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## COMMUNICATION

### THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION, THE FOREIGN OFFICE, AND THE SACHSENHAUSEN CASE, 1964–1968

GLEN O'HARA  
*Oxford Brookes University*

ABSTRACT. *This communication follows the evolution, reception, and implications of the parliamentary commissioner's critical 1968 report on Foreign Office 'maladministration' regarding compensation for British concentration camp inmates. It explores officials' and ministers' attitude to the investigative techniques associated with this new office, as well as their hostile reaction to the publicity and parliamentary controversy to which his work gave rise. It concludes by exploring the wider implications of the case, especially the inherent problems faced by governments seeking closer and more harmonious relationships with the governed.*

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#### I

In 1967 Harold Wilson's Labour government created the new office of 'parliamentary commissioner for administration' (PCA), partly modelled on the Scandinavian-style ombudsmen or grievance officials that had recently been adopted by New Zealand. It was hoped that this innovation would provide a counter-balance to a much larger, more ambitious, and in Wilson's words more 'purposive' state that would inevitably be more intrusive in the lives of individuals. Allowing a novel avenue for complaints might help to link people and parliament more closely together.<sup>1</sup> But within a year the parliamentary commissioner, Sir Edmund Compton, was involved in a pitched battle with civil servants and ministers alike. This concerned the vexed question of compensation for Second World War prisoners, and eventually became an explosive admixture of class, competence, reputation, and military experience. The 'Sachsenhausen case', as it became known, was 'by far the most celebrated case yet investigated by the Parliamentary Commissioner', as Roy Gregory and Peter Hutchesson wrote in

*Department of History, Oxford Brookes University, Gypsy Lane, Oxford OX3 0BP glen.ohara@brookes.ac.uk*

<sup>1</sup> See e.g. K. Theakston, *The Labour party and Whitehall* (London, 1992), pp. 171–3.

the mid-1970s.<sup>2</sup> G. K. Fry once wrote that, whatever else the ombudsman had achieved, Sachsenhausen was his ‘critical breakthrough’.<sup>3</sup>

A number of secondary treatments of the case are already available, for instance the semi-official history *The ombudsman, the citizen and parliament*, published in 2002.<sup>4</sup> However, Gregory and Hutchesson’s near-contemporary account had no access to government documents at all, while Gregory and Giddings’s aforementioned *Citizen and parliament* was able to scrutinize cabinet-level papers, but not departmental files. This means that the section on Sachsenhausen was written almost entirely from publicly available reports and parliamentary debates. Other accounts, for instance that of the Australian-born legal scholar K. C. Wheare in the 1970s, and the reflections of the present ombudsman, Ann Abraham, are relatively brief.<sup>5</sup> Only Susanna Schrafstetter’s work has really made good use of the raw material now available in the archives, and her focus has been on both international negotiations for compensation and the British public’s bitterness about the German contribution to the compensation regime overall.<sup>6</sup> This communication, on the other hand, will be more closely interested in the British government’s reaction to the inquiry. It will therefore draw on newly available documents at The National Archives and elsewhere as a means of disinterring one example of the electorate’s troubled and uncertain relationship with the state after 1945.

## II

In 1964, the West German government agreed to pay £1 m in compensation for ‘British victims of measures of Nazi persecution’.<sup>7</sup> It then became imperative for Whitehall to find a basis to share out this sum, the generosity of which had been limited by UK representatives’ wish to settle the issue and the compromise figure of 2,000 possible British claimants. The Conservative foreign secretary, Rab Butler, decided to narrow the scheme’s range down to save money: to what Foreign Office officials later codified as ‘detention under a certain set of circumstances typified by the concentration camp’. Simply being ill-treated, or held in poor conditions in a prisoner of war camp, would therefore not

<sup>2</sup> The best secondary account of this case is R. Gregory and P. Hutchesson, *The parliamentary ombudsman: a study in the control of administrative action* (London, 1975), pp. 416–25.

<sup>3</sup> G. K. Fry, *The administrative ‘revolution’ in Whitehall* (London, 1981), p. 173.

<sup>4</sup> R. Gregory and P. Giddings, *The ombudsman, the citizen and parliament* (London, 2002), pp. 159–72.

<sup>5</sup> K. C. Wheare, *Maladministration and its remedies: the Hamlyn lectures* (London, 1973), pp. 125–6, 132, 157; A. Abraham, ‘The ombudsman as part of the UK constitution: a contested role?’, *Parliamentary Affairs*, 61, 1 (2008), esp. pp. 214–15.

<sup>6</sup> S. Schrafstetter, “‘Gentlemen, the cheese is all gone!’ British POWs, the “great escape” and the Anglo-German agreement for compensation to victims of Nazism”, *Contemporary European History*, 17, 1 (2008), esp. pp. 41–3.

<sup>7</sup> *House of Commons debates*, fifth series (hereafter *H. of C. debs.*), vol. 696, col. 242, Butler statement, 9 June 1964.

qualify.<sup>8</sup> But there were signs of trouble with this solution to the problem even at this early stage. The long-serving Conservative MP Dame Irene Ward asked Butler when he came to brief the back-bench Foreign Affairs Committee ‘how widely the phrase “National Socialist measures of persecution” was to be interpreted’. Butler answered that ‘the decisive factor would be the treatment they had suffered’ – not at all the rules as they eventually emerged in 1965.<sup>9</sup>

Twelve inmates of the Sachsenhausen concentration camp – or their families – were refused compensation under these rules. The men had been imprisoned there for a multitude of reasons. Among them were Group Captain Harry Day, Flight-Lieutenant Sydney Dowse, Major J. B. ‘Johnny’ Dodge and Flight-Lieutenant Bertram James, all serial escapees, though Dodge had died by the time the compensation issue was opened. The Germans thought that Captain Peter Churchill and Lieutenant-Colonel John Churchill might be relatives of the British prime minister; Captain Sigismund Payne Best and Lieutenant-Colonel Richard Stevens had been kidnapped as intelligence officers on the Dutch border in 1939; the Nazis suspected Lieutenant-Colonel John McGrath of ‘trying to frustrate German efforts to recruit Irish prisoners as defectors’, though he had died shortly after the war. Four Irish soldiers captured on duty with UK forces (Cushing, Walsh, O’Brien, and Spence) held with him had indeed been prepared for just such operations before the Germans changed their minds about using them for infiltration activities. O’Brien was also dead by the time of Compton’s investigations.<sup>10</sup>

Officials based these decisions on what they thought was firm evidence. Peter Churchill’s memoir, *Spirit in the cage*, gave the impression that he had been held in the Sonderlager at one remove from the ‘main camp’, since he had written of his surprise at being held in a separate ‘pine-tree-studded enclosure of some eighty yards in length by perhaps thirty in width in which stood two low wooden huts ... this haven could not possibly be for me’.<sup>11</sup> It was on this basis that officials wrote the initial notes for ministers, pointing out that the ex-premier of France Léon Blum and his wife, and the German central banker Hjalmar Schacht, had also been held in the Sonderlager. The Britons held there had, furthermore, been provided with ‘Cambert cheeses, tins of pilchards, organs, lemons, caviare [sic], etc.’.<sup>12</sup>

Captain Best, indeed, accepted that his cell in the Zellenbau punishment blocks or ‘bunker’ ‘was a sheltered haven of peace’ compared to the horrors he would sometimes witness outside – though he made quite clear that he was inside what

<sup>8</sup> The National Archives of the United Kingdom, Kew (TNA), FCO 64/54, Foreign Office memorandum, ‘What Is nazi persecution?’, n.d. but 1964.

<sup>9</sup> Conservative party Archive, Bodleian Library, Oxford, CRD 3/10/15, Conservative Foreign Affairs Committee, minutes, 10 June 1964

<sup>10</sup> TNA, FCO 64/60, Samuel to Rodgers, 19 Jan. 1968.

<sup>11</sup> P. Churchill, *The spirit in the cage* (London, 1954), pp. 126–7.

<sup>12</sup> TNA, FCO 64/67, Foreign Office memorandum, ‘Scheme to compensate UK victims of Nazi persecution’, 6 July 1965.

he considered to be the main gates, and walking around Sachsenhausen ‘proper’, throughout his five years of incarceration.<sup>13</sup> Statements given by Dowse, Day, and Dodge on their liberation in 1945 also suggested that they had been held at one remove from the main compound, and – although shackled – not particularly ill-treated otherwise.<sup>14</sup>

The Sachsenhausen claimants were understandably furious at their treatment, and Day, Dowse, Best, and Lieutenant-Colonel Churchill appealed to the right-wing Conservative MP for Abingdon, Airey Neave, for help. Neave, himself a famous prisoner of war who had managed to get out of the notorious German camp at Colditz, took up their case: among the Sachsenhausen claimants were other escapees, including Dodge and Dowse, of his ‘Great Escape’ from Stalag Luft III. Neave began his campaign – a battle seemingly motivated by both a desire to seek justice and to embarrass the government – by seeing junior Foreign Office ministers, for instance Eirene White.<sup>15</sup> This was a rather disagreeable and bad-tempered meeting, partly because White suspected Neave’s motives, but also because of Neave’s behaviour: the civil servant present noted that he quickly ‘started name-dropping and inferr[ing] that he had wide support on both sides of the House’. White informed him that the Claims Department, the legal advisers, and two under-secretaries had looked into the matter, and she was not going to gainsay them. Only an offer to meet in person some of the veterans involved was forthcoming, and three of the complainants did later meet with White in October 1966.<sup>16</sup>

The new foreign secretary, George Brown, had only been appointed to the post in August 1966. He was initially sympathetic to Neave’s campaign. ‘It looks a bit legalistic to me. Why are we so insensitive?’, he wrote to White. She provided him with the official briefs, which once again reiterated that the men had not been inside the ‘main’ camp, and that ‘their treatment had been good compared with others’.<sup>17</sup> Three days later Brown therefore rebuffed an initial Oral Question by Neave in the Commons. The foreign secretary argued that he had looked into the question and, although ‘hon. Gentlemen opposite’ had been responsible for framing the rules, he could not bend them, however ‘gallant’ the complainants may have been.<sup>18</sup> Brown’s situation became more difficult when 275 MPs from all parties signed an Early Day Motion on behalf of the Sachsenhausen twelve. Neave had already seen Brown on three separate occasions to press his case, carrying with him both the Early Day Motion and messages of support

<sup>13</sup> S. P. Best, *The Venlo incident* (London, 1950), p. 76.

<sup>14</sup> TNA, FCO 64/56, Foreign Office memorandum, ‘Comparative statements made in 1945 and 1965’, July 1967.

<sup>15</sup> On Neave’s campaigning in general see P. Routledge, *Public servant, secret agent: the elusive life and violent death of Airey Neave* (London, 2002), pp. 14, 237–40.

<sup>16</sup> TNA, FCO 64/62, Littler memorandum, White meeting with Neave, 14 June 1966; TNA, FCO 64/67, Neave to Brown, 26 Oct. 1966.

<sup>17</sup> TNA, FCO 64/67, Brown to White, 1 Nov. 1966, White to Brown, 4 Nov. 1966.

<sup>18</sup> *H. of C. debs.*, vol. 735, col. 975, Brown, oral answers, 7 Nov. 1966.

from the Liberal leader Jo Grimond and the previous prime minister, Sir Alec Douglas-Home. Brown looked into the files twice more – making three passes through the paperwork in all – before rejecting the idea of an *ex gratia* payment that would leave the government open to compensation claims from many thousands of prisoners of war.<sup>19</sup>

Neave and his fellow campaigners decided at this point to refer their case to the ombudsman, writing to Compton during June 1967. Neave's view was simple, telling Compton that whatever the truth about the prisoners' treatment, 'Sachsenhausen Concentration Camp consisted of a *main compound* triangular in shape with a punishment Cell Block. Within the electrified barbed wire perimeter there were also two *Sonderlager* and other accommodation ... All parts of the camp were guarded by units of the SS.'<sup>20</sup> Compton was interested enough in the case to begin investigating, and set up an office for both himself and other members of his staff within the Foreign Office claims department itself.<sup>21</sup>

### III

Foreign Office officials were initially confident that they had done all they could. As one put it: 'the Foreign Office case is a very strong one ... The files will show that individual cases have been most painstakingly and sympathetically handled by Claims Department. The Secretary of State has taken a close personal interest ... and has himself been through the file on more than one occasion'.<sup>22</sup> The brief officials prepared for the PCA and his staff argued that their decisions had been 'purely factual', based on the *aide memoire* 'What is Nazi persecution?' The problem with this case was that 'inclusion inside a concentration camp' or 'truly comparable *treatment* ... where the *conditions* were comparable' were not simply 'purely factual' matters – both, and especially the second clause of the rules, demanded some judgement. Foreign Office officials concluded, indeed, that the twelve applicants had mainly been singled out for what they termed 'VIP treatment' because of the qualities or past that had brought them to Sachsenhausen in the first place. But that very reference to 'VIP treatment' showed that civil servants had looked into their treatment, and had come to the conclusion that it did not rank alongside the suffering inside the 'main compound'.<sup>23</sup>

Compton made it clear very early in his investigation that he did not believe that officials had briefed ministers properly about conditions prevailing in the 'main' part of the camp. Only two British servicemen, as opposed to civilians, survived from what the Foreign Office thought of as the central part of Sachsenhausen. Although one, a Sergeant Kemp, was very badly treated,

<sup>19</sup> TNA, FCO 64/67, Neave and other MPs to Brown, 7 Feb. 1967, Brown to Neave, 24 Feb. 1967.

<sup>20</sup> TNA, FCO 64/56, Neave to Compton, 22 Mar. 1967.

<sup>21</sup> TNA, FCO 64/58, Brooks to Hohler, 11 July 1967.

<sup>22</sup> *Ibid.*, Hohler to Gore-Booth, 12 July 1967.

<sup>23</sup> TNA, FCO 64/56, Foreign Office brief for Compton, 7 July 1967.

another, Captain J. A. R. Starr, was only employed in painting huts. This meant that while the twelve claimants had been denied assistance, another man who had been much better treated (Starr) had received compensation payments. Compton argued that ministers had not been informed of this point, which might have led to a different interpretation of the rules. One civil servant, the Foreign Office legal counsel J. L. Simpson, who had advised on legal reform in Germany after the war, risked an angry retort. 'Most of us who had been concerned with this distribution had come to it with a considerable background knowledge of conditions in concentration camps', he told Compton: this had been 'acquired through work in Military Intelligence during the war or subsequently in war crimes trials'.<sup>24</sup>

Even more senior officials were just as perturbed. Sir Paul Gore-Booth, the Foreign Office's permanent secretary, told Compton a month later that he 'could not agree that there had been maladministration in this case'. He was not accusing the 'honourable persons' complaining of lying, but simply of lapses of memory; and despite Compton's assertion that similar cases had been treated differently, the simple fact was that Starr had been in the camp, and those refused compensation had not.<sup>25</sup> Ministers, too, were angry when they saw the draft report – though, partly because they were necessarily more alive to the political implications of an open conflict with the ombudsman, they were prepared to look at compromises. Brown had initially been tempted to 'reject "maladministration"', wanting to 'take our stand with several Secretaries of State on both sides of the House', though then making an *ex gratia* goodwill payment.<sup>26</sup> His minister of state, Bill Rodgers, found the draft report 'unconvincing and superficial', and Starr's report of 'music and laughter' in the main part of Sachsenhausen deeply unconvincing given that the majority of the Britons sent to that part of the camp died there.<sup>27</sup>

Compton's report was extremely critical. It argued that the department had placed undue weight on the autobiographies – Churchill, for instance, could say nothing about the Zellenbau, for he had been in the so-called 'blister' that contained the Sonderlager to the side of the camp. The Foreign Office's defence was fatally undermined by an aerial photograph, supplied by Neave to the ombudsman, clearly showing that the Zellenbau was inside the main part of the camp, and even suggesting that the Sonderlager might also have been.<sup>28</sup> Nothing else should have been considered, Compton argued, if the men were in the camp: but since the whole installation was under the same commandant, and was treated administratively as a single unit by the Nazi authorities, there

<sup>24</sup> TNA, FCO 64/58, Simpson memorandum, 'Interview with Sir Edmund Compton', 30 Oct. 1967.

<sup>25</sup> TNA, FCO 64/57, Gore-Booth meeting with Compton, minutes, 24 Nov. 1967.

<sup>26</sup> *Ibid.*, Gore-Booth to Watts, 26 Nov. 1967. <sup>27</sup> *Ibid.*, Rodgers to Gore-Booth, 14 Nov. 1967.

<sup>28</sup> TNA, FCO 64/60, Vallat to Rodgers, 17 Jan. 1968; TNA, FCO 64/62, Smith memorandum, 'The aerial photographs of Sachsenhausen', 13 Feb. 1968.

seemed little doubt that they had been. He therefore accepted the central thrust of Neave's campaign.<sup>29</sup>

This led to what even Brown remembered as a 'peculiarly bitter debate in the House of Commons', during which he stuck to his case that he would not allow 'personal attacks on Civil Servants' and accepted 'full responsibility' himself.<sup>30</sup> Brown now accepted that the twelve applicants had been held in areas that were actually part of the concentration camp. Some officials in the Foreign Office's Claims Department disliked compensating the Sonderlager inmates, as their case was not cut-and-dried from the aerial photograph; still less because four of them were the Irishmen who had been prepared for anti-British subversion by the Germans. But accepting the view that the entire 'system' at Sachsenhausen should now be treated as a whole was the easiest and cheapest manner of accepting the justice of their cause, which meant that the Foreign Office might be able to hold the line in other cases where there was doubt.<sup>31</sup> This might have settled the matter, had the requisite apology been fulsome and unconditional.

Brown went further and was extremely intemperate in this debate, publicly criticizing Compton's behaviour in a way that ministers had never done before.<sup>32</sup> He had been infuriated by a parliamentary deputation, led by Neave but also containing the Labour MPs David Ginsburg and John Mendelson, that had visited him earlier in the day. Neave threatened to reveal what had transpired in meetings with the Foreign Office over the past year, while Brown countered that he had thought these consultations 'confidential'. Neave answered that he was considering raising the case of another 600 POWs who had been poorly treated. The conversation then grew even more heated. 'If by being generous', the foreign secretary told him, 'he was providing Mr Airey Neave with an excuse to raise the case of others then he might have to reconsider his decision on Sachsenhausen inmates'.<sup>33</sup> 'When the Ombudsman has made enough decisions', he now argued, 'perhaps we shall have an Ombudsman to look at the Ombudsman's decisions, and if he gets 100 per cent right, I shall be surprised'.<sup>34</sup>

The temperature having thus been kept up at the pitch of their meeting earlier in the day, Neave replied that he was not criticizing officials at all, but rather Brown's refusal to set up an independent investigation: 'if he had listened to hon. and right hon. Gentlemen on both sides of the House who saw him 12 months ago and asked for an impartial inquiry into this matter, we would not be here today'.<sup>35</sup> Both these arguments were relatively disingenuous. Brown was attempting to hide behind his civil servants' anonymity, rather than accept the

<sup>29</sup> PCA, *Third report for 1967/1968* (London, 1967), pp. 15–17.

<sup>30</sup> Lord George-Brown, *In my way* (Harmondsworth, pbk edn, 1972), p. 143.

<sup>31</sup> TNA, PREM 13/2274, Foreign Office to Palliser, 30 Jan. 1968.

<sup>32</sup> R. Crossman, *The diaries of a cabinet minister*, III: *Lord president of the council and leader of the House of Commons, 1966–1968* (London, 1976), pp. 661–3.

<sup>33</sup> TNA, FCO 64/61, Brown meeting with Neave, note for the record, 6 Feb. 1968.

<sup>34</sup> *H. of C. debs.*, vol. 758, col. 115, Brown statement, 5 Feb. 1968.

<sup>35</sup> *Ibid.*, col. 117, Neave in Sachsenhausen debate, 5 Feb. 1968.



criticism of his department; the PCA could not name the civil servants involved even if he wanted to. *The Spectator* accused him of ‘stretching the doctrine of Ministerial accountability to absurdity’, and in any case, the periodical asked, if Brown was indeed taking full responsibility, why did he not resign?<sup>36</sup> Neave, on the other hand, was ignoring the fact that Compton’s criticisms mostly related to events that had happened years before Brown’s own tenure at the Foreign Office, rather than referring to Brown’s usually conscientious treatment of the question since he had come to the Foreign Office in 1966.

#### IV

There was a sequel to the ombudsman’s investigation, entirely unwelcome to the government as ministers believed that paying compensation, and the catharsis of a parliamentary debate, might prove an end to the affair. Unfortunately for them, the parliamentary select committee which shadowed the PCA decided to take up the case as well. The leader of the Commons, Richard Crossman, attempted to dissuade the committee’s members – and tried to warn Brown that inflammatory rhetoric would make an investigation more likely – but to no avail. Ministers now attempted to hamper the inquiry as much as they could, for Rodgers and other ministers in the Cabinet Committee on Procedure believed that they were trying ‘to re-try a case already investigated by the Parliamentary Commissioner and then engage in a witch-hunt over certain officials’.<sup>37</sup>

The Fulton Report into the future of the civil service was about to be published at this point, and it was to recommend much more openness about the staff who actually made decisions.<sup>38</sup> Officials realized that recent trends in terms of publicizing statistics, dealing with industry and public, as well as media appearances, made some movement in this direction inevitable. William Armstrong, head of the civil service, accepted that ‘this had developed naturally over the past years’. But most also agreed with Armstrong in private that they ‘strongly share[d] ... [his] misgivings about any radical change of doctrine’.<sup>39</sup> Sachsenhausen came at the worst possible time for a civil service that was already worried about moves towards more open government. The Staff Side of the national pay and conditions negotiating machinery, and the Society of Civil Servants, effectively the trade union involved, complained bitterly that civil service anonymity would be breached.<sup>40</sup> The name of the civil servant who had written the initial briefs on the case in 1965 did indeed emerge, as Neave ‘allowed’ his fellow Conservative MP, Charles Fletcher-Cooke, to ‘drag’ the name out of him. In fact, this was what

<sup>36</sup> ‘The real scandal of Sachsenhausen’, *Spectator*, 9 Feb. 1968, pp. 3–4.

<sup>37</sup> TNA, FCO 64/61, Rodgers to Brown, 5 Feb. 1968, Samuel to O’Neill, 5 Feb. 1968.

<sup>38</sup> Cmnd. 3638, *Report of the committee on the civil service, 1966–1968*, 1 (London, 1968), pp. 93–4.

<sup>39</sup> TNA, CAB 164/640, Armstrong to other permanent secretaries, 20 Jan. 1969, Part to Armstrong, 4 Feb. 1969, Marre to Stevenson, 3 Feb. 1969.

<sup>40</sup> TNA, FCO 79/86, Barclay to Larmour, 23 Apr. 1968, Wyatt to Morrison, 26 Apr. 1968; TNA, FCO 79/87, Osmond to Hay, 30 Apr. 1968.

Compton himself called in private a ‘nauseating ... put-up job’, an arrangement which the rest of the select committee found distasteful, planned and executed by Neave and Fletcher-Cooke to put more pressure on the Foreign Office in the matter of compensation for ex-servicemen.<sup>41</sup>

MPs did eventually yield on the question of naming individual civil servants, though only after the attorney-general had seen its chairman, Sir Hugh Lucas-Tooth, and warned him that the ‘flexibility and compromise’ required to make the system work might not be forthcoming in future if the committee abused it.<sup>42</sup> The cabinet had already concluded that they could not yield on the question of civil service anonymity.<sup>43</sup> Paragraphs 439 to 444 of the select committee’s report, which would have named the official involved by printing Neave’s evidence, were struck out.<sup>44</sup> This did not stop the press coverage being, yet again, uniformly hostile to both the government and the omission of individual ‘names’.<sup>45</sup> Two months later, and just a few days after the publication of the second Sachsenhausen inquiry, Armstrong warned the select committee of the atmosphere it had created: ‘there ... is a feeling of worry and disquiet that, notwithstanding the arrangements that Sir Edmund has made, the whole thing may be re-opened again and ... individuals may be brought out into the light of day by appearing before this Committee’. Only permanent secretaries should be called to give evidence, he argued.<sup>46</sup>

The whole experience poisoned Compton’s and especially the select committee’s relationship with the Foreign Office. Gore-Booth felt driven to oppose any further concessions.<sup>47</sup> He believed the parliamentary commissioner’s staff to have behaved in a high-handed and arbitrary manner, abetted by the vague term ‘maladministration’. He told Compton that he ‘had written a Report in exaggeratedly accusatory language which had compelled Foreign Office Ministers to react adversely and to contradict the Report’. From this the select committee inquiry, and the imbroglio over evidence and civil service anonymity, had flowed: ‘Sir Edmund’, Gore-Booth reported later, ‘looked very glum and said that there was something in what I had said.’<sup>48</sup> The unnamed official pursued by the select

<sup>41</sup> TNA, FCO 64/64, Baker to Gore-Booth, 1 Apr. 1968; TNA, FCO 79/86, Gore-Booth to Rodgers, 2 Apr. 1968.

<sup>42</sup> TNA, FCO 64/64, Samuel to Beith, 3 Apr. 1968; TNA, FCO 79/86, Rodgers to Brown, 17 Apr. 1968; TNA, FCO 79/87, Samuel to Brown, 1 May 1968. He backed this up in public: ‘Anonymous civil servants rule defended’, *Evening Standard*, 15 Aug. 1968, p. 4; ‘Sir Elwyn puts case for not naming civil servants’, *Daily Telegraph*, 16 Aug. 1968, p. 5.

<sup>43</sup> TNA, CAB 129/135, Crossman memorandum to cabinet, ‘Evidence to be given to select committees’, 5 May 1968; TNA, CAB 128/43, cabinet minutes, 6 Feb. 1968.

<sup>44</sup> *First report from the select committee on the parliamentary commissioner for administration, session 1967–1968: Sachsenhausen* (London, 1968), Neave evidence, 13 Mar. 1968, p. 70.

<sup>45</sup> See e.g. ‘Foreign office in error on Sachsenhausen’, *Daily Telegraph*, 31 May 1968, p. 19.

<sup>46</sup> *Second report from the select committee on the parliamentary commissioner for administration, session 1967–1968* (London, 1968), Armstrong evidence, 29 May 1968, pp. 99–100.

<sup>47</sup> TNA, HLG 124/348, Gore-Booth to Petch, 4 Nov. 1968.

<sup>48</sup> TNA, FCO 79/86, Gore-Booth to Rodgers, 2 Apr. 1968.

committee complained that he had asked the PCA's assistant for 'advance notice of the questions so that I could brief myself, which he did not do ... as I had received no indication of the line of questioning ... I was unarmed and had to rely on memory during the interview [with the PCA].' He ended his interview feeling 'that I was being subjected to something between an interrogation and an inquisition'.<sup>49</sup>

## V

The first general point to be made about this case study is that ombudsmen met with the same complexities and dilemmas familiar from other administrative remedies to Whitehall's and Westminster's problems. Two of the key issues raised were the exact role and nature of those uncertain notions, ministerial accountability and civil service anonymity – disputed concepts that also bedevilled the whole process of 'efficient' civil service reform, the inception of more powerful parliamentary committees, and then the creation of 'standing' select committees for each department in the 1980s.<sup>50</sup> Faced with such difficulties, Compton and his immediate successors retreated a little from the more controversial individual cases – though not from a very gradual accretion of their powers vis-à-vis central government, as W. B. Gwyn has long pointed out.<sup>51</sup> Although on this occasion the ombudsman had managed to mobilize parliament and the public behind him, only three case reports were issued in the first five years of the institution's operation. The legal pressure group Justice, which had recommended the creation of the office in the first place, reported in 1977 that Sachsenhausen was one of the few instances where the PCA's actions were plainly or widely communicated to the general public.<sup>52</sup>

These conflicts highlight, secondly, some of the unintended consequences that plagued all governments' designs in the 'golden age' of fast economic growth, low inflation, and relatively generous welfare policies. For the Labour party had intended their new parliamentary officer to bring people and politicians closer together. Wilson argued in opposition that he wanted the PCA 'to humanize the administration and to improve relations between Westminster on the one hand and the individual citizen'.<sup>53</sup> But what Compton's first high-profile case actually served to do was further undermine public and experts' trust in officials' competence and honesty, as well as threatening further co-operation between

<sup>49</sup> TNA, FCO 64/58, memorandum on 'Interview with Sir Edmund Compton', 16 Oct. 1967.

<sup>50</sup> M. A. Jogerst, *Reform in the House of Commons: the select committee system* (Lexington, KY, 1993), esp. pp. 59–70, 118ff; A. Blick, 'Harold Wilson, Labour and the machinery of government', *Contemporary British History*, 20, 3 (2006), pp. 343–62.

<sup>51</sup> E.g. W. B. Gwyn, 'The British PCA: "ombudsman" or "ombudsmouse"', *Journal of Politics*, 35, 1 (1973), esp. pp. 59–60; idem, 'The ombudsman in Britain: a qualified success in government reform', *Public Administration*, 60, 2 (1982), esp. p. 183.

<sup>52</sup> Justice, *Our fettered ombudsman* (London, 1977), p. 27.

<sup>53</sup> Harold Wilson papers, Bodleian Library, Oxford, MS Wilson c. 893, 'Speech at Stowmarket, Suffolk, 3 July 1964'.

ombudsman, select committee, and civil servants. The press coverage of this incident was particularly damaging, and acutely felt, in a Foreign Office that had always seen itself as the most prestigious part of the civil service.<sup>54</sup>

The Sachsenhausen controversy erupted at exactly the same time as the government was reeling from the devaluation of sterling in November 1967, and public faith in the continued power and efficacy of the state was being called into question.<sup>55</sup> The parliamentary commissioner's contest with the permanent administration came to be seen popularly as another example of apparently good intentions and high but thwarted ambitions – the third and most general issue raised by Sachsenhausen.<sup>56</sup> These are, of course, some of the core and perennial problems of governance itself, felt just as much in the relatively neo-liberal 1980s and 1990s as they had been in the 1960s.<sup>57</sup> But it might be just as well to be reminded of these long-standing quandaries and complexities at a moment of multiple and profound scepticism as to the good faith – rather than just the decisions – of politicians in all parties.

<sup>54</sup> P. Hennessy, *Whitehall* (London, 2001 pbk edn), pp. 398–407.

<sup>55</sup> D. Blaazer, ‘“Devalued and dejected Britons”: the pound in public discourse in the mid-1960s’, *History Workshop Journal*, 47 (1999), pp. 121–40.

<sup>56</sup> On ‘unintended consequences’ in UK economic policy, see e.g. A. Hasel, ‘The governance of the employment–welfare relationship in Britain and Germany’, in B. Ebbinghaus and P. Manow, eds., *Comparing welfare capitalism: social policy and political economy in Europe, Japan and the USA* (London, 2001), pp. 146–69.

<sup>57</sup> For very similar paradoxes in the market-orientated government systems of the 1980s and 1990s, see most recently R. A. W. Rhodes, ‘Understanding governance: ten years on’, *Organization Studies*, 28, 8 (2007), pp. 1243–64.