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SECRETARY OF STATE

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cc:CS
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MO 21/8/4H

11 July 2003

Dear Geoffrey,

FOREIGN AFFAIRS COMMITTEE: DR KELLY

As you know, the Defence Secretary received a letter yesterday afternoon from the Chairman of the Foreign Affairs Committee, Donald Anderson, asking that Dr David Kelly should appear before the FAC on Tuesday 15 July at 1500. At about the same time, we received an oral request from the Clerk to the Intelligence and Security Committee (ISC) asking for Dr Kelly to appear before them on the same day at 1230 for about 45 minutes. Donald Anderson has asked for a reply by 1600 today. The Government has already indicated, in the MOD press statement issued on Tuesday 8 July, that it would not object if the ISC asked to see Dr Kelly as part of their current inquiry.

The Defence Secretary has given the request from the FAC careful consideration. There are reasons for resisting this request:

- The FAC have already completed their inquiry. (Indeed, their report was finalised on 3 July before MOD officials had interviewed Dr Kelly themselves.)
- A separate session to question Dr Kelly would attach disproportionate importance to him in relation to the subject of the FAC's inquiry as a whole.
- The ISC is better placed than the FAC to handle the national security dimensions should the question of intelligence material arise.
- It is fairer on the man himself not to expect him to appear before two Parliamentary Committees within the space of 3 hours.

Geoffrey Adams Esq
PS/Foreign Secretary

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On the other hand:

- It is not unreasonable for the FAC to feel that Dr Kelly's account may call into question the evidence that they were given by Andrew Gilligan and that they should therefore have an opportunity to see him themselves. (It is conceivable, that having done so, they may decide to recall Gilligan.)
- Presentationally, it would be difficult to defend a position in which the Government had objected to Dr Kelly appearing before a Committee of the House which takes evidence in public in favour of an appointed Committee which meets in private. Although the ISC has considered taking evidence in public before and might decide to do so on this occasion, this could set an unwelcome precedent for both the Committee itself and for us.

The Defence Secretary has, therefore, concluded that on balance we should agree to the FAC's request. Given that Dr Kelly is a relatively junior official who played only a limited role in the preparation of the Dossier, we should invite Donald Anderson to agree that the Committee will confine its questioning to matters directly relevant to Andrew Gilligan's evidence. I understand that No.10 would be content with this approach.

Attached are drafts of the letters which the Defence Secretary proposes to send to Donald Anderson and Anne Taylor later today. I should be grateful for any comments that you may have by no later than 1430 today.

I am copying this letter to Jonathan Powell and Alastair Campbell (No.10) and to Sir David Omand and John Scarlett (Cabinet Office).

Yours
Peter

P D WATKINS
Private Secretary

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