

A FOREIGN SERVICE MURDER

THIS GRISLY INCIDENT, OFTEN EMBELLISHED IN THE RETELLING,
SET AN IMPORTANT LEGAL PRECEDENT.

BY LEN SHURTLEFF

On Aug. 30, 1971, Alfred Erdos, the chargé d'affaires in Santa Isabel, Equatorial Guinea, stabbed administrative officer Donald Leahy to death. At the time, I was principal officer in Douala, Cameroon, the nearest consulate to the scene of the crime, so I still recall the incident vividly.

Below, I outline the major facets of what transpired, based on my memory, documents obtained from the National Archives and consultations with others involved at the time.

It is not an uplifting account, for there is no moral or policy lesson to be drawn from it. But it is a legendary Foreign Service tale, often embellished in the retelling, and the case set an important legal precedent.

Equatorial Guinea had become independent from Spain in 1968, just three years before the murder. Two American officers and their wives were stationed at the embassy in Santa Isabel (now Malabo), a tiny city of about 25,000 inhabitants at the time, situated a few miles offshore from Douala on the volcanic island of Fernando Poo (now Bioko). Oil had yet to be discovered there, so the country was best known for its high-quality cocoa crop.

An estuary port and one of the rainiest spots on earth, Douala is Cameroon's commercial center, with a population of just under a million in 1971. It was the site of a three-per-

son U.S. consulate and, later, consulate general until 1993, when it was made a branch of Embassy Yaounde.

Both Santa Isabel and Douala were steamy tropical backwaters at the time, dependent on commercial communications and manual code systems for confidential reporting. Both had intermittent international radio phone service in those days before satellite communications became common.

On that fateful day, Lannon Walker, the deputy chief of mission in Yaounde, called me after lunch to report that Al Erdos, our chargé in Santa Isabel, had apparently gone off his rocker. Walker had been concerned for several weeks about the tone and substance of the cables coming out of Santa Isabel. But now Erdos was on the shortwave radio reporting a communist plot involving his administrative officer, whom he had tied up in the chancery vault. Walker instructed me to go immediately to the consulate, a 20-minute flight from Douala, and take charge.

A Grim Discovery

I had visited the capital only two weeks before, one of many trips I made there to keep current on events and personalities in Equatorial Guinea so that I might relieve the chargé when he vacationed. In fact, I had been following events there ever since independence, helped by the fact that I spoke Spanish. The political and economic situation had steadily deteriorated under the erratic, capricious and vicious rule of President Francisco Macias Nguema. Arbitrary arrest, imprisonment, torture and even murder on an increasingly large scale were all common. The local atmos-

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phere was paranoid and poisonous in the extreme.

Because there were no scheduled flights that afternoon, I arrived in Santa Isabel by charter aircraft just after 5 p.m. I instructed the pilot to depart if I had not returned before the airport closed at dusk. My single-entry visa having expired, I talked my way into the country by treating customs and immigration officers to rounds of beer.

It took time to find a taxi into town, so I didn't get to the chancery until dusk. When I rang the bell, Erdos responded that he wouldn't open the door to anyone but Louis Hoffacker, the American ambassador to Cameroon (who was also accredited to Equatorial Guinea). However, Hoffacker was on leave in the U.S.

Rebuffed, I walked the few blocks to the chargé's residence in search of his wife, Jean. I also telephoned Leahy's home and talked with his wife Rosita, who assumed Leahy was still at work. Locating Mrs. Erdos at the residence of the Cameroonian ambassador to Equatorial Guinea, I persuaded her to accompany me back to the U.S. chancery.

She entered the building, a converted family residence, carrying her infant son. Rather than confront Erdos again, I went to use the telephone at the neighborhood bar next door. By this time a crowd had begun gathering, and the Guinean police arrived.

As the Cameroonian ambassador had told me, Erdos had been phoning diplomatic colleagues to say that he was holed up in the chancery under threat from a communist plot involving his administrative officer. I managed to phone the dean of the diplomatic corps, the Nigerian ambassador, and to locate a doctor to stand by with me outside the chancery. It grew darker and the curious crowd gathering outside grew larger.

I also talked by phone with Erdos, who after about an hour, agreed to come out. Leaving the chancery, he

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pulled me to one side and said, "I lost my cool. I killed Don Leahy." That was my last conversation with Erdos. I put him, his wife and infant son into the Nigerian ambassador's Mercedes and they sped away to the Nigerian Embassy residence. I entered the chancery and conducted a quick, frantic search of the ground floor. There I found papers strewn around and blood spattered on floors and walls, but no sign of Leahy.

I opened the vault and contacted Embassy Yaounde by shortwave radio. No sooner had I established contact with Walker, who was standing by, than I heard a scream from the foyer. I ran out of the vault to discover Mrs. Leahy kneeling over the body of her husband, sprawled lifeless in a pool of blood on the floor of an unused office just inside the front door that in my haste I had neglected to search. I called in the doctor, who pronounced Leahy dead. An autopsy revealed he had bled to death.

I was immediately thereafter confronted by the irate Guinean minister of the interior, who had entered upon hearing Mrs. Leahy's scream. With both the president and vice president absent from the island, he was apparently the senior official in the capital. He demanded to know what had happened. I showed him Leahy's body and asserted that I had arrived from Douala to take charge of American interests. He refused to accept my bona fides and ordered me to the chargé's residence under police escort. I spent a sleepless night there until

Walker arrived from Cameroon by charter aircraft the following morning. He was accompanied by Public Affairs Officer John Graves and State Department nurse Mary-Ann Dumkowski.

Cleaning up the Mess

There ensued four days of frenetic activity as we attempted to secure Leahy's body and other physical evidence, and to evacuate both the body and the Erdos family back to the United States. Complicating matters, the Guinean authorities adamantly refused to recognize either my or Walker's authority to act on behalf of the U.S. government. Demanding to deal only with Amb. Hoffacker, they claimed to have evidence of Erdos' complicity in a shadowy, inchoate plot to overthrow the Guinean government.

As we awaited the ambassador's return from leave, we attempted to keep the lid on a volatile situation. I immediately arranged for the body to be sealed in a zinc-lined box and secured in cold storage. Meanwhile, Mrs. Leahy was making hysterical accusations of U.S. government involvement in her husband's death, so we arranged to bring Mrs. Leahy's sister and brother-in-law from Tangier to calm her.

It certainly did not help that members of the large local Latin American community (Mrs. Leahy was a native of Ecuador) were spreading wild, unconfirmed rumors. Several of them asserted that Leahy and Erdos were homosexual lovers who'd had a falling out.

In the midst of the crisis, we held a hastily arranged memorial service for Leahy at the cathedral. Because the Equatorial Guinean government repeatedly refused our requests to interview Erdos at the Nigerian residence and to permit the FBI to investigate, we received assistance from the regional medical and regional security officers based in Lagos in our probe.

PAO Graves and I scoured the

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chancery for physical evidence, taking photos to be pouched back to Washington, D.C. Most importantly, we found the murder weapon, a pair of long, pointed scissors. The FBI later complimented us on our investigative skills.

Once Amb. Hoffacker arrived in Santa Isabel on Friday, Sept. 3, 1971, and talked with President Macias, we were able to evacuate the Erdos family, Mrs. Leahy and her husband's body to Douala for onward transportation back to Washington. Picking up Erdos at the Nigerian residence, Lannon Walker found him lucid and concerned about his fate, asking if he would be charged with murder and put on trial.

Erdos was accompanied to Washington by the regional security and medical officers from Lagos, while Walker accompanied Mrs. Leahy and the body from Douala to Washington on a USAF C-141 diverted from Ascension Island.

After a brief respite in Douala, I returned to Santa Isabel after Labor Day with my wife Christine to pack out Erdos' personal effects and generally clean up the mess at post. When the DCM returned, he told us that the Washington autopsy had revealed

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*The jury brought in a
verdict of voluntary
manslaughter, rejecting
both the insanity defense
and premeditation.*

semen in Leahy's trachea. In those days before DNA analysis, the source of the semen could not be determined, but its presence lent credence to speculation that homosexuality played a role in the affair. Walker also told me that a burn bag we had sent back to Washington with physical evidence contained an unsent encrypted cable reporting on the alleged communist plot. Some suspect that this cable — never introduced in evidence at trial — was an effort by Erdos to justify his actions.

Justice Is Done

Walker and I spent much of the next six months preparing for the Erdos murder trial, traveling trans-Atlantic from Cameroon to Washington nearly once a month. The proceedings took place during the first week of March 1972 at the Federal District Court for Northern Virginia at Alexandria, Judge Oren Lewis presiding. Erdos was charged with first-degree murder. He was defended by two young, but experienced, criminal trial lawyers from the premier Washington firm of Williams, Califano & Connolly: William McDaniels and Aubrey Daniel III. (Daniel had recently successfully prosecuted Lt. William Calley in the highly publicized My Lai massacre case.)

Despite Erdos' placid and lucid outward appearance, and his years of

experience in Third World posts, his counsel presented an insanity defense. They asserted that conditions in Equatorial Guinea, specifically the very real political terror there, had driven their client over the edge. Erdos testified in chilling detail to the crime, describing how he repeatedly stabbed Leahy with a long, sharp pair of scissors, one stroke of which nicked the jugular vein. Evidence of the semen in Leahy's trachea was entered into testimony, yet Erdos never admitted to any homosexual relationship. (In those days, homosexual officers, regarded as vulnerable to blackmail by hostile intelligence services, were subject to having their security clearances revoked.)

After deliberating over Friday lunch, the jury brought in a verdict of voluntary manslaughter, rejecting both the insanity defense and premeditation. Voluntary manslaughter is defined in federal law as "unlawful killing upon a sudden quarrel or heat of passion." Judge Lewis sentenced Erdos to the maximum 10-year term. His appeal was denied by the Fourth Circuit in Richmond.

At trial and on appeal, the defense asserted, inter alia, that the U.S. government did not have jurisdiction over acts committed overseas and that Erdos should have been arraigned in Boston where he first set foot back on American soil. Both the district and appellate courts found ample statute and case law to reject these assertions. Still, this was in some respects a "first impression" case, the first indictment ever brought for murder committed by an American official at a Foreign Service post. And the case firmly established the principle that federal courts have jurisdiction over acts committed at U.S. embassies and consulates.

His appeals exhausted, Erdos was incarcerated at the Federal Prison Farm in Amarillo, Texas. He was released on parole in late 1976 after serving about three years, and died of a

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heart attack in California in 1983. His wife had divorced him following his trial. His obituary in *State* magazine made no mention of his manslaughter conviction.

The State Department's attitude toward the case was ambiguous. It offered full cooperation to Erdos' defense team, as well as to the prosecution. Nonetheless, Erdos was granted a full-disability retirement even before the trial, an act implicitly accepting and supporting the insanity defense rejected by the jury.

Though his guilt was clear, Erdos' motive still is not. It is hard to accept that a veteran FSO could be driven insane by a violent political atmosphere even at an isolated post like Santa Isabel. Erdos had visited Equatorial Guinea before he accepted the assignment and talked with me, Amb. Hoffacker and his predecessor. All of us gave him unvarnished accounts of the harsh conditions there.

Obviously, important aspects of this case seem destined to remain unresolved. Absent evidence of any coup plotting involving either officer, one cannot assert that local politics played a part. Since the jury did not accept the defense case for temporary insanity sparked by the unsettled domestic political situation, this justification is weak. It is, however, impossible to establish conclusively that Erdos and Leahy were homosexual lovers, despite strong physical and anecdotal evidence supporting "a lovers' quarrel" thesis. Readers are invited to draw their own conclusions. ■

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