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AMERICAN CONSULATE

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Bombay, India, 9 October 16, 1943.
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SUBJECT: Court Martial of Merchant Seamen Employed
on the s.s. MARIPOSA

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to enclose, for the Department's information and with the thought in mind that the Department may wish to inform the Consulate with reference to the extent of Army authority over American merchant vessels, a memorandum concerning the court martial at Bombay, on board the s.s. MARIPOSA, of two merchant seamen.

It will be noted that the Consulate has taken no cognizance or action in the case at instance other than to ascertain the facts, for transmittal to the Department. It is hoped that the Consulate's action, which was premised on the grounds that any interference on the part of this office would tend to break down discipline on the MARIPOSA and possibly create an unfavorable precedent for the future, meets with the Department's approval.

It is believed that the court martial held at Colonel Burr's direction, understood to be the first of its kind which has taken place on the MARIPOSA, will have a salutary effect in maintaining discipline on board the vessel in the future, and that the beneficial repercussions of the incident may extend eventually to other merchant vessels. The unfortunate part of the incident appears to lie in the fact that the merchant seamen on board the vessel were apparently unaware that Army discipline might be extended to them; it appears certain that neither Lecnetti nor Heinzl would have

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committed the breaches of discipline attributed to them if they had realized that they might thereby incur the risk of disciplinary action.

The subject of discipline on American merchant vessels is clearly one of serious concern to all consular officers at sea ports, especially at the present time. In recent conversations with responsible officers of the Navy and Coast Guard, it has been ascertained that the Navy considers that Navy discipline extends to all American merchant vessels afloat, although it is understood that for certain practical purposes the Navy has generally refrained from exercising such authority or even from bringing the existence of such authority to the attention of American merchant seamen. It would appear desirable that merchant seamen, if in fact subject to Army and/or Navy discipline, be informed of this fact and warned that misconduct on their part may bring retributive action. There have recently been various instances of breaches of discipline, amounting in certain cases to gross misconduct, on the part of merchant seamen at ports in this general area and the apparent inability of Masters to exercise the necessary disciplinary control has been all too frequently noted. Masters complain that logging no longer has any salutary effect, in view of the high wages, bonuses, et cetera, which seamen now receive, and further state that their efforts to maintain discipline are often nullified by the action of the Shipping Commissioners in remitting fines and by the Coast Guard in refusing to give due weight and consideration to the reports and recommendations of Masters and consular officers alike. This office is obviously in no position to offer comment on the actions or policies of Shipping Commissioners or of the Coast Guard but it would nevertheless appear that any measures which the responsible authorities in the United States may take to discountenance insubordination on American merchant vessels, and to clarify the duties and obligations of merchant seamen, would be helpful to all concerned, including the seamen themselves.

Respectfully yours,

Howard Donovan
American Consul

Enclosure:

Memorandum dated October 16, 1943, under subject of "Court Martial at Bombay of Two Merchant Seamen Serving on the s.s. MARIPOSA."

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COT/bc

Original and Hectograph to Department
Copies to: Consulate General, Calcutta,
Consulates at Madras, Karachi and
Colombo.

Enclosure to despatch No. 1056 dated October 16, 1943, from Howard Donovan, American Consul, Bombay, India, entitled: "Court Martial of Merchant Seamen Employed on the s.s. MARIPOSA".

AMERICAN CONSULATE

Bombay, India, October 16, 1943.

MEMORANDUM

Subject: Court Martial at Bombay of Two Merchant Seamen Serving on the s.s. MARIPOSA.

On the morning of October 14, 1943, a junior officer of the s.s. MARIPOSA appeared at the Consulate with two merchant seamen, James P. Leonetti, Z-416571, and David Heinzl, Z-378763, both employed on the same vessel.

It appears that on October 7, 1943, the two seamen, who are employed on the s.s. MARIPOSA as porters, were engaged in mopping the midship foyer of B deck, the vessel at that time being at sea. While they were so engaged three enlisted men of the United States Army walked out on the deck, whereupon Leonetti and Heinzl shouted to them to get off. The soldiers immediately vacated the foyer but according to the testimony of several Army officers and enlisted personnel who were in the immediate vicinity, the two seamen continued to shout after them in vile and abusive language. One of the Army officers, Lieutenant Gra. D. Hawkins, then approached the two seamen and rebuked them for their lack of discipline and use of abusive language, to which admonition it appears that the seamen replied disrespectfully although not abusively.

The incident was reported eventually to Colonel William E. Burr, Troop Commandant of the vessel, who decided that the breach of discipline could not be permitted to go unnoticed and unpunished.

It further appears that the two seamen were sent to this office by the Master of the MARIPOSA, Captain William R. Meyer (who it appears may not have been entirely sure in his own mind of the Army's authority to extend discipline to the merchant seamen under his command) in order that they might have the advice of this Consulate as to their legal position vis-a-vis the United States Army and as to how they should comport themselves with reference to the scheduled hearing.

On the dual basis that (a) Section 2(d) of the Articles of War appears conclusively to confer on Colonel Burr the authority to extend Army discipline to the vessel's merchant seamen and (b) that any interference on the part of this office could only have an unfortunate effect, the two men were advised that in the opinion of this office the authority of the Army extended to them and to all other crew members, particularly in view of the fact that the MARIPOSA is chartered to the Army as a troop transport, and, further, that it would appear that their interests would

be best

be best served if they cooperated fully in the court martial and gave complete and accurate testimony. The two seamen appeared satisfied with this advice and stated that they would comport themselves accordingly.

The court martial was held on October 14, 1943, and the two men, having been found guilty of a gross breach of discipline, were each fined \$50.00 and sentenced to one month's imprisonment at hard labor. Their sentences, however, were suspended by Colonel Burr, who is understood to have told the seamen that their conduct during the remainder of the voyage would influence his recommendations to the Commanding General of the area in which the vessel first enters United States territory. In the meantime they are continuing in their usual employment. These facts were verified with Colonel Burr himself by an officer of this Consulate.

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