

# The man responsible for last week's drama has gone AWOL

Gina Miller may count herself lucky to have escaped being burnt in effigy at the traditional Lewes bonfire celebrations on 5th November, but, along with Theresa May, Boris Johnson, Nigel Farage and Donald Trump, an image of David Cameron, the man responsible for last week's High Court ruling and its hysterical aftermath was duly consigned to the flames – and rightly so.

It is Cameron we must thank for the Supreme Court now having to determine whether Parliament needs to be consulted over the triggering of Article 50. There was never any doubt about the Scottish independence referendum. Cameron made it clear months before the vote was held that the result would be “decisive, legal, fair, irreversible and binding” and while Nicola Sturgeon is seeking to hold a second independence referendum at some point in the future, no one has sought to challenge the result of 2014's poll.

Cameron seemed pretty confident he was going to win the EU referendum vote until the final hours before the result was announced, so why was this same clarity not built into the EU referendum bill? Some people are now claiming that the vote was only advisory although a strong body of legal opinion insists otherwise and that the bill mandated the electorate to make the final decision. There should never have been this ambiguity. During the campaign, it certainly didn't feel like we were battling for an outcome that was only advisory. It felt more like a fight to the death which, thankfully, we won.

To prove the point, the Government's infamous leaflet stated “It's your opportunity to decide if the UK remains in the European Union” and added “This is your decision. **The government will implement what you decide.**” On May 17th, just

over a month before polling day, David Cameron said, "I am absolutely clear a referendum is a referendum, it's a once in a generation, once in a lifetime opportunity and **the result determines the outcome.**" Your author heard the Rt Hon Dominic Grieve MP state quite unequivocally in Marlow, Buckinghamshire on 6th May that if we voted to leave the EU, David Cameron would trigger Article 50 the following day.

This statement came as something of a surprise given the Government's lack of analysis on how we would leave. A clip has recently been posted to the internet where David Cameron was asked if he would trigger Article 50 on 28th June, and he replied "yes, of course, absolutely." Such statements don't leave much room for doubt.

Of course, this isn't what happened. Mr Cameron resigned and has since left the House of Commons. In other words, he has gone AWOL leaving Theresa May to sort out the mess he left behind, aided, it now seems, by the Supreme Court, who will be deciding next month what will be the role of Parliament in triggering Article 50. We can but hope that the Government will be vindicated.

Mrs May appears confident that this will be the case, ringing Jean-Claude Juncker, Donald Tusk and Angela Merkel the same day that the judges reached their verdict, to tell them that Brexit will go ahead as planned. Nonetheless, this widely-reported reassurance was not sufficient to dissipate an outpouring of anger against the three judges responsible for last Thursday's verdict and Gina Miller, who brought the action. Mr Cameron's culpability has largely been overlooked, so completely has his disappearing act removed him from public consciousness.

Now the dust has settled, one thing is clear:- last Thursday's High Court ruling stops a long way short of derailing Brexit.

To reiterate an important point, the High Court ruling is not

the last word. It still remains highly likely that the Supreme Court will reverse the decision. Mrs May may know something we don't, but even if the government loses this case too, she still seems to have a few cards up her sleeve.

Part of the anger vented against Gina Miller and the judges is borne out of an intense distrust of our MPs and a feeling that they will betray the people and fail to respect the outcome of June's vote. While it is true that the majority of MPs supported remain and a few remainers, such as Daniel Zeichner, the Labour MP for Cambridge, insist they will vote against triggering Article 50 because the majority of their constituents voted to remain in the EU, most MPs have accepted the result of the referendum. This is the feedback we have received from both Labour and Conservative sources.

No doubt the above paragraph will elicit a number of comments along the lines of how gullible can one be to believe these so-and-sos, but Brexit has provided a rude awakening for many Labour MPs representing traditional working class areas. It has exposed the huge gulf separating their constituents from the party which once claimed to represent their interests. For this reason, the parliamentary battle has largely shifted from whether or not the Brexit vote should be honoured to ensuring we get the best possible Brexit deal, with the debate focussed in particular on the Single Market. Labour MPs from Brexit-supporting constituencies in particular have faced up to the futility of opposing Brexit.

Of course, Parliament has two chambers and the House of Lords can amend legislation. With the upper chamber being stuffed full of europhiles, press speculation has centred around the possibility of their Lordships wanting a second referendum whereby the public will be consulted once again when the final Article 50 agreement is ready to be signed.

Of course, the Government can simply ignore the Lords' amendments. David Cameron threatened to use the Parliament Act

when they threw out an earlier bill for a referendum in 2014. Mrs May could invoke similar measures to overrule the Upper Chamber here too, especially as her statements have been quite unequivocal:- there will be no second referendum.

Given the sheer exhaustion participants on both sides of the referendum debate felt after June 23rd, we can be quite confident that there is little appetite to go through this gruelling exercise again. Opinion polls consistently show a majority against a second referendum among the electorate too. Let us, however, take a worst case scenario – and it is both the very worst case and very unlikely – if another referendum were to be called, we would be much better placed to win a second time round.

Firstly, we would have the government on our side. Although Mr Cameron's performance was not seen as an asset to the remain camp, he certainly pulled all the levers at his disposal to encourage us to remain. Leavers were definitely the underdogs, yet we still won.

Secondly, he played on the disunity within the Leave community, including the lack of a coherent exit strategy. This time round, leavers will be defending an exit strategy produced by the government and containing plenty of detail. It may not be the preferred exit strategy of the entire Brexit-supporting community, but with Mrs May insisting that *"Our laws will be made not in Brussels but in Westminster"*, *"We will decide for ourselves how we control immigration"* and *"I want it to give British companies the maximum freedom to trade with and operate in the Single Market – and let European businesses do the same here"*, it is quite clear that the final arrangement will see us leave the political project which is the EU. It may be only a holding position, but the main thing is getting out and this is what she intends to do. It is far easier to work out how we can make Brexit "harder" at a later date than to make our initial escape seamlessly. All Brexiteers can surely unite around this concept.

Thirdly, although many local leave groups have disbanded, the contacts have been made and the groups could easily be reactivated if needed. Last week, I visited one leave group in Kent which has continued to meet and was in no doubt that its members would roll up their sleeves and spring enthusiastically into action if they were called upon to campaign for Brexit meaning Brexit.

Fourthly, the goalposts have moved. Many remainers who insisted that the economy would collapse if we left the EU have changed tack to saying it would collapse if we left the Single Market. In other words, they have inadvertantly conceded that life outside the EU but within the Single Market wouldn't be so bad after all in certain circumstances. If Mrs May's deal gives us access to the single market, as we strongly believe that it will, it will be very hard for these erstwhile remainers to row back and reactivate Project Fear.

Finally, the longer the campaign, the more people who will be made aware of the shortcomings of the EU. This is why Cameron decided to cut and run rather than go for a long campaign with an Autumn 2017 ballot. It was slow, back-breaking work to move undecided voters our way and time was not on our side, but in dribs and drabs, between us we changed many minds. The tide definitely moved in our direction as the campaign progressed. I have since discovered a few people in my circle of friends who voted remain but who, I am sure, could have been won over if there had been more time. If we were forced by their Lordships into holding a second referendum at the end of the Article 50 process, we would have two years to put the issue beyond dispute and I have no doubt that we would.

What is more, the EU seems to share that opinion. Unlike the Danish rejection of Maastricht or the Irish vote against the Lisbon Treaty, there are no pressures coming from Brussels for a second referendum. Right from the moment when the result was announced, the principal concern of the EU hierarchy was to prevent contagion.

Some, no doubt, will be glad to see the back of the country which has been the biggest foot-dragger in the EU since the 1970s, but even those who regret our departure seem resigned to its inevitability. At the last meeting of the EU Council, Mrs May was made to feel like an outsider. When she insisted that the UK would play a full role until the moment of Brexit, she was met with silence. She was given only five minutes to talk about her position on Brexit and one government spokesman summarised her experience of the Council meeting as "a very odd position...very different...from the one Cameron or Brown or Blair or Major had ... She is on her way out and we are on our way out."

In summary, it is vital not to let last Thursday's court ruling unduly depress our spirits. Most people on both sides of the channel whose opinions count believe we are on the way out, come what may. It therefore probably won't be necessary for us to fight another Brexit referendum, but in this worst case scenario, even our fiercest enemies know that there will be many groups up and down the country like the one in Kent I visited last week who will once again rise to the summons that "England expects every man to do his duty".