

THE BRITISH PARLIAMENT ACCEPTS THE PRIVILEGES COMMITTEE REPORT ON BORIS JOHNSON AND FORCEFULLY CALLS OUT THREATS TO DEMOCRACY

The British Parliament fought back against a sustained and concerted effort to undermine democracy, and won.

Last Thursday, the Parliamentary Committee of Privileges issued an unexpectedly blistering [final report](#), concluding that Boris Johnson had lied to Parliament over lockdown parties at No. 10 during the pandemic (what quickly became known as the “Partygate” scandal). This past Monday, as the country was digesting Saturday’s news of a new cringeworthy video of a lockdown Christmas at Conservative Party HQ, Tory MPs were given a “free vote,” and Parliament voted 354-7 (including 118 of the 352 Tory MPs), with 225 abstentions/not present, to accept the Committee’s recommendations. PM Rishi Sunak, worried about antagonizing Johnson supporters and the tabloid press, was among those not present, and when asked how he would have voted, declined to answer.

As for Johnson, ever the master of performative politics, on June 10, 24 hours after he received a copy of the report in confidence, but before the report was released to the public, he resigned.¹ Had he not resigned, he would have faced an unprecedented (for a former prime minister) 90-day suspension² from the Commons, recommended by the Committee “for repeated contempts and for seeking to undermine the parliamentary process”). Since Johnson pre-empted the suspension, the Committee recommended denial of a lifetime (former Members’) pass giving access to the parliamentary estate.

Johnson had close to a week to rail against a report the public had yet to read, and kicked off his attacks with a [statement](#) in which he said, among the various accusations he levelled that day, “I am not alone in thinking there is a “witch hunt” under way, to take revenge for Brexit and ultimately reverse the 2016 referendum result.” He alluded to leaving Parliament, “at least for now.” Johnson’s conduct during those six days would lead the Committee to add additional rationales for their recommendations. As for the vote in Parliament, Johnson, worried that only a handful of his allies would vote against the report, suggested his allies not vote “no.”

Sound familiar – the “witch hunt” characterization and the accusation that attacks were intended to reverse Brexit. Not surprisingly, given what was happening last Tuesday in Miami at the US District Court for the Southern District of Florida, the comparisons by political commentators (in fact, by much of London) between Johnson and Donald Trump

¹ Johnson is not a stranger to resignation. In July 2018, he resigned as Foreign Secretary, and in July 2022 resigned as prime minister, setting the stage first for Liz Truss and 49 days later for Rishi Sunak. In April 2022, he became the first sitting prime minister in Britain to have been found to have broken the law. Johnson is also not a stranger to official opprobrium. In September 2019, Johnson’s suspension of parliament was ruled unlawful by the supreme court, the UK’s highest court.

² A 10-day suspension could have triggered a recall vote. The 90-day suspension is only the second longest suspension in modern British history. A number of Johnson allies, with their eyes on their “red wall” seats, took exception to the 90 days, which they characterized as unnecessarily harsh.

have been legion. The comparisons though only go so far, in that while the Tories had finally had enough and stood up to Johnson (not because of the underlying Partygate conduct, but for lying about it to Parliament), the Republican Party remains mired in denial and whataboutism, and is largely continuing to support Trump.

Though couched in constitutional terms but lacking the legal gloss of a court verdict, the Committee report could not have been more damning or more explicit, and the investigation by Committee members (acting, albeit, as politicians not jurists) could not have been more forensic.

The Committee

The Committee serves to protect Parliament, that is to ensure it can operate properly. The Committee's mandate to act in any specific inquiry flows from a referral from the House of Commons. The Committee cannot choose what to investigate or what not to investigate.

The Committee had seven members elected by the Commons: four Conservative MPs, two Labour MPs and one SNP MP, in proportion to the parties' representation in the Commons. By convention, the Committee was chaired by an opposition MP – in this case, Labour MP Harriet Harman.

The Commons (by [motion](#) passed by unanimous vote in April 2022) had referred to the Committee the question of whether, in light of the police penalties imposed as a result of Partygate and assertions by Johnson about the legality under applicable Covid regulations of Partygate activities, Johnson's statements amounted to contempt. In effect, the inquiry was into whether Johnson told the truth to Parliament about No. 10's compliance with the British government's enforceable Covid rules (the "Rules") and its guidance in respect of relevant matters, such as social distancing, not covered by the Rules ("Guidance").

The Committee's effort was separate from the ongoing public inquiry on the government's response to the pandemic. The Committee's mandate also did not extend to repeating the Sue Gray inquiry into conduct of individual Ministers or officials at No. 10 – in other words, the Committee was not re-litigating whether the Partygate conduct was illegal or otherwise wrong.

Contempt of Privilege

The report should be seen as a masterful defense of democracy and integrity, and an indictment of conduct that has become all too familiar in politics – misleading statements and outright lying, repeatedly. The report notes, for example, that:

“This inquiry goes to the very heart of our democracy. Misleading the House is not a technical issue, but a matter of great importance. Our democracy is based on people electing Members of Parliament not just to enable a government to be formed and supported but to scrutinise legislation and hold the Executive to account for its actions. The House proceeds on the basis that what it is told by Ministers is accurate and truthful. The House expects pro-active candour and transparency. Our democracy depends on MPs' being able to trust that what Ministers tell them in the House of Commons is the truth. If Ministers cannot be trusted to tell the truth, the House cannot do its job and the confidence of the public in our democracy is undermined.

To put the entire proceeding into context, one needs to understand a strand of British constitutional history. As noted in [The Conversation](#), misleading the Commons is serious “because of the centrality of ministerial accountability” to Parliament in the uncodified British constitution. The “standards process for ministerial accountability operates under a form of law called parliamentary privilege (from which the committee takes its name). Privilege is the mechanism which shields debate in parliament from the restrictions on free speech that apply to ordinary citizens so that MPs can speak freely. It also guarantees parliament the right to determine its own processes and procedures free from interference from the judicial and executive branches of government. Privilege is therefore widely viewed as a cornerstone of the UK’s democratic system.” In effect, contempt of privilege is tantamount to hindering the work of Parliament.³

The Committee’s Findings

Specifically, the Committee found that Johnson had misled the Commons when he:

- said that Guidance was followed completely in No. 10, that the Rules and Guidance were followed at all times, that events in No. 10 were within the Rules and Guidance, and that the Rules and Guidance had been followed at all times when he was present at gatherings;
- failed to tell the Commons about his own knowledge of the gatherings where Rules were broken or Guidance was not followed;
- said that he relied on repeated assurances that the Rules had not been broken. The assurances he received were not accurately represented by him to the Commons, nor were they appropriate to be cited to the Commons as an authoritative indication of No. 10’s compliance with Covid restrictions
- gave the impression that there needed to be an investigation by Sue Gray before he could answer questions when he had personal knowledge that he did not reveal; and
- purported to correct the record but instead continued to mislead the Commons and, by his continuing denials, the Committee.

The Committee also found that Johnson was deliberately disingenuous when he tried to reinterpret his statements to the Commons to avoid their plain meaning and reframe the clear impression that he intended to give, namely, when he proffered:

- unsustainable interpretations of the Rules and Guidance to advance the argument that the lack of social distancing at gatherings was permissible within the exceptions that allowed for gatherings, and
- legally impermissible reasons to justify the gatherings.

These findings were unambiguous, though framed in terms of parliamentary décor: Johnson was found to have misled – in plain English, that meant he was guilty of lying.

³ It is noteworthy that an MP cannot accuse another MP of lying in a parliamentary proceeding – this made for some interesting theatre during PMQs.

The Reaction

Johnson was given the opportunity to review the report in confidence before it was published. In reacting to the report, he, in the words of the Committee, impugned the Committee, the integrity of its members, and the impartiality of its staff and advisers, stating:

- “They have still not produced a shred of evidence that I knowingly or recklessly misled the Commons.”
- “They know perfectly well that when I spoke in the Commons, I was saying what I believed sincerely to be true and what I had been briefed to say, like any other minister. [...]”
- “Their purpose from the beginning has been to find me guilty, regardless of the facts. This is the very definition of a kangaroo court.”
- “[...] The Committee’s report is riddled with inaccuracies and reeks of prejudice, but under their absurd and unjust process, I have no formal ability to challenge anything they say.”
- “[The Committee] should not be using their powers ... to mount what is plainly a political hit job on someone they oppose.”

As for the common playbook of autocrats, like Trump, an aggrieved Boris:

- deflected all personal accountability and responsibility;
- despite abundant evidence to the contrary, asserted he had done nothing wrong;
- wallowed in victimhood;
- lashed out at those who investigated him, singling them out by name;
- tried to whip up support among his loyal followers;
- trashed all those whom he felt stood in his way - the Committee he likened to a “kangaroo” court.
- repeatedly and casually tried to destroy any sense of trust in institutions.

The Committee Stands up to Attacks on its Integrity

The Committee fired back, writing:

“We note that Mr Johnson does not merely criticise the fairness of the Committee’s procedures; he also attacks in very strong, indeed vitriolic, terms the integrity, honesty and honour of its members. He stated that the Committee had “forced him out [...] anti-democratically”. This attack on a committee carrying out its remit from the democratically elected House itself amounts to an attack on our democratic institutions. We consider that these statements are completely unacceptable. In our view this conduct, together with the egregious breach of confidentiality, is a serious further contempt.”

Ultimately, Johnson was found not only to have deliberately misled the Commons and the Committee, but also, by reason of his conduct after he was provided with a copy of the report, to have breached confidences (by publishing [his statement](#) before the report was released), “impugned the Committee and thereby undermin[ed] the democratic process of the House” and been complicit on the campaign of abuse and attempted intimidation of the Committee.

It was reported that members of the Committee (like the members of the January 6th Select Committee) were provided security details, unheard of in Britain.

Implication for the Tories

The internecine warfare in the Tory ranks continues, and not just the attacks launched by Johnson allies over the report.

For some weeks, now PM Sunak has been under pressure (including from within his parliamentary party) to cancel, or at least delay, Johnson's honours and peerages list (a privilege accorded departed prime ministers), rewarding a number of his allies dating back to early days of the Partygate scandal. One contributor to the pressure surrounding the list concerned four MPs whose elevation to the Lords would trigger by-elections for their successors in the Commons. Two of the MPs, including Nadine Dorries, resigned when their names disappeared from the list and accusations flew back and forth over who was responsible for removing their names, the Lords Appointment Commission ("HOLAC") or No. 10. Sunak approved the HOLAC-vetted list on June 9, with a number of Johnson allies still receiving honours and peerages. Johnson lashed out at Sunak for the removals of a reported eight Johnson nominations, and resigned just after the full honours list was published. All told, there will now be four by-elections (all likely to be hugely problematic for the Tories), as another MP was forced to resign over allegations of illegal drug use and harassment. Dorries has delayed her departure to investigate the cause of her falling off the honours list.

The pressure on Sunak ramped up in the midst of battles over access by the parallel independent public COVID inquiry (led by Baroness Heather Hallett) to Johnson's pandemic notebooks and WhatsApp messages, which the Cabinet Office stonewalled. There was a separate tussle over diaries that were turned over by Johnson's government-appointed counsel.

Sunak faced more headaches this week, with the release on Wednesday of data showing inflation remained at 8.7%, higher than the expected rate of 8.4% (the fourth month that prices exceeded forecasts, and a figure that is far worse than comparable figures in France, Germany, the European Union and the United States, as noted by Chris Gilles and Mary McDougall, writing yesterday in the [Financial Times](#)), and an announcement by the Bank of England today of a 0.5 percentage point interest rate hike to 5.0% (its 13th consecutive such increase). Mortgage lenders last week pushed through another round of mortgage rate increases. In the capital markets, gilt rates increased to levels that exceeded those during the Liz Truss days. Yesterday, the Office of National Statistics [reported](#) that UK net government debt in May had reached more than 100% of GDP, the first time since 1961.

This is terrible news for Britons that are in the midst of a cost-of-living crisis and for the estimated 1.6 million facing surging interest costs next year to service home mortgages as fixed rates expire. Sunak had pledged to halve inflation.

Reporting on what appear to be unstoppable "small boats" crossing the Channel with migrants will add grist to the right-wing mill. The disgrace of a former prime minister, the looming economic crisis and a likely drubbing at the polls next year, do not bode well for Sunak. Manna from heaven for Labour.

Concluding Thoughts

Opinion appears to be divided over the question of Boris Johnson's political future. He faces various technical hurdles were he to again seek the premiership, namely getting back on the list of candidates, which the PM can veto, and then in fact getting elected as an MP were he to be allowed to stand. In the meantime, the electoral fortunes of the Tories continue to dim, with latest round of Tory in-fighting likely only exacerbating their fall from grace.

Regardless, we should not lose sight of the significance of Parliament's indictment of serial lying by an elected leader and the subsequent attacks on the motives and integrity of those who acted to protect democracy. Equally significant, and perhaps unprecedented in today's febrile political atmosphere, is that in US parlance, Parliament's report truly was bipartisan.

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Mark S. Bergman

[7Pillars Global Insights, LLC](#)

Athens, Greece

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