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FINDINGS OF FACT, OPINIONS
AND
RECOMMENDATIONS
OF A
COURT OF INQUIRY

CONVENED BY ORDER OF
COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET
TO INQUIRE INTO THE CIRCUMSTANCES RELATING TO

THE SEIZURE OF USS PUEBLO (AGER 2)

BY NORTH KOREAN NAVAL FORCES
WHICH OCCURRED IN THE SEA OF JAPAN
ON 23 JANUARY 1968

AND THE SUBSEQUENT DETENTION OF THE VESSEL
AND THE OFFICERS AND CREW

APP 000226-69
000367-69

DOCUMENT ON CPF R/S NO. _____
BASIC ON CPF R/S NO. _____
SUPERSEDED ON CPF R/S NO. _____
REG. OR COURIER NO. _____

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10 JUN 1969

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FOURTH ENDORSEMENT on Vice Admiral Harold G. BOWEN, Jr.,
USN, 072395/1100 ltr of 9 April 1969

From: Commander in Chief U. S. Pacific Fleet
To: Secretary of the Navy
Via: Chief of Naval Operations

Subj: Court of Inquiry to inquire into the circumstances relating
to the seizure of the USS PUEBLO (AGER 2) by North Korean
Naval Forces, which occurred in the Sea of Japan on 23 January
1968, and the subsequent detention of the vessel and the officers
and crew; report of (U)

1. ~~(S)~~ (U) In the first endorsement on subject Court of Inquiry it was noted that an evaluation of the Court's report on matters other than discipline would be forwarded separately. That evaluation is contained herein. The Special Intelligence Annex is being forwarded by separate cover; it contains no opinions or recommendations.
2. ~~(S)~~ (U) The Court conducted its inquiry into the matter of USS PUEBLO in a superlative manner and has provided a complete, perceptive and thoroughly outstanding report. Vice Admiral Harold G. BOWEN, Jr., and the members of the Court and counsel are to be highly commended for their exceptional efforts in a very complex and trying assignment. The Court also provided an excellent summary of the incident and of the Court's findings, opinions and recommendations for the use of all reviewing authorities; it appears at the beginning of the volume containing the Court's report.
3. ~~(S)~~ (U) The Commander in Chief U. S. Pacific Fleet is in substantial agreement with the findings of fact and opinions of the Court. Such points of difference as may exist are not considered sufficiently significant to be addressed in this endorsement. With respect to the recommendations of the Court there follows a statement of each recommendation and the Commander in Chief U. S. Pacific Fleet's specific comments pertaining thereto:

a. Recommendation 1.

(1) (U) Recommendation: If a change is made in the basic concept of a program, such as the decision to arm the AGER's, a policy notice stating the change in the basic concept and its effects be promulgated immediately to all concerned.

(2) (U) Comment/Action: This recommendation is generally concurred in, although it is not considered that adding the two fifty caliber machine guns to PUEBLO represented such a substantial change as to require a policy notice, since PUEBLO already had on board a variety of small arms for self defense.

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b. Recommendation 2.

(1) (U) Recommendation: AGER operations be premised on: (1) assured readiness; and (2) ability to defend the ship (self defense and/or external support).

(2) (S) Comment/Action: This recommendation is concurred in. CINCPACFLT OPORD No. 204-69 and COMNAVFORJAPAN OPLAN 2-69 emphasize within the AGER program the two recommended premises as well as other lessons learned from PUEBLO's capture. USS BANNER (AGER 1) now has two single 20MM guns and emergency destruct and scuttling equipment installed; defensive action guidance, including fighting the ship, is given; guidance regarding scuttling is provided; rigid procedures are established to reduce and control classified material; a contingency support plan (2-69) has been developed by COMNAVFORJAPAN, COMSEVENTHFLT, and COMDR FIFTH Air Force.

c. Recommendation 3.

(1) (U) Recommendation: CINCPACFLTINST 003120.24A of 28 February 1966 be modified to contain a provision for a mandatory opinion in the proposal format as to the necessity for emergency support forces.

(2) (S) Comment/Action: This recommendation is concurred in. The Instruction mentioned in the recommendation has been cancelled by CINCPACFLTINST 003120.28 of 7 April 1969. CINCPACFLT OPORD No. 204-69 contains the requirement that a mission proposal include "requirements for and availability of supporting forces (direct and standby)".

d. Recommendation 4.

(1) (U) Recommendation: The procedures for risk assessment be reviewed for improvement at all levels of authority.

(2) (S) Comment/Action: This recommendation is concurred in. Criteria for evaluation of mission risk and for assignment of a risk category have been revised and promulgated by the JCS in SM-701-68; by CINCPAC ltr ser 00546 of 23 December 1968; by CINCPACFLTINST 003120.28. The guidance recognizes that the risk level will vary from mission to mission and is susceptible to change during a particular mission. Items which must be evaluated and criteria to be used in arriving at a risk estimate are listed. Four categories of risk are specified and one of the four must be assigned to each mission based on anticipated reaction and sensitivity. These revised criteria for mission risk are in use at CINCPACFLT in evaluation and recommendation of risk assessment.

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e. Recommendation 5.

(1) ^U(C) Recommendation: Future AGER missions in COMNAVFORJAPAN's area be conducted under the operational control of COMSEVENTHFLT with COMNAVFORJAPAN having operational control and responsibility for logistics support and readiness determination of the ship and embarked detachment during preparation for the mission.

(2) ^U(S) Comment/Action: The Commander in Chief U. S. Pacific Fleet concurs in that part of the recommendation regarding operational control during preparation for the mission but does not concur in that part regarding operational control during the mission. Under the present concept of operations, detailed in CINCPACFLT message 060234Z NOV 68, USS BANNER (AGER 1), the only AGER in the Pacific Fleet, is under the OPCON of COMNAVFORJAPAN between operations. COMNAVFORJAPAN is tasked to prepare BANNER for operations assisted by COMSERVPAC (BANNER's type commander) as required.

CINCPACFLT OPORD 201-69 tasks area commanders to conduct naval reconnaissance in their respective areas except for that conducted by fleet commanders in direct support of their operations. CINCPACFLT OPORD No. 204-68 supports this tasking and specifically states, "general environmental research ships (AGERS) assigned to the Pacific Fleet will operate under the operational control of the responsible area commander except when conducting tactical surveillance in direct support of First Fleet or Seventh Fleet operations, at which time the AGER will chop to the appropriate fleet commander." Presently, the one AGER operating in the Pacific Fleet, USS BANNER, is under the normal operational control of COMNAVFORJAPAN (CTF 96). It is felt that the Court's primary concern in recommending that the AGER conduct missions under the operational control of the Fleet Commander was to avoid any possible command and control conflict if support forces are ever required. The primary mission of the AGER is intelligence collection in a given area. The naval area commander's knowledge of the area and his inherent capability to provide the intelligence support required by the unit, makes it most desirable to have the AGER under his OPCON rather than under the Fleet Commander. CINCPACFLT OPORD No. 204-69, COMNAVFORJAPAN OPLAN 2-69, and the detailed liaison conducted with COMSEVENTHFLT in their preparation adequately provide for command and control of any contingency support required for the AGER.

f. Recommendation 6.

(1) (U) Recommendation: To strengthen the military chain of command and to eliminate uncertainties with respect to responsibilities, the NAVSECGRUDET on board AGERS be assigned as a department in the ship.

(2) ^U(C) Comment/Action: This recommendation is concurred in. At the present time, the basic Navy directive on NAVSECGRUETS

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Page 4 of 15 pages

UNCLASSIFIED

being promulgated, which will incorporate the NAVSECGRUDET into the command structure of the AGERs, by placing the detachment personnel into a newly established Research Operations Department. The OinC, NAVSECGRUDET will become the Department Head of the Research Operations Department, responsible to the ship's Commanding Officer for the conduct of the affairs of his department. The establishment of this department will, in effect, negate the necessity for establishing two separate RPS allowances for an AGER, allowing all RPS material to be under the custody of a single RPS Custodian. The Commanding Officer should have the prerogative of assigning the duty of RPS custodian to any officer on board, although it would generally not be desirable to assign that duty to the Research Operations Department Head in view of the numerous Special Intelligence documents and materials for which he will be accountable.

i. Recommendation 9.

(1) (U) Recommendation: Adequate emergency destruction and scuttling devices be installed in AGERs.

(2) (C) Comment/Action: An emergency destruct system was completed in USS BANNER (AGER 1) in PACFLT, by the U. S. Naval Ship Repair Facility, Yokosuka on 28 February 1969. This system was certified and accepted by Chief of Naval Material representatives on 21 March 1969. The system consists of a firing circuit and incendiary devices. The circuit is fired electrically through key locked panels located in the pilot house or from an alternate station in the Commanding Officer's cabin. Electrically ignited thermite equipment destroyers are used to destroy all designated electronic equipment. Most of the classified documents to be carried on board have been reproduced on water soluble paper. A water tank has been installed in a void below the research space for the purpose of destroying such documents. As a backup, electrically fired incendiary file destroyers have been provided for the destruction of classified documents in file cabinets or safes. The system presently installed in USS BANNER is adequate for the purpose intended and meets CNO requirements for emergency destruct systems. The major limitation of this particular destruct system is the necessity to position the incendiary devices prior to ignition. This limitation is recognized, and a current CNO advanced development objective includes the provision for built-in destruct devices in classified equipment.

A scuttling system was completed in USS BANNER (AGER 1) by NWC China Lake technicians on 8 December 1968. The system was certified and accepted by Chief of Naval Material representatives on 10 December 1968. The scuttling system consists of a firing circuit and three explosive charges located in the engineering spaces. The charges are fired remotely from the pilot house through a series of key locked panels. When detonated, the charges are designed to cause flooding of the auxiliary and main engine rooms, thereby causing the ship to sink within 15 minutes. The scuttling in BANNER is adequate and meets CNO requirements.

006

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j. Recommendation 10.

(1) ~~(S)~~

(b)(1)

(2) ~~(S)~~ ^y Comment/Action: CINCPACFLT concurs in the desirability and need for the installation of one or more LMC speakers, as necessary, in the AGER secure (research) spaces. Each unit should be a one-way speaker and be equipped with high frequency line filters. The TEMPEST Branch of the Naval Shore Electronics Engineering Activity Pacific states that such an installation is feasible and that, properly equipped with high frequency line filters, would meet TEMPEST security criteria. Commander Service Force, U.S. Pacific Fleet, the Type Commander concerned, is initiating action to install a LMC speaker system in the secure (research) spaces of USS BANNER.

k. Recommendation 11.

(1) (U) Recommendation: The Navy maintain closer operational liaison with the Air Force, particularly with respect to those sensitive areas in which naval units are operating independently when the Air Force has a primary supporting role.

(2) ~~(S)~~ Comment/Action:

(b)(1)

l. Recommendation 12.

(1) (U) Recommendation: U.S. Navy Regulations be amended to address the responsibilities of the Commanding Officer with reference to preparatory actions to be taken on the approach of or to a foreign man o' war until the latter's intentions are ascertained.

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PAGE 7 OF 15 PAGES

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PAGE 8 OF 15 PAGES

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n. Recommendation 14.

(1) (U) Recommendation: The Code of Conduct, as executed by the President of the United States in 1955, be modified to show that it applies to both prisoners of war and other captives when in the hands of any hostile force, whether an enemy or not.

(2) (U) Comment/Action: This recommendation is concurred in. It is the Navy's position that the Code does in fact apply in the case of illegal detainees such as in the PUEBLO situation. However, the wording of the Code, particularly Articles IV and V, leave some room for doubt. This doubt should be removed. It is recommended that consideration be given to the addition of the phrase, "or are otherwise illegally detained by any hostile force" after the first phrase of Article IV. In Article V after the second phrase the words "or if I am otherwise illegally detained by any hostile force" should be added.

o. Recommendation 15.

(1) (U) Recommendation: The interpretations of the Code of Conduct by the Department of the Navy, as set out in General Order No. 4 be modified as follows:

(a) Reword the interpretations of articles so that they clearly indicate that the Code is applicable to both prisoners of war and other captives when in the hands of any hostile force, whether an enemy or not.

(b) Delete the second paragraph of Article V and substitute the following:

"It is a violation of the Geneva Convention to place a prisoner of war under physical or mental torture or any other form of coercion to secure from him information of any kind. If, however, a captive is subjected to such treatment, he will resist the efforts of his captors to the utmost of his ability, while still retaining his rationality. Even if disclosure becomes inevitable, statements that are directly harmful or disloyal to the United States, to its allies, or to fellow prisoners are to be avoided by every means."

(2) (U) Comment/Action: The Commander in Chief U.S. Pacific Fleet concurs with recommendation 15a, however recommendation 15b is not concurred in. Providing that a captive should resist "while still retaining his rationality" and indicating that statements might become inevitable but should not include those "directly harmful or disloyal", unnecessarily weakens the Code by permitting varying interpretations as to: (1) when rationality is endangered and; (2) what statements are directly vice indirectly harmful.

As an ideal of performance, neither the Code nor the Navy's interpretations in General Order No. 4 should be "watered down" in this manner. Unquestionably, in given situations men will be made to provide information. Unquestionably, some information

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beyond name, rank, serial number and date of birth can be given and be completely harmless. But attempting to establish the "bench mark" at any point other than name, rank, and serial number becomes a very tenuous procedure since there appears to be no other clearly delineated line which can be drawn.

It seems best to leave the Code and the General Order interpretations as they are. There is reasonable latitude already present. Article V says "I am bound to give only...". This does not prohibit a man from having additional harmless discourse with his captors on a variety of topics. Likewise, the interpretation of this Article in General Order No. 4 states that if a captive is subjected to physical or mental torture "he will endeavor to avoid by every means...". This language does not preclude the possibility that a man can legitimately fail in his resistance without sacrificing his honor. It simply requires that a man do his absolute best in offering resistance.

p. Recommendations 16 and 17.

(1) (U) Recommendation: 16. The provisions of Article 0740 of U.S. Navy Regulations and Executive Order 10631 be scrupulously observed.

(U) Recommendation: 17. Education in the Code of Conduct be conducted to point up the realities of a present day captive environment.

(2) (U) Comment/Action: These recommendations are concurred in. The intent of Navy Regulations, Article 0740 (which provides that personnel shall have the Code of Conduct explained to them on stated occasions and that it shall be included in command's training programs and prominently posted) and Executive Order 10631, (which promulgates the Code), are currently being implemented by CINCPAC-FLTINST 00305.1B which directs that all personnel will receive instruction in the "Code of Conduct for a Member of the Armed Forces of the United States." DOD GEN 28 (NAVPERS 92638A) is a publication for use in the Code of Conduct training program. This pamphlet very effectively points up the realities of a present day captive environment.

q. Recommendation 18.

(1) (U) Recommendation: Leadership courses for officers and petty officers emphasize the advice which should be given subordinate captives so that all personnel can be expected to uniformly follow the Code of Conduct when facing austere circumstances.

(2) (U) Comment/Action: This recommendation is concurred in. This is a continuous responsibility throughout the Navy training system. As an initial step, it is recommended that the principle of the recommendation be included in Chapter 8 (Code of Conduct) of

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NAVPERS 15934A (Manual for Leadership Support).

r. Recommendation 19.

(1) (U) Recommendation: The Code of Conduct be made applicable to non-military Department of Defense employees serving with the Armed Forces, as appropriate.

(2) (U) Comment/Action: The Commander in Chief U.S. Pacific Fleet questions the propriety of making the Code of Conduct in itself applicable to non-military personnel as suggested in the Court's recommendation, since it was prescribed by the President specifically for members of the Armed Forces and it speaks throughout in terms of the "American Fighting Man". It is agreed that non-military employees should have a similar standard of conduct to abide by should they become captive but it is suggested that this standard be promulgated in a separate instrument, either generally for non-military personnel, or specifically for those engaged in activities which could result in detention.

s. Recommendation 20.

(1) (S) Recommendation: All naval personnel, and civilians employed by the U.S. Government having a Special Intelligence Clearance and embarked on Naval vessels/aircraft deploying for in-country, overflight or peripheral operations, be given SERE training.

(2) (S) Comment/Action: The Commander in Chief U.S. Pacific Fleet concurs in the recommendation except for those SI cleared personnel embarked on major surface combatants for peripheral operations, who it is felt do not require SERE training; in addition, Top Secret cleared personnel should be included in this category. In view of the recognized exposure to injury during SERE training, certain legal ramifications may have to be resolved prior to training civilian personnel.

t. Recommendation 21.

(1) (U) Recommendation: SERE training be expanded and modified in light of PUEBLO's experience.

(2) (U) Comment/Action: This recommendation is concurred in. SERE training conducted by COMNAVAIRPAC is being reviewed in the light of PUEBLO's experience.

u. Recommendation 22.

(1) (U) Recommendation: First aid training be re-emphasized in shipboard training programs, especially for ships with only one corpsman, or none, assigned.

(2) (U) Comment/Action: This recommendation is concurred in. Existing regulations provide that hospital corpsmen on independent

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duty are responsible to their Commanding Officers for first aid training and shall recommend to the Commanding Officer a schedule of instruction in first aid so that the ship's officers and crew may administer to the wounded in battle when no medical personnel are available. Requirements of this training are that the crew have a practical knowledge of fundamental first aid treatment of wounds and fractures, methods of resuscitation, and handling of unconscious persons.

v. Recommendations 23 through 28 are covered in the first endorsement.

w. Recommendation 29.

(1) (U) Recommendation: That JAG Manual should be revised to delete those provisions which provide for the designation of parties before Formal Fact Finding Bodies.

(2) (U) Comment/Action: The Commander in Chief U.S. Pacific Fleet is of the opinion that careful consideration should be given to this recommendation. The Court in its preliminary statement discussed at length the problems encountered in connection with the issue of designating parties (see pages XXXIX and XL) and was of the opinion that designation of parties serves no useful purpose and impedes the progress and purpose of the investigation (opinion no. 135).

The Manual of the Judge Advocate General seems to lend considerable support to the proposition that it is not necessary to designate parties. Section 0205b provides that "In general the designation of parties before JAG Manual investigations is unnecessary because other regulations which provide for further judicial or administrative proceedings before adverse action may be taken against an individual... contain adequate safeguards to protect the rights of persons involved."

Also Section 0302e in discussing the effect of designating an individual a party states that "inasmuch, however, as the majority of investigations... result in relatively few instances in which adverse action is taken without further administrative or judicial action, separate hearings in such cases are much more efficient and frequently are much more fair to the person involved. Accordingly... it is generally undesirable to designate parties to investigations...".

Naming an individual a party to an investigation, then, admittedly, according to the JAG Manual, serves no useful purpose other than in the very limited situations where "the subject matter of the Inquiry is so extremely complex or involves such disputed issues of fact that a grave risk of substantial injustice" arises by not designating a person as a party (see Section 0205b JAG Manual, emphasis supplied), and the precise situations envisaged and the frequency of their occurrence is not defined.

But the requirement to name parties, (see Article 135

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UCMJ), can raise serious problems for what is essentially a fact finding rather than a judicial body.

A party is defined as an individual whose conduct is subject to inquiry. And an individual's conduct is subject to inquiry, "when the person is involved in the incident. . . in such a way that disciplinary action may follow, that his rights or privileges may be adversely affected, or that his personal reputation or professional standing may be jeopardized" (see JAG Manual Section 0301b). Under the plain reading of the definition there easily could have been 82 parties named in the instant situation.

Even after the fact finding body has, perforce, applied a rule of reason to this definition, if any individuals are designated parties then the proceedings become in large measure adversary in the minds of the party and his counsel and this can seriously impede the non-adversary fact finding functions of the Court or Board. In short, we have an investigation of an entire incident and a defense of a specific and often limited interest going on at the same time. The result can be disorder, and this is probably the very reason the JAG Manual provides that it is generally undesirable to designate parties to investigations. Furthermore, even after parties have been designated and the investigation has been completed, with all the attendant travail, there are relatively few instances where adverse action is taken without further administrative or judicial action; so little has been gained by designating parties.

Accordingly, it is considered that the designation of parties might be limited to those complex situations alluded to in the JAG Manual; and guidance could be provided, if only by way of illustration, as to what situations are so complex as to provide the grave risk of substantial injustice. In all other cases a Formal investigative body and Court of Inquiry could, unimpeded, go about the business of finding facts.

4. The Commander in Chief U.S. Pacific Fleet has three additional recommendations to be added to those of the Court's:

a. (1) (U) Discussion. It is the Navy's position that the Code of Conduct is not a penal code but rather a Code of Honor, and that persons who do not live up to the standards established in the Code are not subject to criminal prosecution for their failure unless said failures amount to violations of the provisions of the UCMJ. This position becomes clouded by the promulgation of the Code of Conduct, and the Navy's interpretation, as a General Order. As such it can be argued that violating the Code is an offense per se since it is a violation of a General Order actionable under Article 92 UCMJ.

(2) (U) Recommendation: It is recommended that the General Order be cancelled and that the Code of Conduct be promulgated as an instruction or in some other form with the clear understanding that failure to live up to its standards is not in itself criminally actionable.

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In connection with or in addition to promulgating the Code of Conduct other than as a General Order a "Code of Conduct for Civilian Employees" as discussed in paragraph 3r above could be promulgated.

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(b) In the event the ship is in imminent danger of capture, the material should be destroyed if time permits. Material not completely destroyed should be jettisoned.

(c) Detailed procedures to accomplish the above actions should be worked out in each instance, depending on such factors as the type of equipment, type of vessel, area of operations, size of crew, etc.

(d) The priority list for emergency destruction, and reporting requirements, will be in accordance with the applicable paragraphs of KAG-1D.

(2) ~~(S)~~ Recommendation: It is recommended that to prevent further widespread confusion as to the applicable rules and regulations pertaining to the destruction of classified material aboard ship, NWP-50A be modified to include the information contained within KAG-1D, as summarized above.

c. (1) (U) Discussion. As cited in the Court's preliminary statement, a general public misunderstanding of the true purpose of a Court of Inquiry existed and created unusual difficulties for the Court.

It is felt that one way to minimize public misunderstanding would be to eliminate the word "Court" from the title of the fact finding group. Consideration should be given to changing the name "Court of Inquiry" to "Board of Inquiry". While in all probability there will not be many occasions where public interest

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will be involved to the same extent as in the instant situation, in those cases where the public is involved valuable time will be consumed, as in this case, attempting to dispel the notion that the word "Court" in "Court of Inquiry" connotes the performance of a judicial function. Even within the military there is some confusion on this point.

It is recognized that changing the name may cause some technical problems by virtue, among other things, of the references to "Court of Inquiry" in both the Manual for Courts-Martial and the Uniform Code of Military Justice itself. If these are not unduly burdensome, it is considered that a change would remove a confusing and somewhat anachronistic title without derogating the stature or formality of the forum itself.

(2) (U) Recommendation: It is recommended that consideration be given to changing the title of a Court of Inquiry to a "Board of Inquiry".

5. (FOUO) The recommendations of the Court of Inquiry, and the CINCPACFLT comments thereon, have been specifically addressed to the AGER reconnaissance program. Those recommendations that are applicable to other surface reconnaissance programs (AGTR operations in PACOM) have been incorporated in CINCPACFLT OPORD 204-69.

6. (FOUO) As directed in the third endorsement, all charges preferred by Vice Admiral Harold G. BOWEN, Jr., USN, in the case of Commander Lloyd M. BUCHER, *B6* and transmitted as enclosures 3(a) and 3(b) to the basic correspondence, are hereby dismissed. Recommendations 25 and 27 concerning issuance of letters of censure to *B6* are disapproved. Recommendation 26 concerning issuance of a letter of censure to *B6* was disapproved in the first endorsement.

7. (U) Subject to the foregoing comments and those of the first endorsement the findings of fact, opinions and recommendations of the Court of Inquiry are approved.

John J. Hyland
JOHN J. HYLAND

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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

IN REPLY REFER TO
JAG Serial #00011-69
19 MAY 1969

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~~WHEN DETACHED FROM BASIC CORRESPONDENCE~~

THIRD ENDORSEMENT on Vice Admiral Harold G. BOWEN, Jr., USN, 072395/1100
ltr of 9 April 1969

From: Chief of Naval Operations
To: Commander in Chief, U. S. Pacific Fleet

Subj: Court of Inquiry to inquire into the circumstances relating to
the seizure of USS PUEBLO (AGER 2) by North Korean Naval Forces,
which occurred in the Sea of Japan on 23 January 1968, and the
subsequent detention of the vessel and the officers and crew (U)

Encl: (4) Copy SecNav Memo for CNO with enclosed copy of statement
of the Secretary of the Navy, 6 May 1969

1. (U) Transmitted, less enclosures to the basic correspondence, for
action as indicated below.
2. (U) In accordance with the action of the Secretary of the Navy,
indicated in the statement attached to enclosure (4), it is directed:
 - a. That the Commander in Chief, U. S. Pacific Fleet,
dismiss the charges transmitted as enclosures 3(a)
and 3(b) to the basic correspondence.
 - b. That disapproval be noted of the proposed letters
of censure transmitted as enclosures 3(c), 3(d),
and 3(e) to the basic correspondence.
3. (U) Notation of the foregoing action should be included in the
ultimate action by the convening authority on the record, which may
constitute the fourth endorsement upon the basic letter.

T. H. Moore

T. H. MOORE

Page 1 of 1 page

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THE SECRETARY OF THE NAVY
WASHINGTON, D. C. 20350

6 May 1969

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS

Subj: Disciplinary action resulting from the PUEBLO incident

Encl: (1) Statement of the Secretary of the Navy, 6 May 1969

1. It is desired that you initiate action to dismiss all charges against officers arising from the PUEBLO incident in accordance with the thoughts expressed in enclosure (1).

John H. Chafee
John H. Chafee

2 5:24

9-55 CONTROL NO 3770

6 May 1969

STATEMENT OF JOHN H. CHAFEE
SECRETARY OF THE NAVY

The Court of Inquiry convened by the United States Navy to inquire into the seizure of USS PUEBLO by North Korean forces on 23 January 1968 has completed its proceedings. It has carried out this complex and difficult assignment with commendable thoroughness, objectivity, and professional skill. Its report has been submitted to higher naval authorities for review.

The record of the Court of Inquiry will be of continuing value in the Navy's reexamination of concepts, policies, regulations, and procedures which had a bearing on the PUEBLO incident. A variety of corrective actions have flowed and will flow from it.

Higher naval authorities have completed their review of the disciplinary aspects of the record, as I personally have also done. My review was of course limited to the evidence and to the findings, opinions, and recommendations of this Court of Inquiry and the recommendations of the subsequent reviewing authorities.

As a result of my review, I have decided that no disciplinary action will be taken against any of the personnel involved in the PUEBLO incident. I will first give you the conclusions of the Court of Inquiry, the Convening Authority, and the Chief of Naval Operations, then explain the basis for my decision.

Based upon its findings of fact and the formal opinions which it derived from those findings, the Court of Inquiry recommended that

Commander Lloyd M. Tucher, U. S. Navy, the Commanding Officer of USS PUEBLO, be brought to trial by General Court-Martial for the following five alleged offenses: permitting his ship to be searched while he had the power to resist; failing to take immediate and aggressive protective measures when his ship was attacked by North Korean forces; complying with the orders of the North Korean forces to follow them into port; negligently failing to complete destruction of classified material aboard USS PUEBLO and permitting such material to fall into the hands of the North Koreans; and negligently failing to ensure, before departure for sea, that his officers and crew were properly organized, stationed, and trained in preparation for emergency destruction of classified material.

The Court of Inquiry also recommended that Lieutenant Stephen R. Harris, U. S. Naval Reserve, the Officer-in-Charge of the Research Detachment aboard USS PUEBLO, *Ble*

he failed to inform the Commanding Officer of PUEBLO of a certain deficiency in the classified support capabilities of the Research Detachment; failed to train and drill the Research Detachment properly in emergency destruction procedures; and failed to take effective action to complete emergency destruction after having been ordered by the Commanding Officer to dispose of all remaining classified materials.

It was recommended by the Court of Inquiry that Lieutenant Edward R. Murphy, Jr., U. S. Navy, the Executive Officer of USS PUEBLO, *Ble*

B6

B6 failed to organize and lead the crew on the day of seizure, especially in the ship's major internal task of emergency destruction of classified material.

The Court of Inquiry recommended that Rear Admiral Frank L. Johnson, U. S. Navy, and Captain Everett B. Gladding, U. S. Navy (Retired), each

B6

The Court alleged that Rear Admiral Johnson, then Commander Naval Forces Japan, B6 failing to plan properly for effective emergency support forces for contingencies such as occurred during the execution of PUEBLO's mission, and B6 failing to verify effectively the feasibility of rapid emergency destruction of classified equipment and documents carried by the PUEBLO Research Detachment. In the case of Captain Gladding, then Director Naval Security Group Pacific, it was alleged that he was B6

failing to develop procedures to ensure the readiness of PUEBLO's Research Detachment for the mission assigned, and to coordinate other services and agencies to provide intelligence support to PUEBLO during the mission.

The completely objective approach of the Court of Inquiry to its duties was clearly reflected in its full presentation of factors which would have mitigating effect with respect to the offenses alleged. Note was taken of such matters as the recent change in policy which resulted in the last-minute installation of armament aboard PUEBLO;

the limitations and deficiencies of that armament installation and of PUEBLO's other defensive capabilities; the emphasis placed by superior commanders upon the importance of restraint and nonprovocation under harassment; the limitations and deficiencies of PUEBLO's facilities for emergency destruction of classified materials, and of the Navy's planning therefor; the absence of centralized control of the amount of classified materials required to be carried by intelligence-collection ships; the failure of other responsible authorities to provide proper support; and the 160 years of precedent which was shattered when PUEBLO was seized by an act of piracy on the high seas in clear violation of international law.

The Commander-in-Chief of the U. S. Pacific Fleet, as Convening Authority, declined to accept the recommendations of the Court of Inquiry that Commander Eucher *B6* be brought to trial by General Court-Martial. He recommended instead a proceeding of lesser measure -- namely, the institution of formal procedures with a view to

B6

The Convening Authority concurred in the recommendation of the Court of Inquiry that

B6

1. He likewise concurred in the recommendation of the Court of Inquiry that procedures be instituted with a view to the *B6*

to verify PUEBLO's capability for rapid emergency destruction of classified materials.

The Convening Authority recommended against the institution of procedures with a view to the issuance of a *BC*

The Chief of Naval Operations concurred in the recommendations of the Commander-in-Chief of the Pacific Fleet.

I have reviewed the record of the Court of Inquiry and the recommendations of the Convening Authority and the Chief of Naval Operations. I make no judgment regarding the guilt or innocence of any of the officers of the offenses alleged against them. Such judgment could legitimately be reached by duly constituted authority only after further legal proceedings, such as trial by court-martial or the hearing required prior to issuance of a letter of reprimand or admonition.

I am convinced, however, that neither individual discipline, nor the state of discipline or morale in the Navy, nor any other interest requires further legal proceedings with respect to any personnel involved in the PUEBLO incident.

In reviewing the Court's recommendations with respect to Commander Bucher, *BC* it is my opinion that -- even assuming that further proceedings were had, and even going so far as to assume that a judgment of guilt were to be reached -- they have suffered enough, and further punishment would not be justified. These officers were illegally imprisoned by the North Koreans for eleven months. During that time, their food and living conditions were marginal.

They suffered extensively from physical abuse and torturous treatment. Their captors refused to accord them even the minimal humane treatment required under international law. When they were released from their captive status, each showed great loss of weight and other marks of cruel treatment.

The Court was of the opinion that, during his internment, Commander Bucher upheld morale in a superior manner; that he provided leadership by insisting that command structure be maintained and providing guidance for conduct; and that he contributed to the ability of the crew to hold together and withstand the trials of detention until repatriation could be effected.

The *Ble* relate to the failure to anticipate the emergency that subsequently developed. This basic, general accusation, however, could be leveled in various degrees at responsible superior authorities in the chain of command and control and in the collateral support structure.

The major factor which led to the PUEBLO's lonely confrontation by unanticipatedly bold and hostile forces was the sudden collapse of a premise which had been assumed at every level of responsibility and upon which every other aspect of the mission had been based -- freedom of the high seas. At that particular point in history, the common confidence in the historic inviolability of a sovereign ship on the high seas in peacetime was shown to have been misplaced. The consequences must in

fairness be borne by all, rather than by one or two individuals whom circumstances had placed closer to the crucial event.

In light of the considerations set out above, I have determined that the charges against all of the officers concerned will be dismissed, and I have directed the Chief of Naval Operations to take appropriate action to that end.

Every feasible effort is being made to correct any Navy deficiencies which may have contributed to PUEBLO's seizure. The Navy's leaders are determined that the lessons learned from this tragedy shall be translated into effective action.

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Ser 00/00063
2 May 1969

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~~When detached from base correspondence~~
FIRST ENDORSEMENT on Vice Admiral Harold G. BOWEN, Jr., USN, 072395/1100
ltr of 9 April 1969

From: Commander in Chief U. S. Pacific Fleet
To: Secretary of the Navy
Via: Chief of Naval Operations

Subj: Court of Inquiry to inquire into the circumstances relating to the seizure of USS PUEBLO (AGER 2) by North Korean Naval Forces, which occurred in the Sea of Japan on 23 January 1968, and the subsequent detention of the vessel and the officers and crew (U)

1. Readdressed and forwarded.

2. This record of a Court of Inquiry convened by me to inquire into the circumstances relating to the seizure of USS PUEBLO contains many facts, opinions and recommendations concerning the various aspects of the incident. Many of these opinions and recommendations will require further lengthy review and study. In the interests of the personnel concerned it would be unfair to delay action on the disciplinary recommendations pending review of the non-disciplinary recommendations of the Court. Accordingly, this endorsement will cover only disciplinary matters associated with the loss of PUEBLO; a second endorsement, addressing those other matters not included herein, will be forwarded subsequently.

3. In the very broadest sense there are four basic issues involved in this case, i.e.:

- a. Was the mission assigned to PUEBLO properly planned?
- b. Was PUEBLO properly prepared for the mission?
- c. Was the mission properly executed?
- d. Was the conduct of PUEBLO personnel during detention satisfactory?

4. With regard to the first issue, there is no question in light of events which subsequently transpired that the stationing of USS PUEBLO in international waters off the territory of North Korea, without friendly military assistance readily available, was a mistake. An assessment of minimal risk was made and approved at every level in the chain of command, and all echelons, including CINCPACFLT, erred in underestimating the risk.

5. No sovereign ship had been seized in peacetime on the high seas in over 160 years. Our intelligence gathering ships have operated in international waters off Communist dominated territories for a considerable time without such seizure. Communist intelligence gathering ships have likewise operated in international waters off our coasts for a considerable time. Experience with this type of intelligence gathering by an AGER was limited to the previous missions of USS BANNER, and since that ship had never experienced an attack, a false sense of security based on the international law of freedom of the seas prevailed throughout all echelons of command. Nevertheless, it is through this consideration of freedom of

Page 1 of 7 Pages

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the seas, subscribed to by all civilized nations, that these nations jointly shared in the unrestricted use of the high seas for communication throughout the globe. The only differences which exist between Communist nations in this regard center on the breadth of the territorial sea. There is no evidence that PUEBLO ever entered North Korean claimed territorial seas. On the contrary, she remained in international waters and was entitled to the immunity of the high seas. Therefore, it is not reasonable in my opinion to hold, even from hindsight, that the illegal and reckless act by the North Koreans could or should have been anticipated.

6. Accordingly, I consider it inappropriate to single out an individual with primary failure to plan for emergency support forces simply because he was the immediate superior in the chain of command above PUEBLO. I cannot agree with the Court's opinion that Rear Admiral Frank JOHNSON was individually responsible for this failure. In my view, Rear Admiral JOHNSON shared the same false sense of security which clearly existed at all echelons of command, and this led him to judge the mission as one not requiring immediately available support forces. This judgement was considered and approved throughout the chain of command. Undeniably, and from the vantage point of hindsight, the plan should have provided for the contingency which occurred, but the responsibility correctly lies with all of us, not just with him, and I cannot in good conscience single him out for admonition in this respect.

7. With regard to the second issue, i.e., was PUEBLO prepared for the mission, the record points to many areas where the planning for, and supervision by higher authority of the conversion, training and mission preparation of USS PUEBLO were less than optimum. Some of these shortcomings were more obvious than others, and all ultimately affected in varying degree the final outcome on 23 January 1968. Of these shortcomings the two most serious deficiencies were properly highlighted by the Court, and were: the failure to verify the ship's capability for rapid destruction with the facilities provided, and lack of proper intelligence support.

8. CINCPACFLT Instructions to the Commander Naval Forces, Japan, directed him to "ensure suitable facilities and procedures exist for rapid destruction of classified material" for this type of operation. The testimony before the Court indicates that these instructions were carried out at best in a cursory and ineffective manner, and certainly the events of 23 January illustrated that facilities, organization and procedures did not exist to effect the rapid destruction of classified material. I therefore concur with the Court that: *B6*

Rear Admiral Frank L. JOHNSON, the Commander Naval Forces, Japan, at the time of PUEBLO's preparation for this mission for this *B6*

9. PUEBLO's assigned intelligence detachment was not primarily oriented toward North Korea. No total inspection of this unit was conducted by supervisory authority to determine its actual capability to work in the waters off North Korea. The Naval Security Group detachment was not as well trained and ready as it should have been. The basic responsibility for developing adequate procedures for ensuring readiness of PUEBLO's intelligence detachment for the mission assigned rested with Captain E. B. GLADDING, now retired from the Navy. I do not agree that Captain GLADDING failed to effectively coordinate support from other Services and Agencies for the PUEBLO on her mission. I do agree that he did a very poor job of ensuring the readiness of the intelligence detachment for the mission. However, I cannot see any meaningful purpose *B6* an officer now

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retired from active naval service. I consider that his performance did not directly contribute to the loss of PUEBLO and the sensitive material. Therefore, I do not approve the Court's recommendation regarding Captain GLADDING.

10. With regard to the third basic issue, the major consideration is whether the Commanding Officer, USS PUEBLO, was justified in allowing the North Koreans to come aboard his ship and to capture it and sensitive material carried along with the entire crew without offering credible resistance.

11. When an officer is placed in command of a U. S. Navy ship, he becomes totally responsible for what happens in that ship and to the ship. He is expected to ensure that the officers and men under him are trained and drilled so that the ship is capable of performing every evolution required by the mission and by the specific tasks assigned. There are many regulations and instructions which describe and explain what is expected of the Commanding Officer. In essence, they demand an extremely high standard of performance from him in particular and also from everyone in the ship. He is expected to familiarize himself with all the provisions of these directives and see that they are carried out.

12. Whenever things go seriously wrong in a ship or to a ship it is a long standing requirement in the Navy that a most searching investigation will be made into what happened. The performance of all key persons in the ship is examined and measured against extremely high and exacting standards. Judgements must necessarily be made after the fact as to what the persons concerned could have done or should have done to avoid the difficulty entirely, or to lessen the damage to the ship or the injuries to people which may have occurred. All commanding officers understand that such a procedure will follow if their ship suffers any serious incident. They know this prior to the time they accept command, and they fully recognize their accountability for their actions and inactions. That those in command of men and material in all military services are accountable before their superiors and the people is one of the great strengths of these services and a bulwark to security in the nations which employ them.

13. The long established practice in the Navy of carefully investigating untoward incidents has served it well. The setting of exceptionally high standards and insisting that they be met is a goal which the Navy will always seek to fulfill. When ships have been called upon, they have, by and large, more than met the demands placed upon them. When they have not met these demands, the principal reasons therefor have more often than not been traced to faults in the performance of the people in them. When personnel fault has been assessed as a contributor to trouble in a ship, the Commanding Officer is invariably charged with a major share of the responsibility. Every naval officer who takes command of a ship knows and accepts this code,

14. Long experience has established the need for persons in command at sea to think ahead and to anticipate all possible contingencies which might be experienced, to have plans developed ahead of time to take care of them and, where necessary, to take early steps to be ready for them. In essence, commanding officers must be forehanded -- they must anticipate -- and they must think through in advance the consequences of their actions in any specific emergency which might occur and be prepared to make critical decisions without guidance from higher authority. Experience has also shown that it is not possible to test fully and completely ahead of time

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the reactions to unplanned and unforeseen situations which commanding officers may have. Many never are tested in crisis situations, and what their reactions to a truly dangerous one may be is not revealed until one arises. It is expected that the performance of those selected to command will be marked by foresight, thoroughness, imagination, attention to detail, and the fullest sensible compliance with existing instructions in preparation for and during a voyage. Likewise it is expected that their reactions in crisis situations will be marked by early recognition of potential danger, fine judgement as to when to take preparatory steps to meet the danger, and by aggressive leadership in the utilization of every means at their disposal to avoid loss of the ship or damage to her if a real danger does appear.

15. Early recognition of the developing threat and early steps to meet it could very well have made a significant difference in the outcome on 23 January 1968. Despite the previous mental conditioning Commander Bucher had which apparently led him to expect severe harassment yet not to believe that any real threat to his ship's safety would ever exist, it is difficult for me to understand how he could actually witness the transfer of an armed boarding party from the larger SC-35 to one of the PT boats after which one unsuccessful attempt to board PUEBLO was made, and still not have recognized a serious threat. His reactions were too passive and when he failed to take decisive actions then, the last good opportunity to get the ship ready to be defended was forfeited.

16. The findings of fact and opinions of the Court strongly support its recommendation that Commander BUCHER be brought to trial by General Court-Martial. I particularly agree with the opinions concerning Commander BUCHER's actions at the time of the seizure. His were not the actions that we expect and must require of our commanding officers when their ships come into jeopardy. The Court discusses this matter and brings out clearly that although command concern for personal injury and loss of life is inherent in U. S. naval tradition, custom and regulation, it cannot be held so highly as to inhibit the actions required to defend the ship against hostile attack and to prevent the loss of highly classified and sensitive material, the very loss of which could of itself be the basic cause of even greater sacrifice and loss of life by untold numbers later on. There have been many examples in naval history of what can be achieved by determined men in resisting and even overcoming superior forces, and it must be expected that some credible resistance to capture will be offered if our standards of performance under fire are not to decline or disappear. I would add that this philosophy is not unique to the U. S. Navy. Indeed, any other philosophy would render completely ineffective all of our armed forces which are charged by the Commander in Chief and the American people with the protection of vital U. S. interests.

17. PUEBLO was not equipped to fight a prolonged battle at sea. This does not mean, in my view, that she had no power to resist. She was equipped with .50 cal. machine guns and a variety of small arms, her hull was relatively undamaged and her engines were fully operational when she was surrendered. By no means, with arms alone, did she have the power to overwhelm the hostile force with which she was confronted, but there is nothing unique about this situation. If the philosophy had prevailed throughout our history that "power to resist" must include the power to overwhelm, the whole course of U. S. history might well have been vastly different. Power to resist implies possession of the means to prevent the enemy from imposing his will -- even if this resistance is offered for a relatively short time. It is, of course, impossible to determine the strength of the enemy's will unless it is tested in a credible manner. PUEBLO had the means.

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Page 4 of 7 Pages

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The determination was lacking. It will forever remain a moot question if the North Koreans would have been persistent in their confrontation or could have successfully seized PUEBLO in the face of stubborn resistance, determined maneuvering, and resolute leadership.

18. I consider that the above courses of action were available to Commander BUCHER on 23 January 1968. He did not follow them, even though the Navy had a right to expect it from him. Considering the precedent-making implications of any United States military unit surrendering without firing a shot while possessing the means to do so, it seems clear that Commander BUCHER should have offered more spirited resistance.

19. Prior to the surrender Commander BUCHER negligently failed to complete emergency destruction of classified equipment and material thereby permitting such material to fall into the hands of the North Koreans. This failure is the most significant aspect of the entire incident. PUEBLO's mission revolved around the classified material she carried and perhaps Commander BUCHER's most important responsibility was to protect that information. Many of the documents were classified TOP SECRET and the very definition of this "classification" is that its disclosure will do grave damage to the United States. While the Court did not make a definitive analysis of the extent of the compromise, that is hardly relevant here. The fact is that emergency destruction was not completed, and the commanding officer did not ascertain what had or had not been destroyed. It is not the ship or machinery or tradition which is the most significant element here. It is the fact that the compromise of sensitive information can very well be turned against the United States and ultimately cause the loss of untold lives in other confrontations, either in peace or war. This is the tragedy of PUEBLO.

20. Commander BUCHER testified before the Court of Inquiry that he did not apprise the entire crew of his intention to surrender and in the Court's opinion this contributed to the incomplete destruction effort. Other testimony before the Court of Inquiry revealed the shockingly poor readiness of personnel in PUEBLO to effectively execute emergency destruction measures. It is obvious that Commander BUCHER did not cause sufficient emergency destruction exercises to be held so that this highly significant action could be accomplished expeditiously and effectively. In this regard, it was the opinion of the Court that Commander BUCHER erred when he passed the word to modify general quarters to direct that no personnel should come topside. He intended that only the fifty caliber guns should not be manned. Instead most personnel believed that they should not expose themselves for any reason regardless of the urgency. This substantially restricted the burning or jettisoning of classified material and equipment. Nevertheless, it was the Court's opinion that destruction of all classified documents could have been completed in the time available if properly organized personnel below decks had filled and jettisoned all weighted bags while accepting the minimum risk of exposure of required personnel topside.

21. The charges recommended for Commander BUCHER by the Court of Inquiry are self explanatory. They are well supported in the record of proceedings. However there are strongly mitigating circumstances surrounding the whole affair which should be taken into account. At all levels of command there was a mistaken confidence that as long as PUEBLO carefully remained outside the claimed territorial waters of North Korea she would remain safe and secure. Sixteen similar missions had been successfully conducted, and although aggressive harassment had been experienced a few times, no really serious threat to the security of the vessel concerned had been recognized. There was disagreement as to whether any armament whatever should be carried on vessels engaged in such missions. The advice given to Commander BUCHER

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was strongly flavored with the advisability of not being provocative, and unfortunately overshadowed the mildly stated reminder he was given that obviously the ship should be defended "in extremis." He appears to have awakened very late to the real danger and suddenly found himself in the crisis with the responsibility to decide what to do. This was his responsibility as Commanding Officer.

22. In addition to the circumstances mentioned above is the fact that he and his crew have already suffered both physically and mentally almost a year of illegal detention under very difficult circumstances. Broadly balancing all the circumstances about which I am now aware, I consider it is not appropriate to order Commander BUCHER to trial by General Court-Martial and I do not intend to do so. On the other hand I consider it inappropriate that I take no further action. The only suitable lesser measure is a letter of censure. Normally such letters are issued for relatively minor offenses and would not be appropriate in a case involving such serious charges. However in consideration of all elements involved I believe a special situation exists whereby the most appropriate measure now would be to issue Commander BUCHER a letter of reprimand for his derelictions.

23. I also concur in the opinions of the Court regarding the performance of duty of Lieutenant Stephen HARRIS. Here, the important element was the lack of readiness of HARRIS' personnel to perform emergency destruction and his failure to provide forceful and imaginative leadership during destruction. This goes to the heart of his responsibilities, and his performance was lacking. For this reason and much the same reasons as in the case of Commander BUCHER, I do not intend to proceed in his case with a

B6

24. I further concur with the opinions and recommendations regarding Lieutenant Edward R. MURPHY, USN, and *B6* as appropriate under the special circumstances outlined above.

25. With regard to the fourth basic issue, i.e., conduct of the crew during detention, in the appointing order the Court of Inquiry was directed to inquire into all the facts and circumstances surrounding the detention of PUEBLO's crew by the North Koreans. The Court was not, however, tasked with the responsibility of determining the extent of the intelligence loss to the United States resulting from the seizure of PUEBLO and detention of its crew members. This aspect is being addressed separately at the Washington level. Although there are some indications in the Court's report concerning disclosures of classified information to the North Koreans during detention, the full extent of such disclosures was not determined by the Court.

26. The Court further expressed the opinions in which I generally concur that:

a. The crew generally attempted to minimize compromise of classified information.

b. The degree of adherence to the Code of Conduct and resistance to interrogation varied according to the will power and threshold of pain of individuals. Many of the crew showed courage in the face of physical and mental torture.

c. The discipline of the crew while in detention was maintained.

d. Morale among the crew remained good during detention.

UNCLASSIFIED

031
Page 6 of 7 Pages
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e. Judgement of the behavior of the crew during detention against a rigid interpretation of the Code of Conduct would be a grave injustice and would serve no useful purpose.

27. Accordingly, I do not intend to initiate or recommend any disciplinary action relating to detention based upon the record of this Inquiry.

28. While this endorsement has been confined to the disciplinary aspects of the case, I would like to take note of the commendatory comments by the Court with regard to certain personnel of PUEBLO. The Court noted that after his initial breakdown Commander BUCHER upheld crew morale in a superior fashion and that he contributed to the ability of the crew to hold together and withstand the trials of detention until repatriation could be effected. Quartermaster First Class LAW was noted as having been acclaimed by almost all of the crew, and having borne his responsibility in an outstanding manner. The Court also noted that Sergeant HAMMOND stood out as a salient example of resistance in that he was tortured in a most severe manner for almost nineteen hours. Furthermore, he proved to be a strong leader in maintaining the chain of command. Communications Technician Third Class KISLER also demonstrated outstanding resistance when he received grievous beatings for refusing to write the United States press.

29. My subsequent action on the report of the Court of Inquiry will address the findings of fact, opinions and recommendations of the Court not addressed herein.

John J. Hyland
JOHN J. HYLAND

032

Page 7 of 7 Pages
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9 April 1969

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From: Vice Admiral Harold G. BOWEN, Jr., USN, 072395/1100
To: Commander in Chief, U. S. Pacific Fleet

Subj: Court of Inquiry to inquire into the circumstances relating to the seizure of USS PUEBLO (AGER 2) by North Korean Naval Forces, which occurred in the Sea of Japan on 23 January 1968, and the subsequent detention of the vessel and the officers and crew

Ref: (a) JAG Manual
(b) CINCPACFLT ltr FF1-1 58 ser 13/9157H of 24 December 1968
(c) COMSUBFLOT ONE ltr ser SSO-0002 of 9 April 1969

Encl: (1) Original and 10 copies of the Record of Proceedings of subject Inquiry (20 cc to CINCPACFLT; 20 cc to CNO)
(2) Summary of Enclosure (1)
(3) Documents relating to recommended disciplinary and administrative action:

(a) Blo
(b) |
(c) |
(d) |
(e) |

1. In accordance with reference (a) and as directed by reference (b), a Court of Inquiry was convened on 20 January 1969 at the U. S. Naval Amphibious Base, Coronado, California. The original and 20 copies of the Record of Proceedings are forwarded herewith as enclosure (1). Advance copies have been forwarded to CNO. The Special Intelligence Annex is forwarded under separate cover. Reference (c) forwards the transcript of further sensitive testimony.

2. In accordance with paragraph 7 of reference (b), the party and each crew member appearing before the Court was expressly advised that the Court was aware that they might have been asked questions and might have disclosed information during the intelligence debriefing process conducted prior to the convening of the Court, but that the Court had received no information whatsoever concerning any of the matters or facts disclosed at the intelligence debriefing and that the Court had no interest therein and desired to avoid any further reference thereto. Because of the number of witnesses called from the crew it was considered inappropriate to make reference to the intelligence debriefing in open court prior to each witness testifying. Each crew member was however, appropriately advised by counsel for the court during interviews conducted prior to the testimony of that witness.

3. No opinions or recommendations appear in the Special Intelligence Annex or in reference (c). There are no inconsistencies between those two documents and the Record of Proceedings forwarded herewith, and access to them is not required for a full understanding of the Record.

Harold G. Bowen, Jr.
Harold G. Bowen, Jr.

Copy to:
CNO (less enclosure (3))

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