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287/6
23/10/42

Secretary.

SECRET

CONFIDENTIAL

89

DEPARTMENT OF DEFENCE CO-ORDINATION.

Subject LEONSKI CASE.

REPRESENTATIONS TO COMMANDER-IN-CHIEF,
SOUTHWEST PACIFIC AREA, OCTOBER, 1942.

23/10/42 — 9/11/42

LEONSKI HANGED AT PENTRIDGE AT 6 TODAY

Edward Joseph Leonski, 24, was hanged at the Metropolitan Gaol, Pentridge, at 6 a.m. today.

Leonski, a private in the U.S. Army, was sentenced to death on July 17, by a General Court Martial which had convicted him of the murder of three women in Melbourne.

In Washington the Chief of Staff of the U.S. Army (Gen. Marshall) made the following statement: "The sentence imposed by general court martial on Private Leonski has been approved by the Board of Review and the Commander-in-Chief and has been executed today."

Half an hour before the execution Leonski was taken from the City Watchhouse cell in which he had been detained in close confinement for 24 weeks under an armed guard of U.S. soldiers. Still guarded by men of U.S. Army Provost Corps, the prisoner was taken from the Watchhouse to Pentridge in a black maria.

Unparalleled Case

Leonski's execution closes a murder case unparalleled in Australian police history.

A warrant signed by President Roosevelt confirming the sentence of death was read to him in his cell two weeks ago, and he was told yesterday that he would be executed today.

Afterwards two priests visited him in his cell.

Three Murders

Throughout his early detention, as during his five days' trial, and afterwards while he was under sentence of death, Leonski remained undisturbed about his fate.

At the Watchhouse, he was exercised alone in the remand yard. He spent much of his time talking to his guards or playing draughts with them, and by reading and sketching in his cell.

He was allowed to receive letters, and recently the U.S. Army authorities provided him with a wireless set.

Leonski strangled three women between May 3 and May 18. The women he killed were Mrs Ivy McLeod, in a shop doorway at Albert Park; Mrs Pauline Thompson, on the steps of an apartment house in Spring Street, City; and Miss Gladys Hosking, on a grass walk in Gatehouse Street, Parkville.

All the crimes were committed at night.



JR

MOST SECRET

(Written at Sydney).

27th October, 1942.

MEMORANDUM FOR:

The Secretary,
Attorney-General's Department,
CANBERRA, A.C.T.

With reference to your teleprinter message CAB. 74 of 22nd October, I am forwarding herewith for your information a copy of a letter of 24th October from General MacArthur relative to the Leonski case.

As requested in your urgent telegram of 24th October, Defence Melbourne was on that date advised by telephone of this reply.

(Sgd) F.G.S.

Secretary.

P.M. to see on return. Seen.

F.G.S. 12/11

*file to Mr. E. G.
W. B. O.*



COPY (MS)

GENERAL HEADQUARTERS
SOUTHWEST PACIFIC AREA
OFFICE OF THE COMMANDER-IN-CHIEF.

S E C R E T.

October 24, 1942

Dear Mr. Shedden:

I have just received your letter of October 23, 1942, conveying to me the following message:

"The Attorney-General is strongly of the opinion that if the death sentence passed on Leonski is to be carried out, it should not be carried out in this country, as it will interfere with morale on account of morbidity."

and you ask an expression of my views and an intimation of the course to be followed in case the sentence is to be executed. Final action in the case of Private Leonski has not yet been accomplished. The action of the Court has been confirmed by me and the trial records, in accordance with law, are now being scrutinized by a Board of Review to determine complete legal sufficiency. Upon completion of the review, the records will be returned to me for final conclusive action. If, perchance, there should be an execution of a death penalty in this case in Australia, it would be accomplished with complete public exclusion and with the simplest press release, merely stating that the sentence had been approved and accomplished.

I am not versed in Australian law and policy on capital punishment, but I understand that the death sentence is provided for, its execution or commutation to imprisonment for life varying as between the different States. The repercussions on Australian public opinion of action by me to give effect to a decision of an American Military Court on a member of the United States Forces, is a matter on which my opinion could only be speculative.

My own view in the matter is that the power of military jurisdiction including accomplishment of sentence should not be vitiated. It is coextensive with the area of command. It is in fact an essential of command and to limit it would tend to weaken military administration and consequently military discipline. The execution of American Soldiers in expeditionary campaign while on foreign soil has complete precedent as in France during the last war.

Most sincerely,

DOUGLAS MacARTHUR

Mr. F.G. Shedden,
Department of Defence,
Melbourne, S.C. 1.

S E C R E T.

T.G. 42 B.

COMMONWEALTH OF AUSTRALIA—POSTMASTER-GENERAL'S DEPARTMENT.

Funds may be Quickly, Safely and Economically Transferred by **MONEY ORDER TELEGRAM.**

(PLEASE TURN OVER)

Sch. C 3365—8/1941.

TELEGRAM

This Telegram has been received subject to the Post and Telegraph Act and Regulations. The time received at this office is shown at the end of the message.

The date stamp indicates the date of reception and lodgment also, unless an earlier date is shown after the time of lodgment.



Office of Origin. No. of Words. Time of Lodgment. No.

URGT RT 274 MELBOURNE SUB 34 4 52 P

0716

SHEDDEN SECTY FOR DEFENCE

LENNONS HOTEL BRISBANE

PLEASE ADVISE URGENTLY AT DEFENCE MELBOURNE WHETHER ANY REPLY RECEIVED FROM GENERAL MCARTHUR ON CASE SUBMITTED TO YOU BY MY TELEPRINTER MESSAGE OF 22 ND OF OCTOBER

KNOWLES

(22 ND)

*letter transmitted by [redacted] to
Mr. Burns Melbourne 24/10
A.D.S.A. —
SPAC*



DRAFT (MS)

SECRET

Dear Mr. Shedden:

I have just received your letter of October 23, 1942, conveying to me the following message:

"The Attorney-General is strongly of the opinion that if the death sentence passed on Leonski is to be carried out, it should not be carried out in this country, as it will interfere with morale on account of morbidity."

Final action in the case of Private Leonski has not yet been accomplished. The action of the Court has been confirmed by me and the trial records, in accordance with law, are now being scrutinized by a Board of Review to determine complete legal sufficiency. Upon completion of the review, the records will be returned to me for final conclusive action.

2. I am not versed in Australian law and policy on capital punishment, but I understand that, though the death sentence is provided for, its execution or commutation to imprisonment for life varies as between the different States. The repercussions on Australian public opinion of action by me to give effect to a decision of ^{an} ~~the~~ American Military Court on a member of the United States Forces, is a matter on which I do not presume to express a view. The Australian Government will, of course, give full weight to the importance of ensuring that no doubt will exist in the public mind that the full penalty of the law has been exacted. ~~Should effect not be given to it in Australia, the precedences of the United States Army in France demonstrated the importance of this aspect.~~

3. If, perchance, the execution should take place in Australia, it would be accomplished with complete public exclusion and with the simplest press release, merely stating that the sentence had been approved and executed.

4. As the ultimate decision on this matter will be determined by considerations not of a Military nature, the Australian Government should present the matter through diplomatic channels to the President of the United States. If it is the intention of the Australian Government to request



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the Government of the United States to carry out any possible death sentence on other soil than that of Australia, I would appreciate being informed to that effect so that there might be no possibility of the execution taking place while the matter is under consideration by the two governments.

5. It will be understood, of course, that cases may arise during the course of operations where no alternative may exist to the execution sentences in the areas concerned, even though they may be on Australian territory. I presume that the present representations do not intend to lay down a general rule in this regard.

...

MOST SECRET

MOST SECRET

B1261 Exts.238/9.

Defence Secretariat,
BRISBANE.

23rd October, 1942.

Dear General MacArthur,

In the absence of the Prime Minister, the Attorney-General has requested that I convey to you the following message:-

"The Attorney-General is strongly of opinion that if the death sentence passed on Leonski is to be carried out, it should not be carried out in this country, as it will interfere with morale on account of morbidity."

2. I would appreciate an expression of your views on this matter and, in case it has already been decided to carry out the sentence, an intimation of the course which it is proposed should be followed.

Yours sincerely,

(F.G.SHEDDEN),
S e c r e t a r y.

General Douglas MacArthur,
Commander-in-Chief,
SOUTHWEST PACIFIC AREA.



JP.

XXXXXXXXXX
B1261 Exts. 238/9.

XXXXXXXXXXXXXXXXXXXX
Defence Secretariat,
XXXXXXXXXXXXXXXXXXXX
BRISBANE.

23rd October, 1942.

Dear General MacArthur,

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2. I would appreciate an expression of your views on this matter and, in case it has already been decided to carry out the sentence, an intimation of the course which it is proposed should be followed.

Yours sincerely,

(F. G. SHEDDEN),
Secretary.

General Douglas MacArthur,
Commander-in-Chief,
SOUTHWEST PACIFIC AREA.