



THE  
IRAQ  
INQUIRY

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#### DECLASSIFICATION

I wrote to you on 22 December with an initial response to your letter earlier that day and our subsequent telephone discussion.

I discussed your letter and our discussion with my fellow Committee Members yesterday. Further to my letter, the Committee notes that you are considering, in the context of transcripts from private hearings, whether it might be possible to protect the privileged nature of the exchanges and the substance of the record whilst allowing for broad discussions of its content. We also noted that you said that you would be writing to us shortly on this matter, and we look forward to receiving this.

The Committee is, however, disappointed that the particular importance of protecting the privacy of the channel between the Prime Minister and the President of the United States has led you to conclude that, in order to avoid damage or likelihood of damage to international relations, it is necessary to take a generic decision against disclosure of even limited extracts from the exchanges; and that it is not appropriate to apply a public interest test to specific extracts.

From the Inquiry's perspective, the question of when and how the Prime Minister made commitments to the US, about the UK's involvement in military action in Iraq and subsequent decisions on the UK's continuing involvement, is central to its considerations. The Inquiry has access to the written records and can, and will, draw conclusions from those in its Report. But, without agreement to limited disclosure, the basis for those conclusions would not always be apparent. That is contrary to the Inquiry's declared undertaking to be as open and transparent as possible.

The Inquiry agrees with your view that the publication of details of discussions in memoirs by former politicians and their advisers is not the same as publication of the same information by Government, and it notes the distinction you draw between the Cabinet Office effectively authorising disclosures of information and Departments reviewing the contents of memoirs and making recommendations to the author in accordance with the Radcliffe principles. This leads to the position that individuals may disclose privileged information (without sanction) whilst a Committee of Privy Counsellors established by a former Prime Minister to review the issues, cannot.

If the Committee is not able to refer directly to a very limited number of published extracts, the hearing will need to be extended to ensure that the Committee can explore the issues through a process of indirect questioning. This will enable Mr Blair to respond fully, in a way that is fair to him as well as allowing the Inquiry to fulfil its responsibilities. We will be alerting Mr Blair's office to this point today.

In responding to the Inquiry's earlier and separate request for the exceptional waiver of Legal Professional Privilege and the declassification of the Attorney General's draft advice, you concluded that, given both the very exceptional nature of the Iraq Inquiry, and the fact that the legal basis for military action and the way in which this developed was a central part of the Inquiry's work, the right course of action was for the relevant documents to be disclosed. The Inquiry finds it difficult to understand why the same considerations do not apply in relation to the limited extracts from exchanges between Mr Blair and President Bush that the Inquiry is seeking.

The Inquiry would, therefore, be grateful if you could give further consideration to these issues. When the public hearings resume on 18 January, it will be necessary to explain the position we have reached to set the relevant hearings in context. If the position remains as set out in your letter of 22 December, the Inquiry would need to publish this correspondence at that time.

Yours ever,



SIR JOHN CHILCOT