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PART III - DETENTION

During the course of this Inquiry it was anticipated that the term "enemy" and its definition would be of significance. Many sources were consulted, including the Manual for Courts Martial, Winthrop, Military Law and Precedents, Snedeker, Military Justice Under the Uniform Code, and the Decisions of the Court of Military Appeals, but the definitions contained therein were not readily applicable to the facts and circumstance under investigation.

Attempts to compare this situation with that of Vietnam and Cambodia were not fruitful. The relationship between North Korea and the United States in 1968 was unique in history. It was therefore considered appropriate to examine that relationship in depth.

The armistice of 1953 terminated a period of hostilities between the United States and North Korea. That armistice is current, although it has been affected by conferences which have continued at Panmunjom since its signing.

The exact position of USS PUEBLO at the time of her seizure is in dispute. The United States claims she was in international waters, while North Korea contends she was within claimed territorial waters. In the incident which followed, a unit of the United States Navy encountered the hostile forces of a foreign state. Subsequently, however, the United States Government neither declared a state of hostilities to exist nor employed counter forces.

Some eleven months later, Major General Gilbert H. WOODWARD, U. S. Army, executed a document on behalf of the United States Government in order to obtain the release of the crew of USS PUEBLO. It must be recognized that that document provided North Korea with a propaganda instrument. That instrument contained admissions concerning both the mission of USS PUEBLO and her intrusion into the claimed territorial waters of North Korea.

It was recognized by the court that the term "enemy" probably could be applied to the circumstances under investigation if that application was limited to the generally accepted meaning under U.S. statutes. It was considered, however, that any restrictive use of the term would inevitably spill over into international considerations and thus confuse rather than assist the progress of the inquiry. In addition, it became apparent as the investigation progressed that the use of the term "enemy" was not necessary for the court to fulfill its mission. This limitation, however, is not considered binding upon later reviewing authorities, should it be deemed appropriate to apply the term "enemy" to the specific set of circumstances under investigation.

Accordingly, during the deliberations of this Court of Inquiry, and limited to the facts and circumstances surrounding the incident under consideration, and for these purposes only, North Korea has not been considered to be an "enemy", but rather a foreign hostile power. During the detention phase the conduct of the crew was viewed in the light of the principles set out in U.S. Navy Regulations and the Code of Conduct as interpreted in General Order No. 4.

UNCLASSIFIED

The findings of fact with respect to the detention phase are based upon the testimony of 82 individuals, who, with some variation, testified to essentially the same circumstances. Because there is no evidence other than the testimony of those witnesses concerning this phase of the Inquiry, such phrases as, "the witness testified" or "it was stated" have not been used. In all cases the information hereafter stated is based upon only the impressions of those who testified. Accordingly, a finding of fact will occasionally appear to reflect an opinion of a condition which existed. In addition, many findings of fact during the detention phase could conceivably be keyed to the testimony of innumerable witnesses. Such procedure would only be unwieldy and not productive. It was therefore determined that findings of fact should be keyed to testimony which most directly supported the fact stated. In such instances, the reference will be followed by an asterisk (*), which connotes that particular fact is supported in many places throughout the detention phase of the record.

CHRONOLOGY

430. Ship to First Detention Site

(U) a. After being moored near WONSAN at about 2030, local time, 23 January 1968, (R. p. 154) the crew of PUEBLO was removed from the ship (R. p. 155) and taken by bus and train to the first detention site in PYONGYANG, arriving in the early morning of 24 January. (R. p. 165)

431. First Detention Site

(U) b. At this site, known as the "barn", the crew was detained for 41 days, until 5 March, when they were moved to a second detention site outside PYONGYANG. (R. p. 168, 669, 681)

432. Second Detention Site to Repatriation

(U) c. They remained at the second detention site until 23 December 1968, when they were taken to PANMUNJOM and repatriated.

DETAILS FROM SHIP TO DETENTION SITE

433. (U) The crew members were blindfolded and hands bound prior to being removed from the ship at WONSAN. (R. p. 154*)

434. (U) A crowd of Korean people congregated near the pier area at WONSAN, shouted derisively and made some attempts to attack the blindfolded crew, by grabbing and spitting at them, but were restrained by guards using rifle butts. (R. p. 155; CR. p. 1312-29*)

~~CONFIDENTIAL~~

435. (U) Subsequent to leaving the ship, the North Koreans returned the Commanding Officer, LT Stephen HARRIS, and Chief Petty Officer BOUDEN, to the ship individually, in an unsuccessful effort to have them open the door to the SEGRUDET space. (R. pp. 155, 351; CR. p. 626-58)

436. (U) The crew was taken by bus from the pier to a building for a brief stay, where some members were beaten and mistreated; especially the non-caucasians, (except negroes) who were suspected of being South Korean spies. They were severely beaten in an effort to have them admit that they were. This same type treatment was repeated in the first detention site with respect to them. From this building all were taken by bus to the train. (R. p. 1281*)

437. (U) Enroute to the first detention site most everyone was mistreated; kicked, prodded with rifle butts, slapped, and punched by guards. Several interrogations were conducted while in transit. Accusations of espionage were repeated, as well as accusations that PUEBLO's actions were an attempt by the United States to start another war with NORTH KOREA. In addition to name and rate, the only answers given prior to arrival at the first site were based on the "cover story" that the ship was conducting electromagnetic and oceanographic research, and was primarily concerned with sun-spot activity. The Commanding Officer gave this answer in a loud voice while being interrogated on the train, intending it to serve as guidance for all crew members who could hear him. (R. p. 165*)

438. (U) On the train the Commanding Officer was questioned six or seven times, receiving an occasional rifle butt to the back for unacceptable answers. Several times during this and other periods the Commanding Officer requested medical aid for the injured and demanded that he and the crew be treated in accordance with the precepts of the Geneva Convention. His requests were ignored and he was told the Geneva Convention did not apply. The North Koreans held to their position that the Geneva Convention and any other rights accorded military prisoners of war were not applicable because the crew was held as civilian prisoners in violation of North Korean criminal espionage laws. There is no evidence that any trials were held. (R. pp. 165 and 166)

DETAILS OF FIRST DETENTION SITE

439. (U) The first detention site was an old brick building, referred to as the "barn". There were beds and chairs for all. The windows had all been covered with paper, and the building was cold. Officers, after recognition as such, were placed in single rooms, with other members of the crew in four man rooms. There were three or four interrogation rooms at one end of the building. See Exhibit 23. (R. p. 168*)

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INTERROGATIONS, CONFESSIONS AND OTHER STATEMENTS

440. (U) At about 0945, 24 January 1968, shortly after arriving at the first detention site, the officers were assembled in front of several North Korean officers, including a North Korean General. Commencing with the Commanding Officer, each officer was asked by the General to explain why PUEBLO had been spying on North Korea. Following the example set by the Commanding Officer, each man divulged only his name, rank and duties aboard PUEBLO. For this response, each officer was told by the General he would be shot at sundown. (R. p. 170*)

441. (U) Concentrated interrogation of the Commanding Officer began at about 0530, 24 January, when he was questioned for about 45 minutes and responded consistently that the ship was a research vessel. At 0800 he was questioned again and gave the same information regarding the mission of PUEBLO. Since the North Koreans had his service jacket he also related portions of his personal history. After being severely beaten, he and the other officers were questioned by the North Korean General. (See fact 440). At about 1200, the Commanding Officer was interrogated by the Senior Colonel, and after refusing to sign a typewritten confession of espionage activity, was severely beaten again. At about 1300, he was confronted with many documents captured from the ship. He admitted they came from the ship, but refused to sign the confession.

At about 2000, he was again interrogated by the Senior Colonel, and was twice told that if he did not sign the confession, he would be shot. He refused to sign, was beaten again until he lost consciousness, and returned to his room. About 2200, he was again questioned and taken to view an alleged South Korean spy who had been severely tortured and mutilated, and was informed he would receive similar treatment unless he cooperated. About 45 minutes later he was returned for more questioning, and at that time the Senior Colonel threatened to shoot the ship's entire crew one by one, starting with the youngest man. He was told that if he still refused after all had been shot, they had other means to force his confession. In the early morning of 25 January, he signed the confession. Although he had been offered food he had not eaten nor slept since leaving the ship. At 0500 and again at 0800, he was required to alter the confession admitting that the ship had intruded into North Korean claimed territorial waters for the purpose of espionage. This confession and others given by the officers were backdated to 24 January 1968. During all of the above interrogations he was accused of being a CIA agent. (R. pp. 165 to 178)

442. (U) Individual interrogations of the Executive Officer began 25 January, however, he received no mistreatment until 27 or 28 January. At that time he listened to a tape recording of the confessions of the Commanding Officer and was told that two other officers intended to confess. After receiving three severe beatings, he confessed on 29 January to one alleged intrusion into North Korean claimed territorial waters. In February the number of intrusions was increased to six. (R. pp. 656 to 714)

~~CONFIDENTIAL~~

UNCLASSIFIED

443. (U) The Officer in Charge of the ~~SECURITY~~, LT Stephen HARRIS, after receiving beatings and threats to the lives of the personnel of the detachment, confessed to alleged intrusions about 30 January. (R. pp. 796 to 814)

444. (U) Initially, LTJG SCHMACHER wrote several statements concerning his personal history. On 1 February, after several beatings, he finally signed a typewritten confession to alleged intrusions composed by the North Koreans. (R. pp. 715 to 752)

445. (U) Ensign HARRIS did not confess to alleged intrusions for two weeks. He had received several beatings prior to confessing. (R. pp. 767 to 773)

446. (U) CWO LACY confessed to the alleged intrusions, after having been severely beaten and tortured for two weeks, and having been confronted with a tape recording of the Commanding Officer's confession. (R. pp. 774 to 795)

447. (U) All members of the crew were forced, some, after severe beatings, to complete personal history forms during the early weeks of captivity. It was generally stated by the crew that the forms required no information which could not be gleaned from the captured service records. (R. pp. 713, 1760*)

448. (U) After all officers had confessed, the North Koreans also required the navigator and quartermaster to construct charts fixing the alleged intrusions into claimed territorial waters. Other personnel were required to verify these charts. The first chart, constructed in early February reflected six intrusions. At least one of the positions was based on an erroneous entry in the position log. (R. pp. 281 to 329)

449. (U) Many other statements were given regarding duties performed aboard the ship and unclassified general naval and oceanographic information. (CR. pp. 1006-60, 1006-87*) Most interrogations of an intelligence nature were directed to the organization of the U.S. intelligence collection structure. (R. p. 784; CR. p. 1846-48*)

450. (U) A petition admitting espionage and seeking an official apology was drafted by the officers and addressed to the President of the United States. At the request of the Commanding Officer, everyone signed the petition, although many did not know its contents. Other petitions and apologies were addressed to the North Korean government. (R. p. 180 to 183*)

64

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451. (U) A press conference was held on 25 January, with the Commanding Officer as the only participant, at which he read prepared answers to questions regarding spying and espionage activities. Another conference was held on 13 February, in which all officers and the senior civilian oceanographer were required to participate, wherein the same general procedure was followed with questions and answers being rehearsed by all participants. (R. p. 185)

Daily Routine

452. (U) At the first detention site everyone was continually harassed and threatened with death. Lights were left burning in the rooms at all times, with doors kept closed. (R. p. 728) No one was allowed to leave the building for any reason, except the Commanding Officer, when taken to view the tortured body of an alleged South Korean spy. (R. p. 177*)

453. (U) Food was very poor in quantity and quality and lacked proper vitamin and nutritional content. In caloric content it would marginally sustain life (about 500 calories per day). Rice, bits of fish, turnip soup, bread, and butter accounted for the bulk of the diet. Meals were served in buckets in a most unsanitary manner. (R. pp. 839 to 853*)

454. (U) No one received medical attention during the first three days of captivity. The seriously wounded were all placed in one room. On the fourth day FA WOELK was taken to another room in the same building, and underwent major surgery under unsanitary, unsterile conditions, without anesthetics. He immediately became infected, however, 9 days passed before he was professionally treated. Sgt CHICCA did not receive needed surgery until the third or fourth week. The ship's hospitalman was not permitted to administer to the wounded or ill. (R. pp. 839 to 853)

455. (U) Security was rigidly enforced, and communications between crew members was virtually impossible during this time, although some attempts were made. (R. pp. 171*)

456. (U) During the first few weeks of detention individual threats of death, threats to kill others, severe beatings, torture, both physical and mental, and other means of coercion were employed by the North Koreans to obtain their desired objectives. (R. pp. 174 to 185*)

457. (U) A common torture was to force the victim to kneel or squat with a board or stick behind his knees with a chair held above his head, keeping the body straight. If he waived or fell he would be kicked and beaten. (R. pp. 665 to 666*)

UNCLASSIFIED

458. (U) North Korean guards and officers were visibly apprehensive and nervous during the early weeks of detention. (R. p. 775 to 776*)

DETAILS OF SECOND DETENTION SITE AND REPATRIATION

Physical Characteristics

459. (U) On 5 March 1968, the crew was relocated to a relatively new building near PYONGYANG, where they remained until repatriation. This building had three decks with the crew quartered on the 2nd and 3rd decks. No other persons were detained in the building. (R. pp. 194, 674*)

460. (U) Officers were assigned individual single rooms. LTJG SCHUMACHER was the only officer on the 3rd deck. The crew was accommodated 8 to a room, with a petty officer in charge of each room. Sanitary facilities were minimal. (R. pp. 732, 802, 820*)

Security

461. (U) The building was located in a large military compound, surrounded at all times by several concentric cordons of guards, with no less than 25 armed guards on duty at all times within the building. Security was rigidly enforced. No member of the crew ever learned the true identity (name) of any of the guards. Consequently, the crew assigned humorous and derisive names to each. (R. pp. 674, 1657, 1796*)

462. (U) No member of the crew was allowed to leave his assigned room without permission. The North Koreans devised "Rules of Life" which each prisoner was required to obey explicitly, which were strictly enforced, with severe punishment for violations. (R. pp. 759, 1821*)

Daily Routine

463. (U) The daily routine permitted eight hours sleep a day, 3 meals a day, (discussed later) exercise, and cleaning periods in the morning, reading and/or lecture periods, a recreational period in the afternoon, and a game period in the evening. During the summer the crew was assigned gardening chores. (R. pp. 196, 676*)

464. (U) Each day included an hour of self-examination to afford the men an opportunity to correct their "wrong-living and wrong-thinking". There were other attempts to expose the crew to Communist propaganda (infra "Propaganda"). (CR. p. 198-21*)

UNCLASSIFIED

465. (U) Exercise periods were commenced in late February at the insistence of the Commanding Officer, but continued throughout the detention period. In the beginning these periods were limited to a few minutes after dark in order to avoid observation by civilians. (R. pp. 196, 676*)
466. (U) The crew undertook such individual projects as developing word problems, math problems, music compositions, cross-word puzzles, construction plans, calendars, language and math textbooks, and the study of the books. (R. pp 742, 768*)
467. (U) No representative of the red cross or any other international organization visited the crew during detention. (R. pp. 708, 738*)
468. (U) Searches were conducted by the guards periodically and many writings and religious artifacts were confiscated. (R. pp. 740, 820*)
469. (U) At the second detention site, prior to 11 December 1968, incidents of mistreatment were less frequent and not as severe as during the earlier period. Subsequent to 11 December there was a concentrated effort to harass and physically abuse all members of the crew. (R. pp. 687, 837, 838*)
470. (U) A doctor was on duty most of the time at the second site, and administered to the crew as necessary. (infra "Medical") (R. pp. 760, 844*)

Command, Internal to PUEBLO

471. (U) In so far as was possible the chain of command was maintained so long as the results inured to the benefit of the North Koreans. The Officers, except for the Commanding Officer, were practically denied opportunity to exercise leadership or responsibility. (R. pp. 197, 724, 783*)
472. (U) Communication between members of the crew was limited but surreptitiously carried on. (infra "Communications") (R. p. 732; CR. p. 1312-37*)
473. (U) No major disciplinary problems occurred, and minor misunderstandings were handled either by the leading petty officer in the room or referred to the Commanding Officer. (R. p. 197*)
474. (U) Escape was considered vitually impossible although a committee was appointed to formulate plans. (infra "Resistance") (R. p. 734*)

UNCLASSIFIED

Interrogations

475. (U) Interrogations were conducted infrequently and sporadically. Frequently the questions pertained to significant intelligence matters obviously gleaned from the materials, both classified and unclassified, taken from the ship, but for the most part such interrogations sought to obtain confessions pertaining to the ship's mission and others to be used for propaganda purposes. (No interrogations were conducted by other than North Koreans) (infra "Interrogations and confessions") Many documents were captured with the ship. At one time, some of these publications were stacked on an 8' x 4' table and shown to the crew. Among these documents were the BANNER reports, the multi-lith PUEBLO report, and many highly classified publications, including maintenance hand books and manuals from the SECGRU Detachment. Included were the medical records of the personnel assigned to the SECGRU Detachment on a TAD basis and the service records of the remainder of the crew. (R. pp. 174, 724 to 725, 728, 1534; CR. pp. 1000-56, 1115-8 to 1115-9*)

476. (U) Interpreters were present for interrogation of the crew, however, proficiency varied and it was considered translations often suffered. (R. p. 168*)

Letters

477. (U) At designated occasions the crew was required to write letters to families and political figures. The contents were meticulously monitored and certain passages alluding to the ship's intrusions into territorial waters for "espionage" purposes were mandatory. (infra "Letters") (R. pp. 671, 684 to 685, 735*)

478. (U) Most of the crew received letters from home, all of which had been opened and examined by the North Koreans. (CR. p. 1312-38)

Outside Contacts

479. (U) Information from the outside world afforded the crew was restricted and ludicrously distorted. (infra "Communications") (R. p. 1780)

480. (U) The only departures from the second detention site by the crew were made as "cultural excursions". (See infra). These all occurred sometime after 12 September and were attended by the entire crew. During these excursions the crew was shielded from public attention as much as possible. The crew was told by the General in Charge of detention on 20 December that they would be released. They were given new clothing for the event. (R. p. 738*)

UNCLASSIFIED

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Repatriation

481. (U) At 2100 on Saturday, 21 December 1968, they were taken by bus to the train in PYONGYANG, by train to KAESONG, and thence by bus to the border at PANMUMJOM. (R. pp. 1822 to 1823)

482. (U) The Commanding Officer was required to identify the body of FN HODGES prior to being taken across the bridge. Numbers were assigned for the order in which they were to cross the bridge. They were to maintain 20 meters between each man and walk at a constant pace. There was an unexplained 30 minute delay which caused considerable concern. The Commanding Officer was the first to cross, was followed by the lowest rated member of the crew, who in turn was followed by the next senior, through the Executive Officer. (R. p. 1823*)

NOTE: THE FORGOING FACTS CONSTITUTE A CHRONOLOGY OF EVENTS IN DETENTION. THE FOLLOWING SUBJECTS ARE HEREAFTER DISCUSSED IN DETAIL.

INTERROGATIONS AND CONFESSIONS

483. (U) Interrogations of all members of the crew continued sporadically throughout the period of detention.

484. (U) In addition to completing Personal History Forms, (supra) many members of the crew who were believed to have technical information were questioned more frequently than others throughout the period of detention. (CR. pp. 1739-10, 1739-36 to 1739-43*)

485. (U) In June, some communications technicians were subjected to interrogations involving technical intelligence matters, and were at times questioned by persons apparently knowledgeable in the matter. (CR. pp. 1006-9 to 1006-10)

486. (U) In some instances classified information was disclosed and block diagrams and explanations of the KW-37 and KG-14 equipment were provided. No wiring diagrams of any equipment was attempted. (CR. pp. 1006-7 to 1006-8*)

487. (U) Information was divulged with respect to duties performed aboard the ship, (CR. p. 1006-87*; R. p. 873(a)) general unclassified naval and oceanographic information (CR. p. 1006-32*; R. p. 873(a)), and classified information which it was believed the North Koreans already possessed. (R. p. 1268, 1511*)

488. (U) Other classified information revealed by members of the crew of which they believed the North Koreans were already aware, consisted in part, of call signs (CR. p. 1739-14); information regarding the WLR-1 (CR. p. 1739-39); description of ECM operator duties and command organization charts (CR. p. 1846-44 to 1846-46); KW-37 (CR. p. 1739-11*); KL-47 (CR. p. 1006-35 to 1006-36); and other less specific disclosures. (R. pp. 129, 1510 to 1511*)

UNCLASSIFIED

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489. (U) Certain confessions were extracted from the ship's navigator, the Executive Officer, with respect to alleged intrusions into claimed territorial waters. (R. p. 663) In September the total number of alleged intrusions was increased from 6 to 17, and again the ship's navigator was forced to admit them. (R. p. 668; Exh. 12) The eleven additional alleged intrusions were based upon uncorrected LORAN "C" readings from the LORAN record log. (R. pp. 668 to 669) An attempt was made to discredit these fixes by inserting them at positions which could easily be discredited. (R. p. 670)

490. (U) The North Koreans were primarily interested in obtaining confessions and personal history statements for international propaganda purposes. In addition, rehearsed press conferences were also held on two occasions, one in September and one immediately prior to repatriation. These conferences were attended by members of the Korean press and were filmed. The members of the crew were required to answer questions similar in nature to the first conferences. All members of the crew not attending the conferences were required to view them on closed circuit TV. (R. p. 714, 1760)

491. (U) Early in the detention phase a North Korean Naval Officer participated in some interrogations, but there was nothing significant about his presence. (R. p. 743, 808*)

492. (U) No drugs were administered prior, during, or subsequent to the interrogations. (R. p. 1662, 2586*)

493. (U) Confessions, statements and information were obtained by force, intimidation, and fear. (R. p. 758 to 759, 817 to 811*; CR. pp. 1006-84 to 1006-87*)

494. (U) Confessions, except for those made by officers, (R. pp. 179 to 180) were generally required at two specific times, in September/October (R. pp. 1272, 1293, 1322, 1337*) and again during "Hell Week" in December. (R. pp. 1283, 1337, 1374, 1441*)

495. (U) Substantively, confessions admitted alleged intrusions into the claimed North Korean territorial waters and activities of espionage. Later confessions contained the same admissions, and included revelations of specific acts of defiance by members of the crew. (R. pp. 1283, 1337, 1374, 1441*)

MALTREATMENT

496. (U) In addition to the beatings and torture administered during interrogations, rough treatment was the rule, and severe punishment resulted from infractions of confinement regulations. ("Rules of Life") An atmosphere of terror and intimidation was prevalent throughout detention. (R. pp. 759, 823*) While most of the severe beatings were under direct orders of officers, there were occasions when enlisted men would initiate beatings without the knowledge of officers. Most severe beatings were administered by 3 or 4 guards with apparent expertise. (R. p. 155*)

UNCLASSIFIED

497. (U) Some members of the crew were beaten more severely than others, and at times this appeared arbitrary; but generally, those who received the more severe treatment were those who were more defiant. (R. pp. 759, 1044*)
498. (U) ~~Erroneous~~ reports from the U.S. which reached North Korea indicating PUEBLO and her crew were CIA sponsored resulted in more severe treatment for some. (R. pp. 1222 to 1223)
499. (U) No one was punished more or less than others because of race, except as indicated supra. (fact 436) (R. pp. 970, 1718)
500. (U) On many occasions the person responsible to the North Koreans for a group, or the leading petty officer of a room, would be punished for the actions of those in his charge. (R. pp. 783 to 784, 821*)
501. (U) Some personal effects were confiscated by the guards. (R. pp. 708, 1367*)
502. (U) Commencing about 11 December, the last week of detention, after becoming aware of the meaning of the "finger gesture" in a U.S. published magazine, the North Koreans began a campaign of beatings, harassment, and interrogations so concentrated that the crew referred to that period as "Hell Week". Chief GOLDMAN, prior to making the disclosure which precipitated "Hell Week", was beaten and tortured for many hours. (R. pp. 688, 836 to 838*)
503. (U) During "Hell Week" the entire crew was subjected to cold rooms, open doors, constant surveillance, lights on at night, restricted sleeping, and a more rigid enforcement of all rules. They were required to sit in a chair at all times with their heads bowed unless they had specific permission to do otherwise. (R. pp. 699, 821, 836 to 838*)
504. (U) Those who had been more aggressively defiant during detention received the more severe treatment during "Hell Week". Others received harassment, but less severe beatings, and some were not beaten at all due to a lack of time remaining prior to repatriation. (R. pp. 818, 740, 780, 807, 1332, 1532)
505. (U) An example of severe treatment during "Hell Week" was that suffered by LTJG SCHMACHER, who was beaten for 15-20 minutes, every 6 hours for 5 days, and on occasions for about two hours. (R. p. 740)

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LETTERS

506. (U) After moving to the second detention site personnel were compelled to write to next of kin, other relatives, friends, news media, and political figures in the United States. Some members resisted and were severely beaten until they complied. Some were permitted to refrain from writing to political figures (R. pp. 672 to 673, 682, 789, 825, 1921*)

507. (U) On the advice of the Commanding Officer, most personnel tried to secrete messages impeaching the veracity of the contents of the letters to friends and relatives. A few such attempts were made in letters to political figures. Many recipients were able to correctly decipher the messages intended. (R. pp. 813, 825, to 826, 1532, 1392, 1620*)

508. (U) Those required to write to political figures were allowed to choose the persons to whom they would write. (R. pp. 1067 to 1068, 1453*)

509. (U) Many welcomed this opportunity to seek assistance. Three copies were required to all letters written by the crew to insure delivery, through various third party countries. (R. pp. 195, 1607)

510. (U) Most everyone received some mail while in detention, all of which had been opened by the North Koreans. (R. p. 1127*)

RESISTANCE AND DECEIT

511. (U) Resistance and Deceit were accomplished in many ways throughout the detention period. All pictures and films taken of the crew while in captivity were posed or staged. (R. pp. 728 to 729) In most writings, recordings, pictures, press conferences, and films taken, attempts were made to inject indicia that would tend to both impeach the authority of the document or recording being used and relate some message to recipients in the United States. (R. pp. 682 to 684, 824 to 826*) The most prominent example was a picture of several members of the crew with middle fingers extended. This gesture became commonly known as "Hawaiian good luck sign."

512. (U) When a program or evolution was suggested, word would be passed down from the Commanding Officer whether to support or reject it, and the crew would respond accordingly. (R. pp. 680, 1783*) In some instances he requested the crew participate in certain propaganda producing since that would afford other means of getting desired messages back to the United States, and participation was mandatory, anyway. (CR. p. 198-261; R. p. 1775*)

UNCLASSIFIED

513. (U) For the same reasons, the Commanding Officer persuaded the Senior Colonel to allow the members of the crew to compose their own letters home, petitions, and prepare their answers to proposed press-conference questions, even though they were all reviewed and edited by the North Koreans. (CR. p. 198-20*)

514. (U) During interrogations and inquiries the crew in many instances would give erroneous information as answers, when possible. (R. p. 800*)

515. (U) For morale purposes the entire crew, and especially the Commanding Officer, by misuse of both the English and Korean language, carried on a continuous wordharassment campaign against the captors, which accomplished its purpose. (R. p. 745)

516. (U) An attempt was made by some members of the crew to build a radio crystal set, and only lacked one part for completion, before being discovered and seized. (R. pp. 862 to 863, 866*)

517. (U) There were a few instances of physical resistance, but under the circumstances, they were for the most part unsuccessful. (R. p. 159*)

518. (U) An escape committee was appointed by the Commanding Officer (LTJG SCHUMACHER, ENS HARRIS and CWO LACY) to formulate and review escape plans. Several plans were submitted, but for many reasons, all were rejected as infeasible. The Commanding Officer's approval was necessary to any attempts being made and none was made. (R. pp. 734 to 735, 807*)

COMMUNICATIONS

519. (U) Although unsupervised gatherings of the crew were not permitted, communications were accomplished in the following ways:

- (a) During morning exercise periods.
- (b) During cleaning periods the Commanding Officer could communicate with the enlisted men cleaning his room.
- (c) During recreation periods to a limited degree.
- (d) Meetings in the head.
- (e) Between the officers during the evening game period and at meals.
- (f) QM1 LAW was occasionally able to visit the officer's rooms.
- (g) Some of the crew while on cleaning details.
- (h) Tapping on pipes in morse code. (R. pp. 196 to 197, 703, 711, 763, 829, 835, 861*)

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MEDICAL AND FOOD

520. (U) As a result of non-nutritional, non-caloric food, many of the men were afflicted with external open sores that would not heal. Many became sick for 24 hour periods, apparently from unsanitary food conditions. Illnesses and diseases, such as diarrhea, pneumonia, scurvy and hepatitis were serious problems. (R. pp. 195, 196, 851*)
521. (U) As the men became weaker, injuries began occurring during recreational periods. Eventually, the more vigorous sports were prohibited by the North Koreans. (R. pp. 680, 681, 845)
522. (U) Although the ship's corpsman, HMI BALDRIDGE, volunteered to assist the North Korean doctors, his services were utilized infrequently. He was able to surreptitiously give advice occasionally to the crew as to treating themselves. (R. pp. 748, 843, 844, 854)
523. (U) A North Korean doctor did conduct sick call and treated the ill within the limitations of available facilities. During the summer both the crew and the guards received immunization injections against Japanese encephalitis. (R. pp. 760, 844, 1650)
524. (U) After becoming infected from the wounds he had suffered aboard ship, FA WOELK was removed to a military hospital and a second operation was successfully performed, which completely ^{he} cured him. He was returned a second time to the hospital for a ⁶⁰ ⁶⁶ which was successful. Some professionalism, and compassion, was demonstrated at the hospital. SGT. CHICCA, after waiting 3-4 weeks, also received surgery for wounds sustained aboard the ship. (R. pp. 1486, 1474, 1489 to 1491, 1475)
525. (U) On 8 February and 10 September all members of the crew were given extra food, with beer and wine, in celebration of the 20th anniversary of the founding of the Korean Peoples Army, and the 20th anniversary of the founding of the government of North Korea, respectively. (R. pp. 675, 739, 822)
526. (U) The food ration was increased in both quantity and quality for a brief period after the September press conference when the North Koreans suspected that a United States apology was imminent. (CR. p. 198-37*)
527. (U) Everyone suffered considerable weight loss throughout detention, the Commanding Officer losing as much as 100 pounds. (R. p. 196*)

PROPAGANDA AND INDOCTRINATION ATTEMPTS

528. (U) An indoctrination program in North Korean communist ideology was undertaken, but no hard-sell tactics were employed. (CR. p. 198-26; R. p. 677*)

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529. (U) At least two categories of literature were required reading: (1) Hard core political treatises by KIM IL SUNG and (2) North Korean history and current development. Included were some ridiculous accounts of world news. (CR. pp. 198-26 to 198-27; R. p. 742*)
530. (U) Lectures and movies were given on aspects of the North Korean socialist society and alleged U.S. atrocities inflicted on North Korea since 1846. (CR. p. 198-35; R. p. 677*)
531. (U) Each room was assigned a North Korean officer who would attempt to discuss aspects of the propaganda presented. Most of the time a lecture rather than a discussion ensued. (CR. p. 1312-16; R. p. 1778*)
532. (U) Several "cultural development" trips were conducted in and around PYONGYANG after 12 September. The first excursions consisted of such things as a circus, a concert by the North Korean Army Band and chorus, and a stage production of the "Glorious Korean Revolution." On 11 October the crew was taken by train to SINGHON to visit a museum depicting alleged American atrocities of the Korean conflict. This trip had the atmosphere of repatriation and some thought it was a dress rehearsal for the later trip to PANMUMJON. At all times during these "excursions" an attempt was made to shield the crew from the civilian populace. (CR. pp. 198-37 to 198-38; R. p. 689*)
533. (U) Near the end of detention all members of the crew, except the Commanding Officer, LTJG SCHUMACHER and LT HARRIS, were taken to a building referred to by the crew as the "Gypsy Tea Room." Here each man was alone with Koreans in civilian dress, who were recognized by most as Army Officers, and was asked his ideas on socialism. Each was offered food, cigarettes and some form of alcohol. Many were asked if they would receive visitors in their homes as North Korean sympathizers, and others were asked to return to Korea via Czechoslovakia or other countries. Some were returned a second time, apparently, either to test their required oath of non-disclosure, to obtain more satisfactory answers, or to test the validity of their original answers. (R. p. 690; CR. p. 198-22*)
534. (U) By way of passive propaganda, North Koreans discouraged religion by confiscating religious articles and ridiculing such practices. (R. p. 790, 1335)
535. (U) The only news of the U. S. given the crew was bad and inaccurate; such as, President Johnson assassinating Senator Kennedy, the murder of Martin Luther King, etc. (R. p. 197; CR. p. 1779*)

SERE TRAINING

536. (U) There was much testimony related to SERE training and its value. (CR. pp. 1739-50 to 1739-76*)

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537. (U) Two members of the crew had received SERE training, CT1 BAILEY and CT1 RITTER. They were able to offer some advice to others as to what to expect, however, it was considered of unlimited value since others had not received the training. (R. p. 1255; CR. p 1115-12)

538. (U) The Code of Conduct is taught during the basic course of SERE, and is likened to the Ten Commandments -- i.e. the Code is desirable to live by, but at times unattainable. During training approximately 40-50% depart from the provisions of the Code in some way. (CR. pp. 1739-56, 1739-68 to 1739-69)

539. (U) There are several SERE courses conducted in the Navy, varying from a 2 day lecture to a 3 day post graduate seminar following a 5 1/2 day basic course, which includes field training and physical contact. (CR. p. 1739-51)

CODE OF CONDUCT

540. ~~(U)~~ All personnel in crew and the SEGRUDET had a general familiarity with the Code of Conduct. Although the Code was posted within the ship and was occasionally noted in the Plan of the Day, it was not included in PUEBLO's training and educational program. (R. pp. 752 to 753, 791, 815*)

541. (U) Immediately prior to the boarding of PUEBLO by the North Koreans - word was passed over the 1MC by CWO LACY that no one would divulge information to the North Koreans other than his name, rank, and serial number. (R. pp. 135, 657, 1225*)

542. (U) During the first few days of detention, no communications were permitted among the crew. Thereafter, the Code of Conduct was occasionally discussed by various personnel, but no specific guidance concerning its applicability was given by the officers and no uniform standards were followed. Most of the crew considered the Code to be valid, and within reasonable limitations, applicable to them. (R. pp. 872, 1255, 1353*) The two civilian oceanographers, Mr Tuck and Mr. Iredale, applied the standards of the Code of Conduct to their own behavior. (R. p 1302, 1642)

REASONS FOR DEPARTURE FROM THE CODE

543. (U) The reasons given by the crew for departure from the standards of the Code of Conduct were:

(a) Fear of further torture and death. (R. p. 887; CR. p. 1006-95*)

(b) Fear of the unknown. (R. p. 728 to 729*)

(c) Knowledge that the North Koreans had captured service records and classified documents. (R. p. 672, 741, 792*)

(d) The belief that if the North Koreans got a "confession" to what they wanted, they would not pursue other more sensitive areas. (CR. p. 1006-6*)

(e) The belief that the best defense was to keep their wits. (CR. p. 672, 728*)

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- (f) Knowledge that others had already given information. (R. p. 705*)
- (g) Advice of others. (R. pp. 705, 792*)
- (h) A belief that the North Koreans had the means to eventually get what they wanted. (R. p. 672*)
- (i) A belief that certain provisions of the Code of Conduct were not practical in that situation. (R. p. 1174; CR. p. 1006-16*)

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OPINIONS

PART I - PRE-SEIZURE

POLICY

1. (U) The original concept of AGER employment was based on overt, unarmed, non-provocative, peripheral-type operations in international waters. Subsequent to the LIBERTY incident, the Chief of Naval Operations and others shared the view that AGERs required some armament for possible defense, however, all planners of AGER missions did not concur in this view. During PUEBLO's outfitting and work-up periods, there was no change in the unarmed concept. However, when two fifty caliber guns were installed as interim armament in JAPAN immediately prior to departure on her first mission, Commander BUCHER was implementing a new policy without adequate indoctrinal preparation. The emphasis in the OORDER and in briefings by the Operational Commander was still on non-provocation, (BANNER planned to stow the guns below), although the guns were to be used if "threat to survival is obvious". U.S. policy at all levels of government and military authority, still stressed non-provocative action and further conditioned the Commanding Officer's planning for the assigned mission. All of these actions and this policy contributed to Commander BUCHER's serious misconception of his responsibilities as a Commanding Officer wherein he failed to realize the importance and absolute necessity of defending his ship and safeguarding the classified material and equipment aboard.
2. (U) The military concept of AGER operations is more soundly based when a similar operation is being carried out by the country under surveillance (quid pro quo). When a "quid pro quo" does not exist, supporting forces are required on the alert to render timely assistance.
3. (U) Planning and implementation of PUEBLO's conversion was poorly coordinated by responsible authorities in the office of the Chief of Naval Operations and the Naval Ships Systems Command, who, in fact, had previously completed a similar conversion to BANNER.
4. (U) Prior to the PUEBLO incident the Chief of Naval Operations failed to fully appreciate the need for, and failed to develop and obtain, a rapid emergency destruction system for classified material and documents aboard ships of this type, when such a system was technically feasible.
- D.45 5. (U) Planning for the PUEBLO mission off the North Korean coast failed to consider the effect on the mission of the fact that PUEBLO, the NAVSECGRUACT at KAMISEYA and other Naval intelligence support facilities in JAPAN were Soviet oriented, and had a limited amount of information on North Korean naval intelligence. Such a mission should not have been scheduled until appropriate intelligence support was available.
6. (U) Because there was no single authority assigned to control, monitor and limit as necessary the amount and types of classified documents carried by AGERs for the particular task assigned, PUEBLO carried an inordinately large amount of such materials which were unnecessary for her mission. (Exhibit 19-1 corrects this deficiency).

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7. (U) There was a lack of forethought and imagination exercised by PUEBLO in planning and training for effective and timely emergency destruction of classified material, with available capabilities.
8. (U) The FIFTH Air Force was not responsible for a strip-alert reaction because COMNAVFORJAPAN had not so requested.
9. (U) The fact that CINCPACFLTINST 003120.24A of 28 February 1966 (Exhibit 3) which contains instructions for mission proposals, does not contain a provision concerning requirements for emergency support forces, allowed this vital factor to escape critical review.

D45 10. (U) In view of the concurrent change in code-words from CLICKBEETLE through PINKROOT to ICHTHYIC, and the addition of a new ship to the program, greater effort should have been expended by DIRNAVSECGRUPAC in coordinating other services and agencies to provide intelligence support for the PUEBLO mission. The post-seizure analysis of unevaluated intelligence which was available prior to the seizure indicates that those field activities tasked by NSA to monitor the North Korean area were not fully prepared to give proper support to PUEBLO on her first mission. For example, SUSLAK was not aware of the presence of PUEBLO off WONSAN on 23 January 1968.

RISK ASSESSMENT

11. (U) Over 160 years of precedence in the observance of international law by all countries, with respect to U.S. ships on the high seas, was the predominant factor in the minimal risk assessment that was assigned to the PUEBLO mission and concurred in by all levels of authority.
12. (U) As borne out, COMNAVFORJAPAN, CINCPACFLT, CINCPAC, JCS, and STATE all underestimated the risk. It appears that no level of authority in the intelligence chain was sensitive to a possible change in attitude on the part of the North Koreans, evidenced by the increased border incidents with South Korea, the attempt to assassinate the South Korean President and the North Korean broadcasts with respect to U.S. ships off her claimed territorial waters. Previous North Korean pride, warnings, conduct and hostility were possibly not properly appreciated, especially when a "quid pro quo" situation did not exist.
13. (U) The only acceptable risk assessment for an AGER mission was minimal. Consequently, it is considered that this factor unduly influenced the assessment of risk for PUEBLO.
14. (U) Had the DIRNSA message (DTG 292228Z DEC 67) (Exhibit 18-20) been passed to CINCPACFLT and COMNAVFORJAPAN, it would have caused these commands to have reviewed the risk assessment and might have resulted in a re-evaluation.
15. (U) Although the testimony of LCDR Richard A. McKINNON, USN, raised some doubt concerning the thoroughness of the analysis and the dissemination of intelligence at CINCPACFLT Headquarters, it is considered that the weight of other evidence attests to the efficient and effective intelligence programming of the AGER missions.

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OPERATIONAL CONTROL

16. ~~(S)~~ (U) AGER missions in COMNAVFORJAPAN's area would be more efficiently conducted if COMSEVENTHFLT, who has the only Naval support forces, maintained operational control during the mission. COMNAVFORJAPAN should have operational control with responsibility for logistics support and readiness determination during preparation for the mission.

READINESS

17. (U) The fact that PUEBLO did not receive all the material improvements the Commanding Officer, or even his superiors, considered necessary, was not unusual. Such factors as, lack of time, funds and qualified technical assistance, or combinations thereof, are limitations common to most naval projects. Efficient use of available resources is the only acceptable substitute.

18. ~~(S)~~ (U) Prior to deployment, COMNAVFORJAPAN (CTF 96) failed to effectively verify the feasibility of rapid destruction of the classified equipment and publications carried in the PUEBLO SECGRUDET spaces as required by CTF 96 OPORD 301-68 and by paragraph 6C, CINCPACFLT message 021922 MAR 66 (Exhibit 18-24).

19. ~~(S)~~ (U) The stated material condition, numbers of personnel assigned and morale of PUEBLO were good when the ship left SASEBO on her assigned mission. The Commanding Officer was satisfied that his ship was in all respects ready for sea, however, he was misinformed by LT Stephen HARRIS as to the true readiness of the SECGRUDET.

20. ~~(S)~~ (U) Several factors contributed to the inability of the SECGRUDET to carry out its assigned mission of support to the Commanding Officer. They were: (1) The interpreters were not qualified in the Korean language. These interpreters came from KAMISEYA, JAPAN, a station primarily oriented to Soviet collection effort. (2) The Detachment had little knowledge of North Korean naval communication techniques and procedures. (3) Although the personal relationship between the Commanding Officer and the Officer in Charge of the SECGRUDET appeared to be good, actual coordination was ineffective.

21. ~~(S)~~ (U) A major factor contributing to poor coordination between the Commanding Officer and the Officer in Charge of the Detachment was that all communications and guidance from higher authority concerning the administration, operation, funding, etc. of the SECGRUDET, were not directed to the Commanding Officer. This resulted in a conflict in responsibilities in the military chain of command that could be eliminated by establishing the Detachment as a department in the ship.

22. ~~(S)~~ (U) PUEBLO's readiness for sea was not properly determined because it did not include adequate readiness evaluation of the embarked SECGRUDET, nor did PUEBLO's schedule provide a refresher training period and/or readiness inspection for the SECGRUDET, when its mission orientation was changed. Additionally, pre-deployment inspections by the type commander did not include the readiness of the SECGRUDET, or Department. The rectification of these deficiencies should ensure the readiness of the SECGRUDET for its assigned mission.

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23. (U) The Commanding Officer did not fully appreciate the volume of classified material and classified printed matter on board. Due to the failure to exercise his ship in preparation for emergency destruction the Commanding Officer did not determine if such an endeavor would be effective if required.
24. (U) Commander BUCHER never anticipated the situation where in he might be confronted, and have to resist, or that he might be boarded, or that his ship and crew might be captured; therefore, he did not condition his mind or adequately prepare himself and his crew for such contingencies.
25. (U) (C) The Officer in Charge of the SECCRUDET should not have additional responsibility for the ship's registered publications allowance. Assigning a ship's registered publications custodian could cause some problem with clearances due to the location of the communications facilities; however, the workload of both ship and detachment allowances is too much for one officer to effectively manage, as was the case in PUEBLO.
26. (U) As a result of a decision by the Chief of Naval Operations shortly before the PUEBLO mission, installation of the fifty caliber machine guns aboard PUEBLO was poorly planned and executed as to placement, storage and ammunition, physical characteristics of the mounts and lack of protective shields for personnel manning the guns.
27. (U) (S) By virtue of his past operational experience in planning intelligence missions in the Western Pacific, Commander BUCHER should have been uniquely qualified for an assignment involving intelligence collection in that area. Because of his experience he should have similarly been alerted to the problem areas and better prepared for emergencies which occurred.
28. (U) A review of Commander BUCHER's fitness report file (Party's Exhibit C) raises some doubt as to his qualifications for command. With the exception of reports prepared by Commander BLOCK and Lieutenant Commander J. H. BOTHWELL, his previous performance at sea was unremarkable. His performance in shore or staff assignments, however, was more notable.

NAVIGATION

29. (U) In the absence of the ship's navigational records it is impossible for the court to positively confirm that PUEBLO never violated the claimed territorial waters of North Korea prior to her seizure. From the oral testimony taken from all persons concerned, however, it is considered that it is highly improbable that the claimed territorial waters of North Korea were violated by PUEBLO prior to seizure. There is no doubt that PUEBLO was in international waters at 1200I, 23 January 1968, when the incident commenced. (Exhibit 18-46)

INDIVIDUAL PERFORMANCE

30. (U) RADM Frank L. JOHNSON, USN, COMNAVFORJAPAN, as Operational Commander, failed to plan for quick reacting support forces in case the assumptions made in assessing the minimal risk were in error. The

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PUEBLO mission was protected by on-call forces, when available, with an estimated reaction time of one and one half hours. It is the opinion of this court that the uncertainty of available forces and their slow reaction time did not provide realistic emergency support. The immediate Operational Commander must bear the major responsibility for inadequate planning which was a major contribution to the loss of the ship.

RADM JOHNSON also failed to have effectively verified the feasibility of rapid emergency destruction of equipment and publications in PUEBLO SECGRUDET spaces as per paragraph 6C CINCPACFLT message of 021922Z MAR 66 (Exhibit 18-24).

Although RADM JOHNSON initiated the minimal risk assessment, this assessment was approved by CINCPACFLT, CINCPAC, JCS, and STATE; hence any criticism of this action must be shared by all concerned.

31. (U) Commander BUCHER was aggressive and forceful in his supervision of PUEBLO's conversion. He did his utmost to provide adequate emergency destruction devices for his ship.

32. (U) Commander BUCHER did not train his ship for possible destruction of classified material and documents with available resources. He was not mentally conditioned for such an emergency. He was also not fully aware of the amount of classified documents carried by PUEBLO and her SECGRUDET.

33. ~~(U)~~ Captain PEARSON, the Commanding Officer of NAVSECGRUACT, KAMISEYA, provided school trained, but not operationally qualified interpreters for PUEBLO. He believed, however, that these interpreters would improve with experience. His available resources in this area were very limited and therefore he is not considered derelict in his performance of duty.

34. ~~(U)~~ Captain GLADDING, USN (Ret), DIRNAVSECGRUPAC, failed to develop adequate procedures to insure the readiness of PUEBLO's SECGRUDET for the mission assigned. He also used poor judgement in failing to pass the DIRNSA message of 29 December 1967 (Exhibit 18-24) to CINCPACFLT and to COMNAVFORJAPAN. Additionally he failed to effectively coordinate the other services and agencies which could provide intelligence support to PUEBLO on her mission.

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PART II - SEIZURE

GENERAL

General

35. (U) Weather was not a factor in the loss of PUEBLO.

36. ~~(U)~~]

(b)(1)

37. (U) In a ship at sea, especially on independent duty, the Commanding Officer is the only man who has the responsibility for, and can make required, instantaneous, decisions for the safety and operational demands of his ship.

38. (U) The Commanding Officer had mentally conditioned himself to his inherent right to accomplish his mission in international waters. As a result, he did not recognize a serious, developing threat to his ship.

39. (U) A determination to resist seizure was never developed in PUEBLO prior to or during the incident. Protection and safety of personnel provided the Commanding Officer's dominant motivation for his actions, although concern for compromise of classified material was an important factor.

40. (U) It is recognized that PUEBLO was not designed and equipped as a combatant ship and the Commanding Officer was not expected to initiate aggressive action. However, Commander BUCHER had the responsibility for developing the best defensive capability possible in his ship utilizing all weapons and personnel available. This he did not do. Because of the omissions of leadership and judgment, he did not even develop a will to resist in his crew much less the dynamic power to do so.

41. (U) Command concern for personnel injury and loss of life is inherent in U.S. Naval tradition, custom and regulation. However, naval operations can be, and often are, hazardous to life and limb. Pre-occupation with the safety of personnel in action, and particularly in defense of a ship that is attacked, cannot be held so highly as to inhibit the action required to defend that ship against such hostile attack. Deeds, such as these, have been an inspiration to this Navy throughout history and many times have demonstrated what men can do to resist, and even overpower, superior forces, including materiel. Moreover, the safety of the individual cannot be placed ahead of defending the national security. Such erosion of patriotism would threaten the fibre of the Navy and question its charge and purpose.

42. (U) Due to PUEBLO's proximity to WONSAN and her movements during the incident, no actions by higher authority could have prevented her capture. Timely assistance might eventually have been provided had she continued to open the coast.

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Command Decisions

43. (U) Because of his concern in not being able to transmit SITREP I until after a delay of over 12 hours, the Commanding Officer wisely decided to keep open his communication in order to keep higher authority apprised.

44. (U) When Commanding Officer, PUEBLO, reported (by OPREP-3/002) that his intentions were "to depart the area" - he should have persisted -- increased speed, zigzagged, and maneuvered radically. No boarding party could have come aboard had the ship so maneuvered. In view of the absence of fire or flooding and few minor casualties at the time the Commanding Officer made the fatal decision to stop and follow the SO-1 into WONSAN, his ship was fully operational. Whether or not he manned the guns, his best course of action was to gain time and possibly eliminate the persistence of his attackers by gaining distance to seaward and toward deeper waters. He did not know that assistance was not imminent. He should have realized that the greatest service to his country could have been performed by denying to a foreign government classified material and personnel with knowledge of sensitive information on board and he should have made every effort to accomplish this by gaining time. Once this was completed, the decision to surrender or not could have been based on the damage to ship, personnel casualties, and his "power to resist". As a last resort, preparations for scuttling the ship could have commenced so that in the event PUEBLO were abandoned, she would have been more difficult to capture and take into port.

45. (U) Small arms aboard PUEBLO could have been used after the initial firing to counter the P-4 torpedo boats when they were close in. This could have been accomplished by shooting through the port-holes or from vantage points on deck. Keeping the P-4's at extreme range would have aided the manning of the fifty caliber machine guns had a decision been made to do so. There was no intention or attempt to use the small arms or the fifty caliber machine guns.

(b)(1)

47. (U) Prior to PUEBLO's being boarded, she still had the power to resist. Her greatest asset in resisting capture however, lay in her fully operational engineering plant with a steering capability below decks to minimize personnel exposure; her ability to maneuver and head toward the open sea had not been impaired. The Commanding Officer never knew what success he could have achieved through using any or all weapons available to him because he simple never tried to use them. He capitulated without firing a shot.

48. (U) Commander BUCHER, when recalled, testified that he never actually surrendered his ship, that he never struck his colors, but rather that his ship was seized. His earlier testimony clearly established the fact that he had made the decision to surrender unilaterally when he stopped his ship while she was headed for the open sea and then turned to follow the SO-1 on orders of the North Koreans. This was well before the

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Korean boarding party came aboard. Commander BUCHER also indicated that he did not consider being boarded a hostile act. While he stated that he believed that the boarders might come aboard and leave, his previous testimony has indicated that he had already decided to surrender his ship prior to his permitting the boarding party aboard. The fact that he had been under fire prior to boarding indicated that actual boarding was certainly a hostile act. It is the opinion of the court that Commander BUCHER did surrender his ship.

49. (U) When attacked by the North Koreans the Commanding Officer did not take immediate and aggressive protective measures in accordance with paragraph 9., CINCPACFLTINST 003120.24A of 28 February 1966 (Exhibit 3) which is also reference (c) in CTF 96 SAILORD to PUEBLO.

50. (U) In accordance with paragraph 5a(3) CINCPACFLTINST 03300.2B of 29 November 1965 (Exhibit 6) the North Korean forces opposing PUEBLO were clearly hostile when she was taken under fire.

51. (U) While it is true that the Commanding Officer was warned he was not to be provocative or aggressive, he should have been alerted, when the first boarding attempt was made. Certainly when he was fired upon, any question of non-provocation on his part should have been discarded.

52. (U) The Commanding Officer complied with orders of the North Koreans to follow them into port. This was in violation of Article 4b, CINCPACFLTINST 03100.3D of 28 June 1968 (Exhibit 4) which is also reference (d) to CTF 96 SAILORD to PUEBLO.

53. (U) Had the decision been made to scuttle PUEBLO, fear for loss of personnel was unwarranted as there were adequate life rafts onboard for the entire crew.

54. (U) Had PUEBLO been disabled as a result of her own or North Korean actions it would have been necessary to tow her into WONSAN. The capability of the North Koreans to complete such an operation from a position of about 20-25 miles off the coast within a period of 6-8 hours is doubtful.

55. (U) For many years during the early period of our Navy, U.S. Navy Regulations contained an article addressing the responsibilities of the Commanding Officer with reference to preparatory actions to be taken in the approach of or to a foreign man o' war until the latter's intentions are ascertained. This article was eliminated subsequent to 1900. It is considered that this provision of U.S. Navy Regulations was a material and worthwhile guide to Commanding Officers of U.S. Navy ships.

COMMUNICATIONS

56. (U) Although there was a delay in transmitting SITREP ONE, from 1700I the 22nd until 0950I the 23rd, from this time on and throughout the incident PUEBLO had effective and immediate on-line communications with KAMISEYA. Ship-to-shore communications did not play a part in the capture of the ship.

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57. (U) The fact that the 1JV was the ship's only sound-powered phone circuit did not play a part in the capture of the ship. The pilot house 1JV phone was never manned, and this vital circuit was used ineffectively.
58. (U) There was no 1MC speaker in the SECCRUIET spaces, consequently personnel therein were not always informed of vital information being passed throughout the ship, such as general quarters. Since this was well known, action should have been taken to parallel the 1MC on the two other available circuits.
59. (U) The delays in transmission of PUEBLO's OPREP-3 messages from KAMISEYA to NAVCOMMSTA JAPAN and higher commands were grossly excessive.
60. (U) COMNAVFORJAPAN's message 230520Z to FIFTH Air Force confirming earlier telephonic requests for assistance, followed by his 230810Z requesting advice as to action taken, was never specifically answered by FIFTH Air Force. Although there were telephonic communications, only by information copy of FIFTH Air Force 251012Z to CINCPACFLT, was COMNAVFORJAPAN officially informed why his requests for assistance had not been met. A prompt, direct official reply from Commander FIFTH Air Force to COMNAVFORJAPAN as to Air Force intentions in this emergency was indicated and should have been initiated.
70. (U) Adequate liaison between COMNAVFORJAPAN with the primary supporting Commanding General, FIFTH Air Force, apparently was lacking. Contingency planning seems to have been ineffective or non-existent for PUEBLO's independent mission in a sensitive area.
71. (U) Despite the fact that telephone communications were available between COMNAVFORJAPAN and CINCPACFLT, the Fleet Commander was not immediately informed and kept current of the developments in the PUEBLO incident. Information he received was delayed about 1½ hours; too late to be of use.

DAMAGE

Material

72. (U) The ship received only superficial damage. There was no firing or flooding, no consequential material and no steering casualties. The ship could have been steered from below. The two 57MM holes which were 4 and 5 feet above the waterline were not plugged because there was no imminent danger of flooding in existing weather.

73. (U) PUEBLO was completely operational and was capable of answering all bells at the time of capture.

Personnel

74. (U) During the entire incident, one man, HODGES, was fatally injured and another, WOELK, seriously injured. All other injured personnel, Commander BUCHER, Lieutenant MURPHY, Lieutenant junior grade HARRIS, SGT CHICCA, RM2 CRANDELL, CTSN ROBIN, SM2 LEACH, CT2 LANGENBERG, CT1 BARRETT received minor and not incapacitating wounds.

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