

INQUIRY INTO THE U.S.S. PUEBLO AND
EC-121 PLANE INCIDENTS

REPORT
OF THE
SPECIAL SUBCOMMITTEE ON THE U.S.S. PUEBLO
OF THE
COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES
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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
 COMMITTEE ON ARMED SERVICES,
 Washington, D.C., June 30, 1969.

HON. L. MENDEL RIVERS,
 Chairman, Committee on Armed Services,
 House of Representatives,
 Washington, D.C.

DEAR MR. CHAIRMAN: I have reference to your letter of February 18, 1969, in which you established a special subcommittee to conduct a full and thorough inquiry into all matters arising from the capture and internment of the U.S.S. *Pueblo* and its crew by the North Korean Government.

I also have reference to your letter of April 22, 1969, in which you expanded the jurisdiction of that special subcommittee to extend its inquiry to include the loss of a Navy EC-121 aircraft.

As you will recall, you directed the special subcommittee to, among other things, ascertain the national security implications implicit in the loss of both the U.S.S. *Pueblo* and the EC-121, as well as the requirement for possible changes in the Code of Conduct for military personnel who are captured by hostile enemy forces.

I am pleased to report that your special subcommittee has now completed its inquiry into these matters and herewith submits a report of its findings and recommendations, together with the facts upon which it reached its conclusions.

I am also pleased to advise that the report reflects the unanimous views of all nine members of the special subcommittee.

The report, as submitted, contains information classified by the Department of Defense as "top secret." Therefore, the subcommittee was compelled to provide similar classification to the report as submitted to you. However, the subcommittee urges that the report be submitted to the Department of Defense for declassification at the earliest possible date so that it can be made available for public release.

Sincerely,

OTIS G. PIKE,
 Chairman, Special Subcommittee.

Lucien N. Nedzi
 Alton Lennon
 Bill Nichols
 Jack Brinkley

William G. Bray
 Durward G. Hall
 Robert T. Stafford
 G. William Whitehurst

Approved:
 JULY 1, 1969.

L. MENDEL RIVERS, *Chairman.*

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[H.A.S.C. NO. 91-12]

INQUIRY INTO THE U.S.S. PUEBLO AND EC-121 PLANE INCIDENTS

PREFACE

The subcommittee, in pursuing its inquiry into the loss of U.S.S. *Pueblo* and the EC-121, found it necessary to examine many facets of the intelligence reconnaissance activity pursued by our Nation. This detailed examination was necessary in order to provide the subcommittee with the broad perspective essential to evaluating the actions taken on the *Pueblo* and EC-121 missions. As a consequence of this detailed review, the report submitted by the subcommittee is somewhat lengthy. However, the summary which follows endeavors to present a brief résumé of the principal findings and recommendations of the subcommittee on this matter.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

General

The inquiry made by this special subcommittee into the U.S.S. *Pueblo* and the EC-121 incidents has resulted in the unanimous view that there exist serious deficiencies in the organizational and administrative military command structure of both the Department of the Navy and the Department of Defense. If nothing else, the inquiry reveals the existence of a vast and complex military structure capable of acquiring almost infinite amounts of information but with a demonstrated inability, in these two instances, to relay this information in a timely and comprehensible fashion to those charged with the responsibility for making decisions.

As President Nixon recently said, "When a war can be decided in 20 minutes, the nation that is behind will have no time to catch up." This concern is shared by the subcommittee. It was this consideration, as to the national security implications inherent in these two incidents, which overshadowed all others in the inquiry made by the subcommittee.

The reluctant but inescapable conclusion finally reached by the subcommittee is that because of the vastness of the military structure, with its complex division into multiple layers of command, and the failure of responsible authorities at the seat of government to either delegate responsibility or in the alternative provide clear and unequivocal guidelines governing policy in emergency situations—our military command structure is now simply unable to meet the emergency criterion outlined and suggested by the President himself.

The absent or sluggish response by military commanders to the emergencies evident in the *Pueblo* and EC-121 incidents demonstrate the need for a complete review of our military-civilian command structure and its capability to cope with emergency situations. The subcommittee inquiry was not of sufficient scope to permit it to offer a proposed solution to the problem. It is evident, however, that the problem exists and it has frightful implications.

It is therefore recommended that the President establish a special study group of experienced and distinguished civilian and military personnel to approach this problem on an emergency basis and make such recommendations for changes in both the National Security Act and the military structure itself that will provide our Nation and its military forces with a genuine capability to respond quickly and decisively to emergencies of a national security nature.

Intelligence Reconnaissance Activities

The United States conducts hundreds of reconnaissance missions each month to acquire intelligence data for national security purposes.

The subcommittee concedes that reconnaissance activities of this type must continue to be conducted by our Government to insure the availability of information essential to our national security interests. However, the subcommittee is not convinced that the magnitude of this intelligence reconnaissance activity is completely justified, nor is it persuaded that the many millions of dollars which are expended annually to support the activities of our individual defense intelligence activities, that is, DIA and NSA, are fully and properly utilized.

For example, planning for the *Pueblo* mission off the north Korean coast failed to consider that the naval intelligence support activities in Japan as well as those at the naval security group in Kamiseya were almost completely [1 line deleted].

Thus, the *Pueblo* mission which was the first directed substantially toward North Korean forces, should not have been initiated until after adequately trained personnel had been available and provided the *Pueblo*.

Similarly, pertinent intelligence information on increased North Korean hostility toward intelligence gathering activities was not conveyed to appropriate authorities.

On January 8, 1968, Foreign Broadcast Information Service reported that Radio Pyongyang accused the U.S. Forces of committing provocative acts along the East Coast of Korea and threatened retaliation. On January 11, 1968, Foreign Broadcast Information Service reported a similar broadcast. These FBIS reports had since been labeled the "*Pueblo* warnings" by a newspaper editorial of January 27, 1968, which alleged these broadcasts warned the United States that the U.S.S. *Pueblo* would be seized. Neither the Commander in Chief Pacific Fleet Headquarters nor Commander Naval Forces Japan Headquarters had been aware of these North Korean threats at retaliation before the seizure of the *Pueblo*.

Also, a more explicit "warning" message sent by the National Security Agency on December 29, 1967 which urged consideration of "ship protective measures" for the *Pueblo* mission, never reached responsible authorities.

A copy of the Director National Security Agency warning message which was sent to the Joint Chiefs of Staff was provided to the Director Naval Security Group Pacific, who, however, failed to pass the message to anyone else at Commander in Chief Pacific Fleet Headquarters prior to the seizure of the *Pueblo*. Perhaps more importantly, Director Naval Security Group Pacific failed to relay this information to Commander Naval Forces Japan.

The failure of the defense intelligence community to provide essential and available information to potential consumers in a timely fashion necessarily raises serious questions concerning the effective operation and administration of these organizations. Until a few weeks ago, unlike other defense agencies, both the Defense Intelligence Agency and the National Security Agency were not responsible to one of the several Assistant Secretaries of Defense. Each of these agencies was responsible directly to the Secretary of Defense. The subcommittee has been advised that, recently, the Secretary of Defense issued a directive which established some limited responsibility over these agencies in the Assistant Secretary of Defense for Administration. However, the extent of this responsibility appears limited to administration and does not include policy.

The subcommittee is of the view that there now exists some duplication of functions in responsibility of these two agencies. In addition, it is evident that greater coordination and improved administration in each of these agencies is required. Therefore, the subcommittee urges the full Committee on Armed Services to monitor more closely the operating activities of both of these agencies. The subcommittee suggests that, among other things, the full Committee on Armed Services during its annual military posture review require that each of these agencies provide the committee with a detailed report concerning the scope of their activities; their personnel, and their total expenditures.

Capability and Availability of Forces

The Navy had no contingency plans whatsoever to provide for going to the rescue of the U.S.S. *Pueblo* in an emergency.

Despite the absence of any contingency plans, amazingly enough, when the emergency situation did arise, the responsible officer on the staff of Commander Naval Forces Japan directed his subordinate to "relay this information to the 5th Air Force and push the button for contingency action."

This reaction by the staff of Commander Naval Forces Japan is particularly confusing since prior to the *Pueblo* mission, the staff of the Commanding General 5th Air Force, upon receipt of Operational Order 301-68, the operational order of the *Pueblo*, had contacted the Commander Naval Forces Japan's Project Officer with respect to special air support for the *Pueblo's* proposed mission and was told that such support was not being requested.

The subcommittee can therefore only conclude that the senior staff officers of Commander Naval Forces Japan were either completely unaware that no actual "contingency plan" had been established for the *Pueblo* mission, or in the alternative assumed that the 5th Air Force would nonetheless be capable of initiating an adequate emergency response. The subcommittee record clearly indicates that no one on the staff of Commander Naval Forces Japan had the faintest idea of

what forces might be made available to them in an emergency, and what appears to be more disturbing is the apparent total absence of any prior concern over this possibility.

The record indicates that the only request for assistance from Commander Naval Forces Japan for the U.S.S. *Pueblo* was that directed to the Commander 5th Air Force. Furthermore, this request for assistance required more than 40 minutes to be conveyed to Commander 5th Air Force because of the failure of the two commands to previously establish and exercise emergency telephone procedures.

The aircraft which were finally launched by 5th Air Force were launched from Okinawa and did not have a fuel capacity that would enable them to go directly to the assistance of the U.S.S. *Pueblo*. As a consequence, the aircraft were directed to South Korea and were later not permitted to continue toward the *Pueblo* because of the onset of darkness.

No effort was made by the Navy to launch aircraft from the U.S.S. *Enterprise* which was approximately 470 air miles from the U.S.S. *Pueblo*, a distance which could have been traversed by aircraft in less than an hour, and no effort was made to launch aircraft from any of the numerous bases in Japan which were the closest source of possible assistance and which were within less than an hour flighttime from the U.S.S. *Pueblo*.

The subcommittee was particularly disturbed by the failure of responsible military authorities to either alert and/or request assistance from commanders of the many U.S. air bases located in Japan [7 lines deleted].

The subcommittee therefore wishes to express grave concern over the efforts now being made in the executive branch to relinquish administrative control over Okinawa to the Japanese Government. The press has contained numerous articles which indicate that the Japanese Government clearly intends to demand that the same international agreement restrictions that now apply in Japan on the use of U.S. military forces will also apply on the island of Okinawa after that island has been transferred to Japanese administrative control. Therefore, the subcommittee urges that the Congress of the United States demand a full disclosure of any treaty restrictions that will apply in our future use of our military bases in Okinawa before any final action is taken to transfer administrative control of the island of Okinawa to the Japanese Government.

Risk Assessment

The risk assessment on the *Pueblo* mission was essentially based on the premise that all nations, including North Korea, would observe international law with respect to the right of U.S. ships to traverse the high seas.

That this premise was grossly in error has been evidenced by the reaction of the North Koreans to both the U.S.S. *Pueblo* and the EC-121. The question, therefore, remains as to whether responsible military authorities had any substantive reason to question this basic premise before designating the *Pueblo* mission as being a "minimal" risk mission.

The subcommittee hearings clearly establish that no level of authority in either the intelligence chain of command or the operating

chain of command was sensitive to the abundant evidence indicating the development of a progressively more aggressive and hostile attitude by the North Koreans. The tremendously increased number of border incidents with South Korea, the attempted assassination of the South Korean President and the North Korean broadcast with respect to ships entering claimed territorial waters were all discounted or ignored by responsible authorities, with the exception of the National Security Agency.

The National Security Agency issued a warning message to the Joint Chiefs of Staff on December 29, 1967, on the proposed *Pueblo* mission urging that, in view of the increasingly hostile attitude of the North Koreans, consideration be given to the desirability of instituting ship protective measures for the U.S.S. *Pueblo*.

This warning message from NSA was never considered by responsible authorities in assessing the risk level to be assigned to the *Pueblo* mission. The warning message from NSA was *not* brought to the attention of any responsible authority including the [deleted] Board; the Joint Chiefs of Staff; the Commander in Chief Pacific; the Commander in Chief, Pacific Fleet; Commander, Naval Forces Japan; or the commanding officer of the U.S.S. *Pueblo*, prior to the sailing of the *Pueblo*.

The departmental agency responsible for risk evaluation of the *Pueblo* mission at the Washington level was the Defense Intelligence Agency. That agency never officially received a copy of the NSA warning message. Although an information copy was subsequently gratuitously delivered to the agency by a communications officer, the message was buried in the files of DIA and never acted upon.

The Chief of Naval Operations, who was included as an information addressee on a copy of the NSA warning message transmitted from the Joint Chiefs of Staff to Commander in Chief Pacific, never received a copy of this message since it was lost in transmission in the Pentagon.

The risk assessment criteria established by the Joint Chiefs of Staff were *not* observed by responsible naval authorities and it is questionable whether the Defense Intelligence Agency observed these criteria when approving the minimal risk category for the *Pueblo* mission.

In summary, the subcommittee believes that the *Pueblo* mission was not provided an appropriate risk categorization because of the following:

- (a) The failure of the Commander, Naval Forces Japan to observe the risk criteria promulgated by the Joint Chiefs of Staff;
- (b) The absence of any requirement that commands proposing and originating reconnaissance mission proposals assess the need for possible emergency support;
- (c) The apparent determination of superior authority to approve only minimal risk category AGER missions;
- (d) The absence of any requirement that DIA make a positive assessment of each of the several JCS risk criteria which apply before establishing a risk assessment of a mission, and
- (e) The failure of the JCS and higher civilian authority to ascertain that the specific criteria for assessing risk had been positively utilized and observed.

The subcommittee therefore recommends that the administrative procedures involved in assessing risk for individual reconnaissance missions at all levels of command be completely revised to insure that future reconnaissance missions are provided a meaningful and accurate risk categorization.

Communications

The technical ability of military units involved in both the U.S.S. *Pueblo* and EC-121 incidents to transmit messages to other commands appeared, for the most part, to have been satisfactory. However, the advantages of speedy, modern, and sophisticated communications equipment were often more than offset by the indecisive and inefficient handling of these communications by the various commands involved.

For example, Pinnacle II, the so-called "trigger" or warning message apprising authorities of the threatened boarding of the *Pueblo*, was originally transmitted by the U.S.S. *Pueblo* at 0418Z, or 1318 Korean time. However, it did not reach the two military commands who could have extended possible assistance until approximately 1 hour later. The message reached the officer in charge of the U.S. Aircraft Carrier *Enterprise* at 0538Z (1438 Korean time), 1 hour and 20 minutes after it was sent from the *Pueblo*, and was not brought to the attention of the Commanding General of the 5th Air Force until 0523Z (1423 Korean time), approximately 1 hour 8 minutes after it was sent from the *Pueblo*. Similarly, this message did not reach the Joint Chiefs of Staff until 0557Z, 1 hour and 39 minutes after it was originally transmitted from the U.S.S. *Pueblo*.

The Commanding General, 5th Air Force, despite the inefficient handling of Pinnacle II, could have received notification of the *Pueblo* incident some time earlier through an alternate communications system—a secure telephone call. This call which was initiated by the staff of Commander Naval Forces Japan at approximately 1335 Korean time (0435Z), was made over a secure telephone system designed for emergency use only. However, validation of this call, because of human error, required approximately 25 minutes and the information contained in the call, therefore, was not relayed to the Commanding General 5th Air Force until 1415 Korean time. This communication by telephone between Commander Naval Forces Japan and the Commanding General 5th Air Force, therefore, required approximately 40 minutes from the time it was initiated until the message was actually delivered to the addressee, the Commanding General of 5th Air Force.

Thus, despite the elaborate and highly sophisticated communications equipment available to our Armed Forces today, the advantages of rapid transmission of both of these messages had been dissipated by human inefficiency.

The communication relays on the EC-121 incident appeared to operate satisfactorily. However, the handling of these relays and messages raised a command and control question, which is discussed in another portion of this summary.

Command Control

Command control responsibility for both surface and air reconnaissance missions is vague and clearly not responsive to emergency situations.

As previously indicated in this summary, command and control response during the U.S.S. *Pueblo* incident was obviously inadequate. Similarly, command and control over the EC-121 aircraft which was shot down by North Korean Armed Forces on 14 April 1969, reflected serious deficiencies and a lack of clear-cut command responsibility.

Although operational control of the EC-121 was, unlike the U.S.S. *Pueblo*, in the normal operating forces chain of command, it did not function properly during the EC-121 incident. The EC-121 was under the operational control of Fleet Air Reconnaissance Squadron (VQ-1), which in turn was under the operational control of 7th Fleet, CINCPACFLT, and CINCPAC.

Commander 5th Air Force, had the responsibility of providing alert aircraft to protect the EC-121. However, shortly after the EC-121 took off from Atsugi, Japan, at approximately 5 p.m., eastern standard time, on April 14, 1969, the operating commander, Fleet Air Reconnaissance Squadron (VQ-1), lost all effective operational control over the aircraft. Army, Air Force, and Navy [deleted] units monitoring the flight of the EC-121 appeared to assume operational control of the aircraft—and if they did not, no one had operational control. Thus, for example, when these [deleted] units directed warning messages to the EC-121 aircraft, VQ-1 was never included as an addressee on any of these messages.

The first information concerning the possible plight of the EC-121 was obtained by the duty officer of VQ-1 when that command intercepted and copied a friendly warning that hostile aircraft were approaching the EC-121. Thereafter, the commanding officer of VQ-1 commenced calling Fuchu for any communications from the mission aircraft and requested that they check all sources for a message which may have caused the EC-121 to abort its mission. Numerous calls were made by VQ-1 for more than one-half hour with negative results.

Subsequently, at 150058 eastern standard time, approximately 1 hour after the apparent shoot down of the EC-121, the commanding officer of VQ-1 sent a FLASH message to all appropriate units in the area requesting information on the mission aircraft. Shortly thereafter, VQ-1 received a copy of the CRITIC message indicating the possible shoot down of the EC-121 over the Sea of Japan.

At this point, at 150109 eastern standard time, the commanding officer of VQ-1 called the 5th Air Force and requested they initiate a search air rescue mission for the EC-121. Subsequently, at 150120 eastern standard time, he was informed by telephone by the 5th Air Force Joint Rescue Center that they were preparing to launch an HC-130 for SAR purposes.

In the view of the subcommittee, it is evident that the command control responsibility vested in VQ-1 was not responsive to the emergency situation which confronted the EC-121. Moreover, it appears that the unacceptable delay in initiating SAR efforts for the EC-121 was almost entirely due to the apparent fragmentation of command responsibility and authority of the military units involved.

In view of these circumstances, the subcommittee strongly recommends that the Joint Chiefs of Staff review the entire military reconnaissance program with a view toward establishing clear and unmistakable lines of command control so that these more obvious shortcomings in the program will not be repeated in the future.

Code of Conduct

The subcommittee is of the view that the code of conduct does require some revision and clarification. It is evident that at the very least, clarification is required as to the applicability of the code of conduct in those instances in which detainees are not prisoners of war and are not accorded the protection of the Geneva Conventions. It is also evident that under circumstances in which a U.S. detainee is not accorded the protection of the Geneva Conventions, the code of conduct should provide some latitude for the detainee.

Finally, the instructions provided personnel in the code of conduct should emphasize that it is not a penal code but rather a suggested code of conduct.

The subcommittee appreciates the reluctance of the Department of Defense and the individual service departments to modify the code of conduct until after the repatriation of our prisoners of war in North Vietnam. However, such a reluctance appears to be more a policy of convenience than of necessity. The subcommittee sees no reason why the Department should not immediately initiate comprehensive studies to revise the code of conduct in a manner compatible with the experiences of recent months. To do otherwise would constitute a repudiation of the moral responsibility the leaders of our armed services have to men and women in uniform.

BACKGROUND—(GENERAL)

At approximately 2:35 p.m. on January 23, 1968 (Korean time) (0035 e.s.t. on January 23, 1968) a U.S. Navy vessel, the U.S.S. *Pueblo*, was boarded on the high seas by armed forces of the North Korean Government. Public disclosure of this incident was officially made by the Pentagon at 8:30 a.m., e.s.t., on January 23, 1968. The terse announcement by the Pentagon identified the U.S.S. *Pueblo* as the AGER-2, a naval auxiliary general environmental research vessel utilized for intelligence collection.

The ship carried a crew of 83 men, including six officers, 75 enlisted personnel, and two civilian oceanographers. The ship, together with its entire crew, were taken into custody by the North Korean forces and interned in Wonsan Harbor, North Korea.

Following the public announcement of the capture of the U.S.S. *Pueblo*, a flood of recommendations were directed to the executive branch and the President urging that positive action be taken to secure the return of this naval vessel and its crew. Despite the wide range of alternative actions recommended to the executive branch and the President, no military action was initiated to either effect the release of the U.S.S. *Pueblo* or its crew, or to retaliate against the North Korean Government for this act of international piracy. The efforts of the United States on behalf of the U.S.S. *Pueblo* and its crew were confined to actions through diplomatic channels and to protests to the United Nations.

Ambassador Goldberg, the U.S. representative to the United Nations, brought the matter to the attention of the United Nations Security Council on January 26, at which time he gave a detailed description of the circumstances under which the U.S.S. *Pueblo* had

been captured. Despite the able presentation of Ambassador Goldberg, no action whatsoever was taken by the United Nations.

Informal congressional inquiries were made into the matter by the various responsible committees of the Congress. However, because of concern for safety of the crew and the possibility that a public inquiry into the matter would jeopardize possible release of the crew, no public or formal inquiry was instituted.

Action taken subsequently through diplomatic and other channels are described in the following letter received by the Committee on Armed Services from the Department of State:

DEPARTMENT OF STATE,

Washington, D.C., August 20, 1968.

HON. L. MENDEL RIVERS,
Chairman, Committee on Armed Services,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Rear Admiral W. P. Mack, Chief of Legislative Affairs, United States Navy, has asked me to reply further to your letter of July 29 to Brigadier General J. F. Lawrence, Jr., Deputy Assistant to the Secretary of Defense for Legislative Affairs. Admiral Mack has indicated that on August 15 he replied to that portion of your letter which concerns Duane Hodges.

Concerning your request for information as to the precise status of the *Pueblo* incident; we have been vigorously trying to obtain the release of the crew and the ship ever since their illegal seizure by the North Koreans on January 23. At the same time, we have taken a number of steps to impress upon North Korea the gravity with which we view the matter.

We raised the *Pueblo* issue with the North Koreans on January 24 at a meeting of the Military Armistice Commission in Panmunjom. We also took action at the United Nations Security Council and through other channels. Approaches have been made to a number of governments which might be in a position to assist. The United States Senior Member of the Military Armistice Commission has held a series of private meetings at Panmunjom with the North Korean Senior Member to discuss the *Pueblo* case. These have not produced the desired result but we continue to hope that through them a solution may be reached.

It has been suggested that a ransom or "indemnity" might be paid in exchange for the release of the crew. The North Koreans have not presented or hinted at any such demand, nor have we made any such offer. To do so might well cause the North Koreans to believe that we are prepared to recognize, at least in this tacit fashion, that their allegations are true, thus hampering rather than aiding our efforts to negotiate the return of the crew.

It has also been suggested that the United States should apologize for the activities of the *Pueblo*. Although we do not arbitrarily reject any reasonable means of obtaining the release of the crew, we believe that to apologize under existing circumstances would be to yield to international blackmail. North Korea has produced nothing which proves that the vessel ever did violate North Korea's claimed territorial limit. We do not consider the crewmen's letters or the alleged confessions emanating from North Korea to be valid evidence of the *Pueblo*'s actions since they have all been written under circumstances which in themselves constitute a form of duress. An apology, to be acceptable to the North Koreans, would in all probability have to be phrased not only in the most abject terms but also in such a way as to implicate the crew in serious violations of laws of the North Korean regime. We would moreover have to consider most carefully how such a step would affect the attitudes of our allies.

It has further been suggested that various forms of pressure, up to and including the use of military force, might bring about the release of the crew. North Korea is, of course, being subjected to diplomatic pressure and to the aversion with which world opinion views their actions. Economic pressures would not be effective against this government whose limited foreign trade is largely with Communist countries and which has almost no merchant marine.

The threat of military force, or the actual use of it, is thus the most frequently discussed alternative. While we are not prepared to rule out any tactic to achieve the safe return of the men, such courses of action do not appear under present circumstances to hold any promise of furthering our overriding objective. On the contrary, it seems more than likely that it would not merely worsen their

situation but would actually endanger their lives. It would also seriously increase tensions in an already tense area. Military actions, once initiated on even a small scale, are exceedingly difficult to control and can spread into local or general war. We continue to believe that diplomatic efforts toward a peaceful solution are our best course and we intend to press them vigorously through every available channel.

The International Committee of the Red Cross has sought, and continues to seek, information from North Korea regarding the crew and its welfare, but the North Koreans have repeatedly refused to cooperate. The North Koreans have told us (but we have no independent means of verifying) that those injured are receiving medical treatment, that the body of one dead crew member is being held, and that the other members of the crew are being well treated. The names of the dead and injured, as provided by the North Koreans, were announced by the Defense Department.

The North Koreans broadcast a number of statements claiming that the crew of the *Pueblo* are "criminals" and are therefore liable to trial and to punishment. The United States Government has made it clear that we would view any such development as a deliberate aggravation of an already serious situation.

The seizure of the *Pueblo* was one link in a chain of provocative North Korean actions which date back to the Korean War. In the fall of 1966 the North Koreans launched an intensified campaign of violence and hostility against the Republic of Korea and United States forces in the Republic of Korea. North Korean violations of the Armistice Agreement increased more than ten-fold in 1967 over the preceding year. The North Korean campaign culminated in the January 21, 1968 attempt by a specially trained team of 31 North Korean commandos to assassinate President Park Chung Hee of the Republic of Korea and the illegal seizure, two days later, of the *Pueblo*. These incidents may have had some connection with the Viet-Nam situation, in that they may be an attempt by Communists to divert South Korean and United States military forces which together are resisting the aggression in Viet-Nam. (The Republic of Korea has sent about 50,000 troops to South Viet-Nam.) Furthermore, the Republic of Korea has made substantial progress in economic development and political stability in recent years, and is playing an increasingly important role in Asian regional cooperation. The North Korean actions may be an effort to disrupt this progress.

The United States Government will continue its efforts to seek the return of the *Pueblo* and her crew and to strengthen the capability of the Republic of Korea to deal with North Korean harassment. This situation will not be resolved to the satisfaction of the United States until the crew and the vessel are returned, and the North Koreans cease their flagrant and provocative violations of the Armistice Agreement.

I sincerely hope that the foregoing information will assist the Committee in replying to inquiries concerning the *Pueblo*. If I can be of any further assistance in this or any other matter, please do not hesitate to let me know.

Sincerely yours,

JOHN P. WHITE,

Acting Assistant Secretary for Congressional Relations.

After extensive secret negotiations with the North Koreans, the crew of the U.S.S. *Pueblo* was freed by the North Koreans on December 22, 1968, at Panmunjom.

As a condition of their release, the North Koreans required our negotiator, Maj. Gen. Gilbert H. Woodward, U.S. Army, to sign a formal statement in which he, acting for the Government of the United States of America, acknowledged the validity of the confessions of the crew of the U.S.S. *Pueblo* and the documents of evidence produced by the representatives of the government of the Democratic Peoples Republic of Korea, to the effect that the ship which was seized by naval forces of the North Korean government on January 23, 1968, "had illegally intruded into the territorial waters of the Democratic Peoples Republic of Korea on many occasions and conducted espionage activities of spying out important military and state secrets of the Democratic Peoples Republic of Korea."

General Woodward, before signing the formal statement "acknowledging the guilt of the United States," made a formal statement for the record repudiating the written document which he was about to sign and indicating that his action signing this document was simply designed to "free the crew and only to free the crew."

All of the members of the crew of the U.S.S. *Pueblo*, including the two civilians, were returned to U.S. authority with the exception of Mr. Hodges, who died during detention by the North Koreans from wounds received at the time of the capture of the U.S.S. *Pueblo*.

ESTABLISHMENT OF THE NAVY COURT OF INQUIRY

Subsequent to the return of the crew of the U.S.S. *Pueblo*, the commander in chief, Pacific Fleet, on December 24, 1968, ordered establishment of a court of inquiry to "inquire into the circumstances relating to the seizure of the U.S.S. *Pueblo* (AGER-2) by North Korean naval forces, which occurred in the Sea of Japan on January 23, 1968, and the subsequent detention of its vessel, its officers, and crew."

At this point, it is important to note that a naval court of inquiry is simply a factfinding body—not a judicial body—which is authorized to be convened by statute, section 935, title 10, United States Code. Its primary function is to search out, analyze, and record all available information relative to a matter which it is convened to investigate. Its purpose is to provide the authority who convenes such inquiry, and his superiors, with information upon which decisions may be based.

The court of inquiry is required to report findings of fact, and it may be directed to express opinions and make recommendations. Most importantly, however, its report is purely advisory. The "facts" as identified by the court of inquiry are therefore not binding upon superior authorities. Also, opinions expressed by the court do not constitute final determinations or legal judgments, nor are the recommendations made by the court binding upon superior authority.

SUBCOMMITTEE INQUIRY

Shortly after public announcement of the release of the crew of the U.S.S. *Pueblo*, ranking members of the House Committee on Armed Services were given a preliminary résumé of information obtained by Defense Department officials concerning the internment of the crew of the U.S.S. *Pueblo* and a preliminary estimate of the national security implications resulting from the loss of the U.S.S. *Pueblo*. These briefings occurred on Monday, January 6, and Tuesday, January 7, 1969.

On February 18, 1969, the chairman of the House Armed Services Committee, in accordance with the authority vested in him, established a special subcommittee to conduct a full and thorough inquiry into all matters arising from the capture and internment of the U.S.S. *Pueblo* and its crew by the North Korean Government.

The chairman directed that:

The purpose of the inquiry to be conducted by the subcommittee is to ascertain the national security implications implicit in the loss of the U.S.S. *Pueblo*; the requirement for corrective action both administratively and legislatively; and the requirement for possible changes in the code of conduct for military personnel who are captured by hostile enemy forces.

The subcommittee was also authorized to:

Require by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

Finally, the subcommittee was directed to proceed as soon as practicable to initiate its inquiry into this matter:

With a view toward reporting its findings and recommendations to the full committee prior to the convening of the second session of the 91st Congress.

The subcommittee initiated its formal hearings on March 4, 1969, in open session.

During the course of subcommittee hearings on the U.S.S. *Pueblo* incident, the Pentagon, on April 14, 1969, suddenly announced that at approximately midnight eastern standard time, military forces of the North Korean Government shot down an unarmed Navy EC-121 plane which was engaged in a reconnaissance mission over international waters, reportedly more than 50 nautical miles off the North Korean coast.

Subsequently, on April 22, 1969, the chairman of the House Armed Services Committee expanded the jurisdiction of the *Pueblo* subcommittee to extend its inquiry to include the loss of the EC-121.

The chairman of the full committee, in expanding the authority of the subcommittee, stated:

You have broad authority to ascertain all of the national security implications resulting from the loss of both the U.S.S. *Pueblo* and the EC-121. However, I wish to particularly emphasize my interest in ascertaining the command and control response of the executive branch to this last incident, and in addition, I further direct that you ascertain the mission and rules of engagement of our task forces recently dispatched to the vicinity of North Korea.

Thus, by virtue of the authority vested in the subcommittee, it was directed to inquire into every aspect of the loss of both the U.S.S. *Pueblo* and the EC-121.

SUBCOMMITTEE HEARINGS

The subcommittee initiated its hearings on March 4, 1969, in open session. Subsequently, it conducted numerous hearings in both open and executive session and received testimony from the following witnesses:

| | |
|--|---|
| Admiral Thomas H. Moorer, USN, Chief of Naval Operations | Adm. Ulysses S. G. Sharp, USN, Ret., Former Commander in Chief, Pacific |
| Rear Admiral Joseph McDevitt, USN, Judge Advocate General | Lt. Gen. Joseph F. Carroll, USAF, Di- rector, Defense Intelligence Agency |
| Mr. Richard Helms, Director, Central Intelligence Agency | Lt. Gen. Seth J. McKee, USAF, Former Commander, Fifth Air Force, Pres- ently, Asst. Vice Chief of Staff, USAF |
| Brig. Gen. Ralph D. Steakley, USAF, Office, Joint Chiefs of Staff, Joint Reconnaissance Center | General Earle G. Wheeler, USA, Chair- man, Joint Chiefs of Staff |
| Lt. Gen. Marshall S. Carter, USA, Di- rector, National Security Agency | Rear Adm. H. H. Epes, Jr., USN, Staff, Joint Chiefs of Staff |
| Rear Admiral Frank L. Johnson, USN, Former Commander Naval Forces Japan, Presently: Commandant, 13th Naval District, Seattle, Wash. | Vice Admiral Charles K. Duncan, USN, Chief of Naval Personnel |
| Captain William H. Everett, USN, Former Asst. Chief of Staff, Opera- tions and Plans, Commander Naval Forces Japan | Brig. Gen. Leo E. Benade, USA, Deputy Assistant Secretary of Defense for Military Personnel Policy, DoD |

In addition to the receipt of oral testimony from the witnesses identified above, the subcommittee submitted numerous written interrogatories to both the Navy and the Department of Defense concerning matters pertinent to the subcommittee's inquiry. Most of these responses and supporting documents were classified. However, the pertinent information provided will be incorporated in this report to the maximum extent compatible with security considerations.

In addition to these documents, the subcommittee was privileged to review the proceedings of the U.S. Naval Court of Inquiry conducted on the U.S.S. *Pueblo* matter. These proceedings, both those in open and closed session, were provided the subcommittee by the Secretary of the Navy and his Judge Advocate General.

The report which is now being submitted by the subcommittee, represents to the best of its ability, the findings, conclusions, and recommendations reached on the basis of the testimony and documentary material that it has reviewed.

THE MILITARY RECONNAISSANCE PROGRAM—GENERAL

The U.S.S. *Pueblo* was one of a series of surface intelligence collection ships specializing in electronic and communications intelligence. Similarly, the EC-121 was a naval aircraft especially configured as an airborne vehicle for intelligence collection activity.

The operation of both the U.S.S. *Pueblo* and the EC-121 was part of our national effort to gain information concerning our potential enemies. The security of the United States requires that we be aware of, and understand fully, the military capabilities of potential enemies. The best means of collecting and analyzing such information must, therefore, be considered and exploited.

As a consequence of the foregoing national security considerations, the United States engages in overt and covert surveillance with aircraft and ships in order to acquire essential technical and operational information.

The Pentagon believes that this information is essential to our own self-defense. Pentagon witnesses stated that:

It is a vital element in the development of plans for contingencies which we must expect to face and in the development of new weapons systems needed to prevail against potential enemy military and technical advances. The failure of responsible authorities to guard against this possibility would constitute a dereliction of duty to the American people.

Military reconnaissance utilizing technical equipment to obtain acoustic photographic, radar, infra red and signals intelligence can be performed by both aircraft and ships. Each of these reconnaissance vehicles has its advantages and limitations. Each has proved of great value when effectively used, individually or together. For example, it is well known that "electronic intelligence, acquired by surface ships, led to the photographic intelligence from aircraft which gave us undisputable evidence of the installation of Soviet missiles in Cuba in 1962. If we had not gathered this intelligence in such a timely manner, the consequences of a more extensive missile installation in Cuba would have been a far more serious threat to the security of the United States.

THE SURFACE RECONNAISSANCE PROGRAM

The national policy which established the program of constructing, equipping, and deploying noncombatant surface intelligence collection ships was one first approved by the White House in calendar year

1959. It was at that time that the defense cryptological program for fiscal year 1960 contained a provision for the conversion of a non-combatant type vessel for this purpose. Prior to that time, intelligence collection at sea was conducted by combatant ships. The Navy advises that there are certain significant disadvantages which accompany the use of combatant vessels for intelligence gathering purposes. These disadvantages as outlined by the Navy include:

(a) The withdrawal of an expensive combatant vessel from its normal, on station, duties with the fleet;

(b) The fact that combatant vessels, due to their special purpose configuration and space restrictions, do not lend themselves to an efficient and cost effective method of gathering intelligence data;

(c) The fact that warships are much more provocative to the world and, therefore, severely restricted in their operations; and

(d) The fact that warships are bound by various maritime treaties and conventions which do not apply to noncombatant ships.

These considerations apparently influenced the decision to utilize noncombatant vessels as surface intelligence collection ships.

The first noncombatant intelligence collection ship was commissioned in the New York Naval Shipyard on 8 July 1961. The ship was the U.S.S. *Oxford* (AGTR-1), and represented a configuration of a World War II, Liberty-type hull. The U.S.S. *Oxford* is still in commission and operating in the Southeast Asia theater today.

Subsequently, the *Georgetown*, *Jamestown*, *Belmont*, *Liberty*, *Valdez*, and *Muller* were commissioned for the same purpose.

Thus ultimately, a total of seven of these larger ships were configured and put into use. However, today only six are in operation. The seventh, the U.S.S. *Liberty*, had been severely damaged by the Israeli's in 1967 and was never restored to service.

However, it was not until early in 1965 that intelligence collection ships of the *Pueblo* class were actually authorized and converted. The program authorizing three ships for this intelligence collection activity was approved in 1965. The initial vessel approved for this type of activity of the AGER type was the U.S.S. *Banner*, subsequently followed by the U.S.S. *Pueblo* and the U.S.S. *Palm Beach*.

These ships are old World War II converted diesel-driven light cargo ships approximately 177 feet in length with a maximum speed of 13 knots and a cruising speed of 10 knots. They have an estimated range of 4,000 nautical miles. These ships were originally constructed for use by the Army as light cargo ships during World War II. After their inactivation by the Department of the Army about 1944, they were reactivated and recommissioned by the Navy and configured for their present intelligence collection function.

As previously indicated, in addition to the AGER class of surface intelligence collection ships, we presently have six larger vessels engaged in similar operations. These are converted Victory and Liberty ships fitted out especially for [deleted] intelligence collection and they are called AGTR's—Auxiliary General Technical Research.

Two of these ships are operated by the Military Sea Transport Service (MSTS) and are manned by civilian crews, while the others

are commissioned ships of the U.S. Navy and are entirely manned by naval personnel.

The essential difference between the AGER vessel and the AGTR lies in their capability. The AGER, being a much smaller vessel, has a more restricted collection capability. [1 line deleted.] The AGTR, on the other hand, is a much larger vessel and has a much broader intelligence collection capability. [1 line deleted.]

Although no cost data was provided the subcommittee on the comparative costs of operating these two types of surface intelligence collecting ships, it was clear to the subcommittee that the decision in 1965 to go forward with the AGER program in lieu of expanding the AGTR program was one undoubtedly influenced by the economics involved. Moreover, the subcommittee suspects that Navy enthusiasm and support for the AGER program was, not in small part, prompted by the prospect of acquiring its own fleet of surface intelligence collecting vehicles, independent of control by MSTs or the National Security Agency.

The subcommittee understands that phase III of the projected program ultimately contemplated the deployment of 12 to 15 ships of the AGER type.

NECESSITY FOR SEABORNE SURVEILLANCE

The Navy advised the subcommittee that seaborne surveillance has certain particular advantages. It is carried out on high seas where, prior to the *Pueblo* incident, under international law as commonly observed by nations of the world, a ship is part of the sovereign territory of the country whose flag she flies and, according to international law, is free from armed attack and seizure.

From the collection standpoint, a surface ship can provide continuous presence since she can remain on station 24 hours a day for an extended period. Also, ships are comparatively inexpensive to configure for the surveillance mission.

The Soviets recognize the value of the surface ship in this role and, in fact, employ a substantial number of unarmed intelligence collection ships, which are called AGI's, that operate freely, far from home waters and well beyond the protective reach of other Soviet forces.

Some of these AGI's occasionally have violated our territorial waters but none has been attacked or fired upon by our forces, nor has any of their crew been seized or killed. In fact, when these ships have been notified that they were in U.S. territorial waters and, in accordance with international law, were requested to leave, they did so.

The effort which the Soviets put into this peripheral intelligence collection points out its usefulness to them. It is of no less importance to the United States.

THE AGER PROGRAM CONCEPT

An AGER is an intelligence collector. It is specifically configured to collect signals intelligence (SIGINT) but also collects collateral intelligence and hydrographic information. Signals intelligence is comprised of electronic intelligence (ELINT) and communications

intelligence (COMINT). ELINT is information derived from foreign non-communications electromagnetic radiations, while COMINT is that information derived from foreign communications by other than the intended recipients. Collateral intelligence is all that intelligence other than SIGINT which the ship is capable of gathering.

AGER's operate under the integrated naval surveillance and intelligence ship program established by CNO in August 1965 after coordination with the National Security Agency within the Pacific command. Peripheral reconnaissance is controlled and coordinated by CINCPAC through his service component commanders. Within the Pacific Fleet CINCPACFLT has promulgated policy for surface reconnaissance operations. The program was related to three phases:

Phase I of the integrated naval surveillance and intelligence ship program provided for a single ship, U.S.S. *Banner* (AGER 1), to operate under the operational control of COMSEVENTHFLT, except while conducting surveillance operations in the COMNAVFOR JAPAN area, at which time *Banner* would operate under COMNAVFORJAPAN. Phase I was to test a single ship in surveillance and intelligence collecting activities and had the following goals:

- (a) [2 lines deleted].
- (b) Test the effectiveness of a small ship acting singly, and primarily, as a naval surveillance and collection unit.
- (c) [3 lines deleted].
- (d) Collect photographic, acoustic, hydrographic, and other intelligence materials on targets of opportunity.
- (e) Report any intercepted information of CRITIC or spot report nature.

Phase II expanded phase I objectives to include the following in order to assist in determining the future of the program:

- (a) Conduct maximum collection of all types of intelligence in support of national and naval intelligence collection requirements.
- (b) [2 lines deleted].
- (c) [2 lines deleted].
- (d) Develop experience, procedures and equipment necessary to implement phase III in an optimum manner.

Phase III was contingent upon the demonstrated feasibility and operational effectiveness of phases I and II and would expand the effort to:

- (a) Provide continuous coverage of areas in which collection deficiencies exist.
- (b) Provide a capability for surveillance of expanding [deleted] naval operations.

It was envisioned that ultimately 12 to 15 AGER-type ships would be included in the program during phase III.

Phase I operations were conducted under the code word "Click-beetle." Phase II was originally to have been conducted under the code word "Pinkroot;" however, when the third ship was assigned to the Atlantic Fleet instead of the Pacific Fleet, it became necessary to establish a worldwide code word for AGER operations. At that time the code word "Pinkroot" was canceled; the code word "Breeder" was assigned to worldwide operations, and the code word "Ichthyic" assigned to Pacific Fleet AGER operations. Hence, the identification of the U.S.S. *Pueblo's* first mission as Ichthyic I.

MANAGEMENT OF AGER RECONNAISSANCE PROGRAM—GENERAL

Responsibility for the operation of the AGER surface reconnaissance program is essentially vested in the U.S. Navy. However, since the production of intelligence information obtained from these surface reconnaissance vehicles is intended to satisfy not only the Navy but various other consumer requirements in the executive branch, and to avoid possible duplication of reconnaissance efforts, policy governing the individual mission of these reconnaissance vehicles is, in theory at least, actually established and determined by the Joint Chiefs of Staff. This, however, as will be discussed later in this report, did not occur in the case of the *Pueblo*.

The Joint Chiefs of Staff through its staff entity, the Joint Reconnaissance Center, issues general policy guidance for the establishment of reconnaissance missions as well as the manner in which they are to be conducted. Thus, since the Joint Chiefs of Staff is the staff agency in Government which establishes general policy guidance for missions of this type and, in theory at least, constantly monitors their continuing implementation, it is reasonable to say that actual management of the reconnaissance mission program is in fact a dual responsibility shared by both the operator (the Navy in this instance) and the Joint Reconnaissance Center of the Joint Chiefs of Staff.

Although the AGER's are assigned as fleet resources to the Navy and operated by the fleet commander, they are nonetheless limited in their operations to preestablished Navy and national reconnaissance requirements. Thus, as in the case of the U.S.S. *Pueblo*, the responsible operating commander can only suggest a proposed mission for this type vessel, after which it must be forwarded through the chain of command for ultimate approval and action by the Joint Chiefs of Staff.

The operating commander in forwarding a recommended mission for an AGER-type vessel is, among other things, charged with the responsibility of establishing an evaluation of the risk involved in the proposed mission. This particular element of the operating commander's responsibility is especially important. Therefore, it will be discussed in considerably greater detail in the section of this report which develops the specifics of the *Pueblo* mission.

The Joint Chiefs of Staff, before taking formal action on the proposed mission, process it through its staff, identified as the Joint Reconnaissance Center. The staff of the Joint Reconnaissance Center is required to review the proposed mission to determine, among other things, whether the proposed mission is necessary to meet national service and command intelligence requirements. In addition, the Center evaluates the risk of the proposed mission with the Defense Intelligence Agency and other affected agencies of Government. In order to perform their function, the staff of the Joint Reconnaissance Center includes representatives of each of the four services; the Defense Intelligence Agency and other affected agencies of Government. In order to perform their function, the staff of the Joint Reconnaissance Center includes representatives of each of the four Services; the Defense Intelligence Agency; the National Security Agency; the Department of State, the Central Intelligence Agency, as well as a representative of the Secretary of Defense. The staff of the Joint Reconnaissance Center therefore provides the actual working mechanism of the Joint Chiefs of Staff for coordinating the processing of individual missions and

thus, in theory at least, avoiding unnecessary duplication in the overall national reconnaissance program.

After an individual mission deployment has been coordinated and staffed within the staff of the Joint Reconnaissance Center, it receives a formal input from each of the agencies affected, either approving the proposed mission, suggesting a modification, or recommending its cancellation. The staff of the Joint Reconnaissance Center then presents the mission proposal to the Joint Chiefs of Staff for their action.

The Joint Chiefs of Staff upon receiving the formal document recommending and explaining the proposed mission, either act to approve or disapprove the mission. If the mission is approved, it is then presented to the Secretary of Defense or his deputy for final Pentagon approval.

Upon completion of this review and its approval by higher civilian authority, who constitute the so-called [deleted] Board, the resulting decision is then sent to the area commander in chief for his action.

The area commander in chief, in turn, relays this approval through the chain of command to the operator of the surface reconnaissance vehicle.

The operating command in the case of both the U.S.S. *Pueblo* and the U.S.S. *Banner* was Commander Naval Forces Japan. The "operator," Commander Naval Forces Japan, is responsible for preparation of the actual operation order which directs the commanding officer of the reconnaissance vessel to proceed on his mission and provides, among other things, the rules and policies which he must observe in the process of discharging his mission responsibilities.

THE PUEBLO MISSION—GENERAL

Before reviewing the specific details of the *Pueblo* mission, it is necessary to place in perspective the background and rationale observed by the U.S. Navy in formulating and initiating the January 3-February 4, 1968, *Pueblo* mission.

Rear Adm. Frank L. Johnson, USN, former Commander Naval Forces Japan, in his appearance before the subcommittee outlined this background as follows:

I shall present a brief background of the surface surveillance operations program prior to the arrival on 1 December 1967 of the USS *Pueblo* in the area over which I, as Commander U.S. Naval Forces Japan (COMNAVFORJAPAN), had cognizance. I hope it will be helpful to this Committee in furthering your understanding of the concept of the surface surveillance program and the rationale behind the implementing operations which USS *Pueblo* was carrying out in January 1968 and my responsibilities for the *Pueblo* mission.

When the U.S.S. *Pueblo* was seized, she was under my operational control as COMNAVFORJAPAN and Commander Task Force 96. My immediate superior in the U.S. Navy chain of command was the Commander in Chief, U.S. Pacific Fleet (CINCPACFLT), the naval component commander in the Pacific Unified Command. I exercised operational control of the U.S.S. *Pueblo* under guidance and directives issued by CINCPACFLT.

The U.S.S. *Pueblo* and the U.S.S. *Banner*, AGER's as they are called, were under my operational control from the day of departure for a specific mission from a port in Japan until the day of return to port from that mission. At all other times, these ships were under the operational control of the Commander SEVENTH Fleet (COMSEVENTHFLT). The AGER's are under the administration of the Commander Service Force, Pacific (COMSERVPAC), who as the ship type commander is charged by CINCPACFLT with responsibilities for the training of personnel (less naval security group personnel), material maintenance and

repair of the ships, and with primary cognizance of such areas as ship inspections and appropriate reports, and overall readiness of ship and crew to carry out operational assignments.

The surface surveillance program was initiated in August 1965. CINCPACFLT's message 220139Z of September 1965, laid out the concept of operation of the underway surface surveillance program and directed COMNAVFORJAPAN to carry out the program. This message was superseded by a later message, CINCPACFLT's 021922Z of March 1966. It was under this later directive that the U.S.S. *Pueblo* was operating in January 1968.

Pertinent portions of the referred message are set out below:

NAVY DEPARTMENT,
March 1966.

R 021922Z
FM CINCPACFLT
TO COMSEVENTHFLT
COMNAVFORJAPAN
COMSERVPAC

U.S.S. *Banner*
INFO CNO
CINCPAC
CG FIFTH AF
JCS

CINCPACAF
DIRNAVSECGRU

Concept for Clickbeetle Operations.

A. CINCPACFLT 220139Z Sep 65 Pasep
B. CINCPACFLTINST 03100.38
C. CINCPAC 062312Z Feb 68 Notal

1. The following paras provide a revised concept for Clickbeetle operations, this concept is effective upon receipt, and cancels the concept promulgated by ref A.

2. USS *Banner* (AKL25) will be deployed to the Sea of Japan for a series of 4-6 week patrols, as the initial phase of a trawler surveillance program being developed by the Navy. The mission of *Banner* will be naval surveillance and intelligence collection in support of high priority national intelligence objectives.

3. Cover and Codewords

A. The unclassified mission-cover story: *Banner*, an unarmed, U.S. Naval auxiliary, is to conduct technical research operations in an ocean environment to support oceanographic, electromagnetic, and related research programs.

B. The following codewords have been assigned relating to *Banner* operations:

- (1) The codeword, "Clickbeetle," has the meaning "*Banner* operations as a naval surveillance ship."
- (2) The codewords, "Clickbeetle operation (NR)," have been assigned to designate the specific patrol of *Banner*.

4. Concept of Operations

A. *Banner* will operate under the OPCONHOP COMSEVENFLT except while conducting underway surveillance operation in the NAVFORJAPAN area, at which time *Banner* will chop to COMNAVFORJAPAN.

B. When directed, *Banner* will be sailed into the Sea of Japan to conduct tactical surveillance and intelligence collection against Soviet naval units and other targets of opportunity. The purpose will be primarily to test the platform and equipment in surveillance and in collecting intelligence.

C. Upon sailing for patrol station, *Banner* will check out of the movement report system, and will proceed to her assigned patrol areas in strict electronic silence. Silence will be maintained until *Banner* is detected, at which time *Banner* will break silence and submit periodic reports.

D. Upon arrival in the assigned patrol area(s), *Banner* will be authorized freedom of movement within her assigned patrol area(s) to reconnoiter targets of opportunity, and to depart her assigned patrol area(s) to monitor lucrative Soviet naval deployment or exercises in the Sea of Japan upon notifying COMNAVFORJAPAN. The following restrictions apply:

- (1) She will remain a minimum of one mile outside the Soviet bloc claimed territorial waters, a total distance of thirteen miles [deleted].
- (2) She will exercise care to avoid any motions which could be considered as harassment or which could cause embarrassment to Soviet ships. Soviet ships will not normally be closed closer than 500 yards, except for briefly closing to 200 yards as necessary for visual photo coverage of unusual interest items.
- (3) She will avoid or operate within specific areas designated by COM NAVFORJAPAN as may be necessary to prevent mutual interference or to effect mission coordination, E, for the purposes of control and coordination, the following operating areas for *Banner*.

6. Coordination

- A. A surface reconnaissance operations proposal message will be submitted by COMNAVFORJAPAN to CINCPACFLT by the 12th of the month, preceding, utilizing the format specified in ref C.
- B. To effect coordination of effort, avoid mutual interference, and for protection in event of emergency, COMNAVFORJAPAN will insure that COM SEVENTHFLT, Hg Fifth Air Force, COMFAIRWING SIX, JCS, CINCPAC, CINCPACFLT, HQ NSAPAC, CNO and FAIRECONRON ONE are kept informed of *Banner* movements and intentions.
- C. COMNAVFORJAPAN will insure suitable facilities and procedure exist for rapid destruction of classified material.
- D. COMNAVFORJAPAN will provide intelligence support to *Banner* as required.

7. Reports

- A. When under surveillance, a daily secret message report of priority precedence will be sent to COMNAVFORJAPAN, INFO JCS, CNO, CINCPAC, CINCPACFLT, COMSEVENTHFLT and such other addressees to be determined by COM NAVFORJAPAN, reporting positions, intentions and a summary of significant events, special intelligence items per se are not to be included in this message.
- B. Any Soviet challenges or allegations of operating in territorial waters will be reported to JCS, CNO, CINCPAC, CINCPACFLT, COMSEVENTHFLT, and COMNAVFORJAPAN by immediate message.
- C. Upon completion of a patrol, a post patrol report will be submitted to CNO via the operational chain of command in the format of the submarine patrol and reconnaissance reports as contained in paras 332 and 335 of NWIP 10-1. Suitably modified to fit the situation.
- D. Routine intelligence reports will be submitted in accordance with current instructions.
- E. Film will be forwarded, undeveloped, to NAVRECONTECHSUBCEN for processing, accompanied by appropriate photo data sheets.

Admiral Johnson continues:

Under the concept in the latter directive, the mission of the AGER, in effect, provides for seaborne surveillance by a small ship acting singly. The AGER was to remain a minimum of one mile outside claimed territorial waters or a total distance of 13 miles. For assistance to the AGER when needed, COMNAVFORJAPAN was directed by CINCPACFLT to keep certain commands, such as COMSEVENTHFLT, Headquarters 5TH AIR FORCE, CINCPACFLT, and CINCPAC, advised of the AGER's movements and intentions. This I did in my Operation Order No. 301-68 and in my "Sailing Orders." COMNAVFORJAPAN was further directed to submit a surface reconnaissance operation proposal message to CINCPACFLT by the twelfth of the month preceding a mission. This "Proposal" message was passed to CINCPACFLT, CINCPAC and JCS, and concurrence was passed back down the chain of command to CINCPACFLT, which by message directed COMNAVFORJAPAN to conduct the mission or operation. COMNAVFORJAPAN by message, called a "Sailing Order," issued specific instructions to the AGER in compliance.

The Proposal message included an evaluation of the risk involved in a particular mission. I personally made the initial determination of the risk evaluation. Factors considered in the risk evaluation were: geographical location, political climate, nature and scope of intelligence tasks, ship operations to be only in International Waters, study of previous missions, hostile reaction and harassment, and friendly forces available. In all, "Proposal" messages for the 18 scheduled missions, the estimate of risk was expressed as: Risk is estimated

to be minimal since operations will be conducted in International Waters. The "risk minimal" evaluation was concurred in by all commands in the chain of command, including JCS, for all missions which COMNAVFORJAPAN was directed by CINCPACFLT to conduct.

The CINCPACFLT message of 2 March 1966 is the basic cornerstone which established the concept and the method of AGER operations subsequently observed by both the U.S.S. *Banner* and the U.S.S. *Pueblo*.

Pursuant to established procedure, Commander Naval Forces Japan in November 1967, dispatched a message to Commander in Chief Pacific Fleet proposing a six-month schedule of reconnaissance operations for the U.S.S. *Pueblo* and the U.S.S. *Banner* (280635Z November 1967). The declassified portions of this dispatch are set out below:

NAVY DEPARTMENT,
November 1967.

1. Recommend following Pinkroot Schedule for Jan-Jul 1968: (All dates port to port):

| Platform | Pinkroot operation | Area target | Dates |
|---------------|--------------------|------------------------------|------------------|
| U.S.S. Pueblo | I | North Korea Tsushima Straits | Jan. 5-Feb. 4. |
| U.S.S. Banner | II | Petropavlovsk | Jan. 23-Feb. 22. |
| U.S.S. Pueblo | III | Sea of Japan | Feb. 19-Mar. 20. |
| U.S.S. Banner | IV | East China Sea ABGE | Mar. 6-Apr. 6. |
| U.S.S. Pueblo | V | Petropavlovsk | Apr. 3-May 3. |
| U.S.S. Banner | VI | East China Sea | Apr. 21-May 21. |
| U.S.S. Pueblo | VII | Sea of Japan | May 17-June 16. |
| U.S.S. Banner | VIII | do | June 12-July 1. |
| U.S.S. Pueblo | IX | do | June 27-July 27. |

2. In view *Banner* material problems, it is deemed inadvisable to delay Jul-Sep 68 overhaul dates. Overhaul period prior to Jun 1968 would be preferable. However, SRF Yokosuka indicates funding and work schedule makes earlier time frame prohibitive.

3. Pinkroot operation VII (*Pueblo*) has been scheduled to include proposed 1968 Sea of Japan transit (30 May-15 Jun).

4. Climatology study for period Jan-Mar, submitted by FLEWEAFAC Yokosuka, indicates fair weather conditions for initial proposed petro mission.

Commander in Chief Pacific Fleet approved the 6-month proposed deployment schedule and as a result, on 14 December 1967, Commander Naval Forces Japan provided the Commander in Chief Pacific Fleet with some detail concerning the proposed mission of the U.S.S. *Pueblo*.

Portions of that message have been declassified and are set out below:

Pinkfoot operation CM.

1. Following submitted IAW REF J C.

A. Justification: Subj operation will primarily be conducted in Sea of Japan to:

(1) Determine nature and extent of naval activity vicinity of North Korean (KORCOM) ports.

(2) Sample electronic environment of east coast North Korea.

(3) Intercept and conduct surveillance of Soviet naval units.

(4) Evaluate USS *Pueblo's* (AGER-2) capabilities as a Naval intelligence collection and tactical surveillance ship.

B. Estimate of risk: minimal since *Pueblo* will be operating in international waters for entire deployment.

C. Rules of engagement are as set forth in ref. A. Ref B is applicable in regards *Pueblo's* conduct in event of harassment or intimidation, as cognizant of *Pueblo's* vulnerability to fatal damage due to collision.

D. Direct liaison conducted or will be required with:

E. Operational info:

- (1) USS *Pueblo* (AGER-2)
 - (2) SASEBO 8 Jan 68
 - (3) (A) Proceed via Tsugaru Straits to arr oparea MARS approx 10 Jan.
 - (B) Operate opareas PLUTO, VENUS, and MARS, concentrating efforts in area(s) which appear most lucrative.
 - (C) Depart opareas 27 Jan, proceed south along Korean coast to vicinity Tsushima Straits.
 - (D) Intercept and conduct surveillance of Soviet naval units operating Tsushima Straits.
 - (E) Terminate surveillance to arr Sasebo nit 040001Z Feb.
 - (4) CPA to KORCOM/SOVPET land masuf off shore islands will be 13 NM. *Pueblo* will operate at least 500 yards from Soviet units except to close briefly to 200 yards as necessary from visual/photo.
- Coverage, additionally, *Pueblo* will not interfere with Soviet exercises. *Pueblo* will, however, maintain a position on the periphery for observation purposes.
- (5) Arr Sasebo, 1 Feb.
 - (6) Above opareas are defined as follows:
 - (A) East/west boundaries are contiguous to Korean coast extending from 13 NM CPA to land MASS/OFF shore islands seaward to 69 NM.
 - (B) North/south boundaries are PLUTO 12-CON to 41-CON; VENUS 41-COM to 40-CON; and MARS 40-CON to 39-CON.

The Commander in Chief Pacific Fleet by dispatch dated 172154z December 1967, forwarded Commander Naval Forces Japan's proposal for Ichthyic I, the first U.S.S. *Pueblo* mission, to Commander in Chief Pacific Fleet for approval, and also including numerous information addresses, among whom was the Joint Chiefs of Staff:

R172154Z Dec 67
 FM CINCPACFLT
 TO RUHHHQ/CINCPAC
 INFO RUENAAA/CNO
 RUEPJS/JCS
 RUEPJS/DIA
 RUEPSW/DIRNSA
 RUHGUL/COMSEVENTHFLT
 RUAUNJ/COMNAVFORJAPAN
 RUCIHS/DIRNAVSECGRU
 ZEN/DIRNAVSECGRUPAC
 ZEN/COMSERVPAC
 RUHHLHA/HQNSAPAC
 RUAUAZ/PACOM ELINT CENTER
 RUABBS/JSPC
 RUAUBAC/USS BANNER
 RUAUBAC/USS PUEBLO
 RUHHABA/CINCPACAF
 RUAUAZ/CG FIFTH AF
 RUAMWC/COMNAVFORKOREA
 BT

[Deleted.]

PINKROOT OPERATION 1

A. CINCPAC 232346Z APR 68 NOTAL

B. CINCPACFLTINST 003120.24A

1. Following proposal for Pinkroot Operation I submitted IAW REF A:

A. Justification: Subject operation is to be conducted in the Sea of Japan to:

- (1) Determine nature and extent of Naval activity vicinity of North Korean ports [1 line deleted].
- (2) Sample electronic environment of east coast North Korea, [1 line deleted].
- (3) Intercept and conduct surveillance of Soviet Naval units operating Tsushima Straits [2 lines deleted].
- (4) Determine Soviet and North Korean [1 line deleted].
- (5) Report any deployment of [2 lines deleted].
- (6) Evaluate USS *Pueblo* (AGER 2) capabilities as a Naval surveillance ship.

- B. Estimate of risk: Minimal.
- C. Rules of engagement: IAW REF B.
- D. Direct liaison has been conducted or will be required with:
- (1) DIRNAVSECGRUPAC
 - (2) PACON ELINT CENTER
 - (3) NSAPAC REP JAPAN
 - (4) COMUSKOREA
 - (5) NAVSECGRUACT KAMISEYA
 - (6) COMNAVFORKOREA
- E. Operational information
- (1) USS *Pueblo* (AGER 2)
 - (2) Sasebo, 8 Jan 68
 - (3) (A) Proceed to oparea MARS, arriving 10 Jan.
 - (B) Operate areas PLUTO, VENUS, and MARS, concentrating efforts in most lucrative areas.
 - (C) Depart opareas 27 Jan, and proceed south along Korean coast to vicinity Tsushima Straits.
 - (D) Intercept and conduct surveillance of Soviet naval units operating Tsushima Straits.
 - (E) Terminate patrol to arrive Sasebo NLT 040001Z Feb.
 - (F) Above opareas defined as follows: Western boundary is 13 NM from land mass off shore islands; Eastern boundary 60 NM seaward of Western boundary. North/south boundaries are: PLUTO 42-00N6, 47-00N5; VENUS 41-00N5, 40-00N4; MARS 40-00N4, 39-00N2.
 - (4) OPA sensitive areas; North Korea/Soviet land mass and off shore islands 13 NM.
 - (5) Sasebo, 4 Feb.
2. *Pueblo* will operate at least 500 yds from Soviet ships except to close briefly to 200 yds as necessary for photo coverage. *Pueblo* will maintain a peripheral position on any task force OPS observed, so as not to interfere.

GP-1

BT

NXXX

ADV CY NMCC/DIA

REF A not identified

Under the procedures observed by the Joint Reconnaissance Center operating under the Joint Chiefs of Staff, this message constituted the first official notice and basis for the U.S.S. *Pueblo* mission during the period 8 January to 4 February 1968. However, it was not until December 23, 1967, that Commander in Chief Pacific Fleet initiated a formal request to the Joint Chiefs of Staff for approval of this specific mission. This CINCPAC message was dated 230230Z December 1967:

R 230230Z DEC 67
 FM CINCPAC
 TO RUEKDA/JCS
 INFO RUENAAA/CNO
 RUEKDA/DIA
 RUEPWS/DIRNSA
 RUHKB/CINCPACFLT
 RUHQ/CINCPACAF
 RUAUBUL/COMSEVENTHFLT
 RUAUNJ/COMNAVFORJAPAN
 RUCISHA/DIRNAVSECGRU
 RUHKB/DIRNAVSECGRUPAC
 RUHHLHA/HQ NSAPAC
 RUHKB/COMSERVPAC
 RUAUAZ/PE
 RUARBS/JSPC
 RUAUAZ/CG FIFTH AF
 BT

[Deleted.]

Pinkroot operation I

A, CINCPACFLT 172154Z Dec 67

1. REF A outlines proposed USS *Pueblo* operations during the periods, 8 Jan-4 Feb 68.
2. Primary objectives for conduct of this mission are as follows:
 - A. Determine extent and nature of naval activity in vicinity of North Korean ports of [1 line deleted].
 - B. Sample electronic environment of eastern coast North Korea [1 line deleted].
 - C. Intercept and conduct surveillance of Soviet naval units operating in vicinity of Tsushima Strait [1 line deleted].
 - D. Determine Communist [4 lines deleted].
 - E. Report deployment of [2 lines deleted].
 - F. Continue evaluation of AGER effectiveness as a naval surveillance ship.
3. *Pueblo* will observe a CPA of not less than thirteen nautical miles from North Korean and Soviet land mass and off shore islands. Risk to *Pueblo* is estimated to be minimal since operations will be conducted in international waters.
4. Operations will be conducted in areas JUPITER, VENUS, and MARS. Boundaries of the areas are defined as: Western boundary, thirteen NM from the land mass/off-shore islands; eastern boundary extends sixty NM to seaward to the western boundary. North/south limits: PLUTO 42-00N, 41-00N; VENUS 41-00N, 40-00N; MARS 40-PN, 39-00N.
5. Specific information related to Pinkroot operation is as follows:
 - A. Depart Sasebo 8 Jan. 68.
 - B. Proceed to Oparea MARS arriving 10 Jan.
 - C. Operate in areas PLUTO, VENUS, and MARS concentrating efforts in most lucrative areas.
 - D. Depart Opareas 27 Jan. and proceed along Korean coast to vicinity Tsushima Straits. Upon arrival there, locate and conduct surveillance of Soviet naval units operating in the area.
 - E. Terminate patrol arriving Sasebo NLT 040001Z Feb.
6. When operating near Communist ships, maintain a CPA of not less than 500 yards, except to close to 200 yards briefly for photo coverage. The periphery in such a position as the prevent interference.
7. Recommend authorization be granted to conduct operations as outlined above.

The Subcommittee was advised by representatives of the Joint Reconnaissance Center that the actual processing of clearance on this specific *Pueblo* mission therefore began as early as the 17th of December with receipt of the first information message on the mission. The JRC, in accordance with established policy, assumed that the request made by CINCPACFLT on 17 December would be approved by CINCPAC and consequently went forward with initial processing of the mission approval by the Joint Chiefs of Staff. The processing included submission of the proposal to other agencies in government for concurrence, including among other things:

- (a) the risk assessment recommendation;
- (b) the intelligence validation, and
- (c) the technical validation.

As previously indicated in this report, the JRC includes among its operational staff, representatives from each of the military departments, State Department, and NSA, who have a specific interest in these reconnaissance missions. There is, in addition, liaison with each of the military services, the Defense Intelligence Agency, the National Security Agency, the Central Intelligence Agency, the State Department, as well as the Office of the Secretary of Defense. Thus, all of these agencies supposedly became aware of the U.S.S. *Pueblo* mission on December 17 and were required to give the proposed operation appropriate scrutiny and review.

It is, however, significant that the U.S.S. *Pueblo* mission was only one of hundreds of missions included in a monthly schedule of recon-

naissance operations reviewed and approved by the Joint Chiefs of Staff. These missions are submitted to the Joint Chiefs of Staff monthly in the form of a book which sets out in broad general terms the necessity for each of the missions, its objectives, its area of operations, its duration, and finally, its risk assessment. However, before this monthly reconnaissance schedule is actually acted upon by the Joint Chiefs of Staff, staff coordination and study is, in theory, provided by interested and affected Government agencies.

The details concerning the preliminary processing of these monthly reconnaissance schedules are of necessity classified. However, the Defense Intelligence Agency is specifically charged with the risk assessment evaluation on each individual mission, as well as its intelligence validation.

The validation of the intelligence and technical aspects of the proposed mission, as well as the risk assessment by the Defense Intelligence Agency, are triggered by, and made on the basis of, the brief message received, in this instance from CINCPACFLT on December 17 on the U.S.S. *Pueblo*.

Witnesses appearing before the subcommittee stated that despite the paucity of information contained in the December 17 message, the JRC and the interested Government agencies had, when required, access to considerably more information on all proposed missions than appear in official dispatches. Allegedly, staff personnel of the JRC are regularly in contact with their opposite numbers on the staff of the various area commanders in chief for the purpose of discussing ramifications of current and proposed reconnaissance missions. Thus, JRC representatives stated categorically that telephonic discussions had been had with their opposite numbers in the Joint Reconnaissance Center of Commander in Chief Pacific with specific reference to the *Pueblo* mission. However, no official record was made of these informal telephone discussions.

Concurrent with the processing of the mission proposal by the staff of the Joint Chiefs of Staff, Commander Naval Forces Japan was in the process of preparing operational and sailing orders for the U.S.S. *Pueblo* mission, Ichthyic I. The operation order ultimately prepared for Ichthyic I is identified as No. 301-68 and sets out in detail the mission of the U.S.S. *Pueblo*, its objectives and the manner in which it is to respond to emergency situations.

The subcommittee has reason to believe that this operational order 301-68 was seized by the North Koreans when they boarded the U.S.S. *Pueblo*. However, the Department of Defense is of the view that compromise of this top secret document by the North Koreans is not a certainty and, therefore, refused to make its contents available to the general public.

The sailing orders of the *Pueblo* issued by Commander Naval Forces Japan were issued in his capacity as Commander Task Force 96. These sailing orders 050512Z January 1968 have been reclassified and are set out below in their entirety:

Authority, Deputy Secretary of Defense, September 12, 1968.

(S) PAUL H. NITZE.

050512 Z January 1968

From: Commander Task Force Ninety Six

Action: USS *Pueblo*

Information: Commanding General, Fifth Air Force; Commander in Chief Pacific; Commander in Chief Pacific Air Force; Commander in Chief U.S. Pacific Fleet; Chief of Naval Operations; Commander Fleet Air Wing Six; Commander Service Force, U.S. Pacific Fleet; Commander Seventh Fleet; Director Naval Security Group; Fleet Air Reconnaissance Squadron One; Headquarters National Security Agency Pacific; Joint Chiefs of Staff; Naval Field Operations Intelligence Office; Naval Security Group Activity (Kamisesya); Oceanographer of the Navy; Commander Service Group Three; Director Naval Security Activity; Director Naval Security Group Pacific; Commander U.S. Forces Korea; Commander Naval Forces Korea; Pacific Command Electronics Intelligence Center

Subject: Ichthyic One Sailing Order (C)

A. Commander Task Force 96 Operation Order 301-68 (Not To All)

B. Pacific Command Electronics Intelligence Center Message 210734Z of December 1967 (Passed Separately, Not To All)

C. Commander in Chief U.S. Pacific Fleet Instruction 003120.24A

D. Commander in Chief U.S. Pacific Fleet Instruction 03100.3D

1. Ichthyic One formerly Pinkroot One.

2. Depart Sasebo, Japan when ready for sea about 8 January 1968. Check out of movement report system and proceed via Tsushima Straits to arrive operation area MARS about 10 January.

3. Attempt to avoid detection by Soviet Naval units while proceeding operation area MARS.

4. Upon arrival MARS, conduct Ichthyic Operations in accordance with provisions of reference A.

A. Operate operation areas Mars, Venus and Pluto, concentrating efforts area/areas which appear most lucrative.

B. Depart operation areas 27 January and if not under surveillance, maintain strict emission control condition. Proceed south along Korean coast to vicinity Tsushima Straits.

C. Intercept and conduct surveillance of Soviet Naval units operating Tsushima Straits.

D. Terminate surveillance to arrive Sasebo 4 February 1968. Earlier departure authorized to ensure ten per cent on-board fuel upon arrival Sasebo.

5. Operation areas defined as follows:

A. East/west boundaries all areas are contiguous to Korean Communist coast extending from thirteen nautical miles closest point of approach to land mass/off-shore islands seaward to sixty nautical miles.

B. North/south boundaries are:

Mars, 40-00N4 to 39-00N2;

Venus, 41-00N5 to 40-00N4;

Pluto, 42-00N6 to 41-00N5.

6. Special instructions:

A. Collect electronic intelligence in accordance with the provisions in reference B, on not to interfere basis with basic mission.

B. The closest point of approach to the Korean Communist/Soviet land mass/off-shore islands will be thirteen nautical miles.

C. Upon establishing firm contact with Soviet Naval units, break emission control and transmit daily situation report.

D. Operate at least 500 yards from Soviet units except to close briefly to 200 yards as necessary for visual/photo coverage.

E. Do not interfere with Soviet exercises but maintain a position on the periphery for observation purposes.

F. If unable to establish or gain contact with Soviet units within 24 hours arrival Tsushima Straits area, advise originator using immediate precedence.

G. Provisions of reference C apply regarding rules of engagement. Reference D applies regarding conduct in event of harassment or intimidation by foreign units.

H. Installed defense armament should be stowed or covered in such a manner as to not elicit unusual interest from surveying/surveyed unit or units. Employ only in cases where threat to survival is obvious.

At this point, it is interesting to note that the sailing order contains no special instructions relating to communications plans for contact with surface/air support if alert aircraft were laid on. Moreover, the operating order, 301-6S, from commander Task Force 96 to the *Pueblo*, provides emergency instructions for ship-to-ship communications in the event a surface unit was dispatched to the assistance of an AGER. However, there were no instructions for communications between the AGER (the *Pueblo*) and any air units which might have been dispatched to its assistance. Thus, we have the strange anomaly of the only support forces "on call" to commander Task Force 96 to aid the *Pueblo* were 5th Air Force aircraft. However, should these have been utilized, there was no provision in the OP order for emergency communications between the ship and the aircraft.

The sailing orders and the operational orders were issued to the commander of the U.S.S. *Pueblo* after December 29, 1967, the date on which the Joint Chiefs of Staff had indicated its approval of Ichthyic I.

THE MONTHLY RECONNAISSANCE SCHEDULE

In accordance with established policy, the various area commanders in chief, that is, CINCPAC, CINCEUR, and so forth, have their monthly meetings on proposed reconnaissance missions in their area during the first 2 weeks of each month. Thereafter, the proposals are forwarded to the Joint Reconnaissance Center of the Joint Chiefs of Staff who prepare the monthly reconnaissance schedule on the 23d day of the month.

In the case of the U.S.S. *Pueblo*, although actual "approval from CINCPAC" for the *Pueblo* mission did not reach the JRC until December 23, 1967, the monthly reconnaissance schedule for January 1968 did include the proposed mission of the U.S.S. *Pueblo*.

Subsequently, on December 29, 1967, after processing of the monthly reconnaissance schedule by various affected Government agencies, Joint Reconnaissance Center staff personnel presented the proposed monthly reconnaissance schedule to the Joint Chiefs of Staff. The review made by the Joint Chiefs of Staff apparently is relatively cursory and consists of a briefing of the highlights of the reconnaissance schedule by a representative of the Joint Reconnaissance Center. At that time, based upon previous study by representatives of each of the individual Chiefs of Staff, questions on individual missions are reviewed and final action taken by the Joint Chiefs of Staff.

In the case of the schedule which included the *Pueblo* mission, the fact is that the Joint Chiefs of Staff never met on it at all. It was the week of the Christmas holidays. Two of the Joint Chiefs were out of town, and no one on any of their staffs having raised any objection to any of the hundreds of missions included in the schedule, approval was granted by the Chiefs without any formal meeting of the Joint Chiefs of Staff.

Following approval by the Joint Chiefs of Staff, the proposed monthly reconnaissance schedule is presented to either the Secretary of Defense or the Deputy Secretary of Defense. In the case of the schedule involving the *Pueblo* mission, the matter was presented to Deputy Secretary of Defense, Mr. Nitze, who, after reviewing the

entire schedule, indicated his approval. The subcommittee was unable to ascertain the time spent by the Secretary in scrutinizing and reviewing the proposed monthly reconnaissance schedule.

Subsequent to the approval of the monthly reconnaissance schedule by the Deputy Secretary of Defense, the matter is then presented to high authority for formal approval in the executive branch. This final step was apparently observed in respect to the monthly reconnaissance schedule for January 1968, and final approval action provided on December 29, 1967.

Although we have been unable to ascertain the time spent by the Deputy Secretary of Defense and the [deleted] Board in reviewing the monthly reconnaissance book, we think it is significant that the schedule was "approved" by the Joint Chiefs of Staff on December 29, 1967, reviewed and "approved" by the Deputy Secretary of Defense on December 29, 1967, reviewed and "approved" by the [deleted] Board on December 29, 1967, and returned to the Joint Chiefs of Staff for action on December 29, 1967.

The Joint Chiefs of Staff notified CINCPAC and CINCPACFLT and Commander Naval Forces Japan on January 3, 1968, of final approval of the mission. Subsequently, Commander naval forces Japan issued Operational Order 301-68 and sailing orders to the U.S.S. *Pueblo*.

THE U.S.S. PUEBLO

Ship's Characteristics

The U.S.S. *Pueblo* (AGER 2), formerly AKL 44, was converted at Puget Sound Naval Shipyard in 1966-67. The ship had the following characteristics:

- | | |
|---|-------------------------------------|
| (a) Overall length: 176 feet 6 inches. | (e) Displacement: |
| (b) Draft: | Light: 850 tons. |
| Light: 10.5 feet. | Loaded: 950 tons. |
| Loaded: 11.5 feet. | (f) Propulsion: 2 GM 278 S-cylinder |
| (c) Hull: $\frac{3}{8}$ inch steel. | diesel engines, twin screw. |
| (d) Beam: 32 feet 8 $\frac{1}{2}$ inches. | (g) Speed: |
| | Full: 12 to 12 $\frac{1}{2}$ knots. |
| | Flank: 13 knots. |

ARMAMENT (INCLUDING SMALL ARMS)

| Type | Number | Maximum range (yards) | Maximum effective range (yards) |
|------------------------------|--------|-----------------------|---------------------------------|
| .50 caliber machineguns..... | 2 | 7,600 | 2,200 |
| Thompson submachineguns..... | 10 | 1,700 | 150 |
| .45 caliber pistols..... | 7 | 1,600 | 50-75 |
| .30 caliber rifle..... | 1 | 3,500 | 500 |

The U.S.S. *Pueblo* required 5 minutes to go from stop to full speed and an additional 5 minutes to flank speed.

The *Pueblo* carried one Mark 10, 26-foot motor whale boat, and enough life rafts to accommodate 90 men.

Conversion in Bremerton, Wash.

The U.S.S. *Pueblo* (AGER 2) was built in 1944 as a general purpose supply vessel for the U.S. Army. She saw service in the Philippines and later in Korea, retiring from service in 1954 as Army Vessel

FS-344. She remained inactivated until she was transferred to the Navy on April 12, 1966. At that time she was renamed *Pueblo* and classified as an auxiliary light cargo ship (AKL 44). During the period June 1966 to September 1967 she underwent conversion at the Puget Sound Naval Shipyard, Bremerton, Wash. She was commissioned an AGER on May 13, 1967.

On January 30, 1967, Commander Lloyd Mark Bucher, 582154/1100, USN reported to Commandant, 13th Naval District, as prospective commanding officer of *Pueblo*. When Commander Bucher reported aboard *Pueblo*, the ship's assigned allowance was 64 personnel (35 in ship's company and 29 in the Naval Security Group Detachment), of whom approximately 50 percent or about 30, were already aboard. As a result of conversations with the commanding officer, U.S.S. *Palm Beach* (AGER 3), Commander Bucher requested additional personnel to fill billets considered by him to be necessary in view of *Pueblo's* conversion from an AKL to an AGER. After the additional allowance (to a total of 83) was made, he was satisfied that *Pueblo* was adequately manned for the mission. There being no standard AGER ship's organization in existence, U.S.S. *Banner's* was obtained as a preliminary guide.

During the outfitting and conversion of *Pueblo* in Bremerton, numerous materiel improvements were made in the ship with regard to habitability, and the usage of the Secgrudet and navigation spaces.

Money for the conversion was reduced from \$5.5 million to \$4.5 million.

The Navy designation as an AKL, caused some confusion during the conversion. Some items necessary for an AGER were not included in the original plans, such as no provision for storage of registered publications, a suitable incinerator, etc. Items were also received at the yard for an AKL which were not intended for an AGER and had to be returned to the supply system.

When he first reported to Bremerton, Commander Bucher understood the ship would complete her conversion in May 1967. The conversion was finally completed and the ship left Bremerton in September 1967. Extensions occurred on a month-to-month basis. As a result, certain projects which Commander Bucher wished to have accomplished which would have taken more than a month to complete, were never approved because the projected time remaining was never considered adequate. If the planners had realistically provided for the eventual delay in the shipyard, Commander Bucher believes many of his requests would have been approved and implemented.

During the course of subcommittee hearings, it was established that on August 28, 1967, the Chief of Naval Operations advised the Chief of Naval Materiel that a decision had been made to install defensive armament (no less than 20-millimeter guns) on commissioned Navy ships not now so equipped. This directive indicated that the only commissioned ships of the Navy which would be exempted from the installation of this type of defensive armament were submarines and hospital ships. However, Rear Adm. Frank Johnson, Commander Naval Forces Japan, the operational commander responsible for the U.S.S. *Pueblo*, advised the subcommittee that he had never heard of this directive. He further observed that this would be an action essentially the responsibility of Commander Service Forces Pacific, the ship type

commander. Nonetheless, two .50 caliber machineguns and three mounts were installed on the U.S.S. *Pueblo* at Yokosuka, Japan, per CNO direction on January 2 and 3, 1968, as "interim armament." At that time, policy was made clear by Commander Naval Forces Japan that these guns were intended as defensive armament and not to be used in a provocative manner.

The *Pueblo's* crew was trained in the use of these guns and exercised them periodically thereafter.

Commanding Officer *Pueblo* letter serial 002-67 of June 9, 1967, requested Commander, Naval Ships Systems Command for modifications and additions to *Pueblo's* damage control facilities, including additional sound-powered telephone systems, additional alarm systems, and an explosive emergency destruction system. Commander, Naval Ships Systems Command letter serial FMSS3-009853 of July 18, 1967, to CNO, copy to *Pueblo*, reviewed the requests and commented that the additional telephone circuits should be installed by ship's force, if desired, and suggested that the IMC system should be sufficient to alert all hands of any emergencies. Relative to the requested explosive destruct system, it recognized that such a system was highly desirable and advised that destruct charges added to existing equipment normally provide doubtful effectiveness, accomplishing only partial destruction.

The commanding officer discussed the problem of emergency destruction capability further with the staff, Commander Naval Forces Japan, and was referred to the officer in charge, Naval Ammunition Facility, Azzuma Island in Yokosuka. A survey of the security spaces by an officer from that facility in December 1967 resulted in a recommendation that several thermite destructors be installed. The commanding officer gave consideration to the acquisition of such devices. However, in view of the fact that security publication KAG-1D prohibited carrying incendiary destruct devices aboard ship, the commanding officer decided against the installation of such equipment.

The referenced prohibition against carrying incendiary destruct devices aboard ship was in effect on January 23, 1968, but was rescinded on February 11, 1968, at least partially, as a result of the *Pueblo* seizure.

Intraship communications systems consisted of a 1JV sound-powered circuit with outlets in most compartments of the ship, a special secure sound-powered system with outlets in the Secgrudet spaces, the captain's cabin, and the pilot house, and a general announcing system (IMC) with a general alarm system an integral part thereto. Commander Bucher had indicated his displeasure with these systems and had requested additional sound-powered systems. He was authorized to install additional circuits deemed necessary, using the ship's force. Cable and terminals were ordered and were onboard prior to seizure; however, the additional circuits were not completed apparently because of lack of ship's force capability.

Pueblo Enroute to and Inport San Diego

The U.S.S. *Pueblo* departed Puget Sound on September 11-13, 1967, and arrived in San Diego on 21-22 September 1967 after stopping briefly in San Francisco.

It conducted shakedown training from September 25, 1967 to October 20, 1967.

While the *Pueblo* was in San Diego, most of the security group detachment personnel attended firefighting and damage control schools. Officers attended OOD school and communications school. There was, however, no precommissioning school for the crew as a unit. Drills were held at emergency destruction.

On October 26, 1967, Commander Service Group 1 conducted *Pueblo's* predeployment readiness inspection. One of the discrepancies noted was, "... promulgate emergency destruction bill, post in all spaces, provide weighted bags where needed." In commanding officer *Pueblo's* reply to this inspection, Commander Bucher noted that a destruction bill had been promulgated.

By the time *Pueblo* deployed from San Diego enroute WESTPAC, Commander Bucher advised the U.S. Naval Court of Inquiry that he "was satisfied with the training and capabilities of his crew."

"Pueblo," En route to and Inport Pearl Harbor

The *Pueblo* departed San Diego on November 6, 1967, and proceeded to Pearl Harbor, arriving November 14. The time en route was utilized for routine training evolutions and emergency drills. [2 lines deleted].

After arriving in Pearl Harbor on November 14, 1967, *Pueblo* received the normal briefings given a deploying ship by CINCPAC FLT's staff. This included briefings in intelligence, communications, and standard operational matters. In addition, Commander Bucher spent about 2 or 3 days with the Intelligence Division's AGER project officer, and about 1 hour with the Operations Division's AGER action officer and had briefings from SERVPAC. Captain (now rear admiral) Cassell, Assistant Chief for Operations at CINCPACFLT, visited *Pueblo* and arranged for shipyard work to be done on *Pueblo's* steering gear. It was during these 4 days of briefings that Commander Bucher learned that this first mission would probably be off North Korea, and that in the event he were attacked, U.S. Forces were prepared to react but that such assistance would probably come too late to save the ship. Lt. Stephen R. Harris, USNR, officer in charge, embarked security group detachment, U.S.S. *Pueblo*, and other personnel of the detachment also received briefings from, and were visited by, DIRNAVSECGRUPAC and his staff.

Pueblo En route and Inport Yokosuka

Pueblo departed Pearl Harbor on 18 November 1967 and proceeded direct to Yokosuka. Time enroute to Yokosuka was devoted to training similar to that conducted between San Diego and Pearl Harbor.

While enroute to Yokosuka from Pearl Harbor, Commander Bucher discussed with the officers of the wardroom, including Lieutenant Harris, the fact that the first mission would be off North Korea. He did not, however, discuss with his officers the information concerning the inability of U.S. forces to protect the *Pueblo* should she be attacked.

Upon arriving in Yokosuka on December 1, 1967, commanding officer of the *Pueblo* reported to Commander, U.S. Naval Forces, Japan, who at that time was Rear Adm. Frank L. Johnson, USN.

While the *Pueblo* was in Yokosuka, COMNAVFORJAPAN's staff assisted in preparing the ship for her mission. The commanding officers of the *Banner* and *Pueblo* coordinated their efforts to reduce the amount of classified material aboard the AGER's. They were success-

ful in reducing the amount of cryptographic material, but were unsuccessful in reducing the tactical publications carried aboard *AGER's*.

The U.S.S. *Pueblo* received some additional repairs and refitting at Yokosuka, particularly to its steering apparatus, which was finally repaired. Although Commander Naval Forces Japan by CINCPACFLT order and his own operational order 301-68, was required to verify the effectiveness of the destruction capability for classified matter on the U.S.S. *Pueblo*, the verification which was conducted by Commander Naval Forces Japan at Yokosuka was most informal and cursory, and obviously the destruction capability was inadequate.

On January 4, 1968, Commander Naval Forces Japan conducted an informal and final inspection of the U.S.S. *Pueblo* and after consultation with the commanding officer, determined that the *Pueblo* was in all respects ready for sea. Commander Naval Forces Japan asked Commander Bucher "if he had any problems on which he needed further assistance." Commander Bucher replied in the negative.

Admiral Johnson further stated that:

Based on reports made to me by my staff, the intensive indoctrination of the *Pueblo* by the *Banner* personnel, the final day of briefings of the *Pueblo*, and my own personal observations, I was satisfied that the U.S.S. *Pueblo* was in a satisfactory state of readiness and could carry out her assigned mission.

On January 5, 1968, the U.S.S. *Pueblo* then departed Yokosuka, Japan for Sasebo, Japan. She arrived in Sasebo on January 9 and departed that port on January 11 for her assigned area of operation.

RISK EVALUATION

Earlier in this report, the subcommittee had discussed in general terms the mission approval process. Included in the mission approval process is the requirement that the command originating the mission proposal and all intervening commands including finally the Defense Intelligence Agency evaluate and establish the risk category of the proposed mission.

The subcommittee believes that the risk assessment function is the most critical factor in the mission proposal. Therefore, this report will discuss in considerable detail the manner in which the risk assessment function was handled on the *Pueblo* mission. The mission proposal, for the U.S.S. *Pueblo*, including an assessment of the risk, was prepared and forwarded by Commander Naval Forces Japan to the Joint Chiefs of Staff via CINCPACFLT and CINCPAC.

Although Commander Naval Forces Japan had the responsibility for making the initial risk assessment on the U.S.S. *Pueblo* mission, Ichthyic I, the approval process presumed similar scrutiny and evaluation throughout the review and approval process at the various levels of the chain of command. Thus, theoretically, Commander in Chief Pacific Fleet as well as Commander in Chief Pacific were required to independently evaluate the risk assessment for the mission before it was actually transmitted to the Joint Chiefs of Staff for processing at the Washington level.

The official assessment of risk established by commander Naval Forces Japan for Ichthyic I was confined to the following cryptic statement in a dispatch to Commander in Chief Pacific Fleet dated December 14, 1967:

B. Estimate of risk: minimal, since *Pueblo* will be operating in international waters for entire deployment.

This same estimate of risk was then repeated in CINCPACFLT's message of December 17, 1967 (172154Z) recommending favorable action on the proposed mission for the U.S.S. *Pueblo*. The risk evaluation stated in the message was as follows:

B. Estimate of risk: minimal.

Similarly, the action taken by CINCPAC recommending approval of the mission to the Joint Chiefs of Staff by his message of December 23, 1967 (230230Z December 1967) stated:

Risk to *Pueblo* is estimated to be minimal since operations will be conducted in international waters.

The Joint Chiefs of Staff regulations establishing policy on reconnaissance missions include very detailed instructions concerning risk evaluation. The subcommittee believes that this criteria was not utilized by either Commander Naval Forces Japan, CINCPACFLT, or Commander in Chief Pacific in making risk assessment evaluation. As a matter of fact, it seriously questions whether any of these commanders or staffs were aware of the specific criteria promulgated by the Joint Chiefs of Staff as the basis for assessing risk evaluation.

RISK ASSESSMENT—CRITERIA

Commander Naval Forces Japan, who was initially responsible for risk assessment on the *Pueblo* mission, testified that his assessment was based on the following considerations:

- a. The political climate
- b. Sensitivity of the target country
- c. Material condition of the ship
- d. State of training of the ship's personnel
- e. The climatological condition of the area of the patrol
- f. Nature and sensitivity of the operations
- g. Possibility of hostile reactions
- h. Forces available for the mission
- i. Previous experience in the proposed area of operations
- j. Difficulties of navigation in proposed area of operations
- k. Encounters with ships and aircraft (mutual interference to be expected)
- l. Anticipated intelligence take
- m. Support forces available
- n. Opposing forces

On the other hand, the criteria established by the Joint Chiefs of Staff for risk evaluation appears to differ significantly from that observed by Commander Naval Forces Japan.

Under criteria promulgated by the Joint Reconnaissance Center of the Joint Chiefs of Staff, the missions in the monthly Joint Reconnaissance Schedule [17 lines deleted].

[22 lines deleted.]

The criteria observed by Commander Naval Forces Japan does not appear to give any consideration to a number of Joint Chiefs of Staff criteria, such as [deleted] and [deleted] of the reconnaissance vehicle.

The subcommittee must therefore conclude that these latter criteria were not observed by Commander Naval Forces Japan in establishing his initial "risk assessment" of the *Pueblo* mission.

Equally important is the fact that although both Commander Naval Forces Japan and Defense Intelligence Agency, in the case of the *Pueblo*, are jointly responsible for "risk evaluation," apparently only DIA uses the JCS criteria and Commander Naval Forces Japan either was unaware of it or simply chose to ignore it.

PUEBLO—SHIP PROTECTIVE MEASURES

The subcommittee also is in receipt of evidence which indicates that there was a reluctance at many levels in the military command to commit and provide specific forces as ship protective measures for these AGER reconnaissance missions, and therefore there was pressure placed on the commander originating the mission; i.e. Commander Naval Forces Japan, to place a minimal risk categorization on these missions since that was the only acceptable risk evaluation that would be approved by higher command.

Testimony received by the subcommittee indicates that Commander Naval Forces Japan had on at least two previous occasions established ship protective measures for the U.S.S. *Banner* during its deployment off the mainland of China. These ship protective measures which included alert forces from commander 5th Air Force as well as the utilization of destroyer protection from commander 7th Fleet, were contingency measures instituted by Commander Naval Forces Japan for the U.S.S. *Banner* despite the fact that the *Banner* was also on so-called minimal risk missions. It is particularly significant, in the view of the subcommittee, that these contingency plans establishing ship protection measures for the *Banner* were not evidenced in the initial risk evaluation sent forward through the chain of command with the document seeking mission approval from the Joint Chiefs of Staff.

The mission proposal for the U.S.S. *Pueblo* was received by the Office of the Joint Chiefs of Staff on December 17, 1967, on the basis of an information copy of the message sent by Commander in Chief Pacific Fleet to CincPac endorsing the recommendation of Commander Naval Forces Japan. The processing of this reconnaissance mission proposal was then placed in the administrative machinery of the Joint Reconnaissance Center of the Joint Chiefs of Staff.

At this point again it is important to emphasize that the only document reflecting the U.S.S. *Pueblo* mission proposal, including the risk evaluation, was the dispatch from CincPacFlt dated December 17, 1967. This document, as previously indicated, simply categorized the risk assessment as "minimal." Nothing in the document elaborated on this risk evaluation nor was there any evidence that the criteria established by the Joint Chiefs of Staff on risk evaluation was observed.

The document referred to as the "monthly reconnaissance schedule" which included the U.S.S. *Pueblo* mission, Ichthyic I, along with hundreds of others, was formally sent to various interested Government agencies on Saturday, December 23, 1967. Responsible Government agencies and Pentagon authorities approved the monthly reconnaissance schedule, including Ichthyic I, on Friday, December 29, 1967.

The Joint Chiefs of Staff regulations on proposed reconnaissance missions place responsibility for risk evaluation for all missions in the monthly reconnaissance schedule on the Defense Intelligence Agency. However, there is no provision in the regulations, to the knowledge of the subcommittee, that requires an affirmative statement that responsible authorities in the Defense Intelligence Agency had fully discharged their responsibility for risk evaluation on each of the several missions included in the monthly reconnaissance schedule.

In testifying before the subcommittee, Lt. Gen. Joseph F. Carroll, Director of the Defense Intelligence Agency, commented on the discharge of this responsibility of the Agency in respect to the U.S.S. *Pueblo* mission. General Carroll said:

In the case of *Pueblo*, the mission for January 1968 was first proposed by CINCPACFLT on December 17, 1967. Although this proposal was addressed for action to CINCPAC, as the next senior commander in the chain of command, it was addressed for information to the JCS, DIA, NSA as well as other commands and activities who would be involved in the event of mission approval. The CINCPACFLT message proposing the mission described the risk as minimal, equating to risk Category [deleted].

Upon receipt of this initial message, although not yet endorsed by CINCPAC, the JRC, DIA and NSA began the various considerations which would be necessary to process this proposal through to approval, along with other missions, mostly airborne, which had already been proposed for January 1968.

On 23 December, CINCPAC recommended to the JCS that approval be granted to conduct the mission as proposed by CINCPACFLT, CINCPAC, in his evaluation, also assigned the proposed *Pueblo* mission a minimal risk, equating to Category [deleted]. On the basis of this message, and there being no information available to DIA at the time to alter the risk assessment assigned by the operational commander and the theater commander, the JRC entered the proposed mission into the monthly schedule as a risk assessment of Category [deleted].

The complete monthly reconnaissance schedule for January 1968 was distributed on December 27, and included the proposed *Pueblo* mission as outlined. The fact of the proposed mission, its area of operation, and its evaluated risk category had been known to JRC, DIA and NSA, among others, for at least 10 days at this point. During all this while, as I have described, there were daily considerations of changes in the military or political situation, increased sensitivity and reactions to other reconnaissance missions. There was nothing in these considerations to cause us in DIA or the JRC to alter the risk assessment which had tentatively been assigned to the proposed mission.

Thereafter, the projected January schedule was briefed and further reviewed by responsible DIA officials, as I have described. During these reviews, as during the previous 10 days, no evidence developed to alter the tentative risk assessment. Thus, when the schedule went forward for JCS consideration on December 29, the *Pueblo* mission was still listed as Category [deleted].

The schedule was approved by the JCS in this form, and was subsequently approved by higher authority in the same form.

General Carroll further amplified his testimony before the subcommittee by stating that he did not recall any instance in which DIA had disagreed with a minimal risk assessment on an individual mission after the monthly reconnaissance schedule had been formally prepared and circulated to the affected Government agencies.

General Carroll also advised the subcommittee that minimum risk operations, that is category [deleted] missions, do not include information concerning possible contingency plans in the document which is circulated to Government agencies as the "Monthly Reconnaissance Schedule."

General Carroll went on to say that "contingency plans would be included in case the risk assessment was of such a level as to indicate that the probability of an untoward event would occur."

General Carroll was queried at length concerning the specific and detailed criteria used in risk evaluation which include five specific anticipated reaction criteria and five anticipated sensitivity criteria. General Carroll stated categorically that each of these criteria were considered in the risk evaluation process by his agency. However, he conceded that he could produce no written evidence or supporting

document indicating that these criteria had been reviewed in the case of the *Pueblo* mission.

When asked "how do you know that your staff people have done this?", General Carroll replied "because they are charged with doing it, because they are professionals ***."

WARNING MESSAGE ON THE PUEBLO MISSION

During subcommittee hearings it was established that a message had originated in the National Security Agency which questioned the minimal risk assessment assigned the U.S.S. *Pueblo* mission.

This message recited a history of North Korean incidents and suggested that in view of the evident increase in hostile actions taken by the North Koreans, it might be considered desirable to establish ship protective measures for the U.S.S. *Pueblo* mission.

The message from the Director of NSA (National Security Agency) to the JCS/JRC referred to CINCPAC message 230239Z of December 1967 and reads as follows:

Paragraph 1. Reference states, "Risk to *Pueblo* is estimated to be minimal since operations will be conducted in international waters."

Paragraph 2: The following information is forwarded to aid in your assessment of CINCPAC's estimate of risk. [Deleted] 1, the North Korean Air Force has been extremely sensitive to peripheral reconnaissance flights in this area since early 1965. (This sensitivity was emphasized on April 28, 1965, when a U.S. Air Force RB 47 was fired on and severely damaged 35 to 40 nautical miles from the Coast.)

2. The North Korean Air Force has assumed an additional role of naval support since late 1966.

3. The North Korean Navy reacts to any Republic of Korea Navy vessel or Republic of Korea fishing vessel near the North Korean coast line. (This was emphasized on January 19, 1967, when a Republic of Korea Naval vessel was sunk by coast artillery.)

4. Internationally recognized boundaries as they relate to airborne activities are generally not honored by North Korea on the East Coast of Korea. But there is no [deleted] evidence of provocative harassing activities by North Korean vessels beyond 12 nautical miles from the coast.

Paragraph 3. The above is provided to aid in evaluating the requirement for ship protective measures and is not intended to reflect adversely on CINCPACFLT deployment proposal.

General Carter, Director of NSA, was asked why his Agency had sent this message and the following colloquy developed:

General CARTER. Yes, sir. The first sentence said the reference states: "Risk to *Pueblo* is estimated to be minimal"——

Mr. BRAY. Is that an opinion on the part——

General CARTER. That was CINCPACFLT's opinion in the message——

Mr. BRAY. That is not your opinion?

General CARTER. No, sir, that is not my opinion.

Mr. PIKE. In fact, the whole reason for this message was that you questioned that judgment, was it not?

General CARTER. It wasn't a question of judgment because I have no responsibility in assessing the risk. This is not in my charter at all. We have procedures where our analysts talk to other analysts on a day to day basis on all of these things.

Mr. BRAY. Isn't it your duty to bring this to their attention?

General CARTER. [1 line deletion.] This was the first voyage of the *Pueblo*, the very first one, and it was the first voyage in which we were having a vessel linger for a long period of time near North Korean waters. It therefore was a special mission as we saw it. We knew that she was going to stay in international waters. We had no evidence that the North Koreans at sea had ever interfered with or had any intentions to interfere with a U.S. vessel outside of their acknowledged

territorial waters. Nevertheless, our people felt that even though all of this information was already available in intelligence community reports it would be helpful if we summed them up and gave them to the Joint Chiefs of Staff for whatever use they might make of them or assistance in evaluating this particular mission.

This message was sent on the 29th of December 1967 to the Joint Chiefs of Staff and had a date/time group 292228Z December 1967. Despite the fact that the message was received by the Joint Chiefs of Staff on Friday the 29th of December 1967, it was not acted upon until Tuesday, January 2, 1968, at which time it was simply retransmitted by the Joint Reconnaissance Center of the Joint Chiefs of Staff to Commander in Chief Pacific with an information copy to the Chief of Naval Operations. No action other than retransmittal of the message was taken by the Office of the Joint Chiefs of Staff. The retransmittal action was a decision made by the officer in charge of the Joint Reconnaissance Center.

The subcommittee was also advised that this NSA warning message was never acted upon by CINCPAC since his staff personnel did not consider the message to contain any new information which would have resulted in a change in the risk evaluation of the *Pueblo* mission. (The CINCPAC retransmittal message was received by CINCPAC at 2026Z, January 2, 1968.)

Subsequently, on the 29th of January 1968, after the *Pueblo* incident, the Joint Chiefs of Staff directed an inquiry to CINCPAC to ascertain what action had been taken on the warning message sent to CINCPAC on January 2, 1968. CINCPAC replied, in part "information contained in reference B, was known and considered in the preparation of plans for the proposed operation submitted to the JCS by reference D and approved by reference E." CINCPAC then advised that the message "was reviewed at staff level and it was considered to contain no new information pertaining to the North Koreans' attitude. Accordingly, no further action was deemed necessary."

Admiral Sharp, Commander in Chief Pacific, in testifying before the subcommittee on this matter, emphasized that the NSA warning message was addressed to Commander in Chief Pacific for information and not for action. He considered this a very important distinction and went on to say:

Now, when a message comes for action it has to go through a procedure, and we have a tickler system set up, and all that sort of business, so you know it is going to go up high enough to get to someone who has the authority to make a decision, and so I would say that if this message had been addressed for action, it probably would have come up to my Assistant Chief of Staff for Intelligence, at least I just want to make that point, it is an important one.

The subcommittee also discovered that the information copy of the NSA warning message addressed to the Chief of Naval Operations by the Joint Chiefs of Staff never reached its destination. Apparently, the message was lost in transmission in the Pentagon.

Brig. Gen. Ralph Steakley, Director of the Joint Reconnaissance Center, provided no explanation to the subcommittee as to why a warning message of this kind should not have been addressed and retransmitted to the Director of the Defense Intelligence Agency since that Agency was primarily responsible for the risk evaluation on reconnaissance missions. It later developed that the Special Communications Center in the Pentagon, at its own initiative, elected to make an addi-

tional administrative distribution of an information copy of the NSA message to DIA. Thus, a copy of the warning message sent by NSA to the Joint Chiefs of Staff was also received by the Defense Intelligence Agency. However, again, no one apparently took any action on the message. General Carroll was asked the question "Can you explain why in view of the close working relationship of your staff and the JRC * * * can you tell us why this message had not been called to the attention of your staff since you had the prime responsibility for risk?" General Carroll replied "No sir, I cannot." When further queried as to whether the Agency had "made any effort to determine why this had not been done," General Carroll replied "I think one would have to take into consideration when it occurred. As to why—the fact that it transpired at night over a holiday is about all I can think of. The other feature of it, of course, is that it has been construed in some quarters as being a message fundamentally of operational significance since it pertained to an operation and talked in terms of additional protection which might be provided to the commander responsible for operational missions."

The handling of the NSA warning message by the Joint Reconnaissance Center, the Joint Chiefs of Staff, the Office of the Defense Intelligence Agency, the Office of the Commander in Chief Pacific, and the Office of the Chief of Naval Operations is hardly reassuring. At best, it suggests an unfortunate coincidence of omission; at worst, it suggests the highest order of incompetence.

The incredible handling of the NSA warning message on the *Pueblo* mission is hardly looked upon with pride by responsible authorities in the Pentagon. It obviously is a proper source of considerable embarrassment. However, the subcommittee is as much concerned with the demonstrated lack of candor of witnesses on this subject as it is with the actual incident itself.

Pentagon representatives who testified or briefed congressional committees immediately after the *Pueblo* incident and up until March 4, 1969, never hinted that such a message ever existed. As a matter of fact, there appeared to be a deliberate effort to bury and obfuscate the fact by discussion solely of "warnings" allegedly issued by the North Korean Government.

The subcommittee inquiry was specifically designed to uncover areas in Pentagon policy and procedure that require corrective action. It is the opinion of the subcommittee that Pentagon authorities have done very little to assist in attaining this objective. Responses from the Pentagon on this matter and others raised by the subcommittee have sometimes been less than forthright. Responses to subcommittee questions which are "technically" correct but constitute "half truths" are hardly calculated to engender confidence in the professed desire of the Pentagon to correct any shortcomings in established policy or procedure.

In summary, despite testimony in the record that both DIA and CNFJ carefully considered and observed some "criteria" in evaluating the risk factor on the *Pueblo* mission, the subcommittee seriously doubts that anyone, at any level, of responsibility made more than a token effort to carefully scrutinize the potential hazards involved in the first mission scheduled for the U.S.S. *Pueblo*—Ichthyic I.

THE PUEBLO OPERATION—ICHTHYIC I

The U.S.S. *Pueblo*, on January 5, 1968, reported to Commander Task Force 96 that in compliance with official orders, she was departing Yokosuka for Sasebo, Japan. The U.S.S. *Pueblo* arrived at Sasebo on January 8, 1968. While in Sasebo, the *Pueblo* off loaded some of its publications which were in excess of her hazardous duty allowance. Notwithstanding this fact, on her subsequent departure from Sasebo, the U.S.S. *Pueblo* had numerous classified publications which it did not require, and which were not on her allowance list.

The U.S.S. *Pueblo* departed Sasebo at 0600 (local time) on January 11, 1968, and proceeded in a general northerly direction remaining close to the shores of the Japanese islands of Kyushu for Honshu to avoid detection by Soviet surveillance units known to be operating in the Tsushima Straits. The ship continued on a northerly course, passed close to the island of Ullung Do and arrived off the Korean coast at approximately 42 degrees N. latitude.

She worked her way south until the 22d of January when she lay off Wonsan. The mission was considered rather dull and unproductive up until that time, but activity increased on the 22d of January and later it was considered that the ship had been detected by two fishing trawlers who circled her when she was some 18-20 miles from the nearest land. The *Pueblo* was ostensibly conducting oceanographic activities in the area when detected.

At this point it is important to note that the *Pueblo* mission was off the North Korean coast and consequently it was necessary to provide a North Korean capability to its security group detachment. North Korean linguists were provided from Naval Security Group Activity, Kamiseya, Japan, although their capabilities later proved to be minimal.

The primary mission of the security group detachment in the *Pueblo* was support of the commanding officer with secondary responsibility for collection of SIGINT, as required.

The security group detachment was never formally inspected and it appears that its state of readiness was assumed because of the technical qualifications of the personnel who were assigned. The officer in charge was, however, aware that the linguists were not qualified prior to the date of the seizure of the *Pueblo*, but he failed to inform the commanding officer. This deficiency of the linguists may have contributed materially to the critical situation, in that the commanding officer might have had earlier warning of the North Korean intentions had the linguists been capable of obtaining and passing the information to him.

PUEBLO INCIDENT—JANUARY 23, 1968

In order to minimize confusion regarding the time of particular occurrences, all times in this section will be given in Greenwich (ZULU) time as well as local Korean time. Key locations are in several different time zones. *Pueblo* and COMNAVFORJAPAN are both in the minus nine (INDIA) time zone. CINCPAC and CINCPACFLT are both in the plus 10 (WHISKEY) time zone. Washing-

ton, D.C., is in the plus five (ROMEO) time zone. The following table, keyed to certain critical incidents on the 23d of January 1968, will aid the reader in quickly converting times:

| Incident | (Greenwich) Zulu | (Korea) India Pueblo CNFJ -9 | (Hawaii) Whiskey CINCPAC CPF +10 | (Washington, D.C.) Romeo Pentagon +5 |
|--|---------------------|--|--|--|
| Communications established..... | 230030 | 230930 | 221430 | 221930 |
| Pueblo SITREP 2, transmitted..... | 230200 | 231100 | 221600 | 222100 |
| SC-35 sighted..... | 230250 | 231150 | 221650 | 222150 |
| Pueblo hoists ensign..... | 230314 | 231214 | 221714 | 222214 |
| SC-35 signals "Heave to or I will fire"..... | 230327 | 231227 | 221727 | 222227 |
| OPREP-3/001 transmitted, Pinnacle No. 1 ¹ | 230350 | 231250 | 221750 | 222250 |
| First boarding attempt, Pinnacle No. 2 ² | 230415 | 231315 | 221815 | 222315 |
| SC-35 fires first time..... | 230427 | 231327 | 221827 | 222327 |
| SC-35 fires second time..... | 230500 | 231400 | 221900 | 230000 |
| Pueblo boarded..... | 230532 | 231432 | 221932 | 230032 |
| Pueblo crosses 12-mile limit..... | 230630 | 231530 | 222030 | 230130 |
| Pueblo abeam Ung Do Island (3-mile limit)..... | 230745 | 231645 | 222145 | 230245 |
| Sunset in Wonsan..... | 230837 | 231737 | 222237 | 230337 |
| Pueblo moored at pier..... | 231130 | 232030 | 230130 | 230630 |

¹ Pinnacle 1. North Korean patrol craft signals, "Heave to or I will open fire on you." Pueblo replies "I am in international waters."

² Pinnacle 2. North Koreans say "Follow my wake, I have pilot aboard." 2 Migs sighted circling. North Korean boat backing down toward Pueblo bow with fender rigged and armed boarding party on bow.

PUEBLO INCIDENT—23 JANUARY 1968—NARRATIVE

At 220325Z, a little after noon local Korean time, *Pueblo* sighted two North Korean national fishing boats. They circled the *Pueblo* at close range at 220600Z while she was at position 39-14.8N/128-07.0E. At 220700Z, the two North Korean units departed the area. As a result of this encounter, the commanding officer of the *Pueblo* decided that he had been detected, and wrote his first SITREP (U.S.S. *Pueblo* message DTG 220915Z January 1968) and ordered electronic silence broken in order to send the message.

The *Pueblo* began attempts to establish circuit 21 with Kamiseya at about 220800Z (1700 local time).

During the night of January 22-23, 1968, the *Pueblo* moved farther to sea to avoid drifting into North Korean claimed territorial waters. At 222330Z the *Pueblo* was near 39-12N/128-21.4E. The commanding officer of the *Pueblo* reported 18 separate contacts and the sighting of one large orange flare during the night (for which the positions were not given). The *Pueblo* then moved rapidly toward Wonsan in order to be in position for SIGINT and visual intelligence collection.

Point-to-point covered communications via circuit 21 were finally established between the *Pueblo* and Kamiseya at about 230030Z January 1968 (0930 local Korean time). They reportedly functioned well from that time until the *Pueblo* destroyed her communications equipment.

At 230100Z (1000 Korean time January 23) the *Pueblo* was dead in the water at position 39-24.N/127-59.E, approximately 15.5 miles from the island of Ung Do.

The following chronology picks up with the *Pueblo's* transmission of SITREP 1 at 231100 Korean time. Korean local time is used throughout except date-time groups are given in GMT(Z) and Korean local time:

| Korean local time (23 JAN 68) | Transmissions | Actions taken |
|-------------------------------|---|---|
| 1100 | Pueblo completed transmission of SITREP 1 (DTG 220915Z). This report was addressed to AIG 7622. | CNF (CTF 96) Watch officer intelligence read/filed on interest board. |
| 1135 | Pueblo completed transmission of Intel/Tech Rpt #1 (DTG 220820Z/221720 Korean). Precedence was Routine and message was addressed to fifteen activities. | Routine patrol; no action required. |
| 1140 | Pueblo completed service message (a request for missing GOPI broadcast numbers) (DTG 221126Z/222026 Korean). | Routine action taken to rebroadcast missing numbers requested. |
| 1150 | Pueblo completed transmission of SITREP 2 (DTG 230150Z/231050 Korean). This report had Priority precedence and was addressed for action to CTF-95 and to the following for information): Commanding General, 5th Air Force; Commander in Chief Pacific; Commander in Chief Pacific Air Force; Commander in Chief U.S. Pacific Fleet; Chief of Naval Operations; Commander Fleet Air Wing 6; Commander Service Force, U.S. Pacific Fleet; Commander 7th Fleet; Director Naval Security Group; Fleet Air Reconnaissance Squadron 1; Headquarters National Security Agency Pacific; Joint Chiefs of Staff; Naval Field Operations Intelligence Office; Naval Security Group Activity (Kamiseya); Oceanographer of the Navy. | CNFJ (CTF-96) watch officers in intelligence read/filed on interest board. |
| 1200 | Pueblo operator stated he had another message being prepared for transmission and that there was "Company outside." | |
| 1210 | Pueblo transmitted INTEL/TECH REPT number 2 (DTG 230206Z/231106 Korean). For period 220001Z-222400Z. Precedence was routine and message was addressed to several (15) intelligence activities. | Routine patrol; no action required as indicated. |
| 1210-1244 | Exchange of transmissions between Pueblo and Kamiseya operators regarding garbled or misunderstood portions of 4 messages sent by Pueblo; reruns of parts of messages, checks of routing indicators assigned, etc. At approximately 1230, Pueblo operator advised, "Don't want to go down yet. We still got company outside. Will advise ASAP." | |
| 1244 | Pueblo operator advised, "We are finished for now but got company outside and more coming so will have to keep this up for a while. Will advise ASAP." | |
| 1245-1249 | Exchange of transmissions between operators, primarily personnel chatter, such as; sea duty is rough, be glad to get back, see you about 7 Feb, etc. At end of period, Pueblo operator sent, "I am trying to find out what the OIC wants (garble) now but everyone is topside worrying (garble) have right now will advise ASAP." This was followed shortly by, "Change your tape and got a flash coming for you now. Am getting it ready now. Standby for flash." | |
| 1250-1254 | Pueblo transmitted OPREP 3/Pinnacle 1 message (DTG 230352Z/231252 Korean) twice and Kamiseya receipted at 1254. Kamiseya advised, "Flash gone", indicating message was being relayed. | |
| 1255-1315 | Pueblo operator advised, "Got some more coming soon so will have to stay up. Advise when we get ready for you." Kamiseya acknowledged this and requested a rerun of a line from a previous message. Pueblo complied. Kamiseya acknowledged and sent, "Do you have any more traffic? How it feel to be threatened?" Pueblo response was, "Got some more coming in a minute but don't have it in comm yet. Will pass it as soon as I get. It is worse out here now, got more company and not doing so good with them so will have to keep this circuit up, will advise ASAP and please stay with me on circuit." | Pinnacle 1 was received by CNFJ at 1313 and hand delivered to Chief of Staff by intelligence watch officer. |
| 1315-1317 | Kamiseya acknowledged the above and sent, "Know what you mean about that company and will stay down so you can come to me. How to put on test on your next start until you get your traffic so we can keep freq fairly clear?" Pueblo complied and ran a test tapa for about a minute. | |
| 1318-1321 | Pueblo transmitted OPREP 3/Pinnacle 2 message (DTG 230415Z/231315 Korean) once and Kamiseya receipted. Pueblo voluntarily retransmitted the message. | Kamiseya relayed message to CNFJ, who received at 1322. Intelligence watch officer hand delivered to Chief of Staff who ordered, "Relay info to 5th AF and push the button for contingency action." |
| 1322-1325 | No transmission between Pueblo and Kamiseya other than repeats of Pinnacle 2. | |
| 1326-1327 | Pueblo sent, "And they plan to open fire on us now, they plan to open fire on us now, they plan to open fire on us now." | Kamiseya received at 1328 and relayed to CNFJ who received at 1329. Based on this and Pinnacle 2, CNFJ prepared to send a special procedure message. |
| 1328 | Pueblo again commenced sending Pinnacle 2 but interrupted to send, "North Korean War vessels plan to open fire, ship posit 39-25.5N, 127-54.9E, ship posit 39-25.5N, 127-54.9E." Kamiseya acknowledged this and asked, "How many flash have you sent us?" Kamiseya continued to acknowledge receipt of Pueblo posit info, and invited Pueblo to transmit. | Kamiseya was now relaying all Pueblo transmissions in near real time to CNFJ via secure teletype circuit. At 1330 CNFJ initiated 1st phone call (secure) to 5th AF HQ for assistance. |

| Korean local time (23 JAN 68) | Transmissions | Actions taken |
|--|---|---|
| 1330 | Pueblo transmitted, "We are being boarded," 5 times followed by 2 repeats of previous ship's position, and 2 repeats of "We are being boarded." "SOS" was then sent 13 times, followed by 2 transmissions of a revised ship's position, "39-34N, 127-54E," 18 more SOS's and the new position once more. Kamiseya acknowledged receipt of all these transmissions and invited Pueblo to continue sending. | |
| 1331-1337 | Pueblo resumed transmitting a few minutes later with, "We are holding emergency destruction. We need help. We are holding emergency destruction. We need support. SOS SOS SOS. Please send assistance (sent 4 times) SOS SOS SOS. We are being boarded. Holding emergency destruction." Kamiseya acknowledged and again invited Pueblo to continue sending. | At 1335 CNFJ transmitted a special procedure message based on contents of Pinnacle 2 and "chatter" from Pueblo. |
| 1331-1337 | At about 1337, Pueblo advised, "We are laying to at present position. As of yet we no longer have GOPI (WESTPAC OPINTEL broadcast). This circuit only circuit active on NIP. Please send assistance. We are being boarded. | |
| 1338-1344 | Kamiseya responded to last Pueblo transmission, "QSL (roger) your last and passing all info." No other transmissions this period, except a call by Kamiseya for Pueblo to transmit. | Kamiseya readdressed Pinnacle 2 as a special procedure message at 1338. At 1340 Kamiseya readdressed Pinnacle 1 as a special procedure message. |
| 1345- | At 1345 Pueblo advised, "We are being escorted into prob Wonson repeat Wonson. We are being escorted into prob Wonson repeat Wonson." Kamiseya acknowledged this transmission and the following exchange took place for the remainder of the period: Pueblo, "Are you sending assistance?" (4 times)..... Kamiseya, "Word has gone to all authorities. Word has gone to all authorities." | 1. At 1345 CNFJ initiated a 2d special procedure message based on Pueblo chatter about boarding. 2. Subsequently, a total of 15 "follow-ups" special procedure were originated by CNFJ and Kamiseya, based on "chatter" from Pueblo. 3. Throughout the period CNFJ made several telephone calls to Commander, 5th AF with respect to AF assistance. At 1350 5th AF HQ advised no aircraft on alert. |
| | "COMNAVFORJAPAN is requesting assit. What key list do you have left? COMNAVFORJAPAN is requesting assit. What key list do you have left?" Last we got from you was "Are you sending assit?" Please advise what key list you have left and if it appears that your comm spaces will be entered?" | |
| 1405 | Pueblo (Message dictated by and sent in presence of Cdr. Bucher)— "Have 0 keylist and this only one have, have been requested to follow into Wonson, have 3 wounded and 1 man with leg blown off, have not used any weapons nor uncovered 50 cal. mac. Destroying all keylists and as much elec equip as possible. How about some help, these guys mean business. Have sustained small wound in rectum, do not intend to offer any resistance. Interrogative QSL, interrogative QSL. Do not know how long will be able to hold up circuit and do not know if comm spaces will be entered." | |
| 1407 | Kamiseya, "Roger, roger. We doing all we can. Capt here and CNFJ on hotline. Last I got was Air Force going help you with some aircraft but can't really say as CNFJ coordinating with I presume Korea for some F-105. This unofficial but I think that what will happen." Pueblo, "Roger your last. Roger your last." (After sighting the reply, Cdr. Bucher left the crypto space.) | |
| 1410 | Kamiseya sent, "Still read you QRK five five. Go ahead keep KW-7 on the air long as you can. We staying right with you." | |
| 1411 | Pueblo sent, "Roger, roger, will keep this up until last minute will stay up until the last minute and sure could use some help now." | |
| 1412 | Kamiseya sent, "Roger, roger. We still with you and doing all we can. Everyone really turning to and figure by now Air Force got some birds winging your way." | At 1412, Kamiseya commenced passing chatter to COM7THFLT via torn-tape relay at NAVCOMMSTA Phil. |
| 1413 | Pueblo sent, "Roger, roger, sure hope so. We pretty busy with destruction right now. Can't see for the smoke." | |
| 1414 | Kamiseya sent, "Roger, roger, wish I could help more. All info you pass being sent to area commander and they in turn coordinating for whatever action got to be taken. Sure process already being initiated for some immediate relief. COMSEVENTHFLT, CNFJ and NSA group PAC all got info right away." | |
| 1415 | Pueblo sent, "Roger your last and sure hope someone does something. We are helpless at this time. Cannot do anything but wait." | |
| 1417 | Kamiseya sent, "Who I got that end of circuit? What status of classified material left to destroy?" | |
| 1418 | Pueblo sent, "We have the KW-7 and some cards in the 37 and 14 (crypto equipments KWR-37 and KG-14) to smash. I think that just about it." | |
| 1419 | Kamiseya sent, "Right. Continue to hang to P&I button. We be right there. Your signal mighty good and hope stays that way. You got any further info that might help evaluate situation?" Pueblo sent, "Roger. Your last. Will stay with as long as I can. Will put (garble) on and leave them until I need you." | |

| Korean local time (23 JAN 68) | Transmissions | Actions taken |
|-------------------------------|--|---|
| 1420 | Kamiseya sent, "CNFJ advised 5th Air Force alerted repeat CNFJ advised 5th Air Force alerted." | At 1420 CNFJ notified CINCPACFLT of incident by secure phone. |
| 1421-1427 | Pueblo made transmission that was completely garbled and unreadable. Kamiseya made several requests for a repeat. | |
| 1428 | Kamiseya sent twice, "If operations permit, can you provide current sitrep including intentions norcoms if possible, damage and injuries sustained." | |
| 1430 | Pueblo sent, "Roger and destruction of pubs have been ineffective. Suspect several will be compromised." Kamiseya sent twice, "Can you give me a list of what you haven't destroyed?" | |
| 1432 | Pueblo sent, "Have been directed to come to all stop and being boarded at this time. Being boarded at this time." Kamiseya sent, "Roger your last. It on way to CNFJ." Pueblo sent, "4 men injured and 1 critically and going off the air now and destroying this gear." (last transmission) Kamiseya sent, Roger go ahead. Can you transmit in the clear?" Kamiseya repeated calls for Pueblo to transmit in the clear for several hours. | |

The foregoing communication traffic from the *Pueblo*, among other things, clearly reflects the intention of the commanding officer to react passively and comply with the boarding orders of the North Korean forces. Therefore, the failure of Commander Naval Forces Japan and higher naval authority to officially respond to these communications and direct the *Pueblo* to take more aggressive and positive action constitutes, in the view of the subcommittee, a tacit endorsement and approval by Commander Naval Forces Japan of the actions taken by the *Pueblo*.

LOCATION OF U.S.S. PUEBLO

Questions had been raised concerning the possibility that the U.S.S. *Pueblo* may have accidentally or otherwise intruded into the 12-mile territorial waters claimed by the North Korean Government. The subcommittee has examined every facet of this possibility and has unanimously concluded that at no time during its mission did the U.S.S. *Pueblo* ever penetrate North Korean territorial waters.

The subcommittee was particularly concerned with the movements and location of the U.S.S. *Pueblo* throughout the 23d of January 1968. Data pinpointing the precise location of the U.S.S. *Pueblo* on the 23d of January as well as the location and movement of the North Korean vessels involved had been provided the subcommittee.

The data, obtained from classified sources, does eliminate any possible doubt concerning this question.

Set out below is a series of geographical coordinates which identify the precise location of the *Pueblo* and also her North Korean captors at various times on January 23, 1968:

| Time | Vessel | Position | Comment |
|---------|--------------------------------------|--|--|
| 230245Z | SC-35 | 39-24N/127-58E | |
| 231145K | | | |
| 230250Z | Pueblo | 39-24N/127-59E | |
| 231150K | | | |
| 230300Z | SC-35 | 39-25N/127-58E | |
| 231200K | | | |
| 230310Z | SC-35 | 39-26N/127-53E | Circled Pueblo and at 230312 Z signalled "What nationality?" |
| 231210K | | | Signals "Heave to or I will fire." |
| 230327Z | SC-35 | | |
| 231227K | | | |
| 230329Z | Pueblo | Position checked by radar—15.8 miles from Ung Do Island, by both executive officer and commanding officer. | Signals "I am in international waters." |
| 231229K | | | |
| 230400Z | PT-604 | 39-21N/127-50E | 3 PT's circle Pueblo. |
| 231300K | | | |
| 230450Z | SC-35 | 39-29N/128-08E | Pueblo following SC-35 with MTB's escorting. |
| 231350K | | | |
| 230525Z | PT-604 | 39-19N/127-58E | |
| 231425K | | | |
| 230532Z | Pueblo | | Boarded by North Koreans. |
| 231432K | | | |
| 230540Z | PT-604 | 39-24N/127-56E | |
| 231440K | | | |
| 230540Z | SC-35 | 39-24N/128-01E | |
| 231440K | | | |
| 230550Z | Pueblo and her North Korean escorts. | 39-24N/127-59E | |
| 231450K | | | |

COMMUNICATIONS

The U.S.S. *Pueblo* had a modern set of communications equipment. The ship was capable of sending and receiving on a voice circuit; sending and receiving on a teletype circuit; and copying a covered broadcast channel simultaneously. In addition, she could elect to transmit and receive by manual Morse, or by uncovered teletype in lieu of the covered teletype circuit.

The difficulties experienced in communications from the *Pueblo* stem from several factors:

The size of the U.S.S. *Pueblo* limited the transmitting power available and made antenna placement and configuration a critical problem. In addition, the sensitivity of the signal intelligence collection equipment to interference from transmitters necessitated limiting the use of transmitters. Also, propagation anomalies, i.e., atmospheric conditions in the Sea of Japan in relation to the Naval Communications Station Japan sometimes made it difficult to establish frequencies suitable to both stations.

This latter problem was not unique to the U.S.S. *Pueblo* but one experienced by other naval vessels operating in the area.

The U.S.S. *Pueblo* normally operated under complete electronic silence, breaking this emission control condition for communications when detected and other certain emergency situations as directed in its operational order 301-68 from Commander Task Force 96. However, despite its observance of electronic silence, it nonetheless monitored various fleet broadcasts and other means of communications.

Although the U.S.S. *Pueblo* had considerable difficulty in establishing point to point covered communications with the Naval Security Group Activity in Kamiseya on January 22-23, 1968 (a delay of approximately 14 hours was experienced), once communications were finally established on the 23d and prior to the first sighting of the North Korean units, this communication line reportedly worked satisfactorily throughout the incident until the *Pueblo* was forced to destroy her communication equipment.

Kamiseya was also in continuous communications with Commander, Naval Forces Japan, throughout the incident.

Despite the fact that communications from the U.S.S. *Pueblo* appeared to work well during the period of the incident, messages that were sent by the U.S.S. *Pueblo* or retransmitted by Kamiseya experienced unacceptably long delays in both transmission and delivery to responsible addressees.

Set out below in tabular form is a table which endeavors to identify 15 messages relating to the *Pueblo* incident which were either originated by the *Pueblo* or transmitted from Kamiseya. A review of the columns on the right hand side of the table will identify the time lag from transmission of these messages until actual delivery to the responsible addressees:

MESSAGES FROM PUEBLO AND OTHERS AND TIMELAG UNTIL RECEIPT

| Messages direct from Pueblo or from retransmitter | Message in brief | CINCPAC | CINCPACFLT | NMCC (Pentagon) |
|---|--|---|---------------------------|--------------------------|
| (OFFICIAL MESSAGES) | | | | |
| 1. 22/0600Z * Korea—3 pm Hawaii—8 pm Wash. DC—1 am | Pueblo position (Jan 22 in Korea, Jan 21 in Wash.) and reported sighting of two apparent fishing boats. Both ships approached, PUEBLO DIW. Both closed to 30 yards and departed. | | | |
| 2. 22/1000Z | Pueblo no longer under surveillance. | | | |
| 3. 23/0352Z (8:52 pm EST) K—12:52 H—5:52 pm PD** W—10:52 pm | SO-B class NK patrol craft signals "Heave-to or I will open fire on you." PUEBLO replied "I am in international waters." | Pinnacle No. 1 time of trans. 230350Z 2H 10 min | 1H 40 min | 2H 34 min |
| 4. 23/0415Z K—13:15 H—6:15 pm PD W—11:15 PD | NK says "Follow my wake, I have pilot aboard." 2 MIGS sighted circling NK boat backing toward Pueblo bow with fender rigged and armed landing party on bow. | Pinnacle No. 2 time of trans. 230418Z 1H 53 min | 1H 7 min | 1H 39 min |
| CRITIC MESSAGES*** | | | | |
| 5. 23/0436Z K—1:36 pm H—6:36 pm PD W—11:36 pm PD | From COMNAVFOR Japan, Yokosuka. Pueblo now surrounded and NK patrol boats plan to open fire. | 19 mins after retransmission. | 1H 33 mins after retrans. | 10 min after retrans. |
| 6. Time of relay garbled. | From Kamiseya Japan. Message was retransmittal of message No. 4. | | | |
| 7. 23/0445Z (11:45 pm EST) K—1:45 pm H—6:45 pm PD & W— 11:45 pm PD | From COMNAVFOR Japan. "We are being boarded by NK personnel at 23/0445Z (22/2345 EST). OTG 2 30446Z | 1H 3 mins | 1H 20 mins | 55 mins |
| 8. 23/0453Z (11:54 pm EST) | Retransmittal by Kamiseya Japan of message No. 5 | | | |
| 9. 23/0454Z (11:54 pm EST) | Retransmitted by Kamiseya Japan. "We are being boarded. SOS. SOS. Ship holding emergency destruction. Request help." | 11H 40 mins after retrans | 6H 27 mins after retrans. | 6H 6 mins after retrans. |
| 10. 23/0452Z (11:52 pm EST) K—1:52 pm H—6:52 pm PD & W— 11:52 pm PD | Retransmitted from Kamiseya Japan. We are now being escorted into prob Wonsan." | 1H 11 mins after retrans | 1H 28 mins after retrans | 1H 9 mins after retrans |

| | | | | |
|---|--|---------------------------------|--------------------------------|--------------------------------|
| <p>11. 23/0503Z (12:03 am EST) K--2:03 pm H--7:03 pm W--12:03 am</p> | <p>Retransmitted by Kamiseya Japan. "Have been requested to follow into Wonsan. Have 3 wounded and 1 man with leg blown off. Have not used any weapons nor uncovered 50 Cal MG. Destroying all Keylists and as much of electronic equipment as possible. How about some help? These guys mean business. Have sustained small wound. Do not intend to offer any resistance." (There is more.)</p> | <p>49 mins after retrans</p> | <p>1H 5 mins after retrans</p> | <p>50 mins after retrans</p> |
| <p>12. 23/0510Z 13. 23/0736Z (2:36 am EST) K--4:36 pm H--9:36 pm W--2:26 am</p> | <p>Retransmittal from COMNAVFOR Japan of message No. 11. Retransmittal by DIRNSA. "US PUEBLO at 230525Z reported as destroyed almost everything and am keeping circuit open with Kamiseya as long as possible. Have been directed to come to all stop at 230532Z. Destruction incomplete. Several publications will be compromised."</p> | <p>3H 13 mins after retrans</p> | | <p>26 mins after retrans</p> |
| <p>14. 23/0534Z (12:34 am EST)</p> | <p>Relayed by Kamiseya, Japan. "Following message received from PUEBLO. 4 men injured and one critically going off the air now (time 230532Z). Destroy this gear."</p> | <p>36 mins after retrans</p> | <p>47 mins after retrans</p> | <p>45 mins after retrans</p> |
| <p>15. 23/0545Z (12:45 am EST)</p> | <p>Retransmitted by COMNAVFOR Japan it was a retransmission by COMNAVFOR Japan and was a retransmittal of message No. 14.</p> | | | <p>2H 6 mins after retrans</p> |

*12 o'clock noon in Washington, DC is 7 am in Hawaii, 2 am in Korea, and 5 pm Zulu (Greenwich).
The calendar date in Washington is one day prior to that in Korea.
**Previous day.

***Critic and subsequent messages based on "chatter" between operator on Pueblo and shore station as well as previous official messages from Pueblo.

COMMUNICATIONS—PINNACLES I AND II

The first significantly hostile action taken by the North Korean vessels harassing the U.S.S. *Pueblo* occurred at approximately 27 minutes after noon Korean time, January 23, 1968. At that time the North Korean patrol craft signaled the U.S.S. *Pueblo* "Heave to or I will open fire on you." The U.S.S. *Pueblo* replied "I am in international waters." The commanding officer of the *Pueblo* then dispatched a message, 230352Z January 1968, identified on the previous table as "Pinnacle I," advising of the harassment by the North Korean sub-chaser.

The purpose of the designator "Pinnacle" is to identify a dispatch as containing subject matter which is of special interest to the Joint Chiefs of Staff, the National Military Command Center, and the White House. A message transmission priority designator is assigned separately by the originator, in this instance initially the commanding officer of the *Pueblo*, and later by the retransmitting agency.

Both Pinnacle I and Pinnacle II were sent to various addressees as "Critic" messages. Identifying a message as a "Critic" message provides it with special and more speedy handling in the communications system. However, it is interesting to note that Commander Bucher, the commanding officer of the U.S.S. *Pueblo*, was apparently unfamiliar with this ultra speedy type of communications. This is evidenced by the following colloquy before the Naval Court of Inquiry:

Q. (C) Now in open session, you indicated that Lieutenant Schumacher took your Pinnacle One and raised it from Flash to Critic?

A. (C) Yes sir.

Q. (C) Commander, what is your understanding of a Critic message?

A. (C) Well sir, until this particular day, I had not been familiar with the term Critic. All I was familiar with was the highest priority, Flash. Lieutenant Harris, at some point came to the bridge together with Lieutenant Schumacher and explained to me that they recommended that the precedence Critic be assigned to the message in order that it would get the highest possible priority. I agreed with their recommendation, and allowed this precedence to be assigned. This was my first experience with it, in fact, I had never heard of Critic before that moment.

Q. (C) Well then, was it your understanding at that time, that your Pinnacle One went as a Critic message?

A. (C) I don't remember Captain, if it was Critic One or Critic Two, but one or both of them went as Critic.

Set out below is a detailed table reflecting the communication handling of Pinnacle I.

[Table deleted (20 lines).]

Shortly after Pinnacle I had been sent by the U.S.S. *Pueblo*, the North Koreans directed the *Pueblo* to "Follow my wake I have pilot aboard." At the same time two Migs were sighted circling overhead and the North Korean boat was backing down toward the *Pueblo* bow with fenders rigged and an armed landing party on the bow. The commanding officer then originated *Pueblo* message 230415Z. It is this message which is identified as "Pinnacle II" and is considered by the U.S. Navy as the so-called trigger message. This message provided conclusive evidence that the situation noted in *Pueblo* message 230352Z (Pinnacle I) was obviously more than harassment.

Set out below is a table detailing the communication handling of *Pueblo* message 230415Z (Pinnacle II):

[Table deleted (32 lines).]

COMMUNICATIONS—DELAYS IN RECEIPT OF PINNACLES I AND II

The preceding tables reflect the excessive delays which occurred in the handling of the vital messages from the U.S.S. *Pueblo*, identified as Pinnacle I and Pinnacle II.

In the case of Pinnacle I, the initial delay occurred in Kamiseya in readdressing and retransmitting the *Pueblo* message as a "Critic" message. This retransmission resulted in a delay of approximately 50 minutes. The subsequent delay in the transmission of Pinnacle I was then compounded as is evidenced by the table set out below:

PINNACLE I—(230352Z)

Transmission time:

From *Pueblo*: 0350Z.

From Kamiseya: 0440Z.

1. Delay in Kamiseya to readdress and retransmit as Critic approximately 50 minutes.
2. Time of receipt by other addressees:

| | Time of receipt | Delay from pueblo |
|---------------------------------------|-----------------|---------------------|
| a. Commander Naval Forces, Japan..... | 0413Z | 23 minutes. |
| b. U.S.S. Enterprise..... | 0530Z | 1 hour 40 minutes. |
| c. Commander 7th Fleet..... | 0514Z | 1 hour 24 minutes. |
| d. CINCPACFLT..... | 0530Z | 1 hour 40 minutes. |
| e. CINCPAC HQ..... | 0600Z | 2 hours 10 minutes. |
| f. 5th AF..... | 0515Z | 1 hour 25 minutes. |
| g. Chief of Naval Operations..... | 0533Z | 1 hour 43 minutes. |
| h. Joint Chiefs of Staff..... | 0624Z | 2 hours 34 minutes. |
| i. Director, NSA..... | 0446Z | 56 minutes. |
| j. White House..... | (1) | (1). |

(1) Not available.

PINNACLE II—(230415Z)

Time of transmission:

From *Pueblo*: 0418Z.

From Kamiseya: 0436Z.

1. Delay in Kamiseya to readdress and retransmit message as Critic—approximately 15 minutes (TOR of *Pueblo* message 0421Z).
2. Time of receipt by other addressees:

| | Time of receipt | Delay from Pueblo |
|--|-----------------|-------------------|
| (a) Commander, Naval Forces Japan..... | 0422Z | 4 mins. |
| (b) U.S.S. Enterprise..... | 0533Z | 1 hr. 20 mins. |
| (c) Commander, 7th Fleet..... | 0524Z | 48 mins. |
| (d) CINCPACFLT..... | 0525Z | 49 mins. |
| (e) CINCPAC HQ..... | 0553Z | 1 hr. 17 mins. |
| (f) 5th AF..... | 0523Z | 1 hr. 8 mins. |
| (g) Chief of Naval Operations..... | 0523Z | 47 mins. |
| (h) Joint Chiefs of Staff..... | 0557Z | 1 hr. 39 mins. |
| (i) DIRNSA..... | 0443Z | 25 mins. |
| (j) White House..... | 0443Z | 25 mins. |
| (k) Secretary of Defense..... | 0523Z | 1 hr. 5 mins. |
| (l) Deputy Secretary of Defense..... | 0520Z | 1 hr. 2 mins. |

CAPABILITY AND AVAILABILITY OF FORCES—COMMAND RESPONSE

The subcommittee attempted to establish for the record the location, availability, and readiness of military forces which could have been utilized to come to the aid of the U.S.S. *Pueblo* on January 23, 1968.

The testimony on this subject, as provided by Gen. Earle G. Wheeler, U.S.A., Chairman, Joint Chiefs of Staff, was as follows:

The Air Force had seven attack aircraft in the Republic of Korea, 16 attack aircraft in Japan, and 18 attack aircraft on Okinawa. Estimated times to target were 3 hours plus 38 minutes and 3 hours plus 44 minutes from Korea; 4 hours plus 45 minutes and 4 hours plus 55 minutes from Japan; and 4 hours plus 10 minutes from Okinawa staging through Osan. There were 35 strike aircraft on board *Enterprise* which could have reached the Wonsan area in approximately three hours. The U.S. Marine Corps had eight aircraft in Japan which would have required 2 hours plus 40 minutes and 2 hours plus 50 minutes depending upon the type of aircraft.

The U.S. Navy had *Enterprise* and one destroyer approximately 600 miles south of the incident. Additionally, there was one destroyer located 120 nautical miles south of Yokosuka, and three destroyers in port in Japan. Approximately 20 hours of steaming time would have been required for the nearest of these ships to reach the *Pueblo*.

Relative to the "hold" order on our air and sea forces that had been readied as a result of the *Pueblo* incident, this order was received by me from higher authority. This hold order to U.S. Naval and Air Forces directed them to remain outside of an area within 80 nautical miles of the coast of North Korea north of a line extending east from the DMZ. It was issued by telephone at 1025 Washington time (1525Z) on the 23d of January (25 minutes after midnight on 24 January Korean time) and followed up by a Joint Chiefs of Staff message at 1809 Washington time (2309Z) the same day.

The query was made in earlier sessions of the Subcommittee as to the authority of United States forces to go to the rescue of the *Pueblo* during the time she was being escorted into Wonsan Harbor inside the Korean-claimed 12-mile territorial seas. At the time of the attack by North Korean naval units, the United States had the historic right—codified internationally by Article 51 of the United Nations Charter—to take any action in self-defense proportionate to the attack and necessary to protect the ship. Whatever military steps the United States could have taken within these limits from the air or on the sea to prevent the capture of the U.S.S. *Pueblo* would have been fully justified. There were no rules of engagement limiting going to the aid of the *Pueblo* during this time. From the time when the *Pueblo* first reported that North Korean naval personnel from North Korean naval units surrounding her had boarded at about 1345 Korean time (0445Z), the use of any force to prevent capture would have been fruitless and might have resulted in either sinking or badly damaging the ship and, at the same time, wounding or killing a substantial portion of the *Pueblo* crew. The nearest U.S. ships were approximately 20 hours steaming time from the scene. For reasons which I will mention later, land or sea based aircraft could not have been used effectively prior to the time the ship entered Wonsan Harbor. The prime factor in any retrieval operation then became the safe return of the *Pueblo* crew.

The final point that I would like to discuss is the response time required to come to the assistance of the *Pueblo*. Thousands of man-hours have been expended reconstructing the mission of the *Pueblo* and the command and control aspects of the incident. Our investigations revealed that immediate response by aircraft was not possible because of a combination of many factors. Included were the relatively short time between the challenge to and the boarding of *Pueblo*, availability of friendly forces, the presence of hostile forces, weather, and the onset of darkness. Factors considered by all levels of command when the incident occurred were capabilities of friendly and enemy forces, time of day, weather, and probable hostile reaction. When these factors were assessed against actual times of events associated with the incident, time of receipt of the information that the ship was under attack and force response time, it was apparent to all levels of command that the *Pueblo* could not be retrieved by any action prior to the time that the ship entered Wonsan Harbor.

Despite the persuasive statement of General Wheeler, it appears that our forces were slightly less than ready. For example, the seven U.S. aircraft located in South Korea were configured for classified missions. These F-4's were directed to be downloaded and reconfigured for support of the *Pueblo*. However, Commander 5th Air Force advised CINCPACAF that he "had no gun pods, mers, pylons, or rails, only Sidewinder missiles with which to arm the F-4's (in South Korea), and that other support aircraft could not reach the scene before dark. He reported he could send these F-4's aloft, but with no complete air-to-air weapons systems and with Mig's airborne in the vicinity, he considered this action to be very dangerous. 230620Z (1520 K).

The 18th Tactical Fighter Wing on Okinawa launched the first increment of aircraft (two aircraft) at 1611 local time (0711Z), which was 1 hour and 23 minutes after General McKee, the 5th Air Force Commander, gave the order to launch.

General McKee, in response to subcommittee questions, agreed that a period of approximately 40 minutes elapsed from the time Commander Naval Forces Japan initiated a telephone call to 5th Air Force for assistance until he personally received this information. This time frame included 25 minutes to complete the secure telephone call; that is, from 1335 to 1400, and 15 minutes until General McKee personally received the information from his staff personnel. Subsequently, General McKee initiated a secure telephone call to Commander in Chief Pacific Air Force, Gen. John D. Ryan, at 1420 Item. This call required approximately 20 minutes to complete. The delay involved arose from the necessity of having General Ryan brought to a secure telephone. General McKee further testified, however, that the phone call to CINCPACAF was not for the purpose of "requesting assistance," it was for the purpose of "advising him what I was doing."

General McKee also testified that he had in the interim issued verbal orders to the commander of the 18th Fighter Wing in Okinawa to the effect that "You are to launch aircraft as soon as possible. You are to proceed to Osan, Okinawa, refuel as soon as possible, proceed to the scene at Wonsan Harbor and strike in her support at any forces opposing her [*Pueblo*]."

Testimony indicated that two aircraft took off from Okinawa at 1611 Item. Thereafter, General McKee reached the conclusion that darkness would occur in the Wonsan area prior to the time these aircraft could refuel at Osan, South Korea, and reach the Wonsan Harbor area. Therefore, he directed that these aircraft not be relaunched when they landed at Osan. The aircraft involved were F-105's which are armed with 20-millimeter Gatling guns. However, these first two aircraft had no missiles of any type since the time delay in providing mounting rails for the missiles would have unacceptably delayed the time of their launching. General McKee pointed out that the fighters were required to refuel at Osan since tankers launched at Okinawa would have been behind the fighters and would have been of no particular use to them.

Except for the unexplained delay in completing and validating the secure phone call which the staff of Commander 5th Air Force received from the staff of Commander Naval Forces Japan, the reaction of Commander 5th Air Force to the *Pueblo* incident appeared to be as good as could be expected since no planes had been requested by CNFJ to be placed on an alert status.

The failure of Commander Naval Forces Japan to request alert forces from Commander 5th Air Force made it impossible for the Air Force to anticipate the *Pueblo* emergency. Moreover, the failure of Commander Naval Forces Japan and Commander 5th Air Force to observe and exercise established procedures for obtaining "on call" aircraft contributed significantly to the uncertainty which accompanied Commander Naval Forces Japan's ultimate request for assistance.

General Wheeler testified that a total of 16 Air Force attack aircraft were available in Japan. This consisted of 11 F-4's at Misawa Air Force Base, and five F-105's at Yokota. The flight time from these bases to the Wonsan Harbor area is estimated to vary between 1 hour and 10 minutes and 1 hour 20 minutes. However, since the crews for these aircraft were in transition training from other aircraft, the Air Force estimated that the readiness requirement involved an additional delay factor of approximately 3 hours and 35 minutes. Thus, the Air Force aircraft in Japan, according to General Wheeler's testimony, could not have reached the Wonsan Harbor area in less than 4 hours and 45 minutes after notification of the requirement for assistance.

General Wheeler further testified that the U.S. Marine Corps also had eight aircraft in Japan which would have required 2 hours plus 40 minutes, and 2 hours plus 50 minutes to reach Wonsan, depending upon the type of aircraft utilized.

The aircraft at Iwakuni were located approximately 370 air miles from Wonsan Harbor area and therefore could have traversed this distance in approximately 1 hour flying time. Apparently, then, the estimate of General Wheeler of 2 hours and 40 minutes for assistance from these aircraft in Japan is again based upon a delay factor of almost 2 hours to prepare these aircraft and the assigned pilots for combat. A readiness delay factor of this type, in the view of the subcommittee, raises serious questions as to either our "readiness standards" or our "readiness capability."

Unfortunately, no request had been made by any military commander to send U.S. aircraft, located in Japan, to the assistance of the *Pueblo*.

The subcommittee has no evidence which would enable it to quarrel with, or question, General Wheeler's statement that only 16 Air Force and eight Marine Corps attack aircraft were available in Japan. However, since the United States has not less than six fully operational air bases and air stations in Japan (Navy—Atsugi; Marine Corps—Iwakuni; Air Force—Itazuke, Misawa, Tachikawa, and Yokota), along with thousands of supporting U.S. military and civilian personnel, the subcommittee, in light of this apparent paucity of combat air capability, is forced to question the effectiveness of these personnel and this complex of supporting air bases.

The U.S.S. *Enterprise* (CVAN-65), at the time of the seizure of the U.S.S. *Pueblo*, was approximately 550 nautical miles (470 air miles) from Wonsan, en route to Southeast Asia where she was to conduct air operations against North Vietnam as tasked by Commander 7th Fleet.

Adm. H. H. Epes, USN, was embarked on the U.S.S. *Enterprise* as Commander, Task Force 77, Carrier Strike Forces, 7th Fleet.

Admiral Epes, in his appearance before the subcommittee, stated that the first information he received relating to the *Pueblo* incident was Pinnacle I. Pinnacle I was the message which indicated that the North Korean patrol craft had signalled "Heave to or I will open fire on you." An information copy of this message was handed to Admiral Epes at approximately 1430 Korean time, this was almost 2 hours after the original transmission of Pinnacle I. The message had been relayed from the Director of Naval Security Activities at 0451Z, which was 1351 Korean time. (A 1-hour delay in retransmission.)

Admiral Epes further testified that shortly thereafter he received the entire "family of messages" regarding the *Pueblo* incident, including Pinnacle II, which indicated that the North Koreans intended to board the *Pueblo*. (Pinnacle II was received by CTG 77.5 at 1438 Korean time—8 minutes after receiving Pinnacle I.)

At this point in time, Admiral Epes attempted to ascertain the position of the *Pueblo*, the nature and type of ship involved, and an estimate from the meteorologist of what the weather was in Wonsan and the time of darkness. None of this information was, however, transmitted to the pilots of the ready aircraft, nor was any effort made at that point in time to configure the aircraft for possible use on surface targets.

Admiral Epes later testified that it would have been possible to generate an appropriate plane strike force in about 1½ hours. The flight time to reach the *Pueblo* was estimated to be another hour and one-half. However, since the aircraft were F-4B's and A-4E's, this distance could be covered by these aircraft in less than an hour without any difficulty.

At 1506 (Korean time) commander 7th Fleet directed a message to Task Force 77 to divert Task Group 77.5 (the *Enterprise* and the U.S.S. *Truxtun* (DLGN-35)) at best speed to a position off South Korea. The message, however, further directed that "No Task Group 77.5 ship or aircraft take any overt action until further informed." The Navy subsequently advised the subcommittee that the *Enterprise*, at 1550 Korean time, changed course to the north to proceed to a position of latitude 32-30 north; longitude 127-30 east. Approximately 46 minutes elapsed from the time commander 7th Fleet originated his message directing the *Enterprise* to change course (231506 to 231550) until it was executed by the *Enterprise*. This time lag of 46 minutes represents either an abnormal delay in transmitting the message from Commander 7th Fleet, or an abnormal delay on the part of Commander Task Group 77.5 in responding to orders from Commander 7th Fleet. In any event, it hardly reflects a creditable emergency response. For the 3 hours between the sending of Pinnacle I and the change of course, the *Enterprise* had been steadily sailing away from the scene of the crisis.

Later, at 2334 Korean time, Commander 7th Fleet directed the *Enterprise* to be prepared to conduct photo reconnaissance off the Wonsan area when directed.

Commander 7th Fleet, at 2356 Korean time, advised Commander in Chief Pacific Fleet that the *Enterprise* was prepared "to execute an air strike against a suitable military target or take other action as authorized by higher authority."

Subsequently at 242425 Korean time, Commander in Chief Pacific received orders from the Joint Chiefs of Staff to permit no units to proceed farther north than latitude 35°30' north.

In summary, Commander Task Group 77.5 states that it would have been possible to generate a 20-plane strike group in approximately 1½ hours with an additional hour and one-half required to reach the *Pueblo*. What he did not say, however, was whether or not he could have armed and launched as few as two aircraft in considerably shorter time; nor did Commander Task Group 77.5 acknowledge the fact that the flight time from the *Enterprise* to the Wonsan area would have been less than 1 hour.

Stated very simply, any opportunity or intention Commander Task Group 77.5 may have had to go to the assistance of the *Pueblo* was thwarted by a message from Commander 7th Fleet at 1506 Korean time directing that he take "no overt action until further informed." No information was made available to the subcommittee which indicated why Commander 7th Fleet issued this stop order.

The letter from the Department of the Navy dated May 13, 1969, which provides a chronological summary of the movement of the U.S.S. *Enterprise*, and the messages dispatched to the *Enterprise* for action in the U.S.S. *Pueblo* incident, provides in its concluding paragraph an interesting rationale for the failure of the Navy to take positive aggressive action, which reads as follows:

5. Summary. At 2313151 *Pueblo* reported North Korean's patrol craft "backing toward *Pueblo* with fenders rigged with an armed landing party attempting to board." At 13381, twenty-three minutes later, *Pueblo* reported being boarded and at 13451, seven minutes later, reported "we are being escorted into prob Wonsan." At the time of the seizure the *Pueblo's* position was approximately 20 miles from Ung Do Island or 29 miles from the Wonsan inner harbor. Based on the above the *Pueblo* at 10 knots speed could have arrived abeam of Ung Do Island at 15451 and in the inner harbor as early as 16451. Combat action after *Pueblo* arrived in the harbor could be viewed as retaliatory in nature, requiring approval of higher authority.

The summary quoted above leaves the impression that the *Pueblo* was boarded at 1345 Korean time and because of its position, approximately 20 miles from Ung Do Island, 29 miles from the Wonsan inner harbor, could have arrived abeam Ung Do Island at 1545 Korean time and in the inner harbor at 1645 Korean time. Therefore, the Navy reasons that it was precluded from initiating any "combat action" after 1645 Korean time since it "could be viewed as retaliatory in nature, requiring approval of higher authority." Obviously, this rationale is most questionable since the *Pueblo* was not boarded at 1345 Korean time, but was boarded almost an hour later at 1432 Korean time. Moreover, some components of the Navy were well aware of the location of the *Pueblo* and its North Korean escorts throughout the afternoon and evening of January 23. They knew that the *Pueblo* did not cross the 12-mile limit until 1530 Korean time and did not enter the 3-mile limit area, abeam Ung Do Island, until approximately 1645 Korean time.

As a matter of fact, the *Pueblo* was not moored at a pier in Wonsan Harbor until 2030 Korean time.

The subcommittee recognizes full well the terrible implications involved in dispatching fighter aircraft to go to the assistance of the U.S.S. *Pueblo*. As a matter of fact, it may even be persuaded to agree

that perhaps such fighter aircraft should not have been sent. The concern of the subcommittee in this matter is, therefore, not whether fighter aircraft should have been dispatched to the aid of the U.S.S. *Pueblo*, but whether or not responsible commanders in the Navy had the authority and were able to make a judgment on this matter within the time frame established by this emergency situation.

It is evident to the subcommittee that there were intolerable delays in the transmittal of important messages relating to this matter. It is also evident to the subcommittee that there were unacceptable delays in actual delivery of these messages to responsible commanders.

Since higher authority in Washington had apparently not established a hold order on our forces until 0025 on the 24th of January, Korean time (10:25 Washington time on the 23d), our operational commanders were apparently not precluded from exercising their own judgment in respect to providing some assistance to the *Pueblo*. Thus, it would appear that these operational commanders had both the authority and the opportunity to act if they had been able to do so immediately.

USE OF U.S. AIRCRAFT IN JAPAN

The subcommittee appreciates the delicacy of our present security treaty agreement with the Japanese Government. Therefore, it made a deliberate effort to avoid discussing this matter in open session. The Defense Department, in a classified memorandum to the chairman of the subcommittee, had indicated that the availability of aircraft in Japan was not an issue in this *Pueblo* incident, and therefore requested that the matter be avoided.

[Eight lines deleted.]

[Manuscript pages 91 through 94 deleted in their entirety.]

[9 lines deleted.]

The reply from the Assistant Secretary for International Affairs has all the indicia of a reply prepared by the Department of State. It says nothing.

It is evident to the subcommittee that the *Pueblo* crises and emergency had certainly not abated nor disappeared within 8½ hours after the *Pueblo* was seized.

Since the Assistant Secretary does not say that consultations were entered into by the U.S. Ambassador in Japan on the subject of mounting "combat operations from Japan," it must be presumed that no such consultations were had. [2 lines deleted].

Finally, the Assistant Secretary of Defense apparently concedes that field commanders may have been uncertain as to their authority in this regard and, therefore, provided the memorandum from the Secretary of Defense, dated April 2, 1969, to field commanders which requests their views as to whether they, "have any basis for uncertainty about the extent of their authority to act to protect their forces, [4 lines deleted].

In summary, despite the assurances of the Assistant Secretary of Defense for International Security Affairs, it is clearly evident that there existed considerable question in the minds of responsible commanders as to their authority to act in emergency situations.

THE LOSS OF THE U.S.S. PUEBLO—CONSEQUENCES

The apparent impunity with which armed forces of the North Korean Government boarded and captured a U.S. naval vessel in international waters effectively destroyed the image of invincibility and prestige enjoyed by our country for the past 150 years. The damage this incident has caused our Nation is, in truth, incalculable. It will affect, for dozens of years to come, our credibility at the diplomatic negotiating table as well as our possible reliability as a military ally.

The action of the North Koreans in shooting down our EC-121 on Monday, April 14, 1969, places in perspective the "awe" with which North Korean forces regard our military might.

The evident failure of our Armed Forces to react quickly and positively to their plight is hardly calculated to develop a sense of confidence in those other members of the Armed Forces who are required to man lonely outposts in other parts of the world. The subcommittee has received hundreds of communications from active service personnel and ordinary citizens who have voiced their total disenchantment with what they regard as evidence of a great Nation's abandonment of its historic principle of protecting U.S. citizens anywhere in the world.

The capture of the U.S.S. *Pueblo* resulted in a serious compromise of our Nation's intelligence capability. Witnesses appearing before the subcommittee have provided conflicting testimony concerning the actual seriousness of the intelligence compromise which has resulted from the capture of the U.S.S. *Pueblo*. [Four lines deleted.]

The electronic equipment on board the *Pueblo* was for the most part unclassified, and represents a relatively harmless loss. [Seven lines deleted.]

The compromise of a great deal of classified information involving naval operations, tactical and otherwise, also represents a very serious intelligence loss.

The Department of Defense has established a special intelligence board to evaluate the full impact of this intelligence compromise. This board has not completed its evaluations. However, it has included within its review the debriefing made of each member of the crew of the *Pueblo* as well as a plethora of other information.

In any event, the subcommittee is convinced that we have sustained a most serious intelligence loss, a loss which could have been precluded entirely by appropriate planning for the intelligence collection mission of the U.S.S. *Pueblo*.

THE AIR RECONNAISSANCE PROGRAM

The subcommittee was advised that the United States has conducted air reconnaissance missions in the Far East and the Sea of Japan since early 1950. These reconnaissance missions are designed to collect information that can be evaluated for intelligence purposes related to our national security. An important element of this overall intelligence effort is the evaluation and collection of electronic intelligence. Certain types of electronic emissions and transmissions can be monitored by airborne equipment. Other types can be more effectively received by surface ships that can be on station for more extended periods.

General Wheeler, Chairman of the Joint Chiefs of Staff, testified that

If we ever have to operate against hostile defenses, the lives of many of our men and the success of our operations could depend upon our knowledge of such information as to the location of enemy troop dispositions, ship and aircraft movements, and radars. This is a task for both surface ships and aircraft. Aerial surveillance missions are therefore flown by all of the Armed Forces.

In 1969 there were approximately 190 such missions in the Sea of Japan through March—all without incident, without threat and without any warning. All such reconnaissance missions are coordinated, evaluated, and approved by appropriate senior civilian and military authorities of the Government.

Although the exact number of reconnaissance missions flown by the Armed Forces each year is classified, it can be said that they number in the thousands. Each of these missions is incorporated in the monthly reconnaissance schedules review by the Joint Chiefs of Staff and approval by higher civilian authority.

All air reconnaissance missions are provided the same review and approval process which applies to the surface ship reconnaissance program.

EC-121 INCIDENT

The entire civilized world was shocked when it was announced that North Korean aircraft had, on April 14, 1969, shot down an unarmed U.S. Navy EC-121 reconnaissance aircraft while it was in international air space over the Sea of Japan.

The parallel between this tragic incident and the U.S.S. *Pueblo* incident, therefore, resulted in a modification and enlargement of the subcommittee's authority to include this subject matter in its inquiry.

General Wheeler, Chairman of the Joint Chiefs of Staff, appeared before the subcommittee in connection with our loss of the EC-121 aircraft.

General Wheeler provided the subcommittee with a detailed account of this incident and said:

An unarmed EC-121 of Fleet Air Reconnaissance Squadron One, carrying a crew of 30 Navy men and one Marine and some six tons of equipment, took off from Atsugi Air Base, Japan, at approximately 5:00 p.m. EST on 14 April. The aircraft was directed to fly a track from Atsugi to a point off the Musu peninsula on the North Korean coast, make a number of orbits on an ellipse about 120 miles long running from the Northeast to the Southwest and land at Osan Air Base in ROK. The route of the aircraft was over international waters at all times.

During this period one voice transmission was sent from the EC-121 at 6:17 p.m. EST, 14 April and one radio-teletype transmission was sent at 11:00 p.m. EST, 14 April. Both of these messages were routine activity reports.

At a distance some 90 miles Southeast of Chongjin, North Korea, at 11:50 p.m. EST the EC-121 disappeared from radar screens. At 12:04 a.m. EST on April 15, 14 minutes later, fighters were scrambled from Osan AB toward the intercept area. These aircraft were subsequently relieved by other fighter aircraft.

The timing of events, as now constructed, is this (all EST):

14 April 1969:

About 5:00 p.m.—EC-121 takes off from Atsugi.

5:17 p.m.—EC-121 transmits routine voice message.

11:00 p.m.—EC-121 transmits routine radio teletype message.

11:50 p.m.—EC-121 disappears from radar screens.

15 April 1969:

12:04 a.m.—First fighters scramble to the Sea of Japan.

12:53 a.m.—Fighters take off to relieve fighters launched at 12:04.

1:42 a.m.—First search and rescue aircraft takes off from Tachikawa AB, Japan.

3:40 a.m.—First search and rescue aircraft arrives in search area.

Within less than 15 minutes after on-the-scene evaluation of available information, a high priority message was dispatched and was received in Washington. This high priority message overtook earlier lower precedence messages dispatched on the basis of preliminary information.

The composition of the search and rescue force at various times subsequent to the loss of the EC-121 has been described in briefings and news releases.

Two Soviet destroyers had joined in the search. They were the destroyer No. 429 and the large guided-missile destroyer No. 580. Later the destroyer No. 427 was observed in the area. These three destroyers are the only Soviet ships known to have participated in the search.

Our search aircraft established contact with the Soviet ships. In order to improve communications, a U.S. Air Force radio was dropped to one of the Soviet destroyers. A U.S. Army sergeant who is a Russian linguist was put aboard one of the aircraft dispatched to the search scene.

Our search aircraft located some debris and dropped a smoke signal to mark the spot. One of the Soviet destroyers was guided to the marker, where it put small boats in the water and recovered some of the debris. One of our search aircraft flew low over the Soviet vessel to observe and photograph the debris on the aft deck of the destroyer.

This debris and other debris picked up by our ships and the Soviet destroyer were from the EC-121. Some of the debris had what was reported as shrapnel holes. The debris has been returned to the EC-121's parent squadron at Atsugi for analysis. At this time, there is no definite finding as to whether any of the holes resulted from missile, cannon or machine gun fire.

Debris in the area was not all in the same location. Initially, debris was sighted at 41° 14' N, 131° 50' E and subsequently debris was picked up at various locations as it drifted northward.

Debris from some of the locations tended to drift under the influence of a 1 to 2 knot current generally toward the area of the border between North Korea and the Soviet Union. It is possible that some of that debris has washed ashore.

A parachute for each crew member is a part of the EC-121 equipment. There is no way to tell whether any or all of the crew members were wearing their parachute packs and whether the situation at the time of attack and immediately thereafter provided crew members any opportunity to exit the aircraft.

Two bodies were recovered. No survivors have been found.

Surveillance flights in the Sea of Japan area were halted immediately after the EC-121 loss. On April 18 the President ordered that the reconnaissance missions be resumed and that these flights be protected. The President's orders are being carried out.

On the basis of General Wheeler's testimony and supporting documents, the subcommittee established that the actual shoot down occurred on April 14, 1969 at 2347 eastern standard time. Actual Pentagon receipt at the NMCC of this information occurred at 0054 e.s.t. April 15, 1969, or 1 hour and 7 minutes later.

The notification to the White House was made at 150550Z, or 150050 e.s.t., or 1 hour and 3 minutes after the incident occurred. This notification was to the message center at the White House and not to the President. Despite repeated questioning, the executive branch has failed to advise the subcommittee at what time the President was made aware of the crisis.

The subcommittee was advised that the reason that a notification message to Washington was not dispatched earlier was due to the time utilized by the activities in the field to determine whether or not an actual shoot down or attack had occurred. There was no clear-cut

evidence that the aircraft was actually shot down, damaged, or even shot at, and it was necessary to check out other factors to determine the actual status of the aircraft. Extensive coordination among other agencies in the Government was conducted in an effort to determine the whereabouts of the mission aircraft. In view of the fact that a warning had been issued, and the aircraft was undoubtedly aborting its mission, the subcommittee was told that there was a distinct possibility that the mission aircraft had dropped below the radar horizon and was in effect hiding from the North Korean fighters. This is standard procedure for EC-121 aircraft aborting their missions.

When all efforts to communicate with mission aircraft failed, with no sign of it on friendly radar screens, but still without positive knowledge that the aircraft was shot down, the decision was made in the field to release a "critic" message. A "critic" is designed as "information indicating a situation or pertaining to a situation which affects the security or interests of the United States to such an extent that it may require the immediate attention of the President."

This critic message was released at 150544Z (150044 e.s.t.), 57 minutes after the estimated time of shootdown, and was received in the White House Situation Room at 150550Z (150050 e.s.t.), 6 minutes later.

Although General Wheeler had testified that earlier air reconnaissance missions instituted after the *Pueblo* incident and before April 14, 1969, had, in some instances, been given air escort protection, none was in effect at the time of the EC-121 incident.

Immediately after the *Pueblo* incident, the Joint Chiefs of Staff imposed an 80-mile restriction on air reconnaissance missions off the North Korean coast. Subsequently, on January 25, 1968, air reconnaissance missions were instructed to fly by day only accompanied by escort. On January 27, 1968, the close escort for air reconnaissance missions was removed and combat air patrol was authorized to be instituted. Close escort actually envisioned and required in effect formation flying of the escort aircraft and the reconnaissance plane. Combat air patrol simply involved creating a protective plane barrier between the reconnaissance aircraft and the land mass from which hostile aircraft might be expected to come.

On February 5, 1968, the Joint Chiefs of Staff directed that as long as air reconnaissance planes were over the South Korean land mass no escort or combat air patrol was required. However, strip alert aircraft remain mandatory for this type of air reconnaissance mission.

On April 29, 1968, the Commander in Chief Pacific recommended that the 80-mile restriction be lowered to 40 for air reconnaissance missions off the North Korean coastline.

On May 31, 1968, the Joint Chiefs of Staff approved the recommendation of Commander in Chief Pacific. However, State Department approval was not received until July 2, 1968. The Joint Chiefs of Staff then immediately directed that the new policy for air reconnaissance missions off the North Korean mainland was to observe a 40-mile limit with strip alert aircraft reserved for contingency protection.

This then was the policy in effect at the time the EC-121 was shot down.

The subcommittee attempted to ascertain whether DIA in its assigned mission responsibility of evaluating risk, had participated in the decision to no longer require fighter escort on these air reconnaissance missions. However, after considerable discussion, it appears that the decision was made solely by the Joint Chiefs of Staff and the State Department, although presumably DIA was aware of this change in plans on these air reconnaissance patrols. There is some doubt the [deleted] board was aware of this decision.

COMMAND CONTROL—EC-121

The EC-121 was under the operational control of the Fleet Air Reconnaissance Squadron (VQ-1), which in turn was under the operational control of 7th Fleet; CINCPACFLT, and CINCPAC.

Commander 5th Air Force had the responsibility of providing alert aircraft to protect the EC-121. The strip alert aircraft were in turn under the command of 314th Air Division Command of the 5th Air Force.

At this point, it is interesting to note that the operational control of the EC-121 was in theory at least in the normal operating chain of command for the Navy in that area—i.e., 7th Fleet.

The U.S.S. *Pueblo*, on the other hand, was not under operational control of 7th Fleet, but operated under control of Commander Naval Forces Japan during the time it was engaged in reconnaissance activities.

The significance of this distinction becomes clear when it is recognized that some of the confusion reflected at various operating levels of command in the 7th Fleet in the *Pueblo* incident was undoubtedly due to the fact that the *Pueblo* was outside the normal chain of Fleet command and communications.

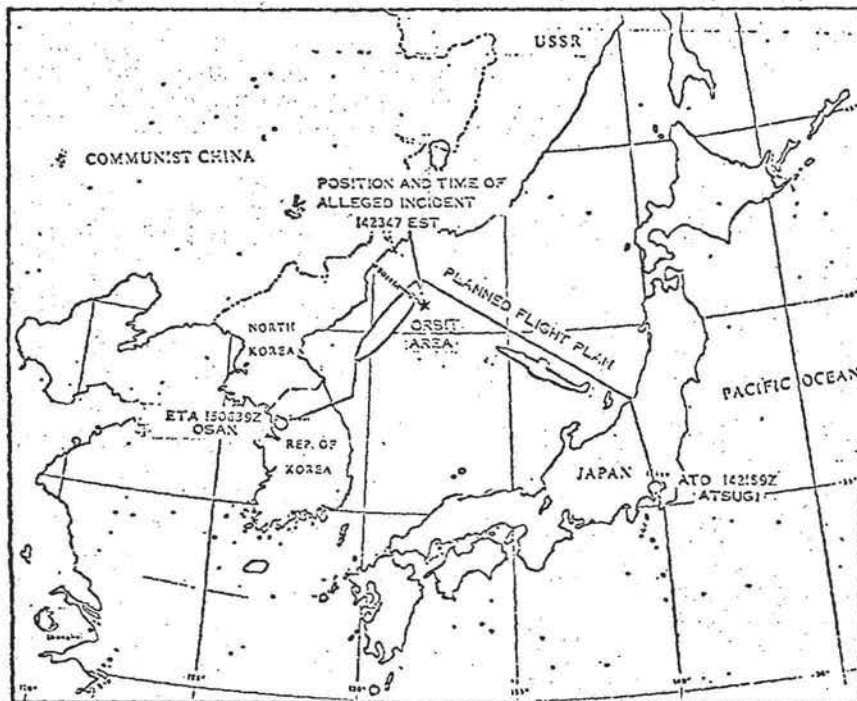
The subcommittee was advised that one of the reasons for this distinction was the fact that the *Pueblo* was engaged on a reconnaissance mission designated to accumulate intelligence information for the primary use of consumers outside the 7th Fleet area, whereas the tasking for the EC-121 was designed primarily to satisfy 7th Fleet intelligence requirements.

This effort at distinguishing between the two missions in establishing the command required to maintain operational control is hardly persuasive. The mission of the *Pueblo* as part of phase II of the AGER intelligence collection effort certainly had as much concern with intelligence collection affecting future 7th Fleet operations as it was concerned with the total national intelligence collection requirement. Therefore, the subcommittee has difficulty comprehending the rationale used by the Navy to distinguish between command control and responsibility for the surface reconnaissance ship program (AGER) as opposed to the air reconnaissance program.

CHRONOLOGY OF EVENTS—EC-121

Information provided the subcommittee appears to indicate that the actual shoot down of the EC-121 occurred at 2347 e.s.t. on the 14th of April 1969. General Wheeler, Chairman of the Joint Chiefs of Staff, has identified the shoot down as having occurred at approximately 3 minutes later, at 2350 e.s.t. In any event, the downing of this aircraft occurred during this time interval.

For purposes of examining the reaction of our military forces to this shoot down, there is set out below a chart and brief chronology of the significant events which transpired:



April 14, 1969, e.s.t.

| <i>Time</i> | <i>Event</i> |
|-------------------|--------------------------------------|
| About 5 p.m.----- | EC-121 takes off from Atsugi, Japan. |
| 5:17 p.m.----- | Routine radio contact. |
| ----- p.m.----- | [15 lines deleted.] |
| 11:47 p.m.----- | Probable downing of EC-121. |
| ----- p.m.----- | [8 lines deleted.] |

April 15, 1969, e.s.t.

| | |
|----------------|---|
| 0001 a.m.----- | Two F-102 placed on combat air patrol (CAP) from Osan, Korea, airborne at 150004 e.s.t., to a position to cover possible egress of EC-121. (Position approximately 120 miles southeast, last known position EC-121.) [9 lines deleted]. Message received by NMCC at 150054 and White House at 150050 e.s.t. |
| 0122 a.m.----- | COMAF Korea reports to NMCC (received at 150351) EC-121 aircraft lost two F-106 aircraft placed on CAP at 150122 from Osan, Korea, to area south and east of loss point. |
| 0142 a.m.----- | HC-130 sea-air rescue launched from Tachikawa Air Base, at 0142 and arrive on station at 150340 e.s.t. |

It is significant that during the sequence of events outlined above, the Navy command, Fleet Air Reconnaissance Squadron I, responsible for operating the aircraft was not included as an addressee on any of the messages which originated from units involved.

The first information concerning the possible plight of the EC-121 was obtained by the duty officer of VQ-1 when that command intercepted and copied a friendly warning message that hostile aircraft were approaching the EC-121. This intercept was made at 142346 e.s.t.

Subsequently, at 142354, VQ-1 again monitored and intercepted a similar message. Shortly thereafter, the commanding officer of VQ-1 (at 150010) commenced calling Fuchu for any communications from mission aircraft and requested that they check all sources for a possible abort message. Numerous calls were made between 150010 and 150040, with negative results.

At 150058 the commanding officer of VQ-1 sent a flash message to [deleted] requesting information on the mission aircraft.

At 150101 VQ-1 received a copy of the Critic message from Kamiseya indicating the possible shutdown of the EC-21 over the Sea of Japan.

At 150109 the commanding officer of VQ-1 called the Fifth Air Force and requested they initiate search air rescue mission and attempted to contact Fifth Air Force at Osan.

At 150112 Fifth Air Force COC was called again by the commanding officer of VQ-1 for SAR assistance.

At 150120 the commanding officer of VQ-1 contacted Fifth Air Force Joint Rescue Center by phone and was informed that they were preparing to launch a HC-130 for SR purposes.

As previously indicated in this report, the commanding officer of VQ-1 was the responsible operating command of the EC-121 aircraft. However, for reasons that are quite unclear, the emergency circumstances confronting the EC-121 were never relayed to VQ-1 but handled entirely by communications units in the field and the Fifth Air Force. It was only after VQ-1 at 150101 received a copy of the Critic message from Kamiseya that he was able to ascertain the precise status of the aircraft. Furthermore, because of the confused command and control situation, no effort had been made by any command to initiate SAR efforts at the time of the shutdown. However, the commanding officer of VQ-1 did initiate efforts to obtain SAR assistance within 8 minutes of his receipt of the lateral Critic (150109).

This SAR request was finally responded to affirmatively at 150120 indicating that the SAR aircraft would be airborne at 150142 and arrive on station at 150340.

Again, as in the case of the U.S.S. *Pueblo*, the command and control of this aircraft, the EC-121, in the emergency situation which arose reflects tremendous confusion and lack of clear-cut command responsibility.

Since a monitoring U.S. activity had detected North Korean aircraft apparently reacting to the EC-121 at approximately 1035 p.m., there inevitably arises the question as to why protective aircraft were not immediately dispatched to the EC-121 at that particular time.

Our protective combat air patrol, consisting of two F-102's, were not ordered launched until 0001, approximately 14 minutes after the probable downing of the EC-121. Moreover, it was not until 0141 e.s.t.,

more than 1 hour and 54 minutes after the event, that two F-106 aircraft were ordered launched from South Korea to provide combat air patrol to replace the two F-102's.

Despite the testimony received from General Wheeler which suggested that no serious problems in command and control existed during the EC-121 incident, it appears abundantly clear that the same degree of confusion existed in the military command organization in respect to the EC-121 incident that occurred previously in the case of the U.S.S. *Pueblo*.

These circumstances clearly indicate in the view of the subcommittee that the entire reconnaissance program must be restudied by the Joint Chiefs of Staff with a view toward establishing clear and unmistakable lines of command control so that the more obvious shortcomings of these incidents will not be repeated.

THE CODE OF CONDUCT—BACKGROUND

The subcommittee in its formal charter from the chairman of the full committee was directed to, among other things, inquire into "the requirement for possible changes in the code of conduct for military personnel who are captured by hostile enemy forces."

The members of the subcommittee were generally of the view that an inquiry into this subject required the receipt of testimony and the individual views of members of the crew of the U.S.S. *Pueblo*. However, the members of the subcommittee were not unaware of the painful ordeal experienced by these young men during their period of incarceration by the North Koreans and their subsequent public appearance before the naval court of inquiry. Therefore, the subcommittee was understandably reluctant to require the appearance of the crew in its own inquiry, particularly since the subcommittee contemplated the availability of the transcript of testimony given by crewmembers to the naval court of inquiry.

In the light of these circumstances, the subcommittee unanimously agreed not to require the presence of individual members of the crew. It did, however, extend to each member of the crew a written invitation to appear personally before the subcommittee if they so desired or to provide the subcommittee with any written testimony they considered not already available to the subcommittee.

The subcommittee letter to each member of the crew, dated March 8, 1969, follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 3, 1969.

DEAR ———: As you are perhaps aware, a Special House Armed Services Subcommittee has initiated a Congressional inquiry into the U.S.S. *Pueblo* incident.

The Chairman of the Committee on Armed Services has charged this Subcommittee with the responsibility of reviewing the national security implications resulting from the loss of the *Pueblo* and ascertaining whether deficiencies exist in the command response to emergencies of this kind. The Subcommittee has also been charged with the responsibility of inquiring into possible revisions in the Code of Conduct.

I am aware that you and the other members of the crew of the U.S.S. *Pueblo* have already had an opportunity to express your views and recommendations on this entire matter to a Naval Court of Inquiry. These views and recommendations will be most helpful to the Subcommittee's efforts. However, in the event

you may have any additional thoughts or recommendations which you consider pertinent to the Subcommittee's inquiry, I invite you to relay them to the Subcommittee.

In the event you desire to communicate with the Subcommittee, either by a personal appearance before the Subcommittee or by a written statement, your response, if you wish, will be held in the strictest confidence.

You may write to me as Chairman of the Special Subcommittee on the *Pueblo* Inquiry at the above address.

With best wishes, I remain
Sincerely,

OTIS G. PIKE,

Chairman, Special Subcommittee.

Relatively few of the members of the crew of the U.S.S. *Pueblo* acknowledged receipt of this communication, and none responded in the affirmative. The responses received from members of the crew indicated that none had a special desire to appear before a congressional committee and all who responded appeared of the view that all pertinent information had been provided the Naval Court of Inquiry.

CODE OF CONDUCT—HISTORICAL BACKGROUND

Since the beginning of time, man has been confronted with some form of a "prisoner of war" problem. Primitive man and his barbarian descendants solved the problem by simply annihilating or enslaving their foes without any pretense or acknowledgment of any special "rights" of their captives.

Later with the beginning of the Christian era in the Western World, there developed a sense of chivalry which required that a "knight" not slay a gallant opponent for slaughter's sake but treat him as an honorable foe.

This code of chivalry was sometimes an ideal most difficult to honor. It was threatened by the intolerant ideologies and the fanaticism of those who encouraged atrocities. The religious wars which beset medieval Europe as well as the Islamic conquests found that this chivalric code was sometimes more honored in thought than in deed. Nonetheless, the concepts of "chivalry" and "knighthood" continued to flourish.

The knight was called upon to assume obligations of noblesse oblige. He was pledged to remain true to his king or cause even if captured. Under any circumstances, treason would merit retributive punishment. Treachery, the disclosure of a trust or the deliverance of a friend to the enemy, was perfidious—the mark of Judas the Betrayer.

Thus, in the Western World, rules for the fighting man in combat or in captivity were linked to knightly concepts of duty, honor, loyalty to friend, and gallantry to foe.

Some time during the Crusades a rule evolved in regard to prisoner interrogation. The captive knight was permitted to divulge his name and rank—admissions necessitated by the game of ransom. A necessity for prisoner identification, the rule holds today, as imposed by the modern Geneva Conventions.

In Europe during the 17th century the concept emerged that prisoners of war were in custody of the capturing sovereign or state. No rules for their treatment had yet been formulated but they were protected from servitude and personal revenge. Later, during the 18th century, captivity was considered a means of preventing return to friendly forces. This was a step forward. Military prisoners were no longer considered guilty of crimes against the state.

The American Revolution

To discourage desertions during the Revolution, the United States established the death penalty for those prisoners who, after capture, took up arms in the service of the enemy. Amnesty was granted to deserters but not those who deserted to the enemy. Duress or coercion was recognized as mitigating only in the event of threatened immediate death. This was the first American definition of required prisoner conduct. In the treaty of 1785 no standard of conduct was prescribed but conditions of confinement, care, and parole were defined.

The American Civil War

During the Civil War there was some regression in the treatment afforded prisoners. About 3,170 Federal prisoners joined the Southern forces and about 5,452 prisoners of the Southern Armies joined the Federal Army.

Prisoner conduct after capture was mentioned in War Department General Order No. 207, July 3, 1863. Among other things, the order provided that it was the duty of a prisoner of war to escape. This order apparently was intended to curb widespread practices of surrender and subsequent parole to escape further combatant service. Prosecution for misconduct was based on three criteria:

Misconduct where there was no duress or coercion.

Active participation in combat against Federal forces.

Failure to return voluntarily.

Nine years after the Civil War a declaration establishing the rights of prisoners was drafted by the Congress of Brussels (1874). It was signed by 15 nations, none of which ratified the agreement.

World Wars I and II

In 1907 the Hague Regulations established rules pertaining to captivity in war. These regulations led to the Geneva Conventions of 1929 and 1949. The United States signed all three, and it subsequently ratified the Geneva Conventions of 1949. The conventions set forth in detail the rights and protections which should be afforded prisoners, but they do not specifically prescribe the conduct which a nation may require of its personnel who may become prisoners. This is rightfully left for prescription by sovereign powers.

There are, however, several provisions of the conventions which do require specific conduct. Prisoners are subject to the laws, regulations, and orders in force within the Armed Forces of the detaining power. They may be punished for infractions of rules. They must divulge name, rank, service number, and date of birth.

Korean War

The Korean War began on June 25, 1950, when Communist equipped, trained, and directed North Korean armies struck the Republic of Korea by crossing the 38th parallel in full force.

This action was opposed by the United Nations and ultimately resulted in an armistice agreement which was signed at Panmunjom on July 27, 1953, after 2 years and 17 days of fierce combat.

One and one-half million Americans went to Korea to fight, and 7,190 were captured by the enemy. During the war, 4,428 American servicemen survived the tortures and indignities of a Communist prisoner-of-war compound. A total of 2,730 Americans did not return.

The horror of the terrible ordeal experienced by these prisoners of war can perhaps best be understood by the fact that during World War II of the total reported missing in action by the American Army, 18 percent got back safely to our lines, 79 percent were later returned alive as prisoners of war, and only 3 percent died.

On the other hand, in Korea of those reported missing in action by the American Army, only 12 percent got back to their units, only 30 percent lived to be exchanged as prisoners of war, and an almost unbelievable 38 percent died behind Communist lines.

The prisoner death rate in Korea, therefore, was higher than in any of our previous wars, including the Revolutionary War, in which it is estimated that about 33 percent of the prisoners died.

Perhaps an even more shocking statistic during the Korean War was the fact that almost one out of three prisoners in Korea was guilty of some sort of collaboration with the enemy. The degree of collaboration ranged from such serious offenses as writing anti-American propaganda and informing on comrades to the relatively innocuous offense of broadcasting Christmas greetings home and thereby putting the Communists in a favorable light.

Furthermore, during the entire Korean conflict, not one U.S. serviceman escaped from a permanent enemy prison camp and successfully made his way back to friendly lines.

Troubled by the problem of collaboration, the Defense Department began studies on 3,300 returned American prisoners to find out who had done what and why. Of the 563 whose conduct was questioned, 373 were cleared or dropped after investigation. Of the remaining 192 suspects, 68 were separated from the services, three resigned, one received a reprimand, two were given restricted assignments, and only 11 were convicted by court martial. There were also 21 men who chose to stay with the Communists.

In every war in which the United States had previously participated, the conduct and personal behavior of its servicemen who had become prisoners of war presented no unforeseen problems and gave no particular concern to the country as a whole. However, the Korean war was obviously different. The Korean war made crystal clear that when our Nation was engaged in hostilities with a Communist Far Eastern country, the question of "prisoners of war" presented new and unprecedented problems.

As a consequence of this new and troublesome question, the then Secretary of Defense, Charles E. Wilson, on August 7, 1954, created an ad hoc committee to study the conduct of military personnel during combat and particularly while in a prisoner of war status. This committee, under the chairmanship of Carter L. Burgess, Assistant Secretary of Defense, conducted its study and ultimately issued an 82-page report outlining its findings and recommendations.

On the basis of this report Secretary Wilson, on May 17, 1955, appointed the Defense Advisory Committee on Prisoners of War. The main purpose of this group, which was composed of 10 members—five civilians and five military, from all services, with Secretary Burgess as Chairman—was to provide members of the Armed Forces with a simple, easily understood code to govern their conduct as American fighting men.

The Committee met frequently for over 2 months, and on July 29, 1955, it presented to the Secretary a proposed code of conduct. Nineteen days later, on August 17, 1955, President Eisenhower promulgated Executive Order No. 10631 wherein he described for the Armed Forces of the United States a six-point Code of Conduct.

This Code of Conduct was the first effort to establish a clearly defined standard of action applicable to American prisoners after capture. This set of principles was designed to mold a new set of fundamental attitudes for U.S. service personnel with a view to helping them and their country, as well, survive any future conflict. The Advisory Committee which drew up the code offered the following in support of their proposition when it was forwarded for the President's signature: "We can find no basis for making recommendations other than on the principles and foundations which have made America free and strong, and on the qualities which we associate with men of character and integrity."

The lesson learned by the United States from the Korean war was that it had encountered an enemy who had fought not only on the battlefield but in prison camps as well. An enemy who looked upon a prisoner of war as a lucrative source of information and possible propaganda material. An enemy who looked upon a prisoner of war as a simple asset, and not as a human being. Thus, the concept of chivalry which developed during the ascendancy of the Christian civilization had suddenly become obsolete. This new type of foe created a new requirement that our Government and its military services prepare its fighting men not only to fight physically but also to fight back mentally and morally as well.

It was this climate which dictated the requirement for the establishment of a Code of Conduct for our Armed Forces personnel.

The Executive order issued by the President establishing this Code of Conduct was subsequently implemented by Department of Defense Directive 1300.7. Each of the individual services in turn published the code and set into motion the administrative machinery necessary to acquaint its personnel with the provisions and purposes of the Code of Conduct.

The Navy Department promulgated this Code of Conduct as General Order No. 4. The General Order is set out below:

NAVY DEPARTMENT,
Washington, D.C., 18 March 1957.

General Order No. 4

CODE OF CONDUCT FOR MEMBERS OF THE ARMED FORCES OF THE
UNITED STATES

1. The following executive order and the Code of Conduct for Members of the Armed Forces of the United States established thereby are in effect:

"EXECUTIVE ORDER 10631

"CODE OF CONDUCT FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

"By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Armed Forces of the United States, I hereby prescribe the Code of Conduct for Members of the Armed Forces of the United States which is attached to this order and hereby made a part thereof.

"Every member of the Armed Forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or in captivity. To insure achievement of these standards, each member

of the Armed Forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat or captivity.

"The Secretary of Defense (and the Secretary of the Treasury with respect to the Coast Guard, except when it is serving as part of the Navy) shall take such action as is deemed necessary to implement this order and to disseminate and make the said Code known to all members of the Armed Forces of the United States.

"DWIGHT D. EISENHOWER.

"THE WHITE HOUSE.
"August 17, 1955"

CODE OF CONDUCT FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

I

I AM AN AMERICAN FIGHTING MAN. I SERVE IN THE FORCES WHICH GUARD MY COUNTRY AND OUR WAY OF LIFE. I AM PREPARED TO GIVE MY LIFE IN THEIR DEFENSE.

A member of the Armed Forces is always a fighting man. As such, it is his duty to oppose the enemies of the United States regardless of the circumstances in which he may find himself, whether in active participation in combat, or as a prisoner of war.

II

I WILL NEVER SURRENDER OF MY OWN FREE WILL. IF IN COMMAND I WILL NEVER SURRENDER MY MEN WHILE THEY STILL HAVE THE MEANS TO RESIST.

As an individual, a member of the Armed Forces may never voluntarily surrender himself. When isolated and he can no longer inflict casualties on the enemy, it is his duty to evade capture and rejoin the nearest friendly forces.

The responsibility and authority of a commander never extends to the surrender of his command to the enemy while it has power to resist or evade. When isolated, cut off, or surrounded, a unit must continue to fight until relieved, or able to rejoin friendly forces, by breaking out or by evading the enemy.

III

IF I AM CAPTURED I WILL CONTINUE TO RESIST BY ALL MEANS AVAILABLE. I WILL MAKE EVERY EFFORT TO ESCAPE AND AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER PAROLE NOR SPECIAL FAVORS FROM THE ENEMY.

The duty of a member of the Armed Forces to continue resistance by all means at his disposal is not lessened by the misfortune of capture. Article 82 of the Geneva Convention pertains and must be explained. He will escape if able to do so, and will assist others to escape. Parole agreements are promises given the captor by a prisoner of war upon his faith and honor, to fulfill stated conditions, such as not to bear arms or not to escape, in consideration of special privileges, usually release from captivity or a lessened restraint. He will never sign or enter into a parole agreement.

IV

IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION OR TAKE PART IN ANY ACTION WHICH MIGHT BE HARMFUL TO MY COMRADES. IF I AM SENIOR, I WILL TAKE COMMAND. IF NOT I WILL OBEY THE LAWFUL ORDERS OF THOSE APPOINTED OVER ME AND WILL BACK THEM UP IN EVERY WAY.

Informing or any other action to the detriment of a fellow prisoner is despicable and is expressly forbidden. Prisoners of war must avoid helping the enemy identify fellow prisoners who may have knowledge of particular value to the enemy, and may therefore be made to suffer coercive interrogation.

Strong leadership is essential to discipline. Without discipline, camp organization, resistance, and even survival may be impossible. Personal hygiene, camp sanitation, and care of sick and wounded are imperative. Officers and noncommissioned officers of the United States will continue to carry out their responsibilities and exercise their authority subsequent to capture. The senior line officer

or noncommissioned officer within the prisoner of war camp or group of prisoners will assume command according to rank (or precedence) without regard to Service. This responsibility and accountability may not be evaded. If the senior officer or noncommissioned officer is incapacitated or unable to act for any reason, command will be assumed by the next senior. If the foregoing organization cannot be effected, an organization of elected representatives, as provided for in Articles 79-81 Geneva Convention Relative to Treatment of Prisoners of War, or a covert organization, or both, will be formed.

V

WHEN QUESTIONED, SHOULD I BECOME A PRISONER OF WAR, I AM BOUND TO GIVE ONLY NAME, RANK, SERVICE NUMBER, AND DATE OF BIRTH. I WILL EVADE ANSWERING FURTHER QUESTIONS TO THE UTMOST OF MY ABILITY. I WILL MAKE NO ORAL OR WRITTEN STATEMENT DISLOYAL TO MY COUNTRY AND ITS ALLIES OR HARMFUL TO THEIR CAUSE

When questioned, a prisoner of war is required by the Geneva Convention and permitted by this Code to disclose his name, rank, service number, and date of birth. A prisoner of war may also communicate with the enemy regarding his individual health or welfare as a prisoner of war and, when appropriate, on routine matters of camp administration. Oral or written confessions true or false, questionnaires, personal history statements, propaganda recordings and broadcasts, appeals to other prisoners of war, signatures to peace or surrender appeals, self criticisms or any other oral or written communication on behalf of the enemy or critical or harmful to the United States, its allies, the Armed Forces or other prisoners are forbidden.

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 prisoner is subjected to such treatment, he will endeavor to avoid by every means the disclosure of any information, or the making of any statement or the performance of any action harmful to the interests of the United States or its allies or which will provide aid or comfort to the enemy.

Under Communist Bloc reservations to the Geneva Convention, the signing of a confession or the making of a statement by a prisoner is likely to be used to convict him as a war criminal under the laws of his captors. This conviction has the effect of removing him from the prisoner of war status and according to this Communist Bloc device denying him any protection under terms of the Geneva Convention and repatriation until a prison sentence is served.

VI

I WILL NEVER FORGET THAT I AM AN AMERICAN FIGHTING MAN, RESPONSIBLE FOR MY ACTIONS, AND DEDICATED TO THE PRINCIPLES WHICH MADE MY COUNTRY FREE. I WILL TRUST IN MY GOD AND IN THE UNITED STATES OF AMERICA

The provisions of the Uniform Code of Military Justice, whenever appropriate, continue to apply to members of the Armed Forces while prisoners of war. Upon repatriation, the conduct of prisoners will be examined as to the circumstances of capture and through the period of detention with due regard for the rights of the individual and consideration for the conditions of captivity. A member of the Armed Forces who becomes a prisoner of war has a continuing obligation to remain loyal to his country, his Service and his unit.

The life of a prisoner of war is hard. He must never give up hope. He must resist enemy indoctrination. Prisoners of war who stand firm and united against the enemy will aid one another in surviving this ordeal.

CHARLES S. THOMAS,
Secretary of the Navy.

CODE OF CONDUCT—DEPARTMENTAL VIEWS

The Department of the Navy is of the view that at this time there is "no valid basis for either a modernization of the code itself or its application."

Vice Adm. Charles K. Duncan, Chief of Naval Personnel, in his appearance before the subcommittee elaborated on this Navy position as follows:

In light of recent events regarding the conduct of military personnel while being illegally detained by a foreign government, a preliminary review was made by the Navy to examine the background and present application of the Code of Military Conduct. That review revealed no valid basis for either a modification of the code itself or its application. The code is simply a formation of standards of military conduct which have been understood and accepted by fighting men since time immemorial. Several of its injunctions are separately set forth in Navy regulations. The code was promulgated by Presidential Executive order in 1955 at a time of considerable national concern over the extent of departure from these standards of conduct among the prisoners held by the Communists in the Korean conflict. It was the opinion of the committee which prepared the code of conduct that among the reasons for this situation were deficiencies in training and indoctrination of our combat personnel in these areas. The code was seen as a formalized expression of existing standards around which a program of training and indoctrination could be built. Since the code merely affirmed existing standards, I have no evidence which would serve as a basis for its modification without watering down the levels of performance we have always set for ourselves as American fighting men.

With respect to its value in actual application, the code is regarded as the benchmark which our personnel must do their utmost to achieve. If they are forced to depart from it under extreme duress they are at least aware of the fact and extent of their shortfall. Additionally, the value and use of the code as a source of strength under these conditions has been validated by former prisoners of war.

This is a very important point, that the prisoners consider it as a source of strength.

The code of conduct represents a formal expression of the standards of military conduct understood and accepted by most countries for centuries. It serves as a guideline to be followed by all members of the Armed Forces, particularly when in a captured or detained status.

It is a professional and inspirational rather than a penal code. Failure to live up to the full extent of its obligations is not a criminal offense. Adequate authority exists under the Uniform Code of Military Justice for those malfeasances which can properly be termed criminal acts. Should a serviceman engage in actions punishable under the Uniform Code of Military Justice he may be prosecuted under that statute, but not under the code of conduct.

It is recognized that inhuman treatment and the application of psychological techniques have succeeded in individual cases in forcing involuntary departure from the standards set forth by the code, and can be expected to do so in the future. Notwithstanding these past and possible future departures, it would be unwise officially to advocate voluntary departures for any reason. The individual must be expected to adhere to both the spirit and the letter of the code of conduct to the full extent of his physical, mental and moral resources. The wisdom of this view of the code of conduct has been confirmed by former captives in Southeast Asia who found it a source of strength in situations of severe duress.

The Department of the Navy believes that a review should be made in the light of experiences of all prisoners of war after their return.

A memorandum prepared by the Chief of Naval Personnel for the Vice Chief of Naval Operations recommending this Navy position in the Code of Conduct provides some additional background on this matter. A pertinent portion of this memorandum follows:

3. *With respect to its value in actual application the Code is regarded as the benchmark which our personnel must do their utmost to achieve. If they are forced to depart from it under extreme duress they are at least aware of the fact and extent of their shortfall. Additionally, the value and use of the Code as a source of strength under these conditions has been validated by some of our recent Vietnam returnees.*

4. *It has been widely suggested in connection with the PUEBLO inquiry that insistence upon adherence to the Code under conditions faced by those held by the North Koreans is unreasonably harsh. As a matter of fact, our studies, backed by*

experience, show that there is no acceptable alternative to our present view regarding the applicability of the Code. While we can sympathize with the plight of those who under extreme mental and physical stress find themselves departing from its standards, we cannot, either in fairness to the individual or service to the country, afford to permit the question of applicability become a matter of individual judgment. The requirement for clever exercise of discretion under the most adverse circumstances would appear to be too demanding on the individual. *Simple and unequivocal standards are needed to sustain and buttress the man during his captivity.*

5. *Nor does the Gallery approach offer a way out in circumstances where our prisoners or detainees are being manipulated for political propaganda purposes. Superficially, it offers an attractive alternative, but closer examination reveals many potential traps if our people were to be instructed to sign any confession requested. Ultimately, this approach will also leave the individual on his own.*

6. *Internally, if there are real questions for serious consideration it is in the area of the depth and extent of our training. Navy SERE training was recently reviewed and its validity confirmed in reference (a). Those who have undergone it attest to its value. Additionally, the curriculum now reflects the experience of recent returnees. Unfortunately only two of the PUEBLO crew had received SERE training. Other than this program, training in the Code is primarily the responsibility of the individual commanding officer except for a certain amount of indoctrination during basic training. SERE training could be made a universal requirement but there is a real question as to whether the expected return would be worth the cost and effort.*

7. *The informal study group is prepared to go into this whole area in depth. However, I believe that such an effort would be premature until all the returns are in from the various PUEBLO investigations and the majority of our prisoners/detainees have been returned. As you know, I am a member of the DOD Prisoner of War Policy Committee. That committee has taken the position that the Code should not be modified until the SEASIA prisoners have been returned and their testimony weighed.*

A representative of the Office of the Secretary of Defense, Brig. Gen. Leo Benade, U.S. Army, concurred with the view of the Navy and said:

The uniformed services agree that the Code should be kept under continuing study, but no decision has been made at this time that the Code requires revision.

The Defense Department witness also indicated that the other service departments shared the Navy view that "the Code of Conduct is not intended as a penal code."

CODE OF CONDUCT—TRAINING

Executive Order No. 10631 of August 18, 1955, which promulgates the Code of Conduct for members of the Armed Forces, states that—

Every member of the Armed Forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or in captivity. To ensure achievement of these standards, each member of the armed forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat or captivity.

The Executive order further directs the Secretary of Defense to take such action as is deemed necessary to implement this order. In short, the Secretary of Defense is required by the terms of the Executive order to:

- (a) Promulgate the Code of Conduct to every member of the Armed Forces of the United States; and
- (b) Provide special training and instruction for those members of the Armed Forces subject to capture which will enable them to "counter and withstand all enemy efforts against him."

These objectives have been promulgated by the Secretary of Defense in Department of Defense Directive No. 1300.7 which relegates to the Secretary of each military department the responsibility for developing training programs and instructional materials in the Code of Conduct.

The Secretaries of each of the military departments have in turn re delegated this responsibility within their departments to the officials essentially responsible for personnel matters.

Each of the departments has issued the necessary directives which, on paper at least, appear to fully implement the Executive order of the President.

In the case of the Navy, the Code of Conduct instruction has been delegated as a direct responsibility to individual commanding officers. In practical application, this training is split into two parts:

1. Code of Conduct instruction; and
2. SERE training (survival, evasion, resistance, and escape training).

The Code of Conduct instruction, per se, is a general part of military training. Existing instruction calls for all commanding officers to establish a program of general military training in which the Code of Conduct is included. Fleet and type commanders are charged with the responsibility for coordination and the individual bureaus with the requirement to provide support. As a consequence of this delegation of responsibility, the Chief of Naval Personnel's participation is limited to providing training materials.

The initial Code of Conduct instruction is received during basic training of individuals who enter upon military service, an affirmative entry is required in an individual's service record indicating that he has in fact received such training and is aware of the Code of Conduct. Periodically thereafter, as naval personnel move from one command to another, they are exposed to general military training, including the Code of Conduct. However, it would appear that as a practical matter this training amounts to little more than acquainting individual personnel with the broad language of the six articles of the Code of Conduct.

The most extensive instruction given by the Navy in the application of the Code of Conduct occurs as an element of SERE training. Although this training is conducted separately, it is normally a part of counterinsurgency training. The two main schools with SERE training in the Navy are operated by Fleet Air Commands in the Atlantic and in the Pacific.

The subcommittee was advised that only two members of the U.S.S. *Pueblo* crew had experienced SERE training, although the personnel jackets of all of the members of the crew reflected entries that they had received instruction in the Code of Conduct.

The Chief of Naval Personnel in testifying before the subcommittee agreed that this special training should be given to those people liable to capture, and further indicated that the Navy was providing survival training to all personnel who go into Vietnam and are subject to possible capture. A directive has also been issued requiring this training for the crew of the U.S.S. *Banner* as well as all AGER's. A submission for the record indicates that all personnel ordered to the *Banner* and sister ships are now scheduled to receive SERE training

prior to reporting aboard. There are currently six officers and 29 enlisted personnel ordered to the *Banner* via SERE training. Of the personnel presently on board the *Banner*, only a small number of officers and men have received this training to date.

In testimony before the Naval Court of Inquiry, individual members of the crew of the U.S.S. *Pueblo* expressed the view that SERE training would have better equipped the members of the crew to withstand the tortures and abuses afflicted upon them by their North Korean captors. The two members of the crew who had received the SERE training stated affirmatively that this training was of significant assistance to them. The Naval Court of Inquiry has therefore recommended that, in the future, all personnel deployed in vehicles engaged in intelligence reconnaissance efforts be given SERE training.

CODE OF CONDUCT—APPLICABILITY

Testimony received by the subcommittee from representatives of the Department of the Navy resulted in a very confusing picture as to the applicability of the Code of Conduct to the members of the U.S.S. *Pueblo* crew. Also, confusion was created in the minds of the members of the subcommittee as to whether or not a violation of the Code of Conduct constituted an action punishable under the Uniform Code of Military Justice.

Shortly after the convening of the naval court of inquiry, the counsel of the naval court of inquiry, Capt. William R. Newsome, on January 13, 1969, stated publicly:

The Code of Conduct is inapplicable in this present situation. We have had an opinion that the crew members on the *Pueblo* were not prisoners of war; they were illegally detained * * * and when we don't have prisoners of war, we don't have the application of the Code of Conduct * * *."

Captain Newsome at that time said that the opinion had come from the Navy's Judge Advocate General. Subsequently, on February 20, 1969, Captain Newsome said:

It has become obvious that the Code of Conduct is applicable in this situation.

The apparently conflicting opinions of the counsel to the court as to the actual applicability of the Code of Conduct therefore resulted in a written inquiry from the subcommittee to the Secretary of the Navy for copies of what appear to be two conflicting opinions from the Judge Advocate General of the Navy.

On March 1, 1969, the Secretary of the Navy responded that—

The Judge Advocate General has not rendered conflicting opinions. He has, in fact, consistently taken a single position on the legal effect of the Code of Conduct in its applicability to the personnel of the *Pueblo*.

The Secretary's statement went on to quote portions of the Judge Advocate General's opinion as to the applicability of the code, a pertinent portion of which is quoted below:

It is my opinion that since the ship was engaged in legal activities on the high seas in time of peace, the logical term to apply to the status of the crew from the standpoint of international law is that of illegally held detainees. It is further my opinion that the Code of Conduct applies to all members of the Armed Forces who are held in hostile confinement regardless of the "status" but only as a guideline for their conduct and not as a basis for punishment. Any such punitive action can be based only on a violation of the Uniform Code of Military Justice * * *.

On February 26, 1969, Capt. William R. Newsome, Judge Advocate General's Corps, U.S. Navy, in a memorandum to the Judge Advocate General of the Navy, stated that he had—

Received no communications from the Judge Advocate General indicating that he has reversed his opinion concerning the legal aspects of the Code of Conduct for members of the Armed Forces of the United States. The Judge Advocate General has consistently expressed himself to the effect that the Code of Conduct applies whether or not the crew had the status of prisoners of war in the international legal sense. The opinion rendered prior to the proceedings that the Code of Conduct might not be applicable to the crew of the *Pueblo* because of their status as illegal detainees was my own and was rendered without benefit of the Judge Advocate General's opinion. Further, the Judge Advocate General has also held that the applications of the Code of Conduct is not such as to form a basis for punishment, but rather as a guideline for conduct of members of the Armed Forces of the United States while in captivity. To my knowledge there has never been any disagreement with that position.

In summary, Captain Newsome is saying that his preliminary opinion that the Code of Conduct might not apply to the crew of the *Pueblo* was a personal and erroneous opinion. Furthermore, he stated that the Judge Advocate General had always held that the Code of Conduct can not be utilized as a basis for punishment. Thus, the counsel for the Naval Court of Inquiry, at this point, concedes confusion in his own mind as to the applicability of the Code of Conduct to the crew of the *Pueblo*, but recants to accept the views of the Judge Advocate General on this matter.

Later, however, when the Judge Advocate General of the Navy appeared before the subcommittee on April 28, 1969, he stated:

The entire Code of Conduct has been promulgated as a General Order of the Navy. I mentioned that in my prepared statement. General Order No. 4 promulgated the Executive order and the entire Code of Conduct as a General Order of the Navy.

Now a violation of an article of the Code of Conduct, therefore, can be charged as a violation of an article of the Uniform Code, so you might say that any violation of the Code of Conduct is a violation of a General Order of the Navy, and therefore is chargeable under the Uniform Code.

This statement of the Judge Advocate General, therefore, left the clear impression that since the Code of Conduct had been issued as a general order of the Navy, and since a violation of any provision of a general order was a punitive offense punishable under the Uniform Code of Military Justice—violations of the Code of Conduct were therefore effectively punishable as a penal code.

At this point, the subcommittee was understandably confused. However, on April 30, 1969, the Judge Advocate General of the Navy sent a letter to the subcommittee which was designed to clarify these apparent ambiguities. The letter follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D.C., April 30, 1969.

HON. OTIS G. PIKE,
House of Representatives,
Washington, D.C.

DEAR MR. PIKE: I have reviewed my testimony before your Subcommittee on Monday morning, April 28th, 1969.

You will recall that I testified that the Code of Conduct was promulgated to the Navy in General Order No. 4, that the violation of a general order is normally punishable under Article 92(1), Uniform Code of Military Justice (UCMJ), and that a violation of General Order No. 4 could be charged under Article 92(1), UCMJ.

The question has arisen whether General Order No. 4 is the type of general order for violation of which punishment is appropriate under Article 92(1), UCMJ, and thus penal, or whether it was merely intended to be advisory and instructional in nature. The Code of Conduct as set forth in General Order No. 4 consists of six articles expressed in only eighteen lines. However, the General Order is three pages in length and contains much language in addition to that of the Code itself. Some of the additional language is couched in terms of prohibition. For example, Article V of the Code of Conduct states:

"When questioned, should I become a prisoner of war, I am bound to give only name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause."

However, the following additional language appears under Article V:

"Oral or written confessions true or false, questionnaires, personal history statements, propaganda recordings and broadcasts, appeals to other prisoners of war, signatures to peace or surrender appeals, self criticisms or any other oral or written communication on behalf of the enemy or critical or harmful to the United States, its allies, the Armed Forces or other prisoners are forbidden."

While the Code provisions are not penal in nature, in my opinion the additional language sounds in terms of a penal statute.

At the time of your questioning on this subject, I adhered to my prepared statement that the Code of Conduct itself was not intended to be a penal Code and that departures therefrom could only be punished if they also constituted offenses under specific articles of the Uniform Code of Military Justice. However, I considered that the additional language in General Order No. 4 could technically support a charge of violation thereof under Article 92(1), UCMJ. I have since determined that the Defense Advisory Committee on Prisoners of War, which drafted the Code of Conduct, recommended that the additional language to which I have referred accompany the Code as "Instructional Material." When the additional language was included in Navy Department General Order No. 4 it was not identified as instructional material.

The law is clear that the mere fact that a directive is called a "General Order" does not thereby ensure that it is a general order as those words are used in Article 92, Uniform Code of Military Justice, and thus penal in nature. In the final analysis, it is the intention of the promulgator which determines whether an order is penal or advisory in nature. In the present instance I have concluded that the additional language accompanying the Code of Conduct was intended to be merely instructional and not penal. Accordingly, I would appreciate it if you would cause the record of the hearing of 28 April to reflect that it is the view of the Judge Advocate General that General Order No. 4 does not operate as a general order within the meaning of Article 92 of the Uniform Code of Military Justice.

Sincerely yours,

JOSEPH B. McDEVITT,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.

The essence of the letter is that the Judge Advocate General reversed his previous testimony before the subcommittee and stated that violation of the Code of Conduct by naval personnel was not punishable as a violation of the Uniform Code of Military Justice.

The purpose of reviewing in some specific detail the apparently ambivalent views of the Navy on the Code of Conduct was to emphasize the infinitely greater difficulty that must have been experienced by the men of the U.S.S. *Pueblo* in trying to resolve for themselves these same questions. If the Navy captain who was counsel to the Naval Court of Inquiry, with all of the books and information, and consultants officially available to him, could come up with an erroneous opinion as to the applicability of the code, and if the highest legal officer in the Navy found it necessary to change his own testimony before the subcommittee as to the effect of violating the code, it is certainly impossible to expect that 82 lonely, untrained, and abandoned men

suffering imprisonment and torture by the North Koreans could come up with any clear and proper adherence to it.

On the basis of information made available to the subcommittee in the transcripts of testimony received by the Naval Court of Inquiry, the subcommittee must conclude that it is unaware of any member of the crew of the *Pueblo* who did not in some degree violate the Code of Conduct. Therefore, the criticality of the question of applicability of the Code needs no further elaboration.

CODE OF CONDUCT—SUBCOMMITTEE'S VIEWS

The subcommittee's review of the Code of Conduct was not in sufficient depth to enable it to make a final judgment on the specific changes which should be made to the Code of Conduct. The relatively brief review and study made by the subcommittee, however, did reveal the complexity of the problem and the fact that questions implicit in proposed modifications to the code are far more profound than is immediately apparent. It nonetheless concluded that the code requires revision and clarification.

For example, the subcommittee review of the Code of Conduct and the provisions of the Geneva Conventions suggest the possibility of a conflict between certain provisions of the Code of Conduct on one hand and the Geneva Conventions on the other.

The code for example stresses "continued resistance by all means available" for prisoners, while the Convention requires "humane treatment at all times." Thus, the question is raised: How can a person who is a prisoner of war and charged with carrying out "continued resistance by all means available" as required by the code expect at the same time that his captors provide him with "humane treatment" as required under the Geneva Conventions?

The code requires that everyone make an effort to escape. Should this requirement apply to medical and religious personnel who are prisoners of war and whose presence in the compound would undoubtedly be of great value and source of comfort to the other prisoners?

The Geneva Convention provides that medical personnel and chaplains can be paroled "when necessary to attend prisoners of war in other hospitals, camps, and labor detachments or when it contributes to the health and well-being of a sick or wounded prisoner." On the other hand, the Code of Conduct specifically forbids our prisoners to accept a parole.

The Geneva Convention requires that every prisoner of war be permitted, immediately upon capture or at least 1 week after arrival at a prisoner of war compound, to send a "capture card" to his family and to the Central Prisoner of War Agency. The suggested form of the capture card is also prescribed by the Convention and provides for giving 13 items of information: name, power on which the POW depends, first name of father, date of birth, place of birth, rank, service number, address of next of kin, when taken prisoner, health status, present address, and date. Thus, if a prisoner of war should go beyond his name, rank, service number, and date of birth in filling out this capture card, under the terms of the Code of Conduct he is risking possible future court martial action upon repatriation. This liability arises

since the code specifies he must resist "to the utmost of my ability" any effort by his captors to elicit information beyond his name, rank, service number, and date of birth.

Similarly, under the provisions of the Convention, private correspondence of prisoners is subject to censorship by the detaining power, thus providing the enemy with names and addresses of family and friends together with other information of possible intelligence value to the enemy. There is nothing in the code nor the Department of Defense and individual service instructions which provides personnel with any guidance in this area.

Critics of the Code of Conduct charge that it is unrealistic to prohibit prisoners of war from signing confessions or statements to enable them to avoid physical or mental torture when at the same time we, as a nation, have done the same thing to secure the release of the *Pueblo* crew. They point out, with some validity, that if General Woodward was authorized to sign a formal statement "acknowledging the guilt of the United States" and then authorized to also concurrently issue a formal statement repudiating the written documents which he was about to sign, the insistence on a prohibition against similar action by prisoners of war constitutes an ethical absurdity.

In view of these circumstances, it would appear at first blush that prisoners of war, under duress and coercion, should be permitted to acknowledge and sign any false confession as a means of avoiding further punishment and torture. However, under Communist bloc reservations to the Geneva Conventions, the signing of such a confession or the taking of an incriminating statement by a prisoner has the effect of removing him from his prisoner of war status and denying him any further protection under the terms of the Convention. A prisoner of war then becomes a so-called war criminal and is not eligible for repatriation until he has been tried under the laws of his captors and, if found guilty, has served a prison sentence.

The reservation to article 85 of the Geneva Convention is as follows:

The Union of Soviet Socialist Republics does not consider itself bound by the obligation which follows Article 85, to extend the application of the Convention to the prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subjected to the conditions obtaining in the country in question for those who undergo their punishment.

Perhaps more important than the reservations of Communist nations concerning the Geneva Convention is the fact that the Geneva Conventions apply only in the case of "prisoners of war" and the North Koreans maintain that since we are not at war, the Geneva Conventions did not apply to the crew of the U.S.S. *Pueblo*. Thus, although the North Koreans have ratified the Geneva Convention of 1949, along with North and South Vietnam, Cambodia, Thailand, Laos, and Soviet Russia, application of the Geneva Convention in their view remains limited to the treatment of "prisoners of war" arising only in cases of declared war or armed conflict between two or more parties to the Convention and not in situations involving an alleged intrusion into their territorial waters or air space.

The absence of a state of war or armed conflict therefore technically precludes personnel being detained by a hostile nation from the protection of the Geneva Convention. Since the crew of the *Pueblo* was not

accorded the protective status provided for by the Geneva Conventions, should they have been expected to comply with the provisions of the Code of Conduct as interpreted by General Order No. 4 of the Navy? Judgment of the behavior of the crew against a rigid interpretation of the Code of Conduct would then seem to be most inequitable and highly questionable.

These then are some of the perplexing problems which will confront anyone charged with the responsibility of assessing the Code of Conduct and its applicability to situations such as were involved in the detention of the crew of the U.S.S. *Pueblo* by the North Koreans.

The subcommittee, therefore, is of the view that the code does require some revision and clarification. It is evident that at the very least, clarification is required as to the applicability of the Code of Conduct in those instances in which detainees are not prisoners of war and are not accorded the protection of the Geneva Conventions. It is also evident that under circumstances in which a U.S. detainee is not accorded the protection of the Geneva Conventions, the Code of Conduct should provide some latitude for the detainee.

Finally, the instructions provided personnel in the Code of Conduct should emphasize that it is not a penal code but rather a suggested code of conduct.

The subcommittee appreciates the reluctance of the Department of Defense and the individual service departments to modify the Code of Conduct until after the repatriation of our prisoners of war in North Vietnam. However, such a reluctance appears to be more a policy of convenience than of necessity. The subcommittee sees no reason why the Department should not immediately initiate comprehensive studies to revise the Code of Conduct in a manner compatible with the experiences of recent months. To do otherwise would constitute a repudiation of the moral responsibility the leaders of our armed services have to men and women in uniform.

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