

## Hutton and Scott: A Tale of Two Inquiries

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ON 2 August 1990, Saddam Hussein's Iraq invaded neighbouring Kuwait. Up until this date British companies had supplied Iraq with military equipment and the machinery to manufacture arms. In October 1990 Customs and Excise officials raided one of these companies, Matrix Churchill, and subsequently charged three of its executives with having deceived the government as to the nature of the machines they were exporting—exporting arms-manufacturing equipment which they had claimed was intended for civil use.<sup>1</sup> In November 1992 their trial collapsed spectacularly when, under cross-examination, former Trade and Defence Minister Alan Clark revealed that the government had connived in the breach of its own regulations and was aware of the true nature of the machines being exported. The government of John Major responded by setting up the Scott inquiry, an unprecedented window on Whitehall decision-making and the realities of Britain's relations with Saddam Hussein's Iraq, which delivered its lengthy report in February 1996.<sup>2</sup> Seven years later Iraq's weapons were again the focus of a high-profile judicial inquiry in Britain, as the Blair government established the Hutton inquiry to investigate the circumstances surrounding the suicide of Ministry of Defence scientist and biological warfare expert Dr David Kelly.

Taken together, the subjects of the Scott and Hutton inquiries neatly bookend a 25-year period in British and Western foreign policy in which Saddam Hussein was transformed from *de facto* ally—standing up to the Islamic threat represented by Iran on behalf of the West—to the most immediate threat to world peace, a component part of this transformation being the allegation or allusion or conflation that presented Saddam as an accomplice to unprecedented acts of Islamic terror on 11 September 2001.<sup>3</sup> The publication of the September 2002 Downing Street dossier at the centre of the controversy that culminated in David Kelly's death was the first step in the final stage of convincing the British public of the unadulterated evil that Saddam represented and threat that he posed, thereby readying them for the war ahead. There were further steps to come—the February 2003 'dodgy dossier' was the high-water mark—but Kelly's death and the intent to galvanise public opinion behind a war that former Cabinet ministers, and others, have claimed was already agreed upon by the time the dossier was completed make the September dossier of central importance.

At the heart of both the Scott and Hutton inquiries were Saddam's arms. During the 1980s, beneath a public stand of studied neutrality in the Iran–Iraq war, the British government, as Scott clearly showed, manipulated its own guidelines to ensure that Iraq's military requirements were largely met—except in isolated instances, such as in relation to Iraqi interest in the Hawk trainer jet—whilst Iran's were frustrated. The rationale for this approach was twofold, embracing both geostrategic and trade considerations. The latter arose from the former, drawing Iraq into a web of linkages with the West that, in the context of the Cold War and the 1979 Iranian revolution, were intended to tie Iraq to what President George Bush Sen. termed 'the family of nations'. As in the 2001–03 period, so during the 1980s US and British interests with regard to Iraq were closely aligned. The British tilt towards Iraq involved a range of activities: monitoring Iran's arms procurement network in order to frustrate it (aided for a time by the fact that it operated out of the offices of the Iranian National Oil Company in Victoria Street, London); monitoring but facilitating Iraq's conventional arms and arms-manufacturing procurement network—e.g. its purchase of machine tools and even the companies that made them in order to further its goal of military self-sufficiency, most infamously with the Coventry-based manufacturer Matrix Churchill; and turning a blind eye to increased arms purchases from friendly Middle Eastern states, including the contiguous Jordan, Kuwait and Saudi Arabia, despite evidence that these were destined for onward passage to Iraq. As the public hearings of the Scott inquiry revealed, all of this involved placing the most positive possible spin on intelligence indicating that Saddam was acquiring these arms by these means, where a more objective interpretation would have required a political intervention and the termination of these procurement routes. The Scott inquiry produced a catalogue of evidence, from which the following illustrative examples are taken.

During the 1980s, Iraq pursued a policy of military industrialisation which saw military production being undertaken at sites which also engaged in much more modest civilian production. This gave the more squeamish governments an alibi when it came to selling dual-use equipment. Export licences for Matrix Churchill machine tools were destined for these establishments, e.g. the production complexes at Hutteen and Nassr. In his evidence to the inquiry, the former Trade and Defence Minister, Lord Trefgarne, illustrated well the way in which intelligence on this was treated in the policy-making process: 'There was evidence that these machines were going to Hutteen or Nassr, which were involved, *inter alia*, in weapons manufacture, but it was not clear that these machines were going to be used exclusively, or even at all, for weapons manufacture; and, unless we had reasonable evidence, more than the mere circumstantial evidence of their destination, we were not entitled to assume that they would be used for weapons manufacture.'<sup>4</sup>

In sum, intelligence was being 'spun down' to fit and facilitate the preferred policy. Accepting the logic of the intelligence would have involved Whitehall departments, particularly the Department of Trade and Industry, abandoning their preferred policy towards exports to Iraq in favour of restriction or non-export. Hence, the intelligence was met by demands for a firmer level of intelligence, so firm as to be almost unattainable. Scott was exasperated at times by such evidence, at one point interrupting to complain: 'This is what I do not understand. Here is Iraq spending between 30 and 45 million on a large number of machine tools. Was there no suspicion that they were going to be used for military purposes? It almost beggars belief.' Scott found it, 'very, very difficult to follow the thought processes that led to a conclusion that you have expressed here', that the relevant civil servants 'had satisfied themselves that the lathes were for civilian items, not destined for military end use'.

The guidelines themselves, formulated in late-1984 and smuggled into the public domain via a written answer to a parliamentary question in October 1985, contained four points, the third of which was key: 'We should not, in future, approve orders for any defence equipment which, in our view, would significantly enhance the capability of either side to prolong or exacerbate the conflict.' This was a masterful piece of drafting which offered considerable latitude in interpreting what fell inside or outside the guidelines. Once government departments had tacitly to accept that Matrix Churchill machine tools going to Hutteen and Nassr probably were destined to be involved in arms manufacture, they began to explore this latitude, e.g. arguing that even if the goods were destined for military use, and even if they accepted that this enhanced Iraq's capabilities, it did not necessarily amount to a 'significant' enhancement, because it merely meant substituting indigenous for Soviet-origin weaponry. A classic illustration was provided by the Foreign Office's William Patey in his evidence to the inquiry: 'You could argue that their capability was enhanced. It is a question of whether it is significantly enhanced. Clearly it is easier for them to make their own munitions than it is to import them, but at the end of the day they have the same munitions, so they do not have any more munitions to fire than they would have had otherwise.'

Intelligence that friendly contiguous states were passing arms to Iraq, thereby undermining the guidelines on exports, did not lead to any significant action. Secret Intelligence Service (SIS, otherwise known as MI6) reports on Jordan's role as a conduit were made available to the inquiry, Sir Stephen Egerton, a former Ambassador to Saudi Arabia, told of the transshipment of military equipment. The Foreign Office's Ian Blackley told of how his department was 'aware that Jordan, Kuwait and Saudi Arabia were being used as transshipment points for goods destined for Iraq'. Former ministers Alan Clark and David Mellor confirmed that knowledge of the onward passage of arms to

Iraq existed.<sup>5</sup> Yet, for a range of reasons—some concerned policy towards Iraq, others avoiding embarrassment to valued trading partners or not undermining the position of King Hussein in Jordan—a collective blind eye was turned, and this trade via neighbouring states went on uninterrupted by the British government until 1990. Moreover, the inquiry was not alerted to this aspect of Iraq's arms procurement by officials or politicians but by the written evidence submitted by arms trade insiders like Chris Cowley, project manager for the supergun project, Project Babylon, and Gerald James, former chairman of Astra Holdings.

Throughout this period of support, the British government was acutely aware of Saddam's human rights record. Publicly available sources carried graphic accounts of torture. For example, a 1985 Amnesty International report on Iraq catalogued 30 different methods of torture that the regime subjected opponents to, including a number positively medieval in character. Matrix Churchill director Paul Henderson's SIS controller, 'John Balsom', told the Old Bailey how, before Henderson left for Iraq to collect intelligence for the first time, he presented him with a copy of Samir al-Khalil's 1989 book *Republic of Fear*, another catalogue of torture of minorities and opponents inside Iraq. 'I think it is a superb description of the appalling regime in Iraq', the SIS man told the court. As early as 1984, a UN team had found evidence to support Iranian allegations that Iraq had deployed chemical weapons. The British government knew of the March 1988 use of poison gas at Kurdish town of Halabja, close to the border with Iran, within hours of its occurrence. The unavoidable protest was delivered at the lowest feasible level of the Foreign Office by Alan Munro, a Deputy Under-Secretary. Within six months, in a memorandum entitled 'The Economic Consequences of the Peace', Foreign Secretary Geoffrey Howe was successfully arguing for a relaxation of the arms sales guidelines, although the relaxation was kept secret lest it be regarded as 'cynical' in light of events at Halabja. Less than eight months after Halabja, Trade Minister Tony Newton visited Baghdad to attend its international trade fair and extend a £340 million line of medium term credits to Iraq, almost double the previous year's sum. An October 1989 internal Foreign Office memorandum, 'Iraq After the Ceasefire and UK/Iraq', recognised Iraq's 'abysmal' human rights record and repression of the Kurds, that 'Iraq cherishes ambitions of becoming a military nuclear power' and that it 'wants nothing less than to be the dominant Arab power in the region'. Nevertheless, it recommended a policy of closer engagement and a visit by the Foreign Secretary to Iraq in 1990. The Foreign Office's David Gore-Booth added his view that the 'great prize' that Iraq represented was worth pursuing and that such a high-level ministerial visit would be 'defensible to the Ann Clywds'. In a handwritten note the minister, William Waldegrave, agreed, adding: 'I doubt if there is any future market of such a scale anywhere where the UK is potentially so well placed

if we play our diplomatic hand correctly, nor can I think of any major market where the importance of diplomacy is so great on our commercial position.’ The only danger was that ‘a few more Bazofts or another bout of internal repression will make this more difficult’, a reference to the arrest of *Observer* journalist Farzad Bazoft in Iraq on espionage charges the previous month. He was to be hanged in March 1990. Even then, despite growing contemporaneous evidence of Iraq’s military ambition in the field of non-conventional weapons (within the space of one month in March–April 1990 Bazoft was executed, supergun designer Gerald Bull was murdered, and the supergun itself was seized on the brink of export), the British response was muted—and largely confined to the expulsion of six Iraqis in the UK on military training courses. In the House of Lords, Lord Stoddart protested: ‘A man’s life has been forfeited and the minister talks about job losses in this country. Have we no morals left?’

The point here is that a number of the human rights violations featuring in the September 2002 dossier were carried out during a period when the British government knew of them but chose to downplay them in the context of geostrategic priorities and the resulting commercial ‘great prize’. Halabja features in the September dossier with eye-witness testimony and a photograph of dead children. The pages of the report devoted to human rights abuses under Saddam’s regime (ironically, including a half-page section on ‘mistreatment in Abu Ghraib prison’) make no reference to British policy responses to the above which were committed in the 1980s or to the broader context of continued Western support. The effect is positively Orwellian.<sup>6</sup>

As mentioned earlier, at the heart of both inquiries were questions concerning Saddam’s arms. By September 2002 the British government’s purpose had been transformed: it was now to demonstrate that Saddam had non-conventional arms and active non-conventional weapons programmes, and that he was mad, so unencumbered by considerations of rationality in deciding where and when to deploy them. The threat that this situation (which, it is important to remember, did not actually exist) represented was so great as to oblige the British government to take part in a war to remove Saddam.

Whereas during the internal governmental debates of the 1980s about arms to Iraq, intelligence was ‘spun down’, now it was being ‘spun up’. Whereas in the earlier period intelligence that contradicted policy preferences was subjected to careful deconstruction, now any intelligence that supported the preferred policy was accepted in a relatively uncritical way. In his evidence to Hutton, Tony Blair explained the emergence of the September 2002 dossier thus: ‘What changed was really two things which came together. First of all, there was a tremendous amount of information and evidence coming across my desk as to the weapons of mass destruction and the programmes associated with it that Saddam had . . . There was also a renewed sense of urgency, again,

in the way that this was being publicly debated . . . Why did we say it was a big problem? Because of the intelligence. And the people were naturally saying: produce that intelligence then.' And again, later: 'So, in a sense, the 24 September dossier was an unusual—the whole business was unusual, but it was in response to an unusual set of circumstances. We were saying this issue had to be returned to by the international community and dealt with. Why were we saying this? Because of the intelligence.'

If indeed that was the case, how are we to interpret internal Downing Street emails released to the Hutton inquiry which suggest that in the early stages of drafting the dossier such material was badly needed to bolster it? Thus the 11 September email from Downing Street advisor Philip Bassett to Daniel Pruce and Alastair Campbell baldly stating: 'Very long way to go I think. Think we're in a lot of trouble with this as it stands.' The same day an email sent out to the intelligence community appealed for additional intelligence: 'No.10 through the Chairman want the document to be as strong as possible within the bounds of available intelligence. This is therefore a last (!) call for any items of intelligence that agencies think can and should be included. Responses needed by 12.00 tomorrow.' Dr Brian Jones, at the time head of the nuclear, chemical and biological weapons section of the Scientific and Technical Directorate of the Defence Intelligence Analysis Staff, has since admitted that he 'couldn't relate' to Blair's evidence to Hutton on the volume of intelligence passing across the prime-ministerial desk; he commented that 'no one on my staff had any visibility of large quantities of intelligence' and recalled his reaction on being told that Downing Street was intent on producing the dossier as it 'would be a considerable challenge because of the relatively sparse nature of the intelligence available on Iraq's weapons of mass destruction'.<sup>7</sup>

All of this, of course, raises the question of how far intelligence dictated policy and how far intelligence was sought to justify policy, for there was an imperative that Tony Blair did not dwell on in his evidence to Hutton—his personal commitment to President Bush that Britain would support a US war to remove Saddam should the diplomatic route via the UN fail. According to the former British Ambassador to Washington, Sir Christopher Meyer, Bush first asked Blair to support Saddam's overthrow at a Washington dinner just nine days after the events of 11 September 2001. In late July 2002, foreign policy adviser Sir David Manning travelled to Washington to meet with Bush and National Security Advisor Condoleezza Rice, by which time Blair had drafted a memo to Bush outlining the terms under which Britain would participate in a military venture. Bush–Blair telephone calls during this period operated on the basis that both countries would be involved in the military operation in Iraq. One commentator situates the explicit commitment as being given at a Bush–Blair meeting at Camp David on 7 September 2002, when the dossier concept was also reportedly

discussed, firming up an earlier general commitment reportedly given during a visit to the President's Texas ranch in April 2002.<sup>8</sup> This timescale is consistent with that advanced by Clare Short who, in evidence to the Commons Foreign Affairs Committee, claimed that Blair had agreed to a February or March 2003 war over Iraq as long ago as the summer of 2002 and to have been briefed on this by senior intelligence and Whitehall figures (*Guardian*, 18.6.03). Short's diary entry of 9 September 2002 records Blair assuring her that no final decisions had been taken, and so there was no need to discuss Iraq in Cabinet—only for Short to find out from Gordon Brown later that day that Blair had asked for 20,000 British troops to be made available for the Gulf.<sup>9</sup> By this time, Downing Street officials were already working on the text of what would become the September dossier.

Many of the subsequent difficulties with regard to this are rooted in the question of ownership, compounded by the lack of distance between unelected officials in Downing Street and the man charged with taking responsibility for the intelligence content of the dossier, the Chairman of the Joint Intelligence Committee, John Scarlett. Whose dossier was it? Downing Street's or, via the Joint Intelligence Committee, the intelligence community's? Awkwardly for the government, the Hutton inquiry unearthed a minute of a meeting attended by both Downing Street and intelligence officials towards the end of the drafting process stating that 'ownership lay with No.10'. The Treasury Solicitor's office wrote to the inquiry to seek clarification, to be reassured that it had 'spoken to John Scarlett about the reference to ownership of the Dossier. He has confirmed that he had ownership until the approved text was handed to No.10 on 20 September'. Given the proximity between Downing Street and John Scarlett during the drafting stage, the confusion is understandable. That the intelligence services owned the text was of course crucial to the government's defence of the dossier. Yet a trail of emails and memos to and from Downing Street staffers show that well before this date they were unhappy with what they called the 'Scarlett version' of the dossier, and were discussing amendments that would heighten the sense of threat beyond a level supported by the original intelligence.

In a 10 September email from Daniel Pruce to Mark Matthews, he advises: 'We make a number of statements about Saddam's intentions/attitudes. Can we insert a few quotes from speeches he has made which, even if they are not specific, demonstrate that he is a bad man with a general hostility towards his neighbours and the West? Much of the evidence we have is largely circumstantial so we need to convey to our readers that the cumulation of these facts demonstrates an intent on Saddam's part—the more they can be led to this conclusion themselves rather than have to accept judgements from us, the better.' The common thread running through these exchanges is the need to demonstrate Saddam's malign intent, ideally towards the UK. Hence, on 11 September

Daniel Pruce emailed Alastair Campbell: 'I think we need to personalise the dossier onto Saddam as much as possible—e.g. by replacing references to Iraq with references to Saddam. In a similar vein I think we need a device to convey that he is a bad and unstable man. A few quotes from Saddam to demonstrate his aggressive intent and hatred of his neighbours and the West would help too.' The same day Tom Kelly emailed Alastair Campbell, commenting on the current draft and again emphasising the importance of demonstrating intent: 'This does have some new elements to play with, but there is one central weakness—we do not differentiate enough between capacity and intent. We know that he is a bad man and has done bad things in the past. We know he is trying to get WMD—and this shows those attempts are intensifying. But can we show why we think he intends to use them aggressively, rather than in self-defence. We need that to counter the argument that Saddam is bad, but not mad . . . The key must be to show that Saddam has the capacity, and is intent on using it in ways that threaten world stability, and that our ability to stop him is increasingly threatened.'

In a subsequent email from Jonathan Powell to John Scarlett, copied to Campbell, Powell made the point that in launching the document 'we do not claim that we have evidence' that Saddam 'is an imminent threat'. However, this is precisely the case that the revisions to the text were effectively seeking to make. The bid to show 'intent', and hence imply imminence, involved moving beyond a position supported by the available intelligence—spinning it up. The cumulative impact of heightening the sense of threat through the use of more emotive language and other devices was to suggest a sense of imminence that simply did not exist. In the dossier's Foreword, issued in Tony Blair's name, the language was of a 'current and serious threat to the UK national interest' and a threat that was 'serious and current'. The key paragraph explaining just why the threat extended to the UK made its link by a general reference to 'today's inter-dependent world' where 'a major regional conflict does not stay confined to the region in question'. Hence, unless the UK faced up to the threat, 'in the longer term, we place at risk the lives and prosperity of our own people'. As John Morrison, a former deputy chief of defence intelligence, put it: 'In moving from what the dossier said Saddam had, which was a capability possibly, to asserting that Iraq presented a threat, then the Prime Minister was going way beyond anything any professional analyst would have agreed.'<sup>10</sup> In Hans Blix's characterisation, exclamation marks were inserted where there should have been question marks.

All of which leads us to the epicentre of the controversy—Andrew Gilligan's contentions in the unscripted 6.07am interview on the Radio 4 *Today* programme of 29 May 2003. Gilligan's background notes from his off-the-record meeting with his, at the time, still anonymous source, as included on presenter John Humphry's cue, provided a detailed summary of the claims apparently made at this meeting. (There

is not space here to consider whether Kelly sought to exaggerate his role in the production of the dossier or whether Gilligan credited him with a greater role than he actually had.) Presented in a question and answer format, this began by noting that when they had met previously, in spring 2002, Kelly had told Gilligan that the dossier would not include anything new, further suggesting that the volume and quality of intelligence being produced on Iraq's weapons at this time was limited. The reply was that 'until the week before it was just the same as I told you'. However, the dossier was 'transformed' in the week prior to publication 'to make it sexier'. Kelly, according to the draft cue, elaborated: 'The classic was the statement that Weapons of Mass Destruction were ready for use within 45 minutes. Most things in the dossier were double-sourced but this was a single source.' This, of course, subsequently proved to be the case. When asked if it meant that information had been 'made up', the draft cue indicates that Kelly replied, 'No, it was real information. But it was included in the dossier against our wishes because it wasn't reliable.'

In making the unscripted live broadcast, Gilligan had to fill broadcast space that required him to go beyond or expand on this cue, and it was here that the claim that the document was 'sexed up' was made. Moreover, later in the broadcast Gilligan said he had been told that the government knew that the infamous 45-minute claim 'was questionable'. When Lord Hutton came to assess whether it was indeed the case that the dossier had been 'sexed up' he offered himself the choice of deciding whether 'sexing up' referred to the possibility implied by Gilligan's unscripted assertion that the government included claims that it knew or suspected to be questionable; or whether it referred to the process of redrafting so as to heighten the sense of threat and imminence of threat posed by Saddam, as illustrated above. Hutton concluded: 'If the term is used in this latter sense, then because of the drafting suggestions made by 10 Downing Street for the purpose of making a strong case against Saddam Hussein, it could be said that the government "sexed-up" the dossier. However, in the context of the broadcasts in which the "sexing-up" allegation was reported, and having regard to the other allegations reported in those broadcasts, I consider that the allegation was unfounded as it would have been understood by those who heard the broadcasts to mean that the dossier had been embellished with intelligence known or believed to be false or unreliable, which was not the case.'<sup>11</sup>

The 45-minute claim that was central to Gilligan's case does shed interesting light on the manner in which intelligence was uncritically accepted by the government in making a case that would support a subsequent war. There is reason to think that Tony Blair would be cautious by September 2002 in endorsing intelligence that could lead the UK to war, given an earlier experience of intelligence. Following the August 1998 US missile attack on the al-Shifa pharmaceutical plant in

Khartoum at the height of the Lewinsky scandal in Washington, Blair had been left exposed as one of the last people to insist that US intelligence had found an appropriate target. Moreover, once the claim contained in the dossier that Iraq had sought to obtain 'significant quantities of uranium' from Niger had been exposed as partly based on intelligence so obviously flawed that it could, according to an International Atomic Energy Agency official, have been 'spotted by someone using Google' (*Independent*, 12.7.04), logic would suggest that the Prime Minister would have adopted a less uncritical approach to the intelligence being presented. Yet, in the House of Commons debate on the Hutton report, Blair claimed that he had been unaware that the 45-minute claim referred only to battlefield weapons, not missiles. Robin Cook recalled being 'astonished' by this admission, because when he met John Scarlett for an intelligence briefing on Iraq in February 2003, the latter told him that the weapons to which the 45-minute claim related were battlefield weapons. He recorded in his diary that 'my conclusion at the end of an hour is that Saddam probably does not have weapons of mass destruction in the sense of weapons that could be used against large-scale civilian targets'.<sup>12</sup> Apparently, Scarlett did not volunteer this information to Blair in the same way as he did to Cook, and apparently Blair did not ask. Awareness of this distinction would have seriously weakened the case being made in preparation for war.

Both episodes that led to the creation of the Scott and Hutton inquiries undermined trust in British government. The evidence uncovered at both suggested that this loss of trust was well founded. Both also generated expectations which they ultimately failed to meet. In part, this doubtless reflects that fact that these expectations were themselves partly false. Expectations of Hutton were partly determined by the course of the Scott inquiry. Expectations of both were fuelled by the conduct of public sessions at which the course and content of the evidence heard and the lines of questioning pursued suggested outcomes critical of the governments concerned. Yet, both inquiries were ultimately constrained by their terms of reference, drafted by the governments that set them up. Both heard evidence that moved beyond those terms of reference. Indeed, on hearing early evidence on the extent of arms sales to Iraq via contiguous states, Scott decided to extend his terms of reference to cover this. His report disappointed many in the way it dealt with the question, but in comparison to Hutton, Scott went much further in considering the context which gave rise to the inquiries. Hutton, in writing his report, stuck more rigidly to his terms of reference. He decided that key contextual issues were beyond the scope of his judgement: whether there were weapons of mass destruction in Iraq; whether intelligence was faulty; whether the 45-minute claim should have distinguished clearly between battlefield and strategic weapons; and whether those who realised that it did should have alerted those who apparently did not to this fact.<sup>13</sup>

Scarlett's role in this regard, and more widely in the creation of the September dossier, was central. However, Hutton's criticisms are limited to judging that 'the possibility cannot be completely ruled out that the desire of the Prime Minister to have a dossier which, whilst consistent with the available intelligence, was as strong as possible in relation to the threat posed by Saddam Hussein's Weapons of Mass Destruction, may have subconsciously influenced Mr Scarlett and the other members of the Joint Intelligence Committee to make the wording of this dossier somewhat stronger than it would have been if it had been contained in a normal Joint Intelligence Committee assessment'.<sup>14</sup>

Both inquiries were also limited by their investigative reach. They had to rely on evidence and documentation volunteered by government. This certainly hindered Scott, but the situation was more acute for Hutton in that Scott had access to evidence from businessmen and industrialists which allowed for a cross-checking of government evidence and could alert his inquiry to possible areas of omission in the latter. Hutton did not have this facility, and his inquiry was weakened by failures to volunteer relevant evidence. For example, early in 2004, in the wake of the Bush Administration's decision to hold a congressional investigation into intelligence failures in relation to Iraqi Weapons of Mass Destruction, Tony Blair announced a parallel inquiry into British intelligence failures, to be chaired by the former Cabinet Secretary, Lord Butler. The Butler report, published in July 2004, showed that in giving evidence to Hutton neither John Scarlett nor the head of SIS, Sir Richard Dearlove, disclosed that SIS had withdrawn key evidence which had fed into the September 2002 dossier, helping sustain the case for war thereafter, because it was deemed unreliable. This information was not passed, according to their own accounts, either to the Prime Minister or the Secretary of State for Defence.

Alongside failures of intelligence collection and analysis, what Hans Blix referred to as 'a deficit of critical thinking' common to several national intelligence agencies,<sup>15</sup> this provides further evidence of a more profound failure at the level of UK intelligence management. Key politicians claim not to have been made aware of limitations to intelligence relied upon to make the case for war. Intelligence managers did not volunteer it, politicians did not probe. Given the limits of Cabinet access to the intelligence picture and its limited role in reaching decisions on Iraq, the Prime Minister had a duty to probe. If he did not, there was limited opportunity for other elected politicians to do so.

This leads to the one important respect in which the focus of the Scott and Hutton inquiries differed. The Scott inquiry was largely focused on ministerial and departmental decision-making and interaction. The focus of the Hutton inquiry was on decisions taken by small groups of unelected officials in Downing Street. The Cabinet, Philip Norton recently argued, 'is no longer a buckle that links government with Parliament, no longer a body that collectively can make a difference.

It was weakened under Thatcher but it has been rendered unconscious by Blair'.<sup>16</sup> The Hutton inquiry has confirmed this. Cabinet government simply did not operate in this case. Between the attacks of 11 September 2001 and the launch of the first missile strike on Afghanistan on 7 October, there were just two Cabinet meetings. Throughout the rest of 2001, Iraq did not figure as an issue.

By the time of the Cabinet discussion on 23 September 2002, the only dissenting voices were those of Cook and Short, with 'much of the two hours', according to Cook, 'taken up with a succession of loyalty oaths for Tony's line'.<sup>17</sup> During this period, according to one account, the Ministerial Committee on Intelligence, chaired by the Prime Minister and including the Deputy Prime Minister and the Foreign, Defence and Home Secretaries, did not meet at all.<sup>18</sup> Clare Short drew attention to the down-grading of Cabinet in her resignation speech, arguing that: 'the problem is centralisation of power into the hands of the Prime Minister and an increasingly small number of advisers who make decisions in private without proper discussion. It is increasingly clear that the Cabinet has become a dignified part of the constitution, joining the Privy Council. The consequences of this are serious. Expertise in our system lies in departments. Those who dictate from the centre do not have full access to this expertise and they do not consult. This leads to bad policy . . . Thus we have the powers of a presidential-type system with the automatic majority of a parliamentary system'.<sup>19</sup>

These two reports, then, bookend the process whereby the British government moved from supporting Saddam, while seeking to keep the extent of this support from the British public, to preparing for a war to remove Saddam which was opposed by considerable sections of it. In neither process was the public trusted with the objective truth. Indeed, questions of truthfulness and openness in government became something of subplot to the Scott inquiry. David Gore-Booth had told the inquiry that parliamentary questions 'should be answered so as to give the maximum degree of satisfaction possible to the questioner', that such answers may only comprise 'half the picture', but that 'half a picture can be accurate'. Sir Robin Butler added that at times: 'You do not give all the information that is available to you. By doing that, it does not follow that you mislead people. You just do not give the full information', a view apparently still adhered to. On a more philosophical level, the Ministry of Defence's Ian McDonald told the inquiry that 'truth is a very difficult concept'. In discussing the secret decision to relax the guidelines on the sale of arms to Iraq so soon after the gassing at Halabja, Scott asked Geoffrey Howe whether he could not simply have explained to the public that a prime consideration in reaching the decision involved Britain's relative trading advantage. 'Not easily', he told Scott. 'Not if you visualise the emotional way in which such debates are conducted in public'.<sup>20</sup> The Blair government's dossier strategy positively courted these emotions by presenting a dossier in which the

drafters had sought to create a sense of threat that did not actually exist, given that the weapons themselves did not.

The process of producing the September dossier needs to be seen in the context of the propaganda requirements involved in preparing nations, particularly democracies, for war. In the UK context, the experience of the first world war, the advent of mechanised and then ‘total’ war, all occurred alongside the development of an increasingly enfranchised and highly educated mass public that was expected to bear the brunt of war, financially and physically. Ever since, public opinion has had to be convinced of the justice of war to accept the suffering and devastation that is so clearly shown in an age of global satellite media coverage. The September 2002 dossier is an inglorious episode in this propaganda tradition, fitting well the requirements of effective propaganda as outlined by Philip Taylor: ‘Propaganda known to be such is almost useless. It is dismissible simply as “propaganda” as it is popularly understood. But if it is disguised as news and information it is more palatable to the by now traditional western notions of the public’s “right to know”’.<sup>21</sup>

The Hutton report was regarded as being remarkably uncritical in light of the evidence revealed by the inquiry from the date of its publication. For Conor Gearty it was the ‘total exoneration of the entire cast of B and C division government players—the Hoons, the Scarletts, the Tebbits, down to the lowest ranks of personnel in the Ministry of Defence—that makes the report so extraordinarily one-sided’. For playwright Alan Bennett the whole report was ‘almost a dictionary definition of what is meant by “a safe pair of hands”’.<sup>22</sup> In the light of the Butler report, it looks even less impressive. The public seem to agree. A September 2004 report by the Committee on Standards in Public Life, which conducted its survey during the period of the Hutton inquiry, and where 42% of those polled said the Hutton inquiry had influenced their responses, showed that just 24% generally trusted government ministers to tell the truth.<sup>23</sup> This placed ministers near the bottom of the professional rankings, a few percentage points above estate agents. Hence, although Hutton cleared the government of the charge of sexing-up the Iraq dossier, his inquiry’s proceedings contributed to the low levels of trust invested in ministers. Paradoxically, while clearing the Blair government, the Hutton inquiry also damaged it.

1 See D. Leigh, *Betrayed: The Real Story of the Matrix Churchill Trial*, Bloomsbury, 1993.

2 The inquiry’s report was published in five volumes, Sir R. Scott: *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions*, HMSO, 1996. The appendices, with a wealth of information, were published some months later on CD, *Appendices to the Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions Laid Before the House on 15 February 1996 on CD-ROM*, HMSO, 1996.

3 Indeed, there were those who linked Saddam to the first attack on the World Trade Center in 1993. The classic statement of this view is L. Mylroie, *Study of Revenge: The First World Trade Center Attack and Saddam Hussein’s War Against America*, AEI, 2001. See also, P. Bergen, ‘Armchair Provocateur: Laurie Mylroie: The Neocons’ Favorite Conspiracy Theorist’, *Washington Monthly*, December 2003.

- 4 M. Phythian, *Arming Iraq*, Northeastern University Press, 1997, pp. 262–3. Unless otherwise indicated, subsequent references to Scott Inquiry evidence are from here.
- 5 For further detail, see M. Phythian, ‘The Arms Trade’, *Parliamentary Affairs*, January 1997.
- 6 In *Nineteen Eighty-Four*, Orwell wrote: ‘Oceania was at war with Eurasia and in alliance with Eastasia. In no public or private utterance was it ever admitted that the three powers had at any time been grouped along different lines. Actually, as Winston well knew, it was only four years since Oceania had been at war with Eastasia and in alliance with Eurasia. But this was merely a piece of furtive knowledge which he happened to possess because his memory was not satisfactorily under control. Officially the change of partners had never happened. Oceania was at war with Eurasia: therefore Oceania had always been at war with Eurasia. The enemy of the moment always represented absolute evil, and it followed that any past or future agreement with him was impossible.’
- 7 ‘A Failure of Intelligence’, *Panorama*, BBC1, 11.7.04.
- 8 J. Kampfner, *Blair’s Wars*, Free Press, 2003, pp. 152, 168 and 197–8. See also P. Stephens, *Tony Blair: The Price of Leadership*, Politico’s, 2004, pp. 292–7.
- 9 B. Burrough et al, ‘The Path to War’, *Vanity Fair*, May 2004.
- 10 ‘A Failure of Intelligence’, loc. cit.
- 11 Lord Hutton, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* CMG, HMSO, 2004, p. 153.
- 12 R. Cook, *The Point of Departure*, Simon & Schuster, 2003, p. 299, ‘Blair and Scarlett Told Me Iraq Had No Usable Weapons’, *Guardian*, 12.7.04.
- 13 Hutton, Report, pp. 2–3.
- 14 Ibid, p. 153.
- 15 H. Blix, *Disarming Iraq: The Search for Weapons of Mass Destruction*, Bloomsbury, 2004, p. 263.
- 16 P. Norton, ‘The Presidentialization of British Politics’, *Government and Opposition*, Spring 2003, p. 277.
- 17 Cook, op. cit., p. 212.
- 18 Kampfner, op. cit., p. 211.
- 19 *Independent*, 13.5.03.
- 20 R. Norton-Taylor, *Truth is a Difficult Concept: Inside the Scott Inquiry*, Fourth Estate, 1995, p. 61.
- 21 P.M. Taylor, *War and the Media: Propaganda and Persuasion in the Gulf War*, Manchester University Press, 1992, p. 25.
- 22 C. Gearty, ‘A Misreading of the Law’ and A. Bennett, ‘Postscript’, *London Review of Books*, 19.2.04.
- 23 Committee on Standards in Public Life, *Survey of Public Attitudes Towards Conduct in Public Life*, HMSO, 2004.