

THE IRAQ INQUIRY

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Sir Gus O'Donnell KCB
Cabinet Secretary & Head of the Home Civil Service
Cabinet Office
Room 101
70 Whitehall

10 December 2010

Dear Gus,

DECLASSIFICATION

We discussed briefly a little while ago the importance of the exchanges between the Prime Minister and President Bush in understanding the way in which UK policy in relation to Iraq had developed and the decisions which had been taken. Since then, there has been an exchange between officials in the Foreign and Defence Policy Secretariat of the Cabinet Office and Clare Salters, one of the Deputy Secretaries to the Iraq Inquiry, in the context of consideration of the transcript of Matthew Rycroft's private hearing. Clare Salters passed on to the Cabinet Office the Committee's initial reactions in her letter of 1 December; I am now writing formally to set out the Inquiry's position.

2. The Inquiry recognises that there are aspects of the discussions between President Bush (and other Heads of State or Heads of Government) and a British Prime Minister which could damage the UK's international relations or national security; and the Inquiry accepted when it agreed the Protocol between the Iraq Inquiry and Her Majesty's Government regarding Documents and Other Written Electronic Information ("the Protocol") that such information should be protected. The Inquiry accepted that the Protocol would require the government, in reaching a decision on whether information would be released, to weigh, in line with the established principles in public interest immunity cases, the public interest in preventing damage to the UK's international relations against the public interest in transparency, and in particular the exceptional circumstances of the Inquiry having been established by Government among other things to provide a reliable account of the UK's involvement in Iraq.

3. The Cabinet Office's letter of 30 November suggests that, in addition, exchanges between the UK Prime Minister and the US President represent particularly privileged channels of communication; and that disclosure of the material contained in previous exchanges could still prejudice relations by inhibiting future exchanges. The letter suggests that a future UK Prime Minister may be less likely to have those exchanges (or allow them to be recorded) if they were concerned that this information would be disclosed at a later time. It goes on to say that inhibiting this type of free and frank exchange would represent a real prejudice to the UK's international relations with the US.

4. That has led to a decision not to agree declassification of extracts from records of discussions between Mr Blair and President Bush or extracts from the notes that Mr Blair sent to President Bush. Indeed, the Cabinet Office has even asked for references to individual notes sent by Mr Blair and the dates of records of discussions to be redacted before release of transcripts of private hearings. We have received no other correspondence setting out the rationale behind the Government's concerns.

Fact & Timing of Exchanges

5. The Committee finds it difficult to understand the grounds on which the proposals for the redaction of references to notes sent by Mr Blair, or discussions between Mr Blair and President Bush, have been requested. It is not apparent to the Committee how information about the fact of the exchanges having taken place and their timing could prejudice the UK's international relations with the US or be covered by any of the other grounds within the Protocol.

6. Both Mr Blair and President Bush have referred explicitly to the exchanges in their recently published memoirs, including the fact that contact between them was frequent (eg *A Journey*, page 339 and *Decision Points* page 231, which mentions that Mr Blair visited the US more than 30 times during President Bush's presidency) and the fact of notes having been sent (eg pages 405, 407 and 431 of *A Journey*). Similarly, both Alastair Campbell and Jonathan Powell have recorded the fact of the exchanges and, in many cases, their specific timing.

7. The Inquiry regards it essential, in order to fulfil its terms of reference, to be able to chronicle the sequencing of discussions on Iraq between the UK Prime Minister and the President of the United States. It seems to us that it is both contrary to the terms of the Protocol and, in light of the disclosures in recent memoirs, unnecessary to prevent the Inquiry from being able to do this.

Content of Exchanges

8. So far as the content of the notes from Mr Blair and the discussions between him and President Bush are concerned, the Inquiry has asked only for the declassification of views expressed by Mr Blair on issues which, after careful consideration, the Inquiry has concluded are central to its work. The material requested provides important, and often unique, insights into Mr Blair's thinking and the commitments he made to President Bush, which are not reflected in other papers. It would also allow us to provide a balanced account.

9. Again, both Mr Blair and President Bush – and, indeed Alastair Campbell and Jonathan Powell – have given details of the content of some of their discussions in their memoirs – for example pages 401 and 407 of *"A Journey"*; indeed, in *Decision Points* (page 245) President Bush actually quotes direct from one of Mr Blair's notes. This is not a recent departure. Mrs Thatcher, in her memoir *"The Downing Street Years"* referred to messages exchanged between herself and President Reagan and quoted content. As Paul Dacre and his colleagues noted in the report of their *Review of the Thirty Year Rule*, while the practice of releasing otherwise confidential information through memoirs is a means by which the workings of government can be exposed to the public gaze, this gives only a personal account of the events in question; without disclosure of the contemporaneous official records, it is impossible for the public to know how fair or accurate the account in these memoirs are. In the Inquiry's view, it is essential, if it is to produce a reliable account, that it is able to quote extracts from the records of what the Prime Minister said to President Bush in their discussions on Iraq.

10. I am, therefore, writing to ask you to reconsider the position taken by the Cabinet Office that material from these documents cannot be released as a matter of principle and agree that each request for publication should be addressed on its merits in accordance with the provisions of the Protocol.

11. With further public hearings in January, we need to have an agreed way ahead as a matter of urgency, not least to allow the Inquiry to fulfil its obligations of fairness to other witnesses, which will require us to agree the way ahead for the disclosure of private transcripts by the middle of next week. If there are additional concerns to those set out in the Cabinet Office's letter of 30 November the Committee would, of course, consider them.

12. I hope we can reach agreement and I look forward to your response. If we cannot, then I would propose to publish this letter and your response before the start of the next round of public hearings.

John Chilcote
JCh

JOHN CHILCOT

