

Senate Democratic Policy Committee Hearing

“An Oversight Hearing on Pre-War Intelligence Relating to Iraq”

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My name is Michael Smith. I am the Defense Correspondent of the London Sunday Times and between September 2004 and May 2005, I was passed a number of British government documents by a source within Whitehall. These documents later became known as the Downing Street Memos, after the address of the official residence of the British Prime Minister.

The first batch of six documents was passed to me in September 2004, when I was the Defense Correspondent of the London Daily Telegraph. The main thrust of this first batch was the deep concern among British officials over the justification for the war and the way in which the U.S. administration was prepared to invade Iraq without any clear idea of what would happen after the war.

The earliest of the documents was a “Secret UK Eyes Only Options Paper” compiled by the Overseas and Defense Directorate of the Cabinet Office, and dated March 8, 2002. It warned bluntly that “the only certain means to remove Saddam and his elite is to invade and impose a new government, but this would involve nation-building over many years.”

Without a continued significant allied military force on the ground, “there would be a strong risk of the Iraqi system reverting to type. Military coup could succeed until an autocratic, Sunni dictator emerged who protected Sunni interests. With time he could acquire WMD.”¹

The second document was the Foreign Office legal advice appended to the Options Paper. It had none of the certainty that would be evident in the UK government pronouncements on the legality of the war. Regime change per se was illegal, it said. The UK’s position, that Security Council condemnation of Iraq for failing to cooperate fully with the weapons inspectors automatically reactivated the 1990 authorization to

¹ The texts of all the Downing Street Memos can be read at <http://www.michaelsmithwriter.com/memos.html>

invade Iraq, was “controversial,” the Foreign Office lawyers warned. “Reliance on it now would be unlikely to receive any support,” they said, adding, “The US have a rather different view: they maintain that the assessment of breach is for individual member states. We are not aware of any other state which supports this view.”

A week after the Cabinet Office Options Paper was distributed, Sir David Manning, the Prime Minister’s Foreign Policy Adviser (and now the UK ambassador to the US), flew to Washington for talks with President Bush’s National Security Adviser Condoleezza Rice. He sent a memo to Tony Blair on his talks warning that the US seemed to have no idea what would happen after the war. This was the third of the memos. Manning told Blair, “There is a real risk that the Administration underestimates the difficulties. They may agree that failure isn’t an option, but this does not mean that they will avoid it.”

Shortly after arriving back in London, Sir David received a letter from Sir Christopher Meyer, the then British ambassador in Washington. This was the fourth memo. Meyer said he had discussed the need to create a legal justification for invading Iraq with Paul Wolfowitz, U.S. Deputy Defense Secretary, over Sunday lunch in the ambassador’s residence. In many ways, this was the most significant of the documents, giving as it did the first indication that there was already a very clear plan, initiated by Downing Street, to “wrongfoot” Saddam into giving the allies an excuse for regime change.

Meyer said that in his conversation with Wolfowitz, he had stressed that Britain “backed regime change, but the plan had to be clever and failure was not an option. I then went through the need to wrongfoot Saddam on the inspectors and the UNSCRs [UN Security Council Resolutions]. If all this could be accomplished skillfully, we were fairly confident that a number of countries could come on board.”

Blair and Bush were due to discuss Iraq at the Crawford summit on April 6 and 7, 2002. So Jack Straw, the British Foreign Secretary, who would need to advise the Prime Minister on how to handle the talks, asked Peter Ricketts, the Foreign Office Political Director, to provide him with a full briefing. The Ricketts response was the fifth memo. Ricketts was candid about the threat from Iraqi weapons of mass destruction. “The truth is that what has changed is not the pace of Saddam Hussein’s WMD programmes, but our tolerance of them post-11 September.”

He also dismissed U.S. attempts to tie Iraq to the 9/11 attacks in order to sell the war to the US electorate. “US scrambling to establish a link between Iraq and al-Qa’ida is so far frankly unconvincing. Military operations need clear and compelling military objectives. For Iraq, regime change: does not stack up. It sounds like a grudge between Bush and Saddam.”

Straw’s advice, in his subsequent letter to Blair dated March 25, 2002, the last of the first batch of six documents, was certainly not that the Prime Minister should agree to go to war. “If 11 September had not happened, it is doubtful that the US would now be

considering military action against Iraq,” Straw said. “There has been no credible evidence to link Iraq with UBL [Osama bin Laden] and al-Qa’ida.” Straw also made what was perhaps the most prescient comment in any of the documents, and certainly the one that, given the appalling situation in post-war Iraq, is the most relevant today.

“What will this action achieve?” Straw asked. “There seems to be a larger hole in this than on anything. Most of the assessments from the US have assumed regime change as a means of eliminating Iraq’s WMD threat. But none has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better. Iraq has had no history of democracy so no-one has this habit or experience.”

The second batch of documents was leaked to me in the run-up to the general election that took place on May 5, 2005. By now I was writing for the London *Sunday Times*. There were three documents, one was the same Foreign Office legal advice that I had received as part of the previous batch of documents.

Of the other two, the first was a Cabinet Office briefing paper, dated July 21, 2002, and prepared for a key meeting of Blair’s war cabinet which was to take place at 10 Downing Street, the Prime Minister’s official residence, two days later.

This document, although widely ignored, was by far the most important of the Downing Street Memos. It made the stunning revelation that Blair and Bush had agreed to invade Iraq at the Crawford summit on April 6-7, 2002, six months before the UN Security Council passed Resolution 1441, which the British Prime Minister said legalized the war, and five months before Congress authorized military action. “When the Prime Minister discussed Iraq with President Bush at Crawford in April he said that the UK would support military action to bring about regime change.”

This was arguably the most important point made in any of the Downing Street Memos and, although it was the *Sunday Times* lead when we broke the story, its significance was largely ignored by both the UK and U.S. media. Even those who chose to write articles said the memos showed that Blair and Bush had agreed to go to war in July. But the Cabinet Office Briefing Paper makes clear that they agreed to go to war in April 2002, six months before Congress was asked to back legal action and seven months before the UN Security Council passed Resolution 1441.

The briefing paper repeated the concerns of UK officials over the lack of preparedness for post-war Iraq: “The US Government’s military planning for action against Iraq is proceeding apace. But, as yet, it lacks a political framework. In particular, little thought has been given to creating the political conditions for military action, or the aftermath and how to shape it. A post-war occupation of Iraq could lead to a protracted and costly nation-building exercise. As already made clear, the US military plans are virtually silent this point.”

But perhaps the most important point was its assessment of the illegality of invading Iraq to secure regime change and what the allies would have to do to remedy this. The briefing paper warned the members of Blair's war cabinet who would attend the Downing St meeting that America was committed to using British bases in Cyprus and Diego Garcia so even if the British government decided not to back an invasion, they would need to "create the conditions" that would make it legal. "Regime change per se is illegal under international law," it said. "U.S. plans assume, as a minimum, the use of British bases in Cyprus and Diego Garcia. This means that legal base issues would arise virtually whatever option Ministers choose with regard to UK participation...It is necessary to create the conditions in which we could legally support military action."

The last of the memos was the one that caused the most stir in America and which was to become known as the Downing Street Memo. It was the minutes of that meeting of Blair's war cabinet, held in 10 Downing Street on July 23, 2002.

The most famous quote came from Sir Richard Dearlove, the Chief of the British Secret Intelligence Service, or MI6, who reported back on his recent talks in Washington with George Tenet, the then-CIA Director. "There was a perceptible shift in attitude," the minutes recorded Dearlove as saying. "Military action was now seen as inevitable. Bush wanted to remove Saddam, though military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action."

Jack Straw, the British Foreign Secretary, worried that the evidence against Iraq was thin and stressed the need to go to the UN. "It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided," Straw was reported as saying. "But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors."

Lord Goldsmith, who as Attorney-General was the UK government's chief legal adviser, repeated the point that "the desire for regime change was not a legal base for military action. There were three possible legal bases: self-defense, humanitarian intervention, or UN Security Council authorisation. The first and second could not be the base in this case."

Tony Blair, who of course had already committed Britain to war regardless of the legality, referred obliquely to the plan to trap Saddam into giving them a legal excuse for war, saying, "It would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. If the political context were right, people would support regime change. The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work."

Geoff Hoon, the British Defense Secretary, revealed that “the US had already begun ‘spikes of activity’ to put pressure on the regime,” a reference to increased activity by U.S., and in fact UK, aircraft patrolling the no-fly zones over Iraq. Donald Rumsfeld, Hoon’s U.S. counterpart, had ordered the increased attacks on Iraqi military installations in May 2002, five months before Congress authorized military action and six months before the UN passed Resolution 1441.

The “spikes of activity” are another important point to come out of the Downing Street Memos that has largely been lost in subsequent reporting. Data released to the British parliament in response to written questions from MPs show a marked increase in the amount of bombs dropped on Iraq which began in May and reached a peak between September and December 2002. Lieutenant General T. Michael Moseley, who was the coalition air commander during the war and is now the U.S. Air Force Chief of Staff, told a coalition briefing on lessons learned from the Iraq War — held at Nellis Air Base, Nevada on July 17, 2003 — that allied aircraft flew 21,736 sorties dropping more than 600 bombs on 391 carefully selected targets before the war officially started in March 2003. The nine months of allied raids that preceded the ground war ensured that allied forces did not have to start the war with a protracted bombardment of Iraqi positions and “laid the foundations” for the war, Moseley said.²

² Michael Smith, “RAF bombing raids tried to goad Saddam into war,” *Sunday Times*, May 29, 2005; Michael R Gordon, “After the War: Preliminaries; U.S. Air Raids In '02 Prepared For War in Iraq,” *New York Times*, July 20, 2003