity to carve Northern Ireland out of the UK, and it was that very reason why Theresa May absolutely rejected this option when she negotiated it and why she insisted on a UK-wide backstop.

But Johnson's a master of the abracadabra, and his biggest abracadabra was tantalisingly persuading Jeremy Corbyn that a general election might be in the Labour Party's interests. Which I certainly thought was cuckoo.

So, my view in late October was that he brought back the bill and got it through second reading, but he didn't put it to committee stage because he would've been told by his own whips that the moment the House had an adequate period of time to consider the detail, the deal would unravel. Indeed, one of the unravelling points might well have been the ERG itself as the truth dawned about what he'd done over Northern Ireland.

**UKICE:** Do you genuinely think the ERG didn't understand, at that stage, what he'd done over Northern Ireland?

**DG:** No, I don't think they did, or at least put it this way, they hadn't had it rubbed into them sufficiently hard for them to realise that it ought to matter to them. I don't know, perhaps he'd given them an assurance that he was going to renege on the deal subsequently.

**UKICE:** Does it matter to the ERG? Do you think the union matters as much as some of them claim?

**DG:** I think you get mixed opinions, but I don't think Little-England-ism is universal. It's true it's present in the Conservative Party now in a number of ways, but as a matter of pride and prestige to abandon a section of the United Kingdom to a foreign power is, I think, unacceptable, even if they show parlous little understanding of the dynamics of the union.

**UKICE:** I have to admit I'm having trouble focusing, because I'm still trying to get my head around the octopus metaphor.

**DG:** Well, getting an octopus into a string bag is quite a difficult task just as is getting consensus amongst colleagues. You're talking of a group of people

who have certainly been fighting very hard, have done a lot, you've got the Benn Act, the letter's going to have to be written extending to 31 January, prorogation has suddenly come to an end, we're all back in Parliament, everybody's making a huge song and dance, there's an inflammatory day on the floor of the House, the infamous 25 September when strong words are being banded about and then you have the performance of Geoffrey Cox at the despatch box which is a really totally weird and slightly surreal event.

And after that, everybody's thinking, 'What do we do next?' Now you can argue at that point, and it's what I certainly argued, 'Look, it's decision time. Either we collectively come together and have a strategy or we're going to carry on floundering.' And we might have got to a strategy, but it always takes a bit of time to do that, it can't just be done with a click of a finger. So, inevitably, people wanted time to think. In the meantime, in fairness to Johnson, he went off and did his own thing – particularly the coup of the deal with Varadkar.

**UKICE:** Do you think then that supporters of another referendum were caught slightly flat-footed?

**DG:** Well, I don't think we were caught flat-footed, but I think that the problem that had always existed remained. Remember, why were we where we were at the end of September? Because there had been co-operation between us and a group of soft-Brexiteers who were anti-no deal, which had delivered an outcome. The difficulty was on 25 September and thereafter that group parted company. Indeed, Oliver Letwin said on the floor of the House that although he'd done all these things, now he recognised it was the time to back the Government when Boris came back with his deal. So, there was the critical group that would've been needed to shift the majority that wasn't going to cooperate. And, coupled with that, the election dynamics were really starting to kick in.

So, it's probably right to say that we were all, to an extent, caught a little bit on the hop by the sudden return of the House of Commons, 24 hours after the court judgment took place. The other issue was whether the court was going to find that it was null and void or was going to order the Government to reverse the prorogation, which I suppose would then have required something to be done by the Government.

But anyway, we were all back very quickly. And that may, in hindsight have been a bit of a missed opportunity because the question was: what do we do next? And there were some people who said we should seize control of the order paper again, we should try to force the pace on the Government and there were those who wanted a second referendum.

But actually, it was difficult once it became clear quite rapidly that Boris Johnson was changing direction, and was heading for a deal – albeit, I have to say, an extremely unsatisfactory deal which reversed everything that he had previously said. The consequence, of course, on that was that, within the Conservative group, and I always knew this would happen, it wasn't as if it was a difficult parting of the ways, but it was abundantly clear that there was going to be a parting of the ways between those who were prepared to accept most things to have a Brexit with a deal, and those who thought, firstly, that the deal the Prime Minister was signing up to was a very bad one, and believed anyway that there was a very strong chance that the deal would be unravelled by the ERG once we were out after 31 January.

So, inevitably, at that point, the ways parted. Oliver (Letwin) made a speech, maybe it was during second reading of the Withdrawal Agreement Act, where he said, you know, 'I've come to the point where, although I've done all these things, I want a deal and I'm perfectly happy to support this deal.'

Whereas I was a bit torn in two because I could see that, while withdrawal with a deal might be worthwhile, the way the Government was handling the deal, including the astonishing guillotining of the committee stage of the deal, was unacceptable. Which is why I ended up voting against the second reading of the Withdrawal Agreement Act.

**UKICE:** Would you have been prepared to back a Government of National Unity under Jeremy Corbyn?

**DG:** Not under Jeremy Corbyn, no. That was always never going to be on the cards, and I'm afraid that was one of the reasons why it never happened. I could not have a Government of National Unity led by Jeremy Corbyn. I couldn't look my constituents in the face and say, 'I've put this man into Downing Street.' It's not possible.

**UKICE:** Even though you'd been expelled from the Conservative Party?

**DG:** No, I wouldn't have done it. And, I mean, that's, ultimately, what the general election ended up all about. You know, for some people, it was which is the lesser of two evils, and I'm afraid it was always going to be Johnson at that stage. And, probably, correctly. I don't think I could've seen Jeremy Corbyn into Downing Street.

**UKICE:** Were you surprised by the expulsions?

**DG:** No, not entirely. The expulsions, I mean, I'd sensed it building up. It was painful, it's not what I wanted, and I hadn't sought it. In one way, it almost simplified my life, as the bigger problem for me would've been being in the Conservative Party and ending up with a general election with half of my association saying, 'We want to get rid of this individual.' And that would've been very painful, partly because of my ties of friendship and loyalty to association members, including some of them who were probably going to say it, and then dividing my association. So, in a funny way, having the whip withdrawn and knowing that I wouldn't be able to stand for the party simplified my life on a personal level, even though it was not something I'd wished to see happen. It took the responsibility out of my hands.

**UKICE:** Were you involved at all in the tactics that led to the Letwin amendment to the meaningful vote, and the Saturday sitting in October?

**DG:** We were all brought back on the Saturday for that, sort of, extraordinary session because of the emergency. Yes.

The issue in that week was whether or not Johnson was going to get his deal. Those wanting a second referendum were considering that if one emerged there would then be a vote to approve it. At the start of that week our information was that a full legal text might take some time to prepare so the day of such a vote was not thought to be imminent. But, by mid-week, it was clear there could and probably would be a vote that week end.

I went with others for a second visit to Brussels on the Tuesday. This was to press the need for a long extension if the Prime Minister was forced to write the letter requesting one. We were concerned at the rumours that the EU might be



running out of patience and would not extend. Indeed, (Jean-Claude) Juncker tweeted as much once a deal was reached. The visit, however, had reassured me from what I heard from elsewhere – that while the EU was getting bored with the UK it would not force us out against the wishes of Parliament for an extension.

The key issue then for the group was whether this should be the showdown moment to try and table and press to a vote a Kyle/Wilson amendment making the approval of any deal subject to a referendum. My view and of most in the group was that we were still not in a position to win it.

The second issue was that there was a risk that if the Prime Minister got his deal approved he could then claim the terms of the Benn Act were fulfilled so he didn't have to seek an extension. As his deal was very controversial with the ERG and the DUP, we could see a risk that the deal could be passed but we could then leave with no deal on the 31 October with the ERG voting against the implementing legislation, or even the Prime Minister doing this as he knew the deal was bad and we had always believed that he was willing to risk a no deal departure.

As I explained the group of 21 rebels who had united to help to pass the Benn Act had inevitably broken up once this had happened because some wanted a second referendum and others just to stop no deal. But as the motion to approve the deal risked no deal again it brought most but not all of us together. Some of the Benn Act rebels thought the ERG risk so small and wanted to reintegrate the Party so they were prepared to back the deal regardless.

Oliver Letwin was implacably opposed to no deal and therefore drafted his amendment to prevent this risk from happening. The initial signatories on tabling were also no deal opponents, not supporters of a second referendum. In view of there being two motions, we took the decision to table Kyle/Wilson to the second motion approving leaving with no deal.

There was great uncertainty as to whether or not we could win and we also knew that if the Government lost to the Letwin amendment, it would almost certainly pull the second motion. Supporting Letwin on the first motion would, however, achieve a shared goal. This was agreed by our group and is why I

then signed the Letwin amendment after it was tabled and spoke in favour of it in the debate and voted for it. We had removed the risk of crashing out but made no more progress to a second referendum. I hoped the extension might allow time for us to push that over the line later.

But that needed us to keep Johnson's feet to the fire and forcing colleagues to decide that a second referendum was the lesser of evils. Not, as Jo Swinson decided, instead holding a general election.

I should emphasise that Oliver Letwin and I were in contact and consulted each other throughout. Our disagreement on a second referendum was always very amicable and we trusted each other when we co-operated. He discussed his amendment with me before tabling it and we were in agreement as to its necessity. He made clear in the debate that his position was that he wanted the deal and wanted to see it enacted into law so we could leave on those terms. I, meanwhile, was touring the studios explaining why I thought the deal would be a potential disaster for the UK's future.

**UKICE:** There were some fears, too, about the extent to which the Benn Act did what it was designed to – in terms of forcing the Prime Minister to send a request for an extension?

**DG:** If you remember, one of the features was that, quite apart from prorogation, there had been all these sort of threats emanating, I think, from Dominic Cummings that the Prime Minister, if he lost a vote of no confidence, would never leave Number 10 Downing Street. We had an extraordinary spat about that in mid-August. I remember doing radio broadcasts saying, 'Well you have to leave Downing Street. I mean, ultimately the Queen will have to sack him. You can't have a Prime Minister who doesn't go.'

And then I also repeated that over the question of the letter writing. We still had, even after Parliament came back in October, the Prime Minister threatening not to write the letter. Now, he had an argument, he could challenge whether he had to send that letter, and there had been a lot of anxiety in the group that we hadn't got the Benn Act watertight. And the Government promoted that, they went around saying, 'No, no, no, we know that actually the Benn Act doesn't say what they think it says.'

And I kept on looking at the Benn Act as an ex-Attorney General and I said, 'You know, I think it does exactly what it says on the ticket.' There were some members of the group who wanted us to try to amend the Benn Act again in early October, and that was one of the topics: should we have another go at amending the Benn Act to make it even clearer that he's got to write the letter? And I said, 'No, I just don't want to have any part in this, this Act is good for what it does.' And indeed, it was good for what it did, and ultimately, although I know he wrote the second letter after the first, that didn't really matter. He had to write the letter.

**UKICE:** And did you have reasons, then, to be confident that the EU would agree to the extension? Because obviously the Prime Minister can ask but the EU doesn't have to agree?

**DG:** I was confident that the EU would agree to the extension. I should make clear, I myself did not communicate directly with the EU. I went to see Barnier on one occasion and went back again, but actually the communications were very, very limited.

Now, I have to accept that some of my colleagues may well have communicated far more frequently with EU officials whom they may have known than I did, and may have fed that into our discussions. But I was quite careful about not doing it. What I did pick up in late October, and this was a real problem, was a growing sense that some of our EU partners who were quite important in this were running out of patience, in the sense that they wanted this over and done with. And they also I think, and this has been proved since, had a misplaced view of Boris Johnson's pragmatism.

So, there was a sense that, provided Johnson could get us out by the 31 January on virtually any terms, he would then ditch the ERG and that they would have a perfectly productive relationship which would lead to a Theresa May-style deal, and that in fact they might even get a better deal than he was talking about at that time. I thought they were mistaken, and I told them so.

So, there was a sense that they wanted it over and done with. In an ideal world I would have been overjoyed if, rather than saying 31 January, the EU had come back and said 31 March or 30 April. The longer the extension the more likely I thought, and I knew it was a longshot, that we might get that second

referendum. And the only way I could see that happening was that I knew I had Conservative colleagues who would go for a referendum as a last resort. I won't give names, but, you know, it was quite obvious they would – even though, at that stage, they were still saying, 'Honestly I think it would be better if we leave with a sensible deal.' And of course Boris Johnson's negotiation, the Northern Ireland Protocol and the abandoning Theresa's approach of an all-UK backstop, was very clever because it brought back on board enough people to enable him to get the second reading through.

But I also thought that there was a serious risk that the bill would unravel at the committee stage, because the one thing about the way Johnson did it was that people were hoodwinked into what the deal actually said. , All the problems that have come along since on Northern Ireland were absolutely clear. I remember saying to my DUP colleagues, 'Right, he's sold you down the river.' And I said so publicly.

You can see me on video saying this is a really disastrous outcome for the union of the UK, and particularly for Northern Ireland. And all the while I was trying, still, to get us to a point where we might just get this second referendum. But I have to accept Boris Johnson was very clever, going for that deal brought back a significant number of Conservatives including many of the 21, some of whom didn't want to lose the whip, some of whom wanted to be able to stand again. There was the smell of a general election in the air. So the chances of reconciliation with the Party were narrowing, and they wanted to stay in Parliament. So, it was a difficult time.

And then, of course, thereafter this challenge that he kept on putting down to people over the holding an election finally worked. It worked firstly on Jo Swinson, which was an act of folly on her part. I think she thought that she was going to be outflanked by the SNP in Scotland over this, and yet ironically, although the SNP had been chuntering about wanting a general election, we kept them onside.

**UKICE:** How did you do that? Because I mean the election made rational sense for the SNP.

**DG:** Yes, it did. I hesitate to put forward my own view as to what they were thinking, but I think one has got to recognise that if you are an SNP MP and

you come down to Westminster and you spend time there, you may still believe in Scottish independence but an understanding of the UK perspective also starts to grow on you in perhaps a way which isn't reflected north of the border.

That, coupled with ties of growing trust with MPs from other parties when you've been successfully working together and talking to each other, means that actually some of the barriers which nationalism can often create start to evaporate. This meant that, perhaps by October, some of them could see that if there was a chance of keeping the UK in the EU altogether, that was better than the short-term political advantage of gaining more seats in a UK-wide general election.

Because I accept, by October, it was pretty plain that they were going to be the beneficiaries of an early election in Scotland. But you see, Jo was a Scottish MP, you'd have to ask her about this, but there was a little bit of me that was left with the impression that she was really concerned about being outflanked. And also, I think Chuka (Umunna), although I didn't speak to him much at that time – he'd slightly moved to one side – but I think he was pressing her to go for this election.

And she decided it was in their interest to do it. I think she hoped that they would garner the votes of people who were committed Remainers, taking them away from the Conservatives and indeed the Labour Party, because of Labour's vacillations and mess. So, I think that that is what prompted it and, once that momentum started running, I knew the game was up. We were going to have a general election.

I have to say I never thought that the outcome of the general election would be other than what it was. Put it this way, I thought that Boris Johnson would get a working majority. As the election went on and the spiralling downwards of Labour grew apace, I started to think it was going to be a bigger majority. I went and fought the election because I thought there was just the possibility that we might end up with a hung parliament and that if I was an independent MP, I might be able to have some influence over what happened next.

I also recognised that if Boris Johnson won a working majority my being an independent MP would relegate me to ineffectiveness. I was very happy to be

an MP, but I wouldn't be able to do very much except pontificate.

**UKICE:** I wonder whether you were surprised that the Government took its ball away so quickly when it passed the second reading of its Withdrawal Agreement Bill the moment the programme motion went down. Did you expect the Government to immediately say, 'We're going to drop the bill now?'

**DG:** No, I hadn't. I thought that there was a chance the Government would get the bill through the Commons. And indeed, there was a bit of me which was also looking to try to see what the future was going to be, and also my own future.

We had all those questions as to what moment you table that amendment asking for the second referendum. You may recall that this was a thing which was postponed endlessly because each time you looked at it, it didn't quite seem to be the right moment, and indeed it wasn't. But I think most of us recognised, when he brought that legislation in, that we had come to crunch time and that there would be an attempt during the passage of the bill in committee to insert a referendum clause.

And even I had accepted that, if that referendum clause didn't pass, and on the evidence we were still short, it was game up for the second referendum. I couldn't see the second referendum happening. Then the bill would go through, we would leave, and my anticipation was that Boris Johnson would probably hold a general election once we had left.

And at that stage, my standing as an independent candidate would have been a pretty pointless operation, I don't know if I would be getting the whip back, probably not, and possibly I would have been leaving anyway, that would have been the end. So, I recognised that that was a likelihood. But, and I come back to the point I made a moment ago, the bill hadn't received any scrutiny and I did think that as we started looking at the clauses and what they actually said the mood in Parliament might well start to shift.

The DUP's mood – they were in a pretty angry state – might start to crystallise, and I thought therefore there was a chance that the bill would founder in committee. Which was why, once the committee stage was truncated in this ridiculous fashion, for a major piece of constitutional legislation, that was my



cue for opposing it. Because I had wondered whether to abstain on the second reading.

## The 2019 general election

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**UK in a Changing Europe (UKICE):** Can you just say a little bit more about the thought processes behind you standing as an independent? You've touched on that, but the calculations you made and the wrench it must have been to do it, in some ways.

**Dominic Grieve (DG):** I don't think I had envisaged doing it. I thought that probably the Parliament was just going to come to an end at some point and I was going to be out. I think the withdrawal of the whip made me quite angry. I shan't express the expletive but, you know, I thought you can all go take a running jump if you're going to extricate me from my constituency, you can jolly well work to push me out.

I mean, I had no illusions about the chances of winning in what is a very, very Conservative seat. And a Conservative seat, where, as I think I may have explained, although the impression is of great wealth, actually there is quite a big artisan working class Conservative vote, which is much less prosperous but has always voted Conservative. Their grandparents voted Conservative in the late 19<sup>th</sup> century, and this group was in favour of Brexit.

I had no illusions, but I was sufficiently irritated. So what happened was that in September, when I lost the whip, late September, I firstly went and had a word with the Liberal Democrats in Parliament and I said, 'Look, there may well be a general election, and I am minded to stand as an independent, would you be putting a candidate up against me? Or might you decide not to?' And I suppose I had the unique benefit, partly because they knew very well they couldn't win the seat and partly it may be that I had a degree of respect in the constituency from the Lib Dems which had grown over the years. But they clearly didn't object, and the Liberals exceptionally said they wouldn't put a candidate up.

And once I knew that, I knew it was worth having a go. I mean I had nothing, I had three or four members of my Conservative Association who said, 'We support you, we think you're doing absolutely the right thing in opposing the

Government,' whereas for the rest of the association, I mean, I was out of it. And I had a very nice member of the association who was on the candidates list, and he rang me up and he said, 'Look, I would like to help you, I'll be your campaign manager,' and we started from scratch.

And I started by digging into my own pocket and spending £10,000 to send out a mailshot to my constituents in late October. And then when it was clear that the election was coming, I just succeeded in dipping into my pocket and spending another £10,000 to do the second mailshot to most of the rest of them, so every household got a letter setting out my position. And then, in truth, the money poured in.

We reached our limit for the election expenses in the first week of the campaign. Extraordinary generosity, both crowdfunding money and also one or two donors who just stepped forward and said, 'Look, we want to help you.' So, I have no regrets at having done it. Obviously it was painful from the point of view of my relations with the association, but even those relations – with many of my ex-association members, my ex-chairmen have, to an extent, survived. Although there are some people who vilify me, actually most of them, because we had a long association that predated it, have remained friends.

**UKICE:** Did you enjoy the campaign?

**DG:** Yes, I did. I mean, you have to bear in mind that apart from fighting Lambeth Norwood in 1987 – and, well, Norwood was hopeless – I had never fought a marginal campaign of a by-election style in my life. It wore me out. We worked incredibly hard, but we did get out, we did do the canvassing, we did muster the volunteers.

There is something rather exciting about standing in a car park and 150 people volunteering to turn up, some of them coming out from London, some of them local, to do a Saturday canvas. And we were able to manage that right through the campaign, it was a mass campaign. You know, endless cups of coffee and tea in people's kitchens, horribly cold weather for the most of it. Maybe at 63 I should say it's time not to do these activities. But actually, I quite enjoyed it, I was probably fitter at the end of it than I was at the beginning, and it was a bit of a release. But I had no illusions about where we were going to end up.

**UKICE:** What did you make of the campaign that the Conservative Party ran? Were you impressed by it?

**DG:** My opponent was obviously very inexperienced, she was perfectly pleasant. She, as you may have seen, has turned into a Boris Johnson loyalist of a very acute kind, I think it's fair to say. I don't think that's being derogatory about her. That's where she is. With the added, sort of, spice of her being of American background, But she was perfectly pleasant, we got on very well.

And I got on very well with the Labour candidate. There was a strange ex-Brexit Party independent who decided to stand, which suited me down to the ground. That was very good news, although he ultimately only got only a few votes. I think the Conservative campaign locally was very simple: 'Get Brexit Done'. I mean, that was the whole thing. 'Get Brexit Done' and you've got to vote Conservative or it is a Corbyn-led Labour Government. And that worked.

They even put out locally, you know, 'A vote for Dominic Grieve is a vote for Jeremy Corbyn.' I did my best, I put out literature saying, 'I will never facilitate Jeremy Corbyn going into Downing Street.' But the truth is that the longer the campaign went on, the more Middle England took a very firm view that a Corbyn-led Labour Government was a disaster, and you can't really criticise them for that.

**UKICE:** You talked about your association. How much of a role do you think party members, grassroots Tories if you like, have played in the events of the last two or three years, in terms of Brexit?

**DG:** I think that's a very interesting question. Looking at my own constituents, I would say that the trend was that the people who were May loyalists and who wanted a soft Brexit were in the majority in 2016. Into that group swung quite a few people who had voted remain because the Conservative Party is a loyal tribe.

So, if something happens, you want to keep the tribe together, you've got a new leader, you want to support her. And then, there was a fringe who were very concerned about any suggestion that it was going to be a soft Brexit and that the promises of leaving were going to be lost, and the ideology was going to be lost.

When Boris Johnson got the leadership, the soft Brexiteers were, in a sense, silenced because it's disloyal to express another view. Meanwhile, the association had grown in the course of this year largely on the back of people joining who were, in many cases, ex-UKIP members, I have absolutely no doubt about that. The membership went up and they were vociferous.

And indeed, what has happened since is that those two groups have fallen out with each other. I regret to say, but my impression is that my association has gone through a period of really quite serious dysfunctionality and unpleasantness in the course of this last six to nine months. Which I think is the backwash of these differences.

So, yes, of course, I'm afraid the truth is that, as often happens with party members of any party, you're going to have less nuanced views than you're going to have from MPs who after all get sent to Westminster to look at the nuances. And, on the whole, the Conservative Party was driving Brexit, I have absolutely no doubt. That is why Theresa had to make these speeches which I really don't think were helpful, you know, 'Brexit means Brexit', 'The somewheres and the nowheres.' She was constantly bending to that wind, whilst trying to go in another direction.

Once Boris had got the leadership as was always going to happen with a new leader, the new leader commands loyalty and, for the first few months in office nobody can really say anything against the policies he is pursuing. I suspect there were some people who were horrified about prorogation, one or two of them in my association told me so. I thought prorogation was such an un-Conservative act and so outrageous. But again, silence from most.

During the campaign I know there were members of my association who secretly voted for me while staying members of the association. So they never broke with the association, they just sidled up to me and gave me a smile and said, 'I'll be voting for you.' But most of them didn't. Most of them voted for my successor.

**UKICE:** Do you think politicians were scared of their associations?

**DG:** Yes. Oh yes, I'm quite sure they were scared of their associations. And in a way they had reason to be scared. I mean look at the behaviour at the time

that I had my meeting where they tried to pass a motion of no confidence. My officers turned down the notion of no confidence because it was out of order in time terms, but tabled a motion of confidence, which was probably asking for trouble, which I lost. Not by a huge amount, but I lost it.

But, in fairness to my association, I can see why they should have had it in me in that form, some of them. But at the same time that this was happening, there were threats against David Gauke who at the time was Lord Chancellor and therefore a complete May loyalist.

I seem to remember Victoria Prentis, who is a very old friend of mine because she was my pupil as a barrister, and is now currently a junior minister in agriculture. She is also an ex-government lawyer, but she was having trouble in Banbury just because she was an ex-Remainer, but actually she hadn't departed at all, as far as I can recall, from voting loyally with the Government

So, yes, there was a pogrom going on against Remainders. There was a cleansing operation which was being led partly by Vote Leave and Aaron Banks. The Vote Leave literature was around in my constituency. So, of course it was terrifying MPs. They were being silenced. And you knew they were being silenced. But, as I think I said to you on the last occasion, I never held it against people who were silenced because these are terribly difficult decisions.

So, when you got to the brink and suddenly somebody would say, 'I'm sorry, I'm pulling out,' it didn't interfere with my personal friendships or respect for them. But you watched it happen. And you watched it happen over and over again. You know, people who had just got to the limit and they thought, 'Either I'm leaving this party, or I'm going to be totally ostracised, or I've got to conform.' And quite a few of them conformed, and they are still in the House of Commons. Whereas I'm not. Which, you could argue, in current circumstances, is not a bad thing,

## The future of British politics

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**UKICE:** Longer term, I wonder what sort of reflections you had about what this all told us about the way the constitution works more generally: on Parliament versus the executive, the role of the Attorney General and the review of judicial review going on.

**DG:** People used to say last year, 'Our political system, our constitution system, is broken.' I'm not sure I agree with that. Actually, for the most part it was functioning, it was just that it was under very unusual levels of strain. The prorogation judgement of the Supreme Court, I don't think was in any way a departure from the norm at all when the Government is behaving badly and doing things which don't stand scrutiny as a constitutional act. I don't think the Supreme Court was wrong in its judgement at all. Yes, you watched institutions under strain.

I mean, I think how you decide to be Attorney General is a matter for the individual. The trend in recent years has been that the Attorney, in order to maintain independence, has probably become more independent. There was all this business as to whether the Attorney should not be an MP at all but a lawyer brought into government as in Northern Ireland. I was never in favour of that, but certainly when I was Attorney, I took the view that there had to be a self-denying ordinance about becoming too politicised. I never appeared on a main platform at a party conference. Nor did Jeremy Wright. Geoffrey Cox fronted up, even when Theresa was Prime Minister, and did a sort of warm up act for her. Now, I wouldn't have done that. And of course, he became a battering ram for attacking Parliament for the Government when he was the attorney to Boris. The 'useless Parliament' and all that, 'dead Parliament and useless Parliament', all of which, in my view, were unjustified.

And it is noticeable that we now have an Attorney General who, for the very first time, has a special adviser. I didn't have a special adviser, Geoffrey didn't have a special adviser, Jeremy didn't have a special adviser. In my view it is actually grossly improper for an Attorney General to have a special adviser on matters political, even though at party conference time it can be quite useful. I used to constantly be told at party conferences, 'Don't you know about this?' And I said, 'No.' 'Oh, but the special adviser should have told you,' I said, 'I don't have a special adviser, thank you very much.' But that was the only time I missed not having one.

So, yes, there has been a deterioration on that front which I think will produce problems further down the track. Certainly we can see it in the Attorney's advice on the Internal Markets Bill, which in my view is unjustifiable, but there we are. But otherwise, no, the UK has an unwritten constitution which was battered from all sides but actually has basically held up. At the end of the day,



there was a general election and the public in their wisdom elected a Boris Johnson majority government with a majority of 80 and the consequences have flown from that. And the UK carries on, unless or until it breaks up.

**UKICE:** Looking forward, just to reflect, do you think this Leave/Remain division is here to stay?

**DG:** Well, I don't know about that. I think part of the problem is that I think people's views on Brexit are much more nuanced than that on both sides. But the difficulty is that it has become a binary issue and people have then translated that binary issue into assumptions about people's worldview beyond Brexit which I think is inaccurate.

To sort of explain it from my own point of view, I see myself as a traditional Conservative. I was brought up in a family and a household where, partly because my father was quite old when I was born, and also, he was a posthumous child of somebody killed during the First World War, he had a rather romantic view of the UK, its constitution, its exceptionalism, its history. Slightly rose-tinted spectacles as well. But nevertheless, that's what he felt, he was really proud, and proud in a way that connects directly to my Leave voting constituents who chucked me out. But he was also an ardent pro-European.

And I inherited this from him, I have absolutely no doubt, it's one of the things which took me into politics. So, I didn't have any difficulty understanding their point of view, it's just I happen to disagree with them on a policy issue which is of considerable importance to the country's future. And yet, we now exist in a polarised world where, you know, we talk about 'somewheres and anywheres' and where we seem to think that the UK has become completely split as a consequence of Brexit into people who have these two very different world views. I just don't think that's the case. And I think that gradually you will see that go, but at the moment because we haven't finished it stays very prominent.

**UKICE:** I want to come back on your view that the institutions all worked because you could argue that the way we set up parliament, the electoral system, all of that actually meant that on an issue that was quite nuanced, we couldn't deliver a very nuanced solution through our parliamentary institutions. I just wonder whether you thought that where we've ended up on Brexit is a bit

of a function of the way in which we do politics?

**DG:** Yes. I mean ultimately, it's because we don't have proportional representation. I mean, if we wanted to transform the way in which we do politics in this country then the solution is to introduce some form of proportional representation, and I have gradually come round to the view that it would actually be desirable to do it.

I didn't start out there, as a Conservative. But, in fairness, my change of view didn't come when I became an independent candidate, my change of view came, I think it largely came in the period when I saw how the Coalition Government worked, and I saw also the consequences of what was happening immediately afterwards with Brexit.

Of course, the winner didn't take all in 2017 at all, but it didn't induce compromise. On the contrary, Theresa May behaved as if she was a majority government when she didn't have a majority, which was part of the problem. And the opposition parties behaved as if she had a majority when they could have behaved differently if that atmosphere was different. And that, I think, would make a difference.

I think in the end, the crisis we've landed ourselves with is in part a product of that. But the other elements of the constitution, I'm not sure they have malfunctioned. Although, as I say, I accept they have been under huge stress, and the disrespect for convention is a serious issue because conventions do underpin trust, and we're now in an environment where the trust elements have largely gone, and the most worrying thing of all, the trust element has now gone between government and governed as well.

And that is possibly as a result of Covid and the events of the last nine months. But we are, I think, in a period of marked deterioration on that. You only have to look at the public's view of politicians and what they are there for and what we're trying to achieve, and this is a trend that has been going on and accelerating, and I fear that Brexit is going to make it worse unless it proves to be a huge success. And I don't think it is going to be.

So, I think that that trust breakdown is the most serious thing. In the old days, I put it this way, they thought politicians were decent people who made

promises, went to Westminster and proved through circumstance unable to deliver on them. But a lot of people now think that we're just a group of crooks, and that we don't mean what we say at all. And that, you know, when we say we're going to try and do something, actually we have another agenda.

**UKICE:** You mentioned the pressure on the union from Boris Johnson's deal with Northern Ireland but also, clearly, there is a looming issue with Scotland. I wonder how you see that unfolding?

**DG:** Well, it has worried me almost more than anything else. A country can pick itself up, but if it starts to split apart it may be the bits that pick themselves up, but not the whole.

I am a unionist, I've taken an interest in Northern Ireland, probably know more of Northern Ireland, about Northern Ireland than most of my colleagues. This is partly just interest, I think, over the years, although it doesn't appear on the CV necessarily. But I've always attended British Irish Association conferences, I've given talks at the Centre for Cross Border Studies and I enjoy going to Belfast. I like talking to people from both traditions, and I have quite a few links there. And the Good Friday/Belfast Agreement, for all its faults, and for the failures that have followed, has actually provided the framework for maintaining continuity and ultimately maintaining the union.

And the big endangerment is that moderate nationalists will give up on the union, which previously they secretly supported as being the best solution for everybody. And we will end up with another political crisis and a referendum, I think that's a very real possibility. I've been banging on about that when I was still in the House of Commons and I said only in October last year, when I read this deal, 'This is absolutely the unravelling of the union.'

And as for Scotland, although I didn't think that the Brexit vote necessarily precipitated independence, everything that has happened since Brexit is fuel to the fire. I am actually rather pessimistic about where we're going to end up, and that will be another constitutional nightmare to unravel.

**UKICE:** Going back to your constituency, if the union breaks up as a consequence of Brexit do you think Leave supporters in Beaconsfield would regard that as a price worth paying for Brexit?

**DG:** There are certainly elements within the Conservative Party that started saying, post 2016, 'If they don't like the arrangements, they can just go take a running jump,' and that was applying to Scotland. And indeed, they also surfaced at the time of the independence referendum in 2014.

But, and I think it's a very big but, there has always been the slight sense that they felt able to say it because they didn't believe it's a viable possibility. Actually, I think they will be very upset if the union breaks up. They may blame the Scots, it may fuel a new form of phobia and irritation, but they know that the UK will be significantly diminished if that were to happen. It will be a shameful episode, and for a Conservative a really shameful episode, one which will hang around our necks like an albatross, quite frankly.

And so, I'm afraid, I think that although there has been a tendency of them to say, 'If that's what happens, you know, it will happen,' I don't think they really mean that. A few of them may mean it, there are some English nationalists in the Conservative Party, but I don't think that is a majority view or even anything approaching one. It is quite a small minority view.

I think if there is a constitutional crisis next year that starts to build after the May elections in Scotland and we're out and it looks as if there is going to be another referendum and there are real signs that Scotland might vote to go ... I don't obviously know whether Boris Johnson is going to allow such a referendum to happen, but then I think they will be really worried. And they jolly well ought to be too.