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10 October 2003

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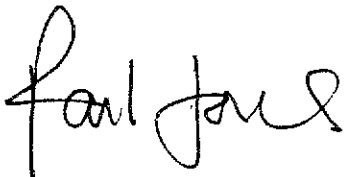
Dear Mr Smith

Final Submissions - factual inaccuracies

I enclose the response on behalf of Mr Gilligan to the final submissions that were circulated yesterday. We have confined ourselves to raising issues of fact and, in the time available, we hope that this response is appropriate.

As discussed with your colleague Lee Hughes this afternoon, I also enclose a revised page 32 of the final submissions made on behalf of Mr Gilligan as it has since been noticed that footnote 32 (on that page) was not complete. I apologise for this oversight and hope that the amended page can be circulated accordingly.

Yours sincerely



Paul Jones
Solicitor

FSB/7/0001

<i>Submissions on behalf of the Kelly family</i>	
Para 43 FSB/3/16	It is incorrect to assert that all of the text referred to has been deleted without any explanation being given: <ol style="list-style-type: none"> (1) See the annex to AG's final submissions, footnote 9, (2) Explanation given at (Gilligan) 20:204.18-20:205:5; (3) It is correct that no explanation was given for deletion of the single word 'saddam': see (Gilligan) 20:204:9-17; (4) The text is not deleted, but appears at the top of the second document: see BBC/4/198-199, Annex to AG's final submissions; and (Gilligan) 20:205:6-25.
Para 45 FSB/3/17	As to ' <i>many</i> ' deletions: see the Annex to AG's final submissions.
Para 47 FSB/3/18	As to ' <i>verbatim</i> ': see (Gilligan) 19:70:21 – 19:74.1. AG recorded what DK said – but not as a ' <i>verbatim transcript</i> '. For example, AG did not produce a verbatim record of the conversation: <p style="margin-left: 40px;"><i>A: "It was transformed in the week before it was published"</i></p> <p style="margin-left: 40px;"><i>Q: "Why? To make it sexier?"</i></p> <p style="margin-left: 40px;"><i>A: "Yes, to make it sexier."</i></p> but an accurate record of what DK had said. <p style="margin-left: 40px;"><i>"It was transformed in the week before it was published to make it sexier"</i>.</p>
Para 48 FSB/3/18-19	When preparing the note for Miranda Holt (BBC/7/61-62, referred to in the Kelly family submissions as the 'EPMS'), AG had the longer manuscript note (made after the meeting when it was fresh in his mind), as well as his Organiser notes: (Gilligan) 19:66.22 – 19:67:9 and 19:69:22-24
Para 50 FSB/3/19-20	The words highlighted do not appear in the Organiser notes, but are included in the note prepared for Miranda Holt (BBC/7/61-62). That note includes in the record of what Dr Kelly said the following: <p style="margin-left: 40px;"><i>'..The classic was the statement that WMD were ready for use in 45 minutes...'</i></p> <p style="margin-left: 40px;"><i>' He [the single source] said it took 45 minutes to construct a missile assembly and that was misinterpreted. to mean that WMD could be deployed within 45 minutes'; and</i></p> <p style="margin-left: 40px;"><i>'.. There was no evidence that they had loaded conventional weapons with WMD, or could do so anything like that quickly '</i></p> which quotations are reported in <i>The Mail on Sunday</i> article. The change from ' <i>to construct a missile assembly</i> ' to ' <i>to launch a missile</i> ' does not change the sense or meaning of the quotation.

<i>Submissions on behalf of the Government</i>	
Para 5(3) FSB/2/4	<p>As to what Dr Kelly – see the contemporaneous notes made by AG on his Organiser, which include (underlined letters added): '<u>most people in intelligence weren't happy with it, because it didn't reflect the considered view they were putting forward</u>'; and '<u>real information but unreliable, included against ur wishes</u>'; and as to what he said to others, see AG's final submissions at paragraphs 30-32</p> <p>As to what Dr Kelly said about his involvement in the dossier, the Government does not refer to the fact that <i>Newsnight</i> on 2 June 2003 (in which AG had no involvement) reported: <i>'we've spoken to a senior figure, intimately involved in the drawing up of the Blair weapons dossier'</i> (BBC/1/30; see also BBC/1/33).</p>
Paras 19-20 FSB/2/21	<p>For completeness on the '<i>steps taken by Mr Campbell</i>': the submissions omit Mr Campbell's meeting with Mr Miller at 2 30pm on Friday 13.9.02 (see CAB/33/52). Mr Miller had telephoned Godric Smith on 12.9.02 to say that he would '<i>like to come and show someone the latest thinking on the dossier without getting in to circulating copies just so as they are on the right track</i>' (CAB/11/35)</p>
Para 48(2) FSB/2/36	<p>By '<i>notes</i>', the Government appears to be referring only to the Organiser notes; it omits reference to the Miranda Holt note (referred to above), which is also relevant.</p>
Para 48(3) FSB/2/36	<p>What AG said was (3:73:23 – 3:74:3): <i>'with the benefit of hindsight, looking at it now with a fine toothcomb, I think it was not wrong, what I said, but it was not perfect either, and in hindsight I should have scripted that . '</i> and (3.74:12): <i>'..It was not wrong, but it was not perfect either'</i> See also 3:77:3-4; 3.134:15; 3:148:21.</p> <p>For the record, AG rejects the new allegation made in the last three lines of 48(3). Since this response is intended to deal only with factual inaccuracies, AG does not make further submissions on this point</p>
Para 48(4) FSB/2/37	<p>As to what Dr Kelly said to others, AG refers to his final submissions at paragraphs 30-32 and invites the Inquiry to consider the Watts' transcript and her notes' SJW/1/37-43 and SJW/5/18-24</p>
Para 48(7) FSB/2/38	<p>As to what Dr Kelly said about his involvement in the dossier: see comments under paragraph 5(3) above Dr Kelly had discussed the dossier with AG at their meeting on 11 4 02 AG's notes of that meeting included (typed version at BBC/7/53). <i>'Kelly role to advise on all CBW claims in dossier'</i> It will be noted also that Dr Kelly had an interest in a description being</p>

	used which did not identify him.
Para 49 FSB/2/39	<p>The evidence referred to at footnote one – even when the corrected transcript reference is applied (that is, 19 46:18-23) – support the first sentence Further, if it is contended that what Dr Kelly said would not, or should not, have been broadcast in the fact of a Government denial, that is denied: see, for example, AG's evidence at 19:47:5-7</p> <p>The Government does not refer to the fact that:</p> <ul style="list-style-type: none"> • it was (according to Ms Wilson's evidence) standard practice for Downing Street to telephone the Ministry of Defence press office each evening (as they did on 28 5.03); • the MoD telephone log (MOD/18/15) shows that Downing Street discussed with the MoD lines for WMD questioning the next morning; • Downing Street sent a fax to the MoD late on 28 5.03 (only one page of the fax, which consisted of at least 3 pages, has been provided to the Inquiry: MOD/32/27 – the version at MOD/31 shows the time and date of the fax), • Adam Ingram was to be briefed at 7.30am (not before) for his appearance on the <i>Today</i> programme; by that time, Downing Street was able to and did brief him on AG's story, based upon what had been broadcast at 6.07am (Downing Street had also, by that time, contacted the programme directly with its denial).
Para 50 FSB/2/39	<p>There is no reason for the Government to use the word '<i>claims</i>' on the point of <i>whether</i> AG spoke to Kate Wilson on 28 May 2003: this is common ground.</p> <p>As to their recollections of the conversation:</p> <ul style="list-style-type: none"> • neither AG nor Ms Wilson has any notes of the conversation on 28.5.03, which lasted over 7 minutes; • Ms Wilson was asked to recall her conversation with AG for the first time on Saturday 28 June 2003, when she was telephoned at home after Ben Bradshaw's appearance on the <i>Today</i> programme, which she had not heard (she had to reconstruct what had happened, working backwards: her evidence at 18:149.22 – 150:2) • AG referred to his call to the MOD and the booking of Adam Ingram, to speak about both cluster bombs <i>and</i> his story, in an email exchange with John Williams of the FCO on 5 June 2003. see CAB/4/11.
Para 56 FSB/2/42	The PM's evidence was that it was the reference to Mr Campbell by name in the article, together with its headline (not written or seen in advance by AG), that made the ' <i>the thing extremely difficult</i> ': 12.22:22-24
Para 58	The Government omits any reference to John Reid's widely reported

FSB/2/42	statement on 4.6.03 to the effect that ' <i>rogue elements in the intelligence services</i> ' had been briefing against the Government.
Para 59 FSB/2/43	As to what AG said to FAC, it is unfair to refer to the ' <i>summary</i> ' of the position without referring to AG's earlier evidence: FAC/2/136 (Q417-419); see also AG's second evidence to FAC at FAC/5/4.
Para 64 FSB/2/46	The suggestion – from paragraph 64 and footnote 2 – is that while the ISC Inquiry was ' <i>not provoked</i> ' by the broadcasts on 29.5.03, the FAC Inquiry <i>was</i> so provoked: <ul style="list-style-type: none"> • This is contradicted by the evidence of the FAC Chair Mr Anderson 9:4:15 – 9:5:2 (Mr Gilligan's reports were '<i>part of the context</i>') and FAC member Mr Mackinley (10:1.20 – 10 2 20), • It is inconsistent with the wide terms of reference and Report of the FAC (going beyond issues raised by AG's reports)
Para 66 FSB/2/47	CAB/1/246 does not raise questions about the ' <i>reliability</i> ' of AG's source – it alleges breach of the BBC Producer Guidelines The Inquiry will note that – in marked contrast to its submissions as to the impact of the 29.5.03 broadcasts (see, for example, paragraph 52 of the final submissions) – the Government's summary in this paragraph of the points made in Mr Campbell's letter of 6 June 2003 show that he did not complain that <i>Today</i> had alleged ' <i>dishonesty</i> ' on 29.5.03 (even in the 6.07am item, a transcript of which was enclosed) On the contrary, Mr Campbell's complaint (rightly) set out the gist of allegations made as. <i>'...very serious allegations..about the reliability of the dossier produced by the JIC..'</i>
Para 70 FSB/2/48	The fact that AG's reports on 29.5.02 were based on a single source had been acknowledged from the outset (including in the broadcasts themselves). In the course of his evidence, AG set out what his source (Dr Kelly) had said – which was not confined to the sentence quoted in this paragraph. AG did not repeat his own, unscripted, words from the 6 07am broadcast
Para 71 FSB/2/49	In view of what is said in para 71, it would have been preferable for Mr Campbell to have said in terms that, while he alleged the story was a lie, he did not allege that Mr Gilligan was a liar (see, for example, Q992, 1007, 1102 and 1128).
Para 73 FSB/2/50	As to footnote 2, the Inquiry will refer to the context at 19:92'6-14.
Para 79(2) FSB/2/53	The cue to which reference was made was just one of a number of pre-broadcast documents: see also (for example) BBC/4/212, BBC/4/213, BBC/4/216 – and, of course, the note AG prepared for Miranda Holt
Para 79(3) FSB/2/53	The relevant notes encompass AG's Organiser notes and his note for Miranda Holt (prepared with the benefit of the longer manuscript note

	of the conversation).
Para 93(5) FSB/2/60	The suggestion that Dr Kelly had not made <i>'any associations'</i> between his meeting with AG on 22.5 03 and the broadcasts made by AG on 29.5.03 is inconsistent with the conversation Dr Kelly had with Susan Watts on 30.5.03: see transcript at top of SJW/1/39 (Dr Kelly laughs that he is <i>'not yet'</i> getting flak).