Ministers Reflect
David Davis

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Biographical details

Parliamentary history

1987 — 1997: MP for Boothferry

1997 — present: MP for Haltemprice and Howden

Government career

1990 —1993: Assistant whip

1993 — 1994: Minister of state in the Cabinet Office

1994 — 1997: Minister of state for Europe

2016 — 2018: Secretary of state for exiting the European Union

David Davis was interviewed by Tim Durrant and Maddy Thimont-Jack on 22 September 2022 for the Institute for Government's Ministers Reflect project.

David Davis talks about the challenges of setting up a new department and working with Number 10 to negotiate an agreement for leaving the European Union, the power of resigning from ministerial office, and how to establish your standing with officials as a new minister.

Tim Durrant (TD): Let's start by talking about when you joined government under Theresa May. Obviously, she came in as prime minister after the referendum. What was the conversation you had with her like, when she asked you to join the government? What did she say?

David Davis (DD): Well, the first thing to say is that I was somewhat surprised. I normally leave my phone switched off during reshuffles because I'm not really interested in them. I was having a drink with my erstwhile chief of staff, a lady called Renate Samson, in the Adjournment [a restaurant on the parliamentary estate]. We'd just had the Chilcot Inquiry debate in which I had majored — one of the things I'd been a signatory to was the motion to haul Tony Blair in front of the house, and make him sort of grovel, basically. That wasn't how it was phrased but that was the thesis. I'd been very active on Chilcot, so that was my main interest that day. I was talking to Renate and she suddenly said, "Twitter say you're in Number 10." Well, obviously I wasn't, so I didn't pay much attention. Then about ten minutes later she said, "They still say you're in Number 10." So I said, "I tell you what, take a picture of me holding this glass of wine and put it on Twitter and say, 'No, he's not in Number 10, he's having a glass of wine in the Adjournment.'" And then 20 minutes later she said, "They're still saying you're in Number 10!"

I had switched my phone off, so I switched it on and a great stream of text messages from Number 10 came in. I rang them up and someone said, "Hello David, the prime minister would like to see you." "Okay, all right." The time was about five to seven. Theresa said, "Can you be over at half past seven?" I said I could be over at seven if she wanted. "No, no, half past seven is fine." So I go over there. I sit around and kick my heels for a little while. Then I go into the cabinet room and she is sitting there with one of her SpAds [special advisers] on one side, and a civil servant on the other — probably Jeremy Heywood [then cabinet secretary], but I can't remember for sure. She said, "David, we'd like you to come join the cabinet and run the department — we haven't quite decided on the name — the Department for Leaving the European Union or for Exiting the European Union." In my normal frivolous mode, I said, "Well, if we call it the Department for Exiting the European Union then we can call it Department X." She didn't crack a smile! Completely unfazed by it. So that joke didn't work.

That was really it, apart from, as I was about to leave, she said, "Oh, by the way, your name is on a motion to arraign Tony Blair at the bar of the House [of Commons]. Would you mind taking it off?" I said okay, because I'd thought there was something else she'd ask: I was suing the government at the time along with Tom Watson [then deputy leader of the Labour Party] over the Data Retention and Investigatory Powers Act, which we won. We won the case in the courts. She didn't ask about that. The next day, Jeremy Heywood came see to me and said, "I'm ever so sorry, but you'll either have to take your

name off the motion or we'll have to change the ministerial code." I should have said to change the code, but I didn't think quick enough! There was very little beyond that. As is much the way with May, it was very sort of austere.

There was an important second discussion, which was much more important than I realised at the time, about a week later. Theresa asked to see me again. She said, "David, there are one or two things that I need to get straight. Firstly, you've got a lot of good press contacts. It's very, very, important that we maintain cabinet unity." And I said, "Prime minister, look, I've joined up. My job is to make you the best prime minister since Thatcher, if not better, right? That's my job. There will be no briefings at all."

So that was alright, that didn't matter, that was just how she opened. She then said, "The other thing is, you must understand that when it comes to negotiations, I as prime minister will be leading the negotiations and you will be supporting them." I said, "Of course, that's obvious." At least I thought it was obvious. Of course, it manifested itself rather differently to how I imagined. Now that was a really important conversation which I thought was just routine, but it wasn't. Or it would have been had she won the general election with a proper majority — because there was a screeching curve in government policy after that election.

TD: Yeah, we'll talk about the election in a bit. So, you were given a new role in a new department. What is it like, setting up a new department from scratch, particularly with such a new policy area?

DD: Terrible. Chaos, really. Chaos for a variety of reasons. Firstly, Whitehall generically did not like the new department. I found out later— I didn't know at the time — but I found out over the course of the next year or so, that a significant number of talented young civil servants wanted to come and work in the department but were told by their permanent secretaries, "Don't, I'll give you a better job here." That happened quite a lot. I know of five examples, so there must be dozens more, given that sort of thing doesn't normally percolate back. But I had quite close relationships to the staff I did have in the department and a number of them told me that. A number of them were told the same thing and just said, "No, I want to go and work for the department. It's where history is being made." So that's the first thing.

The second thing: it was chaotic in another way that I now think was deliberate, although I didn't at the time. It was Robbins who was setting up the department, Olly Robbins [then permanent secretary]. An amusing aside for you: when I first met Robbins, there were all sorts of silly things. We were based in 9 Downing Street, right? After I'd been appointed, he said, "If you walk slowly out of the front door of Number 10 and walk down to Number 9, I will run through the internal doors and meet you at Number 9." So, for the cameras, I did a sort of funereal walk! *[laughs]*

Anyway, we sat down there and we started to talk. He said something like, "You will be the target of every intelligence agency in the world." I said, "Oh really? I mean, the Europeans, yes, but surely nobody else." "Oh yes," he said, "The Americans will be interested, the Chinese will be interested and the Russians will definitely be interested." So I said, "Right, okay. Well, while we're on it, Mr Robbins ..." I still called him Mr Robbins at that point, "... are you the Oliver Robbins that represented MI5 in the Binyam Mohamed case?" This was the torture case, the one that broke open the fact that the

British government were effectively facilitating torture — a very, very difficult case for the agencies. Robbins looked quite surprised that anybody would have noticed this, but I've got a fairly good memory for such things. So that was quite a funny opening as well.

Then he said, "I just want to clear with you, I've got two roles. I'm your permanent secretary but I'm also the direct adviser to the prime minister." He was her sherpa as well as my perm sec! I thought, you know, that's what she's chosen, that's what we'll live with. I told him, "Okay, but I want to be kept in the loop", which he said he would and he didn't. That's to cut a long story short. That led to all the problems which eventually led to my resignation and eventually her resignation. That was the sequence of events.

The interesting truth of the matter was that it didn't really show or matter until the election. The fight at that time was over the Gina Miller case [the constitutional law case brought before the Supreme Court, asking whether the prime minister had the power to invoke Article 50 and start the process for the UK to leave the EU without a vote in parliament]. I think actually Gina Miller was right. The government was wrong. I mean, why the hell we just didn't take it through the original piece of legislation, I don't know. But Theresa had come from the Home Office, where they resist everything, and I thought, "Well, I'll go with it". The truth was Gina Miller had the right of the argument and I thought she would win it. Whitehall lawyers said she wouldn't. Whitehall lawyers are generally useless. Sometimes they just give the advice they think they're expected to give. I can't evidence that. That's one of those things I'd fail myself on — no data — but that's my impression.

We took it through, the Article 50 Bill [the European Union (Notification of Withdrawal) Act]. There were loads and loads of rows in the [House of] Lords but we just sent it back again. I virtually wrote the bill. It was very short: a page and a half, something like that — I mean, unbelievably short. It went to the Lords and came back and went to the Lords and came back. We just refused to amend anything. I don't know whether he's right or not but Alex Salmond [then shadowing the international affairs and Europe brief for the Scottish National Party in Westminster] told me it was the first time since 1918 or something that there'd been a completely unamended bill going through the House. Now it may be true for such an important bill. I'm sure there must have been minor bills, but nevertheless, he was quite impressed. That was the strategy. I wanted it dead simple, dead short. Some bits of Whitehall wanted to extend it, but I said no. The original version created by the department was nice and elegantly short. We had all the normal controversies but that went through and that was all fine. But the negotiation hadn't started, not really. The problem that was looming on the horizon was the main piece of legislation which would actually put in place the negotiation when it came. It would be big, complicated, and not just controversial — individual components of it would be controversial. So we had a multiplicity of hurdles coming up.

Both Philip Hammond [then chancellor of the exchequer] and I thought we really needed a big majority for this. At that point we had a whopping great lead in the polls, but I didn't press the point. It was the prime minister's call. Suddenly, one day, I got summoned. I'm pretty sure we were in a week's recess or something. I got called back and briefed by Theresa's two SpAds, Nick [Timothy] and Fiona [Hill], that she was about to go for a general election despite having said that she wouldn't. There was some London data that

persuaded her. I think we'd won some local elections in London, I can't remember — but there was some data that had a big influence on her, if I remember rightly.

I asked why they were telling me now, since they were going to tell the cabinet the next week. They said, "We thought you might want to go out on the Andrew Marr Show, or one of the Sunday programmes, to sort of trail the idea." I said, "That's mad. Why do you want to do that?" It was to sort of soften people up. I said, "No, no, no, that's not the way you do this. If you're going to do it, you do it by ambush. Because Labour want to find a way to say no. It's very difficult for oppositions to refuse an election, but if you give them time they might find a ruse. You basically need to announce one day, motion in the House [of Commons] the next day. All done. You need shock and awe. You do not need me going out running a small guerrilla campaign!" So that's indeed what they did. Then we had this really weird meeting where I had to pretend not to know when the prime minister told Philip and me. I didn't want to offend him, in being told second!

TD: Let's talk more about the cabinet in a second — I just want to go back to Olly Robbins and his role. Do you think the problem was the role itself or was it a question of personalities?

DD: I think it was a propriety issue in the sense that being secretary of state — it's not like with other ministers — secretary of state has a meaning in law and a standing in law. I am not entirely sure that what all of Whitehall did — not just Olly Robbins, everybody was complicit in this — was not actually illegal, in the sense that they were eventually, not at this stage but later on, running a parallel policy separate to the department. It was not entirely separate because some members of the department knew about it, one of whom is now a permanent secretary, but they were doing something which most constitutional lawyers would tell you is improper, anyway. But it couldn't have happened if not for the prime minister. She created this dual role for him. On one level, he was in an impossible position. Then what it did was it exaggerated other weaknesses.

Whitehall did a really crap job of negotiation. I mean, really crap. I think it's partly because they sympathised with the European view and assumed that was reciprocated. It wasn't. You know, if you feel the person on the other side of the table is a nice person, and you really understand their point of view, there is a tendency to think that they'll be friendly to you — which is naïve on a grand scale and also doesn't take into account the psychology, if you've got a negotiation where going in you've got an antagonism on the other side… and we plainly did, with the French at least. Some of the dyed-in-the-wool eurocrats could not understand what we were doing. This was offensive to their idea of the future of Europe. They weren't naïve about it. Most of the people who work in the European Union know it's not a democratic organisation. They know the history of it, that it was not set up to be democratic, it was set up to be a sort of leadership of the elite. It's a very French idea, really. But they also know that Britain needs to be a part of it if they are going to do the ambitious things they want to do. Our side — by which I mean Theresa and Olly — were, I think, naïve about that. Understandable, you know. In ordinary human discourse it's probably right, but in affairs of state it's not.

So then this manifested itself in an interesting little exchange. It sounds trivial, almost vain when you tell the story, but bear with me for a second. We had the election campaign coming up. I knew I was going to be required to do quite a lot in the election campaign, dashing around doing various things. But also we'd got the Article 50 Bill

through and the negotiation was about to get going. So I said, “Okay, I’m going to need to use the RAF jet to yo-yo around Europe.” Because I wanted to go to about twenty countries — you use an RAF jet, you can do three in a day, you go by a commercial flight, you can do one a day, so it’s the difference between committing seven days during a general election and twenty days during a general election. Twenty is not possible. Robbins said, “You can’t do that. You can’t spend that money.” There was a sort of row about it and he won. Frankly I didn’t pay enough attention to winning that battle because my big concern, of course, being a politician, was to win the election.

That became important because it meant that effectively, I took no part in the negotiation during the course of the election campaign. In that time I was actually asked on air by Robert Peston [political editor for ITV News]: “What’s going to happen? What are going to be the first key issues?” And I said, “Two things: sequencing and money.” I said those would be the battles of the summer. Well, by the time I’d attended my first meeting, sequencing had been conceded. By sequencing I mean, ‘what decisions do we make first, and what early decisions are linked to later ones?’, you know? The European Union famously used to say that nothing’s agreed until everything’s agreed. But they broke that rule in order to get the money and the upfront agreements to suit themselves, before we got into negotiations on trade. My briefing to Robbins was, because they were asking for €100 billion**,** you can go to €40 billion but it’s got to be conditional on the trade arrangements. And he didn’t do that second bit. We should have said very firmly upfront: firstly, nothing’s agreed until everything’s agreed, which is very hard for them to avoid if we put it in their English, if you like. And secondly, that the money is contingent on a continued sensible relationship which means a good trade relationship. That was the obvious, very simple strategy, and they threw it all away during the election campaign. I don’t know but I can only assume that it was done between Olly and Theresa at the time and that, either because she was distracted or because this is not her thing, she didn’t see it coming. There’s been some back-tracking inside the department, saying, “There was nothing written to say this”. Well, of course it wasn’t bloody written! You don’t hand out written instructions as secretary of state, you give oral instructions, you know. And I did in terms – talk to Raoul Ruparel [then special adviser to Davis] who will tell you it’s true, or Stewart Jackson, my other SpAd. That wasn’t the only major pivot point but it was one of the biggest pivot points at that stage.

Then she went and screwed up the election in a way which sort of beggars belief, really. Theresa’s a very good person and in different circumstances she would’ve been a very good prime minister. It’s a pity she’s not prime minister now because she would’ve been perfect for now. It’s not that she can’t cope with crises, she can. But the problem was she was a Remainer trying to carry out a Brexit thing, and there’s a sort of intuitive understanding that you just can’t get by reading a book… Anyway, for some reason, I just don’t know, her heart wasn’t in the election campaign. She had been in a habit of deferring a lot of political business to her SpAds, Fiona Hill and Nick Timothy. Timothy took on board writing the entire manifesto. I was being asked to chair the launch of the manifesto and I literally hadn’t seen the manifesto by the time I got there, despite several attempts where I’d said: “I want to see it. I want to know what I’m bloody doing!”

The manifesto was interesting because here you had a piece of ‘Home Officery’, if there is such a word, bleeding into politics. In the Home Office, Theresa’s team were defeated in the [House of] Lords time after time after time – particularly over my issues, over civil

liberties and so on. I think Timothy came out of that with the idea that if we could cite the Salisbury convention [the constitutional convention under which the House of Lords does not oppose the second or third reading of any government legislation promised in its election manifesto] then that would save us from the Lords problem. Rubbish. The real way to save us from the Lords problem was to have a big majority in the Commons and, as I did with Article 50, just bang it back and bang it back. Because he didn't discuss it with anybody, nobody said this to him, so they piled into the manifesto every unpopular measure you can think of. There were some things like making people basically sell their houses when they retire. There was lots and lots of unpopular stuff in there, a shopping list of disasters. That was part of the problem.

The other part was that Theresa just really wasn't up for engaging in the political argument. If she'd turned out and done a few debates, rather than sending Amber Rudd [then Home Secretary] to do it for her… that sort of thing. The political climate changed in the last five days. You get an instinct for it. The numbers all looked fine for us, all the polling numbers looked fine. But the day before, I remember saying to Fiona, "There is something wrong here, Fiona, this doesn't feel right. I don't think this is going to be what we're expecting tomorrow. You're probably going to need me down here to do the Today programme in the morning because it's not going to be great, I think." So we fixed all of that, the helicopter came to pick me up from my house at 4:30am. Of course, it was a very poor result. I got to London in the car from Denham airport. I rang CCHQ [Conservative Campaign Headquarters]. Nobody answered the phone. I tried five times, I think. Eventually I got through to somebody, obviously some junior in the press office. I said: "What have you fixed for me?" They hadn't fixed anything. "Who is doing the Today Programme?" They didn't know! This will have been bodies falling out of the sky, basically.

So I told the driver to take me to Number 10. I go in, and I go upstairs to the kitchen in the flat. Theresa is sitting there. I have the impression she's been crying, but again I can't evidence it. It was just a feeling. Her husband's there and the chief whip is there. We talk about what's happening. We tell her, "We just have to press on, prime minister. Basically it's a draw, you know, we've got to press on." The chief whip said, "You're going to have to sack your SpAds, make a sort of sacrificial thing." I said, "Well, you'll have to fire one of them, not necessarily both." She did fire both. Fiona Hill was not guilty of it but I'm afraid Nick was, as he would himself say today, I think. I understand that afterwards Theresa said she wanted to talk to me. Up to that point I'd been sort of a right hand to her. There were lots and lots of stories flying around that I should take over, I mean, loads. The whole parliamentary party expected me just to remove her and replace her — quite how that constitutionally works, I don't know. But I wasn't about to do that. She appointed me and I have a very old-fashioned view on giving loyalty to bosses. So we carried on.

It wasn't immediately terrible. I'm trying to remember, was it then that Damian Green [then first secretary of state] got sacked? He's in one of these areas where politics and friendship play together. Damian is a long standing friend of mine. He was on my team when I was shadow home secretary. We had an incredibly successful team on the shadow home brief. Beverley Hughes, David Blunkett, Charles Clarke [former home secretaries] all lost their jobs on my watch there. It wasn't just me. We had Damian, Andrew Mitchell [later secretary of state for international development], Dominic Grieve [later attorney

general], we had a whole series of people. It was a formidable team. Damian and I got very close. At the time, I and my team had been a nightmare for the Metropolitan Police because they were making so many mistakes on counterterrorism and various other things. They really, really hated both of us. Damian, of course, got arrested [in 2008, in connection to a series of leaks from the Home Office]. They actually wanted to arrest me. There was a deputy commissioner who wanted to arrest me, which would have made my day, but the commissioner wouldn't let him. I remember talking to Ken Macdonald [peer and former director of public prosecutions for England and Wales] about it afterwards. I said, "I really want them to arrest me, Ken, it would be much more fun." He said they wouldn't dare do that, the politics were just too big.

Anyway, Damian got the flack [and left government in 2017]. Damian was effectively deputy prime minister and then he went out. I think he would have stopped everything going off the straight and narrow.

The next key pivot point in all of this was a Sunday right at the beginning of December. It was dark, in the afternoon, about three o'clock. The phone goes. It's Theresa: "David, I just wanted to bring you up to speed on something we've agreed with the Europeans that you may have some difficulty with." My first thought was, "I've got difficulty for a start, with you talking to the Europeans without telling me about it!" But I didn't say that. There were two things, one of which was irritating but unimportant. The other one was important — we'd agreed with respect to Northern Ireland that there would be full alignment between north and south. I said, "You can't say that. It's contrary to what you said in your speeches. It will mean that you're going to have an artificial border inside the Kingdom." Which of course we've got now. She said, "No, it's full alignment of outcomes." I asked whether the EU had agreed that. I couldn't believe in a million years they would agree to that. She then said, "Well, David, we've got to come to a conclusion." I said, "No we haven't! We've got months yet!" But no, no, no, we had to get to it, because we'd made the deal on money but we'd not made the progress that the Europeans wanted to make on the rest of the withdrawal agreement, so they refused to, whatever their phrase was, 'find sufficient progress' in October or thereabouts. I think Theresa was rattled by that. I was perfectly ready for us to go through December and have no sufficient progress by then either. My deadline was March. That's when I wanted to get it through, because then the time pressure would be on both sides, rather than just on us.

Maddy Thimont-Jack (MTJ): Considering that you'd just set up a new department, arguably officials didn't have a huge amount of expertise on Europe. Do you think that had an impact on the way that negotiations played out? Were you able to draw on the expertise that sat in other departments around working with EU institutions and understanding the European mindset?

DD: The difficulty you've got is not so much expertise as orientation. Let me just jump back 30 years for a second. I was sent to run the Europe department in the Foreign Office by John Major — over my protests. I didn't want to go there. In those days I was a known eurosceptic but I'd already taken the Maastricht Bill through the House [of Commons, as a government whip] so I'd had quite enough of Europe! Anyway, I went, and the team we had there — Stephen Wall, John Kerr [both served as permanent representative to the European Union] and others. Between them you had a collective IQ of about ten thousand! You could have lit up London with the brainpower. All very, very, smart. All

completely submerged in the European sub-unit. Probably the cleverest set of diplomats in Europe. But they were all complete europhiles — europhiles intellectually and also their interests were europhile. They wanted to go on to be the ambassadors in Bonn, Berlin, Paris and Rome — all the glamorous jobs — or in the European Commission where you get paid a fortune and tax-free. So I called them in, all these Einsteins, and I said, "Look, let us understand how this is going to work. You and I are going to disagree on lots of things but there will be no penalties for disagreeing with me. The whole point of this process is that you will disagree, up until the point at which we make a decision. Nobody will be punished for disagreeing with me. Indeed, just the reverse, I want you to challenge the argument until the moment of decision. Then you just do it. Do we understand each other?" When I left after Blair won the election, a number of them — Stephen Wall is the one that comes to mind — wrote me a handwritten note saying, "It all worked brilliantly. We really enjoyed it." Apart from Stephen Wall, I think all of them were subsequently permanent secretaries at the Foreign Office, and Stephen Wall, of course, went to Number 10. They were all very grand players and that worked perfectly.

But there was no way you could do that in Whitehall in the DExEU [Department for Exiting the European Union] days. Because DExEU was a small piece of the Home Office, the Foreign Office, and all these others playing together. We took the European department on, but to be frank, the European department in the Foreign Office was a very depleted operation compared to my day. It had gone from world class, first division … if they were a football team, they would be in the World Cup, easily. There were [Diego] Maradonas and there were Pelés [considered two of the greatest footballers of all time]. Incidentally, it is an observation I make on Whitehall generally: there were some very, very good people later on but the average standard had dropped dramatically. In the Treasury, in the Foreign Office, in all the great departments of state, the standard of the people you had working for you was very variable. I had people who were just as good as they would've been 20 years ago and people who were nothing like as good. A lot of things did that. The Big Bang [the deregulation of financial markets under Margaret Thatcher] did it to the Treasury. A young man can go and earn a million a year in the City, or he can work for twice as many hours and earn next to nothing in the Treasury. In the Foreign Office, the reason the Europe department declined is that much of the work was being done in Brussels due to the transfer of powers, so talent was more dispersed.

It comes back to this death of consensus stuff. In the Thatcher days and in the Major days, people were willing to meet in the middle and argue. Today you have these echo chambers. It really hit me the first time I went to Brussels with DExEU. Nobody was listening and you just had this charade going on, almost us screaming at each other ... it wasn't really, but it felt like it. There were one or two lovely little ambushes. I was quite amused by them, even at the time, such as when they took a photograph of [Michel] Barnier [then chief negotiator for the European Union] sitting with a great pile of papers and me sitting opposite. As you will know, whenever a camera comes in the room, you put your papers away! It's what you're taught to do in cabinet. When you have these photographs in cabinet you never see any bloody papers — why not? Because otherwise the next thing you know you're all over the front page of *The Daily Mail* with a headline saying, 'Top secret classified'. But that was fairly typical, you had lots and lots of little exercises like that. There was not an attempt to listen or an attempt to discuss. I like Barnier. Barnier and I are quite good mates! Guy Verhofstadt [the European Parliament's Brexit coordinator and chair of the Brexit steering group] and I got on too. I went to watch

him drive at Silverstone a couple of times and we spent quite a long time talking to each other. But there was no meeting of minds there. And the same back here. In Whitehall, the polarisation was enormous.

You've heard the sort of story about what happened with May and the giving away of the full alignment, which is the central crack in the whole Brexit negotiation. Brexit has not yet delivered. It will, it's just going to take five years longer than it should have done because of that bloody silly decision. It became problematic in the following way: in May or early June, I went to Dublin to meet the taoiseach [the prime minister of Ireland, then Enda Kenny]. Nice man, very friendly. Didn't agree with us, of course, but it was all being kept on a fairly friendly basis. The head of HM Revenue and Customs in the UK had given evidence to a select committee saying it was perfectly possible to maintain an invisible border between the north and south, and his equivalent in Ireland effectively said exactly the same thing to the Seanad [the upper house of the Irish legislature]. It's possible to have an invisible border between north and south, of course it is! I know that border quite well for other historic reasons. This was the first place in the world to have CCTV cameras on it. We pioneered CCTV cameras to deal with the IRA, on the Irish border and on the M6 from Liverpool to London, so we could track any terrorists coming over. So it's got surveillance structures there. It's already got in place a trusted trader scheme because it is a fiscal border already. There are VAT differences there. There are individual tax differences.

As I said at the time to Enda Kenny, "If you want, we'll make it a criminal offence in Britain to export anything to Ireland that does not meet Irish or European regulations. I'll make it an imprisonable criminal offence. I'm happy to do that. We don't want to create some sort of customs bypass on either side." We'd ask them to do the same the other way, although frankly it wouldn't matter. And that was all fine. But then suddenly [Leo] Varadkar [the taoiseach elected in June 2017] is saying no, you can't have an invisible border. [Maroš] Šefčovič [current chief negotiator for the European Union] has said he thinks an invisible border is possible. It's always been bloody possible! It's just that various governments decided they were not going to accept it was possible. That battle went on until the day I left the government.

Anyway, let's go back to that December [after May had told the EU there would be full alignment on the island of Ireland]. It was very funny, they all obviously thought I was going to resign. I did think about it. I'd pinned my hopes on the full alignment of outcomes [between Northern Ireland and the rest of the UK], which I tried and it just got laughed at. It didn't work. The Europeans plainly didn't say it and didn't mean it. Theresa was just trying to sort of bridge the gap. We struck a deal on that basis with the Commission after a bit of flying backwards and forwards. The day before, we went to Brussels to have lunch with the president of the Commission [then Jean-Claude Juncker]. While in that lunch, Theresa had a half hour telephone call from Arlene [Foster, then leader of the Democratic Unionist Party] about this. The story had broken in the Irish press that morning. We were due to go back on Friday morning to try and patch it all up. Theresa rang me on Thursday night and said, "Arlene won't budge, what should I do?" Now, I agreed with Arlene but at the end of the day I worked for Theresa, so I said, "You're the prime minister, you make the bloody decision."

We stumbled through it up until the big Chequers showdown [in July 2018]. First there was another Chequers showdown in February. The EUXT [EU strategy cabinet committee] met at Chequers and we had an all-day debate all about the right to diverge. Full alignment and the right to diverge, of course, are on opposite ends of the spectrum. I kept insisting we had to have the right to diverge, otherwise what's the point in leaving? *The Daily Express* the next day carried a big headline. If it didn't say, 'Davis won', it was quite close to it. I hadn't briefed them, so I think Number 10 briefed them. I don't quite know what they were doing. If you think who else was there … Boris [Johnson, then foreign secretary] was there; he wouldn't brief that line. [Michael] Gove [then environment secretary] was there; he wouldn't brief that line. So, by elimination, Number 10 briefed them. That actually is the point which I think the divergence policy started. They realised they couldn't win the logical argument because it is impossible to win the logical argument. If you're not going to have a divergence policy, you haven't got a Brexit. Then gradually what happened over the course of the next several months was that I realised — in components, not all at once — that Number 10 were not playing straight.

Olly Robbins, by that point, had moved. I told Theresa after the general election I wanted a new permanent secretary. It was plain I was not being briefed properly. I said, "I want a new permanent secretary. I don't want my department being suborned. If you want to have your own man, fine." It was plain the department was not doing the job I wanted it to do. I talked to Jeremy Heywood at great length about it. He knew both sides of the story and he understood only too well. He probably thought I knew more than I did, because I just said, "This isn't working. This isn't right. This isn't doing the job."

In January, after the episode with them talking to the Irish without talking to me first, I said to Theresa, "Right, I want to have a meeting with you once a week." It turned out to be an hour-long meeting with her every Monday afternoon, mostly just me and her, sometimes with the whole pack, and we would have it out about whatever was going on that week. Typically, it went something like: "Well, that's not quite right, prime minister. Let me take it away and re-draft it to encompass both our positions." That worked. But then something came up at the EUXT [the cabinet committee that discussed Brexit strategy]. I'd talked to her about it a couple of days before — there were basically five problems with the policies she'd come up with and I'd said I wanted those five things fixed. In the EUXT, the prime minister's summary is the record. The conventional constitutional wisdom is that the prime minister summarises. Famously, Churchill used to summarise in a way which bore no resemblance to the debate, but Theresa didn't do that. She summarised and she said, "We must take on board David's five points." But when the minutes came out, that wasn't in there. So I called the Cabinet Office in and said, "I want a formal objection to these minutes. These do not reflect what was said." There was some shock because I don't think the Cabinet Office had ever done that before! I left before it was concluded so of course nothing ever happened to this formal objection. But it was an interestingly stiff meeting, shall we say. That was my first sign that the system was doing something completely wrong, because my five objections were inconsistent with the policy that they were determined to pursue. I then started to brief my political staff that we were going to have a problem which was probably insuperable.

The week of Chequers, Theresa and I had our Monday meeting. At this point the full bloated disaster of her proposed withdrawal agreement is laid out in front of me. I said, "That can't work, prime minster. That doesn't meet our criteria, neither does it meet the

European ones, but that's by-the-by. Let me try and rewrite it for you." The normal formula. We get it on Wednesday at 12pm. We've already rewritten it anyway because Raoul [Ruparel, then Davis' special adviser] was with me in the meeting and we had notes on it all. We rewrote it within an hour and it was turned down within an hour. That was Wednesday, 2pm. So on Thursday I call in my junior ministers and my SpAds and I tell them all I'm going to resign, that tomorrow we've got a cabinet meeting at Chequers and I will lose the argument — or I'll lose the vote, anyway —and I will resign, not tomorrow, but at some point over the weekend, just so they knew. I told them to make their decisions about what they were going to do. But I told Robin Walker [then a junior minister] he had to stay. We needed some continuity in the department and he had been around the longest, so I told him: "You're staying whether you like it or not."

TD: What did he say to that? Was he on board with it?

DD: He was fine with it. I didn't think he'd go anyway, because he was the most Europhile; he had voted against Brexit. But he was a very, very good minister, like his dad, and I depended on him. If ever I had a difficulty that I didn't have time to deal with, I'd give it to him. [Steve] Baker [then a junior minister] I knew would resign. That was fairly obvious. He was the most Brexiteer of anybody really, a Brexiteer's Brexiteer. [Suella] Braverman [then a junior minister] had only been with us about a month or two and had barely got her feet under the table. I told her, "Look, it makes no difference what you do. If you resign early enough in your career, you will recover. People will give you credit for courage. If you don't resign, nobody will blame you for toeing the line. So you've got the easy decision, but you need to decide probably by Sunday night." In fact, she rang me over the weekend to talk about it. She agonised over it, but she eventually resigned when [Dominic] Raab did [in November 2018].

We had the Chequers meeting. Theresa made her case, and David Lidington [then chancellor of the Duchy of Lancaster] made the support case because he'd taken over the Damian Green role. All perfectly proper. Then came me. I'd boiled it down to four objections. Then it went to Boris. Boris was caught short because he thought she'd go to somebody else first. Boris does everything at the last minute and he hadn't thought through the arguments so he made a complete Horlicks of it! It went round the table. Almost everybody was on side with her, including original Brexiteers like Gove and Liam Fox [then trade secretary]. Andrea Leadsom [then leader of the House of Commons] railed against it for five minutes, but then said, "I will support you, prime minister." The votes against: me, Boris, Esther McVey [then secretary of state for work and pensions] and Penny Mordaunt [then secretary of state for international development]. Penny Mordaunt made the best speech of the others. I can't judge my own. She suggested some amendments and they were turned down. So it was 20 votes to four, or something like that. I knew that was going to happen.

We went through the rest of the day. I briefed the cabinet on what they needed to do in the next stage because we had not at that point — astonishingly, really — used the cabinet to go and talk to their opposite numbers in all the European countries, bearing in mind, Brexit covered nearly every department. So I briefed them on what they were doing next, because I thought, "I'm not going to be here, but they don't know that. At the end of the day it's the future." So I did all the proper jobs and tasks.

Boris stood up and made a speech in favour of the deal, in the end, over dinner. Or at least he seemed to, that's the impression it gave. Then on Sunday, I resigned. After I'd been to Silverstone — I didn't want to ruin my day at the races! I resigned in a way that I could do it effectively on the *Today* programme. I resigned last thing at night, so that I controlled it, because it comes back to this echo chamber problem. All the newspapers are echo chambers as well. Otherwise what would've happened is the resignation would have been used in each newspaper to say, "We told you so: it couldn't work" or "We told you so: she's not doing it right". A half hour interview on Radio 4 was a better way of doing it.

TD: You also had quite an impactful resignation from David Cameron's shadow cabinet in the 2000s. Were there any comparisons between those two moments? It's a big red button to press, a resignation. How do you get to that decision? What's the process of getting there?

DD: It's *faute de mieux*, in the sense of, 'if nothing else will work'. My resignation under Cameron was complicated but I'll take you through it, because it demonstrates this rather carefully. We had a battle over 90 days detention without charge when Michael Howard was leader of the opposition. I basically managed the first defeat of Blair in the Commons. [As prime minister, Gordon] Brown ran 42 days detention without charge. I think he was just trying to show that he could do something Blair couldn't do. Brutally, I think it was as vain as that. He spent 30 pieces of silver to buy off the DUP [Democratic Unionist Party]. He basically offered them lots of money. Part of the DUP's role is to strike deals for Northern Ireland and that's what they did. I knew we could defeat it in the Lords because I know that Eliza Manningham-Buller, the ex-head of MI5, was going to turn up and speak against it. That meant the Lords were going to defeat it and unlike other Lords defeats, this one was going to be a real defeat. When a former head of MI5 says, "We don't need this counter terrorism policy. It's improper," then that's it. But we were over a year away from a general election when the Parliament Act comes into play [under which Commons bills can be held up by the House of Lords for about a year but then the Commons can reintroduce them in the following session and pass them without the consent of the Lords]. I thought that if Brown really wanted to score this tick over Blair, he'd bring it back under the Parliament Act, three months before a general election. And did I think that Cameron would stand up to Brown on counterterrorism issues three months before a general election? This man who was so desperate to be prime minister? No. I thought, "It's better I resign now than then, because I can stop it now." At the time, roughly speaking, the popular view was 70% in favour of 42 days. By the time I'd finished my by-election it was 70% against. I'd taken away the scope for Brown to bring it in as an election-winning measure, just before the election. I could think of no other way of stopping it.

Six weeks in prison, not knowing why you're in prison … go back and look at what happened with the people who were in for 28 days. There were family members who were in the same house as some real terrorists, but knew nothing about it, and they were locked up for months. I mean, it's enough to give people a nervous breakdown.

If you read Gavin Barwell's [former minister of state and chief of staff to Theresa May] book about it, he's very kindly about me, given that he was on completely the opposite side. They were all nice, Barnier was very kindly about me too. Barwell says at some point,

"David said at this reshuffle, he'd rather hope to be retired." That was me trying to give them a signal that this was not going to work. I said that twice. When Theresa reshuffled she had this habit of having people in to tell them they still had a job. Once at a reshuffle and once in a one-on-one meeting, I said to her, "I'd really rather you retired me, prime minister." Of course, frankly, that was the coward's way out. That would've let me wash my hands of it and then criticise everything from the outside. But if I was going to go off the back of it… well, read the resignation letter. I was kind as I could be to her. I say, "It may be that you're right, and I'm wrong. And I hope you are." But I didn't think that for a second. I was as loyal as I could be, whilst knowing I was killing her. In truth, I knew a couple of things would happen. I knew she'd have trouble replacing me with anybody who wouldn't be just as difficult. If she replaced me with a Remainer, that would cause a rebellion in certain ranks, so she would have to replace me with another Brexiteer and then she'd have risk of another resignation, which is precisely what happened. I knew the Europeans would turn it down and quite why Number 10 couldn't see that, I don't know. I knew the combination of me going and the Europeans turning it down would leave her in an inescapable box. It didn't matter that I actually voted for her withdrawal agreements later on. I knew they wouldn't go through but I thought I could do the loyal thing. The truth was I knew it would kill her and I'm actually surprised it took two years; I thought it would take about a year. That's it really, that was the reasoning. It's a *faute de mieux* thing. It's Sherlock Holmes. If you eliminate the impossible, whatever's left, however implausible…

The only real difference for me is I don't care. I have this very lucky position in the [House of] Commons where I can change things as a backbencher sometimes more than a frontbencher could do. I'll give you an example: the Overseas Offences Bill, which was designed to prevent, quote, 'ambulance chasing lawyers' taking our soldiers to court. What it turned into was a statute of limitations on torture, murder, war crime. I could stop that — how could I stop that? By cooperating with George Robertson [former defence secretary and secretary general of NATO] in the Lords and getting the international criminal courts to tell the government that they would prosecute if we didn't. Now, not many backbenchers can do that. Not many backbenchers can take the government to court and win. By sheer luck, over the course of years, I've acquired this sort of suite of things that allows me to do things which are, in many ways, more effective than what most cabinet ministers can do.

MTJ: One of the things that Theresa May was criticised for during the Brexit period was how she didn't engage with parliament around some of the negotiations and during those battles over the EU Withdrawal Bill. For a lot of that time, you were in government. What are your reflections on how she approached handling it — both the party, but also parliament as an institution?

DD: I don't blame her in the way that others do. The first thing to say about this is that prime ministers are always overworked. And the bigger the crisis, the more they're overworked. So the more the demand for dealing with backbenchers, the less time they've got to do it. That's the first problem. The second problem is that talking to backbenchers on this subject was, for many of them, a dialogue to the death. And for some of the frontbenchers too. When that change of view of the HMRC happened, where do you think it came from? It came from the Treasury! The Treasury effectively told them to shut up. Philip Hammond [then chancellor of the exchequer] and I are old friends but

no matter how much we've talked, we're not going to change. Anna Soubry comes to see me. She gets very upset that it took her three months to see me because I was running around doing this, that, and the other. It was a perfectly polite conversation, unlike some, but it wasn't a very productive conversation. The Remainers and the Brexiteers were each entirely persuaded that they had the entire right of the argument. They're both wrong, they both had good points. I'm a Brexiteer, but I don't pretend. I'm often cited in the Remainers' stuff — it's great fun, watching this propaganda — saying "there will be no downside to Brexit at all". I don't know if you've ever looked at the original quote. It's quite interesting, because that's only half a sentence. The first part of the sentence is, "If we can achieve all that". If all of these conditions are met, Brexit will have no downsides. If you read the previous five paragraphs of Hansard, it's the conditions and they're not straightforward, you know. That's a demonstration of the way the debate became polarised. It just went into echo chambers, so there was a limit to what you could actually do. We had the same problem with the photograph of me at negotiations without papers in front of me. The EU intimated it showed I was unprepared. This was a laughable claim – in fact, I was just following standard cabinet practice for photos: put your papers away!

I'd say it was not that Theresa didn't handle the backbenchers well. In many ways it was that she didn't handle the frontbenchers well. We got to a position where cabinet ministers were voting against government policy and that was the death of that government. She should just have fired the first person that did it. It wasn't lack of diplomacy, it was lack of ruthlessness, really. She was paralysed.

TD: Can I ask one final wrap up question — what advice would you give to someone going into ministerial office for the first time?

DD: When I'd been Europe minister and Blair's government came in, I had four junior ministers in Blair's government come and ask me that question. The first thing that I told them is to encourage debate: make sure your officials know they can disagree with you.

Secondly, stop them overwhelming you. For example, the first day you get into office, call your predecessor and read them the contents of the first folder you're given to clear that night — your first box — because officials will bring you all the things that your predecessor turned down. I used to do this when I moved the other way around. I used to call the person who succeeded me and say, "Just read me your box". I'd say "yes, no, no, no" and so on. Two reasons, it stops Whitehall pulling a fast one, but it also teaches Whitehall a lesson when the new minister says, "No, you can't do that."

Number three, clear your diary. They'll fill it with things that they want to do, not what you want to do. When I went into the Cabinet Office, my diary was full of all that. Basically, in those days they used to have lots and lots of foreign visitors and they used to use the Cabinet Office minister to meet them all. I said, "No, I don't want to meet them!"

The last thing was in many ways the most important thing, although you can't always manage it: do your box in the office. Require the box at 5pm and then do it. Now, your first night you'll be there for four hours. But by the time you've done it a few times, you'll be there for two hours. Because, in those days at least, if you were still in the building, then the person who wrote the papers had to be there too. There's a nice discipline on officials if, in order to give you a policy paper, they've got to sit in the office until seven o'clock at night. It will stop them giving you frivolous papers. The reason for that goes

back to Tristan Garel-Jones [former minister of state for Europe] and the supergun scandal [in John Major's government, ministers and civil servants were accused of encouraging arms companies to sell equipment to Iraq that was later used against British forces in the Gulf war]. Garel-Jones had to sign off some of the Public Interest Immunity certificates. He said, "I signed them at four in the morning, in the bottom of my fourth box."

The other example that goes along with that is Ken Clarke. When he first became chancellor, he was leaving at the end of the day and when he got to the door, there were six boxes. He turned to his private secretary and said, "What are those?" He was told that those were his boxes, "good night, minister". He said, "A nice thought, but ill advised", and told his driver to pick up one. You have to have control. Today there's another sin that they commit, which is you get a five or ten-page document and then on top of that, you get a two-page summary. On top of that, you get a one-page summary. And on top of that, you get your private secretary's handwritten summary, which you probably can't read. So it's about information control, departmental control, debate control.

And the last thing, if you do all that, is create enough space to think and talk. A few meetings a week which are not really meetings, they're kick around sessions. You get your SpAds in and talk about what's worrying you, what's coming, what's in the papers, and all that. Ministers tend to be overwhelmed, they're over-run, and if they're not careful, they become like clerks. The minister's job is to make the political decision at the end of the day, and then defend it.

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