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75. (U) At the time of the Commanding Officer's decision to surrender, the crew was, in fact, in good physical condition.

DESTRUCTION OF CLASSIFIED MATERIAL

76. (U) There was a misunderstanding with regard to the depth of water which is needed for jettisoning. This was a factor contributing to the failure to exploit jettisoning as a means of destruction of classified material.

77. (U) LT HARRIS did not execute emergency destruction with resolve. His stated reasoning for failure to continue burning and jettisoning was safety of personnel. He displayed lack of initiative and devotion to accomplishing a major responsibility assigned to him -- destruction of classified material/equipment (and not allowing it to fall into the hands of a foreign national in usable condition). He completely failed as a leader in directing this most significant evolution.

78. ~~(U)~~ LT HARRIS also did not take aggressive measures to complete destruction in accordance with the Commanding Officer's direct verbal orders, issued upon the latter's visit to the SECGRUDET spaces during the firings.

79. (U) The Commanding Officer's failure to apprise the crew of his intentions to surrender, as he testified in his initial testimony, contributed to the incomplete destruction effort.

80. (U) Emergency destruction was handicapped by smoke from open fires due to the ship's being at general quarters, with the ventilation secured. No initiative was displayed by below-deck personnel to restore the ventilation (even though some ports were open) or to apprise the Commanding Officer of the problem.

81. ~~(U)~~ No imagination was exercised with respect to mass burning of remaining papers in SECGRUDET spaces, such as, by using diesel oil as a fuel.

82. (U) There were sufficient weighted bags aboard PUEBLO at the time of the incident to accommodate destruction by jettisoning, therefore lack of weighted bags did not play a part in the failure to complete destruction by jettisoning. In fact [destruction of all classified documents could have been completed in the time available by properly organizing personnel below decks, filling and jettisoning all weighted bags while accepting the minimum risk of exposure of required personnel topside.]

83. (U) In the destruction effort, effective utilization could also have been made of available ports for jettisoning smaller classified equipment without danger of personnel exposure.

84. ~~(U)~~ The extent of complete destruction of classified equipment and documents aboard USS PUEBLO on 23 January 1968 was relatively small. While it is likely that most of the classified equipment and documents on board outside the SECGRUDET spaces were either burned or jettisoned, the material within the SECGRUDET spaces destroyed by burning and jettisoning encompassed less than about 10% of the total carried. Further-

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more, it is unlikely that in either case the most sensitive material was included in that part destroyed by burning or jettisoning. A large portion of the documents held by the SECGRUDET were hand shredded and scattered about the space and the passageways outside. An equally large portion probably fell into the hands of the North Koreans either intact, or at the very most, in the form of complete pages of documents which had been disassembled.

85. (U) The Commanding Officer 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 burning and jettisoning classified material and resulted in the only 1JV telephone on the bridge being unmanned as well as failure of personnel to don helmets and life jackets, and go topside as required.

EXTENT OF FIRING BY NORTH KOREAN CRAFT ON PUEBLO

86. (U) PUEBLO was not constantly under fire after the first burst. Fire from the SO-1 occurred in two distinct phases. During the majority of time after the first series of bursts from the SO-1 until boarding (about 1 hour and 30 minutes), there was no SO-1 firing.

87. (U) The machine gun firing from the P-4's and the 57MM fire from the SO-1 was controlled and coordinated. Only the 57MM fire was effective against PUEBLO; the machine gun fire did not penetrate the skin of the ship, and caused no known injuries to personnel.

CONDUCT OF CREW 23 JANUARY 1968 DURING INCIDENT

88. (U) Lack of teamwork and training characterized the performance of officers and men in PUEBLO the day of the incident. Although there were a few individuals who were exceptions, there was a general lack of initiative or imagination on the part of the below-deck personnel. This can be attributed, in part, to the lack of liaison with, and direction from, the bridge. The crew was not informed of what was transpiring topside; the Commanding Officer didn't have the complete picture as it existed below.

89. (U) Commander BUCHER generally ran a one man ship in that he did not effectively utilize his officers. He did not discuss his decision to surrender with his Executive Officer or any of his other officers. Concern for the welfare and safety of his crew seemed paramount to him, even more so than the defense of his ship. He decided to surrender his ship when it was completely operational without offering any resistance. He just didn't try - this was his greatest fault. He failed in every way to take any immediate and aggressive protective measures and to counter-attack in accordance with his instructions when attacked by the North Koreans. He conformed to orders of the North Koreans following them into WONSAN in violation of his sailing instructions and those of his Fleet Commander. He made no apparent effort to resist seizure of his ship. He permitted his ship to be boarded and searched while he still had the power to resist.

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He failed to insure before going to sea that his crew was properly organized, stationed, and trained in preparation for executing emergency destruction of classified material. He contributed to the incomplete destruction effort by not keeping his crew informed of his intentions. He failed to complete destruction of classified material and permitted vast quantities of such material to fall into the hands of the North Koreans.

90. (U) The Executive Officer, LT MURPHY, was completely overshadowed by his Commanding Officer. He did not contribute toward organizing and leading the crew on the day of the seizure. He made no apparent effort to ensure that the emergency destruction effort was proceeding satisfactorily and with the greatest dispatch. He took no action to inform himself as to the Commanding Officer's intentions to surrender in order to ensure that emergency destruction could in fact be accomplished prior to the boarding by the North Koreans. While he may well have been in a position wherein his Commanding Officer would not permit him to use his initiative, he took no aggressive action to assert his authority as second in command of PUEBLO.

91. (U) LT HARRIS, the Officer in Charge of the SECGRUDET, failed completely in the execution of emergency destruction of classified material. Because he misunderstood the directive with regard to the depth of water needed for jettisoning, he failed to jettison much classified material. When the Commanding Officer gave him direct orders to expedite emergency destruction he took no aggressive measures. He failed completely as a leader in the execution of the major responsibility assigned to him, the destruction of classified material.

92. (U) CWO LACY, the Engineering Officer, performed satisfactorily. He showed initiative in taking it upon himself to remind all hands over the IMC of their responsibility to give the North Koreans only name, rank/rate, and service number. ?

93. (U) LTJG SCHUMACHER, the Gunnery Officer, performed his duties satisfactorily the day of the incident.

94. (U) LTJG HARRIS performed most creditably of all officers in PUEBLO, in that he assisted with the destruction of classified material at the exposed incinerator.

95. (U) With few exceptions the performance of the men was unimpressive. Notably the performance of the CT's in executing emergency destruction was uncoordinated, disappointing and ineffective. A general description of the crew of PUEBLO might be summarized by noting that in most instances CPO's and petty officers simply did not rise to the occasion and take charge as the emergency demanded.

96. (U) The performance of the two civilian oceanographers was satisfactory.

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PART III - DETENTION

COMMAND INTERNAL TO PUEBLO

97. (U) The Commanding Officer's paramount concern was relaying the true facts of the incident to the United States government and getting the crew out alive rather than denying information to the captors.

97. (U) The discipline of the crew while in detention was maintained. ✓

99. (U) Morale among the crew remained good during detention. ✓

INTERROGATIONS AND PROPAGANDA INSTRUMENTS

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101. (U) The crew generally attempted to minimize compromise of classified information. ✓

102. (U) The situation in which the members of the crew of PUEBLO found themselves was unique in that their captors also had possession of their personnel records and many of the records of the ship. It was therefore virtually impossible for them to strictly adhere to the Code of Conduct when confronted with these official records.

103. (U) It would be unreasonable to expect the members of the crew to have withstood prolonged mistreatment to protect information which was obviously known by the North Koreans.

104. (U) When being tortured during an interrogation, it is essential that a man retain his rationality in order to prevent disclosure of highly classified information. The ability to resist is directly related to the state of the captive's physical and mental condition. Every effort should therefore be made to preserve both insofar as the individual is able.

105. (U) A talkative person in the hands of skilled interrogators may ultimately be tricked into making some statements or doing something useful for the captors. Resistance to any disclosure, no matter how insignificant, should be exercised to prevent being led into more sensitive areas. Even if he only confirms information which he believes the enemy possesses or signs obviously false documents or confessions, he has breached his main line of resistance to further questioning. ✓

106. (U) The propaganda instruments obtained by the North Koreans through confessions, statements, petitions, letters, press conferences, photographs, etc, have a definite value to North Korea, even though all these instruments would be patently discredited in the United States. ✓

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First, to any non-English speaking country there is no indication of coercion, and the instruments themselves appear true. Second, the instruments indicated an aggressiveness on the part of the United States toward North Korea, which serves to confirm North Korea's claim that the United States has been the aggressor since 1846. Third, since the instruments indicated the United States violated territorial waters for espionage purposes, they also indicated that the North Koreans were in the right when capturing PUEBLO, the sophisticated elements of international law notwithstanding. Fourth, since such an intrusion would have made the crew of PUEBLO susceptible to North Korean criminal espionage laws, and since Communist Bloc countries generally take exception to Article 85 of the Geneva Convention, these instruments would further substantiate that North Korea had no obligation to apply the Geneva Convention to these captives. Fifth, the propaganda instruments, when presented to any government or person who will take them at face value, impeach all of the principles held by the United States to be true in regard to the entire PUEBLO incident. Furthermore, all of these instruments were effectively verified by the statement signed by Major General WOODWARD on behalf of the United States, all the circumstances of which are not universally known.

TREATMENT

107. (U) Although the North Koreans carried on a constant campaign of terror and mistreatment, it was never their intention that any members of PUEBLO die or be permanently disfigured because of possible unfavorable international propaganda that might result. All mistreatment was designed to fall short of this possibility.

108. (U) Food and living conditions while in detention were poor by U.S. standards.

109. (U) Medical attention rendered the crew by the North Koreans was generally effective. With the exception of malnutrition, degeneration of visual acuity and weight loss, no member of the crew sustained any serious illness nor are there any apparent permanent injuries.

110. (U) Although considerable effort was expended to indoctrinate the members of the crew into communist ideology and to present its principles in a most favorable light, it is considered that these efforts were a complete failure.

111. (U) Religious faith and intentional confusing of interpreters are two possible means by which future captives can resist the efforts of their captors.

SERE TRAINING

112. (U) SERE training would be a valuable asset to anyone in a captive situation such as that which faced the crew. It supports the organization of the command. In addition, individuals are better prepared for the unexpected, are able to prepare themselves psychologically for the unknown and have greater confidence in the conduct of those shipmates also held captive.

UNCLASSIFIED

113. (U) Comparing the Code of Conduct to the Ten Commandments, as is done in the SERE course, is a useful analogy.

114. (U) Current SERE training is excellent, but it could be improved if the student were unaware of the duration of the course.

CODE OF CONDUCT

115. (U) The present Code of Conduct, as executed by the President of the United States in 1955, is an excellent guide to American service men today and for the foreseeable future. However, [In order to accommodate a captive situation similar to that experienced by PUEBLO crew, the Code of Conduct should 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.]

116. (U) Since the crew was not accorded the status provided for by the Geneva Convention, total compliance with the provisions of the Code of Conduct as interpreted by General Order No. 4 should not have been expected of them during detention. Judgement of their behavior against a rigid interpretation of the Code of Conduct would be a grave injustice, and would serve no useful purpose. [In absence of the protection of the Geneva Convention provisions, disclosures may inevitably be coerced, and therefore, under such circumstances, a member of the Armed Forces should be allowed to make such statements as are necessary to release him from mental and physical torture, only so long as such statements are not in themselves harmful to the interests of the United States, her allies or to fellow prisoners.]

117. (U) [With the exception of Article 5, the crew during detention, generally conducted itself in a manner consistent with the provisions of the Code of Conduct] in that they resisted and opposed their captors by all means available; they constantly had escape in mind, although no escape was possible; they did not enter into any parole agreements; they kept faith with fellow prisoners; they kept the integrity of command structure as intact as was possible under the circumstances; they remained loyal to the United States; they never gave up hope; they resisted all North Korean indoctrination; and they trusted in God and in the United States of America.

118. (U) [With respect to Article 5, the crew deviated from the standards set by the Code of Conduct, making statements which provided aid to the North Koreans, in the form of numerous propaganda instruments.]

119. (U) The action taken by Major General WOODWARD on behalf of the United States to free the PUEBLO crew members, while not germane to their actions in captivity and after-the-fact, certainly should be considered in extenuation of their conduct in captivity.

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

121. (U) As revealed by crew members of PUEBLO, Navy indoctrination in the Code of Conduct is not as thorough as it should be.

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INDIVIDUALS

Outstanding Conduct

122. (U) After his initial breakdown Commander BUCHER upheld morale in a superior manner. This was accomplished primarily through his harassment of North Korean personnel, using puns, improvising hand signals and feigning ignorance of orders. He also provided leadership by insisting that command structure be maintained and in providing guidance for conduct, both by way of example and by utilizing the limited communication methods available. While his guidance was not always according to the letter of the Code of Conduct, it was designed to provide (1) some form of token resistance to the North Koreans; (2) discrediting devices within propaganda instruments; (3) information to the United States; and (4) a better chance of survival for the entire crew. He was always adamant in his demands to the Colonel (General) in Charge that the crew be kept together, that they be given medical attention and exercise, that beatings be discontinued, and that they be treated in accordance with the Geneva Convention. Commander BUCHER contributed to the ability of the crew to hold together and withstand the trials of detention until repatriation could be effected.

123. (U) Lieutenant (junior grade) SCHUMACHER was very effective in creating methods to confuse and harass the North Koreans as well as to convey messages home via letters and propaganda instruments. He was also helpful in maintaining morale, both by means of harassing techniques and strong leadership affecting the command structure. He was the only officer on the third deck of the second detention site and effectively handled the problems that arose on that deck. He was severely beaten during "Hell Week" because he was considered a leader of the resistance during detention.

124. (U) The leadership provided by QM1 LAW was acclaimed by almost all of the crew. He was not only instrumental in ensuring that the chain of command was upheld, but served as an able communications link between Commander BUCHER and the crew. The North Koreans gave him responsibility over the enlisted men, and he bore that responsibility in an outstanding manner, always to the benefit of the crew as demonstrated by his willingness to accept punishment intended for shipmates.

125. (U) Of all the resistance demonstrated by the crew to filling out personal history forms and other statements, SGT HAMMOND stands out as the salient example. He was tortured in a most severe manner for six hours before he would admit that he was able to speak the Korean language. When the interrogators wanted to know more about his job, he held out for an additional thirteen hours of similar torture until unable to resist any longer. Furthermore, during detention SGT HAMMOND proved to be a strong leader in maintaining the chain of command. He executed the responsibilities given him by the North Koreans regarding personnel on the third deck of the detention site in a manner to benefit the crew.

126. (U) ENG GOLDMAN was a strong room leader, always insisting that Naval discipline be maintained. He used this as a standard in guiding his men. His resistance in withstanding hours of periodic beatings before he gave the North Koreans information regarding finger gestures was commendable.

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127. (U) CT1 BAILEY was an excellent room leader. He used his knowledge from SERE training to the utmost benefit of his shipmates, trying always to prepare them for the unexpected.

128. (U) EM1 HAGENSON and CT2 STERLING were also excellent room leaders.

129. (U) CT3 KISLER demonstrated outstanding resistance when he received a grusome beating for refusing to write to the United States press. He was beaten so badly with straps, slats and slippers that his own roommates could not recognize him for a week thereafter.

130. (U) SGT CHICCA commendably and consistently resisted the efforts of the North Koreans to establish a daily routine and to solicit propaganda devices from him.

131. (U) SN RIGBY exhibited youthful compassion and devoted attention in his care of three wounded roommates, FA WOELK, SGT CHICCA and RM3 CRANDELL. He withstood all the horror and hardship that accompanied this care in an outstanding manner, utilizing every means at his disposal to provide more comfort to those suffering. His efforts undoubtedly contributed to the saving of FA WOELK's life.

Other Conduct

132. (U) *B6* cooperated with the North Koreans during detention in that he amplified classified information which the North Koreans had captured and provided additional information which was not otherwise available. The highest known classification of such information was Secret. He believed that by cooperating he was protecting more highly classified information.

133. (U) *B6* may also have disclosed significant classified information to a lesser degree, but the actual degree of such disclosure, over and above what was already available to the North Koreans, could not be determined from the evidence.

134. (U) *B6* were undistinguished during detention and provided no discernible leadership to the enlisted men. With the exception of LTJG SCHUMACHER (supra) CDR BUCHER was the sole leader among the officers. However, because of the isolation of officers, there was probably no opportunity for others to exhibit leadership.

GENERAL OPINION

135. (U) The designation of parties before Courts of Inquiry and Formal Fact-Finding Bodies serves no real useful purpose and, in fact, impedes both the progress and purpose of the investigation. The rights of a witness with respect to protection against self-incrimination can be protected without designating him a party. The opportunity provided to a designated party to cross examine witnesses and present evidence frequently results in the investigation becoming a pseudo advisory proceeding characterized by counsel for each party conducting extensive examination of all witnesses whether or not their testimony bears upon

UNCLASSIFIED

the conduct of the party designated. The court is constrained from objecting to, or sustaining objections to, such irrelevant questioning because an investigation is an exploratory vehicle and as such, it is difficult to determine the purpose and circumspect of the questions posed. As a result, the proceedings are needlessly protracted and no useful purpose is served by the limitless exploration of irrelevant facts.

The only obvious advantages to designating an individual a party before a fact-finding body are that those proceedings may be substituted for: (1) the Article 32 UCMJ investigation in the event of ultimate trial by General Court-Martial, or (2) the impartial hearing, if non-judicial punishment is to be awarded. The law provides, however, that no further investigation is necessary under Article 32 UCMJ "unless it is demanded by the accused". Article 32 UCMJ proceedings are therefore not necessarily obviated and the impartial hearing provided prior to awarding non-judicial punishment is not such a burdensome proceeding that its avoidance at the expense of an unwieldy investigation is justified. Change #21 and sections 0205b and 0304e of the JAG Manual recognize, in part, the considerations set out above, but the inroads made therein have not eliminated the problem.

UNCLASSIFIED

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RECOMMENDATIONS

It is recommended that:

1. (U) If a change is made in the basic concept of a program, such as the decision to arm the AGERs, a policy notice stating the change in the basic concept and its effects be promulgated immediately to all concerned.
2. (U) AGER operations be premised on:
 - a. Assured readiness
 - b. Ability to defend the ship (self defense and/or external support)
3. (U) CINCPACFLTINST 003120.24A of 28 February 1966 (Exhibit 18-3) be modified to contain a provision for a mandatory opinion in the proposal format as to the necessity for emergency support forces.
4. (U) The procedures for risk assessment be reviewed for improvement at all levels of authority.
5. ~~(S)~~ 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.
6. ~~(S)~~ To strengthen the military chain of command and to eliminate uncertainties with respect to responsibilities, that the NAVSECGRUDET on board AGERs be assigned as a department in the ship.
7. ~~(S)~~ AGER pre-deployment inspections and refresher training periods be so conducted as to include an assessment of the readiness of the assigned NAVSECGRUDET and the DIRNAVSECGRUPAC be tasked to provide qualified inspectors.
8. ~~(S)~~ The custodial responsibility for the registered publications allowances of the AGER and the NAVSECGRUDET be assigned to separate individuals.
9. (U) Adequate emergency destruction and scuttling devices be installed in AGERs.
10. ~~(S)~~ A secure 1MC speaker be installed in the Naval Security Group spaces in AGERs.
11. (U) 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.
12. (U) 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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13. (U) An investigation be initiated by the Chief of Naval Operations (OP-94) to determine the causes of delay of re-transmission of PUEBLO's first and second OPREP-3 messages and corrective action be taken.

14. (U) 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.

15. (U) The interpretation 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 disclosures become 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."

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

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

18. (U) 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.

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

20. ~~U.S.~~ 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, over-flight or peripheral operations, be given SERE training.

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

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

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28. (U) No further disciplinary actions be taken.
29. (U) The JAG Manual be revised to delete those provisions which provide for the designation of parties before Formal Fact-Finding Bodies.