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"All Necessary Force": The Coast Guard And The Sinking of the Rum Runner "I'm Alone"

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“All Necessary Force”: The Coast Guard And The Sinking of the Rum Runner “I’m Alone”

A Thesis

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
requirements for the degree of

Master of Arts
in
History

by

Joseph Anthony Ricci

B.S. Excelsior College, 2006

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Abstract

Passage of the Volstead Act in 1920 expanded the mission of the U.S. Coast Guard. Law enforcement directives required officers to use “all necessary force” should a liquor smuggling vessel refuse the order to stop. On March 22, 1929, the Coast Guard Cutter *Dexter* sank the Canadian-flagged rum runner *I'm Alone* in the Gulf of Mexico, triggering an international incident that centered on “hot pursuit” and treaty jurisdiction. International encounters occurred frequently during Prohibition. The *I'm Alone* incident was the first sinking of a foreign flagged vessel that cost the life of a foreign national. The *I'm Alone* affair reflected the barriers any federal law enforcement agency faced in making Prohibition effective. The rum runner captain became a celebrity in Canada, while the Coast Guard was vilified. The Coast Guard amended boarding procedures after the incident cautioning officers about the possibility of accidental deaths.

Maritime Law, Rum War, Treaty of 1924, Three Mile Limit, Twelve Mile Limit, Tariff Act of 1922, Sigsbee Deep, Territorial Waters

Introduction

When the Wagner Charter Company of Illinois announced plans to scuttle the motor vessel *Buccaneer* in Lake Michigan in 2008, few took notice outside of the local marina community. There was certainly not the legal furor this vessel once kindled. The 100 foot *Buccaneer* entered life in 1925 as the Coast Guard cutter *Dexter*,¹ one of thirteen, high endurance patrol boats constructed by Defoe Boat and Motor Works of Bay City, Michigan. She joined numerous other classes of patrol boats that the press termed “the Dry Navy.” These small cutters with a crew of fifteen, armed with a single deck gun and assorted small arms, joined the maritime war against the “Blacks” or “Rum Runners.” In 1927, to aid in liquor interdiction along the Gulf Coast, *Dexter* and five others of her class transferred from Boston Massachusetts to Pascagoula, Mississippi.²

During prohibition, the Coast Guard interdiction effort against the illegal importation of liquor faced the problems of local toleration, corruption, and the violation of international maritime law. These problems inhibited maritime law enforcement and reduced the likelihood of a successful interdiction campaign. Canada and Mexico provided little support to secure the borders or coasts because they did not consider alcohol contraband cargo. Because Prohibition was unpopular in many parts of the country, particularly coastal Louisiana, the Coast Guardsmen in charge of enforcement often faced an uncooperative populace. Leadership at all levels was tested while prosecuting the mission. Military and civilian casualties steeled the resolve of both enforcer and perpetrator. In 1929, while enforcing the Volstead Act, the cutter *Dexter* sank the

¹ Coast Guard Cutter *Dexter* addressed in this thesis is the second one to carry the name and should not to be confused with the third one, a 311 foot converted sea plane tender built in 1941 that became the Coast Guard Cutter *Dexter* from 1946-1968.

² Randy Boswell, “Scuttling Dexter,” <http://usmilnet.com/smf/index.php?topic=14121.0:wap2> [Accessed February 20, 2010]; U.S. Coast Guard Historian Website, <http://www.uscg.mil/history/webcutters/Dexter1925.asp> [Accessed March 10, 2010].

Canadian-flagged “rum runner” *I’m Alone* outside of the U.S. treaty limits, causing an international incident. This action was part of a series of unrelated yet violent encounters which illustrate the manner in which an unpopular law was enforced at sea. Canadians decried the action and heaped praise and sympathy on the captain and crew of the sunken schooner while they were treated as lawbreakers in the United States.

The American public thought Coast Guard cutters *Wolcott* and *Dexter* had violated international law in pursuing and sinking *I’m Alone*. The Coast Guard crews acted in accordance with regulations, although not without animus. However, they attempted to save the crew of the sinking ship. The resulting controversy, international outrage, and unpopularity of Prohibition enabled Captain Jack Randell of the *I’m Alone* to become a folk hero like other rum runners such as Bill McCoy and Eric S. Walker, who wrote popular memoirs of their exploits. Studies of the prohibition era treat the incident as an insignificant part of a series of violent encounters. Other examinations of this incident emphasize treaty or foreign relations studies.³ This thesis illustrates the difficulty faced by Coast Guardsmen when they tried to enforce an unpopular American law on the high seas while receiving little support from ashore and the neighboring

³ Numerous articles in *Coast Guard Magazine* justified the actions of the cutter crew and methodology of enforcement by the service. By 1930, rum runners who had made their money, some having already served jail sentences, began to write about their adventures and Jack Randell of the *I’m Alone* was no exception. He penned a memoir that told his life’s adventures as a British soldier in the Boer War and World War I, concluding with his story of how the Coast Guard “maliciously” sank his vessel causing the drowning death of one of his crew. Law journals examined the litigation between the United States and Canada in 1929 and again upon its conclusion in 1935. In 1964, Malcolm Willoughby’s official history, *Rum War At Sea* treated the incident objectively as part of the Coast Guard’s enforcement effort in the Gulf of Mexico which he stated was “far from the main theatre” yet “alive with illicit operations.” Lawrence Spinelli’s *Dry Diplomacy* in 1989 provided extensive information on U.S.-British-Canadian Treaty negotiations which heavily influenced the *I’m Alone* and other international cases. In 1990, Donald Canney’s *Rum War: The U.S. Coast Guard in Prohibition* also gave the sinking of *I’m Alone* alone passing treatment to illustrate the proclivity of gun play occurring during enforcement efforts. Dr. Randy Sanders published *Delivering Demon Rum: Prohibition Era Rum Running in the Gulf of Mexico* in the *Gulf Coast Historical Review* in 1996 which covered the *I’m Alone* incident as part of the history of rum running in the Gulf. Finally in 1998 Patrick Holt Fleming utilizing material from the National Archives, gave the *I’m Alone* incident a scholarly treatment in his East Carolina University M.A. thesis. Holt devoted much of his thesis to the background of the Volstead Act, the history of rum running and the litigious deliberations resulting from the sinking.

international community. It suggests that the Coast Guard became more cautious after the *I'm Alone* incident.

The Eighteenth Amendment was ratified and passed over presidential veto in January 1919. It became law the following year. The Volstead Act, named for its sponsor Minnesota Congressman and chairman of the House Judiciary Committee Andrew Volstead, went into effect on January 16, 1920. It prohibited the manufacture, sale, exportation, or importation of drinking alcohol into the United States or its territorial waters. Penalties for violation were usually light, but the case volume was so high that Volstead Act violations paralyzed the court system. To alleviate this problem, the charges were reduced in exchange for guilty pleas.⁴ National prohibition enforcement by the Bureau of Internal Revenue, operating under the Treasury Department, was to become a showcase for the anti-smuggling arm of the Bureau, the newly-consolidated United States Coast Guard.⁵

The Coast Guard was created by the 1915 consolidation of the Revenue Cutter Service and the United States Life Saving Service, the former dating back to 1790. The enforcement of treaties and laws that dealt with smuggling and other violations of maritime regulations was the responsibility of the Revenue cutters. Until the mid-nineteen twenties, Coast Guard funding and provisioning supported a small service whose priority remained the protection of life and property at sea. Before 1925, the service consisted of approximately four thousand uniformed personnel. Commandant, Rear Admiral William E. Reynolds oversaw the service's understaffed and underfunded regional divisions. Louisiana and Mississippi fell under the Southern Division area of responsibility with headquarters in Mobile, Alabama. Rear Admiral Reynolds remained

⁴ David E. Kyvig, *National Prohibition Act* E-Notes, <http://www.enotes.com/major-acts-congress/national-prohibition-act> [Accessed December 10, 2010]

⁵ Malcolm Willoughby, *Rum War at Sea* (Washington: Government Printing Office, 1964). 9.

in charge until January 11, 1924, when he was relieved by Rear Adm. Frederick C. Billard, who would eventually obtain the increased resources sought by his predecessor.⁶

In 1925, after four years of marginal success with liquor interdiction efforts, the Coast Guard received a significant increase in funding and personnel. This larger appropriation served as a catalyst for increased aggressiveness. The expansion included the activation of mothballed World War I flush deck destroyers although the Engineering Branch said that they would not suit the Coast Guard's purposes. (One destroyer was described by her commanding officer as an "appalling mass of junk.")⁷ The Coast Guard also bought many smaller craft, some capable of the twenty-four miles per hour necessary for territorial pursuits. The new equipment consisted of 75, 100 and 125-foot patrol boats, each able to carry enough fuel for extended patrols.⁸ This increase in boats required an increase in manpower. The Coast Guard increased from 5,982 to 10,009 personnel between 1924 and 1926.⁹ Commissioned officers went from 209 to 353, Warrant officers from 396 to 716, and enlisted men from 4,051 to 7,122.¹⁰ Coast Guard Academy cadets graduated in two years instead of the normal three.¹¹ "Dry" members of Congress approved the cost of these significant improvements, and demanded that the Commandant show them concrete results.¹²

As part of its expansion, the Coast Guard formed a dedicated intelligence branch; it quickly expanded and made extensive use of radio intercepts. Captain Charles Root established a cooperative agreement with the Bureau of Prohibition, wherein the latter would provide personnel, and the Coast Guard would furnish the equipment. Listening posts began operating in

⁶ Willoughby, *Rum War at Sea*, 21.

⁷ Donald L. Canney, *Rum War: The U.S. Coast Guard in Prohibition* (Washington DC: U.S. Coast Guard, 1990). 6.

⁸ "Gulf Dry Navy Gets Fast Boats to Replace Old," *New Orleans Times Picayune*, February 6, 1927.

⁹ Canney, *Rum War: The U.S. Coast Guard in Prohibition*, 7.

¹⁰ Willoughby, *Rum War at Sea*, 42.

¹¹ Harold Waters, *Smugglers of Spirits*, (New York: Hastings House Publishers, 1971). 61.

¹² Waters, *Smugglers of Spirits*, 160.

California and Florida. Mrs. Elizebeth Friedman of the Bureau of Prohibition Enforcement was loaned to the Coast Guard specifically to crack the radio codes of the rum runners. Her cryptanalysis would eventually help determine the outcome of the *I'm Alone* case.¹³ She was the wife of the Army Signal Corps Cryptologist William Friedman, reputed to be the “world’s greatest cryptologist.”¹⁴

Between 1926 and 1928, the legal importation of British liquor to Canada increased at a rate of a half million gallons a year. By increasing the enforcement tempo on the east coast, the government also unintentionally increased the smuggling effort from the Caribbean and British colonies into the United States Gulf Coast.¹⁵

In April of 1927, the Coast Guard announced that it would build a new base at Pascagoula, Mississippi. The Pascagoula base berthed six 100 foot cutters designated Offshore Patrol Force Squadron Eight. The squadron commander, Captain C.H. Hilton had tactical control of these cutters, while Captain H.H. Wolf of the Southern Division in Mobile, Alabama exercised strategic control of the force. At the time of the cutters’ arrival, Coast Guard Gulf forces consisted of eleven small patrol boats in Biloxi, Mississippi, eight at Key West, Florida, and three at Galveston, Texas.¹⁶

¹³ David P. Mowry, *Listening to the Rum Runners*, (Washington DC: National Security Agency, 1996). 1,22; David Kahn, *The Codebreakers* (New York: MacMillan Company, 1967). 803.

¹⁴ Kahn, *The Codebreakers*, 21

¹⁵ Randy Sanders, “Delivering Demon Rum: Prohibition Era Rum Running in the Gulf of Mexico,” *Gulf Coast Historical Review*, Vol. 12. no.1 (1996). 105.

¹⁶ “Pascagoula Selected As Port for Six 100-Foot Cutters of Coast Guard,” *Pascagoula Chronicle-Star*, April 8, 1927. 1.



U.S. Coast Guard Cutter *Dexter* in Pascagoula c.1929. (Naval Historical Foundation Photo)

The six new boats transferred in from the New England area were the steel-hulled cutters *Corwin*, *Dallas*, *Dexter*, *Forward*, *Mahoning*, and *Wolcott*. All were powered by two Grey Marine diesel engines, which delivered 300 horsepower for a top speed of twelve knots. Each was 99.8 feet long with a beam of twenty-three feet, displacing 210 tons. The boats were armed with one 3"/23-caliber deck gun similar to those on the "S" class submarines and a weapons locker stocked with small arms, including Thompson sub-machine guns. The boats compensated for their slow speed with longer endurance, enabling them to stay at sea for longer periods. One warrant officer and fourteen enlisted men crewed each cutter.¹⁷

Pascagoula rolled out the "red carpet" to welcome the Coast Guard. The *Chronicle-Star* of September 2, 1927 included a "Welcome" letter to the service members and their families, and the paper subsequently published a crew list of each newly-assigned cutter based in Pascagoula.¹⁸

The Coast Guardsmen did not only have to enforce an unpopular law, but they had to do it under the guidance of an operational doctrine shaped by international treaty agreements. The territorial waters of the United States extend three miles from the coast. The Tariff Act of 1922

¹⁷ U.S. Coast Guard Historian's Website: <http://www.uscg.mil/history/webcutters/Dexter1925.asp> [Accessed 10 November 2010]

¹⁸ "Names of Coast Guard Men Given," *Pascagoula Chronicle-Star*, September 16, 1927. 3.

authorized searches of vessels operating within “four leagues” (twelve miles) of the coast in order to enforce import-export laws. The majority of smugglers were British or Canadian registry. Great Britain and Canada signed a treaty with the United States in May of 1924. This treaty authorized boardings and searches of any vessel within “one hour’s sailing time” from the coast. Because there was not a reliable means of determining one hour’s sailing time, this often was determined by the Coast Guard cutter captain.¹⁹ As a guide to enforcing the federal statute and existing treaties, Coast Guard captains adhered to two tactical directives, *Duties of Boarding Officers and Law Enforcement at Sea Relative to Smuggling*.

The *Duties of Boarding Officers*, (1923 Edition) reflected the new treaties as doctrinal guidance. It stated that

Except where special treaty provides otherwise, ...officer of the Coast Guard in command of a vessel...has the right to go on board any foreign vessel or vehicle at any place in the United States or within four leagues of the coast...to examine the manifest and to inspect, search and examine the vessel...and use all necessary force to compel compliance...²⁰

and later continued

...when any vessel is encountered more than 12 miles from the coast... may approach her...ascertain her nationality, but unless she be a vessel of the United States there is no authority for detaining, boarding or searching...(Amendment 3) except in cases covered by special treaties.²¹

Commandant Frederick C. Billard issued *Doctrine for the Prevention of Smuggling* in 1924, which not only designated all acquired destroyers and patrol craft as “special service craft”

¹⁹ Lawrence Spinelli, *Dry Diplomacy: The United States, Great Britain and Prohibition* (Wilmington: Scholarly Resources Inc, 1989). 81; Sanders, *Delivering Demon Rum*, 100.

²⁰ U.S. Department of Treasury, “*Instructions, Customs, Navigation and Motor Boat Laws and Duties of Boarding Officers*,” (Washington DC: Government Printing Office, 1923) (Amendment 3). 1

²¹ U.S. Department of Treasury, “*Duties of Boarding Officers*,” (Amendment 3). 1.

for the interdiction of smugglers, but also stated that the “master of such cutter or boat may fire into such vessel that does not bring-to, after such pennant and ensign has been hoisted.”²²

Law Enforcement at Sea, published in 1929, declared

Except by treaty or through operation of law the United States has no authority to visit and search a foreign vessel on the high seas...such vessel not being of a piratical character ...and not being pursued under the doctrine of ‘hot pursuit’. The chase or ‘hot pursuit’, if once abandoned, can not be resumed, but must be continued without interruption until the vessel is overtaken and seized.²³

Not all of the Gulf Coast residents shared the enthusiasm for the Coast Guard that the people of Pascagoula did. And if they did, they certainly had no enthusiasm for abstaining from liquor. A 1926 survey tagged New Orleans as America’s “wettest city,” with south Louisiana being “ninety percent wet.” It also documented Florida as having a “seventy-five percent non-enforcement rate.”²⁴ On August 7, 1927, off of the coast of Fort Lauderdale, Florida, rum runners killed two Coast Guardsmen from *CG-249* during the apprehension of *VI3997*.²⁵ The local press railed at the service as “spoilsports” and “killjoys, when additional Coast Guard assets moved into Florida in order curtail activity along its east coast.”²⁶ Resort owners protested that the expanded Coast Guard presence was “bad for business.”²⁷

Outside of the U.S. twelve mile limit, rum runners challenged the enforcement effort by establishing what were called “rum rows,”-a liquor dispersing “picket line” on the high seas. The “rum runners” hauled liquor out of the British ports in the Caribbean and Central America, selling their cargo to whatever boats came out to them. Many mother ships had American

²² Lt. Eric Ensign, *Intelligence in the Rum War at Sea, 1920-1933* (Washington DC: Joint Military Intelligence College, 2001). 15.

²³ U.S. Department of Treasury. *Law Enforcement at Sea Relative to Smuggling*. (Washington DC: Government Printing Office, 1929). 3-4.

²⁴ Sanders, *Delivering Demon Rum*, 94.

²⁵ Willoughby, *Rum War at Sea*, 128-129.

²⁶ Waters, *Smugglers of Spirits*, 167.

²⁷ Waters, *Smugglers of Spirits*, 199.

owners, although bearing foreign registry and flying foreign flags. The larger ships could be two masted schooners with steam or diesel engines, large yachts, or any variety of cargo vessels. The rum row would be established at navigational coordinates just beyond the U.S. treaty limit where the smaller high speed boats (called “mosquitos”) would rendezvous with them. The mosquito boats would then assume the risk of running the cargo to shore through Lake Pontchartrain, Lake Borgne or other coastal routes to inland waters in the South Louisiana area.²⁸

In the northeast, the Coast Guard had fired at foreign-flagged vessels years before the *I'm Alone* would be ordered to “heave to and be boarded.” Coast Guard cutters machine-gunned schooners *Eastwind* and *Henry Marshall*, while they waited to dispatch their cargo along a “rum row” beyond the twelve mile limit, but they escaped capture.²⁹ As early as 1921, the *Henry Marshall* was apprehended off loading liquor near New York, displaying no flag or registry markings. It was later learned that the vessel was of British registry, making this the first trial of Anglo-American relations over prohibition enforcement.³⁰

On March 1, 1926, the Coast Guard opened fire on another British flagged vessel south of Mobile Bay. Coast Guard Cutter 251 opened fire on the *Maplefield*, a two-masted schooner registered in Nova Scotia, but operated by New Orleans rum runners. The two owners, John Vodopija and Joseph Melerine of New Orleans, had prior convictions for smuggling liquor. The New Orleans *Times Picayune* also indicated that a previous similar incident had occurred, involving a Canadian vessel.³¹

²⁸ Joy Jackson, “Prohibition in New Orleans: The Unlikeliest Crusade,” *Louisiana History*, Vol. 19, no.3 (1978): 261-284.

²⁹ James Barbican, *Confessions of a Rum Runner* (New York: Ives Washburn, 1928). 299.

³⁰ Spinelli, *Dry Diplomacy*, 6-9.

³¹ “British Boat Bombarded on High Seas by Cutter, Say Two Who Saw Chase,” *New Orleans Times-Picayune*, March 5, 1926.

Rum running was a cash and carry business throughout its early years. By the mid-1920's, however, mothership captains had as much to fear from other rum runners and hijackers as they did from the Coast Guard. Liquor buyers and sellers devised systems where payment occurred in advance, ashore, and many miles from the delivery point. The rum-runners developed complex recognition systems because the mother ships would be dealing with strangers. They also could not be certain that they were not being watched by Federal authorities. One method involved the use of a dollar bill cut in half. If the two pieces of the puzzle fit, the deal could be made. Another involved audibly calling out the serial numbers on the two halves of the dollar bill; if they matched, the rendezvous was successful.³² While surveillance by Prohibition agents or the Coast Guard beyond twelve miles could not lead to a legal seizure, it could lead to intelligence-gathering, which could later allow Coast Guard patrols to make an arrest within legal coastal waters.

Rum runners also used deception in the form of fake distress signals. A Coast Guard radio unit would receive an SOS and notify a cutter of the position, only for the cutter to learn that there was no distress at the location. They had been duped.³³ Still another diversionary tactic was to have a decoy mosquito boat appear to be taking on cargo from a mother ship. When sighted, the smaller vessel would race for shore, drawing out the Coast Guard cutter for a presumed "ironclad seizure" in territorial waters. While the boat halted to allow the Coast Guard to board it and find nothing, other mosquito boats quickly loaded their cargo and headed for shore. The violence and tactical maneuvering peaked in 1929 when the *Wolcott* initially

³² Janice Patton, *The Sinking of the I'm Alone* (Toronto: McClelland and Stewart Ltd., 1973). 26; Jack Randell, *I'm Alone* (Indianapolis: Bobbs-Merrill Company, 1930). 263.

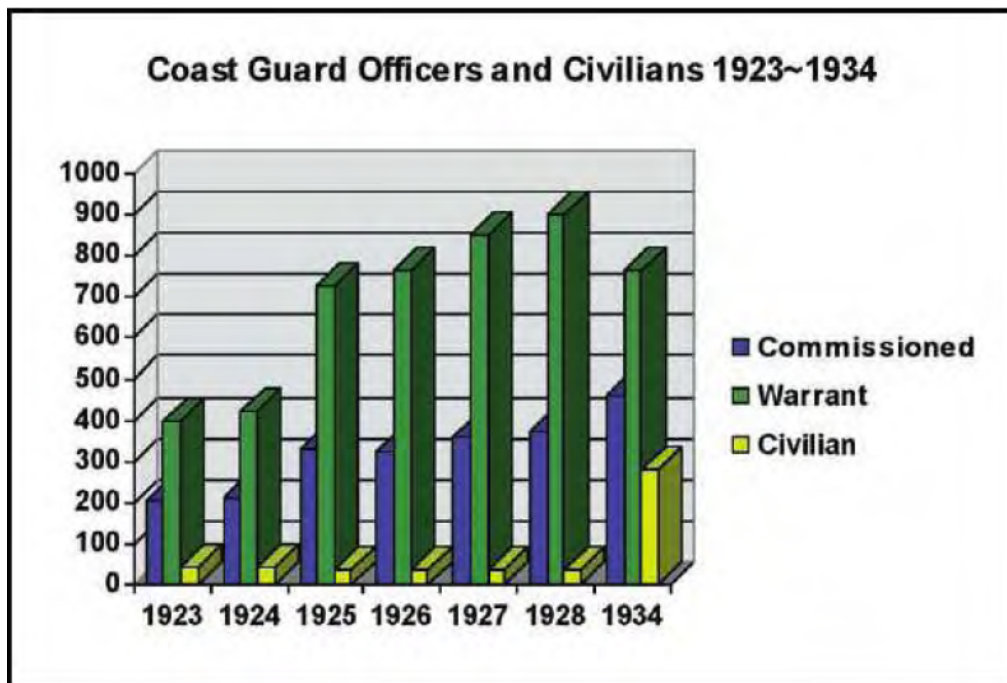
³³ Donald L. Canney, *Rum War: The U.S. Coast Guard in Prohibition* (Washington DC: U.S. Coast Guard, 1990). 8.

signaled *I'm Alone* to “heave to and be boarded” southwest of the Atchafalaya Bay, off Marsh Island, Louisiana.³⁴

³⁴Harold Waters, *Smugglers of Spirits*, 94.; Five weeks before the *I'm Alone* incident, gangsters working for Al Capone disguised themselves as Chicago Policemen and murdered seven members of the Bugs Moran gang in what became known as the St. Valentines Day massacre. The grievance was a dispute over a shipment of hijacked illegal whiskey.

Chapter 1

After the resource and funding increase of 1925, the Coast Guard expanded its ranks of officers and enlisted men. In order to fill the officer ranks, the Coast Guard commissioned many chief petty officers who had demonstrated leadership potential as temporary warrant officers. This “mass advancement” of over five-hundred men occurred from 1925 through 1928 and resulted in many of these men, veterans of World War I, getting command of cutters. Warrant Officer Frank Paul, commanding *Wolcott*, and Warrant Officer Alfred Powell of *Dexter* were among those temporarily advanced due to the needs of the service. As a group the new captains brought ambition, skill, aggressiveness, and hard resolve to hold their new ranks and commands.³⁵



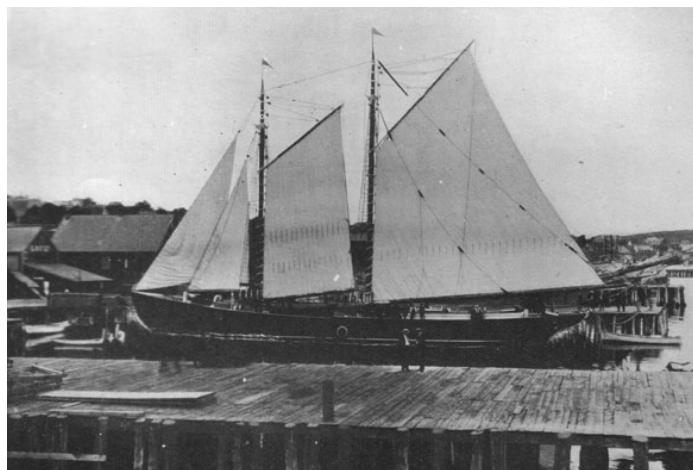
Graph showing increase in Coast Guard Officers and Civilians due to Congressional Appropriations increase of 1925. (Graph reprinted from *Intelligence in Rum War at Sea 1920-1933*)³⁶

³⁵ Officers granted temporary increases in rank need to demonstrate to their superiors that they are deserving of the added responsibility and status, so they work diligently to produce results that lead to that end. An officer who does not produce satisfactory results could revert back to his prior rank.

³⁶ Ensign, *Intelligence in the Rum War at Sea 1920-1933*, 21.

Because of the added manpower and funding, the Coast Guard interdiction effort in the Gulf of Mexico increased steadily into the latter portion of the decade. The Coast Guard fleet went from seventy-five cutters of all classes and types in 1923 to three-hundred and eighty nine by June of 1925.³⁷ In response to this escalation, the rum row that had established itself along the Chandeleur Islands to serve thirsty New Orleans shifted westward beyond the Atchafalaya Basin in August of 1925. This shift forced the mosquito boats to move loads inshore via the complex system of bayous between the Atchafalaya and Sabine areas.³⁸ Cutters released from the recovery phases of the 1927 Mississippi River Flood established a blockade and increased the law enforcement presence in the Gulf. In this area southwest of the Atchafalaya Bay, *I'm Alone* was first contacted by the Coast Guard.³⁹

Captain John T. “Jack” Randell, a British veteran of World War I and the Boer War, enjoyed his reputation as a swashbuckling adventurer who relished the lure of danger and the riches offered by rum- running. With a seven-man crew, he took the *I'm Alone*, a two-masted, twin-diesel schooner to sea out of Halifax, Nova Scotia on November 4, 1928.



Schooner *I'm Alone* at Lunenburg Nova Scotia before leaving for the Gulf of Mexico. Photo courtesy of www.newfoundlandshipwrecks.com.

³⁷ Ensign, *Intelligence in the Rum War at Sea 1920-1933*, 16.

³⁸ *New Orleans Times-Picayune*, “Rum Row is Driven to West,” August 2, 1925.

³⁹ *New Orleans Times Picayune*, “Coast Blockade Ordered in War on Rum Runners,” June 11, 1927.

I'm Alone was built in Lunenburg, Nova Scotia in 1923 and was a known rum-runner under its previous owners, who had operated it in New England waters.⁴⁰ The schooner was two hundred and five tons carrying only jib, jumbo, foresail, and storm trysail. She was also powered by two Fairbanks-Morse diesel engines, each capable of one hundred horse power. According to Randell's records, her top speed was nine knots under sail and diesel power. Randell opened his sealed orders when the ship reached Cuba. He learned he would be making runs from Belize to Trinity Shoals near coastal Louisiana. He was to navigate his mother ship outside of U.S. territorial waters and provide cases of liquor to the mosquito boats from south Louisiana. His recognition code was to match halves of a torn dollar bill with his customer which indicated the load had been paid for. Due to bad weather, he offloaded only part of the shipment to a boat from New Orleans on this first run.

In late November 1928, Randell and his crew sailed around the vicinity of 28N 91W before moving closer to shore in the vicinity of Trinity Shoals Light, south of Marsh Island, Louisiana, with a full cargo of liquor. The captain estimated he was about sixty miles from shore. Randell ordered the anchor raised and again headed to the south.

While on a routine patrol, *Wolcott* sighted and trailed the schooner to the southeast. The cutter stayed close astern until the moon went down. Then Randell out-maneuvered *Wolcott* with a zigzag pattern. Randell sailed back to his rendezvous point south of Trinity Shoals, and after two days a boat came along side. Its captain correctly matched the serial numbers on the rum runner's dollar bill. The liquor was transferred.⁴¹

⁴⁰ Jack Randell, *I'm Alone* (Indianapolis: Bobbs-Merrill Company, 1930). 265; David P. Mowry, *Listening to the Rum Runners* (Fort Meade: National Security Agency, 1996). 22; Everett S. Allen, *The Black Ships: Rumrunners of Prohibition* (Boston: Little, Brown and Company, 1965). 77.

⁴¹ Randell, *I'm Alone*, 264-266.

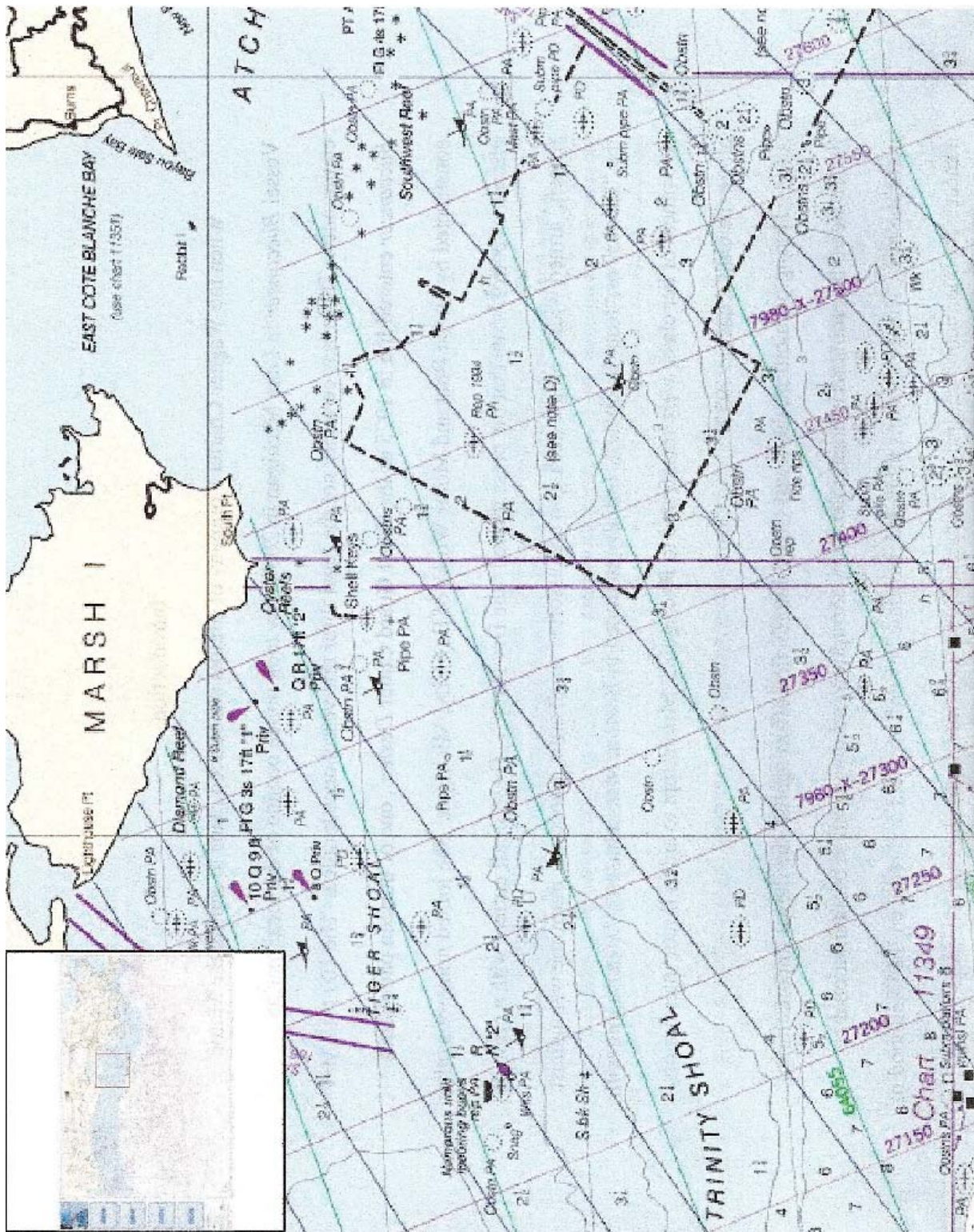


Chart of Trinity Shoals area, south of Louisiana, showing vicinity of *I'm Alone* operations. (NOAA Chart 11340)

A second transaction occurred two days later to the same customer, but this time Randell transferred only a portion of his cargo due to heavy seas. Soon afterward, Randell received a radio message to proceed back to Belize to get more liquor.⁴²

At the time of his first contact with *Wolcott*, Randell suspected that a fishing boat in the vicinity of Trinity Shoals that never seemed to fish was, in fact, a lookout telegraphing potential targets to the Coast Guard, who would then dispatch or divert a cutter.⁴³ Although Randell's suspicion could not be confirmed, the Coast Guard intelligence office had targeted *I'm Alone* radio traffic since 1925.⁴⁴

Once resupplied in Belize, Randell took *I'm Alone* back to his station south of Trinity Shoals. This time, before any liquor could be offloaded, the Coast Guard cutter *Dexter* was sighted closing fast. *Dexter* stayed closer to the schooner than *Wolcott* had done, at some points closing to within a few hundred yards. Darkness, however, enabled the seasoned rum runner to outmaneuver and lose the *Dexter* as he had the *Wolcott*. Randell kept his rendezvous and proceeded back to Belize for another load.

According to Randell, his escape from the *Dexter* was a topic of conversation among other rum runners in Belize and American Gulf coast ports. He learned through the rum runner grapevine in Belize that the captain of the *Dexter* had made him a special target. Powell, the Captain seethed, so the story went, because the schooner had slipped away. The Coast Guard skipper, known by the rumrunners as hardboiled, faced the ridicule of a gathering of smugglers. One man told Randell that he mentioned to Captain Powell that "smart as you are, the *I'm Alone*

⁴² Randell, *I'm Alone*, 267-272.

⁴³ Randell, *I'm Alone*, 272.

⁴⁴ The National Security Agency history of signal intelligence collection during Prohibition cites the radio intercepts along with "other sources" as having led to the arrest and prosecution of the schooner's American owners. The fact that the vessel was American owned played a significant part in reducing the United States liability to Canada.

will outwit you every time.” Powell replied: “I’ll make you a bet...that the next time I meet up with that old [SOB], I’ll get him!”⁴⁵

⁴⁵ Randell, *I’m Alone*, 280-281.

Chapter 2

On March 20, 1929, *I'm Alone* arrived five miles west of the Trinity Shoals Light Buoy with over three thousand cases of liquor on board, a \$62,000 cargo. At 0600 Captain Frank Paul of *Wolcott* sighted the schooner, which tried to escape with all sails deployed. Once again, the rum runner found *Wolcott* steaming toward her.⁴⁶ Captain Paul hailed Randell via megaphone that he wanted to come aboard and talk to him.⁴⁷ Randell replied: "You can shoot and sink me, but be damned if you will board me." At this point, *Wolcott* hoisted the "LQ" flags on the signal halyard, ordering *I'm Alone* to "heave to."⁴⁸ Randell signaled "no" and yelled that he would shoot any Coast Guardsman who tried to board his ship. Paul ordered small arms issued to his crew, which included a Thompson submachine gun. His sailors manned the cutter's 3-inch deck gun.⁴⁹

Realizing that the schooner intended to proceed beyond the twelve mile limit, *Wolcott* signaled a passing steamer, *Hadnot*, to log the position of *I'm Alone*. Two more hours passed before Randell finally slowed and allowed Paul to board him as long as the Coast Guard skipper came alone and unarmed. Another crewman rowed Paul to the schooner. As the two Coast Guardsmen rowed to the schooner in a lifeboat, the *Wolcott's* crew readied the deck gun. In accordance with a request from Randell, Paul ordered his gun crew to stand away from their post. Less than two hours later, having discussed what constituted treaty limitations and law enforcement jurisdictions on the high seas, Paul and the other sailor returned to the *Wolcott* with

⁴⁶ Randell, *I'm Alone*, 281-283.

⁴⁷ According to the Coast Guard Register of Officers dated 1 January 1929, Paul was 29 years old, had been a Warrant officer for four years and assumed command of *Wolcott* in 1928.

⁴⁸ Each cutter carried Hydrographic Office publication 102, or HO102 which contained complete listings of international code of signals the boats used to communicate in emergency situations. Combinations of the ships signal flags hoisted on the yard arm signal various meanings outlined in the publication.

⁴⁹ "Log of the Coast Guard Patrol Boat *Wolcott*" March 20, 1929. National Archives RG 26.

a sense of the kind of adversary they confronted. According to his memoir, Randell also offered Paul a drink, which he turned down before departing the schooner.⁵⁰

On board *Wolcott*, Paul ordered the crew to make preparations to seize *I'm Alone*. The two vessels parted but remained in sight of each other, when *Wolcott* began to speed up and again hoisted the "LQ" signal. *Wolcott* had received a radio order from the Treasury Department to "use all force to seize her" (*I'm Alone*). Captain Paul ordered *I'm Alone* to stop and be taken or the cutter would open fire. Randell ignored the order, and *Wolcott* opened fire with two blank saluting rounds. *Wolcott* then began firing live rounds high over the schooner in order to convince Randell to stop. Getting close enough to *I'm Alone*, a *Wolcott* crewman opened fire with a Thompson submachine gun loaded with "wax bullets" similar to riot control rounds. One bullet struck Randell in the leg. After twenty five minutes of continuous fire, *Wolcott's* deck gun misfired, lodging a projectile near the muzzle. The ejected shell injured one of the crew. *Wolcott* contacted Division Headquarters for assistance.⁵¹

Upon receiving the report from *Wolcott* that she had contacted the rum runner, the Coast Guard division headquarters in Mobile ordered the cutters *Dallas*, *Forward* and *Dexter* to join the chase.⁵² Paul sent *Wolcott's* situation report: "Have shot through sails, also British flag...Master appears desperate. Have not enough men to board her. Will take long chance if other boats do not arrive tomorrow."⁵³ *Wolcott* then dropped back but remained in pursuit while Randell, using a semaphore, signaled that *Wolcott* had "mutilated my flag."⁵⁴

⁵⁰ Randell, *I'm Alone*, 290-293.

⁵¹ "Log of the Coast Guard Patrol Boat *Wolcott*" March 20, 1929. National Archives. Record Group 26.5.8.

⁵² *New Orleans Times-Picayune*, "Probe Launched in Sinking of British Ship," March 24, 1929.

⁵³ Nancy Galey Skoglund, "The *I'm Alone* Case: A Tale from the Days of Prohibition," *University of Rochester Library Bulletin*. Vol. 23 no. 3 (1968): 3. Radio communications referred to in this thesis were conducted via medium frequency or high frequency morse code, which was susceptible to static bursts and fading due to weather conditions, distance and cloud cover. <http://www.lib.rochester.edu/index.cfm?PAGE=1004> [Accessed 4 April 2010].

⁵⁴ Randell, *I'm Alone*, 296.

The Coast Guard recorded the initial sighting of this contact at 10.8 miles from shore, well within treaty limits.⁵⁵ Already on patrol in the Gulf, *Dallas* diverted on the evening of March 20 and changed course at 4:15 p.m. It proceeded in the direction of the continuing pursuit. Problems with one of her engines caused her to move at a slower than normal speed. *Dexter*, in port at Pascagoula, got underway at 5:30 p.m. that evening, minus two of her crew. Two days later, *Dexter* began to close on the rum runner in choppy seas. WO Alfred Powell still commanded *Dexter*, and he remained angry that *I'm Alone* had eluded him in the past.⁵⁶ *Wolcott* reportedly radioed *Dexter* not to open fire, due to the choppy seas, but Powell ignored this warning.



Crew of the Cutter *Dexter*. Left to Right: E.R. Sneeringer, A.S. Crider, J.H. Johnson, Warrant Officer D.C. Goodwin, H.F. Goodman, C.R. Bell, J.G. Vickery. Bottom Row: C.B. Raeburn, F.J. Short, J.M. Grover, L. P. Rasmussen, J.K. Cooper. Goodwin was the Engineering Officer in charge of the cutters mechanical systems and second in command to Powell. Captain Powell was not photographed. (*New Orleans Times Picayune* Photo)

⁵⁵ U.S. Department of State. “*Correspondence between the governments of Canada and the United States of America Concerning the Sinking of the Canadian Schooner “I’m Alone”*” (April 25, 1929) 25.

⁵⁶ Randell, *I’m Alone*, 282.; According to the Coast Guard Register of Officers dated 1 January 1929, Powell was 30 years old, had been a Temporary Warrant officer for two years and assumed command of *Dexter* in 1927.

Dexter came upon *I'm Alone*, approaching out of the southwest, just after 8 a.m. on March 22. Powell hailed the schooner with the now familiar megaphone order: "heave to or be fired on."⁵⁷

Dexter fired two saluting rounds before firing upon the schooner with live ammunition at 8:15 a.m.⁵⁸ According to Randell, "explosive shells, machine gun, and rifle bullets" pelted *I'm Alone*. Coast Guard accounts state that *Dexter* fired shots at the schooner's sails first before bringing its guns to bear on her hull. Powell thought he saw Randell brandishing a pistol on deck.⁵⁹ Recalling Randell's ability to escape in the past, Powell ordered his crew to fire their service rifles at the rum runner. Pieces of the boat flew in every direction, but she remained underway until Powell had the deck gun crew fire at the hull's water-line. The deck gun finished off the schooner, blowing a large hole below the water line under the forward mast.⁶⁰ *I'm Alone* went down by the bow with her cargo at 9:03 a.m. at position 25-43.00N 90-28.00W, designated "Sigsbee Deep" on nautical charts. *Dexter* and *Wolcott* began recovering crew members immediately. Randell had ordered his crew into the water where they could cling to pieces of the schooner until the cutters could pick them up. Two hundred and twenty miles south of Louisiana, bobbing in the choppy seas, they saw the remains of the *I'm Alone* sink in 2000 fathoms with the remnants of her Union Jack still flying. Warrant Officer Powell believed he had carried out his mission using the "necessary force" prescribed by the *Duties of Boarding Officers*. *Dexter* expended two saluting rounds, thirty-eight rounds of 3-inch 23 caliber shells,

⁵⁷ Randell, *I'm Alone*, 298.

⁵⁸ "Log the U. S. Coast Guard Patrol Boat *Dexter*," March 22, 1929.

⁵⁹ Miller. "The *I'm Alone*," 46.

⁶⁰ "Log of the U.S. coast Guard Patrol Boat *Dexter*," March 22, 1929.

and four-hundred rounds of small arms ammunition, which shredded the wood deck house and bulkheads of the *I'm Alone*.⁶¹

Dexter Seaman First Class Charles Raeburn jumped into water to rescue one man who was floating face down in the choppy sea. Raeburn grabbed the man and hoisted him on to a piece of debris. Both men were picked up by the *Wolcott*, where crewmen attempted to revive him. Raeburn was joined by two other crewmen from *Dexter*, who came aboard *Wolcott* to assist him.⁶² Not long after being brought aboard the *Wolcott*, Randells' Bosun Leon Mainguy, a French Algerian, died from drowning in spite of the efforts to revive him.⁶³ *Dexter* picked up five survivors, including Randell, and *Wolcott* rescued three living survivors as well as Mainguy.



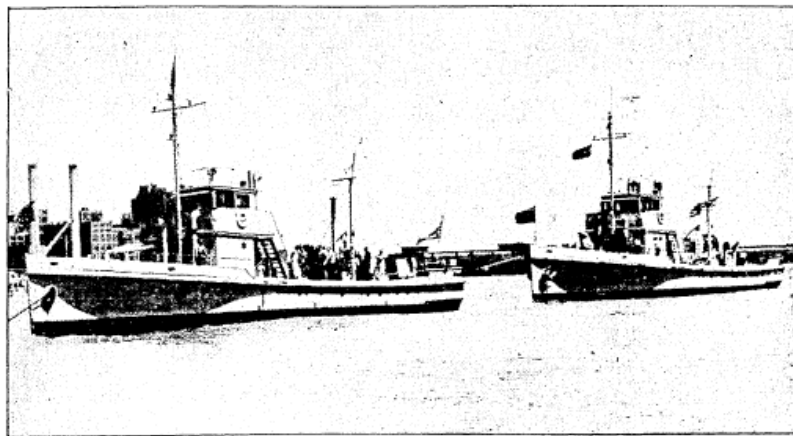
Surviving crew of the *I'm Alone* outside the Customs House in New Orleans. Left to Right: Edward Bouchard (seaman), Captain John Thomas Randall, Jens Jensen (asst engineer), John George Williams (mate), Chester Hobbs (engineer), James Barrett (seaman), William Wordsworth (cook), Eddie Young (seaman) and British Vice Consul Simpson. (USCG Historian's Office Photo)

⁶¹ "Log of the U.S. Coast Guard Patrol Boat *Dexter*." March 22, 1929.

⁶² "Log of the U.S. Coast Guard Patrol Boat *Dexter*." March 22, 1929 and "Guardman Gives *I'm Alone* Story," *Pascagoula Chronicle-Star*, April 19, 1929. 1.

⁶³ Maingoy's name is spelled differently in many sources appearing as Mainguy, Mainjoy, Maingoy, Maingay and Mangay. I have used Mainguy because that is how it appeared at the conclusion of the arbitral case both in the newspapers and on the court settlement for his widow.

Dexter and *Wolcott* steamed slowly toward New Orleans in a heavy fog with their prisoners, including Captain Randell, in irons. They arrived at the South Pass of the Mississippi on March 23rd and proceeded up the River with *Wolcott* leading. Once disembarked in New Orleans, the prisoners were arraigned on Federal smuggling charges in the U.S. Customs House. The charges against Randell were “conspiracy to violate the Volstead Act” and “interfering with a customs officer in the performance of his duties.” They then went to the Orleans parish prison. The British Consul posted five hundred dollars bond for Randell on March 30, securing his release. The crew was released without bail on their recognizance.⁶⁴



Wolcott and *Dexter* transporting prisoners from *I'm Alone* on the Mississippi River to New Orleans on March 23, 1929. (*New Orleans Times Picayune* photo)

The U.S. Attorney of the Federal Court of the Eastern District of Louisiana dropped the charges against Randell and his crew on April 10, 1929.⁶⁵ The Federal Government did not want Randell as much as it wanted the people he worked for. Once they could be traced and identified, the government pursued charges against the owners of the *I'm Alone*. It would be revealed in later related cases, that the owners were part of a major syndicate.⁶⁶ In the course of the Federal trial of these syndicate members, the use of Elizebeth Friedman’s decrypted radio

⁶⁴ Randell, *I'm Alone*, 310-313; “Charges Not To Be Dismissed,” *Biloxi Daily Herald*, March 30, 1929. 2.

⁶⁵ *New Orleans Times Picayune*, “U.S. Dismisses I'm Alone Crew Liquor Charges,” April 10, 1929.

⁶⁶ Like other rum runners memoirs written during Prohibition, Randell is careful never to reveal the names of his employer opting instead to use terms like “New York bootlegger” or “Boston rum runners.”

intercepts revealed the actual owners, and influenced the outcome of the international litigation.⁶⁷ [The suspicious fishing boat mentioned in Randell's memoirs may indeed have been part of the other sources cited in the intelligence document collection in this case.⁶⁸ For security purposes, the radio interception contributions did not make the newspapers or Coast Guard accounts of the pursuit and sinking.⁶⁹]

⁶⁸ David P. Mowry, *Listening to the Rum Runners* (Washington DC: National Security Agency, 1996), 22.

⁶⁹ *New Orleans Times-Picayune*, "Dry Cutter Sinks British Rum Schooner, Drowning One, Brings Captured Crew to New Orleans," March 23, 1929.

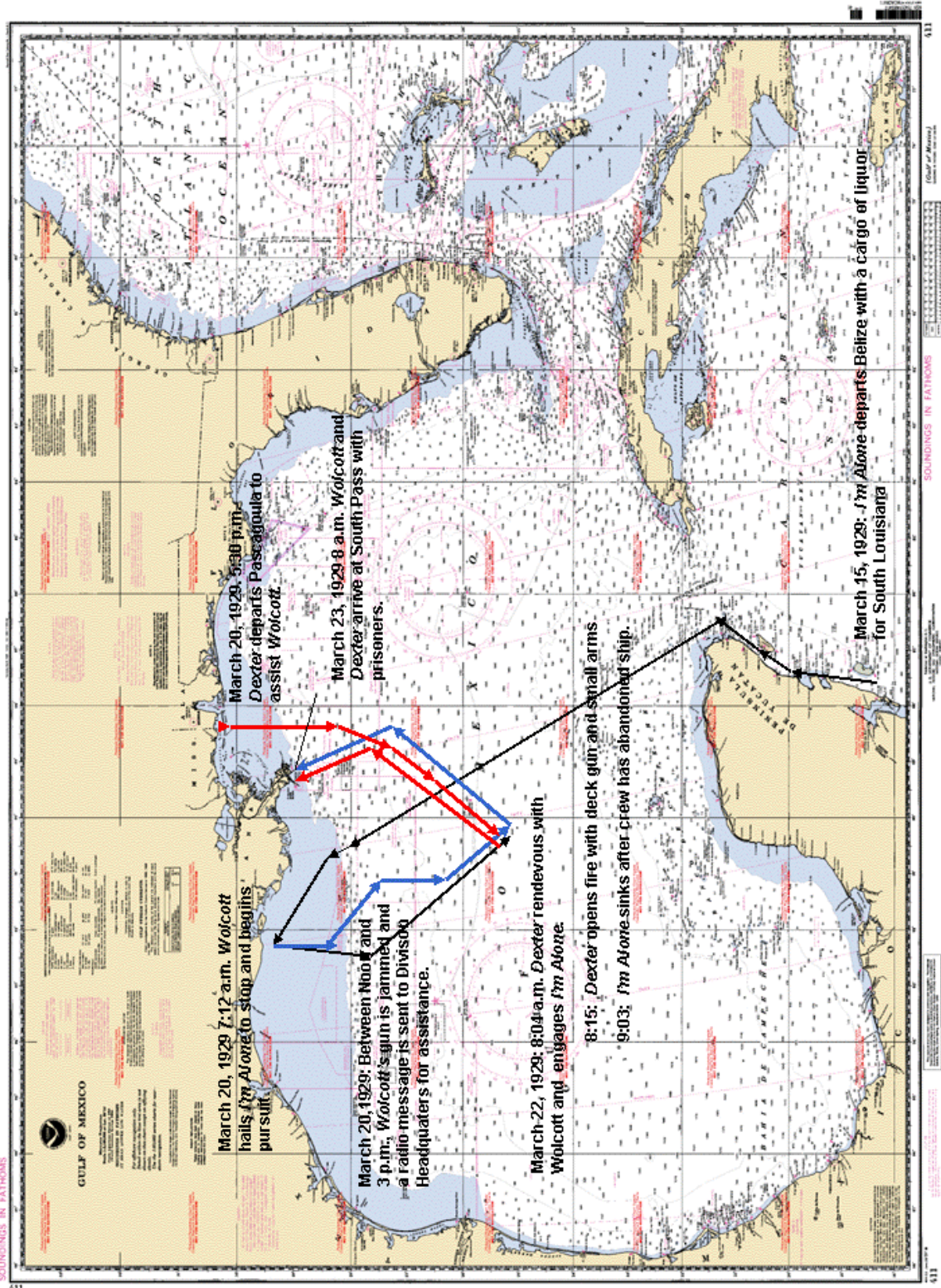
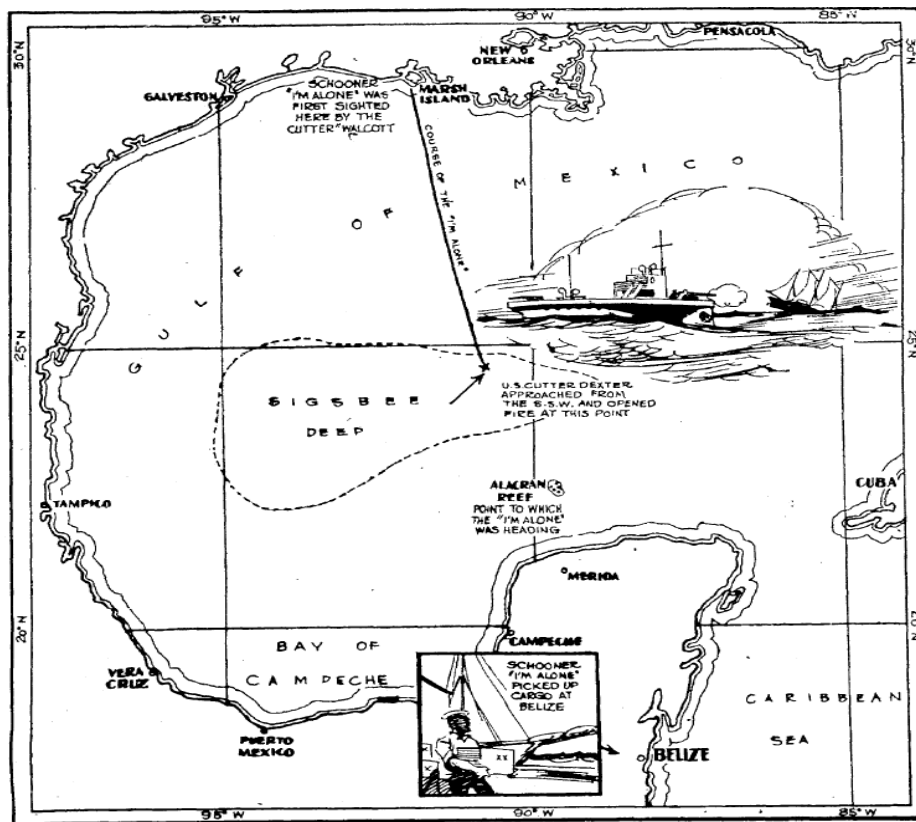


Chart of the actions of March 20-23, 1929. Route of *Dexter* is represented by red track line, *Wolcott* by the blue track line, and *I'm Alone* by the black track line. Positions are drawn as indicated in cutter logs and Randell's memoir, *I'm Alone*. (Author's drawing on NOAA Chart 411)

Chapter 3

Newspapers reported the *I'm Alone* Case as a potential international law violation not as an enforcement issue. Captain A.L. Gamble of the Coast Guard Gulf Division, headquartered in Mobile, Alabama, stated that *I'm Alone* was first spotted within the treaty twelve mile limit and pursued by *Wolcott* in accordance with the Tariff Act of 1922.⁷⁰



Drawing of the action as it appeared in the *New Orleans Times Picayune* March 26, 1929

Lieutenant Commander A. H. Bixby, Coast Guard squadron commander, also suspected that the schooner engaged in smuggling both narcotics and illegal aliens along with liquor.⁷¹ Government officials in New Orleans also were certain that liquor was not her only cargo, but that she was smuggling illegal aliens and narcotics. Federal officials suggested that the reason

⁷⁰ Harvey L. Miller, "The *I'm Alone*," *Coast Guard Magazine* Vol.2. no.7. (1929): 46.

⁷¹ *New Orleans Times-Picayune*, "Dry Cutter Sinks British Rum Schooner, Drowning One, Brings Captured Crew to New Orleans," March 23, 1929.

I'm Alone instigated such an intense chase was its criminal and diverse cargo.⁷² While Canadian and British schooners had been fired upon before, *I'm Alone* became the first foreign-flagged rum runner sunk by the Coast Guard on the high seas. This action killed a foreign national.

Cutter *Dallas* commanded by Warrant Officer M.J. Seibert, also based at Pascagoula, seized the British schooners *Resolution* and *M. Pulido* in September of 1928 in the vicinity of South Pass, hauling a total of 10,000 gallons of liquor valued at \$100,000.00. No fighting or incidents of resistance were encountered in either case.⁷³ The British vessel *Mary Mother Elizabeth* was apprehended by patrol boat *CG-123* off of Long Island, New York, in late December of 1929, reportedly attempting to deliver a “holiday load.”⁷⁴

Any of these encounters could have resulted in a case similar to *I'm Alone* and ended with gunfire, sinking, and deaths. As the public began to tire of the bloodshed over liquor, both on land and at sea, the Commandant U.S. Coast Guard addressed political issues. Politicians told Rear Adm. Billard to “enforce the smuggling laws...but don’t shoot unless shot at.”⁷⁵ A *New York World* editorial believed in any case that the sinking was not justified. The *Newark News* wrote that the “questions were ...important” and that the case “offered an opportunity to clarify maritime law.”⁷⁶ The *New Orleans Times Picayune* referred to Randell as “captive” and “hero” in its early pieces and that upon acquittal he would be free to tell the “confidential” side of the events in articles, books and movie projects.⁷⁷ The exact geographic location of the rum runners’ sinking and the initiation of pursuit became focal points of the subsequent arbitration case.

⁷² *New Orleans Times-Picayune*, “Probe Launched in Sinking of British Ship,” March 24, 1929. 1.

⁷³ *Pascagoula Chronicle-Star*, “British Schooner Seized By Dallas,” September 21, 1928. 1.

⁷⁴ “Britisher Seized,” *Coast Guard Magazine*, January 1930, 9.

⁷⁵ Waters, *Smugglers of Spirits*, 199.

⁷⁶ Miller, “*The I'm Alone*,” 46.

⁷⁷ *New Orleans Times Picayune*, “Skipper of Drys Target Says I'm Alone Was Sunk Insisting On Rights At Sea,” March 25, 1929; *New Orleans Times Picayune*, “I'm Alone Skipper And Crew Appear At Hearing Today,” April 2, 1929.

Lieutenant Commander Bixby of Offshore Patrol Squadron Eight told the Pascagoula press that the Coast Guard “was both a military and police arm” of the government and that the crews acted properly in the discharging of their duty in regards to *I’m Alone*. From the outset, both the Treasury Department and the Commandant approved of the Coast Guard action. The *I’m Alone* case developed quickly into an international incident. A *New York Daily News* wirephoto published in England showed Randell and his crew in a cell at Orleans Parish Prison.⁷⁸ The British press headlines declared “British Seamen in Mannacles” and “British Flag Fired Upon by American Coast Guard.”⁷⁹ Some politicians in Britain and Canada stated that, if ordered by the government the sinking was an act of war. Others claimed that if the action was at the discretion of the officer in charge, it was an act of “piracy.”⁸⁰ The issue became whether the United States law enforcement practices within the treaty limit of twelve miles (or one hours steaming time) were the same rights exercised within the territorial limit of three miles from shore. It also debated whether the “hot pursuit” began by *Wolcott* could be legally concluded by *Dexter*. The doctrines, laws, and treaties all specified that hot pursuit must be continuous and could not be broken off and resumed.⁸¹

⁷⁸ Randell, *I’m Alone*, 315.

⁷⁹ Skoglund, “The *I’m Alone* Case: A Tale from the Days of Prohibition,” 8.

⁸⁰ Willoughby, *Rum War at Sea*, 129.

⁸¹ U.S. Department of Treasury, *Law Enforcement at Sea Relative to Smuggling*, 4.



Wirephoto of Randell and his crew in the Orleans Parish Prison that was sent to England stirring the anger of British politicians. (*New York Daily News* Photo)

U.S. Assistant Secretary of State William R. Castle's March 28 letter of explanation to the Canadian Foreign Minister Vincent Massey, sent upon his request, outlined the criminal history of *I'm Alone*. Castle provided a chronology of the schooner's illegal acts. The document suggests that the U.S. government had been monitoring radio traffic to and from the rum runner. He did not want to reveal the details of the U.S. cryptographic radio intercept operation. Information collected via those sources was cited having been "furnished by appropriate authorities of the government." Castle also answered a key point of contention: that when initially sighted, *I'm Alone* was at anchor ten and half miles from the coast of Louisiana.⁸²

Attorney General William D. Mitchell assessed the legality of the actions for the Secretary of State on April 4. He confirmed that the U.S. government's case was solid and fixed the blame for Mainguy's death upon Captain Randell's refusal to stop when ordered.⁸³

Foreign Minister Massey centered his rebuttal upon the British Consul General's interrogation of Randell in New Orleans. Massey argued the initial contact (10.5 miles or 14.8 miles from shore), and the geographic location of the sinking (well beyond treaty limits if hot pursuit is considered continuous by one cutter). He agreed that the Treaty of 1924, to which

⁸² U.S. Department of State, *Correspondence between governments of Canada and the United States*, 1.

⁸³ U.S. Department of State, *Correspondence between governments of Canada and the United States*, 24.

Britain and Canada were signatories, allowed the Coast Guard to board and search shipping beyond the three mile territorial limit. The Treaty extended U.S. jurisdiction out to one hour's steaming time, estimated to be twelve miles from the coast. This was the legal limit by which a vessel could be stopped and searched. Randell told the Consul General that because of the mechanical condition of the *I'm Alone*, she was beyond "one hour's steaming time" when initially contacted by *Wolcott*. He claimed that the vessel was only capable of seven knots, due to engine problems.⁸⁴ Randell also argued that he was, in fact, fourteen miles from shore.⁸⁵ Massey closed his letter requesting that the United States adhere to the terms of the Treaty of 1924 by not pursuing vessels beyond actual one hour's steaming time unless the pursuit begins within territorial limits.⁸⁶

Castle responded that prior evidence from earlier pursuits of the *I'm Alone* by both Navy and Coast Guard patrol craft indicated that she was capable of speeds that would have made her within the one hour steaming time (14 nautical miles) from shore as authorized by the Convention and therefore legitimately engaged. The United States believed the schooner to have been capable of thirteen to fourteen knots under combined sail and diesel power.⁸⁷

On April 17, Secretary of State Henry Stimson sent a follow-on note to Canada in which he restated all of the facts in the case, including how the action conformed to the current Treaty. He added that the "hot pursuit" was justified because *I'm Alone* was sighted within treaty limits. "Hot pursuit" allowed one to maintain a chase without interruption from a point within jurisdiction to a point outside. Stimson also challenged the statements of Randell, writing "if he knew he was outside of jurisdiction and had nothing to fear, why didn't he allow boarding by

⁸⁴ Canney, *Rum War: The U.S. Coast Guard in Prohibition*, 9.

⁸⁵ U.S. Department of State, *Correspondence between governments of Canada and the United States*, 6.

⁸⁶ U.S. Department of State, *Correspondence between governments of Canada and the United States*, 8.

⁸⁷ U.S. Department of State, *Correspondence between governments of Canada and the United States*, 12.

Wolcott?” In closing, Stimson stated that if the Canadian government did not find his response satisfactory, then he would gladly submit to legal arbitration.⁸⁸

The Convention of 1924 dictated that if the United States and Canada could not settle a disagreement through diplomacy, the case would be referred to a Joint Commission consisting of one member from each party. The Joint U.S.-Canadian Commission would decide the legality of the act, the validity of any lawsuits, and the payment of any compensation. Supreme Court Justice Willis Van Devanter represented The United States, while Lyman Poore Duff was assigned to represent the Canadian government. The Commission had to determine three questions related to the case. They were: (1.) Whether the Commission could affix the true ownership of *I'm Alone*, and if so, determine the compensation to be paid; (2.) Did the United States have the right of hot pursuit that began within the twelve mile limit and concluded beyond it?; and (3.) If the hot pursuit was justified, did the United States have the right to sink the *I'm Alone*? The Commission met three times between 1932 and 1935, once in Ottawa, Canada and twice in Washington DC.⁸⁹ The Interim Report of June 30, 1933 stated that the Commissioners could not determine whether the United States had a legitimate right of hot pursuit, but if it did, “the sinking could not be justified by anything in the Convention.” Initially, they decided that no compensation would be paid “in respect to the ship or cargo.” Coast Guard intelligence and the Prohibition Enforcement Agency sought to unravel the complex ownership of *I'm Alone*. These agencies briefed the Commissioners on what had been learned from the radio intercepts by the time its final report was issued. The Convention of 1924 decreed that a participating state in

⁸⁸ U.S. Department of State, *Correspondence between governments of Canada and the United States*, 18-19.

⁸⁹ Charles Cheney Hyde, “The Adjustment of the *I'm Alone* Case,” *The American Journal of International Law*, Vol.29. no.2. (1935). 297. <http://www.jstor.org/stable/2190495>. [Accessed March 2, 2010]

arbitration could not award punitive damages to its own nationals.⁹⁰ The Commission issued the Joint Final Report on January 5, 1935. They stated that the Convention of 1924 declared in the case of one vessel sinking another vessel because the latter would not allow itself to be boarded, the surviving vessel would not be held accountable. The Final Report could not determine the legitimacy of the hot pursuit issue, but declared unequivocally that both the Convention of 1924 and international maritime law did not justify the sinking. It was simply “an unlawful act.” Because of this finding, the Commission agreed on a sum to compensate those directly affected by the incident. The United States was to “apologize to his Majesty’s Canadian Government.”⁹¹ Because of the determined unlawfulness of the act, the United States paid out a \$25,000 settlement to Canada for the insult and property loss.⁹² In addition, the commission awarded \$25,000 to Randell and his crew; Randell received \$7,900 dollars, while Mainguys’ widow received \$10,000. The balance was divided among the surviving crew of the schooner.⁹³

Randell exemplified how violators of an unpopular law can become “folk heroes.” Randell was not typical because he had served in the both the Boer War and World War I for which he was decorated by Great Britain. His actions as a rum runner, and his version of actions on board the *I’m Alone* constitute less than a quarter of his self-congratulatory memoir. Seeing

⁹⁰ Nancy Skoglund’s “The I’m Alone Case: A Story of Prohibition” cataloged the papers of U.S. arbiter William Vallance. She describes the shoreside investigation into the ownership of *I’m Alone*. In June, 1929, a raid by prohibition agents on a Gueydan, Louisiana railroad car produced a cache of liquor that connected the schooner with shipments received in nearby Abbeville. During the raid, agents seized telegrams sent through New Orleans to Belize. Elizebeth Friedman decrypted what amounted to a manifest of liquors being carried by *I’m Alone* and recovered in the Gueydan raid. *I’m Alone* was officially registered to the Eugene Creaser Shipping Company of Lunenburg Nova Scotia, with George Hearn as its figurehead owner. The telegrams named Dan Hogan and Marvin Clark of New York City as its legal American owners. Clark was released on bond and signed a sworn affidavit attesting that he and Hogan bought the schooner for \$18,000 in 1928, registering it in Nova Scotia. Hogan was convicted with others in Gueydan case in 1932, and when brought to trial as owner of the *I’m Alone*, he was already serving a four year sentence in the Federal Prison at Atlanta. Clark was murdered in July of 1932, three months after signing the affidavit, but his killing was not connected with this case. Hogan was convicted in Federal court in Opelousas, Louisiana on June 10, 1933 but no further sentence was imposed because of double jeopardy with the Gueydan case. He was released in January 1936.

⁹¹ Hyde, “The Adjustment of the I’m Alone Case,” 299.

⁹² Mowry, *Listening to the Rum Runners*, 22.

⁹³ Patton, *The Sinking of the I’m Alone*, 30.

an opportunity to tell his whole story, he took it. Canadians forgave Randell for his actions and applauded his later version of the facts. Canadians condemned the actions of the Coast Guard and subsequent legal actions taken by the U.S. government.⁹⁴

No effort to influence public opinion was overlooked. Once Randell was back in Canada and interviewed by the press, he vehemently stated that it was the Coast Guard's intent to sink his craft by shooting directly at "gasoline drums." He claimed that Powell wanted no prisoners. However, his memoir mentions nothing about fuel drums, but does say that the boat was being shelled to pieces. Randell told the Canadian parliament that he held a grudge against WO Powell for endangering his crew, but not against the Captain of the *Wolcott*. He also stated that the people of New Orleans said he was the "best person in the world for them, delivering good liquor instead of paint remover." Much was also made of Randell's initial evasion of the *Dexter* "by a ruse as old as Drakes time."⁹⁵

The geographic point at which the *I'm Alone* sank is two hundred miles south of Louisiana's western parishes. Before his ill-fated March 20 run, Randell had been successful in offloading his cargo to mosquito boats that hauled it to shore via the bayous. One of the liquor brands that Randell was hauling was called "Golden Wedding." During a raid on a railroad car in Gueydan, Louisiana, in June of 1929, Prohibition agents turned up several cases of that brand. Agents established the connection by talking with stevedores and boatmen.⁹⁶ The *I'm Alone* has

⁹⁴ Francis I.W. Jones, *Soldier, Sailor and Rum Runner: Captain John Thomas Randell of Port Rexton, Trinity Bay, Newfoundland*,. <http://www.newfoundlandshipwrecks.com/Im%20Alone/documents/sailor.%20soldier.%20rum-runner.htm> [Accessed February 27, 2010.]

⁹⁵ *Montreal Gazette*, "U.S. Cutter Meant to Sink 'I'm Alone' Without a Trace," April 19, 1929. <http://news.google.com/newspapers?nid=1946&dat=19290419&id=BjArAAAAIIBAJ&sjid=BowFAAAAIBAJ&pg=6623,3328109> [Accessed February 28, 2010.]

⁹⁶ Katherine Kellock, "She Breaks Up Smugglers Plots By Decoding Their Notes For Uncle Sam," *New Orleans Times Picayune*, July 7, 1934. 53.

become part of the local folklore in Vermillion parish and added to Randell's celebrity.⁹⁷ Further down the coast in Cameron Parish, sunken bottles of *I'm Alone's* cargo are believed to have washed ashore in 1931.⁹⁸

The U.S. Congress, which provided the increased funding to pursue violators of the Volstead Act, approved of the Coast Guard's actions. Some representatives provided a colorful if not practical series of suggestions in reaction to the case. Congressman Hamilton Fish of New York stated that the U.S. should purchase all British possessions in the Caribbean to prevent them from being "smugglers nests (*sic*)." Congressman Stephen G. Porter of Pennsylvania wanted the schooner raised from Sigsbee Deep (three thousand fathoms) in order to ascertain whether she was hauling narcotics. Senator Thomas J. Walsh of Montana believed the controversy should be turned over to the World Court.⁹⁹

Newly-inaugurated President Herbert Hoover believed in the "rigid enforcement" of Prohibition laws. He had proclaimed that his policy for enforcement would contain no "dramatic displays or violent attacks." Hoover's biographer David Burner believed that the international stir caused by the *I'm Alone* sinking gave Hoover cause to be apprehensive on prohibition enforcement.¹⁰⁰

The Coast Guard stood by the actions of *Dexter* and *Wolcott* throughout all of the investigations and court proceedings, holding up the patrol boats and their base as exemplary. Seaman Raeburn was recommended for a commendation for his attempt to save Mainguy.

⁹⁷ Patricia Heard, *The Gueydan Liquor Raid*, http://www.vermilionhistorical.com/features/Topics/Gueydan_Liquor_Raid.htm [Accessed February 27, 2010.]

⁹⁸ *New Orleans Times Picayune*, "Bonded Liquors Washed Ashore," April 12, 1931. 12.

⁹⁹ "The I'm Alone." *Time Magazine*. April 8, 1929. <http://www.time.com/time/magazine/article/0,9171,732224,00.html> [Accessed February 28, 2010].

¹⁰⁰ David Burner, *Herbert Hoover: A Public Life* (New York: Alfred A. Knopf Co., 1979). 219.

The Coast Guard took steps to counter further smuggling efforts along the Gulf of Mexico. Frustrated with being unable to curtail the mother ships offloading outside of the territorial waters, the Coast Guard established a new sub-station at the mouth of the Mississippi at Pass A L'Outre. Patrol boats from this area would act under the operational control of the Pascagoula Offshore Patrol Squadron. Their mission would be to cut off the mosquito boat runs from the mother ships to the inland waterways.¹⁰¹

While the legal case was playing out before the international commission, the Coast Guard tried to mute the criticism that can accompany being charged with an unpopular mission. The Coast Guard could not determine whether Prohibition was right or wrong, only that its duty was to interdict maritime liquor smugglers. The service declared that Coast Guardsmen will “give their lives to save lives but ...[they] will also shoot to uphold the laws of the land.”¹⁰²

Six months after the *I'm Alone* incident, the Coast Guard again made the front pages in another controversial use of deadly force at sea, this time on American citizens. The *Black Duck* was a rum runner pursued by a Coast Guard Cutter off of Narragansett Bay. During the attempt to seize it, three civilians were killed, resulting in another regional controversy. The Coast Guard skipper was later cleared of any wrongdoing by a Board of Investigation. *Black Duck* soon made those following oceangoing interdiction operations forget about the schooner sunk in the Gulf of Mexico. Though praised in official circles, the incident forced recruiting in the Boston Area to be suspended for a time because of angry protests and threats of violence.¹⁰³

On January 30, 1931, the Canadian-flagged rum runner *Josephine K* was fired on by CG-145 off the coast of New York, one shell killing her skipper. Using the lessons learned from the still-in-progress *I'm Alone* case, the Coast Guard was quick to fix the position of the encounter,

¹⁰¹ *New Orleans Times-Picayune*, “Coast Guard Base Will Be Located at Pass a l’Outre,” March 23, 1930.

¹⁰² Miller, “This Business of Duty,” 10.

¹⁰³ Willoughby, *Rum War At Sea*, 149-150.

barely within the twelve mile 1924 Treaty limit at 11.7 miles. In spite of another use of deadly force, a second international incident and accompanying media circus was avoided.¹⁰⁴

A new *Coast Guard Boarding Manual* appeared in 1931. While the amended 1923 edition mentioned treaty zones and the 12 mile limit, the 1931 revision stated that “the geographical position of the vessel to be boarded is of great significance...liquor treaties were negotiated to remove any possible grounds of protest by foreign powers at this assertion of jurisdiction over their vessels outside of territorial waters.” It continued prescribing the use of deadly force to compel compliance, stating it was “frequently necessary,” but added that the safety of innocent individuals “should be considered.”¹⁰⁵

Congress repealed the Eighteenth Amendment on December 21, 1933. The following year the “high tide” of Coast Guard appropriations that went with prohibition enforcement receded significantly. The service underwent reorganization in 1933, establishing six divisions in key port cities, with subordinate areas and districts within them.

On the Gulf Coast, the Pascagoula base was reduced. All six 100 footers departed in April of 1934. *Dexter* suffered an engine casualty and had to return to be repaired, before sailing to the north east.¹⁰⁶ The Gulf Division Headquarters remained at Mobile, but a subsequent reorganization would establish it in New Orleans.¹⁰⁷ The Navy “flush deck” destroyers were returned; some were decommissioned along with many of the smaller patrol craft. This decrease in equipment led to a reduction in personnel. The smuggling of liquor (tax free), narcotics, and aliens continued, but was less frequent and no longer front page news.¹⁰⁸

¹⁰⁴ “Prohibition: Josephine K,” *Time Magazine*, February 9, 1931.
<http://www.time.com/time/magazine/article/0,9171,740998,00.html> [Accessed January 30, 2011].

¹⁰⁵ U.S. Department of the Treasury, *U.S. Coast Guard Boarding Manual*, (Washington DC: Government Printing Office, 1931). 3-4.

¹⁰⁶ *Pascagoula Chronicle-Star*, “C.G. Dexter Is Returning for Repairs,” April 20, 1934. 1.

¹⁰⁷ *New Orleans Times-Picayune*, “Reorganization of Coast Guard Service Ordered.” December 18, 1932.

¹⁰⁸ Willoughby, *Rum War at Sea*, 160-161.

While the community hosting the Coast Guard Offshore Patrol Squadron Eight praised the service and printed numerous accounts of rum seizures prior to the *I'm Alone* sinking, no stories of seizures appeared in the Pascagoula newspaper afterward. The paper did, however, continue to record Coast Guard activities involving Search and Rescue and civic involvement of the men assigned there. As a public relations effort after the sinking, the *Pascagoula Chronicle-Star* carried a column called “*Coast Guard Notes*” by Sam Leavitt, which detailed activities of the base, including promotions, transfers and community participation.

The incident became the topic of a popular Canadian folk song written by Wade Hemsworth. The song describes the protagonists with lines such as “she went down under fire of a Yankee cutter outside of treaty waters” and “the coastguard (sic) had bothered her a couple of times.” The ballad refers to Randell as a “good Samaritan to thirsty Americans.”¹⁰⁹ Randell served in the Royal Navy briefly in World War II and died of illness in Canada in 1944.

Dexter was eventually transferred to the Navy and sent to Buffalo, New York, in 1935 and decommissioned in 1936.¹¹⁰ She remained on the Great Lakes under many owners until 2010. *Dexter*, a.k.a *Motor Vessel Buccaneer*, was scuttled in Lake Michigan in the summer of 2010. Her demise again resurrected the *I'm Alone* story in Canada. Ironically, the patrol boat that caused an international incident with Canada for sinking a liquor smuggler finished its life as a dinner cruiser complete with wet bar, and stern inscribed with “1-800- PARTY BOAT.”¹¹¹

¹⁰⁹ Wade Hemsworth, “The Sinking of the *I'm Alone*,” http://www.druglibrary.org/schaffer/HISTORY/e1920/im_alone.htm [Accessed April 10, 2010]

¹¹⁰ U.S. Coast Guard Historian, <http://www.uscg.mil/history/webcutters/Dexter1925.asp> [Accessed March 10, 2010].

¹¹¹ Randy Boswell, “Scuttling *Dexter*,” <http://usmilnet.com/smf/index.php?topic=14121.0;wap2> [Accessed February 20, 2010].



Coast Guard Patrol Boat *Dexter*, after duty with the U.S. Navy as training craft, concluded her life as a dinner excursion craft, *Buccaneer* operated by the now defunct Wagner Charter Co. on the Great Lakes. She was scuttled in 2010 and is now a reef at the bottom of Lake Michigan. (Wagner Charter Co. Photo)

Conclusion

The unpopularity of the Volstead Act linked law breakers to an otherwise law abiding general public along the Gulf Coast as elsewhere. Coast Guard internal directives authorized the use of deadly force to compel compliance with verbal orders to mariners believed to be engaged in illegal activity. The Tariff Act of 1922 and the Treaty of 1924 expanded the statute authority of the Coast Guard to stop and search foreign-flagged vessels. The Coast Guard underwent significant expansion to meet the threat of the smugglers, and this increased the intensity with which the rum runners were pursued. However, these international directives were to enable United States law enforcement to enforce anti-smuggling laws that applied only to the United States. No significant effort was made on the part of the other North American nations to support United States interdiction at sea or on land; in fact importation of alcohol across the northern border increased. In 1929, Canada, Great Britain, and British possessions in the Caribbean had or maintained no laws restricting the flow of liquor within or outside of their borders. *I'm Alone* made several trips to Belize, British Honduras, in order to re-supply and make deliveries to thirsty south Louisiana. Mosquito boats sped from the bayous and inland waterways of south Louisiana to receive cargos from larger mother ships such as *I'm Alone*, anchored or trolling at the edge of the federal enforcement jurisdiction and flying a British flag.

In order to insulate themselves from the law at sea, rum syndicates had most of their vessels flagged in foreign countries, usually British possessions. The Coast Guard accepted the risk of creating international confrontations in their relentless pursuit to enforce the law of the United States. In the attempted apprehension of liquor smugglers, the same tactics used in the interdiction of vessels transporting narcotics or illegal aliens were employed. The Enforcement

Doctrines authorized deadly force and more often than not, when an order to stop and be boarded was ignored or refused, firepower was brought to bear on the rum runners.

Because the *I'm Alone* was initially contacted and pursued by *Wolcott*, but eventually pursued, heavily shelled, and sunk by *Dexter*, the doctrine of “hot pursuit” was brought into question. *Dexter* chased the schooner to a point two hundred miles from shore before sinking it. In the course of the sinking, a foreign sailor was drowned. Operating within all of the parameters of the law, the Coast Guard had come upon a notorious rum runner who believed he was not only outside of treaty limits, but that he could and would escape yet again. Where other Canadian or British rum runners allowed Coast Guard boardings and submitted to arrest, Randell’s sense of adventure and recklessness sealed the fate of *I'm Alone*. It became the first foreign flagged vessel to be sunk in the Gulf of Mexico. Warrant Officer Powell, who had seen his service embarrassed by Randell’s seamanship in the past, was steadfast in his determination that the rum runner would not elude him again. Powell brought the notorious rum runner to New Orleans in irons.

The incident caused conflicting perceptions of the Coast Guard. In Pascagoula, which berthed the cutters of Offshore Patrol Squadron Eight, positive Coast Guard support was evidenced by the articles in the weekly newspaper. This support was also due to the positive economic impact the installation had on the community. Soon after the sinking, the people chose to celebrate the humanitarian missions of the Coast Guard rather than its difficult law enforcement role. Across the state line in New Orleans, “America’s wettest city,” the Coast Guard action was viewed with more skepticism and the media favored the rum runner while taking a “wait and see” attitude toward the incident.

While the *I'm Alone* incident made headlines through the summer of 1929, the *Black Duck* incident, more bloody and involving American seamen, moved the Canadian-American Commission negotiations to the back pages by December. The difference in the requested and actual legal cash settlements in the *I'm Alone* case also aided this story's transition into relative obscurity in the United States; yet the incident continues to be notorious in Canada. Hot Pursuit, though dismissed as a factor in this case, remained standing operating procedure. After 1931, boarding officers were ordered to be aware of innocents when contemplating the use of deadly force. The Coast Guard navigated treaties, agreements, and its own law enforcement doctrine to the best of the abilities of her officers and men, but stood alone on the seas against powerful syndicates, an unsympathetic public, and uncooperative international maritime community. The government dismissed all charges against Randell and his crew. *I'm Alone's* owners received small prison sentences. The Joint Commission chartered to resolve the *I'm Alone* case determined that the sinking violated international law, but could not determine the validity of "hot pursuit." Confrontations with British and Canadian flagged vessels occurred before *I'm Alone* and continued afterward through the end of prohibition. Rum runners continued to get light penalties and took fewer risks when intercepted. International negotiations over *I'm Alone* continued three years after repeal as a testimony to the fruitlessness of enforcement. National prohibition enforcement at sea would remain an international problem as unenforceable on the ocean as it was on land. Today, the national acceptance of illegal drugs does not equal that of alcohol in the 1920's, but the current enforcement issues remain the same.

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