

VICTIM OR PARTICIPANT? ALLIED FISHING FLEETS AND U-BOAT ATTACKS IN WORLD WARS I AND II

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In 1907 the world's major powers, including the United States, Great Britain, and Germany, signed a series of treaties at The Hague. A portion of the treaty package was designated Conference Document XI, which in part granted protection during wartime to certain classes of vessels. Document XI specified that small coastal fishing vessels and small boats involved in local trade were not to be subject to either destruction or capture during hostilities. Almost as an afterthought, a warning was added that the signatories were bound "not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance."

Hague XI was well designed for the age in which it was written and for the technology of sea warfare then in existence. The immunity from attack granted to certain belligerent vessels are still in force—one example being the protection, reinforced by subsequent treaties, for hospital ships. Compliance with this particular clause has been good: even in the darkest days of World War II, respect was shown by all belligerents to those ships adorned with the Red Cross. Violations did occur, but they were few and are generally recognized as unintentional. Immunities granted fishing craft under Hague XI, however, present a more cloudy picture. On that score, we have witnessed a gradual erosion of protection by all signatories. In part, the reasons have to do with changes in technology, particularly the advent of the submarine and the use of military aircraft in operations against coastal shipping. Within seven years of the signing of Hague XI, the submarine had become an important weapon. From the beginning, submarine operations have been at variance with many of the humanitarian standards set down at The Hague. As early as 1914, U-boat attacks were undertaken against Allied fishing fleets. The same pattern continued in World War II. But as the analysis below will show, there were important differences in the way fishermen and their vessels were treated in the two major conflicts of the twentieth century.

World War I

Between the outbreak of hostilities in August 1914 and the Armistice in November 1918 Britain alone lost 561 fishing vessels directly because of the war, the majority in waters adjacent to the

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British Isles and Ireland. While some losses were caused by mines deliberately laid by the enemy or which had drifted from moored mine barriers, the majority were accomplished through boardings by U-boat crews, which then affixed scuttling charges. There is no evidence in British records of any German attacks designed to kill or injure the crews of fishing vessels. Instead, the goal appears simply to have been the destruction of the craft. Indeed, there are only four reported cases in which gunfire was a factor in German attacks against British fishing vessels, and there is only one known incident in which a sinking was caused by a torpedo attack.

The year 1918 marked the initial deployment of German U-boats in distant waters. This new strategy brought the Kaiser's submarines as far west as the continental shelf off eastern North America. While one German U-boat had in fact visited the western Atlantic in 1916, this was an isolated occurrence designed to provide operational experience. The western Atlantic campaign of 1918 started on a somewhat "charitable" note when the *U-151* surfaced alongside the whaler *Nicholson* and ordered her master to prepare to receive boarders. Since whaling vessels are usually engaged in an oceanic fishery, they could not and were not considered "small coastal fishing vessels" protected under the Hague agreements. The crew of the *Nicholson* could therefore have anticipated that their vessel would be sunk outright. Despite what must have seemed a near certainty, the *Nicholson's* master pleaded with the German boarding officer, arguing that destruction of his ship would ruin him financially. The argument must have been persuasive, since the U-boat commander ordered that the *Nicholson* be spared. Nonetheless, such kindness was unique: this was the sole example that summer of any such benevolence.

On July 22, the U.S. fishing schooner *Robert and Richard* was boarded by sailors from the *U-156*, under the command of Lieutenant Knoeckel, at a position sixty miles southeast of Cape Porpoise, Maine. The Americans were ordered into their dories and a demolition bomb then sent the *Robert and Richard* to the bottom. On August 3 the *U-156* sank four more U.S. fishing schooners: the *Muriel* (120 gross tons); *Sydney B. Atwood* (one hundred gross tons); *Annie Perry* (116 gross tons); and *Rob Roy* (112 gross tons). All were destroyed by demolition charges set by boarding parties from the submarine. The next day, the same U-boat sank two Canadian fishing schooners, the *Agnes B. Holland* and the *Nelson A.* Also boarded and sunk that day was the small Canadian schooner *Gladys M. Hollett*, normally a banker but at the time freighting a cargo of salt herring from Newfoundland to New York.

The next sighting by the *U-156* was a Canadian stern trawler, the *Triumph*, which the Germans immediately captured and set about converting into a surface raider. Using the captured vessel's dories, they transferred two rapid-fire three-pounder deck guns, twenty-five explosive demolition bombs equipped with timing devices, two crates of three-pounder shells, and a case of assorted small arms to the Canadian trawler. The *Triumph's* crew had in the meantime been transferred to the submarine, and fifteen German U-boatmen replaced them. Since the Germans needed the *Triumph's* dories for their own use, the Canadians were held prisoner on the submarine. The *Triumph* then began her new career as a German man-of-war.

On August 20, boarding parties from the *Triumph* were sent successively aboard the American schooners *A. Piatt Andrew*, *Francis J. O'Hara, Jr.*, and *Sylvania*, as well as the Canadian schooners *Lucille M. Schnare* and *Pasadena*. No resistance or attempt at escape was offered by any of the fishermen; all were taken completely unaware by *Triumph's* approach. Without exception, the fishermen perceived the oncoming trawler as being just another familiar sight on the banks; the possibility that she was under German control never entered anyone's

mind. In later recounting his experiences, the skipper of the *Francis J. O'Hara, Jr.* told U.S. naval authorities that when the *Triumph* came alongside, a voice ordered him to heave to. He thought the order was some sort of joke being played by the Canadians, and waved in reply. All good humour soon disappeared when machine gun bullets from the *Triumph* sprayed in front of the American's bow.

All these sinkings were accomplished using time-fused demolition bombs hung on lines over the schooners' sterns. This method ensured that the force of the explosion was directed upward against the outer skin of the hulls, a technique that proved far more effective and less time consuming than had the bombs been placed inside the fish holds, where the movement of considerable ice and fish would have had to precede any positioning of an explosive device.

While *Triumph's* new crew was busy sending their captures to the bottom, a party from *U-156* boarded and sank the Canadian schooner *Uda A. Saunders*. The following day *Triumph*, still travelling in close company with *U-156*, stopped and sank the French fishing schooner *Notre Dame De La Garde*. Knoeckel's hostile actions against the fishing fleet were directed only against the vessels. In every case, he allowed the crews to move off in their dories before any **demolitions** were placed aboard.

The next fishing vessel to cross the bow of *U-156* was luckier than the others. The submarine was by this point badly overcrowded with unhappy Canadians from *Triumph*. Seeing this newly-sighted fishing vessel as a way to relieve himself of his burden, Knoeckel ordered her hove-to, after which he transferred his prisoners with orders that they be delivered to the nearest safe port. Following that, Knoeckel decided that the time had come to move *U-156* to a more distant location in case American or Canadian naval patrols had been alerted to his presence. Once underway, it was discovered that *Triumph's* speed was no match for the U-boat's, a realization that ended the trawler's career as a German raider. The Germans and their armaments were ferried back to *U-156*, and a timed charge sent *Triumph* to the bottom.

Knoeckel's new course was for the Grand Banks, where he arrived on August 25. While on the banks, boarding parties from the U-boat sank six more fishing schooners: the *E.B. Walters*, *Clayton W. Walters*, *Marion Adams*, *CM. Walters*, *Vema D. Adams*, and *J.J. Flaherty*. The first five were Canadians, the last an American. The following day, the Canadian schooner *Gloaming* was added to *U-156's* trophies. Knoeckel intended for *Gloaming* to be his last success before heading home, but he never made it. Attempting passage through the North Sea mine barriers, the *U-156* struck a mine with the loss of all hands.

Another German submarine, *U-117*, had by this time appeared in the western Atlantic. Commanded by *Kapitänleutnant* Droscher, *U-117* had been given the combined mission to lay mines off the New York bight and then to direct his attention to the fishing fleet on Georges Bank. While on the banks in August, he sank nine small motorized fishing schooners, all American and all apparently swordfish harpooners. They were the thirty-one ton *Katie L. Palmer*, the *Aleda May* (also thirty-one tons); the *Mary E. Sennett* (twenty-seven tons); the *William H. Starbuck* (fifty-three tons); the *Old Time* (eighteen tons); the *Progress* (thirty-four tons); the *Reliance* (nineteen tons); the *Earl and Nettie*, (twenty-four tons); and the *Cruiser* (twenty-eight tons). Only one tried to escape, an action which Droscher quickly discouraged by firing warning rounds from his deck gun. Following each interception, the fishermen were ordered onto the sub's deck while a boarding party, using the Americans' own dories, planted demolition charges. The fishermen were then given back their dories and set free to row toward the safety of Cape Cod. In later interviews conducted by U.S. naval authorities, the fishermen

described their anxiety while being questioned on the submarine's deck. A crewman of the *Katie L. Palmer* said that one German officer, whom he thought was the "mate of the submarine," warned them not to "put any guns aboard any fishing vessels because if you do, we will consider you pirates and cut your throats." In retrospect, such a threat seems rather absurd considering the source: a German officer whose U-boat was busy destroying nine small coastal fishing vessels, all of which should have been clearly recognized as being immune from attack under the Hague agreements.



Figure 1: *Francis J. O'Hara, Jr.*, Sunk by German boarding party operating aboard the Canadian stern trawler *Triumph*, which U-boatmen captured in August 1918.

Source: F.J. O'Hara and Sons, Inc., Rockland, Maine.

Following the destruction of the nine harpooners, *U-117* devoted the next fifteen days to attacks against merchant shipping. By this time, the U-boat had moved eastward off Nova Scotia. While on the Canso banks, it sank the American steam trawler *Rush* and shortly thereafter destroyed two Canadian fishing schooners, the *Elsie Porter* and the *Potentate*. All three sinkings were accomplished using the same type of demolition charges which Droscher had earlier employed against the American harpooners on Georges Bank. One of the Canadian skippers temporarily taken aboard the U-boat was asked for the course lines used by steamer traffic between Newfoundland and the mainland of Canada. When the Canadian feigned

ignorance, Droscher threatened to take him to Germany as a prisoner. Whether he got the information following that threat is unknown; but in any event, the Canadian was not detained. As in earlier sinkings, all survivors were allowed the safety of their dories. The mild summer temperatures and calm sea conditions were a God-send to the men in the dories, all of whom either landed safely in Nova Scotia under oars or were sighted and picked up by other vessels to be landed at safe ports.

The next submarine to appear in the western Atlantic was already well known to the American public. She was the *ex-Deutschland*, which two years before had been the world's first cargo-carrying submarine. Before America's entry into the war, the *Deutschland* had twice run the British blockade to enter American ports, both times with cargoes. *Deutschland's* first port of call in 1916 had been Baltimore. Her second voyage, made later that same year, was to New London, Connecticut. By 1918 she was back in the western Atlantic, this time not as a trader but as a vessel of war. Her name had been changed to *U-155*; her new commander was *Korvettenkapitan* Studt.

On September 20, Studt overhauled the American steam trawler *Kingfisher*, ordered its crew into dories, and sank her by hanging a demolition charge under the stern. *Kingfisher* was the only fishing vessel sunk by *U-155*. She was also the last fishing craft to be sunk in the western Atlantic during the First World War, which ended seven weeks later.

Of one hundred commercial vessels of all types sunk by U-boats in North American coastal waters during 1918, thirty-five were fishing vessels. In all cases the crew had been allowed time to escape before their craft were destroyed. By contrast, German attacks against merchant shipping during the same period and in the same general area were immediate and without any prior warning. The actions of *U-156* provide a good example of the difference in policy. During August, which was mainly spent in boarding and time bombing the fishing fleet, *U-156* attacked a coastal freighter, opening fire without warning. Five of the freighter's crew were seriously wounded as a result. The U-boat commanders' benevolence towards the crews of fishing vessels clearly indicated at least a partial observance of the immunities expected under Hague XI. While the treaty was certainly neglected, in part by failing to recognize totally the complete immunity of coastal fishing vessels from capture and destruction, this was in obvious retaliation for the British blockade, which had deprived Germany of the products of its fisheries. The Germans accordingly reacted by destroying British fishing vessels. Thus were the consequences of a total economic blockade. Nevertheless, when dealing with the fishing fleets of their respective enemy, each side seemed to have respected the fact that the fishermen were not part of the direct war effort. Unlike merchant ships, fishing vessels in that war were not armed, a characteristic which removed them from the belligerent status inherent to merchant ships, almost all of which by 1916 had been armed. The fact that merchantmen were armed effectively removed them from the protection of advance warning prior to an attack.²

World War II

When World War II began in 1939, a radical change immediately became evident in the conduct of anti-submarine warfare: aircraft were now employed within the coastal zones to combat submarine threats. An airplane could be on top of a surfaced submarine practically without warning. Once a plane was sighted, or even upon the detection of the noise of an aircraft engine, there was rarely sufficient time for the submarine to dive. The sub therefore

became dangerously vulnerable if its commander chose to linger on the surface, at least while in range of enemy aircraft. The consequence of this new development, rarely experienced during the First World War, was that in coastal waters a submarine commander would be taking a suicidal risk by using boarding parties; few therefore took the gamble. By the third month of the war, the old practices were viewed as virtually unthinkable. During World War I's first two years (and therefore before the entry of the United States into the fray), only two Allied fishing vessels are recorded as having been destroyed by German time bombs, both isolated cases occurring very early in the conflict: on September 16 and on October 28, 1939. As was perhaps appropriate to a vanishing age of chivalrous sea warfare, the fishing vessel sunk on September 16 using a time-fused demolition was named *Rudyard Kipling*.

The German decision to abandon any sanctity toward fishing vessels was soon made starkly clear through a prize court judgement handed down in 1940 over the case of the British trawler *Goulfar II*. In issuing this decision, the German court expounded a somewhat novel interpretation of Hague XI, an explication which was totally unrealistic in characterizing any major nation's fishing industry, whether coastal or not, in the twentieth century.

...The history of Hague Convention No. XI shows that not all vessels of the coastal fishing class, without regard to then-size and capacity, are to be protected, but only those used by poor coastal fishing people to gain their daily bread by catching fish off their own or neighbouring coasts. The exemption [from capture and destruction] therefore applies not to fishing vessels as such, but only to those belonging to the poorer people; it is an exemption based on humanity. It has always really only concerned small and economically unimportant vessels whose owners lived by day to day trade. Some of those taking part in the Hague Conference, indeed, did not wish to protect steam vessels at all, and wished to limit the exemption to sailing ships.³

Besides being essentially ridiculous as a general description of any northern European fishing fleet of that era, the court's reference to "sailing vessels" and small size as being the only characteristics granting immunity under Hague XI cannot be accurately advanced as an excuse for Germany's own actions during the 1914-18 war. A review of the official list of British fishing vessels lost to German actions during World War I shows that it was heavily dominated by sailing craft, almost all of which were of the smaller types known as "smacks." In any event, it can be concluded from the *Goulfar II* case that as early as 1940 the German government had little inclination to grant immunity from attack to any Allied fishing vessel regardless of size or type. The difficulty of distinguishing harmless fishing vessels was an obvious factor in entrenching German attitudes. In February 1940 an order was issued which virtually ended any soul searching on the part of submarine commanders. The *U-boat Commander's War Diary* reads:

...U-boats frequently reported having encountered armed fishing vessels and trawlers steaming with wrongly placed lights. It seemed like the enemy hoped by this means to lure

the U-boats in to attack...ships with insufficient lighting were therefore regarded with suspicion and measures were taken against them on 17 February 1940.⁴

Any official distinction by German naval commanders between fishermen and merchant seamen was now a thing of the past. The same disinclination to adhere to the rules of Hague XI soon became part of Allied policy as well. If fishermen were to be allowed any personal protections, these would now come only through humanitarian acts by individual commanders. Perhaps surprisingly, the evidence from the Second World War suggests that such displays were much more common on the part of German naval officers than their counterparts on the Allied side.

Prior to American entry into the war, German attacks against the British fishing fleet, although less frequent than in the First World War, became a serious threat to the United Kingdom's food supply. Between 1939 and the end of 1941, Britain lost 111 fishing vessels, largely through air attack. How many of these attacks were perpetrated with the knowledge that the target was a fisherman is of course unknown; indeed, from an enemy pilot's viewpoint, it was difficult to differentiate between a working fishing trawler and one which had been converted into a naval minesweeper. Each looked basically the same from the air, even down to its working gear, which consisted in each case of wire cable from which it towed the appropriate underwater apparatus, the character of which was of course indistinguishable once streamed. For defence against air attacks, Britain in 1940 started to equip the fishing fleet with guns, and it trained its civilian fishermen in their use. The act of arming its fishing vessels meant that Britain had totally abandoned all adherence to Hague XI. By the time the United States entered the fray in December 1941, Hague XI was no longer taken seriously by either side.

By the early summer of 1941, the United States, although still officially neutral, was actively engaged in protecting convoys as far east as Iceland. American public opinion was slowly moving away from isolationism, and the realization was gaining ground in many quarters that direct involvement in the war was inevitable. One fishing fleet owner from Wakefield, Rhode Island, wrote a hawkish letter to the U.S. Navy Department in June 1941 suggesting that the Navy place radios aboard his trawlers for naval observation. The Navy's reply is unique for an armed force on either side in expressing a concern for protection of fishing craft under Hague XI.

...If the Navy were to so equip your vessels, such action would be in violation of the Hague Convention and also would remove any possible immunity which we would expect to be accorded by enemy craft to harmless fishing vessels. Therefore, the Navy Department cannot comply with your suggestions to equip fishing vessels with radio-telephone sets.

Royal E. Ingersoll, Rear Admiral
September 9, 1941.

Less than three months after Ingersoll's reply, Congress declared war on Germany.

Warfare arrived with a vengeance in American coastal waters at the beginning of February 1942. By mid-March, the waters off the eastern seaboard had become a virtual holocaust. The aggressors were German U-boats; the victims were Allied merchantmen, particularly tankers. As a by-product of the carnage, fishing vessels also were attacked.

The *Foam*, a 325-ton trawler, was the first. She had cleared Boston on May 16, 1942, en-route to the banks off Nova Scotia. At 12:20 p.m. on May 17, at 43 degrees 20 minutes N., 63 degrees 08 minutes W., a surfaced submarine was spotted by the crew. At virtually the same moment, the submarine, which we now know was the *U-432*, opened fire. When the first shell passed over the *Foam's* bow, her skipper stopped making headway, theorizing that it was only a warning shot. Despite what should have been seen as an apparent act of surrender, the U-boat continued its fire, a second shell hitting the trawler's bow. In rapid succession, and before *Foam's* crew had a chance to get clear, shell after shell screamed toward the unarmed trawler. The weather being calm with little ground swell, the U-boat crew had an ideal gun platform from which to work, so most of the shells struck home. Fortunately for the crew of the *Foam*, the submarine seemed to be using non-explosive warheads; the projectiles passed cleanly through the hull, which was a God-send, since if they had exploded, the casualties would have been heavy. Scrambling to abandon, the fishermen got one dory and a raft into the water. Seventeen men crowded into the former while four men tumbled onto the latter. One of the raft's occupants was badly wounded and died almost immediately. Others in the dory were also wounded, but their injuries were comparatively minor. Once they had rowed clear of the line of fire, the *Foam's* crew were in a position to observe their attacker. What they saw was a U-boat painted dark gray but beginning to show the wear and tear of heavy duty with rust streaks running down the side of the conning tower. There were two guns, one forward and one aft. Six men were on deck-four manning the forward gun and two others busy taking photographs. The fishermen would later testify that following abandonment, *Foam* was hit with an additional fifteen rounds.

As the survivors slowly drifted away into a light mist, they lost sight of the wreck, but judging by their last glances, *Foam* was in the final throes of sinking. The total elapsed time between the enemy's first contact and the sinking had been less than an hour. The survivors then started a long row for the coast of Nova Scotia. After twenty-eight hours of hard pulling they made landfall, but were spared the final mile or two when they were spotted by a Canadian patrol craft which took them into Halifax. Another patrol craft had earlier picked up the three survivors remaining on the raft.

On June 2, 1942, the *Ben and Josephine*, an otter trawl dragger, left Gloucester, Massachusetts, at 7 p.m., in company with another dragger, the *Aeolus*. Both were bound for the Seal Island fishing grounds off Nova Scotia. By 3 p.m. the next day, the two draggers were about 170 miles east of Cape Ann when the man at the wheel of the *Ben and Josephine* spotted a submarine on the surface proceeding on what appeared to be a parallel course. Although concerned, the wheelsman later stated that the opinion among his fellow crew members at the time was that the submarine was probably friendly. Whoever was up and about on the *Aeolus*, then four or five miles astern, seems to have had the same thoughts, since it also made no attempt to alter course. But friendly the submarine definitely was not: it was the *U-432*, the same sub which had sunk *Foam* some days earlier. When later describing to naval authorities what had transpired, the crew members of both the *Ben and Josephine* and the *Aeolus* stated that for an hour a number had periodically studied the submarine through binoculars. During

that time, nothing was seen to indicate that it spelled trouble; yet, the fact that its course and speed were continually altered to match the draggers produced a menacing atmosphere.

Around 4 p.m., the submarine suddenly changed its course as if to cross the bow of the *Ben and Josephine*, increasing its speed as it drew nearer. When approximately five hundred feet away, it swung parallel and a machine gun opened fire, bullets striking the water close to its prey. Guiseppe Ciarmitaro, the *Ben and Josephine's* skipper, had been taking a nap. Suddenly shocked awake, he ran for the pilot house to radio for help. The Germans, spotting Ciarmitaro moving across the deck and apparently guessing what he was about, sprayed machine gun fire in his path. Escaping narrowly, Ciarmitaro decided against any further heroics and shouted the order to cut away both dories. At this point, *U-432's* commander began showing solicitude for the fishermen's safety, ordering further fire withheld until the dories were clear. When that was accomplished, the shooting recommenced in earnest. The crew of the *Ben and Josephine* would later estimate that between thirty-eight and forty-eight rounds were fired from the sub's main deck gun. But the marksmanship was poor, and despite the short range few made contact. Enough did hit, though, to start the craft going down at the bow. At this point the fishermen saw what the *Foam's* survivors had also witnessed - someone aboard the submarine was taking their photographs for posterity. Thirty-six hours later, the dories landed at the light station on Mount Desert Rock, an island off Maine's Acadia National Park. Aside from being hungry and suffering from mild exposure, all hands were well.

The *Aeolus* had been on a parallel course about five miles astern of the *Ben and Josephine* when the latter was attacked. Upon hearing the fire directed against the other trawler, the master, John Johnson, altered his course to put as much distance as possible between himself and the submarine. However, as soon as the sub had finished with the *Ben and Josephine*, it rapidly overhauled *Aeolus*. Upon closing, the Germans fired a warning shot, quickly followed by shouted orders to stop engines and put over dories. By way of emphasis, the U-boat's deck gunners fired off two rounds, one of which struck *Aeolus* squarely forward on her whale back. Since all the fishermen were aft at the time engaged in lowering the dories, this was probably meant only as a threat to dampen any idea of sending off a radio warning. It was when the fishermen had pulled clear that the Germans reopened fire, with most rounds missing as they had earlier with the *Ben and Josephine*. When enough hits were made to start *Aeolus* sinking, the *U-432* headed away. Taking stock of the situation, the survivors decided on a course for Seal Island, the closest land. But before long a brisk breeze came up, raising enough of a head sea to force a change of plan. They then reversed direction, heading this time for the coast of Maine. They arrived a day and a half later, also landing on Mount Desert Rock close on the heels of the crew from the *Ben and Josephine*.

Guiseppe Ciarmitaro later recalled the effect that the sinkings of the *Ben and Josephine* and the *Aeolus* had on the morale of Gloucester's fishing community. When the full news became known, enthusiasm for the offshore fisheries declined sharply. It would be some weeks before the men of Gloucester again extended their voyages east of Cape Porpoise, Maine.

The *Lucille M*, a forty-nine ton Canadian fishing schooner rigged as a harpooner, sailed from her home port of Lockeport, Nova Scotia, on July 25. Her ultimate destination was the swordfish grounds on Georges Bank, but on the way west her skipper decided to stop on Brown's Bank. The glassy summer sea promised perfect conditions for sighting fish finning at the surface. Shortly after dark, the *Lucille M* arrived on Brown's Bank and laid hove-to awaiting daylight. Except for a small binnacle light, the schooner was totally blacked-out. Around

midnight, the sound of heavy diesel motors was heard somewhere off the beam. The source of the noise appeared to be making little if any movement. Its sound was entirely different than that normally created by fishing boats, and the lack of movement was hardly suggestive of a cargo vessel making headway. *Lucille* Afs crewmen were apprehensive - as it would prove, rightly so. The engine noise had come from the *U-89*, then surfaced to charge its batteries. The commander, *Korvettenkapitän* Dietrich Lohmann, thought he had the surrounding ocean to himself, at least until approximately 3 a.m., when lookouts spotted the *Lucille M* slowly drifting out of the mist. The Germans, standing station at their guns, immediately commenced firing. None of the initial shots was meant as a warning, since the first hit the schooner's sails while another smashed into its top hamper. The submarine's machine guns were then put into play while the frantic fishermen struggled to launch a dory; by sheer brute strength, they managed to manhandle one into the water. All able hands leaped in, but not before first lowering four of their numbers who had been wounded. Once clear of the gunfire, the fishermen lay on their oars while witnessing the destruction of what had been, just minutes before, a fine "bluenose" fishing vessel. All in all, about twenty shells were fired into the *Lucille M* before she started her plunge to the bottom.

The crew rowed their overcrowded dory seventy miles to the harbour of Shelburne, Nova Scotia. Interrogated later at Halifax by Canadian naval authorities, the fishermen related that during the shelling they were close enough actually to hear the sub's gun crew work the gun breach and shell cases fall to the deck. One or two swore they had heard someone aboard the sub shout derisively in English, "The damned thing won't sink!"

On July 28, three days after the *U-89's* attack on the *Lucille M*, and not more than thirty miles away, the *U-754* was lying in ambush. At first light, her lookouts spotted what turned out to be the *Ebb*, a large trawler out of Boston. From the U-boatmen's viewpoint, conditions for a deck attack were ideal, with good visibility and a calm sea. The submarine began to fire and its first shell was a hit. *U-754* continued circling the *Ebb*, its shellfire punctuated by machine-gun bursts. Before the *Ebb's* crew could get a dory into the water, five were dead and seven wounded out of a total crew of seventeen. Twelve survivors, two near death, were rescued the next day by a Canadian destroyer and later landed at Boston. For the submariners of *U-754*, *Ebb* was to be their last kill. On July 31, the sub was herself attacked by Canadian aircraft and sunk. There were no German survivors.

What justification might the Germans have had for the attacks without warning against the *Ebb*, the *Foam*, and the *Lucille M*? As we now know from available records, there was a sound basis for failing to provide a warning. The U.S. Navy was unable to cope with the 1942 U-boat attacks along the American east coast. Accordingly, the British had sent to America's aid twenty-two fishing trawlers previously converted by the Royal Navy for anti-submarine work, all manned by Royal Navy crews. Unless examined at close distance, it would have been difficult for any observer to differentiate between these converted craft and the ordinary British fishing trawlers so familiar to German U-boatmen. Both the *Ebb* and the *Foam* closely resembled this type of British trawler. German intelligence was almost surely aware that these Royal Navy trawlers were by then operating off the American east coast, and this information would have been passed along to U-boat crews. Against a trawler equipped for anti-submarine work, a submarine commander would have had an edge only if he initiated attack. In all likelihood, that was the thinking of the U-boat commanders in attacking *Foam* and *Ebb* without warning. In the case of the *Lucille M*, the situation was somewhat different; however, even then there may

have been a sound reason to forego a warning. So desperate was the situation of the U.S. Navy that any number of means, no matter how unrealistic, was being employed to combat the Li-boats. One such method of "grasping at straws" was to utilize an assortment of yachts and other miscellaneous craft as offshore picket boats. Most of these were armed in some fashion, but few were really suitable for the assigned task. The theory was that anything which might keep the U-boats from operating on the surface was better than nothing. A number of yachts put to this use closely resembled vessels of the same type as the *Lucille M*. During pre-patrol briefings, U-boat commanders had almost certainly been made aware of this stopgap picket fleet, since its creation had been widely-publicized both in the American press and over commercial radio. In fact, media publicity was central to much of the recruitment for this "potpourri fleet." *U-89's* commander could either have mistaken *Lucille M* for one such picket boat or, being unsure of what she actually was, decided not to take any chances.

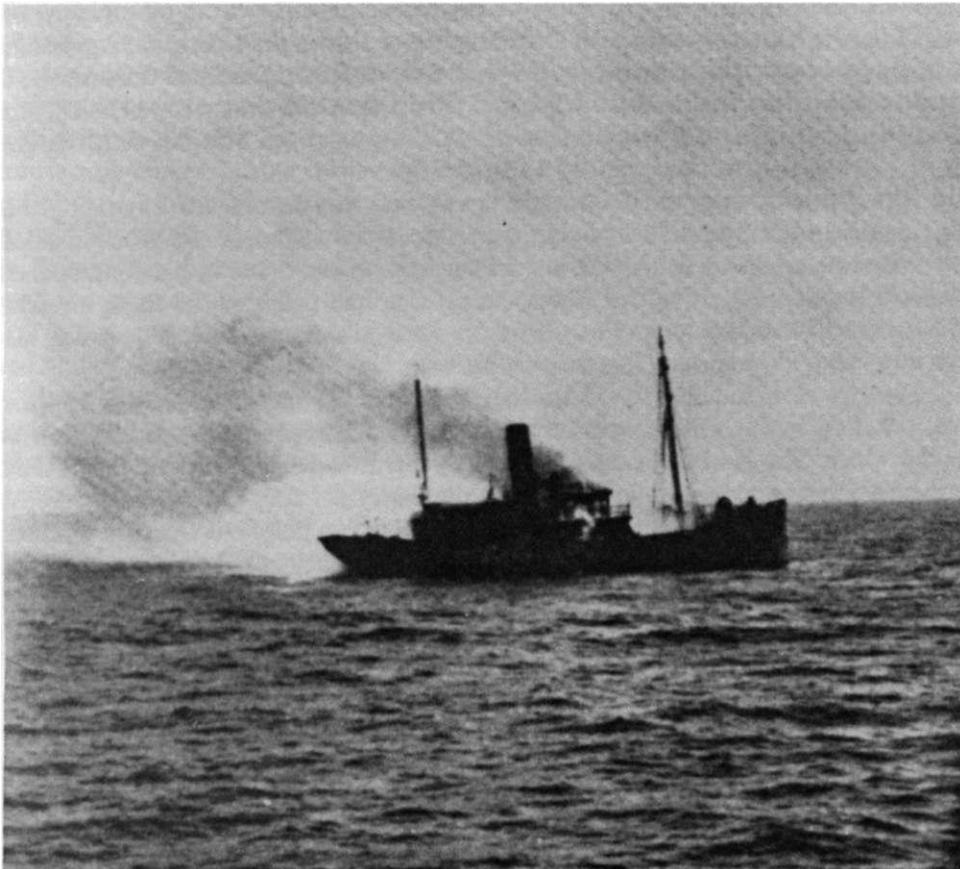


Figure 2: The *Foam* as photographed from *U-432* during the attack of May 17, 1942.

Source: Captured enemy photograph, in B. Herzog, *U-Boats in Action 1939-1945* (Dorheim, 1970), 147.

By the summer of 1942, the U-boat assaults had also spread to the western Gulf of Mexico and the waters off Cuba's northern coast. In those areas, sinkings were frequent and included two fishing vessels. Neither of the incidents involving fishing boats can be classified as rational: in both cases, the attacks were wanton and without any conceivable military significance or economic purpose. A different U-boat was involved in each.

The first attack was against a sixty-five ton Cuban handliner named the *Lalita*. She was fishing at the time for snapper and grouper off the Yucatan Peninsula of southeastern Mexico. The date was July 6, shortly after first light. The fishermen had just put their lines over the side when a submarine surfaced nearby. Without the slightest warning, it opened fire with machine guns. Terrified, one of the fishermen started waving a Cuban flag while another threw over a skiff and began rowing toward the sub, screaming in English at the top of his lungs, "We are Cubans! We are Cubans!" Meanwhile, the remaining nine crew members threw themselves into a second skiff and started toward the submarine, probably hoping that their approach would bring about a cessation of hostilities and a chance to negotiate. They were waved away, and the shelling of the *Lalita* began anew. She absorbed five or six rounds before sinking, whereupon the U-boat turned away to the northeast, leaving behind some very shocked Cubans who finally managed to make it to the beaches of Yucatan after a long and thirsty row. Their journey to shore was made even more difficult because both skiffs had been holed by machine-gun fire before they could be launched.⁶

The second fishing vessel attacked in southern waters was the fifty-foot American launch *Gertrude*, which was assaulted off the north coast of Cuba in July. When assailed, the *Gertrude* was not engaged in fishing but instead had her fish bins laden with onions, bound from Miami to Havana. A failure of the Cuban onion crop had provided the fiscal incentive for *Gertrude's* owner to depart temporarily from his usual business of fishing. This was his first venture into cargo haulage - and it was to be his last.

Shortly after midnight on the morning of July 16, the *Gertrude* was approaching Havana, her crew having just sighted the city's lights which appeared as a bright glow on the southern horizon. The three-man crew had no idea that it had company out there in the darkness, when suddenly they were blinded by a high-intensity searchlight. From the source of the glare, in loud and perfect English, came the order, "Abandon Ship!" As the light momentarily moved away, the crew could see the outline of a submarine. They quickly launched their dinghy, which had been lashed to the stern, and climbed in. Sketchy details of what followed can be found in the U.S. Navy's report. More detailed, though, is the headline treatment that appeared some days later in the *Miami Herald*. According to that account, the skipper heard only one gunfire explosion, and that was after the dinghy had drifted off into the darkness. That one round seems to have been enough to sink the little boat, as no remnant of it was ever found. *Gertrude* thus holds the unenviable record of having been the smallest vessel sunk in the western Atlantic by enemy action in either of the two world wars.

The three now badly frightened Floridians cranked up their outboard motor and headed toward the glow of Havana, but soon the limited supply of gas ran out. From that point, the dinghy and its occupants took on the character of just another speck of flotsam drifting northward in the Gulf Stream. Seventy-eight hours later, dangerously dehydrated because the dinghy had not been equipped with a water container, the three men were spotted by a Civil Air Patrol plane at a position east of Alligator Light off the Florida Keys. The pilot notified the local Coast Guard station, which dispatched a private motorboat to pick them up.

U-166 was itself sighted a week or so later by a U.S. Coast Guard plane a few miles southwest of the main entrance to the Mississippi River. The plane dropped two bombs, both making direct hits on the submarine. A huge oil slick appeared shortly after the sub crash-dived. No survivors or wreckage was spotted. But the attack seemed to have definitely marked the end of *U-166*, as her crew never again made radio contact with U-boat headquarters.

Official U.S. Policy Regarding Its Fishing Fleet During World War II

For a number of reasons, the U.S. Navy decided not to place guns aboard the American fishing fleet. The primary rationale was the limited space for either guns or naval gun crews on the average fishing vessel. It was U.S. policy, whenever arming its commercial ships during the war, to use trained naval personnel as gun crews. By the authority of the War Shipping Administration and the U.S. Navy, merchant crews were ordered to assist the naval detachments, operating under the direct command of the senior naval person aboard. Only in rare and isolated instances did civilian crews act as a vessel's sole gunners without the presence of naval personnel to command and supervise such activity. Unlike the Royal Navy, which designated fishing crews to operate their own guns, the U.S. Navy showed little enthusiasm for supplying naval weaponry to the care and responsibility of what it viewed as a body of unregulated and therefore largely uncontrollable civilian fishermen. To be fair, the situation regarding Britain's fishing fleet was somewhat different. For one thing, the labour force in the British fishing industry had historically been under much more governmental control than was the case in the U.S. In Britain, the threat against the fishing fleet was largely from aircraft; because of the nature of the menace, the defensive armament supplied was of the anti-aircraft variety, as opposed to the more space-demanding and much heavier weaponry which would have been required by the American fleet to repel submarine attack.

Even though it had no wish to arm the fishing fleet, the U.S. Navy was not opposed to including fishermen in its overall plans for anti-submarine warfare. Although in September 1941 the Navy had expressed its lack of interest in equipping fishing craft with radios for intelligence observation, with a total disaster potentially close at hand it reversed itself and early in 1942 began the installation of radios aboard the offshore fishing fleet. These radios were sealed to naval-monitored frequencies and were for the express purpose of reporting submarine sightings and other intelligence important to the Navy. This was clearly a violation of Hague XI, Chapter II, Article III. Any incorporation of fishing vessels into the naval intelligence network had been outlawed as early as 1913, when fishermen were warned that such behaviour could result in danger to the entire fleet. The matter was covered by Columbus, who wrote that

...the foregoing boats [fishing vessels exempted from capture by Hague 1907-Conference XI, Chapter II, Article III] forfeit their exemption from capture as soon as they take any part whatsoever in hostilities. This would appear to apply to individual boats, but if a commander discovers that the enemy is making use of his fishing boats for any operations of war, mine laying or sweeping for instance, or if they are furnished with wireless telegraphic apparatus for communication with the enemy fleet or shore stations, the immunity

could be withdrawn from the whole of the fishing boats on a given coast by way of reprisal.⁷

The U.S. Navy's radio equipage program developed into a large-scale affair. By September 1942, the network of fishing vessels outfitted for observation duty had mushroomed to 625. Samuel Eliot Morison, in the first volume of his *History of U.S. Naval Operations, W.W. II*, claims that by the fall of 1943, the number of these fishing boat observer units had risen to 845. Indeed, the *Foam*, one of the American fishing vessels sunk in the summer of 1942, had been equipped with a Navy radio. As news of her sinking spread through the fishing communities, it was reasoned that she was attacked because "she had asked for it."⁸

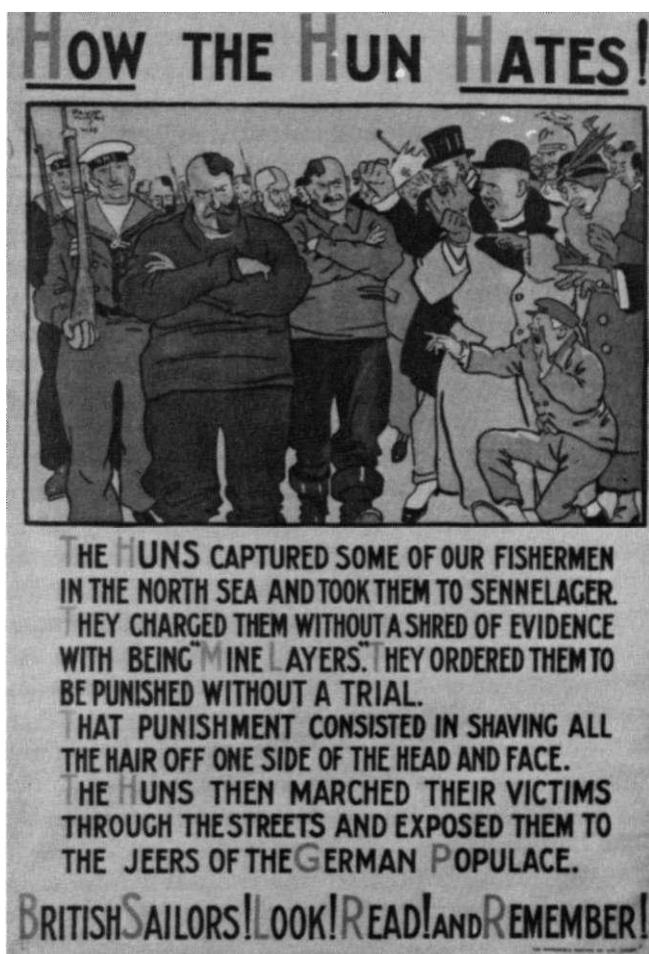


Figure 3: British World War I propaganda poster.

Source: Author's personal collection.

The U.S. Navy, in compromising the fishing fleet through a violation of international law, did not stop with the mere supplying of radios. Early in 1942, the trawler *Wave*, a sister ship to *Foam*, was taken over by the Navy. Under a full cloak of wartime secrecy, *Wave* was fitted with hidden armaments and a sonar detection device. She was commissioned into the Navy; her mission now was that of a "Q-ship," the goal to lure unsuspecting U-boats close enough to give them the full sting of a hidden four-inch gun. Under the assumed name *Captor* and disguised as a working trawler, her patrols were barren of results. Later that year, the Navy sent out another disguised fisherman—this one of schooner rig—but it too failed to lure any gullible submarine to destruction. There is evidence that by the late winter of 1942, U-boat commanders were suspicious of "Q-ship" deployments in the western Atlantic. The German *Fregattenkapitän* Gunther Hessler, in a postwar analysis written for the British Admiralty, stated that on March 27, 1942, the *U-123* suspected that the SS *Carolyn*, which she subsequently sank, could have been such a decoy. In that surmise *U-123's* commander was totally correct, as the *Carolyn* had been fitted out by the U.S. Navy as a Q-ship with a naval crew. While the *Carolyn's* crew was reported by the Germans to have taken to their boats when the ship began to sink, there were no survivors. This was quite understandable since the attack took place 270 miles east of Cape Hatteras during a season when sea conditions and air temperature are brutal to those unfortunate enough to find themselves cast adrift in open boats.

There is, however, nothing in the German records that I have searched to indicate that Germany's high command was aware of the naval intelligence role then being carried out by the American fishing fleet. But large quantities of naval records were destroyed during the Allied bombings of Germany, which makes research difficult on many aspects of Germany's submarine warfare. This especially applies to briefings given to departing U-boat commanders. From the Allied perspective, a practice of deceit and impropriety involving its own and the enemy's fishermen seems to have had the effect of avoiding a discussion of the subject during the war crimes trials starting in 1946. During the Nuremberg tribunal, the German Navy's conduct was examined in considerable detail, yet never once was there a mention in the transcript of German attacks on Allied fishing vessels. Only one fishing boat sinking, that of the British *Noreen Mary*, was even brought up and this was examined only in the context of the extraordinary ferocity of the attack and not to highlight any special protected status. A German document exhibited at the trials contained a *Kriegsmarine* order dated "2-1-40" entitled "Conference by Naval Staff," which stated that henceforth sinkings by U-boats were to be performed without warning and were to be directed against "all shipping." Again, the discussion of that order in the trial was not in relation to any German policies relating to fishing vessels. Yet such an order must have been interpreted by submarine commanders as inclusive of both armed and unarmed merchant vessels, including neutral merchant vessels under Allied convoy. There is evidence, though, in at least one Allied naval task group report that neutral fishing vessels operated in the outer Bay of Biscay with full lights, a situation which resulted in Allied convoys having to make broad diversions around them. The immunity of these fishing craft as neutrals was honoured, both by the Allied and Axis navies'

Why were German violations against unarmed fishing vessels protected under Hague XI never made an issue during the Nuremberg prosecutions? The answer almost certainly lies in the Allies' embarrassment over their attacks against Axis fishing fleets, assaults which were carried out with no demonstrated regard for the safety of the crews. Wholesale and merciless attacks by American submariners against fishermen were common during the final phase of the

blockade of the Japanese home islands. During that period, it was standard procedure for U.S. submarine commanders to destroy fishing crews as well as their vessels.¹⁰ It is apparent that at Nuremberg the adage of not throwing stones when one's own house is made of glass applied, especially to the war at sea.

NOTES

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1. Statement of Louis Amirault, crewman of *Katie L. Palmer*, in *German Submarine Activities on the Atlantic Coast of the United States and Canada* (Washington, 1920), 91.

2. The changed character of merchant shipping into an element of the naval warfare had its origins in 1915 with a Captain Fryatt. The Fryatt case involved the merchant ship master of the *RMS Brussels* who was court martialled, convicted, and shot by the Germans. The case set the tone which soon followed for the no-holds barred attitude taken toward merchant marine crews. Three weeks prior to any Admiralty order allowing the arming of merchant ships and the attendant instructions to their masters to take aggressive action against German U-boats, Captain Charles A. Fryatt, in defiance of a U-boat commander's intent to "visit and search," had swung his ship and attempted to ram an approaching submarine, *U-33*. Some months later, Fryatt was taken captive by the Germans and subsequently arrested as a criminal on the basis of the earlier attempt to ram. The German charge against Fryatt was that he acted as a "franc-tireur." At the time, the case was the subject of considerable propaganda from both sides. In the final analysis, the accepted law of warfare was on the Germans side of the issue since Fryatt had acted illegally while presumably holding the status of a peaceful merchantman. For a further discussion of the Fryatt case and the legal implications of its occasional misinterpretation, see Charles Dana Gibson, *Merchantman? Or Ship of War* (Camden, Maine, 1986), 4+47.

3. For a discussion of the *Goulfar II* case, see Marjorie M. Whiteman, *Digest of International Law*, X (1968), 641.

4. On the German operational viewpoint of submarine warfare in WW II as provided to Royal Navy Intelligence following the German surrender, see Gunther Hessler, *The German Naval History—The U-*

Boat War in the Atlantic, 1939-1945 (London, 1989),

5. Statements given by survivors taken from "Survivor Report, F/V Lucille M.," U.S. Naval History Division, Washington Navy Yard, Washington, D.C.

6. Statements given by survivors taken from "Survivor Report, F/V Lalita," U.S. Naval History Division, Washington Navy Yard, Washington, D.C.

7. C.J. Columbus, *International Law of the Sea* (5th edition, 1962), 563. Quotation taken from Whiteman, 640.

8. Samuel E. Morison, *History of U.S. Naval Operations in World War II* (Boston, 1947), I, 288, fn. 20.

9. "War Diary, U.S.S. O'Toole (DE-527)," relating the events of 17 October 1944. The *O'Toole* was at the time one of five DEs operating as escort to Convoy NY-119, a U.S. Army small craft convoy, *en route* from New York to Plymouth, England. Shortly after midnight, the progress of the convoy was blocked by a cluster of brightly lit vessels. On approach, one of the vessels was hailed. It was learned that she and the others were neutral Portuguese net fishermen. The war diary of *USS O'Toole* and other U.S. naval vessels are available for inspection in the Modern Military Records Division, National Archives, Washington, D.C.

10. The tally of Japanese fishing vessels sunk by U.S. submarines is not available in any comprehensive fashion. Theodore Roscoe, in his *United States Submarine Operations in World War II* (Annapolis, 1949), 526, makes the comment that "finally, hundreds of small craft (vessels under 500 tons), were swept away by American submarines." This wholesale destruction took place in the last year of the war when Japan was under tight blockade. The objective of that blockade was the complete stoppage of all imports to Japan, including foodstuffs.

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