

# Freedom of the Seas on the Gulf:

## *The I'M ALONE affair and its resolution by commission*

By David A. Bagwell

### The sinking of the I'M ALONE

The I'M ALONE affair<sup>1</sup> in the Gulf of Mexico on the first day of Spring in 1929 is one of the main cases on freedom of the seas in history, and one of the first after the ALABAMA claims arbitration. Its legality or not ended up being decided by an International Arbitration panel or Commission rather than by the U.S. Court of Appeals, but it's still part of our circuit's history.

Probably no more sleekly beautiful *working ship* than I'M ALONE ever graced the Gulf. She was a two-masted knockabout schooner of the Halifax/Grand Banks/Bluenose type, built in 1924 at Lunenburg, Nova Scotia, famous for fast working boats. The history of those boats? In 1919 the New York Yacht Club canceled a race because the winds were 23 knots, and the Grand Banks fishermen could not stop laughing.

So the *Halifax Herald* announced a real race for real boats and real men: the top Halifax fishing schooner against the top "Glousterman" or schooner from Glouster, Mass., the towns' fishermen being always rivals racing their fresh fish cargoes back from the Grand Banks. The Schooner ESPERANTO out of Glouster won that first race, so in 1920, the Halifax men hired a Naval architect to build a faster schooner: The Schooner BLUENOSE, a replica of which visited the Gulf Coast in 1976. BLUENOSE and her captain, Angus Walters, won the Halifax/Glouster race every single year for 18 straight years until they stopped having it in 1938.

BLUENOSE and I'M ALONE were cousins. I'M ALONE was built purely as a whiskey smuggler, a "rum-runner." The vessel's Capt. Randell in his amazingly readable but quite rare 1930 book said she "was a beautiful model known as the knock-about type of Nova Scotia fisherman, a two-masted schooner," and said that she was 125 feet in length with a beam of almost 27 feet. She was 205 tons gross and 91 tons net, with a carrying capacity of 250 tons. She could carry 2,800 cases of liquor, a big and valuable load.

Fast schooners built in 1920, eh? Perfect timing for rum-running. The Eighteenth Amendment to the U.S. Constitution, banning that evil alcohol and demon rum, was ratified in 1919 and became effective Jan. 16, 1920, and so until "Happy Days [were] Here Again" with the 21<sup>st</sup> Amendment in 1933, we had 13 years of prohibition, of rum-running and of the flaunting of the law by high and low alike.



Chester Hobbs, engineer, and Capt. Jack Randell/Courtesy of the Department of Rare Books and Special Collections, University of Rochester Library

Her original owner was John B. Magnus of Boston, a renowned Northeastern bootlegger, who supposedly left his syndicate and went into business on his own, thus the vessel's name I'M ALONE. Magnus owned her under a dummy Canadian corporation until, doing time in the federal slammer in the late 1920s-early 1930s; he sold her in the fall of 1928. When Magnus owned I'M ALONE she operated on the U.S. East coast, at what they called "Rum Row" off New York, and down as far south as Virginia, operating out of the two new-world French islands St. Pierre et Miquelon,<sup>2</sup> France having no whiskey extradition treaty

with the United States, looking down from its well-known viewpoint down her Gallic nose at our Puritanism.

I'M ALONE kept entirely to the high seas, and although the Coast Guard trailed her on the East coast, they never caught her. She would be met on the high seas by shore-based fast boats – "rummies" the Coast Guard called them, and if they were painted black or dark grey, the Coast Guard called them "blacks" (not a racist slur but a color comment). In her early career off New York, I'M ALONE sat out anchored or hove-to at "rum row" and sold whiskey "over the rail" as they said, to all comers who paid the price. From 1920 to 1928 Magnus made \$3 million from I'M ALONE.

About this time the Coast Guard was beefed up, and got some new boats, and on the East Coast by 1928, smuggling was down 7/8 compared to 1924 levels. Times were getting tough there for rummies, and Magnus was

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The I'M ALONE Hove-To in the Gulf/Courtesy of the Department of Rare Books and Special Collections, University of Rochester Library

in the slammer. A coalition of men put together a kitty to buy I'M ALONE. Frank H. Reitman put in \$10,000, Danny Hogan \$5,000 and Marvin J. Clark \$5,000. They went to Canada and bought the I'M ALONE for \$18,000, and put her in the name of a Canadian whom they paid \$5,000 for the honor of being the dummy owner.

And in 1928, the new owners hired a new captain, John Thomas "Jack" Randell from Newfoundland. The Coast Guard later sized up its enemy, and its own history says it better than I could have:

"Forty-nine-years old, Randell was a good seaman; he had served as an officer in the Royal Navy in WWI, had received wartime decorations, and held a Master's License. He was a hard-boiled skipper, with a stubbornness that greatly contributed to ending his days at sea."

Capt. Randell was indeed a tough and seasoned character. He had served as a mounted scout with Canadian artillery in the Boer War, for which he was decorated by the future Queen Mary. After the Boer War, he went into the

Canadian merchant marine and got his Unlimited Master's license. He worked just before WWI in the building of a Russian Naval base in Estonia, and when the war broke out, enlisted in the Royal Navy. He commanded a British armed fishing trawler in coastal patrol around Norway and the like, and was in a remarkably effective anti-submarine service using the first SONAR, which they called "the fish hydrophone," which he called "a marvel."

Randell received the Distinguished Service Cross, pinned on by King George V himself, and was otherwise honored and "mentioned in dispatches" as they used to say, and got two French Croix de Guerres. He was mustered out of the Royal Navy in 1919 as a Lieutenant Commander in the Royal Navy Reserve. From 1922 to 1927, he was a rum-runner at Rum Row off New York, where the business practice was to sell from mother ships in international waters over the rail, but apparently even as tough as he was, he got ripped off more than he liked and in 1927, he took a law-abiding job.

But in 1928, he was approached by some Montreal businessmen looking for somebody just like Jack Randell to skipper the I'M ALONE. Randell was concerned about it and protested that the vessel was on the blacklist of the prohibition authorities and the Coast Guard, but finally he took the job.

The legend, especially as put out by the Coast Guard, is that the I'M ALONE was incredibly fast, as fast as the Coast Guard patrol boats. Just how fast was she? Well, there was a big dispute about that, and for good reason. As it turned out, it made a big difference how fast she was, because as we will see, the 1924 treaty between the United States and Britain – which covered Canada – said that U.S. Coast Guard boats could search British and Canadian vessels only if (1) they had reasonable suspicion that the vessel was a rum-runner, and (2) the search had to take place within the area that the suspicious vessel could cover in one hour. So, if the vessel went 12 knots the Coast Guard could search within 12 nautical miles of the coast, but if the vessel only went eight knots, the search had to be much closer to the Coast, or within eight nautical miles of the coast. So, you see, the Coast Guard always stressed how fast she was, so they could search a broader area, and they always insisted that the I'M ALONE was quite fast, and could go 12 knots, the same as the Coast Guard patrol boats.

Capt. Randell, however, in his book, said that "she did not carry a full spread of canvas" – she carried a jib, jumbo, foresail and storm trysail – but she also had twin Fairbanks-Morse 100 horsepower auxiliary "semi-diesel oil-burning engines," which we would just call "diesel". He said that in "smooth water she steamed light, a little under eight knots", but "with those sails, in a strong wind on the

beam, she could make about nine and a quarter knots on a spurt, but not more than nine on the average."

If he were correct, this meant that under the Treaty a proper search had to be within only nine miles of the coast, rather than the 12 under the Coast Guard's theory. But Randell also said that in rough weather, the Coast Guard boats had their propellers out of the water about half the time, but the I'M ALONE didn't – it is commonly-known that sailboats are incredibly stable in heavy weather – and so in rough weather he could pull ahead of the Coast Guard. Furthermore, Randell often outsmarted the Coast Guard boats in the night and bragged about it and it got back to the Coast Guard skippers, and they were fuming when they heard it, and they were out to get Randell and the I'M ALONE.

In the fall of 1928 and the spring of 1929, I'M ALONE operated out of Nassau, Bermuda and Belize, and Marvin Clark ran the contact boats that handled the unloading from small boats, the process being "lighterage" as they call it in legitimate cargo, and they call the small boats the "lighters." Some of these small contact boats were magnificently fast and big classic gasoline inboard launches. The smugglers moved thousands of cases of liquor, and the Coast Guard was often close but never caught I'M ALONE for a long time. The Coast Guard managed to run down one of the contact boats, CHERI, although the bootleggers burned CHERI to keep evidence from falling into the Coast Guard's hands. An astute investigator, though, found a library book on CHERI, which was checked out to Danny Hogan from some library in New Hampshire, their first clue to the identity of the rum-runners.

In her new business plan on the Gulf Coast, I'M ALONE did not sell over the rail. Instead, the load of whiskey was paid for before the trip, and the money was in the bank in escrow even before the I'M ALONE left Belize. They had developed a foolproof method under which they would know that the person arriving to pick up the load of whiskey was the person who had paid for it. Look at a one-dollar bill in your pocket, even today, and you will see that every one of them has a serial number in the lower left of the bill, and also the same serial number in the upper right. No two bills have the same serial number. They would take a packet of fifteen new one-dollar bills with



I'M ALONE Capt. John Thomas "Jack" Randell/  
Courtesy of the Department of Rare Books and  
Special Collections, University of Rochester Library

consecutive serial numbers, and tear each of them in half, with a jagged tear, and the whiskey sellers would take, say, the right halves, and the whiskey buyers the left halves. They would agree that, say, the eighth bill in the stack was the proper bill. Upon delivery near the U.S. coast, when somebody showed up in international waters to pick up the whiskey, the Captain would yell "who are you?", and the buyer would yell back "my serial number is B49807697E."

The Captain would bring out his packet of half-bills, and thumb down to the eighth bill and check the number. If the two numbers matched, the buyer was allowed to approach the ship and the visitor and the captain would match their half-bills, and if the tears matched, that was the buyer; if not, nope. Captain Randell wrote in his 1930 book "[t]here was an identification that nobody in the world could forge. If the torn edges

fitted, and the serial numbers were the same, there was your man. You let him have the liquor". (There's nothing more nautical than a torn contract anyhow, that's how the nautical term for a contract to lease a ship, "charter party," got its name, from "carta partita," a "parted" or torn contract; same deal here.)

On this trip, Captain Randell was operating out of Belize, a two-day sail. Belize has a long connection with the Gulf coast, including not just rum-runners but also the Filibuster movement of the 1850s. This was his second trip from Belize. He was given his halves of the torn dollar bills, and was told to sail to a point 30 miles south of Trinity Shoal, off Louisiana, which is south of the Atchafalaya Bay and Marsh Island/Point-au-Fer area, west of the mouth of the Mississippi.

On this trip the cargo was 500 cases of William Penn rye whiskey that cost \$8 a case in Belize; 300 cases of Johnny Walker Black label, at \$18 a case in Belize; 110 demijohns of Carta d'Oro Baccardi rum, at \$8 a gallon in Belize, and 200 cases of mixed champagnes and liquors that averaged \$20 a case in Belize. This trip was said to have cost the owners \$62,400.

A fake "fishing boat," a Coast Guard spy in the Gulf, had been watching out for I'M ALONE, and on March 20, 1929, at 6:30 a.m. the Coast Guard Cutter WOLCOTT spotted I'M ALONE, flying a British flag, off Trinity Shoal off Louisiana.

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I'M ALONE crew in New Orleans, Left to right: Edward Fouchard, sailor; Capt. Jack Randell; Jens Jensen, engineer; John Williams, mate; Chester Hobbs, engineer; James Barrett, sailor; William Wordsworth, cook; Eddie Young, sailor; British Vice Consul Simpson/ Courtesy of the Department of Rare Books and Special Collections, University of Rochester Library

So, at 6:30 a.m. on March 20, 1929, the WOLCOTT “spoke the vessel,” as they say in the trade, and ordered I'M ALONE to “heave to”.<sup>3</sup> Captain Randell answered by megaphone that he was in international waters at least 14 miles offshore and would not heave to, but the Coast Guard told him he was 10.8 miles from shore (the U.S. Supreme Court, which handled cases for decades on the issue, would be surprised to know that anybody in 1929 knew exactly where “shore” was, in that place).

At 8 a.m., the Cutter wired its shore station:

I'M ALONE found ten miles from shore line. Request two patrol boats or a cutter to help board same. Fired on black but refuses to stop. They threatened to shoot to kill if boarded.

There ensued more uncertainty. Coast Guard bosun Frank Paul, commander of the WOLCOTT, went aboard I'M ALONE with permission, and he and Captain Randell talked for 1 ½ hours but could not resolve the issue. The main issue was: where **were** they? A big problem.

Captain Randell on I'M ALONE always said they were in international waters. The Coast Guard always said they were in U.S. or treaty waters. Well, were they in international waters, or in United States or treaty waters? There were three basic problems in figuring that out.

The first basic problem is that with Louisiana offshore marsh islands, exactly where you measure a boundary line *from* is hard to say. There have been decades of litigation by and between and among the Gulf of Mexico states and the United States, and also legislation followed by more decades of litigation and Supreme Court opinions, and treaty analysis, and then lines drawn by the Supreme Court's special masters using the Louisiana Plane Coordinate System (you don't really want to know) finally adopted by the Supreme Court, but even now, it isn't easy to say where the Louisiana “coast” really is, in the marshy and island country.

The second basic problem is that they hadn't yet invented Global Positioning Satellites – remember? – and even though Captain Randell and the Warrant Officer commanding WOLCOTT were probably both pretty good at celestial navigation, the system is very difficult.<sup>4</sup> Furthermore, when the Coast Guard Captain Paul was permitted to board I'M ALONE to discuss all this with Captain Randell, Randell asked him how he could possibly know what the position was.

Captain Paul claimed to know his location within a quarter mile, because he kept taking soundings. But Randell said he didn't know how Captain Paul could possibly know, since there was a two-knot current running and the soundings were the same everywhere out there. Randell asked Paul if he had taken any “star sights” during the night. Paul said no, he didn't have the equipment to take star sights at night. Randell showed Paul his own sextant with star sight equipment, which had cost him “150 pounds sterling in London” and Captain Paul was impressed; “it's a beauty; I never saw one like that before”.

The third basic problem was that how far the search zone went out into the Gulf depended, oddly enough, on the speed of that particular vessel. Remember that under the 1924 treaty between the United States and the United Kingdom (remember, back then Canada was a part of the United Kingdom), the United States could “visit and search” British vessels *only* if (1) the U.S. had reasonable suspicion that the ship was a rummy, and (2) the search took place within a distance from shore that the vessel could cover in one hour. The standard was uncertain and it varied depending on how fast the particular vessel in question could go, which was not a very smart clause to put into a treaty.

Because the search had to take place within one hour's sail of the coast, the propriety of the search depended

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on how fast the vessel was. Captain Randell showed Captain Paul how he figured where I'M ALONE was, and Paul said "I figure that you are about thirteen and a half miles offshore". Randell asked "in that case, Captain, on what grounds do you consider that I am within the treaty limits?" Paul said "You know your ship can make fourteen knots". Randell answered that "My ship can no more make 14 knots any more than you can make 40. Even with a gale of wind and fairly smooth water and engines in good shape opened out full, our best speed is not more than nine and a half knots. The I'M ALONE never averaged more than nine knots for 12 consecutive hours".

Randell even pulled out a copy of the actual treaty and showed Captain Paul the provision about one hour's distance from shore. Captain Paul showed Randell the Coast Guard boarding manual, but Randell said the treaty governed (sea lawyers; sea lawyers). Finally it became pretty clear that Captain Paul was mainly angry that Randell had told him, he thought, that if he tried to board the I'M ALONE they would shoot the boarders, which Randell denied and called a misunderstanding. In any event Captain Paul left.

I'M ALONE ran along under sail and power at her full speed under the circumstances, whatever that was, with WOLCOTT following at the same speed.

At 2 p.m., WOLCOTT moved up beside I'M ALONE and signaled "heave to or I will fire." Capt. Randell replied from I'M ALONE that he had no intention of heaving to, but they could fire if they wished.

WOLCOTT said that Randell had 15 minutes to make up his mind. After 15 minutes, the Coast Guard opened fire with her four pounder and rifles. I'M ALONE's British flag was shot through, and a wax anti-riot rifle bullet grazed Capt.

Randell's thigh; Randell could not figure out why the bullet didn't break his leg until he figured out that it was wax instead of lead. The chase continued, running south; the cutter fell behind.

At 3:30 p.m., WOLCOTT wired her shore station: "Carried away part of black's rigging. Black will not surrender. Gun misfired. Gun now jammed. Will continue trail black until advised."

Her shore station radioed back: "Under no conditions allow black to escape. Seize and tow to New Orleans."

By the evening of March 21<sup>st</sup> – after all, the first day of spring – the vessels were 175 miles South of the Mississippi Delta, running at a good clip, the weather getting nasty, a moderate gale, and the seas making up.

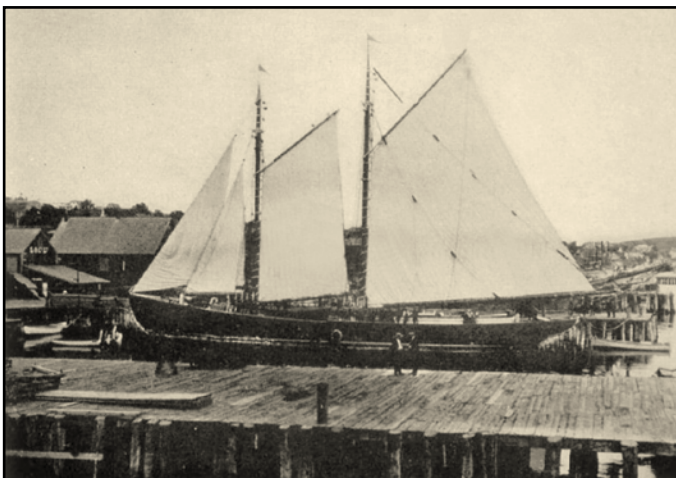
The Coast Guard shore station radioed WOLCOTT that if she were sure that her original hailing point was within 12 miles of shore, then "use all your forces to seize her."

WOLCOTT radioed back:

Will not allow black to escape. Will try again to seize her when weather improves. Have shot through sails and British flag. Master appears desperate. Have not enough men to board her. Will take long chance if other boats do not arrive tomorrow.

The next morning, March 22<sup>nd</sup>, the wind still blew a moderate gale, and the seas were rough. They were in the middle of the Gulf, halfway to the Yucatan – Captain Randell figured they were 215 miles South by East of the river entry to New Orleans; the helpful chart from Randell's book shows it as maybe about N 25° 50', W 90° 50' or thereabouts – when the Coast Guard Cutter DEXTER arrived. DEXTER's captain had been fuming over I'M

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Rum-running schooner I'M ALONE receiving her first suit of sails/From Capt. Randell's 1930 book "I'M ALONE."



I'M ALONE on her trial run in Nova Scotia/ From Capt. Randell's 1930 book "I'M ALONE."

ALONE having previously given DEXTER the slip at night, and she flew signals saying "heave to or I shoot". Randell repeated that they had no jurisdiction over him.

DEXTER fired on I'M ALONE, and hit the vessel 60 or 70 times with gun and rifle fire. I'M ALONE began to sink, with water in her engine room. Randell launched her dories; although they were badly shot up, they were something to hold onto in the rough waters. All I'M ALONE's crew abandoned ship. I'M ALONE's bow was 20 feet under water, and her stern 10 feet out of the water. Captain Randell was the last man off; as the vessel sank he took off his shoes and jumped in the rough water. The vessel dived and sank forever in 2,000 feet of water, and as she went down the cabin doors ripped off and shot out of the water; Randell made it to one and clung to the floating door. Eight men lived, but one man, Leon Maingoy (a Frenchman from St. Pierre) drowned, despite a heroic attempt by a Coast Guardsman, Charles H. Raeburn, who took his shoes off and jumped in and dived down three times to find the drowning Maingoy underwater, finally bringing him up dying. Raeburn was decorated for heroism for the act.

The Coast Guard picked up the men and put Randell in leg irons. They did not tell Randell that Leon Maingoy had drowned. Captain Randell was brought up to the decks once, and he read signals between the WOLCOTT and the DEXTER: from WOLCOTT "There's hell to pay ashore about this business. Tip your crowd to keep their mouths shut about the position of the I'M ALONE", and from DEXTER in reply "Let them try to get it."

They took the men from I'M ALONE to New Orleans and put them in jail on Sunday. They did not allow Captain Randell to contact the British Consul for days. They made bail on a Tuesday, and shortly afterward the U.S. Attorney for the Eastern District of Louisiana dropped all charges and every man went free.

### Whiskey in Gueydan.

Before we get to the diplomatic row from the sinking, there is one last great legend in nearby Gueydan, La., (Vermillion Parish). You can get from the Gulf to Florence, La., and six miles north of that is Gueydan, your standard Cajun rice country.

On Saturday morning, June 22, 1929, about three months after I'M ALONE sank, a stranger arrived in Gueydan and identified himself as R.L. Kellogg. He went to the Southern Pacific Railroad Depot in the West End of town, and asked to have a certain boxcar of "clean rice screenings" shipped out right away, consigned to the B.S. Solomon Company of Harrison, N.J. The depot manager refused, John Oliver Beaxis, maybe the most honest man in Louisiana in 1929.

Beaxis said nothing *shipped* without being *sealed*, and nothing was *sealed* without being *inspected*, so there.

Beaxis figured out that the load in question was whiskey, which according to legend had made it off I'M ALONE's next to last voyage from Belize and was taken to a Gueydan rice warehouse and there sewn into sacks to be shipped North by rail. "Mr. Kellogg" offered Beaxis a thousand bucks to let it go, but he wouldn't. Kellogg offered even more, but Beaxis refused again. Kellogg fainted dead away, then awoke and got in the car and headed, when last seen, to Abbeville, La. Beaxis called the Federal Revenue agents and they raided the warehouse. There was too much whiskey for the government agents to destroy – they estimated it was a 1,000 cases-- so they hired locals to do the job. There was Cutty Sark, Haig & Haig, White Saphire Gin, French Champagne, but mostly there was a big load of "Golden Wedding" Canadian Whiskey (still made; I checked). When the locals were hired to destroy the cargo there was a huge amount of what admiralty cargo law calls *freinte de route*; you know, some of it just goes missing. Here, more of the Golden Wedding Canadian Whiskey went missing than is allowed by admiralty law,<sup>5</sup> and the legend in Gueydan, La., is that Golden Wedding Canadian Whiskey helped them make it through both prohibition and the depression, and there is even one symbolic empty bottle of the stuff in the local museum; my kind of place! Legend there is that half to three-fourths of the bottles survived the local wreckers and were consumed. "Mr. Kellogg" turned out to be Clarence Arbaugh of Lake Arthur, La, a guy who owned a restaurant on Mermentau River on nearby Lake Arthur, and they arrested him.

In 1929, Marvin J. Clark and Danny Hogan and 10 other of the Gueydan whiskey men were indicted, but Clark jumped bail before sentencing and moved to Canada.

### Diplomatic fall-out

So, I'M ALONE was sunk, and Captain Randell and his men are caught. So, who are you going to believe, about where the I'M ALONE was, when WOLCOTT first spoke her?

And there was a complicating factor, in that in a previous case involving COAL HARBOR, a Coast Guard officer named Sigard Johnson had lied about the position of the ship; he had been caught and court-martialed and sentenced for perjury. A second complicating factor was that even if "hot pursuit" could be used, the WOLCOTT had chased it, but a different vessel, the DEXTER, sank it. A third complicating factor was whether the Coast Guard had used excessive force.

TIME magazine reported shortly after the sinking that "International law experts were ready to stand up and

cheer with delight. Here was a case to argue endlessly. It bristled with fine points, with nice distinctions. Many an analogy was drawn between rum-running in 1929 and African slave running in 1808". TIME wrote that:

The case brought forth three suggestions from busy bodied members of Congress:

New York's Congressman Fish would have the U.S. purchase all British possessions around the Caribbean, on the theory that they are nothing but smuggler's nests.

Pennsylvania's Congressman Porter would have the U.S. raise the I'M ALONE to see if she carried narcotics as well as liquor.

Montana's Senator Walsh would submit the whole controversy to the World Court.

Sure enough, five days after the sinking, Vincent Massey, Canadian Ambassador to the United States called on Secretary of State Kellogg and asked for a full report. The next day Assistant Secretary of State William R. Castle's report was delivered to the Canadian Embassy. It followed the Coast Guard line on the speed of I'M ALONE and said that the WOLCOTT first spoke the I'M ALONE inside 11 miles, less than one hour's sail from shore.

Two weeks later, on April 9, the Canadian Ambassador issued a note of protest to new U.S. Secretary of State Stimson, making three points: (1) the vessel was *outside* one hour's sail when she was spoke, (2) there was not a continuous hot pursuit; DEXTER was a different ship, and (3) in any event the force was excessive.

The British press went crazy; the Canadian press went crazy. In Belize, the U.S. Consul was threatened, and even the U.S. Liberal press accused President Hoover of trying to curry favor with the Anti-Saloon League. Not a pretty picture anywhere.

To make matters worse, there was friction between the U.S. State Department and the Coast Guard; the Coast Guard thought the State Department was a bunch of sissies in striped pants, and the State Department thought that the Coast Guard was a bunch of nautical cowboys who ought to have used more restraint before drawing and using their guns.

The U.S. – U.K. Treaty called for International Arbitration, with a Canadian Supreme Court Justice and a U.S. Supreme Court Justice. The United Kingdom picked Sir Lyman Poore Duff, an outstanding jurist who was Chief Justice of the Supreme Court of Canada. The United States picked Justice Willis Van Devanter of the U.S. Supreme Court, who had been appointed to the Court in 1910 by President Taft, and who upon his retirement in 1937 was succeeded by Justice Hugo Black.

During all of this time, the United States had been



U.S. Supreme Court Justice Willis Van Devanter  
Photo: Library of Congress

trying to run down the ownership of the vessel, both to indict her owners and to prove in the international arbitration that the owners were not, in fact, Canadians, but rather Americans operating under a false identity as a Canadian company. After the Gueydan liquor affair, the New Orleans Customs Bureau uncovered a series of coded cables sent through New Orleans to New York City; the cables were subpoenaed and turned over to a State Department cryptologist who decoded them. This put the Revenuers onto the same Dan Hogan who had checked out the book from the library in New Hampshire, which was found on the beached and burned contact boat CHERI earlier.

In late 1929 Hogan, Marvin J. Clark and 10 others were indicted on liquor smuggling charges, and Clark was caught in Canada – having jumped bail on the Gueydan, Louisiana charges. Clark spilled the beans in a plea bargain deal, and told the story that put together the ownership of the vessel.

Unfortunately Clark, one of the government's main witnesses on ownership, was shot and killed in an

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apparently unrelated quarrel while out on bail. But he had signed an affidavit before he was shot, and although American criminal courts have the limit of the Confrontation Clause in the Sixth Amendment, the Confrontation Clause is not a part of international law and the I'M ALONE commission wasn't so limited. At the final arbitration it was also held to be relevant— and was proved – that the actual owners of the I'M ALONE were Americans rather than Canadian, and the United States proved it. This drew some of the poison out of Canada's case, and Canada had calmed down some by then.

The Commissioners issued a joint final report on Jan. 5, 1935.<sup>6</sup> It doesn't read like a normal court opinion with which we are familiar, but instead sets out three questions, which it answered.

The first question was whether it mattered that the vessel owners weren't Canadians after all, but in fact were Americans. The Commissioners decided that the owners and operators of the vessel were Americans who operated her in violation of the laws, and so they awarded no money to the owners. The second question need not trouble us, but the "third" question was that, even assuming that the Coast Guard had a right of hot pursuit in the circumstances, were they justified in sinking the I'M ALONE? And the answer was that they were not.

The Commissioners awarded \$10,185 to the heirs of the drowned man, Leon Maingoy, \$7,906 to Captain Randell, somewhere around \$1,000 (oddly varying numbers), to each crew member, and \$25,000 to Canada "as a material amend in respect of the wrong (of) the United States", and said that the United States had to apologize formally. Apparently this award is considered remarkable as one of the few awards of punitive damages under international law.<sup>7</sup> Most people seem to think that the arbitration was a success, all things considered.

Captain Randell never went to sea again.

I'M ALONE lives yet! On YouTube there is a video of a song about the I'M ALONE, written and recorded by Wade Hemsworth.<sup>8</sup>

And, there is a new I'M ALONE, a fast nice fishing boat which can be chartered to fish the Louisiana offshore islands,<sup>9</sup> a worthy namesake of the original. I know; while on a delightful trip aboard her off the Louisiana coast two years ago, I caught speckled trout from her small skiffs. While on the modern I'M ALONE off the Louisiana coast, at dusk did I "hoist the mainbrace" and drink a toast or two of rum<sup>10</sup> to Captain Jack Randell and the 1929 rum-runner? Did I share the story of that vessel with my friends, in Homeric song on the fantail, whilst watching the sun set somewhere over Trinity Shoal? Damn right I did.

#### Endnotes:

1 This article is largely drawn from a Coast Guard history, Malcolm F. Wiloughby, RUM WAR AT SEA (1964), and Nancy Galey Skoglund, The I'M ALONE Case, 23 University of Rochester Library Bulletin 43 (1968), the very rare but very readable 1930 book I'M ALONE by the Captain of the vessel, Jack Randell, and a fantastic story from the Vermilion (Parish, La.) Historical Society website, [www.vermilionhistorical.com/features/topics/gueydan\\_liquor\\_raid.htm](http://www.vermilionhistorical.com/features/topics/gueydan_liquor_raid.htm), among a variety of other common sources.

2 Never heard of it? Me either. "The Territorial Collectivity of St. Pierre and Miquelon" is a group of small French Islands in the North Atlantic, south of Newfoundland and Labrador and only 10 kilometers from Green Island, Newfoundland, and was the only remnant of "New France". In the Second World War it was loyal to the crypto-Nazi Vichy regime in France, until on Christmas Eve of 1941, just after Pearl Harbor, some Gaullist Free French ships took it over, and it became one of the first territories of the Free French, and it is still French. It looks like a pretty cool place; check out its site at <http://www.tourisme-saint-pierre-et-miquelon.com/en/>

3 This is a sailing maneuver in which the sails are set at conflicting angles, with the result that they sort of fight each other and the vessel, though under full sail, just sits there. The best description of this in literature is in William F. Buckley's book *Airborne*, about his crossing the Atlantic in his sailing yacht.

4 As usual, the only explanation of celestial navigation which a normal person can even start to understand is in William F. Buckley's marvelous little book *Airborne*, but frankly, just use your \$99 GPS; it is much easier.

5 Under admiralty law the customary *freinte de route* of wine in bulk may be 0.25%, at least at one port in France, but if it is in bottles, none is allowed. W. TETLEY, MARINE CARGO CLAIMS 73 and notes 2 and 3 (Canada 1965).

6 I'M ALONE, Vol. III, REPORTS OF INTERNATIONAL ARBITRAL AWARDS pp. 1609-1618.

7 *In re XE Services Alien Tort Litigation*, 665 F.Supp. 2d 569, 595 n. 35 (E.D.Va. 2009).

8 <http://www.youtube.com/watch?v=a--g1SwWxFM>

9 <http://www.imalonecharters.com/>

10 *Not "Golden Wedding Canadian Whiskey"*.

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