

CONFIDENTIAL

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EMD

Melbourne, Australia, August 28, 1943.

SUBJECT:

Disciplinary Measures against Otto Larsen and Walter Connors, Seamen.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON

SIR:

I have the honor to report that following an investigation by a U.S. Military Board, it ordered Otto LARSEN and Walter CONNORS, Chief Officer and 1st Assistant Engineer, respectively, of the s.s. KEY PITTMAN, to be taken ashore and remanded for trial. The vessel was owned by the War Shipping Administration, was operated by Coastwise (Far East) Service, and was loading army supplies.

The facts of the case are as follows: On August 18, 1943, the Master and Chief Engineer called at the Consulate to lodge complaints of insobriety, insubordination and indifference to duty against the Chief Officer and the First Assistant Engineer.

In view of the fact that the Commanding Officer of the U.S. Army stationed in Melbourne had repeatedly requested the Consulate to bring to his attention all cases of serious insubordination and failure to perform duty by members of crews of vessels chartered to the United States Army or carrying army supplies and, further, in view of the circular instruction to Masters issued by the Army Transport Service USASOS, Melbourne, which outlined military jurisdiction over crews of certain vessels, the Army Transport Service of the U.S. Army Base was informed of the character of the complaints against the two ship's officers.

A Board of military officers was appointed to investigate the case on board the s.s. KEY PITTMAN. On August 20, 1943, Lieutenant Colonel Henry A. Geerds, Transportation Officer of the USASOS, Melbourne, called at the Consulate and furnished a letter which stated that the Board had recommended that the Chief Officer and the First Assistant Engineer be removed from the vessel, placed in the custody of the United States Army

and

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and remanded for trial, in the interests of security and discipline. A copy of the communication from Lieutenant Colonel Geerds is attached hereto, together with a copy of the circular instruction issued to shipmasters by the Army Transport Service, USASOS, Melbourne.

Having received assurances from the Master that he could make suitable adjustments both in the deck and engine room departments so that there would be sufficient officers on duty at all times, the vessel was cleared for New Zealand with full army cargo on August 22, 1943. A copy of the Master's letter to the Consulate dated August 20, 1943, explaining the adjustments he would make among the officers and expressing his confidence that the ship would be adequately manned, is attached.

In order that the Consulate's files may be complete concerning the dispositions of Chief Officer Larsen and First Assistant Engineer Connors, I have requested the Commanding Officer of the U. S. Army, Melbourne, to furnish me with a report on this case. If the report is forthcoming a copy thereof will be forwarded to the Department in due course.

Respectfully yours,

C. J. Spiker
C. J. Spiker
American Consul General

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RHH/jwp

Enclosures:

Copy of Letter from Lieut.-Col. Henry A. Geerds.
Copy of Circular Instruction issued to Ship Masters.
Copy of Letter from Master of the s.s. KEY PITMAN.

Enclosure no. 1 with despatch no. 8 dated August 28, 1943, from American Consulate, Melbourne, Australia:

Copy of letter from Lieut. Colonel Henry A. Geerds, Transportation Officer, U.S.A.S.O.S., Melbourne, dated August 20, 1943.

The American Consul General,
American Consulate,
Melbourne, Australia.

Sir:

The First Mate Otto Larsen and the First Engineer Walter Connors having been charged with insobriety, insubordination and indifference of duty by the Master and Chief Engineer of the s.s. KEY PITTMAN at the Consulate I appointed a board of officers to investigate said charges. This board took the evidence aboard the s.s. KEY PITTMAN and after weighing same recommended that charges be placed against them under the 96th Article of War. Whereupon an investigating officer was appointed by the Base Commander to investigate said charges. The board of officers and the investigating officers and the Superintendent of Army Transportation all concurred in the recommendation that in the interest of security and discipline Otto Larsen and Walter Connors be removed from the vessel and placed in the custody of the United States Army and remanded for trial. Accordingly the Provost Marshal caused these men to be placed in confinement in the Military Stockade on August 19, 1943 of Base Section 4. Inasmuch as these men are officers of the ship it is advisable that such matters as pertaining to the ship's articles and appointment of vacancies be made by your office prior to the sailing of the ship.

(Signed)

Henry A. Geerds
Lt. Colonel, Inf.
Transportation Officer
BSD. APO. 924

Enclosure no. 2 with despatch no. 8 dated August 28, 1943,
from American Consulate, Melbourne, Australia:

Copy of instructions issued to Masters of vessels by the Army
Transport Service, U.S.A.S.O.S., Melbourne, Australia:

HEADQUARTERS 22nd PORT (T.C.) AND BASE SECTION FOUR
UNITED STATES ARMY SERVICES OF SUPPLY

ARMY TRANSPORT SERVICE

APO 924.

BSDAT 250.4

SUBJECT : Authority of Commanders and Jurisdiction of Military Tribunals
of United States with respect to crews of Merchant Vessels.

TO : Master, S.S.

1. By the laws of the United States, all persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States in time of war are subject to the military jurisdiction of the United States. The words "in the field" refer both to land or water, and any place apart from permanent cantonments or fortifications where military operations are being conducted.

2. Military tribunals (courts-martial) of the United States have jurisdiction not only over Army transports, but also over the crews of vessels, American and foreign, which are within a Base or military area, or are carrying cargo (material or personnel) in connection with military or naval operations of the United States in the war. When an offence can be conveniently tried by a judicial court, military jurisdiction will not be asserted, but an offense committed abroad and of a nature to interfere with the operations of the Army or the Navy in the prosecution of the war may be tried by military tribunal of the United States.

3. Such a military tribunal has power to punish all ordinary crimes and misdemeanors, such as murder, larceny, assault and battery, etc.; maritime offenses such as revolt on shipboard, or refusal to obey the orders of the ship's officers. When the armies of the United States are serving overseas they carry with them the power to preserve their own security and repress all interference with the accomplishment of their mission. The commanding officer of an oversea force may make and enforce regulations for this purpose.

4. The Supreme Court of the United States has held that a persistent and deliberate refusal by seamen to perform their duties in making their ship ready for departure from port amounted to a "revolt or mutiny" within the meaning of the laws of the United States. Acts of violence are not a necessary part of the crime; any resistance to the captain or other officers in the free and lawful exercise of their authority and command would constitute a crime.

5. Further details of the provisions of law and regulations mentioned in the latter part of paragraph 3 above may be obtained from the local American Commander at any port.

6. You will, as soon as practicable, upon receipt of this communication, transcribe such portions as you think necessary and post the transcriptions on the bulletin boards aboard your vessel, over your signature.

By Order of Colonel GALWEY,

(Signed)

FRANK D. MORGAN,
Major, A.G.D.,
Adjutant.

Enclosure no. 3 with despatch no. 8 dated August 28, 1943, from American Consulate, Melbourne, Australia:

Copy of letter from Captain Alff S. Hansen, Master S.S. "Key Pittman".

The American Consul General,
American Consulate,
Melbourne, Australia.

Sir:

The United Army, Melbourne informed me that Otto Larsen, Chief Officer and Walter Connors, First Assistant Engineer were taken from my vessel to be placed under military arrest and that they would not be returning thereto. They inquired concerning what arrangements I could make to replace the two officers. I reported that since Fred Steen, Second Mate possesses a Mate's license I would promote him to the position of Mate. John Salsbury, 3rd Mate, has no 2nd Mate's license but he could competently fill the position of 2nd Mate so I shall promote him to Acting 2nd Mate. August Sandretti, Cadet, has proven himself willing and I believe is able to take the position of Acting 3rd Mate. As Master I shall stand watch at the same time as the Acting 3rd Mate. With regard to the engine room Howard Huddle, 2nd Assistant Engineer possesses a First Assistant Engineer's license and I shall promote him to that position. The 3rd Asst. Engineer John Sterling has no 2nd Assistant Engineer's license but he is able to take that position so he will be promoted to Acting 2nd Assistant Engineer. The Engineer Cadet, Stanley Neufeld, has no 3rd Assistant Engineer's license but he will be Acting 3rd Assistant Engineer. The Chief Engineer will stand the watch with Mr. Neufeld.

With these adjustments I am quite confident that the ship will be perfectly manned.

(Signed)

Alff S. Hansen
Master