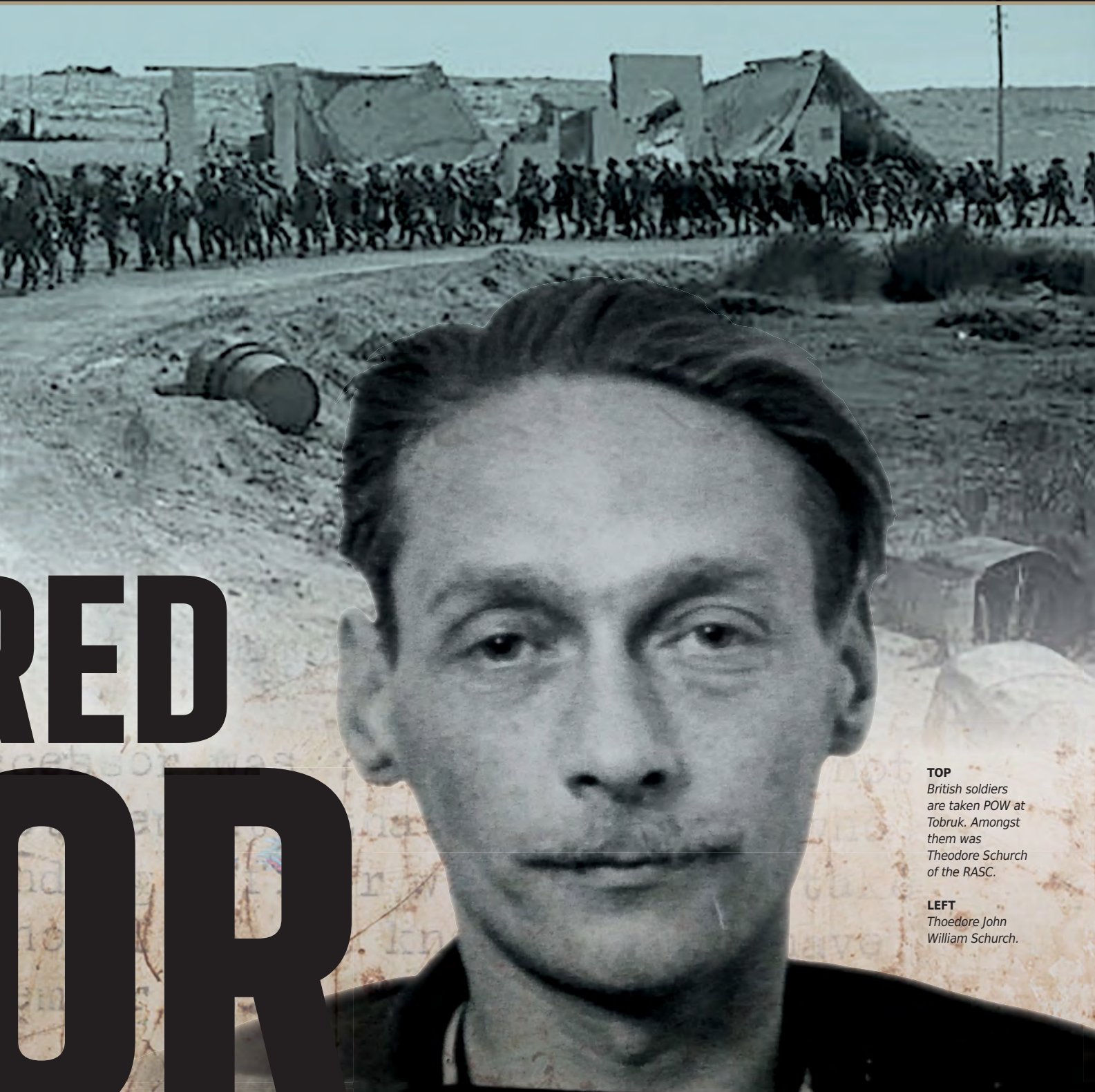




THE HONOUR TRAITOR

*At Brookwood CWGC Cemetery, under an inscription reading 'Their Name Liveth for Evermore', are recorded the names of over three thousand service personnel who lost their lives in North West Europe in the Second World War and who have no known grave. Among them, however, stands an executed spy and several murderers. **Andy Brockman** tells the extraordinary story. >>*



TREASON FOR

TOP
British soldiers are taken POW at Tobruk. Amongst them was Theodore Schurch of the RASC.

LEFT
Theodore John William Schurch.

**SCHURCH THEODORE
JOHN WILLIAM**

At 09:00 on the morning of 4 January 1946, twenty seven year old Theodore Schurch took the short walk from a condemned cell to the pale green painted execution room of Pentonville Prison in north London. Moments later, executioner Albert Pierrepont pulled the lever on the drop and closed the chapter on the life of the last person to be executed for treachery in Great Britain. Seventy one years later, as Britain remembers its almost 1.7 million Commonwealth war dead, one of the names commemorated with honour is Private Theodore Schurch, Royal Army Service Corps - the same Theodore Schurch executed at Pentonville for treachery. How a convicted traitor came to be commemorated alongside war heroes on a war memorial dedicated by the Queen is one of the most unusual spy stories to emerge from the Second World War. The case also poses difficult questions as to whether convicted criminals who were executed while serving should be remembered on equal terms with others who died serving in British and Commonwealth armed forces.

RIGHT
Paddy Mayne, who succeeded David Stirling as CO of the SAS. It is claimed that Stirling revealed Mayne's name to Schurch who was masquerading as a British officer POW whilst spying for the enemy.



BELOW
Lt Col David Stirling.

Born on 5 May 1918 in Marylebone, the fair-haired, blue-eyed Theodore John William Schurch applied to join the British Army as a regular soldier in 1936. His MI5 file records he had a strong Cockney accent, but nonetheless was actually a Swiss national thanks to his father who worked at the Savoy Hotel. As a result, the teenager had to be vetted before he was allowed to join.

He passed, and Schurch joined the Royal Army Service Corps as a driver, serving in Palestine and Egypt as a driver and later as a clerk.

A MYSTERIOUS CAPTAIN

When war broke out, Schurch was serving in the Middle East and took part in the campaign in North Africa until he was captured at Tobruk in 1942. At which point, he might have been expected to have his capture notified via the Red Cross and to spend the remainder of the war in a POW camp. Instead, he disappeared.

Schurch's alleged treason was first notified to British intelligence in September 1943 via a report collected by MI9, the department handling escapes and evasion and the debriefing of returned POWs. A returned POW, Sub-Lt Roberts RN, reported that one 'Captain Richards' was operating as a stool pigeon in Italy. The intelligence services put two-and-two together and identified the mysterious Captain

BELOW RIGHT
A LRDG desert patrol.



as the missing Private Schurch. The identification was confirmed when a returned prisoner identified Schurch's photograph as being 'Richards'. As a result, in October 1944, Schurch's name appeared on the arrest list of British subjects believed to be in enemy territory and aiding the enemy.

Schurch next came to the attention of the British in April 1945 when, wearing the uniform of a British officer, he began to arouse suspicion in the northern Italian naval port of La Spezia, which had been the base of the highly secret and ultra-loyal Italian Fascist Decima MAS special forces unit, and a centre for Italian and Nazi intelligence activity. The mysterious officer was arrested by operators from SCI/Z, the counter-intelligence branch of the Office of Strategic Services and forerunner of the CIA.

"PROVE I OWE ALLEGIANCE TO YOUR KING"

Transferred to Rome, Schurch was interrogated by the head of SCI/Z, Lt James Angleton, who summarised his impression of the suspect. The renegade soldier was, Angleton reported, a man of shrewdness and natural intelligence which compensated for his lack of education. Angleton added that, in his opinion, while Schurch claimed his motivation was adherence to Fascist ideals, his activities had given him access to a lifestyle which he had grown used to and could not live without.

The British Army's Special Investigation Branch [SIB] arrested their suspect formally on 28 May 1945, on the holding charge of impersonating



LEFT
An LRDG patrol in the Western Desert. Any captured soldiers from this unit were targeted by Schurch, the spy, for information.

an officer to gain military information for the use of the enemy. With Schurch came a 75-page interrogation report, signed by Angleton, describing Schurch's nine year career in espionage, stretching back to his first contacts with the British Union of Fascists in London, through pre-war and wartime work in Palestine and Egypt with the Italian Servista Infomazione Militaire [SIM]; German military intelligence, the Abwehr; and finally, after the armistice with Italy and dissolution of the Abwehr, with the SS-controlled intelligence service the Sicherheitsdienst [SD]. Schurch's final employer, the SD, would be declared a criminal organisation at the Nuremberg War Crime Tribunals.

Through all this time there was no question in Angleton's mind

that Schurch was a paid asset and in frequent contact with his handlers. His first payment being £5 to pay for a dress uniform when he joined the RASC. Ominously for Schurch, Angleton concluded that all the evidence existed for legal proceedings and that, up to the time of his arrest, he had tried to carry out his final mission on behalf of the SD.

Returned to Britain, Schurch was sent to Gibraltar Barracks in Leeds where he was seen by Percy Edwards, a civilian official from the General Staff at the War Office. The conversation, which Edwards recorded, gives an impression of the strain Schurch was under, or the psychological games he was playing. Edwards reported that Schurch said, under caution: "I don't want to be treated as a soldier >>>

BELOW
The British submarine HMS Sahib. When its commander, Lt Bromage, was taken POW he was another of Schurch's targets.





LEFT
The gates of Connaught Barracks, RASC Depot, Woolwich.

and put into battledress. I want to be dealt with as a civilian. Why are they prolonging the agony instead of shooting me right away? My world has been shattered and everything I stood for is now in the dust, so I have no desire to live."

As Edwards prepared to leave, Schurch added: "Still, you've got to prove I owe allegiance to your King as I am really a Swiss and never took any oath."

TREACHERY AND DESERTION

By September, while SIB was busy trying to locate witnesses for his upcoming court martial, Schurch had been moved to Connaught Barracks,

at the RASC Depot, Woolwich, where he was telling interrogators all he knew about Italian and German intelligence officers and agents with whom he had been in contact. It was these statements which formed the basis of the prosecution case when the court martial convened at Chelsea Barracks on 12 and 17 September 1945.

Presiding over proceedings was Judge Advocate General, Major Melford Stevenson, who would also preside over the trial of Heinz-Wilhelm Eck of U-852, the only U-Boat captain executed for war crimes. Prosecuting was Major R.A.L. Hillard KC, with Schurch defended by solicitor Lt A.C. Brands of the Royal Artillery. Schurch



RIGHT
Gibraltar Barracks, Leeds, where Schurch was initially incarcerated.

faced nine charges under Section 40 of the Army Act; that he had committed treachery as defined in Section 1 of the Treason Act 1940. He was also charged with desertion. In other words, Schurch would be tried as a soldier, under Military Law.

The tone of the trial, and perhaps a measure of the accused, was set during the first formal process when the court martial panel were asked to

BELOW
A transcript of the Court Martial proceedings where Lt Col David Stirling is cross-examined.

Q. What did you tell him ? A. I did not tell him very much beyond my name, and he knew already what unit I was serving in.

Q. What unit was that ? A. The 1st Special Air Service Regiment.

Q. You were commanding officer of it or had been prior to capture ? A. Yes, I had been prior to capture.

Q. Did he ask you who was commanding officer in succession to you ? A. I am afraid that is very much on the fringe of my memory. It is so long ago that I cannot absolutely say whether I remember one way or the other. He might have, but I do not remember it.

Q. Did you know at the time who your successor was ? A. No, I did not. I may have told him, as I said in my statement, that an officer who in fact was not going to become commanding officer was going to take it on, ~~or~~ but whether I said that or not I do not know. I may have said it to mislead him. I cannot remember it.

Q. Do you know an officer known as Paddy Mayne ? A. Yes.

Q. Did he in fact subsequently become commanding officer of the Special Air Service ? A. Subsequently, yes, about three months later - or part of it, because it was split up into two. He commanded part of it.

state their religion. Schurch objected to the presence of Major F.A. Holland RAOC, who was Jewish. In addition to his Fascist sympathies, Schurch claimed that in North Africa he had been persecuted by a Jewish officer on account of his origins.

As the case proceeded five former POWs described their encounters with "Captain Richards". They included Lt John Bromage RN, former commander of submarine HMS *Sahib*, captured when his boat was depth charged to the surface. He had met "Richards", who was wearing the uniform of an RASC captain, at Camp 50 in the Rome cavalry barracks during April 1943.

In his statement, Lt Bromage reported that "Captain Richards" had warned other members of his crew to beware of stool pigeons, joking he might even be one himself. Bromage added that "Captain Richards" also seemed "highly nervous" and "seedy". Be that as it may, Schurch seems to have used parts of his own biography for his undercover 'legend'. He told a number of his contacts that his father was chief porter at the Savoy and seems to have made no attempt to disguise his distinctive accent. Highest ranking among the witnesses, however, was Lt-Col David Stirling of the Scots Guards, founder of the Special Air Service.

CONTROVERSIAL EQUIVOCATION

Stirling had been captured during a raid in North Africa and also met "Captain Richards" in the interrogation centre at the cavalry barracks at Rome, and in his written statement given at the War Office on 19 August 1945, Stirling was adamant that he was warned Richards was a stool pigeon and as a result claimed that:

"At no time did I tell Richards any accurate secret information or discuss the true workings of the SAS. Such information as I passed him was untrue and designed to deceive." However, under examination on the witness stand, Stirling seemed to be less sure.

Asked by the prosecutor: "What did you tell him [Richards/Schurch]?" Stirling replied: "I did not tell him very much beyond my name, and he knew already what unit I was serving in." A short while later Stirling was asked: "Did he ask you who was commanding officer in succession to you?" Stirling responded: "I am afraid that is very much on the fringe of my memory. It is so long ago that I cannot absolutely say whether I remember one way or the other. He might have, but I do not remember it."

That apparent equivocation remains controversial. Certainly, Schurch stated that thanks to information gleaned



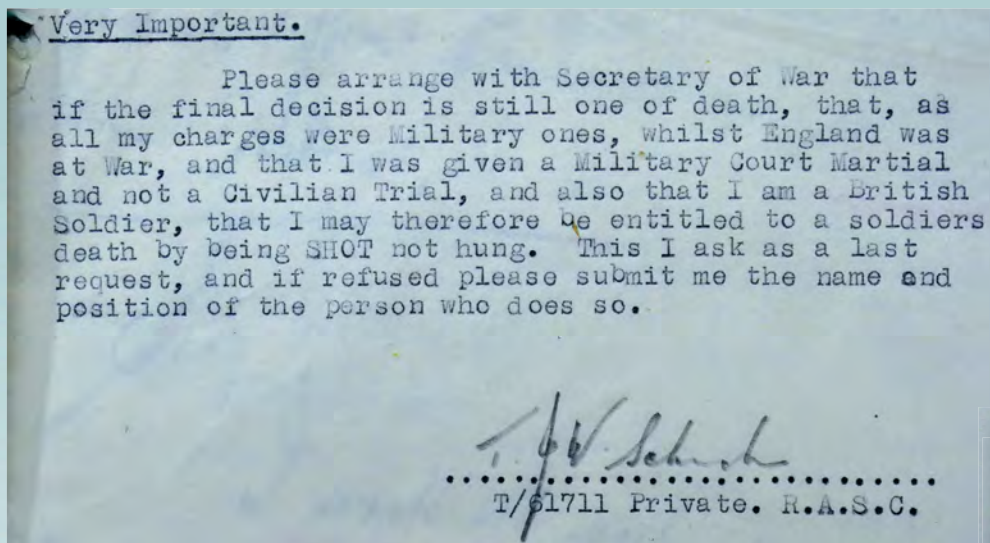
LEFT
Some of the surviving buildings at Connaught Barracks.



from captured documents and earlier interactions with talkative POW members of the Long Range Desert Group and SAS, the Italians had all the information they needed about the SAS. Accordingly, Schurch claimed that when he met Stirling he was tasked simply to obtain the name of Stirling's replacement. Schurch asserted that Stirling did indeed name Paddy Blair Mayne as his likely successor.

Here, it has to be said that even Stirling's official biographer, Alan Hoe, noted that Stirling was not "beyond reproach" when it came to security and it is perhaps significant that Schurch's name is absent from the index of Hoe's book, as is any account of Stirling's encounter with "Captain Richards" and Stirling's subsequent appearance at Schurch's court martial. However, at this remove, and with all the principals dead and documents scarce, it is impossible to know for certain who revealed what to who. What is clear is that Schurch claimed that "we", meaning his Italian and German employers, were able to capture two SAS patrols in the Autumn of 1942 on the basis of captured documents and information gleaned from various SAS/LRDG prisoners, both officers and other ranks, and that one source of >>

LEFT
Schurch was taken POW whilst fighting at Tobruk but quickly turned himself over to the services of his captors.



ABOVE
Schurch's appeal to be shot rather than hanged. His request fell on deaf ears.

that information was Schurch posing as one of their own.

SENTENCED TO DEATH

As the court martial approached its conclusion, Major Stevenson twice asked whether Lt Brands wished to challenge whether Schurch's initial, damning, statement recorded by Angleton in April was given voluntarily. He did not. Neither was Schurch's actual nationality an issue as Schurch had hinted and there is was no record of any contact with the Swiss government. Instead, Lt Brands argued that Schurch was a man of low mentality and poor education who had been used by his Fascist masters and become disillusioned with the cause. Schurch also claimed he only provided false information or information already known. However, in his summing up, Stevenson observed that his activities had continued for

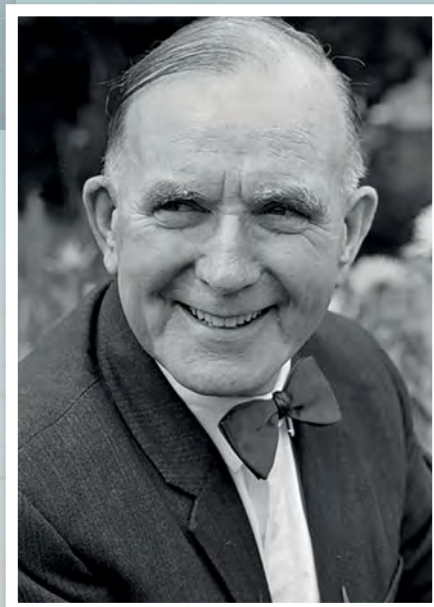
so long that it was unlikely he was not aware of their consequences. He also reminded the court that Schurch had referred repeatedly to "our department", meaning SIM, thus aligning himself clearly with the enemy. Perhaps not surprisingly, the defence failed and Schurch was convicted and sentenced to death by hanging.

Following his conviction, Schurch appealed his sentence twice - including petitioning the King for a reprieve. However, for all his apparent desire to cooperate with SIB, providing pages of personal knowledge of Italian and German intelligence activities in pre-war London, the wartime Middle East and Italy, which might have justified commuting the death sentence, his fate was sealed by the assessment SIB and the intelligence services made of the value of this information. Writing

as the appeals process was underway, Lt-Col E.J.B. Cussen of SIB wrote:

"The information about the German intelligence service given by this man to the Americans was, in our opinion, accurate, and represented all that he knew. It was not, however, of any great value."

Noting that it was not infrequent for a traitor to give truthful information when under interrogation, Cussen added a damning conclusion echoing that of Angleton after Schurch's first interrogation in April:



"This man's history shows that he has no loyalties to anyone and I do not feel that I am justified in suggesting that the information which he gave was of such value as to affect any recommendation which may be made to the King regarding confirmation."

RIGHT
Albert Pierrepoint the hangman and Schurch's executioner.

BELOW
The Brookwood Memorial which bears Schurch's name.



In a handwritten note on his petition, Schurch asked that in the event the sentence was confirmed, because the charges he faced were military ones, because he had been tried by court martial and not a civilian court and “that I am a British soldier”, he was entitled to a “soldiers death by being SHOT not hung.”

There is no record that this request and the attitude behind it, was even discussed.

HANGED AT PENTONVILLE PRISON

With the death sentence confirmed, the grim protocols of the British legal system had to be followed. In particular, while Schurch was confined in and would be executed in a civilian prison, Pentonville, the War Office did at least agree with him that he was a serving soldier. A fact which required certain bureaucratic sleights of hand to transfer responsibility between departments in Whitehall. On 8 November 1945, Major-General Gurney at the War Office wrote to the Home Office Director of Personnel Services, Sir Frank Newsam, asking for assistance in the same way as the Home Office had allowed the use of its facilities and hangman in the case of five German POWs executed earlier in 1945 for the murder of another prisoner, Wolfgang Rosterg, who the five believed had betrayed their escape plan. The next day, Newsam replied that the Home Office was happy to allow the arrangement as long as it was clear that the executioner, his assistant and any prison staff involved, acted as agents of the military authorities and “not in their capacity as civilian employees of the prison department.”

Bureaucracy satisfied, Private Theodore Schurch RASC, Service Number T/61711 was hanged at Pentonville Prison on 4 January 1946 by Albert Pierrepont, assisted by Alex Riley.

Then, as a convict who had suffered death by judicial hanging, Schurch was buried in an unmarked grave in the cemetery at Pentonville, taking his place alongside other executed criminals including the executed POW’s, six spies tried in camera and the infamous Dr Hawley Harvey Crippen.

At the around same time the legal process in the Schurch case was reaching its grim conclusion, the War Office and the Imperial War Graves Commission were completing a review of the question of what to do about the commemoration of members of the armed forces who had been judicially executed. On 30 May 1946 the Director of Graves Registration and Enquiries sent a memorandum to all military commands specifying that an agreement been reached and outlined the procedure to be followed. That agreement was in two parts. Those buried in a British Military Cemetery would be marked with a normal headstone. Alternatively, those buried at the location where execution had taken place, whose grave was unmarked, would be included among the names of the missing who, it was anticipated, would be commemorated: “...in a manner not yet decided, but which will probably follow the policy of the War of 1914-1918.”

For the Army, that manner would be the memorial to the missing at Brookwood Cemetery, Surrey, unveiled



by HM Queen Elizabeth II in 1958. And, because Schurch was still a serving soldier at the time of execution, and his grave unknown by reason it was unmarked, so his name was included on that same memorial.

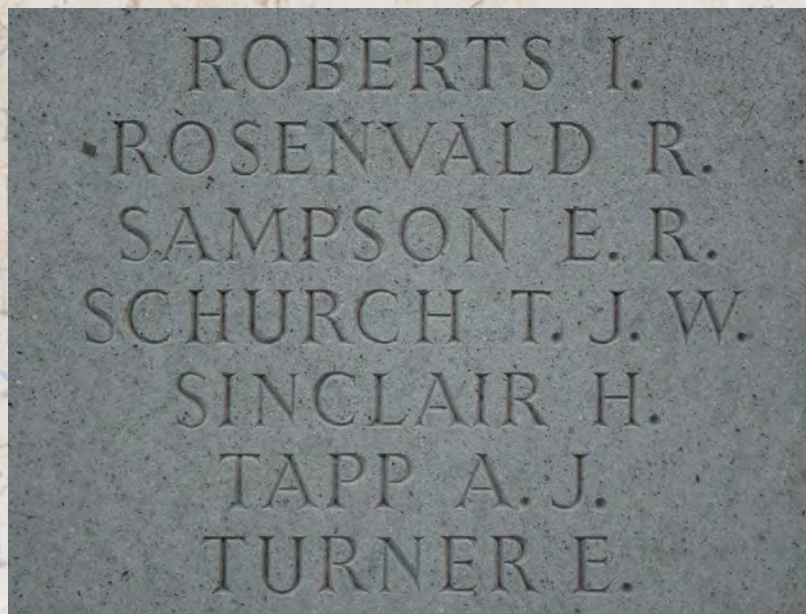
ABOVE
The gates of Pentonville Prison where Schurch was hanged.

A MISGUIDED TEENAGER

While Schurch lay buried at Pentonville, his treachery largely forgotten, two people involved in the case went on to significant post war careers. The American counter intelligence officer handling the return of their embarrassing suspect to the British, 1st Lt James Angleton, remained in Italy, liaising with the Mafia and intelligence services and >>

BELOW LEFT
The dishonourable among the honourable; Schurch's name on the commemoration tablet at Brookwood.

BELOW
Crowds clamour at the prison gates to read a confirmation of judicial execution.



RIGHT
Violette Szabo, GC, the SOE heroine who is commemorated alongside the traitor, Schurch.

coordinating covert US support for the Italian Christian Democrat Party in attempts to prevent a communist takeover of the new Italian Republic. Seen by some as the ultimate Cold War Warrior, Angleton would become the CIA's Head of Counterintelligence in 1954.

Meanwhile, back in the UK, Major Melford Stevenson would become a leading High Court Judge, acquiring a reputation for controversial comments and stiff sentencing in the process. Among the notable cases he presided over was the trial of the Kray twins. Towards the end of his career, Stevenson summed up his attitude to sentencing: "You sentence off the top of your head. If the man's a s**t, down he goes. If there's something to be said for him, you do your best not to put him inside."

Where Stevenson placed Schurch on his spectrum of villainy is a matter for speculation. However, a former colleague of Theodore Schurch in the RASC, Douglas Welsford, recalled the spy in a relatively kindly light. Posting on the BBC People's War website, Mr Welford wrote: "Despite Schurch being a traitor I continue to remember the 'Issy' I knew in those far off days as being a likeable and popular member of our unit. He had an effervescent jovial personality which would have aided him in his spying activities. However, I think he was a misguided teenager groomed and manipulated by his fascist masters."

In 1945, Martin Furnival Jones of MI5 also saw Schurch as small fry

in the Fascist pond. Writing in a memo to a colleague, Furnival Jones observed: "Had Schurch been an important member of the BUF he would, in all probability, have come previously to our notice." However, Welsford also recalled that 'Issy' Schurch could often provide the loan of a bit of extra cash, although at the time it was not clear why he seemed to be better funded than his colleagues!

CONVICTED TRAITORS AND GENUINE WAR HEROES

According to its founding charter, the Commonwealth War Graves Commission exists to remember all who died in the uniformed service of their country, regardless of rank or religion, "howsoever they died". This stipulation has been observed scrupulously since 1917 and it follows that in commemorating a convicted traitor at Brookwood, Private Theodore Schurch, the CWGC is honouring service in the uniform, not the morality, or lack of it, of the individual who wore that uniform. And certainly not the circumstances of their death. Indeed, the records make it absolutely clear that the War Office made no attempt to have Schurch dishonourably discharged before execution. He was tried, sentenced and executed as a serving soldier and no-one in Whitehall, military or civilian, seems to have seen any problem with this.

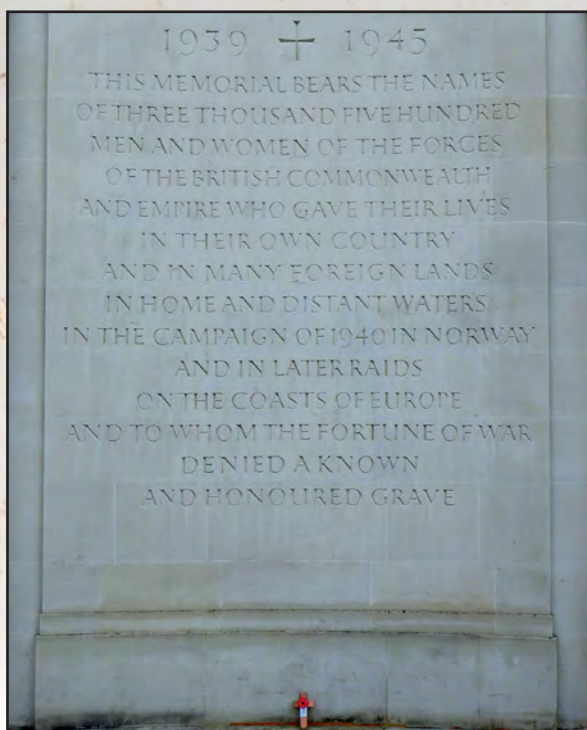
Given this, it might be concluded that sleeping dogs and the bureaucratic



decisions of 1946 should be allowed to lie. However, others, especially those whose family members are justly commemorated by the CWGC, feel differently. For them, and for convicted traitors to be commemorated alongside genuine war heroes such as George Cross holder Violette Szabo of the SOE, captured in France shortly after D-Day and executed at Ravensbruck concentration camp, it might reasonably be seen as an affront to the memory of everyone who died in uniform and did not work willingly for the enemy and get paid for it.

In that judgment, then perhaps Theodore Schurch, the self-proclaimed outsider, could be commemorated equally, but separately from those who died in more honourable circumstances. ☺

BELOW
This tablet at Brookwood explains that those commemorated were denied a 'known and honoured grave' through the fortunes of war. Schurch, however, was denied that known and honoured grave through treachery.



Executed Murderers Also Commemorated At Brookwood

As the first waves of the Allied Expeditionary Force landed in Normandy on 6 June 1944, twenty six year old Corporal Alfred Kemp of 7th Battalion, Parachute Regiment, was killed in action. As is his right as a British serviceman, he is buried with honour under a Commonwealth War Graves Commission headstone at Ranville CWGC Cemetery. At almost the same hour, 250 miles away in London, another serving British soldier named Kemp, Gunner Ernest Kemp [not related], also died and is commemorated by the same organisation; in this case, on the monument to the missing at the CWGC Brookwood Cemetery as it is also his right because he died a serving soldier with his precise resting place not marked or known.

The difference is that while Cpl Kemp was killed in action on D-Day, his namesake was executed by judicial hanging in the execution chamber of E-Wing, Wandsworth Prison, for the murder of 21 year old WAAF radar operator Miriam Deeley at Eltham.

Gunner Kemp is one of at least eighteen executed murderers who are also commemorated at Brookwood.

Trying to second guess actions and decisions of people in the past by standards of the present is always problematic and controversial, as was the case over the "Shot at Dawn" campaign which called for pardons for soldiers shot during the First World War for cowardice.

However, controversy over the murderers and one traitor commemorated alongside those who went missing in battle seems likely to continue.