

11.Q. Did you try to speed up the forced draft blowers in order to counteract the effect of the bulkhead being pierced?

A. Yes, sir, I tried to do that. That's when I discovered that the throttle was jammed.

12.Q. Was it jammed due to the force of the explosion?

A. Yes, sir.

13.Q. Was there any other person in the fireroom with you at the time?

A. No, sir. After they finished bombing the chief watertender came to give aid to three wounded men.

14.Q. When you left the fireroom was there any water in the fireroom?

A. About six inches of water had come in. It appeared to be coming in from the bottom but I looked for leaks and couldn't find any. She wasn't taking in any water in No. 2 fireroom, I know that.

15.Q. Did you have six inches of water in the bilges prior to the bombing?

A. I don't know, sir. After we were hit I looked the boiler over for leaks and she was not leaking and none of the oil tanks were leaking into the fireroom.

16.Q. Did you report securing the boiler to any one in higher authority?

A. Yes, sir. I made a direct report to Mr.

17.Q. Where was he then?

A. He was standing right outside of the fireroom.

18.Q. Was he injured at that time?

A. Yes, sir, in Bc

19.Q. Did he give you any further instructions?

A. He told me to secure the boiler and when I had it secured to give a hand and aid with the wounded.

20.Q. Could steam have been raised after this by lighting off the other boiler?

A. Yes, sir, it was all ready to go, to light off any time. We had just finished the boiler cleaning period.

21.Q. How long would it have taken you to get steam up in the other fireroom?

A. seven or eight minutes, sir.

22.Q. Do you know whether or not No. 1 fireroom was damaged at this time?

A. No, sir, I do not know.

6.Q. Did you see machine gun bullets near the boat?

A. No, sir. The last trip we heard engines running though, it was another airplane coming so we got in the boat and shoved off. We had just shoved off when we heard machine gun fire, about five bursts, and when we were a little farther away we heard about fifteen more rounds and when we were almost to the beach a Japanese boat came alongside the PANAY.

7.Q. Did any machine gun bullets from this last fire land near your boat?

A. No, sir, I didn't see any splashes no place; I could hear the crack of machine gun fire but couldn't see the splashes no place.

8.Q. After the bombs struck what did you do with regard to your duties in the engineroom?

A. As soon as I saw the lights went out I went down below and the man on watch went to his machine gun station. I tried to start the steam generator that had already tripped out; I reached the trip and opened the throttle and found there was no steam. Then [redacted], electrician, came below and said to start the kerosene generator but the radio being out of commission, this generator was not started. I then attempted to start the homo-lite pumps, under instruction, but before they were started the captain ordered all hands to abandon ship.

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, rate, and present station.

A. [redacted], chief watertender, permanent appointment, now attached to the U.S.S. AUGUSTA, formerly attached to U.S.S. PANAY.

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

A. I was in No. 1 fireroom sleeping.

3.2. Describe what happened there.

A. About 1230 in the afternoon I went below to go to sleep thinking I would have a peaceful afternoon to sleep in. About some time later I was awakened by a terrible noise - explosion. I heard something running, it sounded like water, and discovered that the fuel oil line had busted. I closed off the proper valves to keep the oil from running out. I then went on the top side, I could hear airplanes overhead, and bombs were dropping around the ship. I then went below, to No. 1 fireroom to look for a pair of shoes I had lost as there was glass all over the topside on deck. As I was coming up the ladder there were two men standing in the air locker door - one man outside. Then I heard a loud explosion, and chief quartermaster grabbed his arm, I don't remember which it was now; one seaman inside the air locker, by name, he dropped. ship's cook, he holler, "I'm hit". Then I told them to come in the fireroom and we'll close the doors. said, "What the hell, I'm already hit". stepped in the fireroom and I got him out of the way. was unconscious, I couldn't lift him. He finally began to move. I got in the fireroom and let him down. I kept the air locker door closed but I could still hear bombs dropping and planes overhead. I did not see any planes during the bombing as I was on the inside most of the time taking care of the two wounded men as both had been wanting to leave - to get outside. I have no idea where they wanted to go. After the bombing was over, or rather thought it was over, I saw a pull pan alongside and I first got the wounded ashore. Then I went around the firerooms, looked in the steaming fireroom to see that all was well and when I came back to No. 1 fireroom I closed the doors before Nos. 1 and 2 firerooms tight and closed the air locker doors as tight as possible. Then I ran into our doctor, Lieutenant , and assisted him in getting medical supplies ashore. I also closed the steaming fireroom air locker doors as tightly as possible and then we went ashore - we abandoned ship.

4.2. Would it have been possible to get steam up in No. 1 boiler?

A. We could have gotten steam for auxiliary purposes but not to get underway as the main fuel oil line was busted by the bombing - and the fuel oil line to the burners on No. 1 boiler after the first bomb.

5.2. Did you examine the steaming fireroom to discover whether it was necessary to secure?

A. No, sir, I did not. I was sleeping at the time it happened and the man on watch, I asked him about it and he said he had secured. I was very much excited. I didn't question him as to whose orders it was to secure. I just secured the fireroom auxiliary stops to save steam from escaping from the broken lines.

6.2. Did you see any broken lines?

A. No, sir.

7.2. What is your station in an emergency?

A. Firerooms.

8.Q. Did you make any report to higher authority as to the condition of the firerooms?

A. I did.

9.Q. To whom?

A. To the chief engineer.

10.Q. When and where?

A. After the bombing was over I asked him what he wanted me to do.

11.Q. What did he say?

A. I couldn't understand him; there was so much confusion I didn't understand him.

12.Q. Did he give you any further orders?

A. No, sir, he went around the other side of the ship.

13.Q. Did you receive any orders as to what was to be done to the firerooms after the first bomb hit the PANAY?

A. No, sir, I couldn't get in direct contact with the chief engineer.

14.Q. How many men in your fireroom crew?

A. There are six watch standers. Seven all together with myself.

15.Q. Where were these men during the bombing of the PANAY?

A. Most of them were handling machine guns, I believe.

16.Q. Did you see them around the ship or give them any orders regarding abandoning ship?

A. No, sir, I heard some one pass the word, "All hands abandon ship."

17.Q. Did you feel no responsibility for your men as regards their performance of duty or their safety?

A. I did, yes, sir. I had three men ashore.

18.Q. Ashore?

A. Yes, sir.

19.Q. What do you mean ashore?

A. I mean on the MBI PING, sir. That's including the seven men I had in the fireroom. One man was fired, or hit, in the crew's compartment; one man on watch; one man running the outboard motor - engineer of the outboard motor, and others were manning machine guns.

20.Q. Do you know whether any check was made to determine whether all men had left the ship after abandon ship was ordered?

A. No, sir, I cannot say. I looked the firerooms over, as I passed the crew's compartment I looked in there, I went to the sick bay to get medical supplies. I looked in the chief's quarters and I glanced in the engineroom hatches. I didn't see anyone in any of these places. They held muster as we arrived on the beach and all were accounted for.

21.Q. Before the ship sank?

A. Yes, sir.

22.Q. In your inspection of the ship prior to leaving, what was her condition as regards flooding from leaks?

A. I checked up through the firerooms for leaks, closed doors, there was about a foot of water in Nos. 1 and 2 firerooms, but I could see no holes where water was running in. There were two fragment holes in No. 1 fireroom well above the water line.

23.Q. Was there any water in the bilges in any of these fire-rooms before the bombing?

A. No, sir, they were perfectly dry.

24.Q. When you arrived on shore who did you consider to be in command of the party?

A. At the time I arrived ashore I didn't know who had been wounded so when I found that our captain was wounded and our executive officer was wounded, I considered it was Lieutenant who was in charge. He was the senior officer present. Then I understand that Captain turned his command over to Captain

25.Q. Who told you that?

A. It was just talk throughout the crew that Captain was in command. We were all taking orders from Captain afterwards.

26. Q. Did you receive any direct orders from Captain
A. No, sir, the way they were put out I didn't call them direct orders. He would say, "I want a man here," and if I was present I went, and if he said, "I want these men over here", and I was there I assisted. Anything like that where I could help the wounded or assist the wounded I did it just by action without any question.

27. Q. Was there ever any dispute as to exercising command within the party as far as you know?

A. No, sir, everybody worked willingly. They didn't have to say, "You do this", if they wanted a man and somebody was there they went willingly regardless of rate or rank. The newspaper men, they helped also.

28. Q. Could Captain _____ have been acting as Captain executive officer?

A. He might have been.

29. Q. Do you have anything of credit or discredit which you would like to speak about regarding any man in the crew?

A. Well, on the ship I can give credit to the chief boatswain's mate. He was a man that covered a lot of territory on the ship, lowered the boats, handling the men, operating the machine guns and all. _____ chief quartermaster, after being wounded three times I believe, he also manned the machine guns. All hands that were able to get around assisted in all cases that they could, willingly.

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, rate, and present station.

A. , boatswain's mate first class, U.S.S. AUGUSTA, formerly attached to U.S.S. PANAY.

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

A. In my bunk on the port side of the crew's compartment, aft.

3.Q. Were you gun captain of number one gun?

A. I was gun captain on the forward three inch gun.

4.Q. Did you hear the general alarm sound?

A. I heard a couple of tingles on it, that's all.

5.Q. When was this?

A. Some time between one and two o'clock.

6.Q. With reference to the first bombing, when was this?

A. It was immediately after the first bomb hit.

7.Q. Did you man your general quarters station?

A. I couldn't get to it, sir.

8.Q. Why not?

A. I tried to get up to the port side of the ship but the planes were diving from that side - bombs were coming from that side, also machine gun fire, then I went through the crew's compartment to the starboard side trying to get to my station but apparently the plane had hit the gun - the forecastle was under water, it had started to go down by the head.

9.Q. Explain how the gun was disabled?

A. I couldn't explain it.

10.Q. What condition was it in?

A. Something had hit it and bent the muzzle of the gun, it was bent down toward the deck. I didn't see the gun mount because guns are in back of shields on the gun platform.

11.Q. Where was the gun's crew?
A. When they found they couldn't get out there they went to the machine guns.

12.Q. What station did you man?
A. Machine gun. I tried to get on them but there were men already on them when I went up there.

13.Q. Were you in the last boat to leave the PANAY with passengers?
A. I believe it was, yes, sir.

14.Q. Were there any officers in that boat?
A. Mr. was in there; he had been wounded, Mr. and Mr. were in the boat.

15.Q. Are you sure that this was the last boat with any personnel?
A. I really think it was, yes, sir.

16.Q. Do you have anything to say to the credit or discredit of any member of the PANAY?
A. Nothing but admiration for every man of the crew, sir.

17.Q. Why?
A. The way they took care of everything, they were wounded, no growling about it or taking off. They did the best they could when we got them off the ship.

18.Q. Did you see Hulsebus after he had been wounded?
A. Yes, sir.

19.Q. Where was he?
A. At the bottom of the after starboard ladder right outside of the engineroom.

20.Q. When was this with reference to the first bombing?
A. I should say about five or ten minutes after that, sir.

21.Q. What condition was he in?
A. He was talking and told us when we were trying to get him out of the passageway into the boat, he said, "Never mind me, I'm all right."

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, rate, and present station.

A. , radioman first class, radioman in charge, U.S.S. PANAY, now serving on board U.S.S. AUGUSTA.

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

A. In the chief petty officers' washroom, sir.

3.Q. Did you at any time go into the radio room?

A. Yes, sir, immediately afterwards, right after the first two or three bombs had struck, just a few seconds later.

4.Q. Describe the condition of the radio room?

A. All the batteries had been thrown out on the deck from the shelves, the high frequency receiver, it had been thrown out on the deck, and all the coils; both typewriters were on the deck, chairs were over turned. The table that is used to hold the confidential safe, it had broken down. The supports that held the transmitter to the overhead had been sheared away, and there was no power on the transmitter at the time.

5.Q. Where was the confidential safe?

A. It was sitting on top of the table on the port side of the radio room, sir.

6.Q. Was the door of the safe locked?

A. Yes, sir.

7. Q. Do you know what confidential publications, or what publications were in the safe?

A. I don't know what was in the safe at the time, but whatever is kept in there.

8. Q. Do you know if any of these were removed from the safe?

A. No, sir, I don't know.

9. Q. Did you leave and come back to the radioroom after this?

A. I went and helped take Captain [redacted] down the ladder.

10. Q. Then how much later did you come back to the radio room?

A. After the bombing was over.

11. Q. Describe the condition of the radio room then.

A. It was about the same, sir.

12. Q. Did you know the combination of the safe?

A. No, sir.

13. Q. Would it have been possible to open the safe for one who knew the combination?

A. I don't know, sir.

14. Q. Would anything have hindered the safe door from swinging open?

A. The table was against the bulkhead and the safe had fallen on that. [redacted] radioman first class, and myself tried to move the safe but couldn't. It might have been possible to open it if they had had time. We tried to manhandle the safe to throw it over board but we couldn't move it.

15. Q. Do you know if confidential publications were kept anywhere else?

A. They had been working on them that day and some had been taken out.

16. Q. Who do you mean by "they"?

A. Mr. [redacted] and Mr. [redacted].

17. Q. How do you know about this?

A. I know that a confidential or secret despatch had been sent - it had been used about two hours before.

18. Q. Do you have any statement that you would like to make to this court that you believe this court should know?

A. Only that the machine guns couldn't be trained forward and ring sights would have helped.

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. Captain _____, U.S. Navy, Chief of Staff, U.S. Asiatic Fleet, attached to the U.S.S. AUGUSTA.

2. Q. The court requests that you give them any first hand information you may have from Japanese official sources regarding the bombing of the U.S.S. PANAY.

A. Admiral _____, Chief of Staff, Japanese Third Fleet, called on board a few days ago to give me such information as he had regarding the bombing and sinking of the PANAY. Lieutenant Commander _____ acted as interpreter during this interview and afterwards drew up an aide memoir containing the information given by Admiral _____. I understand this evidence has been introduced into the record by Lieutenant Commander _____. Yesterday Vice Admiral _____ and Rear Admiral _____ called on board to see the Commander in Chief. In the course of conversation Vice Admiral _____ stated that after further questioning the pilot in one of their planes that took part in the attack on the PANAY admitted that he had fired his machine gun. The Admiral was not sure whether the machine gun was fired at the PANAY or at one of the boats engaged in the landing of the PANAY crew. The pilot claims that he fired one burst of about ten shots. Up to this time Japanese navy officials have maintained that the personnel in the planes did not use their machine guns.

Examined by the court:

3. Q. Then it is fair to assume that an investigation has been made and that, as previously stated, he did fire his machine gun?

A. I think so.

4. Q. Were these planes being operated by the Army or the Navy?

A. I could not say definitely. We have unconfirmed reports that the planes were actually operating under the Army.

5. Q. Do you know if the pilots of these planes were officers or enlisted men?

A. The senior officer in the planes was a lieutenant commander. There was also a lieutenant attached to the planes. I believe the others were all enlisted men.

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.

Lieutenant (junior grade) U.S. Navy, was recalled by the judge advocate and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. Do the official files of the Commander in Chief, U.S. Asiatic Fleet now contain additional reference to the subject matter of this inquiry which might be of interest to this court?

A. They do.

2. Q. What reference do they contain?

A. Thirteen despatches, here they are.

3. Q. Are these despatches duly authenticated?

A. They are.

The despatches were submitted to the court and by the judge advocate offered in evidence.

There being no objection, they were so received.

4. Q. Read these despatches.

A. The witness read these despatches, copies appended marked "Exhibits 18(1) to 18(13).

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 then, at 3.35 p.m., adjourned until 8 a.m. tomorrow.

SIXTH DAY

U.S.S. AUGUSTA,
Shanghai, China,
Tuesday, December 21, 1937.

The court met at 8.05 a.m.

Present:

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

No witnesses not otherwise connected with the inquiry were present.

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

The court then, at 8.15 a.m., adjourned until 9.20 a.m., at which time it reconvened in the Second Marine Brigade Hospital, Shanghai, China, to take the testimony of Lieutenant _____ U.S. Navy.

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

A. Lieutenant _____, U.S. Navy, formerly attached to the U.S.S. PANAY, at present at the Second Marine Brigade Hospital, Shanghai, China, for treatment.

2.Q. Were you the executive officer of the U.S.S. PANAY at the time she was sunk?

A. I was.

3.Q. Have you prepared a statement with regard to the sinking and loss of the U.S.S. PANAY?

A. I have; here it is.

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

There being no objection it was so received.

4.Q. Please read your statement to the court.

The witness read the statement, hereto appended marked "Exhibit 19(1) and 19(2)".

5.Q. Did you write this statement?

A. I did.

6.Q. Is it duly authenticated with your signature?

A. It is.

7.Q. Is this your signature that appears at the bottom of your statement?

A. It is.

8.Q. Did you at any time tell Ensign _____ that he was commanding officer of the ship?

A. No, sir.

9.Q. Describe, generally, the watertight construction of the U.S.S. PANAY as to watertight subdivisions.

A. The U.S.S. PANAY was divided into small watertight compartments by horizontal watertight bulkheads. There was a watertight hatch leading to the paint locker forward, one to the carpenter shop, one to the armory and one to the second class petty officers' compartment, the last two on the starboard side. There was a watertight door leading to the post office and electrical storeroom and a watertight hatch leading to the yeoman's office. The yeomen's office and second class petty officers' compartment are one compartment; the bulkhead between them is not watertight. There is a watertight hatch in the main crew's compartment leading to the ice machine; a manhole plate leading to the shaft alley, and a watertight hatch to the boatman's hold. That's all. efu

10.Q. Did the ship's orders cover the closing of these doors and hatches in an emergency?

A. Yes, sir. We had a special order for air raid procedure.

11.Q. What was it, in general?

A. On the first alarm we closed all watertight doors and hatches and the word passed to close the ship. Whenever planes were in our vicinity when the air alarm was not sounded such as planes in Nanking, when the Japanese were close to Nanking, and the city failed to sound the air alarm, we immediately passed the word to close ship.

12.Q. Was this word passed when attacked on 12 December, 1937, and if not, why not?

A. As I was coming up the starboard side I yelled, "Close ship", several times.

13.Q. This was after the first bomb struck?

A. Yes, sir.

14.Q. Have you any knowledge as to whether or not your order was carried out?

A. Yes, sir, because seaman first class, came up to close the hatch on the starboard side as I was beginning to close it.

15.Q. Have you any knowledge as to whether or not the lower deck hatches were closed at any time?

A. There were no lower deck hatches, sir. There were no watertight doors or hatches below the water line except manhole plates which were habitually kept closed.

16.Q. What reason have you for believing the Captain gave orders to abandon ship?

A. Because when I came below I saw people being put in the boats and some one had told me that Captain had given the order to abandon ship.

17.Q. Did you consider the Captain still in command, or did you believe the command to have passed to you at any time before leaving the ship?

A. I believe that the command had been passed to me because it seemed as though the Captain was seriously injured and with all the bombing I didn't have time to see the Captain to find out if he wanted to turn over command to me. I did not think we had time to do this.

18.Q. How long, in your opinion, after the first bomb struck was it that you heard the word passed to abandon ship?

A. I didn't hear the word passed to abandon ship, I was told that the Captain had ordered it to be passed. I have no idea of the time.

19.Q. At that time did you consider yourself to be in command?

A. Yes, sir.

20.Q. Did this order meet with your approval?

A. Yes, sir, because I had also given the order before I came down to the main deck.

21.Q. Why?

A. Because the ship was sinking and I knew we had to get off in a hurry to save the remaining men on board.

22.Q. About how many trips with the available ship's boats were required to abandon the ship's company and passengers under the conditions which existed?

A. Four trips for each boat if boats were filled to capacity.

23.Q. Did you give any instructions as to the method of abandoning ship and the procedure of the boats?

A. I did not know how deep the water was over on the bank and not wanting the boats to run aground I told them to run up to shallow water and have the men wade ashore.

24.Q. Was there any order of disembarkation prescribed?

A. Captain I imagine, gave orders that the wounded be taken ashore first because wounded men were being put in the boats before the others.

25.Q. Do you know which boat the Captain left in?
A. No, sir.

26.Q. How long did you consider yourself to be in command of the ship's company, that is, until what time?
A. Until I left the ship, sir.

27.Q. To whom did you then relinquish command?
A. I told Lieutenant (junior grade) to take care of the remaining people on board.

28.Q. When you arrived on shore, did you consider that you still had an active status, or that you were in a sick status?
A. I soon found out that I was in a sick status. I was getting weak and couldn't stay on my feet for any great length of time.

29.Q. Was the 3 inch battery manned or fired at any time?
A.No, sir.

30.Q. Why not?
A. Because in our raid procedure we only manned machine guns because we wanted to keep the hatches closed, that is, the hatches leading to the magazine, and also the magazine doors.

31.Q. Were the 3 inch antiaircraft guns manned?
A. Yes, sir.

32.Q. And no plan was provided to use them against airplanes?
A. No, sir. We considered the two guns ineffective.

33.Q. Why were they ineffective?
A. Watertight integrity was more important than fire from the two guns. In order to fire the guns watertight hatches and doors had to be opened in order to get ammunition. The guns are 3 inch 50 caliber antiaircraft, and were controlled from the bridge, that's the only control we had, without any director, and fuses had to be set by hand.

34.Q. Did you at any time fire at Japanese troops on the shore?
A. No, sir.

35.Q. Have the 3 inch guns been fired during the present Sino-Japanese hostilities?
A. No, sir.

36.Q. Had the machine guns been fired up to the time of the bombing attack on the U.S.S. PANAY?
A. No, sir.

37.Q. While standing up river about 1000 the morning of 12 December, 1937, did a Japanese boarding officer come on board?
A. Yes, sir.

38.Q. Please describe the method of his arrival.
A. a boat came alongside with Japanese soldiers and a Japanese Army Officer came up over the side; no ladder was down at the place open for our gangway. I met him and he said that he wished

to speak to the Captain. I went up on the bridge and told the Captain what he said. The Captain turned the deck over to me and went below. When I looked down again I saw two Japanese soldiers on board, armed. I don't know when the armed men came aboard. They never followed immediately after the officer nor did they come aboard while I was on the bridge informing the Captain.

39.Q. What was the manner of the Japanese officer?

A. He said he wanted to talk to the Captain; he spoke English, he said, "Tell Captain come below", down here, or something; words to that effect.

40.Q. Do you consider that he was deliberately discourteous?

A. No, sir, I didn't. I thought he knew very little English and probably had this memorized.

41.Q. In your judgement, could anything have been done which was not done to prevent the sinking of the U.S.S. PANAY?

A. No, sir.

42.Q. What were the orders on the PANAY with regard to firing in self defense?

A. Our orders were not to fire unless damage and injury to men - damage to ship, or it was noticed that planes were deliberately attacking us.

43.Q. Why were the guns covered?

A. They were habitually kept covered unless they were manned.

Examined by the court.

44.Q. Had you any reason to believe through information of the Japanese or other sources that the PANAY was anchored in a dangerous area at the time of the bombing?

A. No, sir.

45.Q. Can you state the relative times, with the first bomb hit as zero time, the time the Captain left the ship, the time when you received word that the Captain had ordered abandon ship; the time when you passed the word to abandon ship, and the time when you left the ship? If you cannot give times, please give the sequence of these events relative to the bombing period.

A. I do not know when the Captain left the ship. Toward the end of the bombing I wrote out the order to abandon ship. Soon after I went below I was told that the Captain had given the order to abandon ship, which was before mine. I left the ship after the last bombing attack on the PANAY. After the bombing was over I was told that the Captain had been taken off.

46.Q. Had you been working with Ensign _____ on any coded despatches on the day of the bombing?

A. Yes, sir. I deciphered and enciphered a confidential coded despatch; in order to check it.

47.Q. What system was that?

A. Cylindrical cipher despatch.

48.Q. What was done with the cylindrical cipher machines after you finished using them?

A. I gave them to Ensign _____.

49.Q. Do you know what he did with them?

A. I don't know, but later on I saw him throw two of them over the side.

50.Q. Had you used two that morning?

A. I used only one.

51.Q. Where were the confidential publications kept?

A. In the confidential safe in the radio room.

52.Q. Do you know whether or not any attempt was made to open this safe or otherwise dispose of the publications?

A. I don't know, but after I wrote "confidential publications" or "confidential papers" on the bulkhead Ensign came down with the cylinders.

53.Q. Did he come from the direction of the radio room?

A. I don't know, sir.

54.Q. Were there any officers or men who did not perform their duties in a satisfactory manner?

A. No, sir. They all did more than was reasonably expected of them under the very trying circumstances.

55.Q. Is there any officer or man whom you think is deserving of special commendation over and above the rest?

A. Yes, sir. Chief Boatswain's Mate _____ who lowered boats and made trips in the motor sampan, and _____, machinist's mate first class, _____, chief quartermaster, _____, coxswain; Captain _____, U.S. Army, Lieutenant _____ who stayed on his feet the entire time ashore even though he suffered _____ and Mr. _____ and Mr. _____.

56.Q. Who was responsible for the security or destruction of secret and confidential matter in case of abandoning ship?

A. The communication officer, Ensign _____.

57.Q. Did you observe Ensign _____ after the bombing?

A. I saw him in the passageway after I came below during the latter part of the bombing and also a while after the bombing.

58.Q. What passed between you, if anything?

A. I don't know of anything that passed between us. And I am not even sure that he was the one that I pointed out what I wrote on the bulkhead or chart about confidential publications, but I do know that soon after he appeared with the cylinders.

59.Q. Could you observe whether or not he seemed to be normal, that is as normal as the conditions permitted?

A. I don't know, sir.

60.Q. Did you observe Lieutenant _____ during or after the bombing and if so describe your impression of him?

A. Yes, sir, after coming below to the thwartship passageway Lieutenant _____ was near me most of the time and passed on and carried out orders that I wrote up or scribbled to him.

61.Q. Did you delegate any authority to him?
A. Before I left the ship I told him to take care of the remaining people on board.

62.Q. Did he make any report to you as to the possibility of getting the ship underway?

A. I think it was Lieutenant , if not him some one else in the engineering department told me they couldn't do it.

63.Q. In retrospect, do you believe it could have been possible to beach the ship by slipping the anchor cable and steering the ship on to the shore?

A. No, sir, because there was no relative motion on the ship to give us steerageway.

64.Q. Did you know the combination of the confidential safe in the radio room?

A. No, sir.

65.Q. Do you know who did know it?

A. Ensign Biwerse.

66.Q. Do you know if anyone else knew the combination?

A. No, sir.

67.Q. Was the confidential safe of such a size that you could have thrown it over the side.

A. No, sir.

68.Q. How many able bodied average sailors would it have taken to throw it over the side, in your opinion?

A. I imagine that eight, with plenty of line and equipment.

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

A. No, sir.

70.Q. Is there anything else you would like to say in connection with the subject matter of the inquiry?

A. Yes, sir. The sealed combination of the confidential safe was in my safe in my room. And I would like to mention for special commendation Mr. , Mr. , Mr. , and particularly Mr. of the London Times.

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. , lieutenant (junior grade), U.S. Navy, formerly engineer officer, special disbursing agent and commissary officer, U.S.S. PANAY, at present at the Second Marine Brigade Hospital, Shanghai, China, for treatment.

2.Q. Where were you when the U.S.S. PANAY was sunk on December 12, 1937?

A. I was on board at that time.

3.Q. Have you prepared a statement with regard to the bombing and sinking of the U.S.S. PANAY?

A. I have; here it is.

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

There being no objection, it was so received.

4.Q. Please read your statement to the court.

The witness read the statement, hereto appended marked "Exhibit 20(1), 20(2) and 20(3)".

5.Q. Did you write this statement?

A. I did.

6.Q. Is this your signature that appears at the bottom of your statement?

A. It is.

7.Q. Is this statement true to the best of your knowledge and belief?

A. To the best of my knowledge and belief, it is. I would like to add that the usual custom of the PANAY was to put all those who were not manning gun stations in the crew's compartment but in passing aft the crew's compartment was so smashed up and things were flying around that it was impossible to put anyone in there.

8.Q. Where were you when the first bomb hit the PANAY?

A. I was standing on the starboard side by the forward ladder.

9.Q. Main deck?

A. Main deck.

10.Q. Then what did you do?

A. As soon as I had realized what had happened, I crossed over to the port side and the first thing I noticed was Mr. Gassie being shoved up through the office. Also, on the port side, I saw Fisher, chief watertender, who came out of No. 1

fireroom and said that the fuel oil line was broken; he was entirely covered with fuel oil from head to foot. He had been in No. 1 fireroom which, at the time, was not being used. We were steaming only on one boiler, that was in No. 2 fireroom.

11.Q. Upon receiving this report, what action did you take with regard to the engineering department?

A. I did not enter the fireroom, the fireroom entrance to No. 2 fireroom was on the starboard side, so I crossed over to get to my station which, as stated, was on the fantail and not in the engineroom. And, as had reported to me that the engineroom was very badly torn up and the door out to the upper landing of the engineroom, which is aft of the sick bay, was being used for the wounded during the progress of the bombing, I did not go down into the engineroom.

12.Q. Did anyone report to the Commanding Officer that the engineering plant was disabled?

A. Not that I know of; I did not see the Captain until I came out of the galley just before they were putting him in the boat to take him ashore; he was so black from soot that I didn't recognize him until I saw his uniform - the stripes on his uniform. His face and hair were entirely black.

13.Q. Did it not occur to you that saving the ship might depend upon whether or not you could get underway?

A. It did appear to me that the safety of the ship depended on whether we could get underway.

14.Q. Did you take any action to check up and see whether or not you could get underway by any possible means?

A. Only by talking to the man who had the fireroom watch at the time the explosion happened, who was Branch, fireman first class.

15.Q. Could you have raised steam on No. 1 boiler?

A. Not at the time because we had no watch in No. 1 fireroom and it would have necessitated finding some firemen other than Branch to take the watch in the fireroom.

16.Q. Could you have gone down to the fireroom and raised steam?

A. I could have, but knew at the time that the fuel oil line to the boilers was broken.

17.Q. Did you know this to be the condition in No. 1 fireroom.

A. Yes, sir, because Fisher was in No. 1 fireroom and he reported it to me.

18.Q. What did you consider it to be your paramount duty, looking after the machinery spaces or taking your duties on the fantail in this emergency?

A. My paramount duty was to try to get the machinery operating but I knew that we wouldn't be able to get underway because the fuel oil line had carried away; I knew that as soon as I was able to contact Fisher after the first bomb hit on the port side of the ship.

19.Q. Did you inspect to see how much water had come in the machinery spaces?

A. I didn't inspect myself, all I know is what was reported to me.

20.Q. What?

A. They reported to me that the seams were sprung and that water was coming in the engineroom spaces.

21.Q. Did you hear the order given to abandon ship?

A. The order first passed was, "Everybody man life jackets", and when the boats were in the water to get in the boats, to abandon ship.

22.Q. You stated that the word was passed to abandon ship during a lull of the attack; when did the lull occur to which you refer in your statement?

A. The lull occurred just before the last attack the planes made on us and I came from back aft up to a position between the galley and the wardroom head where all the officers were, all except the Captain, I didn't know where he was, and Lieutenant proceeded to ask me questions by writing on the side of the bulkhead. After we were in the midst of the questioning, the planes swooped down once more and there were no more attacks on the ship by planes.

23.Q. Prior to this lull, did you see anyone abandoning ship, or leaving the ship?

A. No, sir.

24.Q. When did the first boat leave the ship with reference to the first bombing?

A. Just at the end of the bombing attack I saw the motor pan leave first because I was on the starboard side.

25.Q. Was this before or after you heard the word passed to get life jackets?

A. This was after.

26.Q. Did you hear the word given to abandon ship?

A. I believe I did hear the word passed but I cannot say definitely who passed it.

27.Q. Did you see the Captain leave the ship?

A. Yes, sir.

28.Q. Which boat did he leave in?

A. I believe the Captain was in the first boat; he was lifted into the first or second boat.

29.Q. Did you hear the Captain say anything?

A. No, I didn't hear him say anything, I was too far away from him.

30.Q. When did Lieutenant leave the ship, before or after you?

A. Before me.

31.Q. Which boat did you abandon ship in?

A. I think it was the last boat; the motor pan.

- 32.Q. Was Ensign _____ in your boat?
A. I am not sure, but I know Mr. _____ and Mr. _____ and I were in the fantail of the boat.
- 33.Q. Did you know whether or not anyone was left on board when you got in the boat?
A. I can't be sure because the pulling pan was on the port side.
- 34.Q. Whom did you consider to be the commanding officer on board ship during the bombing.
A. The Captain.
- 35.Q. Did you consider the Captain to be in command up to the time he left the ship?
A. I did, but I didn't know where he was exactly, I didn't see him.
- 36.Q. On shore, who was in command?
A. The Captain of the ship.
- 37.Q. What did you consider to be the succession in command or chain of command of the ship from beginning to the end of this incident?
A. I considered the Captain to be in command although I took my orders from Lieutenant _____ having not seen the Captain during the bombing. When we reached shore the Captain appointed Captain _____ of the U.S. Army to make arrangements for the transportation of the wounded and unwounded to the nearest city.
- 38.Q. When you saw the Captain leave the PANAY, whom did you consider had command on board the PANAY?
A. Lieutenant _____
- 39.Q. Did you see Lieutenant _____ leave the ship?
A. No.
- 40.Q. Did you ever consider yourself to be in command of the PANAY?
A. No.
- 41.Q. When you left the ship did you know that Lieutenant _____ had left previously?
A. I wasn't sure.
- 42.Q. If you were not sure, was it not your duty to discover whether or not you were the senior officer on board?
A. It was my duty but Lieutenant _____ and I boarded different boats - one on the port side and one on the starboard side of the ship.
- 43.Q. Did both of these boats leave at approximately the same time?
A. I think they did.
- 44.Q. What steps did you take as engineer officer to prevent the PANAY from sinking?

A. Steps I took were to insure that the boiler did not blow up by securing it and to close the doors leading into both firerooms. I did not get into the engineroom because the door was used at the top landing as sick bay for the wounded.

45.Q. What could have been done that was not done to increase the watertight integrity?

A. Nothing could have been done. All hatches were closed.

46.Q. Was any attempt made to stop leaks?

A. None that I know of below decks.

47.Q. When on shore, whom did you consider to be in command of the PANAY'S crew?

A. I considered myself to be in command of the crew.

48.Q. Why?

A. Because the Captain was in a stretcher and Lieutenant could not talk and was around the side of the hill from us, from the main party.

49.Q. Did you so report to the Captain?

A. I had arrived on the bank as soon as I could find him. After I reported to the Captain, he called Mr. , Mr. , Captain , and myself around him for a conference. At that time he found I had been hit in the ^{Be} . We all decided that the man best fitted to carry out our plans was Captain of the U.S. Army. At that time the Captain delegated Captain F to make arrangements for the removal of the party - wounded and unwounded, to the nearest city.

50.Q. Was Ensign fit for duty?

A. Yes, sir.

51.Q. Was he mentioned as the legal commanding officer?

A. I believe Ensign was present at that time. I believe he also said Captain was the logical man to carry out the Captain's ideas for transportation of the wounded and unwounded to the nearest city. m

52.Q. Were you incapacitated for duty?

A. Yes, sir.

53.Q. You stated that you turned over certain duties to Ensign , is that correct?

A. Yes, sir.

54.Q. What were these duties that you turned over?

A. Looking after the crew of the PANAY, trying to keep them together.

55.Q. Were you still carrying out the orders of the Captain yourself?

A. Yes, sir, I was still carrying out his orders.

56.Q. After this, was Ensign to continue carrying out the orders of Captain

A. Yes, sir.

57. Q. Do you have anything which you would lay to the charge of any officer or man in the crew?

A. None whatever.

58. Q. Are there any men you particularly consider outstanding over and above the rest you would like to mention?

A. Yes, sir, , machinist's mate first class; chief boatswain's mate; , coxswain, and the people that manned the machine guns.

59. Q. Is there anything else you would like to say which you believe that this court does not already know?

A. The payroll for the PANAY was kept in the office below decks on the port side. After the people were all out and the hatch closed, I found out from , who was the last man out of the office, that both ports had been pushed in and the seams opened on the first bomb; water was coming in very fast. Later on I tried to open the dog on the cover - the manhole cover, thinking, perhaps, I could get in to save the records but the concussion had taken up on the dogs. I was unable to move them or find a wrench to do so. My safe, which contained all the money and public vouchers for this quarter, was located in the wardroom. Before I left the ship I tried to enter the wardroom and couldn't because the doors were badly sprung and I was unable to pull the doors open in spite of my trying. The wardroom was all smashed up and I could see that water was coming in very rapidly. My own room, which was next to the wardroom, had a foot and a half of water in it before I left. I had approximately 30,000 Mex dollars in the safe, no American money at all.

60. Q. Do you know the approximate value which your public vouchers covered; amount you paid out?

A. I estimated that I paid out this quarter about 15,000 Mex to the crew and about 2,000 Mex to the officers, and in public vouchers at least 9,000 Mex.

61. Q. Do you think you will be able to give the approximate amounts that the officers and crew on the PANAY had to their credit on their pay accounts at the time of the bombing?

A. Yes, sir, I think I can. I know who was drawing their money regularly and who wasn't.

62. Will you make out a list of such amounts due and unpaid for transmission to this court?

A. Yes, sir.

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. Lieutenant , medical corps, U.S. Navy,
Second Marine Brigade, Shanghai, China.

2.Q. Will you state to the court the reason for the cause of death of , coxswain, U.S. Navy?

A. B6

3.Q. Was an autopsy performed?

A. It was.

4.Q. Did you sign the death certificate of the late , coxswain, U.S. Navy?

A. I did.

5.Q. Was his death caused from injuries received in the line of duty and not the result of his own misconduct?

A. It was.

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

The court informed the witness that he was privileged to make any further statements 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 was cleared. The court was opened. The court announced that it would adjourn to the Country Hospital, Shanghai, China.

All the members, the judge advocate, and his counsel assembled in the private sick room of Lieutenant Commander _____, U. S. Navy.

_____, yeoman first class, U. S. Navy, entered as reporter.

Lieutenant Commander _____, U. S. Navy, being too weak to read a lengthy statement, with the permission of the court, introduced Lieutenant Commander _____, U. S. Navy, as his counsel.

No witnesses not otherwise connected with the inquiry were present.

Lieutenant Commander _____, U. S. Navy, was called as a witness by the judge advocate, 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, lately commanding the United States Ship PANAY.
2. Q. Have you prepared a statement with regards to the loss of the PANAY?
A. Yes.
3. Q. Is this statement true to the best of your knowledge and belief?
A. Yes.
4. Q. Is it signed by you?
A. Yes.
5. Q. Is that your signature?
A. Yes.

The statement was submitted to the court, and by the judge advocate offered in evidence as the official report of the Commanding Officer, U. S. S. PANAY, containing the narrative of the disaster.

There being no objection, it was so received.

6. Q. Please read your statement to the court.
A. The counsel for Lieutenant Commander _____ read the statement, hereto appended marked "Exhibit 21(1) to 21(11)".
7. Q. Commander _____, is the narrative just read to the court a true statement of the loss of the United States Ship PANAY?
A. Yes, sir.

8. Q. Have you any complaint to make against any of the surviving officers and crew of the said ship on that occasion?
A. No.

Examined by the court:

9. Q. In your conversation with the Japanese boarding officer, did he give you any intimation that your ship was standing into a dangerous area?

A. No, sir. I would like to remind the court that this conversation was carefully witnessed by Second Secretary, American Embassy, Nanking, China, who will bear out my statements on it.

10. Q. Were the three-inch guns of the PANAY fired at any time on the day in question?

A. Positively not. They were not manned, and the magazines were kept sealed throughout.

11. Q. When you left the ship did you consider that you had turned over the command to Ensign _____?

A. No, sir. I just put him temporarily in charge of the ship in order to make sure everyone was removed from her. In fact, as I recall it, I so explained it to him. I would like to mention again that this young officer was **B6**

12. Q. To your knowledge, were any measures taken to either attempt to beach her or to improve her stability after bombing?

A. No, sir. As I have explained in my statement, we were deprived of the means of doing any one of those things.

13. Q. What means were available for improving the stability or buoyancy?

A. The only ones we had were the so-called homolite pumps which were six very small gasoline driven pumps and which run independently. You have to put a hose from each one down into a compartment. When I called for them they had already been smashed by a bomb. The ships of the PANAY class have no main drain or ship's service pumps.

14. Q. From the formation of the river at this point, would it have been possible to have beached the ship without power by slipping the anchor cable?

A. I think not.

15. Q. After arriving on shore had you any discussion with Lieutenant _____ as to transfer of command?

A. None that I can recall. With regard to command, I remember telling everyone that I wished Captain _____ to act as my representative and speak for me. CPM

16. Q. In what capacity was Lieutenant (junior grade) _____ acting, if any, while on shore?

A. I considered him as partly disabled, sir. He too was suffering from shell shock, although to a slighter degree than

17. Q. How long would it have taken to set up steam in the other boiler?

A. The other boiler was an entirely cold boiler. It would have taken an hour or an hour and a half.

18. Q. You have stated that you remained in command during this entire incident. What steps did you take to assure the safekeeping or destruction of secret and confidential publications?

A. As already mentioned in my statement, I directed the communication officer to throw them all overboard.

19. Q. What report did he make to you on shore?

A. When he got ashore I questioned him about that and he said that he had got almost all of them overboard but one code book, I think.

20. Q. By this did you understand that he had succeeded in opening the confidential safe?

A. Yes, sir.

21. Q. When you were taken aboard the OAHU, did Captain of the Army make any report to you that you recall?

A. As nearly as I can recall, Captain informed me that everybody was on board either one of the British ships or the OAHU. However, my recollection of this report is not quite as definite as it might be, for the reason that Captain had been in the closest possible touch with me throughout the operation and had been keeping me continuously informed of everything.

22. Q. Did he consult with you about the various things that were to be accomplished?

A. Oh, yes. Mr. generally assisted us, too, at my own request.

23. Q. In other words, you were Captain, fully informed while ashore of everything that was going on?

A. Yes, completely.

24. Q. Upon what grounds do you consider that you were authorized to give an Army officer jurisdiction, if jurisdiction was so given, over naval personnel?

A. I considered it a case of extreme emergency, and it wasn't so much a case of giving him jurisdiction over naval personnel as it was a question of my having an effective spokesman whose efficiency would be augmented by his knowledge of Chinese and of war on land. We considered at any time that we would be attacked by Japanese troops and exterminated. We had no weapons.

Re-examined by the judge advocate:

25. Q. In telling Ensign to take charge and represent you on board ship as you were leaving, did you intend thereby to contravene any Navy regulations, which state that the senior naval officer on board ship be the acting commanding officer?

A. No, indeed. My thought was that the other two officers

were senior to _____, but according to my basic orders it would be up to them to leave the ship before _____ did. _____ was badly wounded and _____, I didn't know how bad. _____ was the only officer able to move around the ship and ascertain from his own observations whether or not there were any persons remaining aboard. My consideration of this assignment was a detail in a transfer of authority.

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.

All the members, the judge advocate, and his counsel returned to the regular place of meeting, where the court was reassembled.

The following surviving officers and crew of the U.S.S. PANAY were called before the court, and the official report of the Commanding Officer, U.S.S. PANAY, Lieutenant Commander _____, U. S. Navy, was read in their presence by Lieutenant Commander _____, U. S. Navy, counsel for Lieutenant Commander _____.

R.M.2c;
S.C.3c;
G.M.3c;
F.1c;
E.M.3c;
Cox. ;
C.Ph.M.(P.A.);
Cox. ;
Sea.1c;
M.att.1c;
M.att.1c;
C.M.1c;
C.w.T.(P.A.);
M.M.2c;
G.M.1c;
Sea.1c;
G.M.2c;
M.M.2c;
A.T.2c;
M.M.2c;
Cox. ;
C.M.M.(P.A.);
Sea.1c;
C.B.M.(P.A.);
F.1c;
Sea.1c;
R.M.3c;

of the guns. That is what I actually witnessed.

Lieutenant _____, Medical Corps, U. S. Navy,
made the following statement:

At the time of which Design _____ is speaking, I heard the rattle of machine gun fire and heard him call out that they are machine-gunning the PANAY. From my position, with my wounded men in the reeds, I stood erect at the time and saw bursts of machine gun fire from the bow of one of the Japanese patrol boats. It was my belief that this machine gun fire was in the direction of the U.S.S. PANAY and that it constituted an attack thereon.

Examined by the judge advocate:

1. Q. Did it sound as if it was in the direction of the PANAY?
A. It did.

None of the parties to the inquiry desired further to examine these witnesses.

The witnesses were 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. _____, seaman first class, now serving on the U.S.S. AUGUSTA, formerly attached to and serving on board the U.S.S. PANAY.

Examined by the court:

2. Q. State to the court the nature of your injuries and how you received them.

A. At first I was wounded by the bomb hitting the ship, which the doctor might say is shrapnel but it leaves a hole like a machine gun bullet. I ducked into the fireroom and when the word was passed for general quarters I started to proceed to my general quarters station.

3. Q. Where were you when you received this injury?
A. I was on the main deck on the port side, sir.

4. Q. Where were you wounded the second time?
A. In the pulling pan going to the beach, sir.

5. Q. Were you a passenger or a member of the crew?
A. A passenger.

6. Q. How were you wounded?
A. By machine gun fire from a plane diving on the pulling pan, sir.

7. Q. How close were you to the PANAY at this time?
A. I would say approximately not more than seventy-five or a hundred feet, if that far.

8. Q. Do you know if anyone else was wounded at that time in that boat?

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

9. Q. Explain to the court the movements of this plane.

A. The plane came into a certain altitude above the PANAY and then went into a power dive. Just before it came over the PANAY it dropped one bomb that I can say. That was all. Then it began making altitude, climbing and coming out of the power dive. The pilot must have seen the men leave the ship and made a power dive on the pulling pan, hitting and myself. I do know that it was a Japanese plane because I could see the red ball on the wing.

10. Q. Where did the machine gun bullet hit you?

A. BG

11. Q. Did it pass through BG

A. BG

12. Q. Has this been recorded in your medical record?

A. It has, sir.

13. Q. Is the pulling pan and the outboard pan the same boat?

A. Yes, sir.

14. Q. Which trip was this when you were wounded?

A. This was the first trip, carrying approximately six wounded.

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. machinist's mate second class, U.S.S. AUGUSTA.

Examined by the court:

2. Q. Were you the engineer of the pulling pan when you were evacuating the injured from the PANAY?

A. No, sir, was. I was sitting alongside him.

3. Q. Were you in the pulling pan on its first trip with the injured?

A. Yes, sir.

4. Q. State what happened during your trip to the beach?

A. We got the outboard motor started, headed down river to the north bank, trying to land in the brush, when a plane had dropped a bomb on the ship. He didn't dive on us, kind of circled over, and one fellow in the boat got hit. One man got hit in the back, He got hit with a machine gun bullet. I got hit about the same time with a bullet. It went through the pan and scraped me, after it had gone through the boat.

5. Q. Where did this machine gun bullet hit the boat?

A. On the starboard side.

6. Q. A bullet came through the side of the boat and grazed your BG?

A. Grazed my BG yes, sir.

7. Q. Did it scratch you?

A. Yes, sir. I got a big scratch and it is still pretty sore.

8. Q. Has the doctor treated you for this?

A. At the time right after I got it you mean? Yes, sir.

9. Q. Is it recorded in your health record?

A. Yes, sir.

10. Q. Did this plane first drop a bomb on the PANAY, then make a circle or turn and dive on the pulling pan?

A. He dropped a bomb on the ship first and circled to the right and opened up his machine gun on the pulling pan.

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, rank, and present station.

A. Lieutenant , U.S. Navy, attached to the Staff of the Commander in Chief, Asiatic Fleet.

2. Q. What are your duties on the Staff?

A. Assistant Fleet Communication Officer.

3. Q. Do you have cognizance of the registered publications on the Asiatic Station?

A. No.

4. Q. Explain how you are connected with confidential publications.

A. As Assistant Fleet Communication Officer I am also mobile issuing officer for the Asiatic Fleet, and in accordance with Asiatic Fleet Regulations, all reports of publications issued and received by vessels of the Fleet are forwarded to me.

5. Q. What registered publications were on board the PANAY at the time of the bombing?

A. I have here the quarterly report submitted by the PANAY on 31 March, 1937, listing publications on board as of that date. In addition to publications listed here, I have a list of publications which, to the best of my knowledge, have been issued to the PANAY since 31 March. These publications have been inserted in the last report of publications on board the PANAY in my handwriting. I believe they were issued to the PANAY by the Commandant, Sixteenth Naval District who would hold the PANAY's receipt for same.

6. Q. Who is that report signed by?
 A. This report is signed by _____, Lieutenant
 Commander, U.S. Navy.
7. Q. Who is it witnessed by?
 A. It is witnessed by Lieutenant _____ U.S. Navy,
 and Lieutenant, junior grade, _____, U.S. Navy.
8. Q. Can you identify any of those signatures as genuine?
 A. I cannot.
9. Q. How was that report received?
 A. This report was received by regular United States
 mail.
10. Q. Has this report been accepted as an official report
 of the Commanding Officer, U.S.S. PANAY?
 A. Yes, sir.

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

There being no objection, it was so received, appended
 hereto marked "Exhibit 22".

11. Q. Can you indicate on this report what publications
 were turned in before the bombing of the PANAY?
 A. Yes, I can.
12. Q. Please list the CSP and register numbers of those
 turned in.
 A. CSP five hundred fifty-four, number of copies two,
 register number fifty-eight; CSP five hundred forty-five,
 number of copies one, register number fifty-five.
13. Q. Then all publications listed, either by typewriter
 or in your own handwriting, with the exception of the last two
 named by you, were charged to the PANAY at the time she was sunk?
 A. Yes.
14. Q. Do you know why that report is not signed by the
 Communication Officer, Ensign _____?
 A. No, I do not.
15. Q. Do you know if he was Communication Officer of the
 PANAY at the date of that report?
 A. No, I do not.
16. Q. By reason of its duty at Nanking, would the PANAY have
 special codes and ciphers?
 A. No, none other than the regular issue for a ship of
 its type.

18. Q. What are the regulations with regard to the custody of confidential publications as regards combination to the confidential safe?

A. The commanding officer and the custodian of the publications is the only holder of the combination to the safe.

19. Q. Has the commanding officer authority to issue those publications to his communication officer on sub-custody receipts to him? In this event, is the communication officer charged with the custody of the publications?

A. Only to the commanding officer.

20. Q. Can you tell, in general terms, what the instructions are regarding what should have been done with these publications in the event of the sinking of a ship?

A. This is the Registered Publication Manual, issued by the Chief of Naval Operations. This publication contains detailed instructions for accounting, handling and safeguarding registered publications or devices, as prescribed by Article seventy-six, Navy Regulations, nineteen twenty. I am now reading general precautions for handling and stowage and care of registered publications:

"Paragraph two hundred nineteen, subparagraph "f", Upon the sinking, wreck or destruction of a vessel, every endeavor shall be made to dispose of the registered publications and devices thereon beyond a possibility of compromise. An immediate dispatch report shall be made by the senior survivor to the Chief of Naval Operations stating the disposition of all registered publications and devices. This shall be followed by a written report of the circumstances affecting their loss, destruction or other disposition."

21. Q. To your knowledge, were these instructions carried out?

A. I have very meager information. I have questioned the custodian immediately upon his reporting aboard the AUGUSTA. He told me that he had attempted to destroy all publications. He states he was successful in throwing overboard a total of fourteen publications. He also reported that the remainder of the publications and other confidential and secret documents were left in the safe. He claims the safe was locked when he left the vessel. He states that he had tried to enter the radioroom after the second bomb struck in that vicinity with the intention of obtaining the remaining publications but due to the debris he was unable

to enter or get near the safe. I reported to the Navy Department by despatch the publications that the custodian claims he threw overboard.

22. Q. I show you this piece of paper with pencil writing on it; have you seen this before?

A. Yes.

23. Q. Please identify it.

A. The custodian of publications aboard the PANAY, Ensign , submitted this sheet of paper to me upon reporting aboard the AUGUSTA, stating that this was his report of registered publications thrown overboard, and also those remaining in the safe of the PANAY.

24. Q. Have you checked the publications which Ensign says were thrown overboard?

A. I have.

25. Q. What different classes of publications do they consist of, those thrown overboard?

A. Ciphers, cipher instructions and cipher devices.

26. Q. What kind of publications would then be left in the safe?

A. Codes, cipher devices, instructions for the use of codes and ciphers, fleet tactical publications, Office of Naval Intelligence publications, copies of decrypted secret and confidential messages should be in the safe.

27. Q. Do any instructions call for binding the loose small pamphlets?

A. Certain ones definitely state on the covers that they must be bound in weighted covers.

28. Q. Should these small publications all have been bound between the same weighted covers?

A. I know of no regulation that states that they must be bound in the same weighted covers.

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.

Ensign _____, U.S. Navy, a witness, was recalled by the judge advocate, and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. I show you this piece of paper. Do you recognize it?
A. I do.

2. Q. What is it?
A. This is a list of CSP's, prepared by me when I was on board the OAHU after consulting the OAHU's copy of RPS 6. All publications listed as "thrown overboard" were, to the best of my recollection, thrown over the side during the bombing of the U.S.S. PANAY.

3. Q. Is this list in your own handwriting?
A. Yes, sir.

4. Q. You stated that you compiled this list while on the U.S.S. OAHU. Is this true?
A. Yes, in a spare room.

5. Q. How many days after the bombing was this?
A. It was on the morning of the 15th or 16th of December, 1937, a period of three or four days after the bombing.

The list was submitted to the court, and by the judge advocate offered in evidence, being under the best evidence rule (Section 194, Naval Courts and Boards). It is the first list compiled by the communication officer of the U.S.S. PANAY after the PANAY was sunk. It is in his handwriting. It was compiled by him "three or four days after the bombing". The judge advocate submitted the list as the best evidence of the custodian's belief as to the status of the secret and confidential publications of the U.S.S. PANAY. There being no objection it was so received and marked Exhibit 23".

6. Q. How did you remember which publications you had thrown overboard?

A. These publications, which, to the best of my recollection I threw over the side, were publications I kept in a definite binder - a definite weighted binder tied together - and it was this binder which contained my most important and also all of my most secret CSP's. The contents of this binder I feel that I know.

7. Q. Have you any changes which you would like to make to this list now? In other words, is it still to the best of your knowledge and belief a correct list?

A. In connection with this list, the most doubtful and in my opinion the only portion which may be in error, after a period of ten days or so, gives the following publications listed as thrown overboard:- CSP 746, 748 and 774. I am not absolutely certain they were in that binder. I think they were, but it may be they were not. They should be.

8. Q. How many separate volumes were thrown overboard?

A. One separate volume containing all these publications was thrown overboard in an old communication weighted book cover.

9. Q. You took one volume out of the confidential safe and threw it overboard. Why did you not take more?

A. This volume of confidential material which I threw overboard was resting right on top of my other publications and in place in the safe which was very easy to reach in and take out. The other publications in the safe are arranged in such a manner on the shelf immediately above that it is considerably more difficult to take them out if it is necessary to do so in any particular hurry. When I opened this safe, bombs appeared to me to be falling so closely, if not directly alongside the port side of the ship, that in my dazed condition, I automatically slammed the door of the safe shut and ran out the starboard passageway, believing as I left that I gave the dial a vigorous turn closing the safe. I am sure I locked the safe because if I had not, the door would not have turned under pressure of my hand. The knob was closed - you could turn the dial.

10. Q. Would it not require two separate and distinct movements of your hand to turn the handle of the safe and the dial of the combination?

A. It did, sir.

11. Q. So you mean to tell this court that because of the bombing you did not have time to take another publication, and you still slammed the door and locked the safe and threw the one publication over the side. Is that correct?

A. No, sir.

12. Q. Please state what is correct.

A. To the best of my recollection, the reason that I closed the safe and left the vicinity of it at this particular moment was, as stated before, due to the close proximity of the bombs exploding on the port side of the ship and because I deemed it necessary to leave immediately and try to come back later if possible. That is what I did do - I came back later.

13. Q. Have you any change in your testimony which you would like to make at this time on this or any other subject?

A. No, sir, I have nothing.

14. Q. Who was it that told you you were acting commanding officer of the ship?

A. Lieutenant Commander _____ told me that in the galley. Also Lieutenant _____ who I found lying on the deck in the center of the bridge.

15. Q. Are you sure that Lieutenant _____ also told you you were acting commanding officer?

A. To the best of my recollection, Lieutenant _____ did tell me this or wrote it on the back of a sheet of paper.

The court was cleared.

The court was opened.

16. Q. I show you "Exhibit 23". You made some remarks about the notes on the back of this piece of paper. What have you to say to that?

A. "Exhibit 23" was my first attempt to explain in detail my actions regarding the disposal of confidential publications during the bombing of the PANAY and was begun at the suggestion of Lieutenant (jg) _____, U.S. Navy, the communication officer of the OAHU. It was discontinued because I felt that later on I would be required to make a detailed report of my actions before a court of inquiry.

17. Q. Do you wish to make any further statement regarding or pertaining to the subject matter of this inquiry?

A. Yes, sir. In connection with who was detailed to be in charge of the activities concerning the PANAY survivors after the sinking of the PANAY. At approximately 1556, Lieutenant Commander _____ in the presence of myself and many others witnesses detailed Captain _____ as his executive officer.

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.

Lieutenant _____, medical corps, U.S. Navy, a witness, was recalled by the judge advocate, and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. Have you prepared a list of all the officers and men that were injured as a result of the bombing of the U.S.S. PANAY and accompanying vessels on 12 December, 1937?

A. I have; here it is.

2. Q. Is this your signature on the bottom of this list?

A. It is.

The list, containing a report of all officers and men that were injured as a result of the bombing of the U.S.S. PANAY and accompanying vessels on 12 December, 1937, was submitted to the court and by the judge advocate offered in evidence.

There being no objection, it was so received, hereto appended marked "Exhibit 24(1) to 24(4)".

3. Q. Is this a true and correct list?

A. It is to the best of my knowledge and belief.

4. Q. Have you examined all the officers and men listed as injured?

A. I have, with the help of Lieutenant _____, medical corps, U.S. Navy, junior medical officer of the U.S.S. AUGUSTA.

5. Q. Have all the survivors of the PANAY been notified to report to you for examination of any injuries?

A. Yes, as far as I know, all except _____, fireman first class.

6. Q. Do you know whether or not Hodge is on board?

A. It has been reported to me that he is absent over leave.

7. Q. Please state to the court briefly the nature of the injuries covered on "Exhibit 24(1) to 24(4)".

A. The nature of the injuries of these men included on the submitted list consists of abrasions, lacerations, contusions, puncture wounds, sprains and fractures. The puncture wounds to the best of my knowledge were caused by flying bomb fragments although it is impossible to distinguish from a machine gun bullet wound in the case of two of the men wounded in the PANAY motor pan in progress to the foreshore. Other abrasions and lacerations and punctures were believed to have been caused by concussion of bomb explosions hurling men against projections and hurling heavy articles of ship equipment on them.

8. Q. What was the nature of the injury that caused the death of Charles L. Ensminger, storekeeper first class?

A. Charles L. Ensminger, storekeeper first class, while aboard the U.S.S. PANAY, was ^{BC} by what is presumed to be the fragment of an exploding bomb which I believe to be directly responsible for his death.

9. Q. What is the nature of the injury that caused the death of Edgar W. G. Hulsebus, coxswain?

A. Edgar W. G. Hulsebus, coxswain, received a bomb fragment in the ^{BC} aboard the PANAY. This fragment penetrated deeply and Hulsebus was ^{BC}

10. Q. Was the injury of Charles L. Ensminger, storekeeper first class, incurred in the line of duty, not the result of his own misconduct?

A. Yes.

11. Q. Was the injury of Edgar W. G. Hulsebus, coxswain, incurred in the line of duty, not the result of his own misconduct?

A. Yes.

12. Q. I show you "Exhibit 13". On this exhibit Sandro Sandri, Italian civilian, is listed as dead. What was the cause of his death?

A. Sandro Sandri, an Italian civilian, received a ^{BC} while on the U.S.S. PANAY, and I think that this ^{BC} wound was directly responsible for his death.

13. Q. Do you know the cause of Captain Carlson's death?

A. I do not. He was the captain of the MEI AN and was not with the PANAY party.

14. Q. Do you know the cause of the death of the unknown Chinese, also listed on "Exhibit 13"?

A. I do not. He also was not with the PANAY party.

15. Q. The following civilians are listed on "Exhibit 13" as necessitating hospitalization:-

1, and . Can you testify on your own knowledge that these three white civilians received injuries as a result of the bombing and/or the machine gunning of the U.S.S. PANAY and its convoy?

A. Yes, I can.

16. Q. Can you testify that _____ received an injury as a result of the same incident?

A. I have been told so by my corpsman, _____, chief pharmacist's mate, U.S. Navy, who with _____, was aboard the Standard Oil ship "MEI PING" and treated _____ immediately following the bombing of the "MEI PING".

17. Q. Of your own knowledge, what other white civilians were injured?

A. Mr. _____, Standard Oil Number One aboard the "MEI PING", received lacerations of the scalp.

18. Q. Have you ever seen these wounds?

A. I have.

19. Q. Do you know how they were caused?

A. I was told they were the result of flying bomb fragments.

20. Q. From your examination of the wounds, would this have been probable?

A. Yes, although no bomb fragments were actually found.

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 then, at 6 p.m., adjourned until 9 a.m., tomorrow.

SEVENTH DAY

U.S.S. AUGUSTA,
Shanghai, China,
Wednesday, December 22, 1937.

The court met at 9 a.m.

Present:

Captain

Commander

Lieutenant Commander

, U.S. Navy,
, U.S. Navy, and

U.S. Navy, members;

and

Lieutenant

and his counsel.

U.S. Navy, judge advocate,

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

No witnesses not otherwise connected with the inquiry were present.

The judge advocate stated that chief quartermaster, U.S. Navy, had been interviewed, and that it appeared that there was no additional evidence that chief quartermaster could give which had not been fully brought out by the questioning of previous witnesses.

The court decided that, since chief quartermaster, U.S. Navy, is now confined at the Second Marine Brigade Hospital, Shanghai, China, undergoing treatment for injuries received in the PANAY incident, and, in view of the above, it was considered unnecessary to obtain his testimony.

The judge advocate also stated that he had interviewed all the survivors who had not been called as witnesses, except a few of the most seriously injured, and it appeared that there was no further testimony, other than cumulative, that these survivors would be able to supply.

The court decided that, in view of the above, and of the desirability of expediting the proceedings, no further witnesses be called at this time.

Neither the judge advocate, nor the court, desired any more witnesses.

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.

No witnesses not otherwise connected with the inquiry were present.

The court then at 6.30 p.m., adjourned until 9 a.m. tomorrow.

EIGHTH DAY

U.S.S. AUGUSTA,
Shanghai, China,
Thursday, December 23, 1937.

The court met at 9 a.m.

Present:

Captain

Commander

Lieutenant Commander

, U.S. Navy,
, U.S. Navy, and

U.S. Navy, members;

and

Lieutenant

his counsel.

, U.S. Navy, judge advocate, and

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

The inquiry was finished.

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The court, having thoroughly inquired into all the facts and circumstances connected with the subject matter of the inquiry, finds as follows:

FINDING OF FACTS

1. That on December 12, 1937, the U.S.S. PANAY, a unit of the Yangtze Patrol of the United States Asiatic Fleet, was operating under lawful orders on the Yangtze river.
2. That the immediate mission of the U.S.S. PANAY was to protect nationals, maintain communication between the United States Embassy office, Nanking, China, and the American Ambassador at Hankow, China; provide a temporary office for the U.S. Embassy staff during the time when Nanking was greatly endangered by military operations, and to afford a refuge for American and other foreign nationals.
3. That due to intensive shell fire around Nanking the U.S. S. PANAY had changed berth several times to avoid being hit, and on the morning of December 12, 1937, formed a convoy of Socony-Vacuum Oil Company vessels, principally the S.S. MEIPING, MEIHSIA, and MELAN and proceeded upriver.
4. That adequate steps were taken at all times to insure that the Japanese authorities were informed of the movements of the U.S.S. PANAY.
5. That, in addition to her regular complement, the U.S.S. PANAY had on board at this time four members of the American Embassy staff, four American nationals and five foreign nationals.
6. That at 0940, while standing upriver, the U.S.S. PANAY stopped in response to a signal from a Japanese landing boat. A Japanese Army boarding officer and guard went on board and was informed that the U.S.S. PANAY and convoy were proceeding to anchorage twenty eight miles above Nanking. No warning was given of any danger likely to be encountered.
7. That at about 1100 December 12, 1937, the U.S.S. PANAY and convoy anchored in the Yangtze river in a compact group at about mileage 221 above Woosung, twenty eight miles above Nanking.
8. That the U.S.S. PANAY was painted white with buff upper works and stacks and displayed two large horizontal flags on her upper deck awnings plus large colors at her gaff.
9. That the Socony-Vacuum ships MEIPING, MEIHSIA, and MELAN each displayed numerous horizontal and vertical American flags, all of large size.

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10. That at 1330 the crew of the U.S.S. PANAY were engaged in normal Sunday routine and were all on board except a visiting party of eight men on board the S.S. MEIPING.

11. That at about 1338 three large Japanese twin motored planes in a Vee formation were observed at a considerable height passing overhead downriver. At this time no other craft were in the near vicinity of the U.S.S. PANAY and convoy, and there was no reason to believe the ships were in a dangerous area.

12. That without warning these three Japanese planes released several bombs, one or two of which struck on or very close to the bow of the U.S.S. PANAY and another which struck on or very close to the S.S. MEIPING.

13. That the bombs of the first attack did considerable damage to the U.S.S. PANAY, disabling the forward three inch gun, seriously injuring the captain and others, wrecking the pilot house and sick bay, disabling the radio equipment and the steaming fireroom so that all power was lost, and causing leaks in the hull which resulted in the ship settling down by the head and listing to starboard thereby contributing fundamentally to the sinking of the ship.

14. That immediately thereafter a group of six single engined biplanes attacked from ahead, diving singly and appearing to concentrate on the U.S.S. PANAY. A total of about twenty bombs were dropped, many striking close aboard and creating, by fragments and concussion, great damage to ship and personnel. These attacks lasted about twenty minutes during which time at least two of the planes attacked also with machine guns; one machine gun attack was directed against a ship's boat bearing wounded ashore, causing several further wounds and piercing the boat with bullets.

15. That during the entire attack the weather was clear with high visibility and little if any wind.

16. That the planes participating in the attacks on the U.S.S. PANAY and its convoy were unmistakably identified by their markings as being Japanese.

17. That immediately after the first bomb struck, air defense stations were manned; the thirty caliber machine gun battery opened fire and engaged the attacking planes throughout the remainder of the attack. The three inch battery was not manned, nor were any three inch shells fired at any time. This was in accordance with the ship's air defense bill.

18. That during the bombing many were injured by flying fragments and concussion and all suffered shock on the first bomb. The captain suffered ^{BC} soon thereafter Lieutenant. ^{BC} executive officer, was wounded by ^{BC} Lieutenant. ^{BC} (junior grade) engineer officer, received ^{BC} Ensign had ^{BC}

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This includes all the line officers of the ship. The captain being disabled, the executive officer carried on his duties, giving orders in writing. He issued instructions to secure confidential publications, to get underway, and to beach the ship. Extensive damage prevented getting underway.

19. That at about 1400, believing it impossible to save the ship and considering the number of wounded and the length of time necessary to transfer them ashore in two small boats, the captain ordered the ship to be abandoned. This was completed by about 1500. By this time the main deck was awash and the PANAY appeared to be sinking.

20. That all severely wounded were transferred ashore in the first trips. The captain protested in his own case. The executive officer, when no longer able to carry on due to wounds, left the ship on the next to the last trip and Ensign remained until the last trip.

21. That after the PANAY had been abandoned, _____, chief boatswain's mate, and _____, machinist's mate first class, returned to the PANAY in one of the ship's boats to obtain stores and medical supplies. While they were returning to the beach a Japanese power boat filled with armed Japanese soldiers approached close to the PANAY, opened fire with a machine gun, went alongside, boarded, and left within five minutes.

22. That at 1554 the U.S.S. PANAY, shortly after the Japanese boarding party had left, rolled over to starboard and sank in from seven to ten fathoms of water, approximate latitude 30-44-30 North, longitude 117-27 East. Practically no valuable government property was salvaged.

23. That after the PANAY survivors had reached the left bank of the river, the captain, in view of his own injuries and the injuries and shock sustained by his remaining line officers, and the general feeling that attempts would be made to exterminate the survivors, requested Captain _____, U.S. Army, who was not injured, and who was familiar with land operations and the Chinese language, to act under his direction as his immediate representative. Captain _____ functioned in this capacity until the return of the party on board the U.S.S. OAHU on December 15, 1937, performing outstanding service.

24. That _____ and _____ of the U.S. Embassy staff rendered highly valuable services on shore where their knowledge of the country and language, coupled with their resourcefulness and sound advice, contributed largely to the safety of the party.

25. That after some fifty hours ashore, during which time the entire party suffered much hardship and exposure, somewhat mitigated by the kindly assistance of the Chinese, they returned and boarded the U.S.S. OAHU and H.M.S. LADYBIRD.

26. That from the beginning of an unprecedented and unlooked for attack of great violence until their final return, the ship's company and passengers of the U.S.S. PANAY were subjected to grave danger and continuous hardship. Their conduct under these conditions was in keeping with the best traditions of the Naval Service.

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27. That among the PANAY passengers, Mr. Sandro Sandri died of his injuries at 1330 December 13, 1937, and _____, and _____ were wounded.

28. That early in the bombing attacks the Standard Oil vessels got underway. The MEIPING and MEIHSIA secured to a pontoon at the Kaiyuan wharf, the MEIAN was disabled and beached further down river on the left bank. All these ships received injuries during the first phases of the bombing. Serious fires on the MEIPING were extinguished by the PANAY visiting party of eight men who were unable to return to their ship.

29. That after attacks on the PANAY had ceased, the MEIPING and MEIHSIA were further attacked by Japanese bombing planes, set on fire and destroyed. Just previous to this bombing, Japanese army units on shore near the wharf attempted to avert this bombing by waving Japanese flags. They were not successful and received several casualties. It is known that Captain Carlson of the MEIAN was killed and that _____ and _____ were wounded. Casualties among the Chinese crews of these vessels were numerous but cannot be fully determined.

30. That the following members of the PANAY crew landed on shore from the MEIPING after vainly attempting to extinguish oil and gasoline fires on board: _____, chief machinist's mate; _____, gunner's mate first class; _____, seamen first class; _____, chief pharmacist's mate; _____, gunner's mate third class; _____, electrician's mate third class; _____, fireman first class, and _____, machinist's mate second class. These men encountered Japanese soldiers on shore who were not hostile on learning they were Americans.

31. That all of the PANAY crew from the MEIPING, except J _____, fireman first class, remained in one group ashore until the following day when they were rescued by H.M.S. BEE. _____ made his way to Wuhu and returned to Shanghai via Japanese naval plane on December 14, 1937.

32. That in searching for and rescuing the survivors, Rear Admiral _____, R.N., and the officers and men of H.M.S. BEE and H.M.S. LADYBIRD rendered most valuable assistance under trying and difficult conditions thereby showing a fine spirit of helpfulness and cooperation.

33. That Charles L. Ensminger, storekeeper first class, died at 1330 December 13, 1937, at Hohsien, China, from wounds received during the bombing of the U.S.S. PANAY and that his death occurred in line of duty not the result of his own misconduct.

34. That Edgar C. Hulsebus, coxswain, died at 0630 December 19, 1937, at Shanghai, China, from wounds received during the bombing of the U.S.S. PANAY and that his death occurred in line of duty not the result of his own misconduct.

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35. That Lieutenant Commander _____; Lieutenant _____; Lieutenant (Junior grade) _____; Chief Quartermaster _____; Fireman first class _____; Electrician's mate third class _____; Electrician's mate first class _____; Seaman first class _____; Machinist's mate second class _____; Ship's cook third class, and _____; Fireman first class, were seriously injured in line of duty not the result of their own misconduct.

36. That Lieutenant _____, Medical Corps; Ensign _____, Radioman second class; _____, Ship's cook third class; _____, Gunner's mate third class; _____, Fireman first class; _____, Electrician's mate third class; _____, Coxswain; _____, Chief Pharmacist's mate; _____, Seaman first class; _____, Mess attendant first class; _____, Carpenter's mate first class; _____, Chief Watertender; _____, Machinist's mate second class; _____, Seaman first class; _____, Fireman first class; _____, Watertender second class; _____, Machinist's mate second class; _____, Coxswain; _____, Chief Machinist's mate; _____, Boatswain's mate; _____, Seaman first class; _____, Chief _____, Master second class; _____, Fireman first class; _____, Seaman first class; _____, Radioman second class; _____, Chief Machinist's mate; _____, Mess attendant first class; _____, Seaman first class; _____, Boatswain's mate second class; _____, Yeoman first class, and _____, Mess attendant first class, were slightly injured in line of duty not the result of their own misconduct.

37. That the log book, commanding officer's night order book, the last chart by which the ship was navigated, pay accounts, service records, muster roll, public monies, and public vouchers were not salvaged. All the health records were preserved and turned over to proper authority by the medical officer, U.S.S. PANAY.

38. That certain secret and confidential publications remained on board in the confidential safe when the ship was abandoned.

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OPINION

1. That the U.S.S. PANAY was engaged in carrying out the well established policy of the United States of protecting American lives and property.
2. That the Japanese aviators should have been familiar with the characteristics and distinguishing markings of the PANAY as this ship was present at Nanking during the Japanese aerial attacks on this city.
3. That while the first bombers might not have been able, on account of their altitude, to identify the U.S.S. PANAY, there was no excuse for attacking without properly identifying the target especially as it was well known that neutral vessels were present in the Yangtze.
4. That it is utterly inconceivable that the six light bombing planes coming within about six hundred feet of the ships and attacking for over a period of twenty minutes could not be aware of the identity of the ships they were attacking.
5. That the Japanese are solely and wholly responsible for all losses which have occurred as the result of this attack.
6. That the deaths of Ensminger, C.L., S.K.1c, and Hulsebus, E.W.G., Coxswain, occurred in line of duty and were not the result of their own misconduct.
7. That the injured and wounded members of the crew of the U.S.S. PANAY received their wounds and injuries in the line of duty not the result of their own misconduct.
8. In considering the case and attending incidents as a whole, the court is of the opinion that no offenses have been committed nor blame incurred by any member of the naval service involved.

RECOMMENDATIONS

1. That the security of the confidential and secret publications be considered compromised until such time as salvage operations determine otherwise.
2. That a separate board be convened by the Commander in Chief, U.S. Asiatic Fleet, to consider such awards as they recommend concerning the conduct of the officers and men of the crew of the U.S.S. PANAY.
3. That the inadequacy of the anti-aircraft defense for naval ships be given immediate consideration by the department.
4. That steps be taken to secure from the Japanese government adequate compensation for the loss of the vessel and for the surviving personnel of the U.S.S. PANAY, for the dependents of the deceased, and for the American civilians and U.S. Army officer involved.

Captain, U.S. Navy.

Commander, U.S. Navy.

Lieutenant Commander, U.S. Navy.

The record of proceedings of the eighth day of the inquiry was read and approved, and the court having finished the inquiry then at 5.45 p.m., adjourned to await the action of the convening authority.

Captain, U.S. Navy,
President.

Lieutenant, U.S. Navy,
Judge Advocate.