

9. Q. Please state how the flags were displayed on the PANAY.

A. From my personal knowledge one flag was painted on an awning and what Lieutenant _____ called the Sunday flag was hoisted as the ensign. I think there was also a flag at the fore.

10. Q. Were these flags flying when the Japanese boarded her?

A. They were, and the PANAY went down with her colors flying.

11. Q. For how long did the defensive fire of the PANAY continue against the Japanese planes?

A. I should say about twenty minutes; until the planes left.

12. Q. Was the PANAY attacked by more than one group of planes or was she rapidly attacked by the same group?

A. I would say that she was rapidly attacked by the same group and I estimated that there were at least six planes but I actually saw but three.

13. Q. Were there any officers in the last boat that left the ship?

A. The last two boats left almost simultaneously and my recollection is that both Lieutenant _____ and Ensign _____ were on the last boat - the last two boats which left almost simultaneously.

14. Q. Do you know the disposition of the confidential publications and other ship's valuables?

A. Of my own personal knowledge, I do not.

15. Q. In your opinion, would it be practicable to salvage the PANAY?

A. I am afraid I am not qualified to answer.

16. Q. Do you know the value of any personal property which you lost through the sinking of the PANAY?

A. I am not yet ready to answer this question.

17. Q. Tell us what you know of the boarding party which boarded the PANAY while she was underway before she reached her new anchorage.

A. As I recall it this happened about 9:30 on the same morning. As we approached a point by the river bank we were signalled to by a Japanese detachment on shore. They also displayed a Japanese flag. The PANAY stopped and a motor landing boat put out from shore, it contained about twenty Japanese infantrymen. The lieutenant in command boarded the PANAY at the starboard gangway and posted four of his men with fixed bayonets around him. There was also a non-commissioned officer and an interpreter which spoke a little English. This landing party had a light machine gun mounted on the bow through a steel shield. They conversed with the Captain and Mr. _____

at the gangway for five or ten minutes and then went back ashore.

18.Q. Was there any officer present at the gangway when they came alongside?

A. There was an officer but I can't remember at the moment who it was; I believe it was Lieutenant

19.Q. Do you know if any effort was made to prevent them from coming aboard?

A. No, I do not, but I think that Captain [redacted] was very wise in overlooking their insolent conduct since he must have known they they were an ignorant lot of provisional troops.

20.Q. In your opinion, was the bombing deliberate?

A. It most certainly was deliberate. Planes flying at such a low altitude could not but know that the vessels attacked were American.

Examined by the court:

21.Q. Did you consider when Captain [redacted] or Lieutenant [redacted] were on shore that the military command of the PANAY's ship's company had been transferred to you?

A. No, sir, I did not. I was acting for Captain [redacted] rather in the capacity of an assistant. I consider that Captain [redacted] never relinquished command and I consistently referred to him for instructions on all important matters. In a similar situation if, as an Army officer, I had been in command of the unit, I should certainly have called upon any naval officer present to assist me under similar capacity. As Captain [redacted] was being carried down the steps of the landing to be put aboard the U.S.S. OAHU, my exact words to him were, "Sir, I relinquish the detail".

22.Q. Do you have any adverse comment to make concerning the conduct of any officer or man in the naval service during this incident?

A. I will answer that question as follows:

As an officer of the United States Army, who was aboard the U.S.S. PANAY at the time the ship was bombed and who accompanied the party until their arrival in Shanghai, may I express to you the deepest admiration for the conduct of the officers and men of the PANAY under the most dangerous and trying conditions. In the face of what seemed almost certain death during the serial bombing and machine gunning, practically leaderless, since all four line officers were at least to some extent incapacitated, the crew manned the machine guns and stuck to their various posts with the utmost courage until the order came to abandon ship.

During the hardships and strain of the ensuing two days all behaved with great fortitude and patience, carried out orders willingly and cheerfully, and complained or shirked not at all.

The following cases of especially gallant conduct came under my direct observation:

Lieutenant Commander [redacted] sustained a ^{B6} when the first bomb exploded, but though obviously in great pain courageously continued to give directions and orders until the ship had to be abandoned. Ashore, he preserved the same calmness and fortitude, and from his stretcher gave counsel and advice throughout the entire period, and his thoughts were constantly on the best ways and means to assure the safety of the party.

Lieutenant _____ was : BG but wrote instructions on the ^{own} white paintwork, and refused to be put ashore till the last. He had BG but insisted that the other wounded of the party be given medical attention before he himself received it, and during the time ashore, he, like Captain _____, was continuously concerned for the safety and welfare of the men.

Chief Quartermaster _____ was painfully wounded in the BG but refused to become a stretcher case in view of the requirements of the other wounded, and with great courage and fortitude, kept on his feet the entire way.

Coxswain _____, after helping carry a wounded comrade six miles, voluntarily remained the rest of the night at the improvised hospital to assist in caring for the wounded.

Chief Boatswain's Mate _____ and Machinist's Mate _____ courageously returned to the ship for additional supplies although hostile airplanes were expected to return at any moment. While returning to shore these men narrowly escaped being fired on by a Japanese river patrol.

The foregoing citations are outstanding and there are others which did not come under my direct observation. For the wounded men especially I have the greatest sympathy and admiration for the remarkable fortitude with which they bore themselves. Suffering great pain, often unavoidably exposed to rough handling, cold, and the utmost discomfort, and in the fear of death, they all, without exception, bore these sufferings bravely and unflinchingly.

I am proud to have been associated with the officers and men of the PANAY, and the United States Navy may well be proud of their gallant record which so well exemplifies the spirit of the service.

I am also making this report by letter to the Commander Patrol.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then, at 7:15 p.m., took a recess until 8:00 p.m. at which time it reconvened.

Present: All the members, the judge advocate and his counsel, and the reporter.

The judge advocate announced that the court was holding this session outside of official hours in order to expedite the sending of the record of the court of inquiry to the United States via the first clipper plane from Manila.

No witnesses not otherwise connected with the trial were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, present occupation, and residence.
A. , Universal Newsreel Cameraman, BC

2. Q. You are called as a witness at this court of inquiry which is investigating the bombing and loss of the U.S.S. PANAY. Were you present?

A. Yes.

3. Q. State what you know of the circumstances surrounding the case.

A. At 1:40 p.m., Sunday, December 12th aboard the U.S.S. PANAY, which had anchored about 28 miles above Nanking, I had just finished tiffin. Suddenly plane motors came into earshot and, while looking up to see their position which was directly on our nose, the sound of a whistling bomb preceded an explosion which appeared to me to be just to port of the PANAY bridge. The bomber planes which released these first loads were of the large Japanese type with twin motors. They were flying at an altitude of about seven thousand feet and did not turn after dropping their bombs but continued in the general direction of Nanking. My first reaction was that Japanese, mistaking

the PANAY for an enemy ship, had realized their error and were leaving. This was wrong, however, as almost directly thereafter a squadron of six small pursuit type bombers came over us at a much lower altitude and immediately began to power dive and release what seemed to be 100 pound bombs on each individual dive. The apparent suddenness of the unwarranted attack served as a distinct shock to all officers and crew together with it being followed so closely by further and more intense bombing by the small planes. With automatic orderliness and discipline the officers and crew of the PANAY were immediately at their emergency posts; and, when the Japanese had dropped four or five loads, the PANAY machine guns were returning fire. I saw Captain being assisted from the bridge to the galley apparently badly injured. Ensign who had been standing just aft of the bridge on the upper deck, came by me

BC Executive officer Anders, although badly hit in the BC stayed on the starboard bridge ladder top and showed great courage in making assignments. His appearance and actions served as a splendid design for the gunners and boatmen who were at their respective posts. At this same time I observed Doctor and Lieutenant bringing the first wounded men below. Lieutenant was BC Lieutenant was badly wounded in the BC when I first noticed him. He was having difficulty in talking, and I believe it was Ensign who handed Lieutenant a piece of paper and a pencil, and Mr. started to write what I would presume to be assignments. The next time I saw Lieutenant he had been hit in BC by fragments. Therefore, he could not talk or write. So what I said above that even after he was practically out of operation, he stayed on deck and certainly set a fine example. He certainly BC and was one of the last men to get ashore. During the next few minutes the Japanese released no less than 17 separate loads of bombs at the PANAY. In my own mind the number of bombs that were dropped was 17. Immediately on reaching shore I checked my position at all times on the ship, and at each position I had a very good recollection of how many bombs came down in those positions. It was necessary for me to go to the Chief Petty Officers' mess room on the super deck to get my camera. These quarters were in shambles from the intense concussion and fragmentary assault. In returning to the main deck a bomb landed on the port side about twenty-five feet from the ladder I was descending and blew fragments against the ship's side and took my hat off but did not injure me. Just behind, after having spent the first few moments in the chief petty officers' quarters, was Sandro Sandri, Italian newspaper correspondent. I turned to see that he had been struck apparently in the BC as he showed great pain. Although Sandri spoke very little English he shouted to me that he was hit, and, assisted by a crew member, we pulled him into the engine room gangway. At about 1:50 p.m., I noticed

Coxswain preparing to take the first load of wounded ashore in the outboard motored sampan. They put five or six wounded seamen aboard and had reached a spot about halfway to shore when two of the Japanese pursuit bombers flew low over their craft and opened up with machine guns. One of the planes released a bomb which fortunately fell wide. I heard later that crew members Ensminger and were additionally wounded by these actions. The planes which had gone over had just completed bombing the ship, completed a turn, and dove on the sampan and machine gunned the wounded men being taken ashore, and dropped a bomb which I do not think was meant for the sampan. Chief Boatswain's mate was observed manning a machine gun with Bo

All the gun crews were operating with splendid coolness, and I believe that several hits were made even though not on plane's vital points. turning from gun to gun showed utter disregard for personal danger, thereby displaying a fine example of U.S. Navy tradition for bravery under fire. His fine execution of orders after the abandon ship command, together with his indefatigable efforts in organizing and caring for the wounded after reaching shore, are to be highly commended. At 2:05 p.m., abandon ship was ordered, the motor sampan was lowered, the first uninjured crew members were taken ashore. The vessel was shipping water over the main deck at this minute and seemed to be in imminent danger of sinking. I observed four crew members who had given up their life jackets to civilian evacuees jump over the fantail carrying mattresses and table tops for assistance. Although the stream was running a usual current, these men elected to lighten the load on rescue sampans by trying for shore independently. One of the four, , threw me his life jacket when he observed that I did not as yet carry one. I learned later that these men were and . Their disregard of personal safety is to be highly commended.

4. Q. Do you know who gave the order to abandon ship?

A. I do not know who but I heard it passed all along down the line.

5. Q. Did you check this by watch?

A. Yes, but my watch could have been five or ten minutes out, the times are relative.

6. Q. Please continue with your narrative.

A. The S.S. MEIHSIA which had been lying off our starboard pulled alongside just after the abandon ship order was issued but was requested to pull away because it was filled with fuel oil and had it been hit would have added to the problem of rescuing the wounded from the PANAY. , Colliers' Weekly Far-Eastern correspondent, decided to go aboard this ship, however, and was last seen assisting her remaining crew in lowering a life boat. The MEIHSIA was observed going toward

the south shore together with the SS MEIPING which had been lying to our port side. They both tied up alongside pontoons on the south side of the river. At 2:25 p.m., I was placed aboard the motor sampan and taken ashore. In observing the sinking PANAY as we pulled away from her starboard side we noticed the mainmast had been broken off and she was intensely scarred from the bombing. Two holes appeared just forward of the bridge on the water line. There was barely a square foot of surface on either side of the vessel which was unscarred from the fragmentary explosions.

Examined by the court:

7. Q. During the bombing were flags displayed?

A. Yes. Two horizontally on deck, an American flag on the mainmast and a union jack on the foremast. I noticed that immediately after the first bomb. I looked up and saw a brand new flag on the mainmast.

Examined by the judge advocate:

8. Q. Please continue with your narrative.

A. After landing on the north bank and trying to get the men as comfortable as possible, we were interrupted about 3:00 p.m. by the sound of machine gun fire. A Japanese landing party boat was approaching the deserted PANAY from her bow and opened up fire point blank on the bridge. A party was observed going aboard, making a quick inspection and leaving. They were on board about five minutes. At 3:54 p.m., the PANAY sank.

9. Q. You have stated that the Japanese were on board the deserted PANAY about five minutes?

A. Yes.

10. Q. Did you see this?

A. Yes, absolutely.

11. Q. Did you see them doing anything on board?

A. Yes. They went to the bridge by the forward ladder. There were four - I distinctly remember. They were on the bridge not over a minute. They apparently went on the port side and, coming back, came out on the main deck just aft of the engine room on the starboard side.

12. Q. Did you see them leave the PANAY?

A. Yes.

13. Q. Did they carry anything with them?

A. I could not see. They left the PANAY and went directly to the MEIPING and MEIHSIA.

Re-Examined by the judge advocate:

14. Q. Please continue with your narrative.

A. At about 4:00 p.m., we again heard Japanese aircraft and tried to remove all the wounded into the high brush and out of sight from air attack. The planes came over and circled our position but continued on across the river and dropped incendiary bombs on the S.S. MEIPING and MEIHSIA. These ships immediately caught fire and the screams of the civilian Chinese who were aboard these vessels was clearly audible across the mile wide river. During all the above time, from the first bomb until he was carried ashore badly incapacitated, also during the period of organizing the shore party, Captain kept in direct touch with operations and directed with the aid of Captain U.S.A., and Mr. of the Embassy the successful evacuation of the party into safer territory. As I understand this testimony is for the purpose of aiding the investigation of the actual bombing of the PANAY, I am not mentioning anything further than same in it. ogw

Re-Examined by the court:

15. Q. By whose authority were you on board the PANAY?

A. By invitation of the American Embassy in Nanking and Captain Hughes of the PANAY.

Re-Examined by the judge advocate:

16. Q. About how many feet of film did you take of this incident?

A. I had about 2000 feet of preliminary film of routine on board the PANAY and about 800 feet on Sunday.

17. Q. What disposition are you going to make of this film?

A. It will be taken personally to New York to the Universal Newsreel offices in Rockefeller Center. The Third Naval District will be notified; and, as soon as the film is developed, it will be screened subject to their censorship. ogw

18. Q. Is it true that you were approached by Japanese authorities with reference to the purchase by them of this film?

A. No, sir. I had definitely intended leaving the film on the AUGUSTA upon arrival in Shanghai. And I intend to have these films put on the destroyer STEWART tomorrow, at which time I shall accompany same to Manila through the courtesy of the U.S. Navy.

Re-examined by the court:

19. Q. In your opinion, could the pilots of the attacking planes have mistaken the identity of the PANAY?

A. Absolutely not. There was no way that they could mistake it for any other country than the United States.

20. Q. Was this true also in the case of the Standard Oil ships?

A. They had four times as many flags as we had. Each Standard Oil boat had a minimum of five flags, and painted all over the ship.

Re-examined by the judge advocate:

21. Q. Have you yet made any estimate of your personal property losses as a result of the sinking of the PANAY?

A. Yes.

22. Q. Approximately how much?

A. Between eleven hundred and twelve hundred dollars, U. S. currency.

23. Q. Do you intend to make this the subject of a separate claim against the Government?

A. I would assume not unless it was proper to make it against the Japanese Government through the proper channels.

24. Q. Do you have any unfavorable comments or criticism of the actions and conduct of any officer or man attached to the PANAY?

A. I was very agreeably impressed in all ways. I was pleased that by God when all hell broke loose that everyone did as he should have done.

25. Q. What was the condition of the PANAY as to list and trim at the time of abandon ship?

A. Water was coming over the main deck. It was calm water and she was washing over the main deck and she was considerably down by the head. There was no reason for anyone to remain longer that I could see.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then, at 9:00 p.m., adjourned until 8.08 a.m. tomorrow.

THIRD DAY.

U.S.S. AUGUSTA,
Shanghai, China,
Saturday, December 18, 1937.

The court met at 8.08 a.m.

Present:

Captain _____, U.S. Navy,
Commander _____, U.S. Navy, and
Lieutenant Commander _____, U.S. Navy, members;
and Lieutenant _____, U.S. Navy, judge advocate,
and his counsel.
_____, yeoman first class, U.S. Navy, reporter.

The record of proceedings of the second day of the inquiry was read and approved.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, residence, and occupation.

A. _____, master mariner, with the Standard Oil Company, Master of the S.S. MEI PING.

2.Q. Mr. _____, you are called with reference to the loss by bombing of the U.S.S. PANAY. Please state what you know concerning the case. Were you present when the PANAY and its convoy was bombed on December 12th?

A. Yes, sir.

3.Q. State what you know concerning the case.

A. On Saturday December 11th, at about 2.00 p.m., the S.S. MEI PING was laying at anchor three and three-quarter miles above the Nanking Custom House. About one-quarter mile from the right south bank, also anchored with "MEI PING" were "MEI HSAI" and "MEI AN" and a number of smaller Socony units. Staying on the sundeck with the chief engineer about 2.00 p.m., watching the bombardment of the city of Nanking, we heard a crash and a column of black smoke rose near the shore between the A.P.C. TIEN KWANG and A.P.C. tugboat HO KWANG, which were anchored near shore about one-half mile below our position. Shortly after, a second shot landed in the water very near the TIEN KWANG, on the port side. Both the chief engineer and myself ran down, and I issued orders to raise steam and put engines standing by. As I watched, the TIEN KWANG got underway and proceeded upriver along the shore between MEI PING and the shore. Almost opposite the MEI PING I heard a third crash on the TIEN KWANG port side and immediately gave orders to heave in anchor, and as soon as the engines were ready gave full speed ahead, at the same time heaving the anchor, and proceeded ahead, following a diagonal course up and across the river. Meanwhile shells were dropping closely around the MEI PING and other vessels, and

shelling continued for 15 or 20 minutes. B. and S. WAN TUNG, after arriving at north shore, dropped anchor, as the firing had ceased.

I dropped anchor astern of the "WAN TUNG." We remained in this berth about ten minutes, when heavy shelling was recommenced, and I again weighed anchor and proceeded upriver. All other ships followed, and I observed the U.S.S. Panay also raise anchor and follow. Further firing continued for about fifteen minutes and some shells dropped about 100 yards from the S.S. Mei Ping. Continued to proceed slowly upriver awaiting other Socony Vacuum units to come closer, and eventually the U.S.S. Panay passed the "MEI PING" and signalled to drop anchor one mile above the Heashan San Bluff Beacon, and I proceeded after the U.S.S. Panay to this anchorage and anchored at about 5.00 p.m.

We remained at this anchorage until about 8.00 a.m., on the 12th, when firing started about one-half mile astern of us against Chinese junks lying along the north bank, along which bank we were anchored. The U.S.S. Panay then signalled us to follow her up river, and I gave orders to get underway, the "MEI PING" proceeding as soon as possible, following the U.S.S. Panay.

At the Upper Beacon Pheasant Island a motor launch full of soldiers went alongside the U.S.S. Panay, which stopped. The "MEI PING" also stopped and I noticed the soldiers were Japanese. After some short while we reached a new signal to proceed and follow the U.S.S. Panay upriver, and we followed her until we reached about mileage twenty-eight above Nanking, a place called Mauchan, when we anchored near the north bank a little below the Japanese iron mines pontoon. The "MEI PING" anchored about 300 yards above the U.S.S. Panay inside nearer the left bank in nine fathoms of water. This anchorage was reached shortly after 11.00 a.m. About 1.00 p.m., seven or eight sailors from the U.S.S. Panay came aboard for stores.

About 1.25 p.m., we noticed airplanes circling above us, but did not feel alarmed as the Japanese knew our position and had been requested to afford protection. About five minutes later we heard an airplane power diving followed by a terrific explosion. One of the U.S.S. Panay sailors yelled that the U.S.S. Panay was hit and sinking. I looked from the bridge and noticed the U.S.S. Panay's bow was down, I rang immediately to stand by, and to heave anchor, and get underway. As soon as the engine was ready I put full speed ahead. As soon as we got underway I heard a power dive above us followed by a terrific crash. Looking through the window I saw a big column of smoke about ten feet from the starboard bow. At the same time I heard a terrific crash behind me and all windows broke, armor plates on bridge were thrown out of place and twisted. Ceiling above me was torn and buckled, all electric fittings and other instruments were thrown out of place. Looking behind me I noticed that flames were coming out of my room, doors, and windows. I also noticed that doors on the bridge were blown from their hinges. Thinking that the ship was going to burn or would be sunk I decided to beach her on the left, or north bank, to give a chance for the people to swim ashore. I now heard further diving behind me and a burst of machine gun fire. When I had

nearly reached the shore, one or two more bombs had struck near the ship causing further damage. Meanwhile I gave orders to put the fire out and sent everybody to help except myself. I remained on the bridge. One of the American sailors called to me that machine gun fire had opened on our small units from the left bank ahead of me. Deciding that if we went aground and attempted to swim ashore we would be killed by machine gun fire, I gave a hard left rudder and tried to go to the right, or south bank, alongside the Japanese iron mines pontoons. Coming over I was hit several times by bombs. However, no damage was done to steering gear and telegraph and I continued to the south bank, at the same time trying to control the fire on board, which we almost did. Coming a little above and near the pontoon with engine full speed astern, I heard a power dive and a crash, and jumped up and looked through the armor plate openings. I saw a column of black smoke rising about five feet from the starboard bow, but the ship was still afloat. I gave orders to moor the ship as we were alongside. As soon as we had two wires ashore from the bow, I gave orders to everyone to leave the ship and run ashore.

Fire in my room and deck was still burning but under control. People running ashore over to the pontoon were met on the bund by the Japanese troops with fixed bayonets and told to halt. These soldiers concentrated all passengers and crew on the foreshore and proceeded to search the Chinese. Meanwhile, fire in my room again flared up, and I asked permission to take the crew and go on board and put the fire out, which they gave, and in about a half hour the fire was out. When the fire was out the "MEI HSIA" came near and offered assistance, which I refused, as the fire was under control and the ship safe.

Captain inquired as to what I intended to do, and I replied I would not move but would remain alongside and keep the people ashore until darkness. After this, I went ashore to see the condition of my passengers and part of the crew. I noticed no serious casualties among them. As I came on shore, I heard the Japanese officer say that this was a Chinese ship showing no flags. Before I could say anything, Mr. pointed out to the Japanese that on the mainmast aft a large American flag was still hanging on the gaff, but the foremast was crashed with the flag, also two large American flags were painted on top the sun deck on each side. I estimate there were at least thirty American flags displayed on the Socony ships. I then asked the Japanese officer for permission to call all passengers back aboard, provided he would guarantee no further bombing, as it was getting late. He agreed, and this conversation was overheard by others, among whom Mr. can definitely make verification.

As soon as we returned aboard we noticed the "MEI HSIA" tied up alongside of us and we started checking up on casualties and began to render first aid, in which the chief pharmacist's mate of the "PANAY", was of very great help. Others of the "PANAY's" crew also helped in this work. The casualties up to this time were: none dead; Mr. Mr. one "PANAY" sailor and five Chinese wounded.

Someone called to my attention that the Japanese officer wanted me ashore. I at once went ashore, meeting the officer on the pontoon. He asked whether I could guarantee in writing

that the Nanking Company chauffeur was not a soldier but a civilian. I agreed to do this and started to return to the ship when I again heard planes going into a power dive, and flattened myself alongside the watchman's house. I heard two terrific crashes one after the other, followed by explosions of gasoline on the boats. I called to all on board the ships to abandon ship, as flames were already bursting from the "MEI PING" after hold. I myself ran to the foreshore. Arriving there, the Japanese halted me and others from running ashore to seek safety. Hearing another plane power diving, I started to run ashore as did the Japanese soldiers and everyone. As I flattened myself near a pile of iron ore I heard several terrific crashes. Noticing that the "MEI HSIA" was hit in the number two hold and belching smoke, and hearing a further power dive overhead, I ran around a corner, and as I did so, heard another series of crashes. Looking up I saw one bomb dropped on the bund among the Japanese. Two Japanese were killed. I am not sure as to other Japanese casualties. As I ran ashore I noticed the Japanese soldiers signaling with flags and shouting at the planes. This occurred during the second and third diving.

After this final attack I returned to the ship to see whether any assistance could be given to the ships or occupants. People were still leaving the ship as I approached and United States sailors were receiving Chinese women and children from the ships that were exploding and in flames in the after part. I met Captain _____ on the pontoon. He ordered all people to abandon ship immediately. Captain _____ then proceeded to the bund as the last passengers left the ship. Sailor _____ and some others of the U.S.S. Panay crew were still aboard looking for wounded.

At this time Captain _____ and I agreed that both ships were beyond help. Shortly after this the Japanese troops moved off toward Nanking, and when some of our passengers attempted to follow they ordered them back and indicated that they should go inland by the railroad.

The following morning we found that eighteen Socony Chinese employees and families were dead with some not definitely accounted for. As nearly as could be ascertained, twenty Chinese were wounded, some seriously. There may be a number of other wounded still unaccounted for among the crew. The dead or missing were: number one Chinese engineer, dead; number two Chinese engineer, missing; Chinese oiler engineer, dead; two engineroom staff missing and one engineroom staff dead; one other unidentified Chinese of the crew dead.

At 12.00 p.m., December 13th, a Chinese reported to me that the H.M.S. Bee was coming. The "BEE" arrived and I went aboard about six o'clock p. m.

I wish to make special mention of all of the U.S.S. Panay crew aboard my ship during the attacks, as all of these men rendered all possible assistance to me in every way.

4. Q. Did you see anything more that happened on the "PANAY" than what you have stated.

A. No I didn't. I saw a sailor yelling at the small units and I saw that they had already turned. There was about four or five motor launches and barges.

5. Q. How many U. S. sailors were on the "MEI PING"?

A. Eight, I think.

6. Q. Did you know who they were?

A. By their name, some I know, and some I know by their faces.

7. Q. What were these sailors aboard the "MEI PING" for?

A. They gave me about thirteen cases of stores in Nanking, and they came to get the stores and take them. We got about two cases of stores out of the hold and then we take them on deck and I called the carpenter to open them and then the thing started.

Examined by the court:

8. Q. Were any Chinese craft in the vicinity of the anchorage at the time of the commencement of the bombing?

A. No.

9. Q. To your knowledge, were any machine gun bullets fired by the planes at your party or was any individual struck by machine gun bullets?

A. I cannot tell that. Only I remember now, that came last night to my head, that one chief petty officer ran to me and asked if we have any motor launches. I said, "Plenty." That is what I remember. And I turned. We never heard any shooting. You see, it is such a racket. I was only in charge.

Re-examined by the judge advocate:

10. Q. Is the "MEI PING" a total loss?

A. A total loss, everything on board. You can see, maybe, three anchors and chains.

11. Q. Did your party stay together ashore after abandoning ship?

A. No, they scattered because of the Chinese who were mixed up with us. They would not leave us. We considered it unsafe to stay together on account of the Japanese, maybe they think we are Chinese soldiers.

12. Q. Have you any criticism to make of the conduct of any naval officer or naval man in connection with this incident?

A. None whatsoever. Everybody in my knowledge and of what I seen him, very high praise I give everybody, especially sailors, because my sailors were out of control, they were Chinese.

13. Q. In other words, if the last bombing had not taken place the action of these bluejackets would have saved your ship?

A. Yes, sir. , and were especially helpful and showed great coolness under fire. was giving orders amidst the falling bombs, telling people what to do and paying no attention to the falling bombs. I am sure that if we did not have the "PANAY" sailors aboard that we could not have gotten alongside the dock. When the ship was bombed the fire extinguishers jumped out of their brackets due to concussion and their contents were lost.

The M. V. MEI YI also came and picked up three men who were close to the left bank. The S.S. Mei An was underway and running for the beach on the left bank. We therefore proceeded to the "MEI PING", which at that time had made fast to the Japanese pontoon on the right bank. The "MEI PING" was also badly damaged but in no danger. We were ordered by the Japanese soldiers on the "MEI PING" to tie up alongside her.

About 3.30 p.m. we received a third attack and the "MEI HSIA" got one bomb on the deck above the master's room and one bomb through the after deck which caused fire. The "MEI PING" was bombed in the after part of the ship and flames immediately broke out from her cargo ports on the after deck. The vessel was abandoned and the passengers and crew, except the steward from the "MEI HSIA", who was killed, were safely brought ashore. Mr. [redacted] was seriously wounded, one Chinese steward killed and one boy also seriously wounded.

During the first attack the bulk junk and the native junk cast off. The bulk lighter remained alongside. We have not been able to ascertain casualties sustained by the people in this lighter.

All Standard-Vacuum Oil Company's vessels had the American flag painted on the ship's side, on the awnings above the bridge, and flags were flying on the foremast and on the flagstuffs.

After the vessels were abandoned most of the passengers and crew proceeded to a village about one and one-half miles inland and we remained there until the H.M.S. Bee arrived at 4.00 p.m. on December 13th, 1937.

5. Q. Captain [redacted], how many "PANAY" sailors were aboard the "MAI HSIA" at the time of the bombing?

A. There were, when the bombing commenced, no sailors of the "PANAY" on board the "MAI HSIA". During the last bombing several of them were aboard because then I had tied up to the "MEI PING" and then came on board the "MEI HSIA" to help and assist the wounded people.

6. Q. How close were you to the "PANAY" when she was bombed?

A. We were anchored about four to five hundred feet right ahead of the "PANAY".

7. Q. Can you tell the court anything which you may have observed on board the "PANAY" at this time?

A. I was not able to see her, sir. She was right astern of us, and we had all the armor plates down.

8. Q. Did you hear the order given to abandon ship on the "PANAY"?

A. No, sir.

9. Q. Did you see the "PANAY" crew abandon ship?

A. Yes, sir.

10. Q. At this time, what was the condition of the "PANAY" as to list and trim?

A. She was sinking with her bow. She was settling down with her bow very rapidly.

11. Q. Is your ship a total loss?

A. She is burned down to the waterline, sir. She has had very heavy explosions on board, but I have not been able to examine the ship after these explosions. She was still burning when we left.

Examined by the court:

12. Q. What assistance was rendered by the "BEE" when she arrived on December 13th?

A. We got to a place ashore about one and one-half miles inland, and the doctor was there and took care of the wounded, carried them down to the pontoon and gave them all such assistance. We were taken on board the ship and very well taken care of.

13. Q. What assistance?

A. When the passengers and crew from the "MEI PING" came on board, the chief pharmacist's mate, I don't recall the name, he got bandages, disinfectant, and things we had on the "MAI HSIA", and during this work the third bombardment started.

Re-examined by the judge advocate:

14. Q. Have you any criticism to make of the conduct of any of the "PANAY" officers or men during the incident?

A. They behaved very bravely and in a very nice way, and as far as I could see, gave to the "MAI PING" and "MEI HSIA" all possible assistance anybody could wish to have.

None of the parties to the inquiry desired further to examine this witness.

The ^{Court}~~Board~~ informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

Yes. I have not mentioned in my statement about two motor boats which came down after the bombardment on the left bank of the river. They followed fairly close to the bank and I heard machine guns rattle, but I could not see or tell where they went. They were loaded with Japanese soldiers, and shortly afterwards they came alongside the "MEI HSIA" and where they went after that I did not observe.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, residence, and occupation.

a. _____, my residence in China is in Nanking, and I am with the Standard Vacuum Oil Company.

2. Q. Were you present at the loss by bombing of the "PANAY" and convoy on December 12th?

A. Yes, sir.

3. Q. Please state what you know concerning this case?

A. On Saturday, December 11th, the following Standard Vacuum Oil Company vessels were anchored just above Sun Chia Ho, approximately three miles above the center of Nanking harbor: S. S. Mei Ping, Mei Hsia, Mei An; motor barges MEI YI, MEI YING; motor launches MEI FOO nine, MEI FOO eleven, bulk freighter number two zero six, three bulk junks and three rented cargo boats. A considerable number of foreign ships, including two British gunboats, were also anchored here but no Chinese shipping was anywhere in the vicinity. I was a passenger on the S.S. Mei Ping.

At approximately 2.00 p.m., shells from the south shore batteries commenced to fall among and on all sides of the ships anchored at this point. Immediately the shelling started all ships weighed anchor and moved across and up the river as quickly as possible. Shelling stopped for an interval and the "MEI PING" dropped anchor at a point on the other side of the river and about one mile above the original anchorage. Shelling was almost immediately resumed and we again started upriver. In the meantime the U.S.S. Panay, which had been anchored just off San Cha Ho, passed us proceeding upriver and signalled that it was her intention to anchor at a point about eight miles above Nanking harbor. All Standard Vacuum Oil Company ships followed her and anchored together at this point.

It could not be certain whether Japanese or Chinese batteries did the firing, but from the direction in which the shells seemed to come, it is my opinion that they probably originated behind the Japanese lines. In all, between forty and fifty shells were dropped. Although they landed close to all vessels, to my knowledge the A.P.C. TIEN KWANG is the only one which was actually hit.

On the following morning, Sunday, December 12th, shelling was again noticed, directed from the south bank to the north bank and against a group of junks laying about one-half mile below our anchorage. After consultation with the "PANAY", it was decided to move further upriver and all vessels got underway. When the "PANAY" passed us she signalled that she was anchoring at a point twenty-eight miles above Nanking. We proceeded upriver, and at a point about twenty-two miles above Nanking noticed that the "PANAY" had been signalled by a motor boat full of Japanese soldiers coming from the north shore. Some of these soldiers boarded the "PANAY". We slowed down, and just as we reached the "PANAY", were signalled to go ahead. We then proceeded on to the specified anchorage where we dropped anchor at about 11.30 a.m.

To the best of my knowledge the position of the ships at anchor was: The "MEI HSIA" approximately 500 feet directly ahead of the U.S.S. Panay; the "MEI PING" perhaps 300 feet from the "MEI HSIA" on her starboard quarter just ahead of the "PANAY"; the "MEI AN" about 700 feet directly behind the "PANAY"; subsidiary craft were alongside the larger ships. All Standard Vacuum vessels had large American flags prominently displayed,

both aft and painted on the top of the superstructure. The "PANAY" also had flags painted on top and was flying two or three flags from her masts. All ships were anchored well in midstream. There was no Chinese shipping anywhere in sight (there might have been one or two sampans but there were no junks) and no evidence of fortifications or military activity of any kind.

About 1.30 p.m. a number of Japanese planes were noticed approaching, and shortly afterward one dived on the U.S.S. Panay, dropping a bomb which seemed to land directly on the front of the bow. All our ships immediately got underway. Bombs were dropped at rapid intervals, apparently being released from low altitudes, and all landing fairly near to their targets. The "MEI PING" was hit either twice or three times, one bomb landing on the captain's cabin just behind the bridge which started a fire. I believe that hits were also scored on "MEI HSIA", "MEI AN" and the "PANAY". In all, a total of about twenty bombs were dropped.

The "MEI PING" headed first toward the north shore but when machine gun fire was observed headed for the south bank and eventually was brought alongside a pontoon located there. Efforts had been made to fight the fire and it was finally put out shortly after she had been tied up. The "MEI HSIA", which had also headed toward the north bank, turned and came to the pontoon tying up next to the "MEI PING". The "MEI AN" remained along the north shore apparently in distress. The "PANAY" was noticed to be settling forward immediately after the first bomb had hit her. She remained afloat for some time but eventually capsized about an hour and a half after the first bombs had hit her. In the meantime the ship's party had landed along the north shore.

When the "MEI PING" came alongside the pontoon a party of over one hundred Japanese soldiers appeared from the foreshore and ordered everyone ashore. There was quite a lot of questioning, all our Chinese were searched, and after about forty minutes we were told we could go on board the ships again. Almost immediately after we went on board, airplanes were heard and the bombing was resumed. The planes flew very low, scoring direct hits on both ships. Large fires were started when holds containing gasoline were ignited. Everyone who could, left the ship at once, taking with them all wounded who could be located. Both ships had large fires which it was hopeless to attempt to get under control. I believe that bulk junks and lighters went to the north shore but cannot be sure what happened to other units. Motor barges and launches also headed for the north shore. I believe that they went up the creek which flows into the river at this point.

After the bombing the Japanese soldiers immediately went into formation and hurriedly left in a downriver direction. Their only suggestion to us was that we go up the railroad. There is a small railroad leading from the foreshore to some iron ore mine which belongs to the Japanese. We went about one and one-half miles to a small village and remained there until the afternoon of the following day when we were picked up by the H.M.S. Bee.

Captain Carlson of the "MEI AN" was killed. None of the foreigners of the S.S. Mei Hsia were seriously injured with the

exception of Mr. _____ who boarded the "MEI HSIA" from the "PANAY" and who sustained a wound of whose seriousness I am uncertain. Mr. _____ and I were slightly wounded. There were many casualties among the Chinese passengers and crews of the Socony vessels but an exact check has not yet been possible.

All motor launches, barges, and bulk junks attempted to head for the north shore; and, I believe, that most of them have gone up creeks which flow into the river on this side. Some of them have been seen there but it is impossible to be sure exactly where they are or what condition they are in. It has also been impossible to make an examination of the "MEI AN", although she is known to be extremely in bad shape. Both the "MEI PING" and the "MEI HSIA" are total losses. When the bombing started we had eight sailors and a petty officer from the "PANAY" who had come on board to see about fixing up our canteen and it was impossible for them to return to the ship. After this bombing and firing started our Chinese crew were useless, some of them stood by, but a good many of them did not. In addition, I would like to go on record that it was chiefly through the efforts of the people from the "PANAY" that it was possible to navigate the ship and bring her alongside and put out the fire, and without their assistance, I am of the opinion, that the ship would probably have burned up amidstream and everybody on board would have been lost.

Q. 4. Is there anybody in particular that should be mentioned in that connection?

A. I believe that Captain _____ knows them; I do not remember any names. _____, chief machinist's mate, was observed handling the nozzle of the hose, and was, I believe, a very great help in putting out the fire. _____ was very useful in giving first aid to everybody who needed it.

5. Q. Did you observe any machine gunning?

A. I observed machine guns coming from the north shore when we attempted to approach it. I can't say that I observed them from the planes. I did notice a number of these motor launches with Japanese soldiers approaching about, perhaps, twenty minutes after the first bombing started. Probably about four or five barges full of Japanese soldiers. What happened after they reached the south shore, which was one and one-half miles away from where we were, I don't know.

6. Q. Did you see them board the "PANAY"?

A. No, I didn't see them.

7. Q. After the party went to the Chinese village were they kept together?

A. No. They pushed us off on our own. I believe it was their intention to annihilate the whole crowd of us to cover the incident up. We thought the best thing to do was to split up into small crowds and try to find some means of concealment. Incidentally, I might say that the Chinese in the area were of the same opinion because they took us in with reluctance.

8. Q. Will you tell the court what assistance was rendered your party by the "BEE" or other British naval vessels?

A. Yes. On the following afternoon and I decided we would go down to watch on the foreshore. We started down the railroad track and when we were, perhaps, about a mile from the foreshore we noticed the masts of a British gunboat. We immediately tried to get to the foreshore as quickly as possible, but by the time we had gotten there she had already passed down and had anchored or stopped below the "MEI AN" which was beached on the other side of the river and perhaps two miles downstream from the pontoon. We continued down the foreshore as far as we could and kept waving and attempted to signal the "BEE", and finally got down to about, I would say we probably were a mile down, and we were still a mile from her, so then we waited and she moved across the river, dropped a boat and picked us up. I told them that other people were in this village. They immediately went up there, tied up alongside a pontoon just below where our ships were burning, and they sent a landing party ashore with me and took everybody on board the "BEE" that same afternoon. They also were negotiating with the Japanese, I believe, to try to secure some assurance for protection of the property that is left up there.

9. Q. Were there any Japanese troops in the vicinity at that time?

A. In the vicinity of what?

10. Q. Of your party.

A. No.

11. Q. Were you rendered any assistance by the Japanese soldiers?

A. Yes. They bandaged my head and they were not at all unpleasant.

12. Q. Was any assistance rendered you by Chinese civilians or military?

A. There were no Chinese military in the area. The Chinese civilians were scattered and didn't like to have us around.

13. Q. Have you any criticism to make of the conduct of any naval personnel during this bombardment?

A. None whatever. I have the highest admiration for the way in which everyone carried on without exception at the time, when everybody else would have lost their heads.

14. Q. Are you able to establish the damage to the property suffered by the Socony Vacuum Company by the loss by bombing on December 12th, 1937?

A. Yes, sir. I have a list covering our estimated losses which I feel is accurate within a very small possible difference due to the fact that records of our Nanking office were lost on the "MEI PING" and stock quantities as shown on the attached list are based on the recollections of the captains of our ships and the installation superintendent who is responsible for loading the cargo. And also, as I have stated previously, certain of our smaller units were lost. The "MEI AN" is badly

damaged and it is impossible for us to salvage her at the present time. In the statement I am submitting, these units have been shown as total losses and in case salvage is later possible revision of items covered may have to be made.

15. Q. Did you compile this list yourself?

A. I didn't compile it myself, no, sir. I compiled it with and in consultation with the captains of our ships and other foreigners in charge of our Shanghai office.

16. Q. Do you offer this document as evidence of its contents?

A. I do.

17. Q. Will this claim be taken up separately through the proper channels?

A. Yes, sir.

The list covering estimated losses suffered by the Socony Vacuum Company was submitted to the court and by the witness offered in evidence merely to inform the court that this document had been prepared.

There being no objection, it was so received, copy appended marked Exhibit 10(1) to 10(7).

None of the parties to the inquiry desired further to examine this witness.

The ~~board~~^{court} informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

There were three attacks, the first one made at the "PANAY", the second one directed against the "PANAY", "MEI HSIA" and "MEI AN". In the meantime we moved to a pontoon on the south bank. The third one, to the best of my knowledge, was directed against the "MEI HSIA" and "MEI PING". The beginning of the first bombs were dropped from about four or five hundred feet.

I might say that as regards the Standard Vacuum Oil Company's loss, that our records were destroyed on the ship. We have a very close idea of the amount of the cargo lost.

None of the parties to the inquiry desired further to examine this witness.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, residence, and occupation.

A. _____ my present residence in Shanghai, occupation Standard Oil Company.

2.Q. Were you present at the bombing of the PANAY and convoy on December 12th?

A. Yes, sir.

3.Q. I show you this written statement. Is that your signature at the end of it?

A. Yes, sir.

4.Q. Are the things therein stated true from your own personal observations?

A. Yes, sir.

The statement was submitted to the court, and by the judge advocate offered in evidence.

There being no objection, it was so received, copy appended marked "Exhibit 11(1) to 11(3)".

5.Q. Mr. _____, if there is anything further which you have not stated in that statement we would like to have you state it.

A. I think this statement is quite well, quite well complete. Of what I saw, I don't believe that I have anything to add to it.

6.Q. If I understand it, you were present with Mr. _____ the previous witness on the MEI PING?

A. Yes, sir.

7.Q. Have you any criticism to make of the conduct of any of the naval personnel who were in this incident?

A. I certainly haven't. No, I have nothing but commendation for them. They certainly helped us out in every way, shape, and manner.

None of the parties to the inquiry desired further to examine this witness.

The ^{court} ~~board~~ informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

I would say that the sailors who happened to be aboard the MEI PING certainly deserve any possible commendation that they could possible have. They were very, very helpful to us in every way.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, residence, and occupation.

A. , Shanghai, care of Standard Oil, engineer of the MEI PING.

2.Q. Were you present at the loss by bombing of the PANAY and convoy on December 12, 1937?

A. Yes, sir.

3.Q. I show you this statement; who is it signed by?

A. It is signed by myself, sir.

4.Q. Are the things therein stated true of your own knowledge?

A. Yes, sir.

The statement was submitted to the court, and by the judge advocate offered in evidence.

There being no objection it was so received, copy appended marked "Exhibit 12(1) and 12(2)".

5.Q. Have you anything further which you wish to state?

A. Yes, sir.

6.Q. Please state it.

A. I wish to state, when we returned to the ship we put the fire out and made first the ship fast with one sailor. The fire was mostly nearly astern. I counts the Japanese soldiers that were on the foreshore. I estimated about 150. I couldn't swear maybe more or less, approximately that what I think. And then I hear machine gun out I don't know where it was coming from. From the PANAY or airplane, I don't think that but I think that it was from patrol boat. I see two Japanese patrol boat with soldiers. I don't bother much about machine gun, but what struck me and I feel very bad, I see Japanese soldiers lying on the ground with rifles aimed at the PANAY. I can see the PANAY motor boat moving toward the ship. When I saw this thing I rushed myself ashore and went to the Japanese commanding officer and told them not to shoot. He said to me, said, "Got gun, gun." and I asked him, "What gun?" He say, "Gun, g - u - n, g - u - n." So shortly afterward they rose up. They don't fire at all. I thought that the Japanese soldiers were ready to shoot the PANAY motor boat which might be coming to our rescue.

7.Q. Have you any criticism to make of the conduct of any of the naval personnel who came under your observation?

A. Of the PANAY, you mean?

8.Q. Of the PANAY.

A. Very good, help us lot.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

, Chief Yeoman, U.S. Navy, entered as reporter.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, residence, and occupation.

A. correspondent of the London Times,
address care of Peking Club, Peiping, China.

2.Q. You are called as a witness before this court of inquiry, which is to investigate the bombing and loss of the U.S.S. PANAY. Were you on board at the time?

A. Yes.

3.Q. Where were you?

A. I was sitting in the sick bay of the PANAY which had been converted into a press room when the first bomb struck the ship.

4.Q. Please tell the court what you know concerning the bombing.

A. Captain , the Assistant Military Attache, was watching the planes through field glasses and called me out on deck to confirm the markings and I distinctly saw with my naked eye the familiar red symbols of Japanese planes as the plane soared away after bombing the PANAY. Due to repeated noise and the concussion of explosions, it is impossible to detail the attacks which followed, but it may be mentioned that only relatively small bombs were dropped. Otherwise the vessel must have been sent to the bottom instantly. When the planes returned, I dived back into the sick bay and, in common with others there, threw myself on the floor. Another terrific explosion shook the compartment. A double tier of iron bunks fell across me on the floor but I was able to crawl out unhurt. Broken woodwork, window panes, pictures and other debris littered the floor. Later, when I returned to the sick bay before leaving the sinking ship, I noticed that the steel walls were gashed with hundreds of rents where the plates had been ripped like paper. This damage was probably done by subsequent bombs because it is hard to believe that anyone inside the room even prone on the floor could have escaped destruction. With the intention of greater safety below, I dashed along the boat deck towards the companionway. The PANAY machine guns, which went into action soon after the first attack, were blazing away. I saw many machine guns and I had a vivid picture of American sailors grimly firing at the oncoming planes which soared lower over the ship as the vessel was steadily disabled. Compelled to seek refuge again, I dived into the Chief Petty Officers' mess which was full of people including the Italian journalist, Sandri, who was crouching near the opposite door. Suddenly Sandri exclaimed in English, "I hurt, I die", and he doubled up with pain. Afterwards I heard that Sandri had been hit in the BC by two machine gun bullets. Descending to the mail deck, I informed the gunboat's surgeon, Doctor , of Sandri's wounds. While the rest of the ship was being wrecked and drenched with water from explosions in the river, the engine room was still intact and here, amidst oil and blood, several of us remained perforce while further bombs shook the gunboats. In my mind the PANAY was sinking slowly by the star-

board bow and the order was given at 2.05 p.m. to abandon ship. I did not hear the order, but I was told that the order was given.

Examined by the court:

5.Q. Do you know who gave the order?

A. No.

Examined by the judge advocate:

6.Q. Please continue with your testimony.

A. Being one of the uninjured, I was among the last to leave. As a matter of fact I left in the last trip of the pushing pan. We were heavily loaded, we took the emergency rations, small arms, flags, and medical supplies - the boat began to make water through a couple of bullet holes in the stern and I was compelled to bail water out with a tin hat while stuffing my handkerchief in the nearer hole. Captain _____ and Lieutenant _____ were both in the boat, Lieutenant _____ ^{Bo}

. While we were still a little distance from the shore, the motor failed and we were compelled to paddle to the bank. We landed on a desolate stretch of mud bank up which it was necessary to haul the wounded in order to get them out of danger.

7.Q. Please state as you observed what Lieutenant _____ condition was after reaching the shore shortly after leaving the ship.

A. Lieutenant _____ was _____ ^{Bo} and we were afraid he was dying. He was unable to speak and wrote on a scrap of paper that Captain _____ has been put in charge.

8.Q. After this, did you observe any more planes?

A. I did.

9.Q. Please describe this.

A. Shortly afterwards I heard two Japanese planes approaching and the whole party was told to take cover in the tall, thick reeds which covered the swampy ground behind. Here we laid flat in the mud while the planes circled overhead. Most of us thought they were coming down to machine gun the people on the ground. Instead of this, however, they flew straight across the river and bombed the two Standard Oil ships beached on the other shore which burst into flames under a rain of heavy explosives dropped from a few hundred feet.

10.Q. Were the bombs dropped on these Standard Oil vessels heavier than the ones dropped on the PANAY.

A. As far as I can judge, yes.

11. Q. Please continue with your testimony.

A. Afterwards I heard a motor boat moving along the river and I saw it make towards the sinking PANAY.

12.Q. What kind of a motor boat?

A. The motor boat was of the same type as the Japanese military landing boats which we had seen farther down river. I saw the motor boat fire some half dozen shots at the PANAY after which receiving no response, it went alongside. Several of us watched from ashore and then saw figures which seemed to be Japanese soldiers board the vessel where they stayed for a few minutes. The visitors then withdrew and the motor boat departed. During the whole of this incident the American flag was flying from the mainmast. There is no question, in my opinion, that the motor boat must have seen the flag plainly before opening fire.

13.Q. Please continue with your testimony.

A. In my mind the PANAY was slowly settling down. At exactly 3.54 p.m., about two and one quarter hours after the first bomb struck her, the gunboat turned on her side, I think the starboard side, and went down with her colors flying.

14.Q. Have you any comment to make on the general conduct and bearing of the PANAY personnel who came under your observation?

A. Nobody showed the least sign of fear or panic. I would like to pay all tribute to the courage of the commander of whom I saw a good deal and Lieutenant . . . both of whom were wounded; the ship's medical officer, Dr. . . . , who worked without sleep or rest both afloat and ashore; Captain . . . who was calm and assured throughout; Mr. . . . First Secretary of the U.S. Embassy at Nanking, who set an example which inspired the whole party and Mr. . . . Secretary of the U.S. Embassy at Nanking, who pushed on to Hohsien in spite of a . . . BC

from a bomb fragment, in order to apprise authorities of our coming so that we should not be fired upon, and also to get in touch, if possible by telegraph or telephone, with the U.S. Ambassador in Hankow to let him know we were in the town before it might be attacked by the Japanese. The wounded bore their suffering with great fortitude in the freezing night air, the lack of medical facilities, and the nervous strain imposed by visits of the Japanese planes. The Magistrate of Hohsien, Mr. . . . , who is a graduate of Syracuse University in New York, and the Magistrate of Hanshan, Mr. . . . , supplied coffee for all hands. Both of these officers displayed courtesy, efficiency and sympathy.

Examined by the court:

15.Q. Did you observe any breach of discipline of any of the ship's company of the PANAY?

A. No.

16.Q. Did the wounding of the PANAY officers cause in your opinion confusion or doubt as to the proper military command of the PANAY crew?

A. I am not in a position to say because we were brought ashore in two small boats, the only transportation available, with the result that we were landed in separate groups. For a short time, some of the men in my own group seemed a little uncertain about what might follow, but once it was made clear that Captain . . . was in charge, this very slight hesitancy disappeared.

17.Q. In other words, every effort was made to assemble everyone into one group?

A. Definitely, yes.

18.Q. What assistance was given your party by the British men of war?

A. Within my own knowledge, the first time I came into contact with the British Navy was when Admiral . . . telephoned from Hohsien to Hanshan and spoke to me after talking to Mr. . . . and explained the rescue operations, which were for the HMS BEE, HMS LADYBIRD, and the U.S.S. OAHU to wait off Hohsien until we arrived back from Hanshan. We arrived in Hohsien just before 10 p.m., and were welcomed by Rear Admiral . . . who had brought provisions ashore. We were then sent to the mouth of the creek where we were taken aboard a British Navy pin-nace and we were placed on the gunboats. Rear Admiral . . . rescue operations were completed at 1.00 a.m., on 15 December. Upon

arrival on board, I made a brief report to my Naval (British) authorities about our own experiences.

19.Q. Were there any Chinese craft in the vicinity of the anchorage at the commencement of the bombing?

A. I did not see any at all. And I should be surprised if there were any there. The PANAY was anchored in a broad deserted stretch of the Yangtze with the three Standard Oil boats anchored not very distant.

Examined by the judge advocate:

20.Q. I think you stated that the Japanese, subsequent to abandoning ship of the PANAY, approached in a military landing boat and fired about six shots at the PANAY. Were these machine gun shots?

A. I should say so from the sound.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

I might add that the weather was clear, sunny and still, with extremely good visibility. When the Japanese planes appeared flying high, there was no thought of danger in anybody's mind, but the attack once begun left no doubt about the purpose - a deliberate systematic attempt to destroy the gun boat and all on board, since the whole method of attack in my opinion makes it perfectly clear that the object was to destroy the PANAY first and then deal with Standard Oil vessels at leisure, which in fact is exactly what happened.

None of the parties to the inquiry desired further to examine this witness.

The witness was duly warned and withdrew.

The court, then at 11.45 a.m., took a recess until 1 p.m., at which time it reconvened.

Present: All the members, the judge advocate, and his counsel.

chief yeoman, U.S. Navy, entered and reported as reporter. No witnesses not otherwise connected with the inquiry were present. The court was cleared. The court was opened.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. _____, lieutenant commander, U.S. Navy, commanding U.S.S. OAHU.

2. Q. Did you pick up some of the survivors of the PANAY on December 15th, 1937?

A. I did.

3. Q. Will you tell the court about this?

A. Acting under orders of the Commander, Yangtze Patrol, I left Kiukiang on Monday, 13 December, 1937; steamed at top speed, but stopped in order not to enter Wuhu before daylight. I waited at Wuhu for the signal of "all clear" from H. M. S. LADY BIRD, then went alongside the LADY BIRD and got what information she had. We shoved off about three quarters of an hour later and steamed to the scene of the PANAY sinking. We arrived there about 10 o'clock that morning, found the H.M.S. BEE and two or three Japanese ships there. I went to the BEE, saw Flag Captain _____, and ascertained what arrangements were being made and what they wished the OAHU to do. After arrival, the BEE, OAHU, and HUDSU got underway that afternoon and moved up to the entrance of Hohsien channel, anchored there, and made all preparations to obtain the survivors and care for them on board. Admiral _____ R.N., was, in general, in charge of operations. We sent in American, British, and Japanese boats to the landing place. This was about 1635. The rescue party was equipped with stretchers, food, water, flashlights, and any other gear that seemed appropriate. The landing place was approximately two and one half miles from the anchorage of Hohsien channel. We waited then, and got no further word till about 2200 when the BEE signalled that she had received word from the party through a portable radio set they had taken that the party would arrive at the ships about 2200 or shortly thereafter. The survivors, however, actually did not arrive until 1:30 the next morning, the 15th. The stretcher cases and wounded were sent immediately to the OAHU, the others were sent to the BEE where they were mustered and checked off and held there for the time being. Shortly before the arrival of

the survivors the BEE sent me a signal to the effect that the stretcher cases would be sent to the OAHU and that they were sending some Japanese doctors to me. A few minutes later two Japanese naval surgeons, accompanied by a Japanese hospital corpsman, arrived on board and said they had been sent to assist in every possible way. I told them that I thought we could handle the matter all right and thanked them and suggested that, inasmuch as we could take care of things, their services would not be required. However, they were very insistent in the proffer of their services, and rather than cause unpleasantness, I let them stay and sent them to the sick bay to await the arrival of the wounded. When the wounded had been brought on board and our own surgeon had started to check and examine all of them to ascertain their injuries and start treatment, the two Japanese surgeons stayed with him, ostensibly to assist, but actually they were taking notes of injuries and condition of the men. This was especially true of one of them. I don't know just at what time they left the ship. The survivors, as I said before, started to arrive at 1:30 in various boats. They were in wretched condition; dirty, cold, and suffering severely from exhaustion and shock. The wounded were carried on rudely constructed stretchers padded with straw and life jackets, and protected as best possible by coats, blankets and quilts. The others were clad in life jackets, remnants of clothing, blankets, odds and ends. We brought them on board and immediately started to take care of them.

4. Q. What assistance did the Japanese give you in making arrangements for your coming down river?

A. Most of the actual coordinating arrangements were made by the flag lieutenant on the BEE. He acted as liaison officer between the Japanese, the British and the OAHU. There was no untoward incident that occurred from the time we left Hohsien channel until we arrived in Shanghai. While we were still in Hohsien the Japanese offered to take any seriously wounded to Shanghai in a large flying boat which was there, but they stated that the seaplane had to leave at 1500 that day and, inasmuch as the arrival of the survivors was still several hours away, we could not take advantage of it. The various Japanese officers and representatives who had visited the OAHU during the first day offered to be of assistance in any way, but outside of the fact that some of their boats were utilized in transporting the survivors back to the ships, I do not believe any other assistance was asked. They offered to take care of two bodies that were on the MEI AN, presumably

the body of Captain Carlson and that of his Chinese quartermaster. They actually did that. One officer came over to me that evening and reported that they had sent a surgeon over to the MEI AN and presumably had injected some embalming fluid into the body and were then constructing two caskets. Then, shortly before we departed the next day, they sent the two bodies over from the KASESAGE in two boats and placed them on the OAHU. In the meanwhile we had obtained the bodies of Ensminger and Mr. Sandri from the beach and placed them also on the OAHU. We started down river about 1400 with the KASESAGE leading, the OAHU next, the LADY BIRD next, and the KATORI astern. We had placed two of the signalmen on the KASESAGE and the British had placed one of theirs on the KATORI in order to have rapid communication between units. We anchored that evening just above Nanking. We got underway the next morning the 16th and proceeded down river without any incident; we then anchored just above Kaiyuan. The next morning we got underway early down river and started through the Kaiyuan barrier with a Japanese gunboat acting as guide for the whole convoy. Shortly before we got underway we took on the PANAY's survivors who, up to that time had been in the LADY BIRD, in order to facilitate matters at the Shanghai end; the civilians remained in the LADY BIRD. There was no special incident until we arrived at Woosung where the OAHU picked up the pilot and started up river, then picked up officers from the AUGUSTA and arrived alongside the AUGUSTA where we started to disembark the survivors.

5. Q. Did you make any list of the survivors of the PANAY bombing?

A. Yes, sir, I did. Here it is.

6. Q. Is this correct to the best of your knowledge and belief?

A. To the best of my knowledge and belief it is correct.

The list of the U.S.S. PANAY survivors was submitted to the court and by the judge advocate offered in evidence as an extract from the official files of the OAHU. There being no objection it was so received and marked Exhibit 13.

7. Q. Captain, can you fix the location of the PANAY when she was sunk?

A. During the day on the 14th I consulted Captain of Standard Oil to see if he could give us any idea of the probable location of the sunken ship. He thought he could and with the aid of the chart he was able to point out a spot of which he was fairly certain. Then Lieutenant executive officer of the OAHU, and Captain went in a boat to the spot and took soundings all around in the vicinity. They were not able to detect any sign of a vessel being sunk there from difference in soundings, or other indications, except a peculiar swirling and an unusual condition of the current almost exactly where Captain had said he thought the PANAY was sunk.

8. Q. Captain, I show you Exhibit 8(1) which is Chart CHI-TOW-SHAN to HUANG-CHOW-HSIN-TAN, sheet Number 2. Will you designate on this chart the probable position of the sunken PANAY?

A.
The witness indicated the position on the chart, which position is plotted in on Exhibit 8(1).

9. Q. Please give the court your opinion as to the practicability of salvaging the PANAY.

A. I have had no direct experience myself with salvage work in the Yangtze River; but I have been given to understand, and it seems to be the general opinion, that any ship which sinks in the Lower River, which has a very muddy bottom, settles rapidly in the mud and silts over quite rapidly. Whether such would be the case at this time of the year, and in that particular locality, I am unable to state.

Examined by the court:

10. Q. On the arrival of the PANAY survivors on board the OAHU, what report was made to you on the return of the PANAY's ship's company to the U.S. Navy, and by whom?

A. There was no formal report made.

11. Q. Whom did you consider to be in command of the survivors?

A. Lieutenant Commander .

12. Q. Was Lieutenant Commander conscious and apparently in possession of his faculties, and if so, did you gather that he considered himself to be in command?

A. He was conscious and in full possession of his faculties and appeared to consider himself still in command, although the fact that he was absolutely physically helpless made it impracticable for him actually to exercise full control of the situation.

13. Q. You definitely assumed and had every reason to believe that Lieutenant Commander _____ was in command of the party on its return to the OAHU?

A. Yes, sir.

14. Q. What equipment of the PANAY was salvaged by you?

A. At Hohsien the British turned over to me the PANAY's outboard motor sampan and the motor. On the way down we stopped and took the PANAY's motor sampan from H.M.S. CRICKET which had found it drifting on the river somewhere after the incident. We now have those two boats on board.

15. Q. Do either of the boats show evidence of having been hit by bullets?

A. On the motor sampan I could find no indication, but on the small sampan there are two holes on the after part through the side, one on each side, which give every indication of having been made by bullets.

16. Q. Captain, do you have any criticism to make of any of the officers or crew of the PANAY in connection with your operations?

A. None whatever. On the contrary, I was greatly impressed by the remarkable fortitude and spirit shown by the entire company when they were brought alongside the OAHU and during their stay on the OAHU.

Neither the judge advocate, nor the court desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court announced that it would take a view of the PANAY's motor sampan and outboard sampan on board the U.S.S. OAHU.

The court, accompanied by the judge advocate, proceeded to the U.S.S. OAHU and examined the two boats. cju

Photographs of the two boats and bullet holes are appended marked "Exhibit 14(1) to 14(10)".

14(1) Photograph of PANAY's motor pan; 14(2) Photograph of bullet hole #1 in pulling pan; 14(3) Photograph of pulling pan (also called "outboard pan"). Also "index chart"; 14(4) Bullet hole #1; 14(5) and 14(6) Bullet hole #2; 14(7) Bullet hole #3; 14(8) Bullet hole #4; 14(9) Bullet hole #5 and 14(10) Bullet hole #5.

Upon completion of the view the court returned to its regular place of meeting.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. I am a lieutenant senior grade, medical corps, U.S. navy, medical officer of the U.S.S. PANAY, now serving on board U.S.S. AUGUSTA.

2. Q. How long were you medical officer of the U.S.S. PANAY?

A. I reported aboard the U.S.S. PANAY on the 25th of July, 1937, that's a little under five months.

3. Q. Were you on board the U.S.S. PANAY at the time of the bombing?

A. I was.

4. Q. Give the court an account of what happened, within your personal observation.

A. The U.S.S. PANAY had convoyed several Standard Vacuum Oil Company boats up river, to escape the danger of field artillery fire, and all were anchored at about mileage 28 above Nanking, and on the right of the stream in the forenoon of Sunday, 12 December, 1937. At approximately 1330 I was top side in the cross passage abaft the radio room when chief quartermaster Lang shouted, "Planes sighted". I looked overhead on the port side and saw three heavy bombers in formation, and flying high over the ship. Just then chief quartermaster Lang shouted, "They are letting go bombs, get under cover". I flattened myself against the after bulkhead of the radio room just as there were a series of terrific concussions which rocked and shook the ship from stem to stern. I was deluged with water and falling debris from overhead, and started for the ladder on the starboard side to get below, when a second bombing occurred. Following this, as I started for the ladder, I saw chief quartermaster Lang supporting Captain and bringing him toward the starboard ladder from the bridge. He shouted, "Captain is injured". Captain had B.C. We got him below and into the galley. Almost immediately I heard a plane diving, and in company with six or eight men took cover in the officers' head and cross passageway beneath the radio room. When the bombing ceased for a minute I quickly made my way aft along the starboard side main deck in response to a cry of, "Doctor, wounded men here". Our men had dragged several wounded men onto the gratings over the engineroom, and during the remainder of the bombing I remained here and rendered such first aid treatment as was possible. Our men had

manned the machine guns before this, and we could tell when to expect bombs by the volley of machine guns in response to the dives. The planes having unloaded, there was a lull, and I went topside to the sick bay which I found practically demolished, with drawers, broken bottles, etc., strewn everywhere. I grabbed all my health records; and, with one of our men, placed them, together with all the medical dressings, battle dressings, antiseptics, etc., that we could confiscate, into a pillow case. Upon reaching the main deck I found Captain [redacted] supported by one of the men giving orders to abandon ship. The steel deck was buckled, distorted, and only about an inch or so above the water level. The motor and pulling pans were quickly filled with wounded and enough unhurt for bearers, and shoved off for the far bank, or left bank, of the river. I did not see how many trips were made, but it was probably during the second that I heard a plane at low altitude and the rattle of machine gun fire. Someone shouted, "They are machine gunning the boats". We salvaged supplies, emergency rations, etc., and made the last trip to the beach. We landed and I found that our men and wounded were scattered back among a ten foot growth of reeds in a swamp of mud about six inches deep. Shortly thereafter we heard, and saw, two Japanese patrol boats approaching the PANAY, which they sprayed with machine gun fire, waited a minute, and about twenty men boarded her and remained for a short time. The men and boats departed up stream, turned and seemed to be coming toward us. Our thought was that they were coming to hunt us out like rats. They changed direction, however, to our relief, and proceeded toward the right bank. When the patrol boats were some little distance up stream, I distinctly heard two dull explosions which seemed to come from the PANAY. My thought was that the Japanese had planted mines to hasten the sinking. The ship settled by the bow some, but remained afloat for some time after. Several planes were sighted crossing the river at a moderate altitude. We scattered as best we could, and crouched quietly, fully expecting to be strafed when the planes wheeled and seemed to be diving toward us. They, however, proceeded back across river where they were seen to dive bomb repeatedly two Standard Vacuum tankers which were side by side on the right bank of the river. Soon there was smoke and flames belching from one or both of the ships. Scattered small groups penetrated deeper into the swampy ground, through water knee deep in places, in search for higher ground which was found. I remained near the shore but further down stream with my three most critically injured men. We were in process of transporting the wounded to this dry vicinity when our mess attendant first class, [redacted], returned to state that he had located a farm house about a mile up stream where we could get our wounded under cover. We all returned to the shore where we located one of Standard Vacuum Oil Company's motor boats and

the PANAY's motor pan. We finally managed to concentrate and load all our wounded aboard; and, by means of a long rope, tracked the two up stream for about a mile. Here we unloaded, set the boats adrift, got our wounded under cover; and, after hours of arguing, we finally got the natives, aided by our own uninjured, to carry our wounded to Ho Chow, a village about five miles distant and inland, where there was a small hospital. I left with the last two wounded men and reached Ho Chow at some time around 0400 December 13th. There were no modern accommodations at all, the men being placed in beds in a stone building with dirt floors and no heat. One of the more critically wounded expired at about 0530. Four times during the day of 13 December, 1937, Japanese planes flew over Ho Chow, power dived, tipped wings and appeared to be searching for us. We all managed to get under cover and remained hidden during these times. Arrangements were made by Mr. Atcheson to move up a canal that night, via junks, to Han Shan, a village about twenty miles inland. Mr. [redacted] had gone ahead the night before, 12 December, to make reports and arrange for transportation to Hankow. We left Ho Chow after dark, 13 December, 1937, boarded junks, and after a night of cold, damp exposure, reached the end of the canal at about 0720, 14 December, 1937. Mr. [redacted] and Captain [redacted] U.S.A. went ahead into the village to make arrangements. We finally reached Han Shan where we were billeted in rooms and the courtyard of a school. Two air alarms sounded while here, we took cover, but no planes were sighted. Several Chinese doctors offered their services and were very helpful in redressing and caring for our wounded. Mr. [redacted] returned and informed us of the plan for evacuating all to Shanghai via the U.S.S. CAHU and H.M.S. LADY BIRD under guaranteed convoy protection of the Japanese navy. These ships with the H.M.S. BEE, with Admiral [redacted] aboard, were standing off Ho Kuo - our first hut on the shore - awaiting us. After our first real meal and a rest we started back to our junks, went down the canal, and were met at Ho Chow by Admiral [redacted] and officers and men of all three ships. The wounded men were carried to Ho Kuo, placed aboard boats and transferred to the U.S.S. CAHU. I arrived aboard about 0115, 15 December, 1937. I wish to add that the Navy can well be proud of the manly way in which her officers and crew carried on. Captain [redacted] despite his [redacted] B6 [redacted] from the proximity of the first bomb explosion, remained on his feet with the support of one of the crew, and directed the abandon ship operations. And during our trips inland, although I made him stay in a stokes stretcher, he retained command. From none of the crew, even the most critically wounded, was there a whimper or word of complaint. Several of the men even dressed their own wounds as best they could rather than bother the doctor because he was busy. All voluntarily offered to assist in any way in caring for the sick, and their assistance

was most welcome. All suffered from exposure. Lieutenant , with ^{BC} being unable to speak, gave his commands by writing them in pencil on the bulkheads.

5. Q. Who was in charge of your party?

A. Captain .

6. Q. Was he also in charge ashore?

A. He was also in charge ashore, yes, sir.

7. Q. How were his commands given?

A. By word of mouth.

8. Q. Explain how Captain exercised his authority.

A. In delegating or giving duties to the various other officers that were around there and in consultation with the Consulate men. He, Mr. and Mr. consulted together and decided to start inland to Hankow for fear of the Japanese along the river bank. Captain , the Naval Attache' to the Embassy, was a Chinese language student and Mr. and Mr. , also of the American Embassy, also spoke Chinese. Their knowledge of Chinese was of great value in assisting us in making arrangements for our progress inland.

9. Q. Did Captain , at any time, relinquish command of the party?

A. Not to my knowledge.

10. Q. What were the identification marks on the PANAY?

A. She had a large flag painted on canvas on what we called the forward palm garden and a flag of like size painted on canvas on the after palm garden - horizontal flags, to be viewed from the air. She also had a flag at the masthead.

11. Q. How many American flags were displayed?

A. At least three on our ship - on the PANAY.

12. Q. Was the PANAY at anchor or underway at the time of the attack?

A. The PANAY was anchored at the time of the attack.

13. Q. Where did the first bomb hit the PANAY?

A. From my personal knowledge, I do not know.

14. Q. Do you know how many bombs bit the ship?

A. At least three direct bits, the others landed so close abeam that they seemed to blow holes on the side. I estimated that there were at least nine different explosions.

15. Q. Did you see any of the attacking planes?

A. I saw only the three bombers overhead.

16. Q. What is the present condition of Captain _____?

A. Captain _____ is at present feeling fairly recovered, but is BC

17. Q. What is the nature of his injury?

A. BC

18. Q. In your opinion, is he physically able to appear before this court at this time?

A. In my opinion he is not physically capable of appearing in person before the court due to the nature of his injury.

19. Q. In your opinion, would his present condition permit him to compile an official report of loss of the U.S.S. PANAY?

A. I do not believe that his present condition would permit of him making a statement as to the loss of the U.S.S. PANAY at the present time.

20. Q. What was the nature of the wounds which the PANAY personnel sustained?

A. The wounds of the personnel that occurred aboard ship, as near as I can tell from examining them, were made by fragments of bombs, although it is practically impossible to tell from the appearance of their wounds exactly the nature of the missiles that caused them. There is one man aboard this ship now who was wounded on the way to the beach in the motor pan and presumably by machine gun fire. That was the only thing that could have caused it; this was on the way to the beach.

Examined by the court:

21. Q. Were you present when the wounded were being loaded into the boats to go ashore?

A. I personally supervised the loading.

22. Q. Were the wounded taken care of before the remainder of the crew in abandoning ship?

A. Absolutely. All the wounded were transported ashore before the uninjured.

23. Q. Was there any difficulty in accomplishing this result insofar as disorder and confusion aboard ship is concerned?

A. There was absolutely no difficulty in transporting them ashore insofar as disorder and confusion on board is concerned. The men were calm and very orderly in obeying orders.

24. Q. Have you any personal knowledge of an attempt to save valuable ship's records of confidential nature?

A. I have this knowledge of the attempt to destroy confidential matter, in that I personally saw Ensign _____ throw two cylindrical ciphers overboard, that is all I personally saw; I just happened to be going by and saw him take them out of his pocket and throw them in the water.

25. Q. Where was the confidential safe located?

A. It was in the radio room on the port side forward.

26. Q. Did you have any conversation with Captain _____ as to his leaving the ship?

A. On one trip, I believe the second trip, I told the Captain I was going to put him aboard the boat. He told me not to, and for me to get the men off, and I told him that I hadn't any men out there and I wanted to get everyone ashore as quickly as possible and to go ahead and load him on the boat before the planes returned.

27. Q. At this time were only wounded men leaving the ship?

A. I was sending only stretcher cases and just sufficient unwounded men to transport them ashore.

28. Q. Why were you in such a hurry to get your wounded off the ship?

A. We were in a hurry to get our wounded off the ship because we fully expected the Japanese planes to come back very shortly.

29. Q. You have stated that you gathered up your health records. Did you preserve these?

A. I have them, yes, sir. I have all my health records.

30. Q. Have you anything to lay to the charge of any officer or man with regard to the loss of the U.S.S. PANAY?

A. I have absolutely no word of blame for any officer or men on the PANAY relating to the loss of the vessel.

Neither the judge advocate, nor the court, desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. , ensign, U.S. Navy, now serving on board the U.S.S. AUGUSTA; until recently attached to and serving on board the U.S.S. PANAY.

2. Q. What were your duties aboard the PANAY?

A. My duties consisted of communications; communication officer; assistant engineer, navigator, intelligence officer, and landing force officer.

3. Q. When did you report aboard the U.S.S. PANAY for duty?

A. I reported aboard April 19, 1937, to the best of my knowledge.

4. Q. When did you graduate from the Naval Academy?

A. June 1934, sir.

5. Q. Tell in your own words, what happened with regard to the loss and sinking of the U.S.S. PANAY.

A. I would like to start with events prior to the bombing and sinking of the PANAY which I think have a bearing on the case. The PANAY moved from her regular anchorage opposite the Butterfield and Squire pontoon, Nanking, China, to the mouth of the Chunshan channel, one and one half miles up river from the Nanking Customs House at 1420, 9 December, 1937, just as Japanese heavy bombers dropped a large number of heavy bombs in the immediate vicinity considerably endangering the ship and personnel. Some of these bombs hit the water only two hundred yards off the starboard bow and one, a dud, struck only one hundred and fifty feet ahead of the ship. Others struck the Pukow waterfront setting buildings and pontoons ablaze. The PANAY had already completed preparations for departure from her regular anchorage prior to this air raid for two reasons: first, members of the American Embassy staff had previously arranged with Captain to move to the typhoon anchorage upon their arrival on board in order to facilitate convenient removal at the last opportunity of all Americans remaining in Nanking; second, to maintain direct communication with the American Embassy by means of the telephone located at the A.P.C. installation. During the entire stay at the typhoon anchorage the sound of artillery fire from Japanese guns approached more and more closely to Nanking. At about 1500, 11 December 1937, artillery shells fell and exploded a short distance ahead of the PANAY, very close to the Standard Oil vessels MEI AN, MEI PING, MEI HSIA, H.M.S. SCARAB, and H.M.S. CRICKET. The other vessels got underway immediately and steamed diagonally across river. The PANAY likewise got

underway and escorted the American vessels to a new and safer anchorage at mileage 208 above Woosung, running a gauntlet of artillery fire which appeared to lead the ships the entire way, shells falling on both sides of the column. It was the Captain's intention to use the MEI FOO IX, large Socony launch, for making armed guard trips to Nanking to pick up any Americans who might have changed their minds about leaving the city. At 0800, 12 December 1937, artillery shells set fire to several junks a short distance astern of the PANAY which then proceeded to get underway in order to escort the American oil vessels to a supposedly safe anchorage at mileage 221 above Woosung, a distance 28 miles above Nanking, and out of immediate danger from further artillery fire. While convoying the American vessels to the new anchorage, Japanese troops waving a Japanese flag from the reeds along the left (north) bank hailed the PANAY which immediately, at mileage 215 above Woosung, stopped. Two Japanese patrol launches containing about thirty soldiers armed with rifles and machine guns came alongside the starboard gangway and four soldiers in charge of Lieutenant (?) came on board fully armed fixing bayonets after stepping on board. Lieutenant said, in a very surly tone. "Get the Captain down". The officer, Lieutenant gave the order. He spoke broken English. Incidentally, an artillery gun on the beach was pointed at the ship when the party came aboard. This gun was pointed out to me by one of our crew. Lieutenant and myself met the boarding officers who ordered the Captain to come down immediately. Inquiries were made of the Captain in broken English regarding the destination of the ship, its purpose in moving upriver, and what nationality it represented. The Captain replied that the PANAY was escorting the American vessels to mileage 221 above Woosung to prevent endangering them from artillery fire. When the Captain was asked whether he would accompany the party ashore, he politely refused, saying that he could not leave his ship. The party then left the ship and proceeded ashore. American flags were plainly visible on all vessels of the convoy.

Examined by the court:

6. Q. Were any armed men on deck, that is, were any armed members of the PANAY on deck during this incident?

A. None that I know of; no, sir, no one armed.

Re-examined by the judge advocate:

7. Q. Please continue with your testimony.

A. The Socony vessels anchored at mileage 221 above Woosung as follows with relation to the PANAY (all facing upriver): MEI HSIA and MEI PING on port bow and quarter,

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respectively; MEI AN close in on starboard quarter. At about 1345, while standing on the port side of the ship slightly forward of the wardroom I observed three Japanese heavy bombers approaching at high altitude from the general direction of Wuhu. Suddenly I heard a plane diving, machine guns sputtering followed by a terrific explosion next to me which stunned and knocked me down. The intensity of this explosion and my proximity to it left me dazed with ^{BC}

Not knowing exactly what had happened, I stumbled toward the radio room to dispose of certain papers when the second bomb made a direct hit in the radio room, carrying away the mast and knocking me half way down the port ladder. I could not believe that we were being attacked when American flags were painted and plainly visible to aircraft, on the canvas awnings both forward and aft, as well as one flying at the gaff. I ran to the passageway amidships and saw light bombers diving and machine gunning the MEI PING while terrific explosions of the bombs which always followed again ripped down bulkheads, smashed steam pipes and equipment like so much tissue paper. Observing Mr. ^{BC}, Colliers representative, vainly attempting to lower a sampan on the MEI HSIA whose stern had now swung around toward the starboard beam of the PANAY, I shouted to him instructing him to obtain help in lowering away. He apparently could find no one top side. Leaving the amidships passageway, I saw Mr. ^{BC}, in great agony lying over the threshold of the officers' washroom. As I started for the bridge, Mr. C.L. Ensminger stopped me and said ^{BC}

Reaching the bridge, I found Lieutenant ^{BC} and in the wreckage of the bridge. He scribbled a note on the chart laying on the deck which said: "Try to run ship aground" and then said, "We are all finished. You're in command. Run her aground." The Captain, Captain ^{BC}, also called me to the galley prior to this and also told me I was acting commanding officer due to the fact that all other officers were injured. I ran to the engine room to start the homolite pumps. All this machinery was out of commission. The MEI AN was drifting down river and the MEI PING and MEI HSIA were moving to the right bank. Bombing and machine gunning seemed to be concentrated at this moment on the Socony vessels. I ran to the radio room via the starboard ladder and managed to make my way through the wreckage, open my safe, and grab some of my papers just as I heard another plane dive, followed by another terrific explosion just off the port beam. Everything seemed to give way and the ship seemed to settle down. I heaved my papers over the side, ran to my room which was completely wrecked, got other papers from my safe there and heaved those over the side, and then heard the word "All hands aft and abandon ship." Running aft, I got everyone in the motor pan. Chief Boatswain's Mate and I loaded everything we could in this boat which was the last passenger trip made. Then I made one last trip to the radio room to get more papers but couldn't even get through

the wreckage. Returning, I shouted to see if anyone else was on board and then as acting commanding officer left the PANAY, the last person to abandon ship after everything possible to save the ship had been attempted. Taking charge of the boat which was so overloaded it almost capsized from its own load, we slowly headed for the left (north) bank which we finally reached, unloading passengers and gear. The reeds along the bank were about 20 feet high and the wounded as well as everyone else were lying in them. The whole place was one marsh. We found others who had been brought ashore on previous trips and Doctor () was attending to everyone of the wounded as best he could with what he had. () asked to go back to the PANAY to locate, if possible, any more medical supplies. He and () made that trip and succeeded in bringing back more food and clothing. Captain () then asked me to take the boat, cross the river and attempt to contact the MEI PING in order to get launches to tow the PANAY aground. As I started out, two Japanese patrol boats loaded with armed soldiers approached from upriver. We all returned, scattering in the tall reeds and waited. The patrol boats approached the PANAY from astern, machine gunned the ship and about twenty armed soldiers boarded, the American flag waving in their faces from astern. Then they left after congregating on the fantail. Suddenly a loud explosion occurred on the PANAY and she sank in the water, bow down, keeling over to starboard. A second explosion and the stern slowly lifted in the air as the bow sank to the bottom. The ship slowly went down by the bow, almost vertically, and at 1556 we uncovered as she sank beneath the surface. Three Japanese patrol boats approached the MEI HSIA moored alongside the MEI PING across river. The fires seemed to be subsiding on these ships. Without stopping they turned and headed across river to our hide out. We scattered carrying the wounded farther into the reed covered marsh and waited. Suddenly the drone of a plane was heard, the sound getting louder. We lay still. The plane circled the MEI PING but did not bomb her. Then it disappeared. We attempted to get the wounded to higher and drier land without success. Everywhere was marsh. We attempted to locate everyone and bring them to dry ground and also locate the party of survivors which had drifted down river in the pulling pan when again planes were heard. Everyone lay still as two light bombers circled overhead and then headed for the MEI HSIA. The planes climbed higher and higher and then idled their motors. Terrific explosions sounded as bombs hit those ships setting up flames a hundred feet high. The oil tanks had apparently caught fire. Then the planes disappeared leaving the MEI HSIA and MEI PING in flames. Again three heavy bombers in Vee-formation approached from the direction of Wuhu at high altitude and again everyone lay still expecting every moment to be blown out of existence. They flew directly overhead and we experienced another tense moment, but they continued down river. We decided to wait until nightfall and then take out wounded inland as we expected Japanese troops to sneak up and get us under cover of darkness. Someone found one of the Socony launches down river and tracked it up to where we were. When nightfall

came we loaded all of our wounded on this launch and started to track upriver. Captain _____ is now appointed Captain _____, U.S.A., as his Executive Officer since he was familiar with land party conditions and had considerable experience along those lines. Secretary _____ and _____, the wardroom cook, had walked up river through the weeds and encountered Chinese in a small town, Ho Chau. This was reported and so we tracked along under cover of darkness towing the motor pan. We didn't dare use the engines. At last we reached the landing and took everyone into the hut. After a great deal of walla walla, about twenty coolies were recruited to take the wounded to Ho Hsien about five miles away. Then we followed along. Dr. _____ did the almost impossible thing in caring for so many wounded and with so much success, never once giving in. About half way to town we were met by Chinese troops who escorted us the rest of the way to the empty frame building which represented the hospital. We scattered around town and slept until morning. The Chinese were very fine to us and helped wherever possible but were afraid that our presence would bring the Japanese. C.L. ENSMINGER, storekeeper first class, and Sandro Sandri, Italian journalist, died. We decided to leave immediately under cover of darkness via junks on the canal to Han Shen, twenty miles inland. The one predominating thought was getting away from the vicinity of the river and Japanese we thought were out to exterminate us. Mr. _____ got word through to Hankow but when we heard the LADYBIRD was coming, we were afraid she also would be bombed. So we left that night travelling in cold, damp junks to Han Shan which we reached early in the morning of 14 December, 1937. The wounded stuck it out all right but were in pretty bad shape despite the care given them. At Han Shan everyone was taken to the school house, where, for the first time we all got some food and sunshine. The Chinese were extraordinarily good to everyone, accepting nothing in return. Three air alarms sounded while we were there and on the third everyone huddled in the hotel and school house as a Japanese plane circled the city for half an hour, idling its motor, and then coming low. It again looked bad for everyone. Word had been received that the LADYBIRD, BEE, and OAHU had arrived and were waiting for us at Ho Hsien. The Magistrate of the city used his troops to convoy our wounded back to the junks. We started out again about 1400 for the river feeling much relieved. After a long trip back, we arrived at Ho Hsien and the sight of the British and Americans with sandwiches and water was a great relief. We were escorted aboard the ships and for the first time received rest since the bombing.

Examined by the judge advocate:

8.Q. Have you made a report of the status of the secret and confidential publications which were in your custody on the PANAY?

A. I made a report to Lieutenant _____ on the Staff of the Commander in Chief, U.S. Asiatic Fleet. I have also written up a report to be forwarded to the Chief of Naval Operations.

9. Q. Can you produce a copy of the report submitted to the Chief of Naval Operations?

A. I can; here it is.

The copy of the report of the status of secret and confidential publications was submitted to the court and by the judge advocate offered in evidence.

There being no objection, it was so received, copy appended marked Exhibit 15.

10. Q. Were you the Officer of the Deck on the morning of December 12, 1937?

A. I was, on the morning of December 12th, 1937, till noon.

11. Q. Where did the first bomb hit the PANAY?

A. To the best of my recollection, the bomb landed - hit the water fifteen feet ahead of the ship and in so doing disabled the forward three inch gun. The bomb landed close to the bow of the ship.

12. Q. Did you make any effort to up anchor and beach the ship after the first bomb hit?

A. I did not, no, sir.

13. Q. Why not?

A. The Captain and Mr. _____ the Executive Officer, were both in the vicinity of the top side.

14. Q. After Lieutenant _____ told you you were in command, did you make any effort to up anchor and beach the ship?

A. Yes, sir.

15. Q. What did you do?

A. I ran down the starboard side of the ship to the engine room to start the homolite pumps for the purpose of pumping out water in the compartment to keep the ship afloat. Then I shouted to one of the engineers, a chief petty officer, standing at the engineroom hatch, amidships, and asked him to start the machinery. He reported to me after going below that all machinery was disabled and that the fires were dead.

16. Q. What did you do then?

A. Then, that's when I ran forward to the radio room.

17. Q. Please state what efforts, if any, were made to get up the anchor.

A. When the second bomb struck the radio room one of the fragments apparently hit the deck right on the port side of the ship opposite the after officers' room and broke the steam line which leads up through the deck. The auxiliary steam line to the anchor engine was carried away and not only was torn away but took part of the deck with it.

18. Q. You have stated that you were the last person to leave the ship.

A. That is correct - on the passenger trip.

19. Q. Was this prior to the time that you heard the order to abandon ship?

A. I should say ten minutes.

20. Q. Tell the court how the abandoning ship operation was performed.

A. When I heard the word to abandon ship passed, not knowing who it was passed the word, I ran back to the starboard side of the fantail to find a motor pan alongside about sixty per cent loaded with passengers and gear. Prior to that time I had seen the pulling pan, little outboard motor boat, making its way across the water to the north bank. On the previous trip, prior to the one I made the trip in. I did not give the order for the boats to leave the ship. Several times, while going top side in the vicinity of the machine guns, I saw _____, chief boatswain's mate, frantically lowering away a boat. When the order was passed to abandon ship I ran to the starboard side of the fantail. I made one last trip to the radio room to attempt to get in my safe, which contained all secret and confidential publications, without success, due to the immense amount of wreckage and impossibility of entering the room. I believe _____, quartermaster second class, also went up with me. Then I ran from the radio room to the port side, saw that everyone was aboard both the motor pan and the native sampan which was in tow with the gear and then stepped on the port side and shoved off. Chief boatswain's mate _____ was also in that boat.

Examined by the court:

21. Q. How do you account for the fact that the abandon ship operations were undertaken without the consent or knowledge of yourself as acting commanding officer?

A. I think that this was due, primarily, to the fact that those who actually lowered the boats did not know who was in command due to the immense amount of confusion and also the terrific explosions which took place unceasingly.

22. Q. Had not the word been passed, would you have ordered the ship to be abandoned at approximately the same time?

A. Yes, sir.

23. Q. What was the condition of the ship as to list and trim at this time?

A. The condition of the ship as to list and trim at this time was this: The bow was down low in the water. The ship had definitely a port list and the starboard side of the ship was practically level with the surface of the water. The deck was awash on the port side.

24.Q. What were the orders on the PANAY with regard to using force in self defense?

A. I heard no orders for any one to use force. I did not give any orders to use force because at the time that I was told to act as commanding officer the machine guns were already manned and men were firing away automatically.

25.Q. How many machine guns did the PANAY have?

A. The PANAY had four on the port side and four on the starboard side, in pairs. She also had approximately twenty three Browning machine guns down in the armory.

26. Q. How many of these machine guns did you see manned and firing at the attacking planes?

A. The machine guns that I actually saw firing were the two forward Lewis machine guns - two forward on the port side, one aft on the port side, and two forward on the starboard side; those are the only ones I actually saw firing or an attempt being made to fire. Wisler, radioman first class, was manning the forward machine gun on the port side and he laughingly said, "I guess I am out of ammunition". I am sure he hit the plane. c8

27.Q. Since you were communication officer of the ship, describe how your radiomen conducted themselves during the time of the attack.

A. When I ran up to the radio room after the first bomb, and looked in the radio room, I just opened the door and there was no one there that I saw.

28.Q. Was the radio room wrecked at this time?

A. Not at that time, no sir. A moment later it was.

29.Q. Describe the condition of the radio room when you went in there after the first bomb.

A. I was unable to enter the radio room because the next moment a second bomb demolished the radio room.

30.Q. How does it happen that the radio operator on watch was not on his station at this time?

A. He may have been but I did not see him.

31.Q. Who was the radioman on watch at this time?

A. radioman third class, had the watch.

32.Q. We have, from previous evidence which is before this court, that transmission of a message from the PANAY was suddenly broken off about the time of the first bomb. Can you explain this?

A. Yes, sir. When the first bomb struck close to the bow of the ship, it struck with such force that the transmitter more than likely was either wrecked, that is, the tubes, etc., or was thrown off frequency.

33. Q. Was it not the duty of the radioman on watch to stick to his key and send out an SOS or other similar warning signal?

A. The radioman on watch is required, by his special duties, to remain at his post in any event of trouble or otherwise.

Examined by the court:

34. Q. Was any report made to you of compartments flooded or of serious injury to the stability of the ship to influence your decision or your concurrence in your order to abandon ship at the time when it occurred?

A. No reports were made to me concerning flooding of compartments at any time, but I thought that it was wise to abandon ship in view of the condition of the ship from personal observation.

35. Q. Are you aware of any general instructions that were given to the crew when they abandoned ship?

A. Every man aboard ship has a definite boat and trip on which to go when the word to abandon ship is given. Because our boats are so small that they do not adequately accommodate sufficiently the number of men aboard ship, the abandon ship bill provides for two trips to be made concurrently with each boat and manned if necessary.

36. Q. Was any attempt made to take regular equipment ashore?

A. Yes, sir.

37. Q. What was it?

A. The regular equipment which was taken ashore consisted of emergency rations, emergency medical supplies, blankets, clothes; all the food we could gather together, including our large bushel basket of eggs; lines, and one Lewis machine gun.

38. Q. When you reached the shore, did you still consider you were in command?

A. Yes, sir.

39. Q. Did you act in that capacity?

A. Yes, sir.

40. Q. The whole time?

A. When I got ashore I directed everyone from the fore shore to move the wounded farther back in the reeds, to take all colored material such as colored blankets, anything that would attract attention, back into the reeds and cover them up - to get them out of sight. Then I went over to Captain [redacted] who was lying in the reeds and told him I was here.

41. Q. You still considered that after reporting to Captain [redacted] that you still were in command?

A. I was told that I was acting commanding officer.

42. Q. On the beach?

A. On the beach.

43. Q. On the beach Captain _____ told you you were acting commanding officer?

A. Yes, sir, on the beach. He said to me, "All the officers are injured; I want the PANAY beached if at all possible; take the boat and cross the river to the MEI FING and see if you can get any help in lowering away their launches and go out to the PANAY and attempt to tow her to the beach". Just a moment prior to my reporting to the Captain, _____, chief boatswain's mate, had reported to me when I inquired about the remaining gas in the boat that he did not think there was enough gas left to go over and back. I reported this fuel problem to the Captain and he said, "Do what you can". He said "You know that if I were able I would do the same", and with that I shoved off.

The witness was duly warned and withdrew.

The court then, at 5:35 p.m., adjourned until 9 a.m., tomorrow, Sunday

FOURTH DAY

U.S.S. AUGUSTA,
Shanghai, China,
Sunday, December 19, 1937.

The court met at 9:17 a.m.

Present:

Captain _____ U. S. Navy,
Commander _____ U. S. Navy, and
Lieutenant Commander _____, U. S. Navy,
members; and
Lieutenant _____, U. S. Navy, judge advocate,
and his counsel.
_____, yeoman first class, U. S. Navy,
reporter.

The president stated that the convening authority considered this case to be one of extraordinary urgency (Sec. 367, N.C.B., 1937).

The record of proceedings of the third day of the inquiry was read and approved.

No witnesses not otherwise connected with the inquiry were present.

The court was cleared. The court was opened.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

FIFTH DAY

U.S.S. AUGUSTA,
Shanghai, China,
Monday, December 20, 1937.

The court met at 8:15 a.m.

Present:
Captain U.S. Navy,
Commander U.S. Navy, and
Lieutenant Commander U.S. Navy, members;
and
Lieutenant U.S. Navy, judge advocate,
and his counsel. yeoman first class, U.S. Navy, reporter.

The record of proceedings of the fourth day of the inquiry was read and approved.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank and present station, doctor.

A. , Lieutenant, Medical Corps, U.S. Navy,
Medical Officer, U.S.S. OAHU.

2. Q. You are called as a witness in the court of inquiry investigating the loss by bombing of the U.S.S. PANAY. Were you the senior medical officer on the OAHU which carried the injured survivors to Shanghai?

A. I was.

3. Q. Will you tell the court what the physical condition of each of the survivors was at the time you first examined them, to the best of your ability?

A. The entire party showed evidence of extreme fatigue and the severely injured had more or less surgical shock.

, electrician's mate third class, had a wound BC

class, and fireman first
machinist's mate second class, had BC
also had a wound BC

coxswain, had BC

showed BC

fireman first class, had BC

electrician's mate first class, had BC

, seaman first class, had BC

, ship's cook third class, BC

had BC

, chief quartermaster, had BC

, fireman first class, had BC

, seaman first class, had BC

Commander had BC

Lieutenant

Lieutenant had BC

Lieutenant had BC

chief pharmacist's mate, had BC

chief machinist's mate, had BC
chief machinist's mate, had BC

BC machinist's mate first class, had
fireman first class, had BC

of the Embassy staff, had BC

of the American Embassy, had BC

man, had BC newsreel camera-

Charles L. Ensminger, storekeeper first class, Sandro Sandri, Italian journalist, and C. H. Carlson, master of the S.S. MEI AN, were received dead. All the patients were on continuous treatment. C/W

4. Q. Please state what, if any, medical attention the wounded had received prior to their arrival on the OAHU.

A. All the seriously wounded cases were in stretchers and were kept warm by quilts and coats and other things that had been picked up from the countryside. Every wound of any extent at all had been dressed and those that showed considerable surgical shock received morphine and all fractured limbs were splinted. Nevertheless there was evidence of exposure and marked fatigue in all survivors.

5. Q. On the day of your arrival here in Shanghai, was Captain _____ physically able to make a statement?

A. No.

6. Q. Do you have any record of an injury to _____, electrician's mate third class?

A. I have not. He might have been one that was treated by us and no record kept due to the lack of time.

7. Q. Which of the injured were transferred directly from the OAHU to the hospital on shore at Shanghai?

A. _____, Hulsebus, _____ and _____ were transferred to the hospital. That is all I recall; I didn't make a list of them.

8. Q. Please state what treatment these men were given between the time they arrived on board the OAHU and the time of your arrival in Shanghai.

A. BC

9. Q. Have you any further statement which you wish to make?

A. No, no other statement.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the Judge Advocate:

1. Q. State your name, residence, and occupation.

A. My name is _____ and my residence is Shanghai. I am an American journalist of the New York Times.

2. Q. Are you an American citizen?

A. Yes, sir.

3. Q. You are called to tell the court what you can concerning the loss by bombing of the PANAY. Were you present?

A. Yes, sir.

4. Q. Is there anything which you saw which you think the court might not already know about?

A. I suppose if you have heard the testimony of all the other people, there probably isn't very much that I saw that would be of value or interest to you that hasn't been told. There is one thing that impressed me about the whole thing. I don't know whether it has been brought up or not yet. There was a definite fear that all through and up to the last minute until we arrived in Shanghai that the Japanese might repeat or, well, anyway, do something to wipe out all these people that were witnesses to the bombing. I speak not for myself, but it has been reflected by my colleagues and others, and, I believe, Mr. _____ and Mr. _____ were not totally relieved until they arrived alongside the AUGUSTA.

5. Q. Please describe the machine gunning of the pulling pan.

A. I heard the order to abandon ship, and naturally I was looking for picture, so I went on the side that the first boat got off on, that was the port side. It was the small sampan with an outboard motor in it. There were several men put in that boat. I don't know whether there were four, five or six besides the two men that operated it. We thought that the bombing would be about all that the Japanese would do, even if it were not a mistake, because we figured that since they came after us again and again they had all the chances they wanted to see the markings on the ship. When we saw the Japanese planes coming after the pulling pan, I can't say it was deliberate because the planes were diving all the time and it was quite a bit confusing. I saw the first machine gunning of the first pulling pan and I understand there were two others.

6. Q. How many planes machine gunned this boat?

A. I saw only one.

7. Q. Do you know how many different groups of planes attacked the PANAY?

A. I am not sure, sir.

8. Q. How many photographs did you take of the PANAY incident?
A. Actually of the PANAY incident?

9. Q. Yes.
A. I don't know. I can pick them out and tell you.

10. Q. About how many?
A. Altogether seventy-six.

11. Q. Have you these photographs with you?
A. Yes, sir.

12. Q. Will you submit these photographs to this court of inquiry?
A. Yes, sir. Here they are.

The set of photographs was submitted to the court, and so many of them as relate to the subject matter of the inquiry were, by the judge advocate, offered in evidence.

There being no objection, they were so received. The set is marked "Exhibit 17(1) to 17(73)". The/appende

13. Q. Mr. , have you any complaint to make against any officer or man of the PANAY in connection with this incident?

A. No, I have none. I think everybody behaved marvelously, particularly Lieutenant and chief quartermaster . And the Captain, of course, was too disabled to do anything, but he never complained.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

Perhaps if you get the New York Times clipping it will probably give you all that I saw and heard there. I can swear that everything there is correct as far as I know.

14. Q. The New York Times clipping of what date?
A. The morning of the seventeenth or eighteenth.

Examined by the court:

15. Q. As you observed the expedition after arrival on shore, who did you consider to be in command?

A. Well up to the time we left the hiding place for the first farmhouse, Lieutenant _____ and Captain _____, Military Attache, were more or less, I should say, in command. But after that Lieutenant _____ was disabled and was too weak to do anything, and we took orders from Captain _____ after that.

16 Q. Did you observe any incidents of disorder or what you would consider lack of discipline among any members of the PANAY crew?

A. No, I should say not, there were times when people were afraid. There wasn't anything that might be called lack of discipline. I have no complaint to make whatsoever.

None of the parties to the inquiry desired further to examine this witness.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rate, and present station.

A. _____, radioman, third class, formerly attached to the U.S.S. PANAY, now serving on board the U.S.S. AUGUSTA.

2. Q. Where were you on December twelfth at the time of the PANAY bombing?

A. I was on watch in the radioroom.

3. Q. Were you the senior radioman on watch on the PANAY?

A. Yes, sir.

4. Q. What were you doing when the first bomb landed?

A. Transmitting a message to Commander _____.

5. Q. What happened?

A. The very first bomb decommissioned the radioroom, sir.

6. Q. In what respect?

A. Well, that it threw all receivers out, some receivers out on deck. The batteries were all decommissioned, cells broken. I got up off the deck, I was knocked on deck myself, got up and looked and saw the plate voltage meter on the transmitter which read zero, indicating that the transmitter was out of commission. CP

7. Q. How do you know the transmitter was out of commission?

A. There was no plate voltage on it. The meter read zero.

8. Q. Did you leave your key?

A. Yes, sir. After I determined the radioroom was out of commission I manned my machine gun, sir.

9. Q. Which machine gun did you man?
A. Number one. It is the forward gun on the starboard side, sir.
10. Q. Did you do this of your own accord or were you ordered?
A. No, sir. Most everyone that has a machine gun station automatically went to their station after we had been struck. Later on general quarters was sounded, automatically, we just manned our guns.
11. Q. Was Number One machine gun in commission?
A. I don't know whether it was decommissioned by any bombing, but it never fired. It jammed.
12. Q. Then what did you do?
A. I remained on my gun. Other machine guns were already manned and I assisted as I could the man on the machine gun next to mine.
13. Q. Did you see the planes dropping the bombs?
A. Yes, sir.
14. Q. How many planes were there?
A. I saw three heavy bombers pass high when I first came out of the radioroom. After they had passed over I know I saw six light bombers dive-bombing on the ship.
15. Q. Can you tell how many separate attacks were made?
A. No, sir, I can't say just how many were made. But the general opinion seems to be that all six of those planes dropped at least three or four bombs apiece. It was generally accepted that there were between twenty-five and thirty bombs dropped.
16. Q. Was the general alarm sounded?
A. Yes, sir, it was sounded.
17. Q. From what direction did these attacks come?
A. Practically everyone came from directly over the bow, sir.
18. Q. About how high were the planes when they pulled out of their dive?
A. I would say the average would be around six or seven hundred feet. At least that low.
19. Q. Have you ever been up in a plane?
A. Yes, sir.
20. Q. How much flying experience have you had?
A. Very little. I have been up just two or three times, sir.
21. Q. How do you judge the height of the planes?
A. I judged the height by observation and from many reports we have had on various raids in Nanking.

22. Q. Did you see any planes machine gun the PANAY?
A. Yes, sir, I did.
23. Q. How many?
A. It would be hard to answer the definite number. I saw several of them dive down to bomb the ship, open their machine guns, and saw the tracers coming to the ship from the planes.
24. Q. The planes were bombers and also carried machine guns?
A. Yes, sir.
25. Q. Did you see machine gun bullets landing on the deck of the PANAY?
A. No, sir, I did not actually see them landing on deck.
26. Q. Did you see the tracers?
A. I saw the tracers coming toward the ship from the planes, yes, sir.
27. Q. Did any bomb make a direct hit on the ship?
A. The first three planes that went overhead high dropped the first bombs. I didn't see the bombs actually hit nor did I see any bombs directly hit the ship after that.
28. Q. How far was the first bomb?
A. I was on watch in the radioroom and couldn't see it.
29. Q. Did you see any plane machine gun any of the ship's boats loaded with injured?
A. Yes, sir. I saw one machine-gunned, an open boat going to the beach from the ship.
30. Q. Which boat was this?
A. It was the open pulling pan, sir.
31. Q. I mean, do you know which trip?
A. It was the first trip of the pulling pan.
32. Q. Would you have manned your gun if the radio receiver or transmitter had not been out of commission?
A. Not until general quarters were sounded.
33. Q. Then who would have manned the radioroom?
A. The senior radioman on the PANAY, the first class. That is his battle station in the radioroom. My battle station at general quarters is the machine gun.
34. Q. Do you have any complaint to make against any officer or man of the PANAY crew?
A. Absolutely not. I never saw such perfect coordination over the conditions as there were in the whole affair.

Examined by the court:

35. Q. Did you enter the radioroom just before you abandoned ship and after the bombing was finished, and if so, was it possible to open the door of the safe with the confidential publications therein had you known the combination?

A. I was in the radioroom just prior to leaving the ship and the safe was in such a position that with the combination it could have been opened. The safe had hardly been moved from its original position.

36. Q. Was the safe door locked?

A. I don't know from personal observation. I know that the safe door was always locked, and it was closed at the time.

Re-examined by the judge advocate:

37. Q. Do you know if anyone else went in the radioroom after the attack was over?

A. I didn't actually see anyone in there. The first class told me that he was in there.

38. Q. What is his name?

A. Wisler.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rate, and present station.

A. _____, chief boatswain's mate, acting appointment, U.S.S. AUGUSTA.

2. Q. What was your last ship?

A. U.S.S. PANAY, sir.

3. Q. Were you the chief boatswain's mate of the PANAY?

A. Yes, sir.

4. Q. What size flags were displayed on the PANAY?

A. They were home made flags, that is, the horizontal flags, about six feet by ten feet. That is estimated. They were not regulation flags, that is, not the issued colors.

5. Where were they located?

A. One forward over the Captain's cabin, one aft over the CPO quarters and sickbay. One flag on the gaff, flying at the gaff, that appeared to be about the same size.

6. Q. How many in all?

A. Three and a jack at the jack staff.

7. Q. Where were you when the first bomb hit?

A. In the boatswain's locker, sir, forward on the port side, below the Wardroom.

8. Q. What damage was done by the first bomb?

A. The only damage that I could see done in where I was at, the bulkheads seemed to give and water started to rush in. Everything fell down to the deck.

9. Q. What did you do then?

A. I jumped up and tried to get out of one door which was barred. I couldn't get out that way so I tried to get out another way, another entrance, and I managed to get out there. I went up on deck and seen a civilian lying up there they pushed up through the hatch, so I strapped a life jacket on him and then I ran up to the machine guns.

10. Q. Tell what you know about the flooding of the PANAY.

A. Water was rushing in forward, the office was flooded and the forward place I was in was flooded. Water was coming in aft, that was later on though. That is all the flooding I seen at the time.

Examined by the court:

11. Q. When you last observed this storeroom, about how high was the water?

A. About knee deep, rushing in fast. I got out then. I was on my way out. I didn't get back there for a long time afterwards, that is, after everybody was off the ship. Then it was completely flooded. I opened the office hatch. That was flooded even with the hatch. That was after, too.

12. Q. When you saw the water coming into the ship, did you consider taking any steps to stop the leak?

A. No, it was impossible. I, well, the first thing, it was right outside the magazine. My first idea was to get out.

13. Q. Can you think of anything now which might have been done to stop the leak?

A. Nothing could be done. I don't think anything could be done, because they kept on bombing and everything just kept on going. My main idea was to get up to a machine gun and try to drive them off.

14. Q. Did you have an idea then that the ship might sink?

A. No, sir, not for a long time afterwards. The bombing was continuous, that is, it wasn't just one bomb, it kept on going, doing more damage all the time.

15. Q. Did you make any report of water entering the ship?

A. No, sir. It all went too fast. I just acted automatically. It seemed like the whole ship was struck at one time, all over every place I went.

16. Q. Was there any organization in the PANAY for damage control?

A. At general quarters it was considered the same, the battening down of watertight hatches and airports.

17. Q. Were there any watertight doors or hatches open at this time forward which should have been closed at general quarters?

A. No, sir, just one upright, aft, that is, the one I went out at. I slammed that closed. It's a door, it's not a hatch.

18. Q. Whose duty was it at general quarters to inspect for watertight integrity forward?

A. I wasn't assigned. I don't know.

19. Q. Whose part of the ship was it?

A. Well, the whole ship is one and there are different divisions.

20. Q. Were all watertight hatches forward closed?

A. The ones I seen were, yes, sir.

21. Q. Which ones did you see?

A. I seen the one over the office.

22. Q. What other watertight hatches were there forward?

A. One on the starboard side which I did not see.

Re-examined by the judge advocate:

23. Q. How many trips to the beach and back to the ship did you make?

A. It seemed to be about five, sir.

24. Q. You made them all?

A. Yes, sir.

25. Q. Were you in the last boat which left the PANAY?
A. Yes, sir.
26. Q. Who was the senior officer in that boat?
A. Mr. was in there. I don't know whether any other officer was in there or not, sir.
27. Q. Was Mr. in that boat?
A. I couldn't say, sir.
28. Q. You couldn't say?
A. No, sir.
29. Q. Was your boat machine^egunned by planes?
A. No, sir.
30. Q. Did you return to the ship after she had been abandoned?
A. Yes, sir.
31. Q. Did you see any Japanese boarding the PANAY?
A. Yes, sir.
32. Q. Describe this?
A. They came over in the picket boats. We got about fifty yards away from the ship when we heard machine guns. We thought that they were firing at us. We pulled these gratings over our heads. Later on we came to the conclusion that they were firing at the ship, although we didn't see the bullets. So we figured they were firing at the ship. Just about the time we landed at the beach we seen them boarding the PANAY, one on each side, sir.
33. Q. How many boats were there?
A. Two, sir.
34. Q. How many officers?
A. Japanese officers? I couldn't tell, sir.
35. Q. About how many men, would you say?
A. It looked like a very good boat load, sir.
36. Q. How many boarded the PANAY?
A. We couldn't make it out, sir. A little too far away.
37. Q. How did you know these were Japanese?
A. Just the uniform.

38. Q. Could you tell the difference between Japanese and Chinese uniforms at that distance?

A. Difference in color, sir? These picket boats boarded us before that and they looked the same type. They were the type of picket boats the Japanese were using and the men were in uniform.

Re-examined by the court:

39. Q. When you returned to the PANAY after she had been abandoned, were there any other people with you? If so state whom.

A. Yes, sir, , machinist's mate, first class.

40. Q. What was the condition of the ship below decks at this time?

A. The ice machine spaces were flooded.

41. Q. Did you look in the engine room?

A. No, sir.

42. Q. Was she awash?

A. The forward end was awash and she was slightly listed.

43. Q. In the PANAY, were the crew assigned to general quarters stations?

A. Yes, sir.

44. Q. Were they different from anti-aircraft stations?

A. Yes, sir.

45. Q. What was the difference?

A. The difference was they manned the Browning guns on the bridge and elevated the three inch guns but did not man them, and manned the machine guns, and all unnecessary men was to get below decks. That was air raid at general quarters.

46. Q. What was the signal for air raid at general quarters?

A. Regular general quarters and air raid passed. Just previous to this, when everything was quiet, the Executive Officer told me to pass the word from now when general quarters goes it will be the regular general quarters, not air raid.

47. Q. The regular general quarters was the only battle organization in effect at the time of the bombing, is that correct?

A. Yes, sir.

48. Q. Did this include the manning of the three inch battery?

A. Yes, sir.

49. Q. And what else?

A. All control stations, three inch and Lewis guns.

50. Q. What was your general quarters station?
A. Gun Captain of number two three-inch.

51. Q. Why did you not go to your general quarters station when the bombing took place?
A. There was not time to get ammunition up. The three-inch ammunition was in the magazines. The ready ammunition was already present at the machine guns.

52. Q. Have you ever fired your three-inch gun?
A. No, sir.

Re-examined by the judge advocate:

53. Q. How long do you think the Japanese were aboard the PANAY after she had been abandoned?
A. About five minutes, sir.

54. Q. Could you see whether or not they took anything away with them?
A. No, sir.

55. Q. Do you have any complaint to make against any officer or man connected with the loss of the PANAY?
A. No, sir.

56. Q. Do you have any statement which you wish to make with regard to it?
A. Yes, sir. We acted ... Everything was so fast and unexpected that we had to act on the impulse of the moment, use our own discretion.

Re-examined by the court:

57. Q. After arriving on shore to whom did you go for orders and instructions?
A. I went to the Captain and he told me that Captain of the U.S. Army took over Executive Officer of the PANAY.

58. Q. He told you that personally, that Captain was acting as his Executive Officer?
A. Yes, sir.

59. Q. Were you the senior line petty officer of the ship?
A. Yes, sir.

60. Q. Did you, as such, direct the activities of the PANAY's men until the return to the CAHU?
A. Yes, sir, I did. I cooperated with Captain

61. Q. Did any naval officers or any of the PANAY's officers give you orders while on shore?
A. Just handling stretchers and stuff like that. I detailed men for carrying stretchers afterwards on shore.

62. Q. Which ones?
A. Mr. ~ and Ensign

63. Q. Did you consider that Captain _____ ever gave up his command during the entire time?

A. No, sir. He stated to me that Captain _____ was acting Executive Officer.

64. Q. Did you go to Captain _____ for instructions?

A. Any instructions from Captain _____ Yes, sir. In handling the men detailed, and such as that. In other words, Captain _____ relayed all his orders to me to deliver to the men, to stay under cover and such as that.

65. Q. And all the orders to the men were actually given by you, is that correct?

A. Practically all, not all of them.

66. Q. I mean military orders.

A. Yes, sir.

67. Q. Did you have any difficulty with any of the men while on shore?

A. No, sir.

68. Q. Are there any men whom you consider should be given special credit or discredit during the entire period?

A. Lang should receive special credit, sir. He was wounded on the bridge **BC** and went down and manned a machine gun.

69. Q. Did you receive any orders to get the ship underway after the first bombing?

A. No, sir. I understood the engine room was out of commission. I thought of slipping the chain but considered it would be a bad idea because the ship would drift down stream in the middle of the river, so I didn't slip the chain.

70. A. Do you think the ship could have been towed into the shoal water by the ship's boats, available?

A. No, sir. But less than ten minutes after the Japanese boats left the ship she heeled over and sank. The planes were still flying around in that vicinity.

71. Q. After you arrived on shore, were any attacks made upon your party by Japanese Planes?

A. No, sir.

Re-examined by the judge advocate:

72. Q. Which boat were you the coxswain of, the motor pan or outboard pan?

A. I was not coxswain of any, I was just in charge of the motor pan and the last trip of the pulling pan for provisions.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.
The witness was duly warned and withdrew.

, chief yeoman, U.S. Navy, entered as reporter.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, rate and present station.

A. , chief machinist's mate, U.S. Navy, now serving on board the U.S.S. AUGUSTA, until recently serving on board the U.S.S. PANAY, having recently been relieved by , chief machinist's mate, U.S. Navy.

2.Q. Where were you when the "PANAY" was bombed?

A. I was sleeping in the engineroom on the port cylinder heads.

3.Q. What happened after the first bomb hit?

A. At first I did not realize they were bombing the ship until they started power diving and then I realized they were bombing the ship. The lights went out on the ship and I went down below to start another generator and , machinist's mate first, was over resetting the generator which had tripped out. , electrician's mate first class came down to the engineroom and ; and tried to start the kerosene generator. I went over the middle of the engineroom to start my air pump and try to get the ship underway, and somebody hollered, "They secured the boilers." went up to get some gasoline to prime the kerosene generator when they passed the word "man the homelite pump". He grabbed the homelite pump and as he about got it started, they passed the word "Abandon Ship".

4.Q. Do you know what the casualty to the steam line was?

A. It was not in the engineroom. I walked around the engine room. I did not see any lines - there were no lines leaking.

5.Q. Do you know why there was no steam?

A. Not from what I could see, but from what I could hear, from hearsay, although I did know that the Ray burner was electrically driven and that it went out with the electricity.

6.Q. About how many bombs exploded on or near the ship?

A. , Universal Newsreel man, was up on the top grating and said, "Are you counting them?" And I said, "Yes".

7.Q. Tell us what you saw.

A. We counted between fifteen and seventeen explosions.

8.Q. About how long would you say the bombing lasted?

A. From fifteen to twenty minutes.

Examined by the court:

9.Q. Did you see any Japanese soldiers board the "PANAY" after this happened?

A. Yes.

10.Q. Did you see Japanese planes machine gunning any "PANAY" boats with injured in it?

A. The injured part, I do not know. I do not know who got the first boat, but I did see some machine gunning.

11.Q. Which trip.

A. It was the first trip of the pulling pan to leave the ship.

12.Q. What damage as you know was done by the bombing to the hull plating of the engineroom?

A. On the port side, a little bit forward of the kerosene generator, a hole about six inches long and two and one-half inches wide and four or five smaller holes in the same area. There were some small holes in the hull in the forward part of the engineroom near the lubricating oil tank.

13.Q. Did you make any attempt to plug these holes?

A. No, sir.

14.Q. Did anybody?

A. There was nobody there but myself.

15.Q. When you went on deck could you not have gotten some cloth or something to have jammed in these holes to plug them.

A. After getting on top of the grating, I grabbed _____ - he had been hit in the *Bc* - I laid him down. Then somebody came in the starboard door and said "Someone grab this man, he is wounded." It was HULSEBUS, coxswain, and I pulled him in the engineroom. When we got him laid down we went out and got Sandri and pulled him in the engineroom.

16.Q. Was water entering the ship through these holes.

A. Yes. It was approximately about an inch or two above the water line - the holes.

17.Q. It was lapping in slowly?

A. Yes, sir.

18.Q. Did it not occur to you to make an effort to plug these holes?

A. No, sir.

19.Q. Did you report this condition to any higher authority?

A. No, but I did start to go up and tell Mr. _____ that we could not get underway.

- 20.Q. But you did not report anything to anyone?
A. Mr. was standing there badly wounded. As I got there, a boat came alongside and somebody said get the wounded in the boat, so we got the wounded in the boat.
- 21.Q. How long afterwards was "Abandon Ship" given?
A. About five or ten minutes I should say.
- 22.Q. At any time after you left did you look to see the quantity of water in the engineroom or any other compartment?
A. No, sir.
- 23.Q. What was your station under this condition, that is give your General Quarters station.
A. I had no station for General Quarters. They had given my station to when he came on board.
- 24.Q. At the time of the bombing who was senior in the engineering department - I mean enlisted man.
A. I was.
- 25.Q. Why?
A. Because was on the "MEI PING".
- 26.Q. Did you consider yourself in charge?
A. I did not give it a thought.
- 27.Q. Who was next senior?
A. , chief water tender.
- 28.Q. Who was in the engineroom?
A. , machinist's mate first.
- 29.Q. During the bombing, was 's in the engineroom?
A. Yes.
- 30.Q. During emergencies, there are certain men detailed in the engineroom. Is that true?
A. Yes, three.
- 31.Q. When and why did you permanently leave the engineroom?
A. When it was impossible to get the ship underway and the word was passed to abandon ship.
- 32.Q. During this entire time, until you were picked up by the CAHU, who was in charge of the engineering personnel?
A. Mr. our chief engineer.
- 33.Q. Who was next?
A. Mr. assistant engineer officer.
- 34.Q. Who was next?
A. At that time, I was.

35.Q. From whom did you take orders on shore?

A. When we first landed, Captain _____ gave orders to move the wounded back into the brush and for us to take cover when we see planes or landing force boats.

36.Q. Before leaving the ship were any orders issued to you by any officer during the period of the bombing or prior to leaving the ship?

A. No, sir.

37.Q. Did you go to the engineer officer for instructions at any time?

A. No, sir.

38.Q. Why not?

A. Just didn't think of it at the time.

39.Q. Did you report to him when you arrived on shore?

A. No, sir.

40.Q. Was it not customary for you to receive instructions from the engineer officer.

A. Yes, sir.

41.Q. After you arrived on shore what did you do to keep your men organized, if anything?

A. Altogether we unloaded the boat and got the wounded on blankets and quilts and whatever we could to do get them back in the reeds out of sight and bandaging some wounded. It was an all hands job and the engineer officer was wounded. No orders appeared to be necessary.

Examined by the judge advocate:

42.Q. Is there anyone who came under your observation whom you think deserves special credit or discredit?

A. Chief boatswain's mate _____ and _____ returned to the ship and tried to get more supplies. Everybody turned to with a will and there are none that I know of who did not do his job.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, rate, and present station.

A. , gunner's mate first class, now serving on board the U.S.S. AUGUSTA, formerly served on board the U.S.S. PANAY.

2.Q. Were you the senior gunner's mate on board.

A. Yes.

3.Q. Where were you at the time of the bombing of the "PANAY"?

A. On the S.S. "MEI PING".

4.Q. What were you doing there?

A. I was on liberty, sir.

5.Q. What do you mean, on liberty?

A. We were granted liberty at 1 o'clock to the naval club.

6.Q. Was this club established on the "MEI PING"?

A. Yes.

7.Q. Were any other enlisted men on the "MEI PING"?

A. Eight I think, sir.

8.Q. Were you the senior one aboard.

A. No, sir. Chief machinist's mate was, sir.

9.Q. Were you the senior line petty officer.

A. Yes.

10.Q. Did you see the bombing of the "PANAY"?

A. I did not see the bombs drop on the "PANAY" but I saw her after she was hit. C

Examined by the court:

11.Q. What did you do then?

A. Hunted for cover.

12.Q. How long after that was the "MEI PING" bombed?

A. Very shortly after that the "MEI PING" was bombed.

13.Q. Can't you ^{say in} minutes and seconds?

A. Two minutes, I think. C

14.Q. After the "MEI PING" was bombed, what did you do?

A. I helped put out the fire.

15.Q. Did you make any effort to get back to your ship?

A. During the bombing and after.

16.Q. At any time?

A. We tried to get in contact with the "PANAY" after the bombing of the "MEI PING" when she got alongside the dock.

17.Q. How?

A. We came alongside the bank and looked across the river. We did not see a sign of anyone across the river and we decided to wait until morning because it was getting sunset then.

Examined by the judge advocate:

18.Q. Were there any means available to get back to the "PANAY"?

A. No, there were no boats.

Examined by the court:

19.Q. When the bombing started did you make any attempt to return to the "PANAY" from the "MEI PING"? If not, why?

A. After we saw no boats why we no longer made any attempt as it was useless to try to swim.

20.Q. What happened to the naval personnel after landing on shore?

A. We assisted to give first aid to the Chinese that were wounded and to the Standard Oil personnel.

21.Q. What then?

A. Then we left the "MEI PING" and went ashore.

22.Q. Did you stay together?

A. We were not in one bunch but in the vicinity.

23.Q. All of you?

A. Yes.

24.Q. What then?

A. We were rounded up by Japanese soldiers and told that we could go back on the "MEI PING". After that we got some medical supplies from the "MEI AN". Yes, we got medical supplies and went and assisted first aid treatment again, but it wasn't long after that we sighted two Japanese planes and they came over slow to approach and the second approach came from astern and they dropped two bombs. I am not certain if they really hit the "MEI HSIA" direct or in between the "MEI HSIA" and the "MEI PING". And very shortly after that a fire broke out. After the bombing all of the personnel ran ashore for cover. We were on dock during the bombing. They killed two of their own men, but they did not bother us at all. We got our men together and started towards Nanking. But we decided it was too dangerous around the river so we went inland farther in the trees and weeds. The civilians went inland, and the naval personnel got together all but
It was getting a little dark and the chief pharmacist's mate and myself decided to go back to see if we could contact with the "PANAY" crew. We saw no sign of the crew on the other bank so we decided to go farther inland until morning. We got all the naval personnel except . . . We went back about a mile and we slept in one of the farmers' shacks.

25.Q. Were any of your men wounded?

A. No, sir.

26.Q. Please continue with your testimony.

A. The next morning we decided to go back and see if we could not get in contact with the "PANAY" crew, but during that time the captain of the "MEI PING" had been turned back.

27.Q. When and by whom were you rescued?

A. We were rescued by HMS BEE.

28.Q. When?

A. The next day, about 11 o'clock a.m., the 13th.

29.Q. Was all of the party rescued at the same time?

A. Not all at one time. _____ first came on board and we got word the "BEE" had anchored in the river and we decided to go on board the "BEE".

30.Q. When you were on shore did you consider that all of the navy men were still under navy discipline?

A. Yes.

31.Q. Who then was in charge of the party?

A. The chief pharmacist's mate.

32.Q. Why?

A. For one thing, he was older and he had been on the "PANAY" quite awhile, and him wearing a chief's uniform.

33.Q. Did you not feel that as senior line petty officer you had any responsibility?

A. Yes.

34.Q. What was your responsibility.

A. I thought I was responsible the same as if aboard ship, sir.

35.Q. On board ship did you consider that the chief pharmacist's mate had authority over you.

A. No, sir, I did not.

36.Q. Did you leave the Chinese hut together?

A. No.

37.Q. Did some stay in the village?

A. Some stayed ashore. Three decided to leave for Shanghai. We could not make them stay together - they would not listen.

38.Q. Who would not listen to you?

A. _____, gunner's mate third class, _____, seaman first class, and _____, electrician's mate third class.

39.Q. Did you give them any direct orders which they refused to obey?

A. I did not give them direct orders.

40.Q. Did you give them the impression that they were being ordered?

A. Yes.

41.Q. How was the return of the party from the village to the shore and to the HMS BEE accomplished. In other words, how did you go about getting back to the river the next morning?

A. When we awoke the next morning we all sat around and talked over what we had to do. We came to the conclusion it was best to stay there and that sooner or later we would get help, but it wasn't long after that three men packed their pukows and started down the road away from the river. I advised them but did not order them to stay with the party.

42.Q. Then what happened?

A. It was then that the captain of the "MEI PING" came into the hut and decided to send a chit to Wuhu to some doctor that he knew in Wuhu. Then during that time and the time we got rescued from the "BEE" we just stayed around the hut and staying under cover.

43.Q. How did you see the "BEE" there.

A. There was an officer from the "BEE" and two of the crew came over to the village and we returned to the "BEE" with them.

44.Q. When did you get in contact with the three men who started inland?

A. Just as we was going towards the "BEE", these three came in sight - they had turned back and joined us.

Examined by the judge advocate:

45.Q. Does that account for all the naval personnel except Hodge?

A. Yes.

Examined by the court:

46.Q. How were you received on the "BEE"? Did you report the party to the Officer of the Deck of the "BEE"?

A. No, as they took our names as we came aboard and made us as comfortable as possible.

47.Q. When did you return to U.S. Navy jurisdiction and on what ship did you report?

A. From the "BEE" we were transferred to the "OAHU" the same day.

48.Q. How was _____ separated from the rest of the party.

A. When Mr. _____ was wounded, he went with Marshall right along. He just wandered off with Mr. _____.

49.Q. Did you make any attempt to keep him with the party?

A. He was so far ahead of us and it was getting dark, but he did not seem to pay any attention to us.

50.Q. Did you give him any definite instructions to stay with you?

A. No.

51.Q. Was caring for seriously wounded people?

A. Yes.

Examined by the judge advocate:

52.Q. Is there anyone you think deserves credit or discredit who came under your observation?

A. No.

Examined by the court:

53.Q. Are you familiar with the Articles for the Government of the Navy?

A. Yes, sir.

(At this point Article 21, Articles for the Government of the Navy was shown to the witness)

54.Q. Are you familiar with Article 21, Articles for the Government of the Navy?

A. Yes, sir.

55.Q. Do you feel that you as the senior line petty officer were acting under the provisions of that article while you were on shore?

A. Yes sir, I think I do.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then, at 11.50 a.m., took a recess until 1 p.m., at which time it reconvened.

Present: All the members, the judge advocate and his counsel,
and _____, chief yeoman, U.S. Navy, reporter.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1.Q. State your name, rate, and present station.

A. _____ fireman first class, U.S. Navy, U.S.S. AUGUSTA.

2.Q. What ship were you stationed on previously?

A. U.S.S. PANAY, sir.

3.Q. Where were you at the time of the bombing of the U.S.S. PANAY?

A. I was the fireman on watch in the fireroom, U.S.S. PANAY.

4.Q. Explain what happened in the fireroom when the first bomb landed.

A. The fuel oil service pump jammed and the lights went out, at the same time the generator tripped. As soon as that happened I lifted the safety valves by hand to relieve the steam pressure that was in the boiler, and then closed the auxiliary steam stop. After that was done I went up to give what assistance to the wounded that I could; to get them off the ship, then I got my orders to abandon ship.

5.Q. Why did you secure the fireroom?

A. There was no way to have any forced draft after the holes were knocked through the side of the ship - through the side plating.

6.Q. How large were the holes on the side plating?

A. There were two holes about nine and one half inches in diameter.

7.Q. Two holes about the same size?

A. Yes, sir.

8.Q. On what side of the ship?

A. Port side, sir.

9.Q. Was there any way to keep the boiler in operation after the fireroom was no longer air tight?

A. No way. The ship cannot steam on natural draft.

10.Q. Do you normally steam with a closed fireroom while at anchor?

A. No, sir, only when we are making water, with the main plant going, which we were doing at the time.