

DEPARTMENT OF STATE
DIVISION OF
INTERNATIONAL COMMUNICATIONS

January 5, 1944.

Lieutenant Drury:

Attached are two copies of despatch no. 34 from Cape Town, South Africa entitled "Assault committed on board the S.S. EDWARD BELLAMY by Gordon A. Brown, American Seaman" together with two sets of signed copies of sworn statements of seven persons.

V. Schulda
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Attachments.

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Drury
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IN

American Consulate General
AMERICAN CONSULATE GENERAL

Cape Town, South Africa, December 7, 1943.

SUBJECT: Assault committed on board the S.S. EDWARD
BELLAMY by Gordon A. BROWN, American Seaman.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

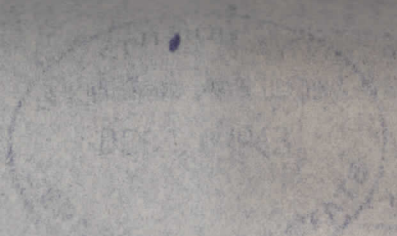
SIR:

I have the honor to transmit herewith a memorandum prepared by Vice Consul Beyer, together with copies of sworn statements of seven persons, on an investigation conducted on November 15, 1943 by the Consulate General into an alleged assault committed on board the S.S. EDWARD BELLAMY on November 13, 1943, on the Chief Officer of the vessel, Herbert L. Lelo, by Gordon A. BROWN, oiler.

It was the opinion of the Consulate General that sufficient evidence existed to warrant submission of the case for possible trial of Brown under R.S. 4596 (46 U.S.C. 701) by the appropriate authorities in the United States upon his return. Owing to the fact that the vessel was not equipped to carry Brown as a prisoner, and was outward bound, together with the possibility that if he were kept in confinement on board his life might be unduly endangered in the event of enemy attack on the vessel, it was agreed by all parties concerned that Brown sign off of the articles by mutual consent and be repatriated at the earliest possible date in order that he might be on hand in the United States upon the return of the witnesses who remained on board the S.S. EDWARD BELLAMY should the appropriate authorities be prepared to prosecute. Accordingly Brown was paid off by mutual consent on November 16, 1943, and is at present in Cape Town awaiting an opportunity to sign on a vessel bound for the United States.

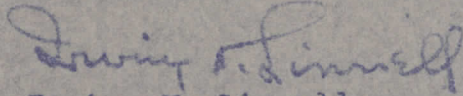
The Consulate General will report by telegraph

the ..



the date of Brown's departure from Cape Town and the vessel on which he will be traveling to the United States.

Respectfully yours,



Irving N. Linnell
American Consul General.

Enclosures:

1. Memorandum.
2. Sworn Statement of Gordon Brown.
3. Sworn Statement by Herbert L. Lelo.
4. Sworn Statement by Hugh R. Moore.
5. Sworn Statement by Henry A. Lesky.
6. Sworn Statement by Patrick Cahagan.
7. Sworn Statement by Joseph T. Townsend.
8. Sworn Statement by W.D. Killops.

Distribution:

Original to Department of State,
1 copy for the Consulate General, Johannesburg,
1 copy for the Recruitment and Manning Officer, War Shipping
Administration, Cape Town.
1 copy for the files of this office.

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Despatch No. 34 from Consul General Irving N. Linnell,
South Africa, dated December 7, 1943, on the subject of: Assault
on board the S.S. EDWARD BELLAMY by Gordon A. BROWN, American
Seaman.

American Consulate General,
Cape Town, South Africa.

December 7, 1943.

Memorandum.

On the morning of Monday, November 15, 1943, Captain Jorgenson of the S.S. EDWARD BELLAMY appeared at the Consulate General and reported that on the previous Saturday afternoon Gordon A. Brown, oiler, had assaulted the Chief Mate, Herbert L. Lelo. He requested my advice as to what action to take. I advised him that the proper procedure would be to hold a hearing to determine the facts of the case as far as possible and that a decision could then be taken. The Master agreed and it was arranged that the hearing would be held on board that afternoon at three o'clock.

Accordingly Mr. Linnell, Consul General, and I went on board at three o'clock. We were accompanied by Captain Patrick A. Cavanaugh, Port Representative of the United States War Shipping Administration, and Mr. Joseph Brown, representative of the Recruitment and Manning Division of the War Shipping Administration, who attended the hearing as observers.

Each of the following witnesses were interviewed separately and short summarized statements of their testimony were taken and subsequently sworn to: Gordon A. Brown; Herbert L. Lelo; Hugh B. Moore, member of the U.S. Navy gun crew; Henry A. Lesky, Ordinary Seaman; Patrick Gahagen, member of the gun crew; Joseph S. Townsend, Jr., Oiler; and W.D. Killops, Stevedore Superintendent for Sturrocks (Cape) Ltd., agents of the vessel. These statements are enclosed herewith.

As nearly as could be ascertained it seems that what happened on the afternoon of November 13, 1943, is as follows: Brown and Townsend upon returning to the vessel from town heard that several crew members had been given additional draws, so they decided to go up to see the Chief Mate about getting more money for themselves. Brown had been drinking, and in his own statement says that he was "pretty drunk". The other witnesses stated that it appeared that he had been drinking but none of them were prepared to swear that he was actually drunk. Townsend and Brown were told by the Chief Mate, Mr. Lelo, that it was impossible to give them any more money then because the Master had gone ashore and everything was locked up. There was no argument or trouble at this stage of the proceedings, and both Brown and Townsend said at the hearing that they hadn't been very serious about getting more money but thought they might have a try at it.

At this point Henry A. Lesky came along, and the

Chief ..

Chief Mate started speaking to him. Apparently Lesky had been ashore for a couple of days without permission and the Chief Mate told him that he had advised the harbor police to pick him up and return him to the ship as soon as possible. He then asked Lesky to give up his pass, which Lesky did without argument or controversy. It will be noted from Lesky's sworn statement that he bore no grudge against the Chief Mate for this treatment and in the hearing he stated that what had passed between the Mate and himself was their business only and that he had no objection to anything the Mate had said to him.

Brown and Townsend had been standing by while this conversation took place between Lesky and the Mate, and Mr. Killops, the Stevedore Superintendent who was supervising the discharging of the cargo, was also present. At this point Brown entered into the conversation, taking exception to a statement made by the Mate to Lesky. Brown stated that he had only a vague recollection of what happened but he thought that the Mate had said something to him. At any rate the Mate told Brown that what he had told Lesky had nothing to do with him and that he should go to his quarters. Brown apparently then became abusive and struck the Mate several times.

At this point it might be useful to give some impression of the personalities involved as they seemed to us at the time of the hearing. Mr. Lelo, the Chief Mate, appeared to be a friendly and mild enough sort of man, and none of the crew had anything adverse to say about him. In fact, the ship was generally spoken of by all as a "happy ship", i.e. there appeared to be no atmosphere of personal hatreds or dislikes and no clashing of personalities. Townsend appeared to be good friends with Brown and it seemed to us at the hearing that he was doing his best to protect Brown. But Townsend did not seem to be overly intelligent or alert and in general made a poor impression as a witness. At one stage of the hearing, for example, he was asked whether he thought that Brown, at the time, was rational. His answer was "no, he appeared to be alright," or words to that effect. Brown, himself, appeared to be a bit sullen and I had the impression that he was being intentionally vague. When ever a specific question was put to him he would give the reply that he didn't remember or didn't know, although it was possible to pin him down to certain specific statements in the end.

In view of the impression made by the witnesses we at the hearing came to believe that Brown did actually strike the Mate several blows at that time, although Brown and Townsend maintained that he only struck at the Mate, missing him and hitting the bulkhead behind the Mate. Mr. Killops said, in the course of the questioning, that had that been the case Brown would have struck him since he was directly behind the Mate.

What happened thereafter is more generally agreed upon. The Mate went below to the main deck (above controversy had taken place in the alleyway in the officers' quarters) to summon the police. Brown and Townsend followed him down.

1 to Despatch No. 34 from Consul General Irving N. Linnell,
Durban, South Africa, dated December 7, 1943, on the subject of:
AIR MAIL Assault committed on board the S.S. EDWARD BELLAMY by Gordon
A. BROWN, American Seaman.

- 3 -

Whether Brown went into his room or not for a few minutes, as he states, does not seem to be material. What is generally acknowledged is that when Brown discovered that the Mate was about to call the police he felt that he might as well do a good job of beating up the Mate so he attacked him again. He admitted freely, although cautioned to take care in his own statements, that he hit the Mate first and that the only fighting done by the Mate was in self-defense. This was born out by the witnesses to the second stage of the assault and by the physical appearance of the men themselves on Monday; the Mate having obviously been hit hard several times in the face and Brown with no signs of any blows on his face. The fight was stopped by members of the gun crew, although Townsend claims to have assisted in breaking it up.

When the police arrived the Master, who was then on hand, was told that if Brown were turned over to them and charged with assaulting an officer before a Magistrate's Court he would be fined only a very small amount of money and released. Accordingly when the Second Assistant Engineer offered to be responsible for Brown's behavior, the Master decided not to turn him over to the Police but to seek the assistance of the Consulate General in the decision of what penalty should be applied.

It was felt that good evidence of assault of an officer existed in this case and that the offense was sufficiently serious to warrant action being taken. Since Brown would have to be tried by a court in the United States before he could be found guilty and the penalties prescribed by law enforced, we were faced with the problem of how to arrange matters so that the appropriate authorities in the United States would be able to take action if they took the same view of the evidence that we did. The matter was discussed with Brown, and it was decided by all concerned, including the Master, that the best course would be if Brown were to sign off by mutual consent. It was not thought advisable to charge him there and then with assault and require the Master to carry him back to the United States for possible trial as a prisoner, for the vessel did not have suitable accommodations to carry a man as a prisoner, and the risks in the event of an enemy attack would be very great if he were in confinement. In any event the vessel was due to proceed to another port for final discharge and it was not known what her next assignment would be. It was agreed by the representatives of the War Shipping Administration present that they would assist in every way possible to enable Brown to return to the United States before the EDWARD BELLAMY returned so that if it was desired to proceed with a trial the witnesses could be reached before they dispersed.

It is felt that, whether or not Brown is actually placed on trial for assault, thought should be given by the appropriate authorities to the question of whether such a seaman

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Despatch No. 34 from Consul General Irving N. Linnell
South Africa, dated December 7, 1943, on the subject of:
Assault committed on board the S.S. EDWARD BELLAMY by Gordon A. BROWN,
American Seaman.

AIR MAIL

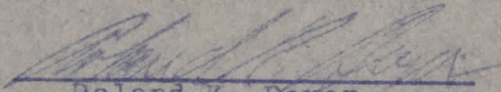
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is a proper person to be allowed to continue to go to sea. The presence of persons of his type on board vessels in wartime is most detrimental to the successful operation of the merchant marine and serves to strain the tenuous fabric of merchant marine discipline to the limit. If Brown escapes scot-free upon his return to the United States that fact will become widely known among seamen and officers and the results are likely to be unfortunate on other vessels and in other crews.

NOTE.

Although it has no direct bearing upon whether or not Brown was guilty of assault in this case it might be useful to add that Brown stated that he had served a sentence of nine months and ten days in El Central, California, county jail for negligent homicide in an automobile accident on March 20, 1942. He said that he had been drunk at the time. He also stated that he had been in the United States Navy before that and had been given a dishonorable discharge because he had gone "over the hill" for about thirty days. He had done this, he said, because he was tired of the Navy and wanted to get into the merchant marine where there was more money to be had. He said that in 1941 and 1942 he had served on two Standard Oil Company west coast tankers, H.M. STORY and W.S. RHEEMS, and that before joining the EDWARD BELLAMY he had served on the IRVING MCDOWELL, a MacCormack line vessel, paying off in July, 1943. It will also be noted that several of the witnesses mentioned that Brown had boasted about knifing people in fights, although he denied this when questioned during the hearing.

It is apparent that Brown's record has not been a good one and this may give some clue to his character. At any rate it is thought this background might be useful in determining what action should be taken in his case.


Roland K. Beyer,
American Vice Consul,
Cape Town.

No. 2 to Despatch No. 34 from Consul General Irving
Linbell, Cape Town, South Africa, dated December 7, 1943,
on the subject of: ~~Asst. Chief Mate~~ on board the S.S. ~~SAVANNAH~~
SAVANNAH by Gordon A. Brown, American Seaman,
Cape Town, South Africa.

November 15, 1943.

Union of South Africa,
Province of the Cape of Good Hope,
City of Cape Town,
Consulate General of the United
States of America.

The undersigned, Gordon BROWN, a citizen of the United States of
America, being first duly sworn, on oath deposes and says:

On the afternoon of November 13, 1943, I was pretty drunk and
together with Townsend went to Chief Mate to get another draw. I was
standing in the alley-way not having talked to the Chief Mate about
the draw. Leskey and Chief Mate and Townsend came back to where
I was standing. The Chief Mate was talking to us and said something
about he ought to have us put in gaol. I told him we were aboard an
American vessel and I didn't think he could have us put in gaol. He
told me to shut up and go to my room. I guess I told him I ought to
hit him but that he was an officer and I couldn't. He said "come on
and hit me - come on and hit me", so I attempted to but missed him and
hit the bulkhead. Then I walked down the ladder and went to my room.
The Chief Mate followed me down and stood outside my room by the ladder
and threatened to call the police. I figured that if he were going to
make that trouble for me I might as well hit him some more. I went
out and hit him several times, and I went back to my room and went to
bed. No members of the crew stopped me or took me to my room. He did
~~not~~ try to defend himself but I had hit him first.

I didn't know the Chief Mate from the Second Mate when they were
apart.

Gordon Brown
Gordon BROWN, Oiler.

Subscribed and sworn to before me this 15th day of November, 1943.

Roland K. Beyer
Roland K. Beyer
Vice Consul of the United States
of America, Cape Town, South Africa.

Despatch No. 54 from Consul General Irving
Cape Town, South Africa, dated December 7, 1943,
subject of: Assault committed on board the S.S. ALPHEA
by Gordon A. BROWN, American Seaman.

AFFIDAVIT.

Cape Town, South Africa.

November 15, 1943.

Union of South Africa,
Province of the Cape of Good Hope,
City of Cape Town,
Consulate General of the United
States of America.

The undersigned Herbert L. LELO, a citizen of the United States of
America, being first duly sworn, on oath deposes and says:

On the afternoon of November 13, 1943 I had just come out of Second
Mate's room after telling Brown and Townsend (fireman) that it was not
possible to give them a draw until the next day since the Master had gone
ashore and the money was locked up. As I came out of the room I met Henry
Leskey, O.S., and told him his shore leave was cancelled owing to his
absence from the ship without leave for two days, and also that I had
told the dock police to pick up his dock pass and hold him. Brown and
Townsend were standing a little bit down the passage way. Brown took
exception to what I had told Leskey, stating that it was a dirty trick. I
told Brown not to interfere in my business and to go below to his quarters.
He then used abusive language and threatened to attack me, calling me a
"school-boy mate", and stating he would "beat my ears off", and threatening
me. When I ordered him below again he struck me several times with fist.
I went below to summon assistance and help and Brown followed me down
saying that as long as he had gone that far he would do a good job of it.
He also threatened to get a knife. While below he attacked several times
and the crew interfered and took him to his focsle. Brown said during the
struggle that he had attacked two men previously with knives and gotten
away with it. He also threatened to attack me at sea later if I preferred
charges against him. He had been ashore just before this incident and may
have been drinking but did not appear to be drunk.

I had had no previous contact with Brown since he was not in my
department.

Dated at Cape Town this 15th day of November, 1943.

Herbert R. Lelo

Herbert L. LELO, acting
Chief Officer.

Subscribed and sworn to before me this 15th day of November, 1943.

Roland K. Beyer

Roland K. BEYER,
Vice Consul of the United States
of America, Cape Town, South Africa.

Enclosure No. 4 to Despatch No. 34 from Consul General Irving
N. Linnell, Cape Town, South Africa, dated December 7, 1943,
on the subject of: Assault committed on board the S.S. EDWARD
BELLAMY by Gordon A. BROWN, American Seaman.

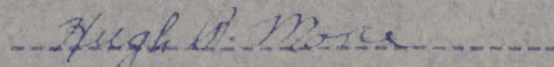
AFFIDAVIT OF HUGH R. MOORE.

Cape Town, South Africa,

November 15, 1943.

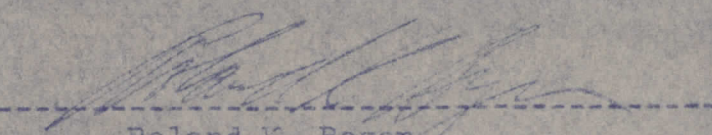
I was present when G. BROWN attacked the
Chief Officer; he was using abusive language and
threatened to knife him.

G. BROWN attacked him several more times while
we were trying to stop him. He made statements
of previously wounding other men with knives. I'm not
sure whether he was drunk.



Hugh R. Moore.

Subscribed and sworn to before me this 15th. day of
November, 1943.



Roland K. Beyer,
Vice Consul of the United States of America.

Enclosure No. 5 to Despatch No. 34 from Consul General Irving
F. Linnell, Cape Town, South Africa, dated December 7, 1943,
on the subject of: Assault committed on board the S.S.
EDWARD BELLAMY by Gordon A. BROWN, American Seaman.

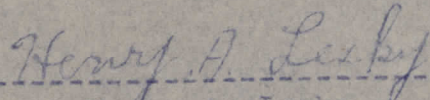
AFFIDAVIT OF HENRY A. LESKY.

I was present when the Chief Officer was
attacked on board ship.

The Chief Officer was talking to me when
G. BROWN interrupted and used very abusive
language to the Chief Officer for cancelling my
shore leave.

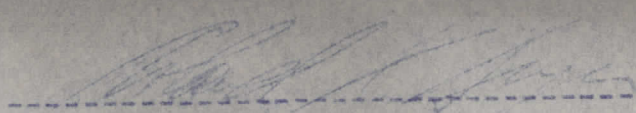
The Chief Officer ordered him to go below
to his quarters and G. BROWN attacked him hitting
him several times with his fists.

The Chief Officer then went below to summon
assistance to control G. BROWN and Brown followed
him below and again attacked the Chief Officer
several times. He threatened to get a knife from
the galley and stab the Chief Officer and also
threatened to attack him at sea if any charges were
preferred against him. He made mention at this time
of previously wounding other men with knives.



Henry A. Lesky.

Subscribed and sworn to before me this 15th.
day of November, 1943.



Roland K. Beyer,
Vice Consul of the United States of
America.

Enclosure No. 6 to Despatch No. 34 from Consul General Irving N. Linnell, Cape Town, South Africa, dated December 7, 1943, on the subject of: Assault committed on board the S.S. EDWARD BELLAMY by Gordon A. BROWN, American Seaman.

AFFIDAVIT OF PATRICK GAHAGAN.

Cape Town, South Africa,

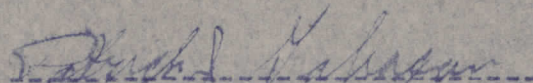
November 15, 1943.

I was present when G. BROWN attacked the Chief Officer on board ship.

My first knowledge of anything wrong was when Mr. Lele came down to the main deck intending to get some assistance to control G. BROWN.

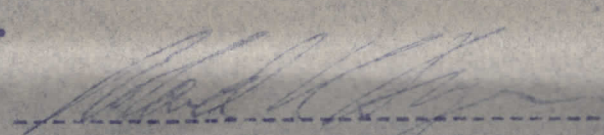
G. Brown attacked the Chief Officer several times as while he was attempting to summon assistance and threatened to knife him. He made mention at this time of previously wounding others.

We separated Brown and Lele having to use force to do so. (Moore and I). After we separated them Brown again struck the Chief Officer, and a member of the black gang led Brown to his room. I couldn't tell whether Brown was drunk or not.



Patrick Gahagan.
Seaman, 1st class.

Subscribed and sworn to before me this 15th.
day of November, 1943.


Roland K. Beyer.
Vice Consul of the United States
of America.

Despatch No. 34 from Consul General [redacted]
Cape Town, South Africa, dated December 7, 1943,
the subject of assault committed on board the U.S. S.S. and
MILAN of Gordon L. BROWN, American Seaman.

AFFIDAVIT.

Cape Town, South Africa.

November 15, 1943.

Union of South Africa,
Province of the Cape of Good Hope,
City of Cape Town,
Consulate General of the United
States of America.

The undersigned Joseph S. TOWNSEND, a citizen of the United States of America, being first duly sworn, on oath deposes and says:

On the afternoon of November 13, 1943, we asked the Chief Mate for a draw and were told it was too late. The Chief Mate then spoke to Leskey asking him for his pass since he had overstayed his leave. I think Brown then spoke to me. The Chief Mate apparently thought the remark had been made to him and told Brown "to shut up or I'll have you put in gaol too." An argument started and Brown got angrier and made a pass at the Chief Mate, missing him. They then went below. Brown went into his room, and then came out again and they got into a fight. I had not been drinking but Leskey and Brown were pretty well drunk. I know Brown quite well and think he is a "right guy".

I am pretty positive but not certain that the Chief Mate went downstairs first to call the police and then Brown came down a little later.

I helped to stop the fight on the main deck.

Dated at Cape Town, South Africa, this 15th day of November, 1943.

Joseph S. Townsend Jr.
Joseph S. TOWNSEND, ~~Steward~~ Jr., Oiler

Subscribed and sworn to before me this 15th day of November, 1943.

Roland K. Beyer
Roland K. BEYER,
Vice Consul of the United
States of America, Cape Town,
South Africa.

Enclosure No. 8 to Despatch No. 34 from Consul General
Irving M. Linnell, Cape Town, South Africa, dated
December 7, 1943, on the subject of: Assault committed on
board the S. S. EDWARD BELLAMY by Gordon A. BROWN, American
Seaman,

AFFIDAVIT OF W.D. KILLOPS.


I was present when G. BROWN attacked the Chief
Officer in the starboard passageway of the officers'
quarters on or about four p.m. November 13, 1943.

G. Brown was ordered below by the Chief Officer
and upon being so ordered became very abusive and
threatened to attack the Chief Officer.

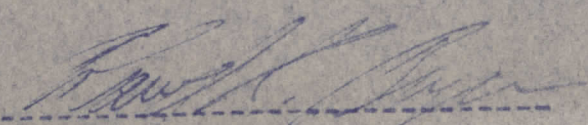
G. Brown then struck the Chief Officer several
blows with his fists and the Chief Officer then went
below to summon assistance and G. Brown followed him
below and resumed the attack.

This attack was unprovoked and I think that
G. Brown should be penalized.

G. Brown had apparently been drinking before
he returned aboard ship.


.....
W.D. Killops,
Stevedore Superintendent,
Sturrock (Cape) Limited.

Subscribed and sworn to before me this 15th. day
of November, 1943.



Roland K. Beyer,
Vice Consul of the United States of
America.