
British Intelligence and the Case for Confronting Iraq: Evidence from the Butler and Hutton Reports*

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ABSTRACT

This article discusses the controversy surrounding the unprecedented commissioning for public consumption in 2002 of an intelligence assessment from the Joint Intelligence Committee (JIC) in Britain of Iraq's WMD capacity and intentions. This assessment was produced by the government to bolster the case for undertaking strong pre-emptive action in Iraq.

The document proved to be flawed in its treatment of the available evidence, giving undue weight to problematic and fragmentary intelligence. That, and the unusual way in which key parts of the document were drafted by people without the technical expertise to stand over the conclusions which they drew, led to political accusations that the British government had deliberately overstated the case for going to war in Iraq. Within Whitehall, where the JIC is revered as a font of dispassionate, cerebral, impartial assessment, many officials maintained that the integrity of the intelligence system had been vitiated.

INTRODUCTION: THE GENESIS OF THE CRISIS

On 14 July 2004 the 'Review of intelligence on weapons of mass destruction', better known as the Butler report after its chairman Lord Butler, was published. This paper sets out to place it and the other controversial inquiry into aspects of the war on Iraq, Lord Hutton's investigation of the background to the suicide of the Ministry of Defence scientist Dr David Kelly, into the wider context of the British government and its intelligence services at the beginning of a new century.¹

In the maelstrom of controversy that has surrounded the Blair government's presentation of the case for action against Iraq, a controversy heightened by Dr

¹*Review of intelligence on weapons of mass destruction: report of a committee of privy counsellors* (London, 2004; hereafter 'Butler report'); *Report of the inquiry into the circumstances surrounding the death of Dr David Kelly CMG* (London, 2004; hereafter 'Hutton inquiry'). These can be accessed and downloaded at <http://www.butlerreview.org.uk/> and <http://www.the-hutton-inquiry.org.uk/>, respectively.

*The research on which this article is based has been funded by the Institute for International Integration Studies at TCD (<http://www.tcd.ie/iis/>).

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Irish Studies in International Affairs, Vol. 16 (2005), 89–102.

Kelly's suicide, it is easy to overlook the significance of the government's decision to publish an intelligence assessment produced by the Cabinet Office's Joint Intelligence Committee (JIC) to substantiate its case that Iraq presented a pressing military danger to British interests because of its remaining WMD (weapons of mass destruction) capabilities and intentions. No government had ever previously published a JIC assessment, and no JIC assessment had ever been prepared with public consumption in mind. The JIC document of September 2002 is not to be confused with the 'dodgy dossier' of 3 February 2003, which was produced by the No. 10 Downing Street press office. Entitled 'Iraq—its infrastructure of concealment, deception and intimidation', it was later discovered to have been partly plagiarised from a Californian PhD dissertation accessed via the Internet.²

As the Butler report observed, 'British interests' about WMD proliferation were framed not simply by the question of Iraq but by concerns about other suspect states, particularly North Korea, Libya and Iran. When US president George W. Bush made his crucial 'Axis of evil' speech in January 2002, Britain viewed Iraq as the least threatening of the quartet of alleged rogue states. But due to its crushing military defeat in 1991 and to the events that followed, Iraq was the obvious candidate for enforced disarmament. If the international community did not act decisively against Iraq, where the findings and experience of UNSCOM—the United Nations weapons inspection mission that operated in Iraq from 1991 until its final exclusion in 1998—had produced a good deal of evidence on Iraq's efforts to build its WMD capacity up to 1991, and where the UN Security Council had imposed a strict compliance regime, which was not being observed, what incentive would there be for other WMD states to bow to international pressure? UNSCOM had identified and decommissioned stockpiles of weapons and research and manufacturing facilities. It had also uncovered indications that some Iraqi WMD development programmes were continuing. If the matter were not dealt with decisively, there was a clear danger that other states would be emboldened to press ahead with their own WMD programmes, confident that the international community would take no effective preventative action.³

The controversy also has particular implications for Britain's foreign intelligence service, SIS (or MI6). Primarily concerned with the covert collection of intelligence abroad, and with the conduct of other operations designed to protect British interests or to thwart or confuse her enemies, SIS has always lived deep in the shadows of British government. It was only in May 1992 that its existence was formally acknowledged, and the identity of its then chief put into the public domain, by Prime Minister John Major in a Commons statement intended to set a tone of transparency in public affairs. Despite or because of official secrecy, SIS—whether in the person of such contrasting fictional heroes as James Bond and George Smiley, or of real traitors such as Kim Philby and George Blake—has exercised a particular fascination for the British public.⁴ It does something to contribute to its own mystique: its head is still known throughout Whitehall as 'C' (from the initial of its first chief, Captain Mansfield Cumming (1909–23)), and alone in the organisation is allowed to use green ink. What SIS aims to provide through its intelligence gathering is, in the words of a former chief, 'the extra ten per cent' that may well confirm but may

²The 'dodgy dossier' is at <http://www.number-10.gov.uk/output/page1470.asp> (26 July 2005). For a useful analysis, see <http://middleeastreference.org.uk/iraqweapons.html> (26 July 2005).

³Butler report, 70.

⁴Ian Fleming, the creator of James Bond, spent the Second World War in naval intelligence, while John Le Carré (David Cornwall) was an SIS officer for some years in the 1960s.

sometimes alter the picture available from diplomatic and media sources, or provide pointers for further investigation of all sources. It has a bounden duty to tell ministers not what they would like to hear, but what they ought to know, however unwelcome that news may be.⁵ It also carries out unavowable secret operations of various kinds, from the manufacture and spreading of black propaganda to, at least in wartime, assassination. Even in an era of avowed openness in British government, SIS's desire for secrecy remains such that, although its then director Sir Richard Dearlove gave his somewhat tetchy evidence in a public session to the Hutton inquiry, he did so via an audio link in order to keep his face from the public gaze. Even this was a new departure: no serving head of SIS had previously offered any public observations on intelligence matters, still less undergone the indignity of public examination by a barrister. As a result of the Hutton inquiry Sir Richard Dearlove's successor as C, John Scarlett, has stepped from the shadows into the spotlight. His appointment has been subjected to severe criticism, and he is now a familiar figure to television viewers and newspaper readers because TV film of him entering the Hutton inquiry is endlessly rerun.

Despite their very different remits, the focal point of both the Hutton and the Butler inquiries was the background to the unprecedented publication on 24 September 2002 of the JIC dossier on 'Iraq's weapons of mass destruction'. The JIC dossier was a significant element in the Blair government's campaign to prepare the British public for the possibility of war against Iraq unless Saddam Hussein quickly and fully complied with the various UN Security Council disarmament resolutions passed since the conclusion of the Gulf War in 1991, resolutions that his regime had consistently failed adequately to obey. The JIC dossier included an assertion, later found to be based on dubious intelligence from a newly acquired human source in the Iraqi army, that Iraq's military had the capability to deploy WMD within 45 minutes of receiving an order to do so. In reality, the scrap of intelligence upon which this claim was based, which was in any case defective, related solely to battlefield munitions and not to strategic missiles.

The 45-minute claim was presented not as some minor technicality in the dossier, but as a key element. In his foreword to the published dossier, British prime minister Tony Blair wrote:

Saddam has used chemical weapons, not only against an enemy state, but against his own people. Intelligence reports make clear that he sees the building up of his WMD capability, and the belief overseas that he would use these weapons, as vital to his strategic interests, and in particular his goal of regional domination. And the document discloses that his military planning allows for some of the WMD to be ready within 45 minutes of an order to use them.⁶

The 45-minute claim was also highlighted in the executive summary of the dossier. This contentious claim led the BBC journalist Andrew Gilligan to report in a TV news programme in May 2003 that the JIC's original conclusions had been 'sexed up' before publication of the September dossier at the behest of No. 10 Downing Street (in the person of Alastair Campbell, Tony Blair's powerful press secretary). The furore caused by this claim led to the eventual disclosure, amidst a welter of public controversy, that Gilligan's source had been a senior Ministry of Defence scientist, Dr David Kelly, who had worked for many years for Britain and

⁵Speaking at a confidential seminar in London, May 1996.

⁶Quoted in Hutton inquiry, chapter 1, §22.

the United Nations on WMD issues. Under intense pressure following a public grilling by the House of Commons foreign affairs committee, and a subsequent decision by the Ministry of Defence to confirm that he had had unauthorised contacts with Gilligan and was therefore the apparent source for the 'sexing up' allegation, Dr Kelly committed suicide on 17 July 2003.

The Butler report, and that of Lord Hutton's inquiry, can be construed in a number of ways. It would be wrong to dismiss either of these exercises simply as 'establishment cover-ups', but both investigations were defined by the very precise remits that they were given.⁷ In each case these allowed them to ask searching questions, but the range of those questions was heavily circumscribed. It was in their remits that pre-emptive damage limitation took place.

THE JIC UNDER SCRUTINY

The Butler committee was modelled on the Franks committee established by the Thatcher government in 1982 in the wake of the Argentine invasion of the Falkland Islands. Then, a group of privy counsellors representing the main parties, plus two avowed neutrals, was assembled under Lord Oliver Franks, a quintessential establishment grandee—he had been in turn a professor of moral philosophy, permanent secretary of a government department, provost of the Queen's College Oxford, and British ambassador to the United States. The Franks report was, for its time, a revealing document. It set out the framework of British intelligence collection and analysis, the first time that an official body had done so (although pioneering investigative journalists such as Duncan Campbell of the *New Statesman* and Peter Hennessy of *The Times* had begun to throw light on some of Whitehall's darker corners). In addition to describing the operational framework of intelligence assessment, Franks criticised it in a number of respects. No heads rolled as a result of the inquiry's findings, and no great secrets leaked out, but there was some action.

As a former Cabinet secretary and head of the civil service, and master of University College Oxford, Robin Butler was an unimpeachably neutral pillar of the establishment. He was joined by another retired official with considerable knowledge of security issues, Sir John Chilcott. A former chief of the defence staff, Lord Inge, was also suitably neutral in a political sense and brought his military expertise to the table. But the committee's representative nature was vitiated by the fact that the leaders of the two main opposition parties, Michael Howard of the Conservatives and Charles Kennedy of the Liberal Democrats, were so dissatisfied with the terms of the Butler remit that they declined to nominate representatives. Fortunately for the government, however, the Conservative MP Michael Mates, an independent-minded former Northern Ireland minister with a particular interest in intelligence and security matters, agreed to serve in a personal capacity. The Labour party's nominee was Ann Taylor, a Blair loyalist who as chair of the parliamentary intelligence committee also had considerable knowledge of the secret world. She was already a privy counsellor; the other four members of the committee were quickly sworn in.

The Butler committee's remit was at once very broad and very specific. It was

⁷For an incisive critique of the remits and operations of the enquiries, see Alex Danchev, 'The reckoning: official enquiries and the Iraq war', *Intelligence and National Security* 19 (2004), 436–66.

- to investigate the intelligence coverage available on WMD programmes of countries of concern and on the global trade in WMD, taking into account what is now known about these programmes;
- as part of this work, to investigate the accuracy of intelligence on Iraq WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq Survey Group since the end of the conflict; and
- to make recommendations to the Prime Minister for the future on the gathering, evaluation and use of intelligence on WMD, in the light of the difficulties of operating in countries of concern.⁸

The committee was, Foreign Secretary Jack Straw explained, to follow ‘the precedent in terms of procedures of the Franks committee’, including access to all intelligence reports and assessments and other relevant material, and private interviews with witnesses. It was also to ‘work closely with the [comparable] US inquiry and the Iraq Survey Group’, the body tasked by the coalition allies to hunt for evidence of WMD in Iraq.⁹ The foreign secretary’s words notwithstanding, we now know that the Butler committee encountered difficulties in securing access to some key material, including the attorney general’s very contingent opinion on the legality of making war on Iraq.¹⁰

The Franks report had raised some serious questions about the running of the JIC, albeit with remarkable delicacy. The JIC sits at the apex of the British intelligence machine.¹¹ It draws on intelligence collected by the various secret agencies and material supplied by other departments, which is analysed by assessment staff in the Joint Intelligence Organisation in the Cabinet Office. The JIC, which meets weekly, operates as something like a spooks’ Cabinet: once a conclusion is drafted, debated and agreed, it is read within British government as coming from everyone around the JIC table. It also effectively sets the priorities for intelligence collection and analysis.

Although in nominal existence within the Cabinet Office since 1936, the JIC was initially a rather weak body, which took time to acquire significant authority in the British defence and foreign policy system. Its development was complicated during the Second World War by the presence of Winston Churchill as prime minister. On the one hand, he pressured it to become more proactive.¹² On the other, he had acquired an appetite for raw intelligence in 1914–15, when as first lord of the Admiralty he had access to the navy’s highly efficient code-breaking department, and he was distrustful of bureaucratic decision-making processes. He liked to deal directly with the various secret agencies and departments, and he liked to make up his own mind about what pieces of intelligence meant. On 27 September 1940 his personal assistant, Desmond Morton, a former SIS officer who managed Churchill’s

⁸Statement by the Foreign Secretary, Jack Straw, MP, to the House of Commons, 3 February, 2004, quoted in Butler report, 1.

⁹Statement by Jack Straw, 3 February 2004, quoted in Butler report, 1.

¹⁰Lord Butler’s remark before the House of Commons Public Administration Committee, 21 October 2004, quoted at http://news.bbc.co.uk/2/hi/uk_news/politics/3763422.stm (26 July 2005); confidential communication.

¹¹The best contemporary study of British intelligence organisation and processes is undoubtedly Michael Herman, *Intelligence power in peace and war* (Cambridge, 1996). Herman, who was secretary to the JIC between 1972 and 1974, continues to write extensively on intelligence and its impact on policy.

¹²Noel Annan, *Changing enemies: the defeat and regeneration of Germany* (Ithaca, New York, 1995), 9 and 16.

dealings with the secret world, wrote to C about decoded German military traffic (ENIGMA): 'I have been personally directed by the Prime Minister to inform you that he wishes you to send him daily all the ENIGMA messages'.¹³ The sheer bulk of material available daily—Churchill also liked to see decodes of enemy and neutral cables and wireless traffic—eventually persuaded him to be content with a representative daily selection. The underlying principle was clear: he would interpret such material for himself. Churchill's preference for direct contact greatly strengthened the position of the then C, Brigadier Stewart Menzies, who as head of SIS was also in control of the code-breaking organisation GC&CS (from 1943 GCHQ).¹⁴ Menzies took care whenever possible personally to deliver the red box containing the daily selection of decodes.¹⁵ As one subordinate afterwards wrote, 'no one in his right mind would ever accuse Menzies of being outgunned in Whitehall', and he was probably the most influential ever head of SIS.¹⁶ Churchill's successors in No. 10 Downing Street have generally been more inclined to rely on the JIC and its attendant assessment staff to say what raw intelligence indicates, but the handling and distribution of the key report on which the 45-minute claim was based indicates that under Blair sensitive and highly technical material was evaluated by people who lacked the requisite expertise properly to assess its meaning, validity, and significance. The JIC system notwithstanding, this impression of surprisingly wide access to raw intelligence is supported by Clare Shortt, who resigned after the Iraq war from her Cabinet post of secretary of state for international development. Shortt claims to have seen transcripts of bugged conversations of UN secretary-general Kofi Annan, and she has alleged that British agents 'routinely' tapped the communications of UN officials.¹⁷

It was in the Cold War era that the JIC came into its own. It provided a means of minimising interdepartmental friction and of integrating various kinds of intelligence into a wider picture of use to policy-makers, giving a carefully filtered distillation of intelligence and diplomatic wisdom, dispassionate and apolitical. It was firmly embedded in the Cabinet Office, and it operated under the direction of the Cabinet secretary. This sophisticated filter for intelligence advice to government has won foreign praise: Admiral Pierre Lacoste, a former head of the French foreign intelligence service DGSE (Direction générale de la sécurité extérieure), publicly contrasted it with affairs in the faction-ridden world of French intelligence gathering and analysis.¹⁸ The JIC process, with its emphasis on informed consensus, can also be contrasted with the management of intelligence in the United States, where the '9/11 Commission'

¹³National Archives, London, PREM 7/3, Morton to C, 27 September 1940.

¹⁴The daily selection of decodes provided to Churchill as prime minister from 1940 to 1945, and Menzies' accompanying notes, are in National Archives, London, HW1. Some decodes can also be found in the Desmond Morton papers (PREM 1 to 7).

¹⁵He usually donned his Guards uniform for the purpose. Recollections of the late Sir John Winniffrith, who served in the Cabinet Office in 1943–4, in 1987.

¹⁶Nigel Clive, *A Greek experience 1943–1948* (Salisbury, 1985), 30.

¹⁷Quoted by the BBC on 26 February 2004, at http://news.bbc.co.uk/1/hi/uk_politics/3488548.stm (26 July 2005). A source close to the Butler inquiry remarked that it was accepted practice for ministers with reservations about policy issues to be given individual briefings about the intelligence background, but that is not the same as seeing raw intelligence.

¹⁸Admiral Pierre Lacoste, speaking at a seminar in the Henry Luce School of International Relations, Yale University, in May 1995. Admiral Lacoste was head of the DGSE from 1982 until 1985, when he resigned after the sinking of the Greenpeace vessel *Rainbow Warrior* in New Zealand by DGSE agents, a bungled act of sabotage that cost one man his life. On French intelligence, see Douglas Porch, *The French secret services: from the Dreyfus Affair to the Gulf War* (New York, 1995).

learned of fault lines within our government—between foreign and domestic intelligence, and between and within agencies. We learned of the pervasive problems of managing and sharing information across a large and unwieldy government that had been built in a different era to confront different dangers.¹⁹

The great achievement of the JIC, by such arguments, is the dispassionate, considered and apolitical way in which it goes about its business. To quote a recent JIC chairman,

The JIC does not deal in factual technical issues. Its unglamorous task is to discuss, approve and disseminate brief analyses of foreign events and foreign intentions...The JIC works by consensus. Ministers occasionally grumble that its assessments are boring, or that they say things that Ministers would prefer not to hear. The first is hardly a criticism, while the second is a positive accolade.²⁰

This expresses the JIC myth in all its glory: fearless, immune to external pressure, committed only to defending professional assessment and professional judgement.

Yet the JIC has had its disasters, just as have the very different national intelligence systems used by states as diverse as France, the United States, Israel and the Soviet Union. On occasion during the Cold War the JIC drew the wrong conclusions from the right evidence, notoriously during the build-up to the Soviet invasion of Czechoslovakia, while the outbreak of political unrest in Northern Ireland in 1968 and the escalation in that crisis in the following year took it entirely by surprise.²¹ But the JIC's greatest shock came with the Falklands invasion of 1982, and the Franks report showed that there were considerable problems in the way it functioned in assessing the likely threat to British sovereign territory. Two of the Franks report's observations have particular relevance to the Iraq debacle. Firstly, noting that the Foreign Office had monopolised the chairpersonship of the JIC since 1939, Franks argued that the chairperson should be a full-time appointment within the Cabinet Office and should be attached to the Cabinet Office. This would strengthen the chairperson's independence.²²

This suggestion was acted on in 1984. For some years thereafter, the JIC was chaired by Whitehall grandees at the end of their careers, a policy that offended the *amour propre* of some in the Foreign Office. Eventually, however, what a recent JIC chairman (and diplomat) termed the 'flawed' logic of this recommendation was recognised.²³ Since 1993 the chairpersonship of the JIC has, accordingly, rotated amongst the various departments and agencies represented on the Committee, thereby lessening a tendency to produce conclusions broadly in line with a diplomatic analysis

¹⁹*The 9/11 Commission report: final report of the National Commission on Terrorist Attacks Upon the United States* (Washington, 2004), xvi.

²⁰Sir Rodric Braithwaite, 'Assessment and analysis: building an accurate picture', in Harold Shukman (ed.), *Agents for change: intelligence services in the 21st century* (London, 2001), 99–120:105.

²¹In 1969 JIC consideration of Northern Ireland was greatly improved through the establishment of an 'Ulster Working Group' and the development of close links with the Royal Ulster Constabulary Special Branch. (Private information.) Significant JIC material on Northern Ireland can be seen in the National Archives, London, particularly PREM 15/998, which contains the outgoing secretary's valedictory report of 12 January 1972, on which Prime Minister Edward Heath minuted: 'Please ensure these points are followed up'.

²²*Falklands Island review: report of a Committee of Privy Councillors* (London, 1983), 86 (commonly known as the Franks report after its chairman).

²³Braithwaite, 'Assessment and analysis', 105.

of events and possibilities. This was why the chairpersonship of the JIC passed in September 2001 to SIS, its nominee being John Scarlett, a senior SIS officer.

Another key finding of the Franks committee was its observation that

We are not sure that at all important times the assessments staff were fully aware of the weight of the Argentine press campaign in 1982. As a result it seems to us that they may have attached greater significance to the secret intelligence, which at that time was reassuring...The changes in the Argentine position were, we believe, more evident on the diplomatic front and in the associated press campaign than in the intelligence reports.²⁴

What Franks was hinting at was a tendency among analysts to treat secret intelligence as intrinsically more significant than open-source information.

THE GENESIS AND USE OF THE 45-MINUTE CLAIM

The tendency to place greater trust in secret than in open-source intelligence, noted by the Franks committee, was also to be visible in 2002. Then, there was a great deal of open-source intelligence available to analysts, especially in the form of the reports of UN weapons inspectors. Yet the key piece of material that led to the inclusion of the 45-minute claim in the September dossier was not shown to the appropriate scientific assessors at all. On 18 September 2002 Dr Brian Jones, the head of the nuclear, chemical and biological branch of the Ministry of Defence's Defence Intelligence Staff, wrote to his superiors expressing the concerns of himself and some of his staff about the 'strength of judgements being made in the dossier, some of which they believed were not supported by the intelligence'.²⁵ Neither he nor any of his specialist staff had been given sight of the intelligence that had reached SIS headquarters on 29 August from a new, highly sensitive and, as it transpired, untrustworthy Iraqi military source. The material was withheld from the scientific experts on the grounds of its supreme sensitivity. Instead, it was considered by a handful of top officials—the head and deputy head of the Defence Intelligence Service, neither of them either career intelligence officers or scientists, and the JIC chairman John Scarlett—who did not have the requisite technical knowledge and understanding to assess it. But they saw the material as justifying a revision of the dossier, something that also suited No. 10 Downing Street's priorities as conveyed by Alastair Campbell.

It was this aspect of the preparation of the September dossier that had sparked the initial controversy. It was known that No. 10 Downing Street was consulted about the JIC's initial draft of the dossier, and that Alastair Campbell had suggested some reworking of parts of the text and executive summary. What both Hutton and Butler had to decide in their separate inquiries was whether the textual revisions made to the dossier (i) produced assertions about Iraq's capabilities and intentions that went beyond what the available intelligence merited, and (ii) were made effectively at No. 10 Downing Street's behest to strengthen the public case for confrontation and, if necessary, for war.

The Hutton inquiry found that SIS was quite unrepentant. Replying to the question 'When did you first become aware of the 45 minutes claim', Sir Richard Dearlove of SIS bridled at what he saw as an imputation: 'Can I just say, you use the word "claim", I think I would prefer to refer to it as a piece of well sourced

²⁴Franks report, 85.

²⁵Butler report, 137.

intelligence'.²⁶ But while it may have been well sourced—unless of course the obliging Iraqi to whom it was attributed was either peddling disinformation on behalf of Saddam or telling his new paymasters what he thought they would like to hear—it turned out to be without foundation. Furthermore, as delivered to SIS it referred only to battlefield munitions and not to strategic missiles, a distinction that got completely lost during the appraisal process and the subsequent tweaking of the September dossier.

Dr Jones was publicly vindicated by the Butler report, which commended his decision to complain in writing about the unsubstantiated nature of the conclusions reached in the September dossier. Had his words been heeded, the JIC and its then chairman John Scarlett would probably not have found themselves the subject of public controversy. The Butler report found that the public presentation of intelligence information and assessments on Iraq's WMD intentions and capabilities was marred by overstatement and embellishment, but it softened its conclusion by firmly stating that the September dossier had not been envisaged as making the case for war, had not been so drafted and had not been wilfully altered at No. 10 Downing Street's behest but rather because the SIS intelligence of 29 August appeared to justify a stiffening of the language to be used about the Iraqi threat. Nevertheless, the report offered a guarded criticism of the drafting exercise:

The Government wanted a document on which it could draw in its *advocacy* of its policy. The JIC sought to offer a dispassionate *assessment* of intelligence and other material on Iraqi nuclear, biological, chemical and ballistic missile programmes. The JIC, with commendable motives, took responsibility for the dossier in order that its content should properly reflect the judgements of the intelligence community. But this will have put strain on them in seeking to maintain their normal standards of neutral and objective assessment. Intelligence assessment is necessarily heavily based on judgement, relying on such material as intelligence has provided. It is not simply a matter of reporting this material but of presenting the judgements which flow from it to an experienced readership. Explaining those judgements to a wider public audience is a very different and difficult presentational task.²⁷

In making this criticism the Butler committee had the benefit of the transcripts of the public proceedings of Lord Hutton's inquiry. There, on 23 September 2003, a key question was put by counsel for the inquiry to John Scarlett about his reaction to feedback from No. 10 Downing Street about the first draft of the September dossier:

You think that it was appropriate for you, as JIC Chairman, to take account of comments like these coming from non-JIC personnel?

[Answer]: I—yes, I did. I saw no problem with it at all, as long as the advice that I was receiving or the comments that I was receiving and the points that were being raised in no way impinged on my judgement or questioned my judgement and the judgement of the JIC and the editorial control of the JIC. In one way or another all these points were questions of clarity of language, the way things were being expressed, and I welcomed advice on those points. At no point did I feel that

²⁶Sir Richard Dearlove, evidence to Hutton inquiry, 15 September 2003.

²⁷Butler report, 79.

there was an attempt to question the editorial judgement or the intelligence judgement that was coming, so I had no problem with it. And none of my JIC colleagues had any problem with it either, and they knew...that these exchanges were taking place.²⁸

This answer was not surprising, given that the JIC was already in uncharted waters because of the prime minister's unprecedented idea of producing a JIC assessment for public consumption. There has not been such a public and explicit use of intelligence to justify government action since the day in 1927 when the foreign secretary, Austen Chamberlain, read out intercepted and decoded Soviet radio traffic in the House of Commons in an effort to justify the unsuccessful Special Branch raid on the offices of Arcos, the Soviet trade company in London.²⁹ The only result of that indiscretion was to alert the Soviets to the fact that some of their codes were compromised. It seems extraordinary that no senior officials, either in the JIC or elsewhere in Whitehall, questioned Blair's idea. Even Sir Richard Dearlove expressed himself as content, provided only that the published document did not disclose intelligence sources. Whitehall opinion on this has now changed: one very senior serving official recently observed that 'the professional judgement is the professional judgement and I don't expect it to be published'.³⁰

It is also unusual that the JIC chairman undertook the preparation of the September assessment. Such work usually falls within the remit of the secretary to the JIC, whose job it is generally to oversee the work of the Cabinet Office assessment staff and the production of material for the JIC to consider. The chairman's job traditionally is to steer the assessment through the full committee and to represent the committee's shared views to ministers and officials in Downing Street and throughout Whitehall.

Publication of the dossier sets a precedent that the British government and the JIC will in future have to live with. If it is justifiable to put one JIC assessment about one urgent international security issue into the public domain, why not others? Demands for greater disclosure of intelligence in advance of crucial policy decisions are sure to grow, particularly in respect of action to address possible WMD threats. A second major problem arising from the Iraq dossier is this: how is it that the intelligence and the published assessments based on it were so poor? In his foreword to the September dossier Tony Blair wrote that 'gathering intelligence inside Iraq is not easy. Saddam's is one of the most secretive and dictatorial regimes in the world'.³¹ Yet at various times since 1991, Iraq has been a key target not only of the world's leading intelligence powers, who deployed prodigious technical resources against her, but also of the international community through the work of the International Atomic Energy Agency and of the UN weapons inspections teams on the ground in Iraq up to 1998. In his efforts to argue that such inspections had failed to get to the truth of Iraq's WMD programmes, on 5 February 2003 the United States secretary of state Colin Powell solemnly took the UN Security Council through a digital slide show of what was said to be persuasive evidence of Iraq's WMD activities. Included in this was the transcript of a bugged telephone conversation between two Iraqi

²⁸John Scarlett, evidence to Hutton inquiry, 23 September 2003.

²⁹Christopher Andrew, *Secret Service: the making of the British intelligence community* (London, 1985), 98.

³⁰Remark made at a seminar held under Chatham House rules, Oxford, December 2004.

³¹Quoted in Hutton inquiry, chap. 1, §22.

³²Address by Secretary of State Colin Powell to the United Nations Security Council, 5 February 2003, available from <http://www.whitehouse.gov/news/> (26 July 2005).

officers in November 2002.³² But one conversation, or aerial shots of blocks of buildings, or of a line of low loaders, are conclusive evidence of nothing. It is now abundantly clear from the work of the Allies' own Iraq Survey Group that the published assessments of the chief UN weapons inspector Dr Hans Blix on Iraq's WMD capabilities and intentions were far more accurate than those put together in London and in Washington and presented to the public as justifying a move towards war unless Iraq quickly carried out a full disclosure and surrender of her weapons programmes. Sources close to the Butler inquiry repeatedly stress the 'thinness' of the available intelligence but point out how widely held the view nevertheless was in intelligence agencies and foreign ministries across the world that Iraq did have some WMD capacity and was aiming to acquire more.³³ But to say that others were also convinced on the same evidence as Britain possessed (or even on less evidence) is hardly to vindicate the assessment made by the JIC.

Amongst matters that were not addressed either by Hutton or by Butler, but that were central to the intelligence failures that helped to frame the decision to go to war, are two crucial ones. Firstly, what did other countries with specialist interest in Iraq with whom Britain would customarily have traded intelligence and analysis, both Middle Eastern states like Jordan, Saudi Arabia and Kuwait, and European powers such as France, Germany and especially Turkey and Russia, have to offer about Iraq's WMD capacities and intentions? Secondly, to what extent was the JIC's adoption of an unfounded worst-case scenario influenced by information and ideas shared with the United States, Britain's closest intelligence ally, where, as is now apparent from Congressional inquiries, the initial interpretations of professional analysts were overwritten by senior administration officials either convinced of a worst-case scenario or bent on finding a plausible stick with which to beat Saddam's regime once and for all?³⁴ Were there Anglo-American conferences of specialists on WMD deployment in 2002? Were scientific intelligence experts in Washington, as in London, excluded from the final debate about the strength of the intelligence on WMD? Did the Americans, who have something akin to permanent observer status at the JIC, see a draft of the September dossier? When George Tenet, the basketball-loving director of the CIA, told his fellow sports fan President Bush that the evidence on Saddam's WMD programmes was a 'slam dunk', was he influenced not only by American but by British analysis of the available evidence? Is it conceivable that American intelligence experts, so far from pushing the case for war on to their British colleagues, were themselves influenced by the September dossier?

The British government's response to the intelligence failures leading up to war were clearly not influenced by the approach taken by the Americans: on 2 June 2004 George Tenet was forced to resign as director of the CIA, just a month after the announcement that John Scarlett, who as JIC chairman had moved assertively to take 'ownership' of the drafting of the September dossier, would become the next director of SIS.

Neither the Hutton inquiry nor the Butler report explores other aspects of the intelligence campaign against Iraq. Consequently, we cannot say whether the September dossier was prepared partly in terms of its possible impact on Iraqi thinking (hypothetically, its very inaccuracies and exaggerations might have served to help convince Saddam that he should come clean in order to forestall an attack

³²Private information, 28 October 2004.

³⁴Select Committee on Intelligence, United States Senate, *Report on the US intelligence community's prewar intelligence assessments on Iraq* (Washington, 2004), available from <http://intelligence.senate.gov/> (6 October 2005).

based on faulty intelligence). Again, we learn nothing about more active covert operations and the JIC's role in them. Furthermore, there is no discussion of the issue of whether earlier intelligence assessments on Iraq had been distorted to suit policy ends, a claim publicly aired by John Morrison, a one-time secretary of the JIC who from 1995 to 1998 was deputy chief of the Defence Intelligence Staff. Such a charge from so well placed a source surely merits further exploration.³⁵ It is arguably just as sinister as the 'sexing up' of the September dossier for public consumption, because it suggests that pressure was being put on the professional assessors to doctor their conclusions long before the idea of publication of any assessment arose.

Some will see in the Iraq saga an unacceptable blurring of the lines between collection—the acknowledged job of the intelligence agencies—and assessment, which is the prime responsibility of the customer departments and of the Cabinet Office assessment staff who ultimately work for the JIC.³⁶ There are also clear echoes of that most enduring of rifts in the machinery of British central government, as deplored by the Fulton committee in the 1960s: that is the alleged class distinction between trained specialists and generalists, and the domination of the Whitehall policy machine by technologically illiterate Oxbridge-bred Sir Humphreys.³⁷ Picking up on one of the more subtle nuances of the Butler report, Dr Brian Jones wrote:

So you have to dig deep into the report to locate an acknowledgement that there might have been a systemic problem in which the analysts... were being pushed further and further into the shade as the more independent and powerful collection agencies fought for the rewards that follow the limelight. They even captured the chairmanship of the JIC.³⁸

Despite both Margaret Thatcher's 1980s drive for business efficiency in Whitehall and New Labour's desire for 'joined-up government' with more responsive and imaginative public services, old syndromes and institutional antagonisms have a way of resurfacing. In intelligence assessment, as in other areas of British government, Sir Humphrey still rules the roost, although he has now to share his perch with the presentational gurus of No. 10 Downing Street. By 2002 the post of Chief Scientific Adviser in the Cabinet Office, to which previous generations of JIC officials had had easy access, had disappeared (the British Government's Chief Scientific Adviser is now attached to the Department of Trade and Industry).³⁹

³⁵Andrew Sparrow, 'Intelligence staff "pressured to lie over Iraq attack"', *Daily Telegraph*, 12 July 2004.

³⁶Franks report, 95.

³⁷*The report of the Committee on the Civil Service* [the Fulton Committee] (London, 1969). In the course of my PhD research between 1979 and 1981 I interviewed a number of retired permanent secretaries of British departments. None of these, including Sir James Dunnett, who was on the Fulton Committee and signed the report because he thought it would be counterproductive to come out so publicly against it, and because he was unaware that another member was preparing a minority report, expressed the least confidence in its fundamental analysis of Whitehall's weaknesses or in its proposals for change.

³⁸Brian Jones, 'The JIC presented a well-defined picture to underpin war. Pity it was so flawed', *Independent*, 15 July 2004.

³⁹Confidential communication. The most celebrated of such Downing Street scientists were probably Churchill's wartime adviser F.A. Lindemann (Lord Cherwell), and Sir Solly Zuckerman (chief scientific adviser from 1964 to 1971).

THE RESPONSE TO THE HUTTON AND BUTLER REPORTS

The Hutton report was widely criticised when it appeared, largely because the judge's findings were not to the media's liking. Although he elicited a great deal of material demonstrating the editorial failings of the JIC in its preparation of the September 2002 dossier, Lord Hutton's conclusions bore far more heavily on managerial weaknesses of the BBC both before and after Andrew Gilligan's controversial report. Hutton did not directly blame the BBC for Dr Kelly's decision to end his own life, but he did conclude that the initial news report about 'sexing up' was unfounded and that the BBC's subsequent failure quickly to acknowledge this had been contributory factors in the development of the crisis that came to a head with Dr Kelly's death. Hutton's criticisms, published in January 2004, led to the resignations of Gilligan; of the director general of the BBC, Greg Dyke; and of the chairman of the BBC board of governors, Gavyn Davies. No one in Whitehall felt obliged to fall on their swords, at least until the Butler committee reported.

When the Butler report was published, on 14 July 2004, it was broadly welcomed despite its unwillingness to blame any individual for the intelligence disaster that it disclosed: failings were collective and systemic, and no one had tried to mislead the public or to distort the picture provided by intelligence. It was left to one of the committee's members, the ex-soldier Lord Inge, to convey a blunter message: 'Intelligence and public relations must be kept separate'.⁴⁰ Tony Blair took comfort in the fact that the Butler report did not query the good faith of any individual or institution involved in the preparation of the case for war; the Conservative opposition leader Michael Howard said that the report's conclusion that inappropriate weight had been put on some material meant that Britain had gone to war on flawed intelligence. How, he asked, could anyone trust Tony Blair again in such a situation? That was fair enough, but he might have added another question: how could anyone be sure in the future of the professional integrity of the JIC and of SIS?

The Butler report, while it discussed the roles of some individuals in the preparation of the JIC's dossier, not only refrained from any criticism of individuals but provided a strong statement of support for John Scarlett. His elevation, coming so soon after an intelligence fiasco in which he played a central role, lends itself to uncharitable interpretations. How can he shake off the insinuation that his promotion is tied up with his authorship of the September dossier? Although an SIS insider—he was one of the handlers of the KGB officer and British agent Oleg Gordievsky in London in the early 1980s—how can he stamp his authority on the organisation, having played a leading role in an intelligence disaster that has had the incidental result of bringing SIS under unwelcome public scrutiny?⁴¹ And how well can he defend his organisation from its institutional enemies in Whitehall? Is he to be tarred forever as another one of Tony's cronies, and thereby suspect to the other political parties that could find themselves in government after the next general election? On his first day in office as C, *The Times* chose not only to publish a photograph of him but to report 'claims that in March [2004] he clumsily tried to distort a crucial report by the Iraq Survey Group'. This damaging story was evidently intended to cast doubts, if not on his integrity, then certainly on his common sense.⁴²

⁴⁰Press conference on the Butler report, viewed live on Sky News, 14 July 2004.

⁴¹Michael Evans, 'Rise to the top of the spy who came in from the Cold War', *The Times*, 7 May 2004.

⁴²'New MI6 chief walks into storm over "ties to Downing Street"', *The Times*, 2 August 2004.

In conclusion, the Hutton Inquiry and the Butler report disclose alarming weaknesses at the heart of British government. The JIC, so far from being the font of dispassionate, unbiased, unvarnished intelligence analysis—the very image on which Downing Street sought to capitalise in commissioning the September dossier for publication—emerges as a craven creature that allowed the government's presentational priorities to take precedence over cautious and balanced assessment on the basis of the evidence available.

If the one-time JIC secretary John Morrison is correct, furthermore, political pressure on the assessment process to produce hard conclusions that suited prevailing policy long predates the September 2002 dossier. There are also managerial problems: crucially, why was the human intelligence acquired on 29 August 2002, which was used to harden the dossier's claims about Iraq's deployment capability and intentions, kept from scientific intelligence specialists, the only people professionally equipped to assess it properly? Finally, though not for the first time in its nine decades of existence, as a result of the controversy SIS finds itself with a problematic chief.⁴³ Hutton and Butler examined the intelligence issues from a strictly British perspective. Nevertheless, their evidence and conclusions have repercussions for other states and for the international community. As a permanent member of the UN Security Council, and as a nuclear power, Britain has world-wide responsibilities and concerns. But does she still possess an intelligence system capable of providing dispassionate advice?

⁴³Amongst previous Cs whose reputations shrank rather than grew in office were Sir John Sinclair (1953–6), regarded by subordinates as a rather dim soldier with no understanding of political intelligence, and Sir John Rennie (1968–73), seen as a Foreign Office cast-off. Even the brilliant counterintelligence specialist Sir Dick White (1956–68), translated from the headship of MI5 in 1956 to reorganise SIS, while very highly regarded elsewhere in Whitehall, had his critics within SIS. See my entry on him in the *New dictionary of national biography* (Oxford, 2004).