

The sealed and emptying chambers of Britain's intelligence history: Why the absolute exception for security sensitive matters is a present and continuing injustice

***Tim Crook* re-tells the fascinating tale of Alexander Wilson, the Secret Service spy who wrote novels in his spare time, and argues that blanket exemptions in the UK's FOI Act for the security and intelligence services are far too draconian and need reform**

Introduction

Mike Shannon was nine-years-old when he was told his father Alexander Wilson died at the Battle of El Alamein. His mother Dorothy became angry if he asked too many questions about him. When she died in 1965, he found a copy of one of his father's spy novels *Wallace Intervenes* abandoned in a chest of drawers. When 73-years-old, in 2005, he came to me with a poorly labelled photograph album of his parents in British India in the 1920s, the well thumbed book published in 1939 by Herbert Jenkins and the memory of his father taking him to the German Embassy in the Spring of 1938 where there was a meeting with Joachim Ribbentrop and another mysterious rendezvous with a man at the Savoy Hotel where German was only spoken (Crook, 2010: 13). Mike was a veteran actor and poet who wanted to know more about an affectionate father who could enchant him with improvised stories, *joie de vivre*, but was tragically taken away from him by world war.

I therefore became a humanitarian researcher on behalf of a friend and established that Alexander Wilson had constructed at least a double identity by varying his middle names. Mike's father turned out to be a man who lived several lives across four multiple marriages some of them bigamous (ibid: 268-294). Between 1928 and 1940 he published 24 novels and several academic books arising out of his role as a professor of English and university college principal in Lahore in present day Pakistan. His fiction was very well reviewed in the national and international press (ibid 6-8). He originated and developed a series of nine Sir Leonard Wallace Chief of the British Secret Service novels. Some expressed British imperial assessments of risks that were not widely

represented in mainstream media (Crook 2010:10 & Wilson 1940). Wallace appeared to be based on the first 'C' of MI6, Captain Mansfield Smith Cumming.

The Wallace character first appeared in print in 1928 (Wilson, 1928) when Wilson headed the prestigious Islamia College of the University of Punjab, educating the sons of the Muslim elite and raising half a company of officer cadets for the British Indian Army (Hussain, 2009: 86-107). Descriptions of the real 'C' did not appear in the media and published books until from about 1930 onwards (Crook, 2010: 342-366). Wilson's fictional representation of Wallace had several resemblances with Smith Cumming. They included grey eyes (less than 3 per cent of the population); a wooden false limb (Smith-Cumming's leg / Wallace's arm); London and country homes (West End & Hampshire); and wives' names beginning with 'M' (ibid). The investigation resulted in the publication of *The Secret Lives of a Secret Agent*, the biography of Mike Shannon's father in 2010. Mike died three months later. He had gained four half-brothers, a half sister and scores of relatives he had no previous knowledge of. He had also learned that his father and mother had cruelly deceived him by making him falsely grieve for his father as a 9-year-old child. Alexander Wilson was not killed in action in 1942 but died in 1963 (ibid: 287-294).

His third wife Alison wrote a memoir, when she was alive, describing meeting Mike's father at the Secret Intelligence Service in 1940 where they worked in a unit covertly listening to the telephones of embassies and diplomatic legations. His nickname was 'Buddha' on account of his wisdom and background in British India (Wilson, 1991: 13-14). His War Office file included the annotation 'S.S.' on one of the documents (Crook, 2010: 446). 'S.S.' was a civil service acronym for the Secret Service at this time. (Jeffery, 2010: 475). The blurb of his last published novel *Chronicles of the Secret Service* in 1940 stated: '...Major Alexander Wilson probably knows as much about the Secret Service as any living novelist' (Wilson, 1940: 2).

The need for intelligence agency disclosure

Mike and his newly discovered family wanted answers to what was a mysterious and disturbing story. What was the true nature of his career in intelligence? When did it start? Did he work for other agencies apart from MI6/SIS? Why did he begin writing spy novels in British India with an apparent representation of the first 'C' from 1927? What was the connection between the spying and his multiple and parallel marriages with children? How could a bankrupt with a background of jail sentences for theft in Vancouver 1919 and London 1948 and wearing a false uniform and medals in 1944 succeed in working for the secret service?

Wilson's third wife Alison reported that her husband explained away their poverty and social misfortune from the end of 1942, and his prosecution two years later, as intelligence operations though he would not explain their purpose (Wilson, 1991: 24). The Alexander Wilson story was and is fundamental to the identity, origin, background and wellbeing of his surviving children, and the

growing number of his grand children and great grand children. It could be argued that this was a strong case for an exception to be made of the statutory exemption under section 23 of the UK Freedom of Information Act applying to security bodies (Freedom of Information Act, 2000). There is a 'neither confirm nor deny' provision so that MI5 and MI6 can avoid being put in a situation of revealing information by denying or admitting that it was held. The 'NCND' acronym is an unshakeable shield vectoring the past, present and future. As a result of making a detailed presentation of questions to MI6 I received the written declaration that they could neither deny nor confirm they held any records on Alexander Wilson. The Security Service, MI5, did not respond in any way even though they received a detailed briefing and questionnaire. The requests went up to the level of Director General.

Why excessive secrecy and the FOI security body exclusion is unfair and discriminatory

Intelligence history in terms of the release of files to the National Archives is wholly in the control of the state intelligence bodies. They decide what to retain, shred, destroy and release into the public domain. Officially sanctioned histories such as Christopher Andrew's *The Defence of the Realm: The Authorized History of MI5* (2010) and Keith Jeffery's *MI6: The History of the Secret Intelligence Service 1909-1949* (2010) are heavily vetted. The scholars do not have free reign to quote and publish from the material they are allowed to view. Sometimes senior retired intelligence personnel are given privileged access to classified files. For example the award-winning author Alan Judd was able to write a biography of the first 'C' and access Smith-Cumming's diary as well as other documents not available at the National Archives (Judd, 2000).

I have never worked in the intelligence field and I am not blessed with the sources and contacts that inform so powerfully the handful of recognised espionage and intelligence historians. Interpretation and research continues to be searching while blindfold. Alexander Wilson's life is like that of a constantly conjuring magician manipulating convex and concave mirrors that distort, obscure, project and contort information and its context. The apparently shameful 1944 prosecution for posing as a Colonel with false decorations is contradicted by the fact that a prosecution claim he was actually entitled to wear World War One medals was false. He was writing from the Author's Club in the West End when he was supposed to be in Brixton prison serving his sentence (Crook, 2010: 185-6).

He was a successful Professor of English Literature and principal at an Indian University for six years, awarded an honorary fellowship and was also falsely claiming an Oxford degree, Distinguished Service Order, and knighthood (ibid: 319). He was a respected linguist interpreting in Arabic, Persian and Hindustani for the Foreign Office and at the same time falsely claiming a Cambridge degree in modern languages and the identity of a Manchester Grammar School teacher

also called Alexander Wilson, also a commissioned officer in the Great War and who also had a father called Alexander Wilson (ibid 131).

FOI applications proved slow but fruitful in the jurisdiction of British Columbia where I managed to navigate section 25 of the state's Freedom of Information and Protection of Privacy Act, 1996. As a result of obtaining Wilson's Oakalla Prison Farm inmate record it was possible to link his fictional writing of travelling the world by ship with his actual round the world service as a purser in the merchant navy (ibid: 172-3). The detailed description by Canadian jailers of many visible shrapnel scars across his body correlated with his fictional description of being blown up in an air-raid in France. Yet his War Office file of service in the Great War referred only to a knee injury. One file stated he had served overseas, but another denied him a medal on the basis he was not stationed anywhere overseas (ibid: 322).

Alexander Wilson and the case of the Egyptian ambassador

In May 2013, the Foreign and Commonwealth Office released a second tranche of intelligence related files comprising 463 pieces covering the period from September 1939 to 1951 as well as 17 files from 1903 to 1913. I prepared to start looking. Fortunately an intelligence historian based at the Public Record Office at Kew, Phil Tomaselli, recognised that the redacted subject of file FO1093/263 'Case of the Egyptian Ambassador' was likely to be Alexander Wilson (Tomaselli, 2011: 14). The file does not explicitly identify Wilson. Whenever his name appears it is redacted though at one point it is possible to detect the top of the typewritten 'l' as the third letter in the third paragraph of page six.

Documents in the file reveal that Alexander Wilson was dismissed from SIS in October 1942 because he faked a burglary and had been in serious trouble with the police. MI5 officer Alex Kellar was tasked to investigate Wilson's Section X 'Special Material' reports indicating the Egyptian Ambassador in London and his staff were intelligence gathering against the interests of Great Britain and her allies. Kellar concluded Wilson had fabricated the reports.

The chief civil servant at the Foreign Office, Sir Alexander Cadogan, the then Director General of MI5, and the Chief of MI6, known as 'C,' condemned Wilson as a serious public danger, a 'master of fiction' who had produced 'pure invention.' The third 'C' Sir Stewart Menzies said: 'I do not think it at all likely that we shall again have the bad luck to strike a man who combines a blameless record, first rate linguistic abilities, remarkable gifts as a writer of fiction, and no sense of responsibility in using them!' (FO1093/263, 1943: 10).

The justification for full disclosure

I would argue the *omertà* style 'neither confirm nor deny' policy relating to Alexander Wilson has no operational, legal, or constitutional validity. The Egyptian Ambassador's file is a blatant release of detailed information about Alexander Wilson in a public domain context when anybody with any knowledge of him would be able to recognise him as the redacted subject. Mr Tomaselli was able to do so. The inefficient redacting means that his

identification is now beyond doubt. Yet the FOI request for the release of the withheld MI5 report by Alex Kellar was denied on the grounds of security sensitivity (Burton, 2014: 1). Two requests for a Foreign Office internal review received no response after several months and the next step at the time of writing is to appeal to the Information Commissioner. I will be arguing that the Foreign Office has misdirected itself by claiming that exemption is absolute with no application of a balancing public interest test (ICO, 2013). There is a public interest test when it is clear that files exist and relate to more than 30 years ago. The historical information is in fact at least 70 years old (ICO, 2012; TNA, 2012). There are clearly compelling public interest reasons to release Alex Kellar's report and all files relating to Alexander Wilson's involvement with MI5, MI6, Metropolitan Police Special Branch and intelligence bodies while he was in British India.

Evidence supporting Alexander Wilson's reports on the Egyptian Ambassador

Alex Kellar's report may be inaccurate and wrong on the basis of other files released into the public domain and available at the Public Record Office. The files FO 371/23372, HW 1/1341 and HW 1/1376 demonstrate that the Egyptian Ambassador, Hassan Nachat Pasha, was intelligence gathering with his staff in establishing contacts and obtaining information from the Ministry of Information, discussing post war alignment with the Soviet Union's Ambassador in London, and obtaining information from foreign correspondents based in London about the Allied leaders' war conference in Casablanca. The file FO 371/41392 demonstrates that in the early part of 1944 Nachat [in documents his identifying name is presented as 'Nashat'] was recalled to Cairo and in only a matter of weeks was plotting an overthrow of the pro-British (described as Anglo-maniacal) regime.

The British ambassador in Cairo, Sir Miles Lampson, (later Baron Killearn) sent to Sir Alexander Cadogan intelligence reports of Nachat's mischief and urged Cadogan to engineer Nachat's recall to London: 'Nachat is being a political nuisance and his early return to London would be a blessing' (FO 371/41392, 1944: 6). Killearn reported Nachat's intention 'eventually to become Prime Minister' (ibid: 3). He observed: 'It will be remembered how effectively in 1925 Nachat organised the absolutist regime for King Fouad not only against the Wafd but against the Liberals and democratic independents. It was only our intervention which brought about the removal of Nachat, and the end of his attempt to establish Palace rule in the country' (ibid: 3-4).

Hassan Nachat Pasha had been described as Egypt's Rasputin in the 1920s and was strongly associated with Anti-British imperial political elements (Von Weigand, 1925). He was Egyptian Ambassador in Berlin for 10 years before taking up the post in London in 1938. He was said to have had an affair with a German Princess, entertained the Nazi elite lavishly, (Almeida, 2008: 174) and although diplomatically polite and courteous to the British when in London, part

of an Egyptian elite that hoped for Axis Power victory and allied defeat in North Africa.

A secret declassified FO file indicates his counterpart in Tehran, Zulficar Pasha, was in secret negotiations and intelligence gathering for Nazi Germany (FO 371/27488, 1941). A United Nations file in 1948 reveals German intelligence and Foreign Office files proving the Egyptian diplomatic service was playing a double game with the British even after the defeat of Rommel at El Alamein in 1942. (Nation Associates, 1948: 27). Plans were discussed to smuggle King Farouk into exile in Berlin; and bomb Tel Aviv (*ibid* 3). Hitler and Ribbentrop exchanged secret overtures of support and hopes for British defeat in Egypt with King Farouk's governments and diplomats (*ibid*: 5-7).

Major AW Sansom of Egyptian field security in Cairo published his memoirs in 1965 and stated that the majority of the Egyptian elite and armed forces were pro German and Italian; actively working against the British (Sansom 1965:22). Prior to 1942 'Under an almost openly pro-German Prime Minister Aly Maher Pasha, for nine months the Egyptian government gave our enemies all the aid it possibly could' (*ibid* 24). Egyptian forces had to be withdrawn from Allied operations in the desert in 1940 on the order of Winston Churchill because they were known to be reluctant to fight for their effective military occupiers (*ibid*: 30).

At the end of 1940 General Sir Henry Maitland Wilson, examining papers captured in the Italian HQ in Libya, was surprised to find a complete set of British plans for the defence of the Western Desert. They had been supplied by Egyptian Army Chief of Staff, General Aziz el Masri (*ibid*: 57). Sansom described forcing a plane carrying General Aziz el Masri to crash land on take off in 1942. It was being flown by Egyptian Air Force Squadron Leader Hussein Zulficar Sabri to Rommel's headquarters (*ibid*: 68). There was a plan to establish a 'Free Egyptian Army' on German occupied territory. The Germans had been in contact for the previous two months and this was his third attempt to escape after previous attempts by U-boat and German plane disguised with RAF markings (*ibid* 74). The British forced King Farouk to dissolve a pro-Axis power government in 1942 by surrounding his palace with tanks and deposing the Prime Minister, to be replaced with pro-British Egyptian politicians (Herf, 2010: 94-96; Sansom, 1965: 93).

The need for greater disclosure is exacerbated by the fact that the memoir by Wilson's third wife, Alison, contradicts the information disclosed by 'C' Sir Stewart Menzies in file FO 1093/263. She reported that there had been a burglary at their flat in late 1942, but that did not include any suspicions or recollection of the police investigating her husband for faking the burglary and indeed 'being in serious trouble with the police,' at that time (A Alison, 1991: 20). Furthermore, public reports of his later prosecutions made no mention of these matters (Crook, 2010: 642-646).

The need for a new legal approach

The last major challenge to the blanket exemption for security bodies under section 23 of FOI in relation to historical matters concerned Dr Vincent Frank-Steiner who in 2007-8 wanted confirmation and release of documents about his uncle Paul Rosbaud said to have been the spy codenamed 'The Griffin' during the Second World War. A book published in 1986 had speculated that he remained in Germany as the editor of an academic journal and was able to supply unique intelligence while usefully positioned at the heart of the Nazi scientific establishment (Frank-Steiner v SIS, 2008: 1-4).

The Investigatory Powers Tribunal ruled in favour of the unshakeable SIS policy to neither confirm nor deny. But I would argue that this cannot be indefinite. The statute allows a public interest test after 30 years. The Foreign Office has conceded that they have files on Alexander Wilson through their release of the file on the case of the Egyptian Ambassador in May 2013. Its release into the public domain in the context of his published biography in 2010 was an indirect confirmation. The failure to redact his name properly is a direct confirmation. In addition I believe the UK Supreme Court ruling on 26 March 2014 in Kennedy (Appellant) v The Charity Commission (Respondent) Hilary Term [2014] UKSC has broken down statutory exceptions to freedom of expression public interest balancing exercises. The effect of this case is that English common law separately holds a public interest remedy in relation to the freedom to receive and impart information and ideas without interference by public authority.

I would argue that no security body should choke off common law rights and rights to natural justice in the context of this case. Alexander Wilson's encoding of espionage in published novels and his engagements with British intelligence bodies have generated significant public interest controversies. More importantly these events of more than 70 years ago have had a profound and catastrophic impact on the lives of his wives and children and further descendants. There is no doubt that a common law and natural justice argument can be made for the fullest disclosure of all relevant records held about him in the sphere of state intelligence.

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