

RECORD OF PROCEEDINGS

of a

FORMAL BOARD OF INVESTIGATION

convened at

DaNang, Republic of Vietnam

by order of

Commander, U.S. Military Assistance Command

Vietnam

To inquire into an attack upon

USCGC Point Welcome which occurred on

11 August 1966

Ordered on 13 August 1966

[REDACTED]
RECOMMENDATIONS

1. That component forces operating in overlapping or adjacent areas coordinate activities so that appropriate personnel are sufficiently informed on details of operations to preclude incidents.
2. That a common emergency recognition/identification signal or procedure between friendly forces be established and thoroughly understood by operating units.
3. That the seaward limits to the DMZ be clearly defined.
4. That surface targets detected by aircraft south of 17° 00'N be passed to friendly surface forces for identification and appropriate action.
5. That training on the identification and recognition of both friendly and hostile surface craft be reemphasized.
6. That all operations plans, orders, instructions and mission directives be thoroughly reviewed to ensure that rules of engagement provide consideration for all supporting, corollary or related operations or missions.
7. That the rules of engagement for the MACV area be published in a single document, with terms precisely defined and appropriately cross-referenced to eliminate all possibility of misunderstanding or confusion for any type operation in any particular area.
8. That rules of engagement be strictly adhered to at all echelons of command.
9. That no disciplinary action be taken against any personnel involved in the incident.
10. That BMC PATTERSON be commended for his action in the incident.

Samuel L. Reid
SAMUEL L. REID
Colonel, U.S. Army
President

John C. McDonnell
JOHN C. McDONNELL
Captain, U.S. Navy
Member

Richard B. Peterson
RICHARD B. PETERSON
Lt Colonel, U.S. Air Force
Member

Authenticated:

Samuel L. Reid
SAMUEL L. REID
Colonel, U.S. Army
President

Thomas E. Bradley
THOMAS E. BRADLEY
Major, U.S. Marine Corps
Recorder for the board

[REDACTED]

[REDACTED]

2. That the Commanding Officer of the Point Welcome was attempting to initiate an identification signal either by Aldis lamp or Very pistol at time of death.

3. That the incident occurred as a result of lack of knowledge and understanding of differing missions and overlapping of assigned areas of friendly forces. There was no coordination between friendly forces assigned to the differing and conflicting missions.

4. That a common emergency recognition/identification signal or procedure, known to all friendly forces, could have prevented this incident.

x 5. That all participants performed in a manner consistent with their assigned duties.

x 6. That there is no indication of dereliction nor improper performance of duty.

x 7. That deaths and injuries were not caused by the intent, fault, negligence, or inefficiency of any person or persons in the armed forces or connected therewith.

8. That the Mission Commander's decision that the surface craft was hostile was influenced by his lack of knowledge of Market Time operations and mission briefing to expect no Coastal Security Service activities.

9. That the Rules of Engagement for identification of hostile targets and mission terms such as "fleeting targets of opportunity" are too broad and can easily be misunderstood.

10. That the seaward limits of the DMZ and the mission term "coastal surveillance" have not been clearly defined.

11. That, considering the sensitivity of the assigned area, the Mission Commander's instructions were vague and subject to misunderstanding.

12. That aircrews involved did not receive adequate naval craft identification training.

13. That all surface craft should take immediate action to identify themselves when illuminated.

14. That liaison and coordination between the other control agencies and Coastal Surveillance Center in the DaNang area are inadequate.

[REDACTED]

15. Neither Point Welcome nor Mission Commander aircraft attempted contact by radio for the purpose of establishing identification.
16. The Mission Commander evaluated the target to be hostile and located within his prescribed strike zone.
17. Aircraft crews were briefed that there were no Coastal Security Service operations (MAR OPS) in progress during this period.
18. The Mission Commander ordered an attack on the target which resulted in three strafing attacks by one B-57 aircraft and two each bombing attacks by two F-4C aircraft.
19. All aircrews involved had been briefed and were familiar with Coastal Security Service operations (MAR OPS) and associated identification procedures but not on Market Time operations and appropriate recognition and identification procedure.
20. There are no prescribed emergency identification procedures for Market Time Forces.
21. There are no established procedures for the regular exchange of information between Market Time Forces and command and control centers in the DaNang area.
22. 7th Air Force Operations Order 453-87 (Tally No) was not coordinated with nor copies provided to Commander Naval Forces Vietnam.
23. Interpretation of Rules of Engagement for operations in the DMZ resulted in an overlap of the Mission Commander's area of responsibility and Point Welcome's patrol area.
24. There is no single system or procedure for emergency recognition/identification between friendly forces in Southeast Asia and adjacent waters.
25. That Mr. Timothy J. PAGE was an accredited news correspondent.

OPINIONS

1. That the deaths and injuries of the below personnel were incurred in the line of duty and not as a result of their own misconduct:

KIA: LTJG David C. BROSTROM, USCG, 7100
PHILLIPS, Jerry, 327537, ENS, USCG

WIA: LTJG Ross BELL, USCG, 42535
McKENNEY, Mark D., 350100, GM2, USCG
DAVIDSON, Houston J., 350000, FA, USCG
LTJG DO VIET VIEN, 63A-700.827, VNN

INDEX

<u>NAME</u>	<u>DUTIES</u>	<u>PAGE NO.</u>
DAVIDSON, Houston J. 355099, FA, USCG USCGC Point Welcome	Fireman	1
McKENNEY, Mark D. 350180, GM2, USCG USCGC Point Welcome	0000-0400 Junior Officer of the Deck	2
AUSTIN, Donald L. 283962, CS2, USCG USCGC Point Welcome	Cook, USCGC Point Welcome	10
PATTERSON, Richard H. 280049, BMC, USCG USCGC Point Welcome	Chief Boatswain's Mate	11
RUSSELL, Billy R. 324827, BM1, USCG USCGC Point Welcome	2000-2400 Officer of the Deck	18
WILLIAMS, Virgil G. 346736, ET2, USCG USCGC Point Welcome	Electronics Technician	28
O'CONNOR, David E. 353629, SN, USCG USCGC Point Welcome	Seaman	25
LCDR Howard H. STOCK USCG, 5019 Coast Guard Division TWELVE	Commander Coast Guard Division TWELVE	26 & 77
CDR Joseph D. NOLAN USN, 550717 Commander Task Group 115.1	Commander Task Group 115.1	29 & 82
LT Arthur J. COTE USN, 640113 Task Group 115.1	Watch Officer in the CSC	36
WOLF, William H. 306596, ENC, USCG USCGC Point Welcome	Chief Engineman	42
CAPT Willis O. WHITNEY USAF, FR66565 620th TCS Detachment	Duty Officer at 620th TCS Detachment	43

<u>NAME</u>	<u>DUTIES</u>	<u>PAGE NO.</u>
Lt Col Leonard W. PROVANCE USAF, FR25794 620th TCS	Air Defense Battle Commander	46
TSgt Ronald M. CABELL AF13335436, USAF 620th TCS	Control Technician for Relay	47
LTJG Ross BELL USCG, 42535 USCGC Point Welcome	Executive Officer/Officer of the Deck, USCGC Point Welcome	48
CAPT Cletus G. ROGERS USAF, FV3103909 8th Bomb Squadron	Navigator of Yellow Bird 18	51
MAJ Richard F. GIBBS USAF, FR45348 480th Tactical Fighter Squadron	Aircraft Commander of Coyote 91	54
1st Lt Richard W. BALSTAD USAF, FV3148359 480th Tactical Fighter Squadron	Pilot of Coyote 91	57
CAPT Stanley P. FRAMES, Jr. USAF, FR68824 480th Tactical Fighter Squadron	Aircraft Commander of Coyote 92	59
1st Lt Roger W. COCHRAN USAF, FR76459 480th Tactical Fighter Squadron	Pilot of Coyote 92	62
CAPT Charles B. CHISM USAF, FV3058274 21st Troop Carrier Squadron	Pilot of Blind Bat 02	63
CAPT Paul V. HELSEL USAF, FV3024875 21st Troop Carrier Squadron	Co-Pilot of Blind Bat 02	72
1st Lt Melvin M. MARVEL USAF, FR75329 21st Troop Carrier Squadron	Navigator of Blind Bat 02	74
LTJG James D. BOYCE USCG, 7193 USCGC Point Caution	Commanding Officer of USCGC Point Caution	78
LTJG Stanley E. BORK USCG, 7446 USCGC Point Caution	Executive Officer of USCGC Point Caution	80



<u>NAME</u>	<u>DUTIES</u>	<u>PAGE NO.</u>
DELOACH, William (n) 330682, EN2, USCG USCGC Point Caution	Leader of Boarding Party from USCGC Point Caution	82
CPT Robert D. LUFBURROW USA, 089097 131st Aviation Company	Pilot of Spud 13	85
1LT Jimmy N. BRASHER USA, 0545516 131st Aviation Company	Pilot of Spud 14	86
CAPT John S. LYNCH USAF, FR54266 8th Bomb Squadron	Pilot of Yellow Bird 16	91
COL I. B. Jack DONALSON USAF, FR32941 Hq, 7th Air Force TACC	Commander of Task Force Tiger Hound/Tally Ho	100
MAJ John D. BROWN USAF, FR50722 Hq, 7th Air Force TACC	Director of Strike Plans	106
LCDR Victor D. LARSEN USN, 565638 TAD to 7th Air Force TACC	Strike Plans and Liaison Officer for Tiger Hound/ Tally Ho operations	110
1LT Melvin C. SMITH USA, 05419505 Hq Co., 1st MI Bn	Interpreter for SLAR imagery	112
CAPT Robert D. RASMUSSEN USAF, FR51552 7th Air Force TACC	Member of TACC Weapons Training Branch	114
CAPT Paul N. GRAY USN, 100272 COMNAVFORV	Assistant Chief of Staff for Operations	116
LCDR Doyse R. BISHOP USN, 613147 COMNAVFORV	Force and Readiness Officer	117
CAPT Clifford L. STEWART USN, 557987 Commander Task Force 115	Commander Task Force 115	120

[REDACTED]

At "C" Company,
3rd Medical Battalion
DaNang, Republic of Vietnam
Monday, 15 August 1966

The board met at 0810

Present:

Colonel Samuel L. Reid, U.S. Army;
Captain John C. McDonnell, U.S. Navy; and
Lieutenant Colonel Richard B. Peterson, U.S. Air Force, members.
Major Thomas E. Bradley, U.S. Marine Corps, recorder for the board.

The appointed reporter, John P. Mabry, yeoman second class, U.S. Navy, was sworn.

DAVIDSON, Houston J., 355099, FA, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you give us your account of the incidents that happened from the time you knew you were under attack?

A. I don't know. I was asleep when it started. When the missile hit us, I guess it was a missile, I heard OQ, ran up topside and there was a fire on the fantail. One of them hit a gas can or something back there. The Chief was trying to put it out, and a couple of others were helping him. I asked him if he wanted some foam. He told me yes and I started to go up to the paint locker to get the foam but couldn't get it loose and started back to get a knife or something to get the foam and I walked around the corner of the bridge and that's where I got hit by the second round.

Q. Were you taken below at that time?

A. Yes, sir.

Q. Were there any lights at all on the ship?

A. No, sir.

Q. Did you yourself, or did you see anyone attempt to do any signalling to the aircraft?

A. No, sir.

Q. Do you recall what time it was when this started?

A. I think it was about three-thirty or four. Three-thirty or four or something like that.

Q. Did you have any idea of your exact location?

A. I don't know. We were a little below the 17th probably. When I came up there was a lot of white sandy beach. We have never seen any in North Vietnam. It gets pretty green up there around the 17th. It didn't take but a few minutes to get to the river. It couldn't have been too far.

[REDACTED]

[REDACTED]

Q. Have you discussed this with anyone else aboard ship, or anyone else around the hospital here?

A. I've talked to a bunch of guys, just talked to them.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 0900, 15 August 1966.

The board met at 1000, 15 August 1966, on board USCGC Point Welcome.

McKENNEY, Mark D., 350180, GMS, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Now, in your own words would you state the time which you were aware you were being attacked and what your actions were from then forward?

A. Sir, we were illuminated first. We were watching, up in North Vietnam, we were watching the planes bomb and they began to illuminate down the coast. Right parallel with the Cua Tung River we saw two or three targets on our radar outside the Cua Tung and we figured the planes were illuminating them. When they died out they started illuminating almost parallel to us along the beach. There was a whole line of them right parallel with us and about five minutes later they illuminated about a hundred yards behind us out to sea. We were drifting at the time they started illuminating in back of us and then we started the main engines and headed South.

Q. Excuse me, in back of you, which direction were you headed at this time?

A. We were heading South; they were illuminating North of us. We started the main engines and we were going about five knots South and they illuminated us right after that. I was standing the junior OOD with Mr. Bell, my executive officer. The second time they illuminated us, soon after the first time, or as soon after the first one died out, he told me to go down and wake the skipper up. I went down to wake the skipper up and I called his name and said "Captain" three or four times. He rolled over and said what's the matter and I said we are being illuminated. Right about then was the first time they hit us; the first time they strafed us. I fell on the deck in the cabin and when they finished strafing, the old man ran out before me and then I ran out and the whole stern was on fire and a couple of the guys grabbed the fire hoses and one of the engineers went down to the engine room and when they returned they started fighting the fire. By the time they got everything rigged up to fight the fire, they strafed us again. I was forward at the time in the paint locker when I got hit up there. I was getting foam out, the fire fighting foam. I guess the second time was about when everybody got hit. As soon as we got hit we opened up the throttles and headed south and tried to make the Cua Viet River. We were doing about eighteen knots. We were wide open all the way. They had us illuminated all the way down and I guess as we had to go about four to four and a half miles is how far we went. As soon as we got down to the river they kept illuminating us and started hitting us with big stuff. It just buckled the ship off course because we were maneuvering a little bit because maybe it would help a little bit. Those guys were pretty sharp cookies. But, we finally made it down the river and they started throwing that big stuff at us. Then we just gave up. We just stopped the ship and the Chief gave orders to abandon ship because he was in command. The Executive Officer was hit pretty badly and the old man was dead, so he just told us to abandon ship. The old man was killed trying to send up a flare; a very pistol flare. He never made it. The reason there were no flares sent

[REDACTED]

up by us, we were all very calm about the whole thing, but there is always a certain amount of panic about everything. We played it, the old American expression, pretty cool. There wasn't that much time; they just hit us and hit us. A lot of the men were trying to put fires out on the stern and there were seven or eight of us down here, four of us hit real bad. And they were bleeding real bad. There was the job down here of bandaging these men up. Well, you think of sending something like that up, but you just don't have time, sir. The Chief was the only one on the bridge at the time. To get back to when we abandoned ship, we all got in the water and they still illuminated us. We were about three quarters of a mile from the beach I guess and we were all swimming. A lot of the guys were carrying other guys because they couldn't swim very well. One man had his hands pretty well torn up. We got, oh, about three quarters of the way into the beach and there was a sand bar there and a couple of the guys got on it a couple of times but got carried off it. We were almost in anyway and then the junk force opened up on us with a couple of bursts of fifty's and small arms. We were pretty shook up by then and finally I heard one of the guys in the junk force when he hollered we were americans and then they started picking us up and in a few minutes the Coast Guard boat Point Caution picked the rest of the men up. I was taken to the junk force base and evacuated from there to the Hue Phu Bai hospital. Would you like to have our position, sir?

Q. Yes, we would. What are your assigned duties on the boat?

A. My job on the boat is gunner's mate. I take care of all the guns and ammunition that comes aboard, expended ammunition and I was being broken in on OOD watches, sir. I was standing junior OOD with my executive officer.

Q. Would you describe the duties of the junior officer of the day? What time you took the duties and generally what your duties consist of as junior OOD?

A. Well, I had the junior officer of the day with my executive officer, Mr. Bell. I had the mid watch from 0000 'til 0400 in the morning. I used to plot courses, take bearings along with Mr. Bell. We both did it together; he took one and I took one. I kept a close eye on the radar. That was mainly my job over there; keeping a real sharp eye on the radar.

Q. How often do you take bearings and on what do you take bearings on for your position?

A. We take them on every hour; half hour to an hour.

Q. What do you take your bearings on?

A. We take radar fixes. We take them on two land points with dividers, using dividers on the chart, or we can take the bearings from the radar and use the dividers and the parallel rulers or use the triangle. For your position you take the dividers from there or however many miles you take offshore from that point of land to there and the fix is right there.

Q. Do you keep a log of when you take the bearings?

A. We don't, sir, but we have a board up on the bridge, a plexiglass one and we have a map underneath it with all our areas up North. We take the grease pencil and every time we take a fix we put it on there. The next time we take a fix we put that one on and usually erase this one.

[REDACTED]

[REDACTED]

Q. And this is the board that was destroyed in the attack?

A. I don't know about that, sir.

Q. When was the last time you took a fix before the attack?

A. Mr. Bell took a fix at 0315 and I was up there right after him and just for the fun of it doing it myself. I always enjoyed doing that. I made fun of just checking him out all the time. But it was right all the way.

Q. Did your position verify with his?

A. Yes, sir.

Q. Was your position within area 1A1?

A. Yes, sir, it was.

Q. Can you describe where it was in relation to -- how close inside your designated area?

A. Well, we were two and a half miles below the Cua Tung River and we were about three quarters of a mile out from the beach. That would put us about three quarters of a mile south of our area line, the 17th Parallel, and I guess it was a question of whether we were in the DMZ. Of course we were in the DMZ. The DMZ runs three miles each side of the Parallel. We had to be in the DMZ. That's part of our area.

Q. How many flares were dropped and just where were you when the first one was dropped? When you first saw the flares to the North of you, how many were dropped then and how many were dropped after that in the time frame sequence?

A. Well, the first time when they moved out to sea they moved about a hundred yards above us Northward. There were four or five or six. I couldn't tell you exactly but it was four or five or six flares up in back of us and you could see our stern a little bit, naturally they got quite a bit of candle power. The second time they illuminated us it must have been about six or seven; same amount all the time, six or seven, and they were right over us. They made a pass, I heard the planes going over us and the only thing I remember is hearing jets and seeing twin-engine propeller jobs.

Q. Are you sure it was twin-engine or multi-engine? Could you actually count the engines?

A. You could see the plane. It was no lights on it but you could see it and it sounded like it was a propeller job and it looked like it had two engines. When they were going over us I could hear two jets above them. I don't know maybe whether it was above but I could hear two jets in the distance. They were pretty well straight over us and these flares almost burned out and they illuminated us again with about the same amount of flares. And that's when they came down upon us.

Q. What was the drift on the current while you were in this area? You say you were drifting; would you be drifting North or South?

A. We were drifting North, sir.

[REDACTED]

[REDACTED]

Q. Would you describe your identification procedures you have on the bridge? I mean the ones that you, as the junior officer of the day, or as the officer of the deck, Mr. Bell, would be expected to have and which you actually did have.

A. Yes, sir. This has been brought up before many times and I don't know whether it's official or not but it's been a real touchy thing. I've heard that a lot of the boats do it different ways. Some boats shoot two flares up; when jets pass by they shoot flares. But we do have codes on challenge sheets, Confidential or Secret I guess they are. A challenge between us and aircraft, all types of aircraft, and there has been another thing brought up that we're not supposed to flash lights at aircraft. So the old man was up on the bridge anyway with a flare pistol. I don't know what he intended to shoot up but that's the way it was.

Q. He was up there with a very pistol?

A. Yes, sir, he was. But when he got hit he was up on the little deck that goes into the pilot house. He was trying to load the pistol when he got hit.

Q. Did you see him trying to load the very pistol?

A. No, sir, but I saw him there at the box where we keep them. There is nothing else in that box that he could be taking out.

Q. Do you have any specific lights or flare identification instructions that you keep on the bridge?

A. Yes, sir, we do. Challenge codes. We have all our challenge codes each day. They are changed and they are usually two letters or a letter and numeral. We have three-day patrols and we come in on the fourth day and we have four days of code. I always put them up there. Usually the OOD would put them up there. Mr. Bell would always ask me to put them up there.

Recorder: Let the record show that we are working with the chart that was actually on board the bridge at the Point Welcome which identifies the patrol areas assigned to the Point Welcome (Exhibit 1).

Q. Would you identify the rivers which you were speaking of and your position in relation to the two rivers?

A. Well, this is the Cua Viet River which is right in the middle of our area and the Cua Tung is right above our area. We keep a close eye on both rivers all the time to watch for junks coming out or going in and we never go above the Parallel but we watch in case anyone comes out and comes down the coast so we usually hang around, usually North and out a couple of miles and come in and go all the way down the coast. We stuck mostly around the coast. But like I was saying, during Operation Hastings all our patrol area was just in the DMZ. That's the only place. We made sure nobody came out of this river, the Cua Tung River. At the time we got hit we were approximately right there. As I said before when they started illuminating us, we went up to two hundred turns and headed South. We were about three quarters to a mile off the beach all the way down the coast. The second time we got illuminated when they hit us we went full bore ahead, about eighteen knots and headed south. We tried to make this river. The main reason, in my opinion, I guess it was the main reason why we did head for this river was because there is a junk base there, Xray Alfa.

[REDACTED]

[REDACTED]

Recorder: Let the record show that the witness, in pointing to this river, is speaking of the Cua Viet River.

A. We headed for the Cua Viet River and we made it right, I don't know exactly because we were hit pretty hard. All the guys were pretty well; I was a little shocked myself, but I knew we were near the river because there were sand bars. And when we were on the sand bars, there is only one shallow spot down anyway. I knew we were pretty close. I don't know the exact position as to where we were near the mouth of the river but we were right out of the mouth of the river somewhere when we abandoned ship.

Q. In what manner do you watch for traffic coming out of the Cua Tung River?

A. Radar at night is the only way. We don't have lights. We keep a close eye on the radar all the time.

Q. What do you do when you see a boat coming out of the Cua Tung River?

A. Well, there is only one thing we can do. That is to watch, sir, and see if they come down. If they don't come down, we can't touch them. We're not allowed to. It's in our operational order. We can't touch anything over there because we could get in more trouble that way than anything else.

Q. What is the range of your on-board radar.

A. Our on-board radar has a range of a twenty mile scale and it can be turned down to eight miles or a three mile scale or a one mile scale.

Q. It does have a twenty mile range?

A. Yes, sir.

Q. What mode were you in when you were watching the river?

A. I switched it around a lot. We usually keep it on twenty unless we have a contact. Then we turn it down to eight or three, depending on how close we get to the contact and it depends on our position. But ordinarily we have it on an eight mile scale and if there is no contact we usually have it on a twenty mile scale to cover the whole area and up above here because we can get all the way up, we can get Tiger, we can get Capitol Area and we can get the two rivers. We can get quite a range in twenty miles, and then if we have a target and if it gets within eight miles we switch it to eight and if it gets all the way to; if it gets within a mile we switch it to a one mile scale. Every minute we give the range because they don't have lights and you got to be careful you don't run into them.

Q. As breaking in on the junior officer of the day watch, what instructions, if any, were you given on surface to air identification procedures?

A. I've always been meaning to ask that question, sir. I was never told what the actual challenge and reply was to an airplane except what I read myself in the challenge codes.

Q. In speaking of the challenge codes, these two-letter or letter-number?

A. These were the official letter form sheets put out by Market Time.

[REDACTED]

[REDACTED]

Q. What instructions were in there, the ones you read?

A. Just the three different codes and briefly what they are, we have a code between Vietnamese ships, Vietnamese Navy, Vietnamese Aircraft, and there is another code we have which is challenges and replies between ourselves and the Vietnamese junk forces, the small boats that the Vietnamese Navy operate along the coast. There is another one between us and U.S. Navy ships, aircraft, and the like.

Q. What were your instructions on U.S. Navy ships, aircraft, and the like?

A. Well, as far as I could make out reading it, it was the same as Navy ships, regular ships at sea. I guess it was two letters.

Q. Were you expecting the aircraft to come over and flash the two letters as a challenge code by aldis lamp or a means such as that?

A. No, sir, they never do. We sort of, I guess in my own words, trust each other more or less. In my own mind I know that there's no migs or any other aircraft or plane that's going to come down there to get us because as far as I know our radar and our planes are too good. We've been illuminated before and we've had our pictures taken before. They did in the DMZ, right over us. Shakes you up a little bit but it is just U.S. warplanes going over checking us out. We never did this before. We found they weren't messing around with us though.

Q. Prior to the time you were illuminated, did you hold any targets North of you near the Cua Tung River on your own radar?

A. Yes, sir, we did. There was three or four targets right together and they looked like the ordinary junk boats which they probably were, there is always fishing boats up there, but you don't usually see them out like that. It was strange to me in a way. You usually see them like that, one or two, but it looked like all four or five of them were right together.

Q. Can you identify in relation to the Cua Tung River where these boats were?

A. Yes, sir, they were right out of the mouth of the Cua Tung River. I'd say a half a mile or a quarter mile.

Q. And all four of them were together?

A. Yes, sir.

Q. At any time during the time you were on duty, did you get up off the mouth of the Cua Tung River?

A. You're talking about the targets we had?

Q. No, were you up there? Was the boat up there?

A. No, sir. We never go above our area.

Q. How do you plot the edge of your area on the radar?

A. As far as, well by radar, a fix is the only way you can do it. You can't tell by any direct line. The only way you can do it is by fix and that is as accurate as anything.

[REDACTED]

[REDACTED]

Q. You do that by bearing and distance from the mouth of the Cua Tung River?

A. Yes, sir. We make the runs by the Cua Tung River. Like we know we are in our area when we're three miles from the Cua Tung River. We go up three miles and we can see the river mouth. Three miles and you're in your area and if you get up further than that, within two and a half we started to take a fix, but we never went that far up except on Operation Hastings we were called up a long time ago when a plane went down. Up there right in the DMZ we were there just waiting around but we never go up above the 17th. We can't touch anybody up there.

Q. McKENNEY, when you took the 0315 fix, were you dead in the water drifting or had you applied any power or gone in any direction on your own steam?

A. Well, the main engines were shut down and we were dead in the water. There is a little bit of current. We were drifting North slightly. But at 0330 we were alright. We still had plenty of room to spare from that 17th.

Q. What type of lights did the boat display before, during and after the attack?

A. Well, sir, like all Market Time units, we travel with a darkened ship at all times. At the time we were at darkened ship. You don't have to quote me, this is what I -- the ship -- as soon as we started getting hit underway, I understood they turned our running lights on, but I couldn't swear to it because I wasn't the one who turned them on or I didn't see them. I was told that the running lights were on.

Q. Then you don't know whether they were on or not?

A. When I went overboard, sir, the running lights were on. If they were on on the way someone else knows better than me.

Q. The ship was dead in the water when you went overboard?

A. Yes, sir.

Q. Would you describe your position in relation, in miles and bearing when you were first illuminated and then when you were first strafed?

A. Well, sir, we were first illuminated at the approximate position that we were at 0330 which was about two miles below the Cua Tung River and when we were first illuminated, like I say, we started our maines and we headed South at two hundred rpms, about 5 knots. The second time we were illuminated we were still headed South at about three quarters of a mile off the beach at two hundred rpms.

Q. How long was it between the first and second illuminations?

A. Well, I believe that they were about three minute parachute flares and as soon as the first ones started to burn out they had another set over us. Like I was saying before we were on our way South and between the times they strafed us, well you can figure it out. At five knots in approximately three or four minutes we would have to be still in the DMZ. We were headed South and as soon as they strafed us we opened up to eighteen knots. As far as being in the DMZ I would say we were pretty close to it when they hit us.

[REDACTED]

[REDACTED]

Q. You speak of the DMZ. Where exactly are you speaking of?

A. Three miles both sides of the 17th, sir.

Q. What radios did you have operating, that's transmitters and receivers or receiver only and transmitter only when you were first illuminated?

A. Well, sir, we have this VRC-46 and that we use between the junk force base usually and the Cat Kills and Bird Dogs when they call us in to destroy a target that they spot for us.

Q. Do you know what frequency this is on?

A. 46.4, sir. We have CR-9 and CR-3. CR-3 is the main radio we use for main communications. The one we use to call other boats on and sometimes we change to another frequency. That CR-3 used to be CR-25 and we have the UHF and MF. I don't know exactly what it is but we have all kinds of radios up there.

Q. The UHF, was that on and working?

A. Yes, sir. It is always on underway, every radio we have.

Q. When was the last you had actually checked and knew that the UHF was actually receiving?

A. That night I heard someone talking on it. It's a pretty rough radio. It's hard to receive communications on it at a long distance. But if you're real close like our working net between Coast Guard boats over here, we talk to each other on that if we are close enough to each other like from one area to another area if you are close enough but there is a lot of static on it. But you can hear mumbling all the time.

Q. You did hear people talking on the UHF during your watch?

A. Yes, sir.

Q. When you spoke of other boats shooting up flares, how did you get this information? Do they belong to the Market Time forces or do they belong to other forces?

A. Yes, sir. As I understand it one of our own boats, the same type as ours, has done this before. As far as I know there isn't any official way of doing it. Some boats, I don't know how the other ones did it, but this is one method I've heard that they have done it before. A jet has passed across their bow and they shot up two red flares.

Q. From whom did you get this information?

A. This is from another gunner's mate on these boats.

Q. Do you recall who it was?

A. Yes, sir. It was William FULHRODT. He's a gunner's mate second class on the Point Loma.

[REDACTED]

[REDACTED]

Q. Have you discussed anything you've [REDACTED] with other members of the crew? Perhaps to compare notes with other members of the crew or with any other investigator?

A. Well, indirectly, we've all been talking about it. The other people of the crew. As far as going into details, we didn't say that much to each other about it except how well all the boys really did and how they really kept their heads about it. Mostly praising each other, sir, for what we went through and how lucky we were I guess.

The witness was duly cautioned concerning his testimony and excused.

AUSTIN, Donald L., 283969, CM2, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. And what are your duties aboard ship?

A. Commissary, cook.

Q. Would you give just the general nature of what duties you perform there aboard ship?

A. Well, I'm a cook. I just work in the galley.

Q. Do you have any additional duties besides that?

A. I'm a loader on the 81 at the bow.

Q. Is this the full extend of your duties?

A. Yes, sir.

Q. Would you state in your own words, the time, what you were doing and your own version of the incident in question?

A. When it all happened?

Q. Yes.

A. Well, I was in the rack. I don't know what time it was. I heard a General Alarm go off. I got up and ran up to topside there and there was a fire on the fantail. I was trying to get the fire out. I was working on that thing up there. I was trying to get the fire hose working when shots started coming in, me and Mr. Van, the Vietnamese officer were up there trying to get that pump going when the shots came in. Actually, after that I couldn't get up there because they were coming back shooting again. I believe, I won't say for sure, that's when everybody got what they got. I don't know whether it was a rocket or actually what it was but it sounded like it started coming apart. Then I believe we came over there and the other guys were hurt and we brought them all down in the gally and tried to help the ones out that were messed up. We went back up topside. I believe they were trying to get in on the radio. They never did hear any more absolutely even if they got a may day or not. I was a little shaky there anyway and somebody hollered when they started shooting again to come back down here, to get off the deck up there. I didn't get up or nothing. I think the planes kind of quit and we headed back up there and they started again and somebody hollered for everybody to get over the side. Then I got the Fireman. I don't know who helped him over the side. I was going to stay

[REDACTED]

[REDACTED]

and help him but they told me to jump over. I was bleeding myself so I went over the side and after that the fire came in from over on the beach there and after that I don't remember any more. After that we were in shock and I don't remember any more after that. The last thing I remember is when I woke up in the hospital. I can't say any more because if I don't remember there is not any more I could say.

Q. Do you know that if at any time the running lights of the ship were turned on, or do you recall if they were on?

A. That I won't say because I never even noticed. I didn't think about that.

Q. Did you notice that they were on when you left the ship?

A. No, sir, I didn't, sir.

Q. Have you discussed this with other members of the crew or other people or other witnesses, or have you discussed it with other boards of investigation?

A. No, sir. I haven't talked to nobody and nobody has come in and talked to me.

The witness was duly cautioned concerning his testimony and excused.

PATTERSON, Richard H., 260040, BMC, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you state your duties aboard ship?

A. Chief Boatswain's Mate aboard the ship. My duties are watchstanding and maintenance.

Q. Would you expand on this and state the general nature of your day-to-day duties which you are normally engaged in?

A. Make sure the work is accomplished on the boat, watchstanding, and a little paperwork here and there; not much of that.

Q. What do your duties consist of when you're watchstanding, Chief?

A. Officer of the Deck.

Q. And you are qualified as officer of the deck?

A. Yes, sir.

Q. Would you state in your own words the time the ship was illuminated or when you were first aware that the ship was being illuminated or under attack, what you were doing at that time and what your actions were from that point forward?

A. I was already awake to go on watch. I had the four to eight watch. I got up and got dressed and went on deck or started up the ladder to the bridge and got about halfway up and all of a sudden things blacked out and I was on the deck. I got up and looked around and the whole fantail was ablaze. At that time the Chief Engineerman that was coming off watch, who was down in

[REDACTED]

[REDACTED]

the engine room to sign his log off, came up and asked what happened. I said the fantail was on fire so he ran down below and I grabbed the hose on the port side. At that time the first class came up and he grabbed the hose on the starboard side.

Q. When you were going up the ladder, did you realize that the boat was being illuminated then? Was it being illuminated then? You said that everything kind of went black and you were on your back.

A. Usually at that time in the morning the moon is out in full and it's usually bright. When I go on watch from four to eight in the morning it's usually fairly bright up there, so I didn't notice the illumination. Sir, the next thing I did was saw the fire and got the hoses and just about got the fire out. I had thought the gas tank back there blew up.

Q. You didn't think you were under attack then?

A. I just thought it was that gas tank. We have five gallon gas tanks there. Just about time we got the fire out they hit us again. I realized what it was. As soon as we got the fire out, it must have been the second time they hit us. I ran up on the bridge. I don't know if I saw the Captain or the Executive Officer but he was laying on the bridge and said we're hit and I can't do nothing, help me. Sir, at that time, we were only idling in the water. I said well, we've got to get the hell out of here, and we went wide open and started an evasion course. I talked with the Executive Officer who was hit too bad to stand up. By that time they hit us again. Before I could do anything after that hit, the radios went out. The only thing to do was throw up a couple of flares. I went back to get the flares from the back side of the wing and everything was gone out of the flare locker. Just the flares were gone. So I went back and the only thing we could do was run an evasion course and try to get to the river where Xray Alfa was. I asked the Executive Officer what was our last position and he said we're right on the southern tip of the DMZ zone. Well, I said the only thing I can do is try to get to the river with Xray Alfa. Maybe they can help us alert somebody. He told me that they did get through to Article and stated that we v d to help us and they rogered.

> Flares

Q. Would you explain who Article is?

A. Article is the operational commander for us.

Q. That's the Coastal Surveillance Command?

A. Yes, sir. I know what time it started. It started [REDACTED] ir, that's when I went on watch. I lost power. I headed to the beach as close as I could. I knew I was near the river; had to be near the river by then. I headed in as far as she would go and she finally quit altogether. I got everybody into two groups. Chief Wolf took one group and I took the other group and we went on over to the beach. The group that I was commanding got on the rafts and everything and headed on over to the beach. About halfway to the beach I had the groups split up in case they started again. About halfway to the beach I received fifty caliber fire and I could hear mortars coming overhead.

*Classified?
Call sign*

Q. Where were you receiving the fifty caliber fire from?

A. It looked to me like it was coming right off the beach. I was in the water. It could have been a boat between us and the beach. It could have been the beach. I don't know. It looked like the beach. So we started back

[REDACTED]

out to the boat when we realized that the planes hadn't fired for maybe fifteen minutes. Maybe they got the word who we were. Now to get back out to the boat and answer the fire on the beach with our fifties. Before we got back out to the boat the other 82 footer was coming in. The fire stopped from the beach and the first thing I knew they started picking us up out of the water.

back to
WPLC

Q. What boat was this?

A. An Xray Alfa boat picked myself and about five other ones up and the other Coast Guard boat picked the other ones up.

Q. Who was on duty on the bridge at the time you started up there? Do you know?

A. You mean when the action started?

Q. Yes, when the action started; when you went up the ladder?

A. The Executive Officer was on the bridge. He had the duty.

Q. By himself?

A. At the time, he was by himself. The gunner's mate and the Executive Officer stood the watch together. Myself and a second class engineman, Phillips, stood watches together. What he was doing was breaking the gunner's mate in for watches. He was -- they were getting ready to put a letter in on him.

Q. Is it normal that there are two people on the bridge standing the watch?

A. Yes, sir. Always had to keep at least two people on the bridge, especially at night, and during the daytime also.

Q. In your watches on the bridge, what are the duties of the two people on duty and what physical functions do they perform?

A. Well, when the engineers send them up there, the engineman is with me. He is the helper. I have the con. When he goes to take the watches, there is usually a seaman around to take the helm and keep the time or I'll take the helm as long as it is safe waters and so forth.

Q. But normally you have a qualified officer of the deck and a helmsman or junior officer of the deck. Do you usually have a helmsman plus a junior officer of the day, plus an officer of the deck?

A. No, sir. You usually have the officer of the deck and the helmsman. The way the bridge is set up it is easy for the officer of the deck to take the helm because the way the helm is set up you have full view of the radar and you have all the radio controls and everything.

Q. Would you describe your knowledge of recognition and or identification codes? That is for ships and aircraft, particularly Market Time ships.

A. We have a set of three. One for the U.S., one for the Vietnamese Navy, and one for the junk force. Each day it's changed. We keep them on the board on the bridge. What the recognition is -- it's usually a two-letter recognition group. For the junk force we use numerals for them because it is easier for them to answer numerals than it is with letters. That is by blinker light.

[REDACTED]

Q. How would you expect an aircraft to challenge you?

A. The only way I could see for an aircraft to challenge is to fire a shot across your bow and by illumination. For fast aircraft I don't see how they could challenge us with blinker lights. I don't see how they could recognize a blinker light. That's why we keep them flares up there. The old man told us a couple of times any time we got challenged by aircraft to go ahead and use the flares.

Q. Which flares were you instructed to use?

A. Two red flares.

Q. Would you describe the type of flares and the method of firing them?

A. It's ten caliber hand held flares. Well, they're the flare pistol, the ten caliber, or ten gauge.

Q. You're speaking of what is commonly known as a very pistol?

A. Yes, sir. The other flare pistol we have up there is strictly a parachute flare.

Q. The question arises, Chief Patterson, you said that after the second pass the radios were out. Could you describe how you knew which radios were in operation prior to the second pass and how you found out that the radios had gone out after the second pass?

A. When I went up there I heard one radio. One of them said something. I don't have any idea and have no way of telling which one it was. After that I tried all radios; nothing. A little while later the Chief Engineman ran up there and said can I do anything. I said for God's sake go down in the cabin down there, get the radio, switch it on local and see if you can get ahold of somebody and call them off. So, he came down I understand and reached Bee King and got something through to them. He did reach Bee King. They have the op con in that particular area.

Q. Is that Bee King?

A. That's the code name, Bee King.

Q. In your observation, how many firing passes were made on the ship by the aircraft?

A. I have no way to tell. They just come one after another. It must have lasted forty-five minutes or something like that. When I was in the water I looked at my watch and it was a quarter of five. I went on watch at a quarter to four and they had quit maybe ten or fifteen minutes prior to us getting everybody in the water.

Q. Were these continuous firing passes during this time or would you say they were at two minute intervals, four minute intervals?

A. Well, there was an interval between each one. I don't know how long the interval was. It seemed not to be very long at the time. I would just start thinking that maybe they found out who we were and about that time another flare would go off and here they would come again. I could hear the planes swoop over and as soon as they would swoop over I would hit the deck up there.

[REDACTED]

As soon as the firing stopped I would get up and see where I was and take off again. All the navigation equipment was knocked out on the bridge. The only thing I had to go by was the beach. I could see it lit up from the flares.

Q. Have you ever been challenged by any aircraft on the voice radio, on the UHF?

A. On the voice, no, sir, not since I've been up here.

Q. Have you ever had any aircraft call you on the UHF radio?

A. Not on the UHF. I've talked to them on the VRC-46, 46.4 kc.

Q. That's your FM?

A. Yes, sir.

Q. Which types?

A. The only thing I talked to were the Cat Kills and the Bird Dogs.

Q. These were the 01 type?

A. Yes, sir.

Q. Did you turn on, or do you know if any lights were turned on aboard the ship, prior to, during or after the attack?

A. I don't think there was. I thought about turning them on. I thought better of it because we were silhouetted. He could tell what we were. There was no doubt about it in my mind. If we had turned our running lights on, I feel that that would have given that much better target. Because after we had gotten underway and started on an evasion course, we wasn't getting hit near as bad. I don't know if he didn't see us as good then or what it was but I was scared to turn the running lights on and give him that much more advantage.

Q. Then to your knowledge, at no time were the running lights turned on?

A. No, sir, but the next morning when we got back aboard the running lights were on. I don't know if one of the ships that came out to our assistance turned them on or what, but they were on.

Q. Did you notice when you were leaving the ship whether they were on or not?

A. I didn't notice, sir.

Q. Since you had taken command of the ship, do you think anyone would have turned them on?

A. They couldn't have. When I took command of the ship, I was the only one in the pilot house. The only other time someone else was up there was that I told the first class boatswain's mate that when we had a pause after each run that after each run, run up here and I'll let you know if I'm alright and if I ain't, take over. If I am, get the hell back down below. So after every run he would come up there and I would tell him I was alright and to get out and go back down.

[REDACTED]

Q. Did you order everyone down below after attack?

A. The ones that were still walking around. The ones that were down below I told them to just take the wounded inside and do what you can for them.

Q. Chief, did you give the order to abandon ship and to split up into two groups?

A. Yes, sir.

Q. What was your reasoning for abandoning the ship at the time that you did?

A. When I did we were dead in the water. We couldn't move at the time, and I wanted to get everyone away, as far away from the ship and into the beach as close as possible before they hit us again because we were nothing but a sitting target and they could at their leisure just come in.

Q. Would you describe the condition of your engines at that time?

A. The engines were still running but I couldn't get but a few turns out of them. I found out later the next day what the trouble was. These engines require quite a bit of air and both blowers which supply air to the engines were knocked out. They just faded on down and died right out. I couldn't get over idling speed out of them. At that speed you might as well be dead in the water.

Q. Have you ever been given any verbal instructions or read any written instructions regarding identification or recognition of Market Time forces?

A. Yes, sir. I have been given both verbal and I read them. All the OOD's are familiar with them. They are on three separate sheets that cover a month at a time. Every month we get a new sheet of recognitions. It has the instructions right on top.

Q. Does this include the surface to air recognition?

A. Yes, sir, it specifies surface to air.

Q. Do you recall what your surface to air instructions were? If you were to be challenged by an aircraft, in what manner would you be challenged and what would your reply be?

A. Like I say, we have a different code each day and that's by blinker light. Say the code is MVBD. Alright, he would send me the challenge AA. I would answer with BD and he would give me MA, or whatever it was, that he was U.S.

Q. Chief, have you ever used any other type, or are you aware of any other type of recognition code used by anyone other than the Market Time forces? Have you been instructed in any of these other than the Market Time?

A. I don't understand what you mean by that.

Q. Well, you realize that there are other type forces operating in this area or in these waters?

A. Well, there is either U.S. forces, Vietnamese or junk forces. We don't have any recognition for VC. U.S. covers all U.S. aircraft and ships and land outfits that we have.

[REDACTED]

[REDACTED]
Q. As far as you know, all the codes that you have cover all U.S. ships?

A. It says, well, we have it on our board, Navy. But that means U.S., well, just on our plastic board it covers all U.S.

Q. Have you ever been illuminated by aircraft before?

A. Yes, sir.

Q. Is this a commonplace thing, or how often has this happened?

A. Yes, sir, especially in this area. Why just the night before I was illuminated by a helicopter. It was just one flash. He didn't use a flare. He used one of these flashbulbs that you use to take pictures with. I had the flares out ready to give it back to him when I seen him on the radar. He was coming down. He must have been moving sixty or seventy miles an hour it seemed like. When he came down I broke a starlight scope out. That is our night observation gear. We just had him on the starlight when I recognized what it was and I got two flares off. At that time he stopped for a while and took our picture and never returned.

Q. Does your radar have any IFF identification capability for aircraft?

A. No, sir. It is strictly surface radar. Something like that helicopter low on the water we pick him up pretty good.

Q. Do you have any way that you can identify yourself to someone else searchlighting you with radar?

A. You mean can we signal out over our radar?

Q. If someone has you on radar contact, is there any way they could know you are friendly?

A. No, sir. I know what you mean. No, sir, the only Coast Guard ship I've seen that on is a lightship.

The board recessed at 1137, 15 August 1966.

The board opened at 1237, 15 August 1966.

All persons connected with the investigation who were present when the board recessed were again present.

Chief Patterson resumed his place as a witness, was reminded that he was still under oath, and was further examined as follows:

Q. Chief Patterson, you mentioned in your testimony that once you established where you were on the bridge, that your position was proceeding South to try to make the river?

A. Yes, sir.

Q. Would you identify which river you were speaking of?

A. The Cua Viet River which is just about halfway in our area, the 1A1.

[REDACTED]

Recorder: Let the record show that Chief Patterson identified the Cua Viet River on the chart that is being used for this investigation (Exhibit 1).

Q. Chief, in your experience on any of these patrols, have you ever been called upon to identify yourself or do you know of any case where the Market Time ships have been called upon to identify themselves by radio?

A. No, sir, other than the spotter plane would call us when he had something he wanted us to check out for him. That would be on the VRC-46. That's all.

Q. I see. This is on your FM, your 46.4 radio?

A. Yes, sir.

Q. That was always by spotter plane, not by any type attack aircraft?

A. Any time I've been on watch, it's only been by spotter plane.

Q. Do you know of any other craft in the Market Time forces that has been? In your conversation with someone?

A. No, sir. It never has come up. I never have talked about it very much.

The witness was duly cautioned concerning his testimony and excused.

RUSSELL, Billy R., 324837, BM1, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you please state where you were when you first knew you were being illuminated or attacked?

A. I had the eight to twelve watch and I was in the rack asleep at the time. My first impression of it was that I thought we had run aground. It sounded like we were scraping. I immediately jumped up and went up the ladder there and saw through the door that the whole fantail was afire so I grabbed a fire hose and began fighting the fire. I began fighting the fire and I still didn't know we'd been hit by airplanes. I didn't know what. I didn't have time to think at the time I guess. I had just got the fire out and I turned around and we had been hit again and all the guys behind me were wounded and I seen the Captain run out of the bridge. It looked like he went over on the starboard side with something black in his hand. I don't know what it was. Later we found out it was a very pistol. He must have been going to throw a couple of flares in the air or something. I immediately started bringing the wounded guys down to the mess decks. We kept getting hit and hit again. I went to the Chief and he went to the bridge and I kept checking on the chief on the bridge to make sure he was alright. Between each run I'd go up on the bridge to make sure he was alright and I'd come back below and we'd get hit again and then I'd go back up. I don't know how many runs we were hit, but I figure about seven to nine times that we were hit. The last time I went to the bridge the Chief said I've lost power and we have to abandon ship. I said well, Chief, everybody is wounded. The Chief said well, we're sitting ducks in the water. If we don't get off here, we'll all get it. We got all the wounded guys off the mess deck and started putting them in life jackets and putting them over the side. The guys that wasn't wounded started swimming toward the beach. A seaman and myself threw over the life rafts. All this time that we were doing this we were still illuminated, wondering whether another run was going to come in or what. We were

[REDACTED]

[REDACTED]

getting guys off as fast as we could. If we had them on deck and they came in again, they would wipe everybody out. We started swimming in toward the beach. We were getting fire from the beach. I didn't know whether the Chief knew we were getting fire or not so I kept trying to call him to tell him not to go on into the beach because we were getting fire. About this time I seen the other Coast Guard cutter was on the scene so I turned around. I had the news reporter and the liaison officer with me and started swimming towards the other Coast Guard boat. I got there and they picked us up and the rest of them and came on back in.

Q. Do you know if at any time the running lights were turned on?

A. Well, not to my own knowledge. I don't know whether the running lights were on or not. I heard later that they were but I can't say for sure.

Q. Did you notice when you were putting people over the side and putting rafts over the side whether the running lights were on?

A. No, sir, I didn't. I never noticed whether the running lights were on. There were a lot of lights but I presumed they were coming from the flares we were getting. I didn't look at the running lights. I didn't think about it.

Q. Did you notice if the docking lights were on?

A. To my knowledge, sir, I don't know.

Q. Would you tell us what you said the other Coast Guard Cutter was?

A. The Coast Guard Cutter Point Caution. We usually call each other by call signs, Article Kilo.

Q. Do you have any personal knowledge of aircraft contacting any of the Market Time boats by radio other than the spotter aircraft and the Bird Dog aircraft?

A. No, sir. I've only been on here two months. At times I've seen these jets go over and never have talked to them. I'd say about, oh, I don't know the exact date but I was illuminated on that coast around the 17th on my watch at that time but I didn't talk to the plane at that time. He just illuminated me and went on. I don't know whether that is a challenge or not. I had never been challenged by an aircraft before.

Q. Are you a qualified officer of the deck?

A. Yes, sir.

Q. What recognition or identification signals have you been briefed on that you would expect or would expect to return in regards to aircraft?

A. Well, they said if we were ever illuminated to fire two red flares in the air and that would tell them that we were friendly forces.

Q. Have you been briefed on any type of radio contact with aircraft?

A. As far as I knew, sir, we had no radio contact with the aircraft, with the exception of possibly the UHF. I understand we never talked to any aircraft except the Bird Dog and the Cat Kills. The Cat Kills come up in the morning and usually check their radios out with us or something like that on the UHF and the CI-13, or we talk to them on one of the other frequencies.

[REDACTED]

[REDACTED]

Q. In speaking of the CI-13, you're talking about the FM radio?

A. No, sir, it's the 46.4.

Q. You were on the twenty to twenty-four hundred watch? You had the deck at that time?

A. Yes, sir.

Q. Would you identify on the chart what your position was when you went off watch at 2400?

A. Yes, sir. I took a radar fix at 2330 and I was three miles south of the DMZ, two and one half miles off the beach.

Q. How did you identify that you were three miles below the DMZ?

A. Well, we used this river here, the Cua Viet, on the radar and we can use the eight mile scale to pick these rivers up and take your dividers and position yourself on the chart. Just take your bearings on the coast line.

Q. Did you take your bearing from the Cua Tung River and the Cua Viet River?

A. Yes, sir.

Q. And triangulated these to give your position?

A. Yes, sir. I was two and a half miles off the coast and I was proceeding to sea at two hundred turns.

Q. At that time, in which direction were you heading?

A. At that time I was going east, sir. I didn't have any specific heading. I was just going off the coast a ways. We had noticed movement on the beach and the Captain said we would stay around that area there and see if anything developed. I had called the Captain to the bridge and told him about this. We had had two boats; had them radared at one and one quarter mile below the Cua Tung into the beach there. They were identified as one and one quarter mile above the 17th so we couldn't bother them so the Captain said we'd just have to stay in this area and watch the boats and if they came across the 17th we'd pick them up.

Q. Did you have any way of knowing or did you know what your position was when you came up on deck the first time after the attack?

A. No, sir. The thing I know is that we were going South because the coastline was on the starboard side. That was the only way that I could know the position. I don't know what our position was but we were going South.

Q. How far off the coast would you estimate you were, or would you have any way of telling?

A. I would have no way of telling but I could see the coast. The flares were lighting up the coastline, but I don't know how far.

> which was it above or below?

Q. You did say that you were three miles below the DMZ?

A. Yes, sir, when I went off watch I was three miles below the DMZ.

Q. This was the southern boundary of the DMZ?

A. Yes, sir, but the DMZ line, the Captain has it drawn on the chart and it is three miles wide from the Cua Tung.

Q. And you were an additional three miles below that?

A. Yes, sir.

Q. How do you remember your position so accurately?

A. Well, I took the position at 2330 right before I was relieved at a quarter 'til 2400. The Executive Officer came up on the bridge. The Captain was, well, every half hour we had to have positions. The last week he's been acting like, overbearing on making sure you knew where your position was every thirty minutes. The night before that I was five minutes late and he come up on the bridge and asked what my position was and I couldn't point right at the spot and I got a good chewing out just for being five minutes late. So, I was on my toes about the position.

Q. You were five minutes late in taking a position?

A. Yes, sir.

Q. To your knowledge, Russell, has the craft every gone North of the 17th Parallel, even by accident?

A. No, sir, not to my knowledge.

Q. Has anyone questioned you regarding position since you have come back from this incident?

A. I haven't been questioned, sir. I've made statements about the positions but I haven't been... I take that back. I think the Captain did ask me before if I knew where my position was or something. I told him what my position was when I went off watch.

Q. In your statement that you gave Captain Loforte, did you show your position or did you give your position when you went off watch?

A. I don't quite follow you, sir.

Q. Did you include in your statement to Captain Loforte your position at the time you went off watch?

A. Yes, sir, I did.

Q. Russell, since you are a qualified officer of the deck, would you explain what your instructions are during your four hour tour of duty? Do you have a certain area you want to watch or do you just look at the whole situation?

A. Well, usually during the daylight hours the officer of the deck has the discretion of going in the area he particularly wants to go. I mean if you see something suspicious, the Captain would let you go check it out or if you wanted to run in close along the beach line. He would usually say report

[REDACTED]

everything in the area. But at night time we had our night order book. He would write in there what he wanted you to do and where he wanted you to patrol and how far up the beach he wanted you to patrol and then he said if you have any cargo junks call me. I always had to raise him for cargo junks and anything that was big. The little junks we checked them out ourselves. We'd usually wake up the liaison officer and he would check the papers and things and question people. At night time they weren't allowed to move so if we saw anything moving we considered it suspicious and would go check it out.

Q. On the night that you had the duty, of the 10th of August from eight to twelve, what were your instructions regarding patrol and what to look for?

A. Well, at the time I had the watch, Xray Alfa had called us up and asked us....

Q. Excuse me, when you speak of Xray Alfa, you're speaking of the Coastal Surveillance Center?

A. Yes, sir. It's in the Cua Viet. We call it Xray Alfa. I don't know the exact name of it.

Q. What is Xray Alfa? Would you please explain it for the record?

A. It is a Vietnamese outpost I guess you would call it. It has American liaison officers or advisors. The senior advisor called us on the radio and told us that he was sending two boats North and when they got within one mile of the 17th to fire two warning shots to tell them that they were getting close to the 17th. Our night orders read that we were to patrol the northern section of 1A1 and we would call the Captain if Xray units got within one mile of the 17th.

Q. Did you have these units on your radar?

A. Yes, sir, I did. They came up just below the DMZ, turned around and went back. I believe that if I can remember correctly they were three miles below me when I was relieved on the watch. They were headed back towards the river.

Recorder: Excerpts from Night Order Book are entered as:

Exhibit 2: Standing Night Orders

Exhibit 3: Certified True Copy of page for 9 August..

Exhibit 4: Certified True Copy of page for 10 August

The witness was duly cautioned concerning his testimony and excused.

[REDACTED]

WILLIAMS, Virgil G., 348736, ET2, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you describe your duties aboard the craft, please?

A. I am the electronics technician aboard. I keep the equipment in operational condition.

Q. Would you please describe the equipment which you maintain and keep up?

A. The types of equipment?

Q. Yes, the general nature of the equipment which is your responsibility.

A. We have UHF equipment, FM equipment, MF equipment, radar, and fathometer. I keep it in operational maintenance. It was all in operation that night.

Q. How often do you check this equipment to make sure it's operational?

A. It's checked every day, sir.

Q. At what time is it checked every day?

A. Before noon, or around ten o'clock.

Q. Is there standing orders or SOP of some type which requires that you be called immediately and informed of any equipment that goes down?

A. I don't know, but I'm always called any time something happens. At the moment it happens I'm called. I go up and repair it.

Q. When was the last time that you had a malfunction or that you were called to repair one of your radios?

A. It's been a couple of months, sir. Little, if any, of the radio equipment has broken down while I was aboard.

Q. In what condition would you describe your UHF equipment, your HF and FM equipment?

A. All the equipment was in top condition at the time. It was checked before we got underway and we get radio checks when we get underway to make sure. The FM equipment was brand new; just put aboard and the rest of it was in top condition.

Q. You say that your UHF when you checked it that morning was reading five by five or how would you describe it?

A. It would be hard to say on UHF because we have no one to check with unless there is an aircraft somewhere in the area.

Q. Well, how did you check your UHF on the morning of the 10th?

A. We recheck it and check the tuning and retune it and check the receiver to make sure it's receiving.

- Q. Do you do this by meter or can you check it with another boat, say in the area?
- A. Yes, sir, if there is another boat in the area within fifteen miles we can check the radio with them.
- Q. How did you check it on the morning of the 10th?
- A. The equipment has a meter installed and you have different settings to check different circuits of the equipment. They all checked correctly.
- Q. But you didn't actually call anyone or receive anything on the UHF?
- A. No, sir, not on the UHF.
- Q. Williams, how do you calibrate your radar, the ranging of your radar?
- A. It's preset. It hasn't been calibrated as far as I know since I was aboard. It has a certain; each quarter I believe it has to be calibrated by ERS.
- Q. And what is ERS?
- A. Electronic repair shop aboard the YR.
- Q. Do you know when the last time the radar was calibrated for Azimuth and ranging to be absolutely correct or correct within whatever tolerance?
- A. We use relative bearing. We have no azimuth. As far as calibration, I don't know, sir.
- Q. Do you know that if at any time during the attack or thereafter if the running lights of the ship were turned on?
- A. No, sir.
- Q. Or the docking lights?
- A. No, sir.
- Q. Where were you when the attack started?
- A. The first run, I was asleep; the second run I was on deck behind Chief Patterson with the fire hose. Each run afterward I was down below or else in the cabin trying to get out on the radio.
- Q. Are the running lights under your jurisdiction also as far as the maintenance and repair of them?
- A. No, sir. They are under the engineering department.
- Q. Can you give me your estimate as to how accurate the radar is aboard the boat here?
- A. I'd say it's at a distance of about 200 yards, no more or no less.
- Q. At what range is this 200 yard tolerance?
- A. That is eight miles, sir.

[REDACTED]

Q. What about your azimuth?

A. We use relative bearings and it's correct, sir.

Q. Correct to what degree? Within 5 degrees?

A. Within one degree, sir.

Q. Do you know if there is any type of IFF or radar identification aboard this craft?

A. No, sir.

Q. Are you familiar with IFF?

A. Just vaguely, sir.

Q. But you know there's none aboard here?

A. There's none aboard on this type boat, sir.

The witness was duly cautioned concerning his testimony and excused.

O'CONNOR, David E., 353629, SN, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. O'Connor, could you tell us where you were when you knew that you were either being illuminated or attacked and briefly what your actions were after that?

A. Well, I was sleeping. I was in the rack forward after the first hit. I figured we ran aground because the stern was shaking. When I went up on deck I saw that we had a fire back aft so I helped break out the fire hoses. I broke out the hoses and helped the boatswain's mate on the starboard side help put out the fire. As soon as the fire was out, we received what I guess was the second run and during that most of the men were injured. I stayed on deck and tried to give assistance to Phillips who was badly wounded and just about after the last run they made we got him down below decks, sir. Then we got word we were sinking and brought all the men up on deck and gave them life jackets and lowered them over the side. The boatswain's mate and I then threw the rubber raft over and I went up forward and I got a balsa wood raft and we got all the wounded men in the raft and we started heading toward the beach. The first party I guess was between a hundred and two hundred yards ahead of us. They were out of sight and our party was the reporter, Mr. Van, the boatswain's mate, the chief engineman and I. We got about halfway to the beach when we realized that we had been receiving fire from the beach and we figured the best bet would be head out to sea and back to the boat. I left the raft and swam back to the boat to give fire support from the fifty caliber. At this time I was about halfway between the raft and the boat and realized that I was being fired at so I decided on swimming around to the port side and climbing up that side; the starboard side was to the beach. I got just about abeam of the bow and I saw the Caution come up and picked me up and I explained to him where the other men were and they proceeded then to pick up the others.

Q. O'Connor, do you know how many attacks, or did you count the number of attacks that were made upon the boat?

*All the wounded men
in the raft
were killed
by the enemy
about 12:30
AM*

[REDACTED]

A. The only thing I could give would be an estimate, sir. I estimated between seven and nine attacks.

Q. Between seven and nine attacks?

A. Yes, sir.

Q. O'Connor, at any time during or after the attacks did you notice the running lights were on or had been turned on?

A. I didn't even notice, sir. Someone said that they had turned on the lights. I just didn't notice, sir; too busy myself.

Q. How about when you were swimming back to the boat?

A. It was so well illuminated, I didn't even notice that, sir.

Q. You said that you were being fired upon when you were swimming back?

A. It was from the shore, sir.

Q. You were being fired upon from the shore?

A. Yes, sir. There were two positions they were firing at us from. One was to my left which was over by the Cua Viet River and at the time I didn't even realize it was a junk boat. I guess the reports were that they had fired some rounds at us. The other fire was coming from the right I would say about a mile or two down the beach. Afterwards I realized that it couldn't have been friendly fire. It must have been the VC.

The witness was duly cautioned concerning his testimony and excused.

LCDR Howard Henry STOCK, USCG, 5019, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Commander, we're concerned in questioning other witnesses into the area of recognition and identification procedures and training of the deck watches and OOD watches on this cutter in particular, and in the other cutters or boats involved in Market Time operations. Could you give us specifically the procedures for challenging and for reply for our boats involved in Market Time operations?

A. Sir, there are three separate challenge systems. These are issued to the boats as classified material for periods of time, periods of thirty days. The boats keep them on board prior to going on a patrol. They take these challenge and reply systems and post them on the board for the days they will be on patrols; the days which they will be involved. The procedure for using them is to first note the day that's involved, the type of craft to be challenging, or if you are to give the challenge, you send the signal for that day and the person being challenged responds with the proper signal for that day. If somebody challenged you, you have to know what to send back to them. It is always done by flashing lights.

Q. A little more specifically, what type of signal would you expect from an aircraft that was trying to identify you?

A. A two letter code signal.

[REDACTED]

Q. In what manner; an aldis lamp or some type of flashing light?

A. Yes, sir, aldis lamp or flashing light.

Q. Commodore, who is responsible for the overall training of the division?

A. The ultimate responsibility is the squadron commander in Saigon and I am directly responsible to the squadron commander.

Q. Is there a training program on recognition and identification procedures? That is on the boats themselves, not the division staffs. And who monitors this training?

A. The commanding officer of the boat and myself.

Q. Are there records kept as to how much training is received by each individual?

A. I'm not sure on this boat how it was done. On some boats they do have individual training records but on some boats they don't.

Q. In monitoring this what procedures do you use to ascertain if the training is being conducted?

A. I conduct ORI inspections (operational readiness inspections) on the boats. I come aboard myself with my check-off list and my own people and I take the boat out and conduct drills and exercises and watch to see how they perform. I also make patrols myself. I made a patrol on this boat. The purpose of making these patrols was to observe the people carry out the various requirements of the patrols and the various requirements of the operational command.

Q. If the boat was being made low passes on by an aircraft, what would you expect the officer of the deck or the skipper of the ship to do, especially at night?

A. Assuming it is a friendly airplane or enemy airplane?

Q. If an airplane is buzzing over trying to get your attention so to speak.

A. The things that I would do or that some people would do is try to send them a flashing recognition signal; if possible, try to send them a very pistol signal or communicate by radio.

Q. How would you communicate by radio?

A. The one that is used most on these patrols is 277.8 mc. We have communicated with Navy aircraft on this quite a few times.

Q. On what occasions have you communicated with Navy airplanes on 277.8?

A. My own experience was on patrol. The Market Time patrol craft; one specific instance an Air Force plane came overhead during an Air Force group operation and we talked to him on 277.8 just before he landed here. That is of my own knowledge.

Q. Commodore, there have been instances brought up by other testimony of boats being illuminated at night while on Market Time patrol. Are these the subject of a report that is passed on either to you and further or to you and noted?

[REDACTED]

A. I know on one specific instance where a report was made to me about a boat being illuminated. The procedure for me receiving reports is during debriefing of the boats when they come in from patrols. At one of these debriefs the commanding officer did mention that he had been illuminated. Also my procedures after the debriefing is to either personally go up to my operational commander, Commander Nolan, or our operations officer and go up and brief him on these instances. I would have to check the record to see if it was written but I know a verbal report was made by me on one of these briefings. Where they go from there I don't know. Commander Nolan is my operational commander. I make my reports to him.

Q. Commodore, about the command relationships between the skippers of the boats and higher authority, will you clarify this?

A. Yes, sir. I am the boats' administrative commander. I am their commander while they are here at the YR. The minute they leave the YR and go on patrol they are chopped to an operational commander. That operational commander being Commander Task Group 115.1, Commander Nolan.

Q. What type of very pistol or emergency signal have you had and where is this prescribed?

A. There are on board very pistols. There are Mark 13 day and night launchers and the requirements are listed in our abandon ship instructions and our ORI check lists. I'm not sure if there are any other requirements or not.

Q. What I'm getting at is, do you use very pistols for emergency signals?

A. Yes, sir.

Q. Where is this prescribed that you do use them and what times you use them and what signals you use?

A. The only reference I know of here in Vietnam is there is a reference to it in the Market Time op order. From my own experience back in the states with Coast Guard, we're all familiar with pyrotechnics and very signals and distress signals.

Q. Do you recall, Commodore, when the last time there was an ORI for this particular craft?

A. I don't know the exact dates but it was one in June.

Q. Do you have a record of this in your files?

A. I'm sure I do.

Q. And do you have copies of rules of engagement? Are they kept on board the ship?

A. Rules of engagement again are listed in the CTF 115 op order and they are on ship.

Q. Are the MAR OPS identification requirements on board, or are they kept on board each one of the cutters or were they physically aboard the Point Welcome?

[REDACTED]

A. I don't know specifically on board the Point Welcome. I'll have to look through their records and see if it was on the Point Welcome.

Q. Is this normally kept on board. Are they operating so far North that their MAR OPS signals would be kept on board?

A. I believe so, by discussing this with other commanding officers. They were aware of it and they were familiar with it and my answer is I think they were on board.

Q. Can we verify this?

A. I'm sure it's classified.

Recorder: Enter as Exhibit 5: Certified True Copy of Extract of Bridge Log of Point Welcome for 11 August 1966.

The witness was duly cautioned concerning his testimony and excused.

CDR Joseph D. NOLAN, USN, 550717/1100, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Commander Nolan, would you give the, starting with the skipper of the Point Welcome, how his chain of command and control would go from there?

A. I am the Northern Area Task Group Commander, reporting directly and am responsible to Commander Task Force 115 in Saigon. My responsibility is to assume operational control of the ships and craft that are made available to me for Market Time operations. As such, one of the units is the Point Welcome. The Point Welcome leaves DaNang to go on to a normal patrol in Market Time operations and she reports directly for operational control to me, Commander Task Group 115.1. I am responsible for assigning the patrol areas and I am responsible for reporting to higher authorities whatever incidents she encounters while on patrol. I receive daily reports from the boats while on station and in turn submit these to CTF 115. Any time an incident occurs which is a result of enemy action or surveillance operations which are the boat's duties, the direct communications is to my command center in DaNang. Upon completion of patrol the boat returns to port to be in turn chopped back to her administrative commander, in this case, Commander Coast Guard Division 12.

Q. I think that wraps it up very well. How about the responsibility for training of the crews?

A. Commander Task Force 115 has assigned the responsibility of training of the personnel of the units assigned to Market Time operations to their respective administrative commanders. These administrative commanders have been assigned with task unit designations and in our particular area here a task unit designation is assigned to the Coast Guard Commodore and one to the Swift Commodore.

Q. Does the Coast Guard Commodore report directly to you as regards training matters and training records?

A. No, sir. The Coast Guard Commodore is in turn responsible to his squadron commander which is Commander Coast Guard Squadron 1 in Saigon.

[REDACTED]

Q. Who is responsible for training and ensuring the officers of the deck and the skippers of the ships have knowledge of the Market Time operations, should have a working knowledge of the Market Time op orders, CTF 115 Market Time orders?

A. Each ship, each Coast Guard cutter has a copy of CTF 115 op order. The responsibility for ensuring that the individual commanding officers and in the case of the swift boats, the officers-in-charge are not only aware of the contents of the op order but are quite familiar with it is not a task of the operational commander. As operational commander, I can only assume that when a boat is made available to me that its personnel are not only qualified to operate the boat, but to conduct and perform their mission assigned.

Q. Do you happen to know what's in the CTF 115 op order as regards recognition and identification procedures?

A. I can't quote the paragraph but there's a small paragraph in there. However, I'm not that familiar with the contents of that particular section of the op order.

Q. Who was the first one aboard from the Point Caution to remove the Captain's body?

A. No, sir, I do not know.

Q. I'm interested in one point. It was brought out in testimony that the Captain of the Point Welcome went immediately to the flare locker on the bridge and in one of the messages it said that he was on the bridge after he was hit with an aldis lamp beside him. The members of the crew who testified indicated that he might have had a very pistol in his hand in one testimony and the other stating that a very pistol was next to him. I was wondering if you knew. That's the reason why I asked about who was the first to remove his body to clarify that point. Or did anyone make any reports to you as to the presence of a very pistol?

A. No, sir, not at that particular point in the procedure. However, I had heard, understand it's only hearsay, that one of the crewmembers had seen the Captain proceeding to the bridge or on the bridge, exactly where I'm not sure, but the crewmember did state the Captain had the aldis lamp in his hand. When the boat returned here at approximately 1615H that day I waited on board the YR-71 to allow the Coast Guard people to express their statements of sorrow to the survivors and the people who brought the boat in. Shortly thereafter I went on board. I examined the boat superficially to get an idea of the extent of damage. I had heard that the Captain had been hit on the starboard wing of the bridge. I'd heard that his body had initially been found there. That somebody had tried to remove his body for medical evacuation. However, it's not clear to me whether or not they had made attempts to evacuate the bodies of the dead when they tried to get them off the ship. I climbed to the bridge level, saw the amount of damage. There was a large pile of debris on the starboard wing. The clock, for example, and in the middle of this pile of debris was an aldis lamp. I turned to one of the young Coast Guard officers who had previously been on the staff here. At that time I did not realize that he was in a boat of his own. I said that the aldis lamp is there and I would suggest that before repair people come aboard and start removing the debris, that somebody take the aldis lamp and hold it for safekeeping. The young officer picked up the aldis lamp and while gathering the cord for it, it has a long cord, it readily became apparent that the cord had been cut. He took the lamp and came back in about ten or fifteen minutes later and said he was going to have to get underway perhaps

VC junks then they are allowed to destroy it. If they are not positively identified, we must fire warning shots and attempt to capture it, or words to this effect. These were the rules of engagement of the Swift forces as well.

Q. Define how the rules of engagement would be, and the training therefore, would be a command in control responsibility or would they be the administrative commander's responsibility?

A. I would think that the basic responsibility for indoctrination in the rules of engagement is an administrative one. However, I do acknowledge that the interpretation of certain rules of engagement can only be made by the operational commander, since he is responsible for the execution of the op order.

Q. Commander, I have heard testimony that there have been reports of prior illumination, boats have been illuminated on patrol before, and that these have been reported during debriefings to the Commodore and then to yourself or your operations officer. Are these reports recorded and sent up the line or just noted and filed?

A. No, the normal action to take in this case here in I Corps; our primary tactical commanders, whatever you want to call them, III MAF and I Corps, and whenever an incident occurs to our forces, we report it immediately to III MAF and I Corps and the number of incidents of illumination of the boats on patrol by an aircraft, I have no idea. It is difficult for me to even judge the seriousness or the reaction by the aircraft people. How they were illuminated or how they use their estimations.

Q. Did the reports go on up to CTF 115, the ones of illumination?

A. No, sir.

Q. Commander, do you have an SOP for communications with other control agencies? What I'm speaking of now is aircraft control agencies, Panama, the DASC, and TOC?

A. Our standard procedure for notifying responsible military agencies of operations that we conduct is the III MAF COC and we parallel the same information to I Corps TOC. I Corps TOC is co-located with I Corps DASC. To my knowledge, I've visited I Corps DASC on a number of occasions and they are all... We always go to I Corps TOC. As far as I am concerned, that is the responsible organization for Vietnamese units.

Q. My question was do you have an SOP for some type of communication coordination? They must know that Market Time exists and that the boats are here.

A. Third MAF has been given two copies of the CTF 115 op order on standard distribution; I Corps TOC one copy to my knowledge of the CTF 115 op order.

Q. Has any attempt been made for coordination of your activities with their activities? That is, for example, do they know about your patrol areas? That it is in the op order and that you have patrols out there constantly?

[REDACTED]

A. Yes, sir. In fact, we have supported at least a dozen Marine Corps operations in the I Corps just since I've been here, by Junk Force, Vietnamese Navy and by Swift Coast Guard boats.

Q. Do you have a direct line with the communication recording center of Panama?

A. No, sir, most of our contacts with Panama have been through the Seventh Fleet Liaison Officer there, LCDR Scott, and specifically in the past few months on a classified project.

Q. Specifically, Commander, could you give us your modes of communication with various other control agencies and within your own local surveillance control?

A. Yes, sir. As you know, Market Time operations communications between their ships, craft and Coastal Surveillance Centers has a single side band voice communications and for the record I do have a dedicated circuit with CTF 115 op con center in Saigon. We receive a report and we take local action on it. We must resort to telephone communications of COC and the Roadrunner exchange. Roadrunner is a Vietnamese manned manual switchboard which is operated on a base close by here. Sometimes to acquire the Roadrunner switchboard we have to go to the DaNang switchboard which is located in the city of DaNang. This is always from the originator of the call to the operator; no dial system. I Corps TOC is on the DaNang number. III MAF COC has both a DaNang number and a Parchment number. That Parchment being the III MAF/I Corps switchboard. I will say that on the morning of Point Welcome's incident we were most fortunate in that our telephone communications were unusually good. When the watch officer placed his call he went right through the Roadrunner switchboard operator for this call and I gave him the numbers and he did not experience any of the normal difficulty. That is our normal mode of communications with the two primary agencies with which we are concerned, III MAF COC and I Corps TOC. In addition to the normal telephone communications we have a hot line to the I Corps TOC which was not in operation on the morning of the 11th. This hot line is an ARVN circuit and experiences difficulty. III MAF is planning to run a hot line from their COC to our GSC. It has not been accomplished yet because III MAF has only been located in their present position a short period of time and I believe there is a limitation on the number of cables available. Panama and Panama Control are on a Monkey Mountain exchange and to reach them I have to go through Roadrunner, DaNang and Monkey Mountain. I believe those are the activities you would be interested in.

*Telephone
control*

Q. Commander Nolan, at any time in your tenure as CTF 115.1, have you been involved in any conferences or interservice meetings involving identification and recognition procedures to be followed, sir?

A. No, sir.

Q. Commander, do you consider this the responsibility of your next higher authority, CTF 115?

A. No, sir.

Q. Whom do you think should either cause into being these conferences or coordinate between the forces operating that we should have standard recognition procedures?

[REDACTED]

A. The senior force in the area.

Q. I might state, sir, that I'm only asking for your opinion.

A. My opinion is that the senior force commander in the area....

Q. To your knowledge, Commander, has there been any coordination meetings held or conferences held on the subject?

A. Not to my knowledge.

Q. Commander, is there an SOP or an equivalent of a night order instruction book for the duty officer in the CSC on the action he should take in the event he got a call that the boat was either being illuminated or being attacked?

A. Yes, sir, there is a standard operating procedure for all watch officers. In addition, the COC officer has what is commonly known as the night order book. This consists of not repetitious instructions for the night watch, but what he anticipates will develop over the evening, such as telephone calls, expected action, rendezvous, or something in this order. More or less administrative remarks than tactical remarks. We do have these in the CSC. The watch officers are aware of certain procedures concerning any type of event, administrative or tactical.

Q. Commander, in your CSC is there anywhere that it is either in an SOP or some way the duty officer is aware of the aircraft within the I Corps area either under the control of or delegated from that control to Panama control or another control. What I'm getting at is that Panama has a command reporting center for all aircraft operating in the I Corps area. Are your duty officers aware of this?

A. Let me answer this question by stating that I think each individual duty officer of which there are three has a more or less singular awareness of air operations in the I Corps area. I could not tell you how much each watch officer knows and I can't answer the question whether or not we have in black and white the DASC organization of all the aviation units in I Corps. However, I can safely say all of us assume that I Corps TOC is responsible for VNAF operations and I Corps TOC is responsible for VNAF and Air Force planes that support I Corps operations. III MAF in turn is responsible for Marine Corps operations in this corps area. Now, I don't know myself, I think we have 7th Air Force who is responsible for air operations in the corps area. I just operate at sea, not at land. We have hardly any, if any, contact with aerial operations over the land. We are more concerned with search and rescue operations. I have a very direct standard operating procedure when an aircraft goes down at sea. They have held conferences at the DaNang search and rescue center. I have visited them and they have visited us. As an example, we picked up a Marine pilot yesterday. But when it comes to tactical operations of other commands, I have a limited knowledge.

Q. Commander Nolan, do you desire to make any further statement regarding this incident?

A. Yes, sir. I live in the city of DaNang in a MACV assigned billet. I have a DaNang telephone by my bed. My usual procedure is to notify the watch officer where I am at all times. I make it a standard practice to call him before I turn in and get the latest information on how the war at sea is going. On the morning of the 11th of August, at approximately 0410 to 0420; I

[REDACTED]

cannot pin down the exact time because I didn't look at my watch, I received a call from the CSC watch officer, Lt Cote, and he reported the following information. The Point Welcome had called CSC and reported that she is being illuminated by what she believes to be VN aircraft. She was being fired upon and she had been hit. The watch officer then told me that we had lost all communications with the Point Welcome. The watch officer also told me that he had directed adjacent Coast Guard cutters in the area about Point Welcome's patrol area to move into Point Welcome's patrol area and locate Point Welcome. We have a standard operating type communications procedure and in effect this was made effective. The watch officer also told me that he had reported Point Welcome's message to III MAF TOC and I Corps TOC and asked them if they had knowledge of any aircraft in the area which as you know is near the DMZ. Then we completed our telephone conversation and I told him to call me back as soon as he had more information. I recall having a cigarette and he called me a few minutes later and told me that neither III MAF COC or I Corps TOC had knowledge of any aircraft in the area, including VNAF aircraft. I asked him if the boats had any contact with Welcome and the answer was negative. He then wanted to make some other calls so we concluded that conversation. About 0430H, I again called the watch officer to ascertain if the boats moving into 1A1, Welcome's patrol area, had had contact with her. I specifically remember saying they should have her on radar. He said that one of them was scheduled to enter the area about this time. Quickly changing the subject of the conversation of radar contact with Point Welcome, the watch officer then reported to me that the Point Caution had just reported she also was being illuminated. I told him to take what action was necessary and to get more information from Caution and hung up the telephone and immediately dialed Panama and asked for the watch officer or duty officer. He gave me Panama operations and I identified myself to a Captain; I don't remember his name, and asked him if he had any aircraft around the DMZ as one of our boats had been illuminated and been fired upon and another one was being illuminated at the present time. Before answering my question the Captain said something to somebody near him. The Captain said some remarks I could not understand. He replied to me that he did have aircraft in the area. I said well, who are they? He said well, we have a voice call and another voice call and I said well, god damn, I don't recognize code words, what type of aircraft are there working on some boats? He said I have a FAC and two F-4's and I am now clearing them out of the area. I tried to ask him what type of aircraft the FAC was flying in but he said he had to do something and I wanted to call back the CSC and concluded this conversation. I then called CSC and the watch officer told me that Point Caution was picking up survivors at that time. I didn't wait for any further details. I told the watch officer I was on the way, dressed hurriedly and drove directly to CSC, arriving about five-thirty, five-fifteen or five-thirty. At this time upon reporting to the CSC, the watch officer briefed me on the entire incident and our primary concern at this time was with the casualties. That is the only information that I have that I believe should be included.

The witness was duly cautioned concerning his testimony and excused.

[REDACTED]

LT Arthur J. COTE, USN, 640113, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. In your official capacity as a watch officer in the CSC at this time, would you describe in chronological sequence what happened from the first time you got a call from the Point Welcome?

A. The first word I got was when my assistant watch officer called me on the telephone and said that the Welcome had just radioed them that she was illuminated, under fire and hit. Immediately I told the watch officer I ordered in three more WVP's plus the Haverfield because I wanted some big guns there in case there was an actual attack by enemy aircraft. The Welcome also stated she also thought they were VN aircraft. After I did that I called III MAF COC first, I Corps TOC and asked if they had any information that they were their planes or anything like that. I discussed the matter back and forth. They said as far as they knew it wasn't their organization and that they would check and let me know. It was about, it must have been about three forty-five or three fifty. At about 0400 I called the Marine Medivac and requested that he have a helo stand by in case they needed it. At 0405 I notified the CTF 115 by telephone. After 0405 I don't know whether I called III MAF or they called me; we had a few phone calls and they informed me that they were not their planes. I Corps TOC said they weren't their planes and as far as they knew they weren't Vietnamese Air Force planes. I called Medivac again and asked if the helos were in fact standing by and I called my boss, Commander Nolan, and informed him of what was going on. After I talked with him, he called me back and asked me to call Panama Control which is the U.S. Air Force. I called them and they told me that it was in fact planes that they knew about. I heard the conversation by radio. During this time I had probably around six phone calls between me and my assistant at the YR. I was trying also to monitor our radio circuit up in the CSC office. I had two or three calls with the Air Force. I don't know whether they called me or I called them; it happened that fast. The way I found out that the planes were working more or less for them was when I made a request to them that they send flare planes up there to illuminate the area and assist in search efforts. I also made this request to the Marines. This must have been around 0440 or so. The Point Caution had already told us she was rescuing survivors. I made a request for helos of the Air Force also for Medivac. It must have been around five when they told me the helos were going to be dispatched from Dong Ha. I don't know whether they were Marine helos or Air Force helos. Dong Ha, I think was probably the nearest field to the area. I think that's about it.

Who told Panama Control?

Q. Would you tell us if there is an SOP to be followed in a case like this by the CSC?

A. No, sir.

Q. There is not?

A. No, sir. About ninety percent of our dealings has been with ground fire anyway. Usually I always call I Corps TOC or III MAF COC and they were the first two numbers that came into my mind. I give them information in order to get information from them.

Q. You say usually. Are there any instructions for the watch officer to do this, in writing?

A. No, sir.

[REDACTED]

Q. Is there in being a watch officer's instruction folder in the CSC?

A. There is one; however, I believe all the instructions are basically administrative type instructions, weather reports and things of that sort.

Q. Would you tell us, Lieutenant Cote, your relationship, operational relationship with the boats when they are operating? In other words, how much do you control them?

A. When they're on patrol, we don't control them as such. They go out and they are assigned specific areas and if everything is quiet they call us every two hours and report ops normal. It's just to ensure for us that we know that they are still out there, still afloat and everything else. We don't usually tell them where to go in the area unless we have a phone call or request from some of the outfits by radio that they saw a suspicious boat or something like that. Normally we don't tell the boats where to go unless we have a prior mission assigned.

Q. Then you can control them operationally? If you have a mission you can send them on it?

A. Yes, sir.

Q. The CSC does have this authority?

A. Yes, sir.

Q. To your knowledge what are the recognition and identification procedures to be followed between aircraft and boat?

A. Well, all the craft carry the codes that come out, challenge and reply codes that come out monthly. There are three of them to be used under different circumstances. I believe in this case, it was a letter and number by light and by radio.

Q. Are you familiar with the requirements and procedures for identification and or recognition between aircraft and the boat?

A. I don't think I could speak with authority right now. I've never made a patrol and I've never been out there. I know they carry the code. I can't speak for the Air Force.

Q. In your tenure as watch officer, not necessarily just on this one evening, but since you've been here as a watch officer, could you give me an indication of how many reports you've had of boats being illuminated by aircraft?

A. It would simply be guesswork, but I think on my particular watches, I think probably around twice. It's just a guess.

Q. And then how long a period has this been?

A. I've been here three and a half months. To my knowledge they've never been illuminated by the Air Force planes. Possibly, they might have got illuminated by an observation plane or something. I don't believe by a fighter or something like that.

Q. What communications do you have to the DASC, III MAF COC, and to Panama?

[REDACTED]

A. All we have to any one of them is by telephone. Just by telephone and occasionally that's pretty bad.

Q. Is it true that all your communications go through the Roadrunner switchboard?

A. Yes, sir. All our telephone does.

Q. Do you have a regular exchange of information with the controlling agencies as a normal matter of course?

A. Well, I wouldn't say regular. If someone gives us a phone call for instance and says someone here, or that there is a boat over there, I call them. I don't normally just call them unless I have a specific reason.

Q. How about them reporting to you a boat they think should be checked out? Is this normally done?

A. III MAF does. They're at the coast by the entrance here and if their people see a boat they normally tell us.

Q. Where does this call originate?

A. III MAF COC. I think I've only gotten one call from I Corps TOC since I've been here.

Q. What are your UHF capabilities? Do you have a multi-channel receiver or all channel receiver/transmitter?

A. I don't believe I'm qualified to speak with authority on that. I don't know the range of the transmitter we have.

Q. How about the range or frequencies. Can you set up on any frequency or are your frequencies preset?

A. We have a PRC-25 where the frequencies can be set up on. That's the one we normally use between the aircraft. This is what we normally use to contact the L-19's. We have a larger set that you can tune in on; however, I don't know the range. We talk to Navy patrol planes, VP aircraft. I don't know the range or frequencies.

Q. We have an entry in the log here at 2115Z regarding Blind Bat aircraft. Do you know which radio that came in on?

Recorder: A copy of CSC Communication Log for the period 101940Z through 102210Z is entered as Exhibit 6.

A. Some of this might have been.... Which log is this, may I ask, sir?

Q. CSC's.

A. This might have been what I got by phone call. I'm not positive, sir. After I called Panama control, he was the one I believe that gave me this information that he made three passes for instance, that he made it and gave me the type of aircraft that I didn't know anything about. The Spud 13 and some Yellow Birds must be where that came from.

Q. Did you receive this as a phone call, as a log entry that Panama had?

[REDACTED]

A. Well, again, sir. Either I called Panama or they called me the second time. I'm not sure which but when I was talking to them and they gave me the information about a plane of theirs had made the attack and was under the control of a Blind Bat. There was a Spud 13, a 26, and he assigned the mission to a Yellow Bird. Then I asked him further what kind of planes these were and he said a B-57 and two F-4C's. I'm pretty sure this information came by phone.

Q. You didn't actually communicate with the Blind Bat aircraft?

A. Myself personally, no, sir.

Q. Or the center?

A. No, sir. In this particular instance I'm talking about the CSC itself. I'll have to go on guesswork here but as far as I know no one had communications with the Blind Bat aircraft.

Q. Would you explain the control and communications set up as you now have them between the YR and the other building and where they are located and who is in control of each operation?

A. Presently, because of communication problems in the CSC building, the watch has been split, with the assistant CSC officer standing his radio watch on the YR-71. This is all the voice circuits which are tuned to the same frequency at all times, the Market Time frequency that our craft use. He can make minor decisions down here himself, keeping me informed, or major ones he calls up to me on the telephone, which is our only means of communication. The two spaces themselves are probably four to five hundred yards apart and we can and have used a messenger at times because the phone was out. This has been going on now, I think about two to three weeks.

Q. I want to pin this down just a little more. The communications radios which have communications with the Market Time forces are located aboard the YR?

A. Yes, sir.

Q. And the command duty officer, so to speak, or the senior watch officer is located in the CSC center which is about four or five hundred yards away?

A. Yes, sir.

Q. With your only communications with your forces being made by telephone and then relayed by your assistant duty officer?

A. Yes, sir.

Q. And at times this goes out and you are forced to resort to messengers between the two places?

A. Yes, sir. On the YR he is guarding the radio circuits which we are controlling our surface units. In the CSC building itself I still have communications with our VP patrol aircraft and we get a lot of questions and assignments I guess you would call it, by telephone. That's why we keep the senior man up there and our teletype was up there also.

[REDACTED]

Q. Can the people in the YR actually communicate by telephone with the other control agencies in the area or is this all done through you?

A. No, sir, the YR has their own phone which they can call out with.

Q. Your teletype machine, who is this to, sir?

A. It's a direct line to CTF 115.

Q. Dedicated circuit?

A. Yes, sir, but this morning that was down.

Q. As a matter of procedure, if you were on watch again and the same thing happened and you got the same initial calls, what would be your procedures from there?

A. Well, I know now to call Panama first. I understand he monitored the planes up there while this was going on anyway.

Q. Has this been put in writing or as an administrative note to other watch officers?

A. We have a note taped onto the desk now, as of this morning.

Q. What does this note read?

A. Any emergencies which involve aircraft should be called to Panama and the other two numbers of III MAF COC and I Corps TOC.

Q. Has the frequencies that Panama operate on been posted anywhere so that you could possibly contact them by radio quicker than by telephone?

A. As far as I know, no. Actually we have very little dealings with Panama. Most of our dealings have been through COC and TOC. We have very few dealings with Panama.

Q. Is there any SOP by which the COC and the TOC and or the DASC are kept advised as to the patrol areas that are occupied by the Market Time boats?

A. No, sir. We send out an 0800 and 2000 position report to CTF 115, information to NILO Hue, that lists our areas, what boats are in what areas and the positions of the three Market Time ships assigned to us. The only time that we know where the ships are, are at 0800 and 2000 when we make a report of the boats in the areas. We don't tell anybody else, sir.

Q. How does this message go out?

A. By teletype.

Q. Communications-wise, would it be possible to give the same information to the COC, the TOC and the TACC?

A. I believe they would get it, yes, but I don't know how long it would take, sir. It would have to go to Saigon and then back out from Saigon on a different circuit.

> Check
No
SOP order
first copy!

[REDACTED]
Q. Could this be done by telephone locally?

A. It could be but this is a Confidential message.

Q. Do you have secure communications between the COC and the TOC?

A. No, sir, not on the the telephone.

Q. Just as a general question, do you feel that communications are a handicap or do you feel like they are adequate for your operation?

A. I believe communications right now, which include the radio and telephone, are substandard. At times we have encountered delays in getting through to Roadrunner. I myself once at one time couldn't get through from eleven o'clock at night until five o'clock in the morning. I don't know which line was down or what but I could get my first call out at five AM by telephone.

Q. What night was this?

A. This must have been a month ago. I made a note of it in the booklet there. I've got the date if you want it. It was about a month or so ago. I think that, taking everything into consideration; radios, telephones and even the teletype, they would all be substandard. We have a lot of teletype trouble.

Q. Let me enlarge on this a little bit. When your Roadrunner line goes out, do you have any alternate methods of communication with control agencies in the local area?

A. No, sir, none at all. We do have, actually we did have I guess, a hot line between us and TOC only. That hasn't been working for about a month or so. If the Roadrunner line is out, we have no way of getting into DaNang at all.

Q. You say the hot line has been out for a month?

A. Well, I'm not too sure of this particular line. I think at one time it was between COC and I Corps TOC only. I never have used it myself. As far as I know, it is out. I think it should be mentioned here that I don't think the communications I have just mentioned here in any way affected the operation on the morning of the 11th.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1615, 15 August 1966.

[REDACTED]

[REDACTED]

At Detachment DELTA
3rd Medical Battalion
DaNang, Republic of Vietnam
Tuesday, 16 August 1966

The board met at 0745

All persons connected with the investigation who were present when the board adjourned are again present.

WOLF, William H., Jr., 306596, ENC, USGC, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you give us briefly your account of the events on the morning of the 11th?

A. Well, the first time I knew anything was when I was just completing the four to eight watch. I was signing the log off when I heard the strafing on deck. I came out on deck and we were illuminated and being hit. That was the first of it.

Q. And what did you do from then on?

A. Well, we had a fire on the deck. I took part in the party to extinguish the fire. I checked on the bridge and the executive officer was wounded. He requested that I try to get radio contact. They didn't have any radio gear operating on the bridge from what I understood so I went down to the cabin and tried to reach outside and get in touch with some naval unit. We managed to get ahold of Bee King over at Market Time. He said he couldn't give us any assistance in calling the fire off when I told him it was friendly fire. The rest of it just followed pretty much on routine of running around trying to assist the wounded and get ourselves out from under fire.

Q. Where were you exactly, Chief, when the firing started?

A. I was in the engine room when it started. I had the four to eight watch and I was just signing it off. It was around a quarter to four. We had a new radio circuit installed to get in touch with Cat Kill and as far as I knew that was the only thing that was operating.

Q. Did you notice if at any time after the attack commenced the running lights were turned on or tried to be turned on?

A. As far as I know all the lights on the ship were turned off. After it was all over I went around and turned all the lights off. I don't remember them being turned on or just when.

Q. You don't know if anyone turned them on during that time?

A. I'm certain they were turned on at the time of the attack. I could actually see them on. I turned them off after it was all over.

Q. Give us the occasion after you left the ship and after you came back aboard the ship.

A. Well, as soon as we thought we had a clear time and got everybody that was wounded and everybody that could into life jackets, we left the

[REDACTED]

4-8 watch!

[REDACTED]

ship in two groups. The Chief Boatswain's Mate took one section and I took another. We left the ship and got, oh, seventy-five or a hundred yards away and started getting fire from the beach. I decided to try and come back to it and when we did return the Caution or the WPB was now getting to us.

Q. And then did you go aboard and turn off the lights?

A. Well, I went aboard after the boat crew had been there. They extinguished a small fire and lashed it up. I went aboard just to assist. There wasn't too much I could do. I brought her back; myself and three other guys of the Welcome's crew brought her back.

Q. Could this other crew have turned on all the lights?

A. I guess they could have. There would be no reason for it.

Q. Do you recall if when you left the ship the lights were on?

A. No, I couldn't say, sir.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 0815, 16 August 1966

The board met at 0830, 16 August 1966, at 620th TCS Detachment.

All persons connected with the investigation who were present when the board adjourned are again present.

Captain Willis O. WHITNEY, USAF, FR66565, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you give the details of your knowledge from the time that you first knew that a friendly ship was under attack until the incident was over, as far as you were concerned.

A. Yes, sir. The first time that I knew the friendly ship was under attack was when a call from I believe Commander Nolan in which he advised me the reason for the call was to advise me that we had hit a ship and the time on this, I could be in error, but not appreciably, just a matter of minutes. I wish I had the message in front of me and I could refer to that time. At approximately 0355 local; that is about as close as I can get to it. This was the first time we knew that we had hit a friendly ship.

Q. What did you do after that?

A. With him on the line, I told him to hold on. At the time I couldn't be sure that he was referring to the same one that Waterboy had been talking about earlier, or for example, the Yellow Bird mentioned over the UHF frequency. I keyed Waterboy and told them to get off what they were doing. I thought perhaps that if they weren't doing it they had contact with the people that were and could tell them to quit it. As far as friendly, I don't know verbatim what I said. I just said get off. That was the extent of my call to Waterboy and I advised Commander Nolan, who was still on the line that I had called them and told them to get off. He advised me to call Roadrunner switch and get Roadrunner 39, a Lieutenant Cote, and get on it with him, which I did.

*Who did
Cote call?*

*Cote said he
called P-1*

[REDACTED]

Q. You said you called Waterboy?

A. Yes, sir.

Q. What is Waterboy?

A. Sir, this is our detachment one under the 620th detachment control up the coast eighty miles from us who is subordinate to us operationally. It is a radar site with two hundred mile radar capability and they are our detachment one.

Q. Why did you call Waterboy at that time?

A. Well, because we had earlier; I just can't recall the time, but earlier, heard an aircraft on the UHF, Yellow Bird, I believe 18, say that he had a target up there and this was one thing that made me know something was happening up North. And another thing that made me know, it was that Waterboy called me before I got the call from Commander Nolan and talked to the Control Tech. Blind Bat was mentioned at that time. I knew that Blind Bat was up there. I don't know the extent of the talks that went between my control and Waterboy but I know that concerning the fact that Blind Bat located it. I also knew that Yellow Bird had said over UHF that he had a target and it was a ship. I knew that and it just automatically came to me that that was probably what the Commander was talking about, and even if it weren't I would rather go back and hit the thing later. So I called him.

Q. What was the occasion for your Control Technician to talk to Waterboy about what they were hitting up there?

A. Well, actually there is no authority from us to tell these people that they can hit targets or not. Even if this was what Waterboy asked, which it was not, we don't have the authority and we're trying to make the point that if Waterboy had called me on an offensive piece of information or a request. I am nothing but a relay in this. We do this; we do very much of it, not from airplanes saying I've got a target and what is it, but we do relay information. We have a line to I Corps DASC and to TOC, and also to TACC offense and defense and to 7th Air Force. Or we relay for example from offensive information such as tanker refuelings and pass information and request that the tanker go home or things of this nature. We relay most information but we have no authority to authorize hitting a target. We have neither the authority or, I feel, the responsibility. We for example hear he had Waterboy up on one unit and he keyed Waterboy or he keyed the DASC on the same unit and they just couldn't read each other. Had they been able to it would have been the connection. But he couldn't read him. My Control Tech relay, I don't know exactly what was said, but I do know that they were requesting; Yellow Bird requested earlier did we have anything that he he had a good target. I believe he said he had a nice juicy target. A call from Waterboy had to do with getting something else. This is why I knew something was going on up there. There was a rply on it back to Waterboy at that time that was a friendly boat. It was not from us.

Q. Does the command ship, the C-130 Blind Bat, report in and out with you when he is operating in and out of this area?

A. Well, sir, I believe earlier. We have what we call a flight following and an in-country scope. These are constantly monitored. Now, it's possible he checked in earlier with us that night. If he did, it was to say

[REDACTED]

for example, this is Blind Bat and no assistance required. At the time, although I believe we can monitor his frequency, we were not monitoring Blind Bat. I believe Waterboy did. The line I believe took place from Blind Bat to Waterboy to Panama and to the DASC. Here again, we don't have the authority to go to DASC or TACC to see what the situation is. As for me, I can't tell you exactly what was said to my Control Tech. The thing I'm trying to establish is that you don't necessarily have control over the operations. You have knowledge of all aircraft entering this area.

Q. In other words, do they all have to coordinate out of Panama?

A. Well, sir, I'd say that most of them do and some of them require no assistance. Some of them may ask them to set their coordinates for them on the way up for their mission or air evac on their way North. It could be any number of requests. We also take these people coming back for GCI and GCA or emergencies. We do talk to these people.

Q. All of them?

A. No, sir. Some of them don't call us but most of them do to check in with us. Again most of the time just no assistance required.

Q. Do you keep a status board of the aircraft in the area. In other words, do you show the time he reports in and how long he will be on station?

A. Yes, sir, we do. It's not a status board; it is a log. The individual on the scope logs the time he checked in, the Zulu time, and the call sign of the aircraft that called him. We have a log on everybody that calls us.

Q. How about when he reports that he is returning to home plate?

A. Well, that depends. If the guy was not too saturated, he would probably log GCI or GCA. This is not, I believe, the same requirement to log. I could be wrong on that.

Q. Captain Whitney, if the Blind Bat or any other aircraft had tried to contact the Point Welcome on 277.8, would your center have monitored this conversation?

A. 277.8?

Q. That's right.

A. No, sir, to the best of my knowledge, no. For example, if I can clarify. I admit that I did not know this a few days ago, but not that I think it would have made any difference at all. I believe 338.8, I listened to last night myself.

Q. Explain that please?

A. I would not be hearing talking on it if the frequency was off point one or something. I was up there and plugged it in and put it on the monitor and listened to it last night. For example, I can listen to it and did last night but had he called on 277.8 I don't believe I would have heard it.

Q. Do you keep a status or a record of any Navy surface forces that are operating in the area of the DMZ?

[REDACTED]

A. You mean that call me in the morning like Roadrunner 39 and things of this nature? In this case I called Lieutenant Cote because he has a single side band and is in constant contact with the activity up there. As a matter of fact, he was the individual who got the call from the ship when it got hit and got Commander Nolan. He had notified Commander Nolan who notified me and I went back to Lieutenant Cote. This was a call from the Commander to me after they had been hit and from me to him after they had been hit. So, I get no word on these ships for example. I get no word at the beginning of each shift for example, from Roadrunner 39 as to the position of these ships.

Q. Did you or did Panama or do you have any knowledge of Waterboy giving an aircraft authority to strike a surface ship in that area?

A. I don't believe they did. No, sir, if they did it and didn't tell me I wouldn't know, but I do not believe; I very strongly do not believe they did.

Q. And you have no knowledge of them giving authority and you did not give the authority yourself?

A. No, sir.

The witness was duly cautioned concerning his testimony and excused.

Lt Colonel Leonard W. PROVANCE, USAF, FR25794, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Colonel, it has been indicated in some message traffic of which I have the date-time groups recorded, that authority was granted from Panama for a Blind Bat 02 on the night in question to proceed South of its area and continue an attack on a target which they were in the process of attacking. Were you on duty as the battle commander that night?

A. I was on duty as the air defense battle commander, yes.

Q. Would you explain to us how this authority to Blind Bat 02 came about, sir?

A. I'm afraid I cannot because I was not appraised of the situation that was happening at this time. I did not know anything about attacking a friendly vessel or any vessel until approximately one hour after it occurred.

Q. Were you aware that authority had been passed to Blind Bat to proceed South of its area?

A. No, sir, I was not.

Q. Is this normal procedure for the battle commander not to know?

A. Yes, sir. The air defense battle commander at the Panama COC is situated here primarily for air defense of the DaNang sub-sector and consequently, he enters very rarely into the tactical war, the in-country war and so forth. Obviously, by being here he is available to act in a supervisory capacity and in many cases there are questions asked of him by the personnel at Panama. However, he actually has no authority over the senior director in this respect as far as the in-country and the tactical war is concerned. From the air defense standpoint, also the battle commander has the dual

[REDACTED]
responsibility relative to issue of border violation warnings and MIG warnings in the Northern part of North Vietnam.

Q. You didn't quite explain what is your relationship as the battle commander, sir, with the senior director on duty?

A. I'm sure I don't quite follow your question as to my relationship. Do you mean physical relationship or authority?

Q. Command authority.

A. No direct command authority, again, as the in-country or tactical war is concerned. A definite command authority relative to air defense.

The witness was duly cautioned concerning his testimony and excused.

TSGT Ronald M. CABELL, USAF, AF 13335436, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. There were some relays of conversations by you regarding the authority for Blind Bat to come down below its area and continue an attack that had already begun. Would you explain to us how this was initiated and what conversations you received from both ends and which you relayed?

A. Yes, sir. Waterboy called me and asked me if Blind Bat 02 could go out of his area and I rang TACC and they could not hear TACC although I had both switches up, so I relayed to Waterboy from TACC and he gave them permission. I relayed this information to Waterboy. This was the extent of the conversation as far as Blind Bat 02 read.

Q. Would you start at the beginning with exactly what Waterboy asked you and you relayed to TACC and what TACC's answer was as you relayed back to Waterboy.

A. Waterboy called me and asked me if Blind Bat could go out of his area of responsibility, of his area of coverage. I don't actually know if he said coverage or area of responsibility but it was out of his area and I told him I would call TACC and I rang TACC. They could not read TACC; it was garbled from Waterboy to TACC so I relayed it for them to TACC for this permission. TACC gave it to me. I relayed it to Juliet Golf and I believe Lieutenant Johnson was on the line at the time.

Q. Would you explain what Juliet Golf is?

A. He was the control technician in Waterboy.

Q. Would you give us who you spoke to in TACC who gave you that permission, either by position or his name?

A. Well, sir, I don't remember the initials. I passed the initials to Juliet Golf right afterwards. In fact, I called him up to get these initials but he is in Japan now or R and R. He left on R and R either the day after or the second day after the incident. We do have initials of the happenings before, normal happenings from TACC but just because they are in the log, sir, doesn't say that I was talking to them particularly.

[REDACTED]

Q. Were you in any way connected with any other transmissions regarding this incident?

A. Just on the radio. Yellow Bird 18 called in on the 367.8 which was sitting along beside me and he asked for guns for a target and I called I Corps and asked them if they had anything to go up North for this target. I gave coordinates for the target and so forth which turned out to be this boat and they said that Coyote 111 and that he wouldn't be airborne for approximately an hour and I called Waterboy and asked them if an hour would be too late. They relayed to Blind Bat and said that yes, it would be too late and asked me to expedite. I went to I DASC and asked them if they could get Coyote 111 airborne in less than his normal time and he said he would try. Before they would become airborne Captain Whitney received a call from a Lieutenant Commander stating that this thing was friendly. The only other way was they asked me, the Lieutenant Commander wanted to know if we could get some flares up there for the rescue.

Q. Do you have any knowledge whatsoever of who authorized the attack upon the boat?

A. No, sir. The only aircraft I knew that was up there was Yellow Bird 18 and Blind Bat 02. Then when I queried Waterboy to find out his theory on why they were hit, he said that Spud 13 had found the target and Blind Bat 02 went in and lit up the area and made a few passes for identification purposes. There was no recognition that he took in and he directed a strike is what his words were.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1055, 16 August 1966.

The board met at 1430, 16 August 1966, on board USS REPOSE.

All persons connected with the investigation who were present when the board adjourned are again present.

LTJG Ross BELL, USCG, 42535, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. I am going to try to keep these in chronological order from the time of the incident so as to keep your train of thought from flowing around.

A. Yes, sir.

Q. When you were first illuminated, do you recall the ship's position?

A. Yes, sir, I do. In fact, I had plotted it about twelve minutes earlier. We were two and one half miles South of the Cua Tung River and a mile off the beach from the southern bank of the Cua Tung River.

Q. Had you observed any illumination prior to your being illuminated?

A. Yes, sir, I had. All evening practically.

Q. In which direction from you?

A. It was along the 17th and on the other side of Cap Lay.

[REDACTED]

Q. What was your course and speed after you were illuminated?

A. We were proceeding South on a course of approximately one four zero, two hundred turns, and five knots.

Q. Did the aircraft make any type of recognition passes? ||

A. No, sir, he did not.

Q. Did he fly low over you at any time?

A. No, sir, he did not. He only dropped flares over us.

Q. Prior to the flares did you see any type of flashing lights on the aircraft?

A. No, sir, none.

Q. What action would you have expected the aircraft to take for identification or what action did they take?

A. What I would have expected a friendly, or if they were anticipating an attack, to illuminate with the landing lights, sir, or at least challenge with the blinking lights. We had their challenge code posted up on our board back there in the pilot house for just such things but nothing came of it. The next thing we knew there was illumination directly overhead and a firing run was made. That's when we tried to turn on our running lights and get the very pistol out but by that time the second aircraft had come in and wiped out the bridge completely.

Q. What training or instructions have you had in recognition and ID signals between aircraft and boats?

A. All the OOD's are fully aware that we have instructions posted that come in every month on the board and they are listed on the chart by day on the board so that we know what the codes are.

Q. At any time were the ship's running lights turned on after you were illuminated to your knowledge?

A. We tried to, sir. I do not know whether they were turned on or not. I cannot be positive of this fact.

Q. Did you order them turned on?

A. Yes, sir.

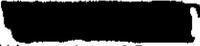
Q. Do you recall who you ordered to turn them on?

A. I don't, sir, because at this time I was down on the deck; my arm had been broken and I was just kind of in a haze at that point. The skipper had been to the bridge and was on his way back up when he got it.

Q. Are you familiar with the MAR OPS recognition signals?

A. MAR OPS, sir?

Q. Yes.


A. This is the letter recognition signal?

Q. This is for special mission type boats. Are you familiar with their recognition signals?

A. Yes, sir, the Swift boats.

Q. When the CO left the bridge and went out to the signal locker or the locker on the wing of the bridge, did you note if he was going for an aldis lamp or a flare?

A. I don't know, sir.

Q. Or a very pistol?

A. I don't know, sir. Because right after the first run our stern came aflame and like I say, I just don't know, sir. At that point I was on the deck.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1500, 16 August 1966.

*Witness was
First in line
Recess*

[REDACTED]

At Hq, 35th Air Division
DaNang Air Base
Republic of Vietnam
Wednesday, 17 August 1966

The board met at 0845

All persons connected with the investigation who were present when the board adjourned are again present.

Captain Cletus Glenn ROGERS, USAF, FV3103999, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you identify your position and duty on the night of, or actually it was in the early morning of 11 August when this particular incident took place?

A. Sir, I was flying navigator in the B-57 with Captain John Lynch as pilot.

Q. Would you give your call sign, please?

A. Yellow Bird 18 I believe.

Q. Captain Rogers, are you a pilot?

A. No, sir, I am a navigator.

Q. Let me ask a few general questions first. Are you familiar with the rules of engagement both in MAR OPS identification procedures and the regular rules of engagement?

A. Yes, sir.

Q. When did you last accomplish your rules of engagement test?

A. I have never had a test of the rules of engagement?

Q. On this mission, were you briefed specifically on MAR OPS for that night?

A. We asked if there were small boats, is this what you mean?

Q. Yes.

A. We asked, and they said no.

Q. Who was briefing you and told you that there were no small boats in answer to your question?

A. Major Terrel.

Q. And what was his capacity at the time?

A. He was briefing officer.

Q. Captain Rogers, would you give a brief description of the events that happened after you first entered the area and contacted the Blind Bat aircraft?

[REDACTED]

A. To begin with we were on a Sky Spot mission and we dropped our two bombs. We accomplished that under Taxi Cab control, then headed back toward the base and we called Blind Bat and asked him if he had any gunnery targets and he said no and immediately afterwards he started dropping flares for a flight of F-4C's and a boat pulled up on the coast of about 17:12 North. So we decided we would go on over anyway and orbit hold. It was actually about thirty miles North of Channel 46 which is Dong Ha and we were setting up a holding pattern there and informed Blind Bat where we were at and he said okay. This is normal procedure for us so a few minutes later a Spud, which is an Army Mohawk was in the area moving back and forth. Finally he made a run down the river in the DMZ. That's the, I don't remember the name of the river. He picked up a large boat and several small boats in the river and Blind Bat headed over for it. I understand now the rules of engagement in this DMZ, that's a military target and there is nothing to move up there at night. By the time Blind Bat got close to the river, the Spud reported that he was starting to come out of the mouth of the river. Then in about two minutes Blind Bat lit the area up and there was a boat coming out of the river and in the meantime we had started dropping out and coming over in his direction. So he lost him then right after that probably because his flares went out and he lit him up again. He would go down under the flares and this went on for about I would say ten to twelve minutes. He was going underneath the flares giving ample opportunity for identification. The small boats went to the North Vietnamese shore. We could see them pulled up on the beach right where the river comes out into the ocean.

Q. Was this on the North side of the river?

A. This was on the North shore of the river and anyway immediately after that, after we were right above Blind Bat and we said that we have the boat. He was running pretty fast and he said okay, hit him, and we did. We made one pass; the pass started at about three thousand feet and pulled off at two hundred and I fired an estimated eight hundred rounds of twenty millimeter. We pulled off and this was a tail attack on him and then we made a side pass and then a head on. The first time it left him burning. The first pass set him on fire and before we made the second pass which was probably a minute and a half later he had the fire out and was turned and running North. He was just steadily taking evasive action, sir. He wasn't going in any particular direction, all directions. As we had fired out then and we had no bombs, we went back to about ten thousand feet and then the F-4's started coming in on him with the Mark 81 and the CBU and they missed him. We immediately headed home and right after that, I guess it was right after the CBU and right before the Mark 81's were dropped, we started back home. About the time we got even with Hue we called Panama and asked them to scramble aircraft on this boat because it was still floating and then finally after messing around they got through somewhere or another here and said they had moved up the takeoff time on two F-4's. Fortunately now, they had radio failure in reporting the runup. That's about all I can tell you.

Q. Captain Rogers, when did you first see the boat that you made the attack on?

A. About a mile and a half from the river.

Q. In which direction?

A. He was about here.

[REDACTED]

Recorder: Let the record show the witness has indicated a point one nautical mile, approximately 110 degrees from the southern edge of the mouth of the Cua Tung River.

Q. In your testimony about seeing the three boats originally, would you clarify exactly did two of them beach and the third one come on out of the river?

A. I don't recall any testimony like that.

Q. This was a Blind Bat report.

A. I didn't say three. I said a number of boats. What I said was there had been a number of boats up in here on this river here. Right here is where the F-4's were bombing and this is where Blind Bat was at. He headed in this direction. By the time he got to this area, these boats had moved to the mouth of this river.

Q. Are you repeating now what you heard Blind Bat say or did you actually see this? What is your source of information on these boats?

A. The Spud.

Q. You were listening to the Spud's frequency?

A. Right. The Spud was on our frequency and three fourths of our traffic movement up there is picked up originally by him. He reported these boats as coming to the mouth of the river and when Blind Bat hit them up, he said there were boats on the North beach and one large boat moving out to sea. He had this area well lit. There was nothing else in the water there and at first we didn't have the large boat and we started to hit these boats that were pulled up on the shore there and Blind Bat had the boat in sight there so we decided rather than take those that were beached we would take the large boat.

Q. Captain, from the boat that you attacked, could you see any lights or signals?

A. None of any kind.

Q. Were you able to see any type of flag aboard the boat?

A. No, if there had been anything, signal-wise, light-wise or flare-wise, we would have seen it and there would have been ample time to stop. There was just nothing given.

Q. After your first pass, did you observe any running lights at all aboard the boat?

A. No, at no time did we observe any. The only lights after the first pass was the fire and that was immediately extinguished and from then on it was moving in every direction it could move.

Q. Captain, prior to positive identification of this boat, what was your evaluation of the type of boat you were attacking?

A. Of what it was?

Q. Yes.

A. Well, I'm not that familiar with boats but to me it was just a PT boat class it looked like as far as shape and such was concerned. Just a boat used for getting material into this area and what cinched it for me was the boats with the other craft.

Q. Did you observe or have any reason to believe there were any guns aboard the boat; any guns that could shoot back?

A. I thought that we had been fired at on the first pass. After the first pass I was quite sure we wouldn't be fired at.

Q. Did you say you thought you would be fired at or that you were fired at?

A. I thought we would be.

Q. Did you observe any guns on the boat?

A. No.

Q. Captain, would you give us what type of briefing you were given as to size, shape, length and type of boats that the North Vietnamese would be using and that you would expect to attack?

A. No, we were not given briefings on North Vietnamese or Soviet boats or any other country like that. We were given briefings on the Navy craft to expect in that area all up and down the coast. That is the Swift and the Nasties and the identifications that they should use. We went on to this before with them and they're easily identifiable and they don't look anything like this boat does. As far as we are concerned, no other boat should be up there. Irregardless, we try to identify these boats and get their identification signals from them and you can go so far on this and then the boat is enemy.

Q. Have you ever been briefed on Market Time operations and Market Time recognition signals?

A. Market Time?

Q. Yes.

A. The code word; I don't think I'm familiar with it.

The witness was duly cautioned concerning his testimony and excused.

Major Richard Fox GIBBS, USAF, FR45346, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Major Gibbs, would you give the position you were flying, your position in the aircraft, and your duties and a brief description of the incidents as you know them that happened from the time you were called to attack this particular boat in the water in the early morning of the 11th of August?

A. I was aircraft commander of the lead aircraft in a flight of two. I believe it was the morning of the 11th, approximately three o'clock in the morning when just then, as normal procedure, Waterboy; we passed to him

Note change

*Rules of Engagement
Threat to aircraft?*

NO follow up question

[REDACTED]
on the TACAN station Dong Ha over the water and we checked in with Blind Bat 02.

Q. Were you on a scramble or a pre-briefed mission?

A. We were on a pre-briefed mission. The pre-briefed mission was armed reconnaissance of what we call Ambrose route and Tally Ho sector. Ambrose route is

← Route

Q. Don't describe it. We try to keep this as unclassified as we can.

A. We checked in with Blind Bat and he was at that time working with the target with a B-57 in the vicinity of the mouth of the DMZ river. I don't have the exact name of the DMZ river. It is the river that goes through the DMZ.

Recorder: Let the record show the Cua Tung River.

A. With reference to TACAN off Dong Ha Channel 46 and our inertial navigator, and the starlight was fairly bright at the time, we visually positioned ourselves to enter the Demarcation Zone and fly armed reconnaissance over the Demarcation Zone. Our route went right up the Cua Tung River. As we coasted in over the mouth of this river Blind Bat had flares over the target ship off my right wing and immediately about a mile or two miles further off my right wing, Cape Mui Lai Point had other fires burning on the ground. Our mission was to fly reconnaissance up this river and we flew to the Laos border and about ten minutes after we started up the river we turned around and came back to the mouth of the river. As we arrived over the mouth of the river on our return route, Blind Bat and the B-57 were South of the mouth of the river. As we approached the mouth of the river, probably ten miles inland before we got to the mouth of the river, I could see fire on the deck of the boat and I presume from the 20 millimeter of the B-57. At this time the B-57 called that his ammunition was all expended and Blind Bat called us and asked us if we would continue the strike. We rogered and flew down to the area of the boat. I had two Mark 81 bombs and two cans of CBU. We flew to the general area of the ship which at this time was possibly a mile and a half or two miles South of the mouth of the Cua Tung River.

Q. Would you clarify this position?

A. It was South of the DMZ river but it was still North of the DMZ. I climbed to ten thousand feet to prepare to dive-bomb with my two bombs and my wingman flew over in the vicinity of three thousand feet for the CBU attack. While I was climbing out he flew over the target ship at about a thousand to fifteen hundred feet and blinked his navigation lights as we know from MAR OPS briefings that we are supposed to do. He received no reply. We called Blind Bat and asked him if he knew how far South he was. He said roger, I have followed this ship from further up North. We asked if he had attempted identification passes. At this time my wingman was flying low with CBU I thought being the ordnance to attack the target with first, I directed him to make an attack. The boat was generally traveling Southeast at high speed and doing considerable evasive tactics. Although he was traveling in a generally Southeastward direction he was turning on all quarters in all directions. Approximately three to four miles South of the mouth of the Cua Tung River and about a half or three quarters of a mile out to sea, the first attack was made with CBU. My wingman missed about five hundred feet with the CBU. He went around for another try and

[REDACTED]

on his second attack, he expended all of his remaining CBU and he might have contacted the boat with two or three of the bomblets. As he was making his run from six o'clock to twelve o'clock the boat made a sharp turn and it appeared to both of us that two or three bomblets might have hit the port stern corner of the boat. I was in position at this time to make a dive-bomb run. The boat was still traveling at high speed and still making evasive tactics. I made my first run from a generally westward direction to eastward direction and missed to the East at what I imagine would be about a hundred and fifty feet. The second run I made dry because I wasn't lined up for anything. The third run was my second bomb and I missed about fifty feet off the starboard side. By this time the boat had gotten to about one and a half to two miles North of the Cua Viet River. We had expended all of our ordnance at this time. However, we had not reached bingo fuel yet so we continued circling the target boat at approximately four to six thousand feet in orbit. He continued under power until he came to a stop about a hundred and fifty feet to two hundred feet from the center of the mouth of the Cua Viet River. At this time all the engines appeared to stop; he no longer carried any wake behind him, and the boat appeared to be dead in the water. We circled momentarily and then returned to base.

Q. Are you familiar with the rules of engagement in the MAR OPS identification and recognition procedures?

A. Yes, I am.

Q. When did you last accomplish your rules of engagement test?

A. Approximately two weeks ago, or rather two weeks before the incident happened.

Q. In your briefing for that night, were you briefed specifically on MAR OPS operations for that night?

A. Yes, specifically. We were briefed that there would be no friendly coastal traffic that night.

Q. Have you ever been briefed on the Market Time operations and the Market Time craft?

A. No, sir.

Q. At any time when you were making your runs did you see any lights at all aboard the boat?

A. Absolutely none.

Q. Did you see any type of signal from the boat?

A. No signals.

Q. In your testimony you stated you saw the flares off your right wing when you were headed East coming up the Cua Tung River. Can you clarify this please?

A. I didn't say I saw flares. I saw fire on the boat when I was about five miles inland coming down the river. The boat at this time was about one mile South of the mouth of the Cua Tung River and when I came out of the mouth of the Cua Tung River it was off my right wing about one to two miles.

[REDACTED]

[REDACTED]

Q. Did you know, Major Gibbs, that the B-57 had made its attack by then?

A. The B-57 had completed the attack by the time we got to the mouth of the Cua Tung River.

Q. Major Gibbs, prior to your finding out that it was the Point Welcome that was actually attacked and when you were on your runs, what was your evaluation of the type of boat that you were attacking?

A. We knew it was a high speed, PT boat class or type. We could see it both under starlight and under flarelight. It was difficult to see at the altitude I was flying any more than just the outline of the ship. I could see no close recognition features that would distinguish it particularly.

Q. Am I correct that your assumption was that it was a PT type boat?

A. I don't know that much about Navy definitions about PT boats? In my mind I felt that it was a PT boat.

Q. Have you had any briefings on Navy type boats that you would expect in the area other than Navy MAR OPS type craft?

A. No briefing whatsoever except MAR OPS.

Q. Major Gibbs, were you able to see any guns on the boat and did you expect any return fire and did you receive any return fire?

A. I didn't see any guns and we encountered no defensive reaction other than evasive action.

The witness was duly cautioned concerning his testimony and excused.

1st Lt Richard Wayne BALSTAD, USAF, FV3146359, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. On the night in question would you give your position and the duties which you were performing at the time of the attack?

A. Well, I was pilot in the lead F-4 Coyote 91 flight and at the time of the attack, I had gone down the river at the DME and turned back. We were vectored in on the boat by Blind Bat which is the point command post up there.

Q. Major Gibbs has given a very good account of all the actions of Coyote 91. There are a couple of points I would like to clear up with you. One, was your inertial navigation system up-dated and accurate at the time?

A. I didn't up-date the thing but it was accurate at the time. It was giving a true readout. Sometimes these don't give accurate data; sometimes they do.

Q. What type of inertial navigator do you have in the Coyote 91?

A. What do you mean what type of inertial navigation?

Q. Do you know the Mark and Mod number of it?

A. I think it's I don't know.

[REDACTED]

Q. According to your knowledge from your readout from your inertial navigator, what was your position when you made your first attack upon the ship?

A. Let's see, here we've got the DMZ river. We came out from here and sighted the boat approximately right down in this area here and our first attack, 91's or 92's, when it first came with CBU's.

Recorder: Let the record show that the position indicated is three and one half miles, approximately 140 degrees from the Southern shore of the mouth of the Cua Tung River, approximately one mile offshore.

Q. Lieutenant Baistad, are you familiar with the rules of engagement, the MAR OPS recognition and identification procedures?

A. I'm familiar with what we were to look for in boats, friendly types.

Q. Are you familiar with the specific rules of engagement for attacking ground or surface targets? Have these been explained to you and have you been briefed on them?

A. Yes, sir.

Q. And have you been briefed on the MAR OPS recognition signals?

A. I'm not just sure what you mean by -- I know what the recognition signals are for the boats or the friendly sea craft if that's what you mean.

Q. What have you been briefed on as to recognition signals of friendly craft, surface craft?

A. Okay, the first signal would be a green, a series of green lights in a horseshoe or "U" shape on the bow of the boat and it would be a beacon on the boat and last they would shoot up flares. They had a radio I guess, apparently they didn't have. Those were the light signals we were to look for.

Q. Are there any other type of recognition procedures with which you're familiar?

A. None other than I can think of, no, sir.

Q. When did you last accomplish your rules of engagement test?

A. I believe we had the test shortly after arriving at the base here.

Q. Can you tell me when that was?

A. Approximately the first or second week of July.

Q. Did you receive a briefing on MAR OPS for that night?

A. If you're referring to boat identification procedures, we get those at every briefing by the command post.

Q. Were you briefed about any friendly boats that might be operating in the area?

[REDACTED]

A. No, sir. As a matter of fact, they said there are no friendly boats in traffic at that time.

Q. Would you clarify your statement that there would be no friendly coastal traffic? Where would there be no friendly coastal traffic?

A. It was in the area which we would be working. For that night it was the area in the DMZ. No friendly traffic was to be in the area where our mission was that night.

Q. Did you observe any lights at all aboard the boat during the attack?

A. No, sir, no lights of any kind.

The witness was duly cautioned concerning his testimony and excused.

Captain Stanley P. FRANKS, Jr., USAF, FR68624, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. We have a pretty good picture of what happened from Major Gibbs, the flight commander. Would you give us the position and circumstances that you were in when you were first ordered to attack the boat and the position of the boat if you can recall, when you first saw it?

A. Yes, sir, my first contact with the boat was while I was inbound from my assigned armed recce route. This is called Ambrose route. This was a good ten minutes prior to the time we were called to strike a target in the water. At the time that I initially saw the boat, when I first saw the boat he was just at the northern edge or at the mouth of the river here.

Recorder: Show that as the Cua Tung River.

A. Now this was while we were inbound to our assigned recce route. Upon returning on a northeasterly heading, heading for Cape Mui Lal. As we crossed Highway 1A, Blind Bat directed us....

Q. What was the assigned target?

A. Blind Bat stated the assigned target was a, I can't remember the exact terms he used to call it; a vessel or a naval craft in the water, and that he had followed this boat down from the North and that the boat was still heading South taking evasive tactics. As I crossed route 1A in the general vicinity of 1A, I headed East and the first contact when I came over the boat I was approximately one half mile northeast of the mouth of the river, the Cua Tung river. At that time I coasted out over the coast and asked Blind Bat do you know how far South we are because I was going to be the first aircraft in to strike the target. Blind Bat again replied yes, we know how far south we are; we've been tracking her from up North and the Spud had turned to pick the target up on his radar and turned him over to our control. At that time I did a three hundred and sixty degree turn. I was about at a thousand feet, two hundred and fifty knots at max power, not afterburner. As I coasted out over the coast, I did turn on my wing lights, mainly to avoid Blind Bat and Spud who were also in the area. To the best of my knowledge I had the two leading edge wing lights and the two trailing edge join up lights on at the time. One wing is red and the other wing is green. There was a total of four lights. As I approached the

[REDACTED]

heading of approximately West after passing over the boat I turned the lights off because there were no recognition features and I also asked anyone else in the flight if they had seen any. They replied negative. As I prepared for my run to attack on a heading of approximately 120 degrees, I again asked Blind Bat are you sure I am cleared to strike this target. The reason I asked Blind Bat again was due to our proximity South of the DMZ.

Q. Let's clarify that. Are you talking about the DMZ or the line of Demarcation?

A. I am referring to the mouth of the river. Blind Bat again replied we were cleared to strike the target and that he had made three passes over this target in an attempt to gain recognition and also Yellow Bird had made passes over the target with no recognition received or identification procedures. I then made my first run which was to be CBU. I believe I made my first run at approximately two thousand feet about four hundred and forty knots, on a heading of 120 degrees. Upon breaking off from the target on the first try, I noticed all CBU's to miss at least, I would estimate at least three to five hundred feet to the left or East of the target. My CBU string approached the target from the six o'clock position and it appeared that the boat made a right turn toward the shore. I think that caused it also to miss by a greater distance than I had really planned on. My second pass I made on a heading of approximately 370 degrees at about the same airspeed and altitude as before. Throughout this period of time Blind Bat kept the target illuminated with his flares. The initial pass, the first pass, the flares had gone out prior to my arriving over the target and I continued to target on my own because I could see the wake of the boat in the moonlight. The second pass the target was well illuminated and I again made my run on it from 370 degrees and it appeared that all but two or three bomblets completely missed the boat. The only portion of the boat that the two or three bomblets that I saw explode in the air or on target was in the port aft part of the boat and that was the only bomblets that I saw come near the boat. The remainder of them hit again to the East, to the East and Northeast of the target. Following this pass I went to approximately twelve thousand feet, orbiting over the boat with my lights on bright flash. When I say with my lights on, I mean every light on the airplane which includes my tail flasher and wing lights. At no time did I observe any recognition features or lights on this boat.

Q. Are you familiar with the rules of engagement for surface ships or MAR OPS identification procedures?

A. Yes, sir, I'm very familiar with MAR OPS. I am briefed on them every night.

Q. When did you last accomplish your rules of engagements test?

A. I believe sometime in July, probably around the first week or two weeks. I'm not sure. I can't give you the exact date.

Q. You said when you first started your mission, your recon run, you saw the boat when you headed inland. Can you positively identify this as the same boat that you attacked?

[REDACTED]

A. I couldn't because I could never positively identify the boat when I attacked it. At night looking down onto the dark water from an airplane, it is just difficult to see the exact physical description of the boat. My initial pass over the area was at three to four thousand feet going on my assigned route. Blind Bat said that this was the same target because he and Spud had been tracking it.

Q. What specific targets were you looking for on your armed recon mission?

A. We were concerned with targets to the North of the river. Any targets which would be of military importance. Targets which we saw, possibly moving tracks on the road; there are numerous roads in the BME area. We would then illuminate these targets and make a pass on them first.

Q. What type of identification pass specifically did you make and how many on the boat?

A. I made as I said before one three hundred and sixty degree turn as close as possible over the top of the boat at two hundred and fifty knots at a thousand feet at full military power.

Q. Were your lights on?

A. My lights were on bright and steady for the first hundred and eighty degrees of turn. Once I had passed the boat heading West and turning for my downwind leg on the run, the lights were turned off again for my own protection.

Q. Have you had any briefings on any type surface craft, friendly surface craft you would expect to find in the area other than the MAR OPS craft?

A. Not to my knowledge, sir, no.

Q. Have you been briefed on the Market Time operations?

A. Not to my knowledge again, no. I am aware of Market Time only by what I heard in the newspapers.

Q. Do you have any other statement you desire to make?

A. Yes, sir, I would like to explain how we determined our position at the time of the incident and why my question of Blind Bat as to our location. Channel 46 is the Dong Ha TACAN and as you can see on my map I have every radial mark with BME distances at every five miles. We had briefed to coast in over the mouth of the river, the Cua Tung River, at 002 radial, at 13 miles. This was also substantiated by the fact that we were over the mouth of the river and our inertial BME read less than one mile. This was also visually confirmed by our reference to Cape Mui Lai and the mouth of the river was illuminated at that time. We also had picked up Cape Mui Lai and Tiger Island on radar.

Q. That was for your initial entry into the area on your armed recon mission?

A. Yes, sir.

The witness was duly cautioned concerning his testimony and excused.

[REDACTED]

[REDACTED]

1st Lt Roger Wesley COCHRAN, USAF, FR76453, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you state your position and duties on the night of this incident?

A. I'm a pilot in the F-4C that was in Coyote 93.

Q. Lieutenant Cochran, are you familiar with the rules of engagement for this area?

A. Yes, sir.

Q. Are you familiar with the MAR OPS recognition and identification procedures?

A. Yes, sir.

Q. Are you familiar with the MAR OPS recognition and identification procedures?

A. Yes, sir.

Q. When did you last accomplish your rules of engagements test?

A. I don't remember the specific date but it was last month, or within a month of the time that we were involved.

Q. Have you ever been briefed on the Market Time operations and the type of craft which are used?

A. No, sir.

Q. Do you recall what type of identification passes you made on the ship before it was attacked?

A. Yes, sir. Our airplane made a 360 degree turn around the ship at about a thousand feet above the water and we blinked our navigation lights while we were making this three sixty.

Q. Did you blink your navigation lights or did you turn them on bright and steady and leave them on?

A. As I recall, we blinked them.

Q. Did you personally blink the lights?

A. No, sir, I have no control over them.

Q. Would you show us where the position of the boat was when you first saw it and commenced your identification passes?

A. When we first made our identification pass, it was approximately right here.

[REDACTED]

Recorder: Let the record show that the witness pointed to a spot about 150 degrees, approximately three miles from the southern edge of the mouth of the Cua Tung River, approximately one half mile offshore.

Q. Do you recall the specific time which you made your pass, your first identification pass?

A. No, sir. We made an armed recon of this river.

Q. Did you see any lights or recognition signals or lights on the boat at all on your recognition pass?

A. None whatsoever, sir.

Q. Could you see the fire on the boat that was caused by the B-57?

A. No, sir, if there was one there it was out by the time we made the pass.

The witness was duly cautioned concerning his testimony and excused.

Captain Charles Barron CHSM, USAF, FV3058274, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Captain, would you explain what your mission was for being up there that night and what your authorities were on this mission?

A. Our mission was a coastal flare and recognition, working from the southern boundary of the DMZ to a coordinate abeam about five miles south of Dong Hoi. We were working from the international three mile limit to the shoreline. We act as a FAC, striking floating targets of opportunity.

Q. Now then, would you go into from the time you first became aware that there was a target, this particular target, until the attack upon this target ceased?

A. Approximately 0115Z we were working a Yellow Bird 18 on a group of ships just abeam of Non Ngoi. I don't know the coordinates on that. While we were in that area, working that area, Spud 13 gave us a target located inland. I guess I don't have the target. He gave me a DOME off of Channel 46 which I plotted out on the map right on the DMZ and I, we proceeded or completed our strike on these boats and we proceeded lighting the other areas down the coast.

Q. Let me interrupt you. You stated the coordinates plotted on the DMZ; is this on the DMZ, in the DMZ or on the line of Demarcation?

A. It was on the northern boundary of the DMZ which would be two and a half or three miles North of the Demarcation. We were lighting the mouth of T Bone, the mouth of the river that leads from T Bone lake out to the gulf which is Yankee Delta 178945 and when the Spud 13 called us and told us he had a target at the mouth of this river just East of the target he gave us.

Recorder: Let the record show that this is Yankee Delta 255820. Let the record show that is the Cua Tung River.

A. At 0155 Zulu time, Yellow Bird 18, a B-57 type aircraft, told us that he was off his primary and he had twenty millimeter cannon at his disposal and asked us if we had targets. We said negative at this time. We are on our way to light a target given to us by Spud. I proceeded South staying over water down to the Cua Tung River, the mouth and with four flares we illuminated the mouth of the river at approximately 1930Z. I discovered two smaller boats near the mouth of the river and one larger craft that we estimated at the time to be about sixty feet in length and the smaller boats we estimated about thirty-five feet. The boat was completely blacked out and he was at a slow speed in a slow right turn. I couldn't accurately give you a heading but I would estimate East that he was heading at the time in a slow right turn.

Yellow Bird
asked for
target

Q. That was in the mouth of the river?

A. It was about a hundred yards from the mouth of the river. It was seaward or out of the mouth of the river. About 1930Z was the first light. Our first pass was made southerly and to the seaward approximately one and one half miles from shore and we were working the areas to check for lights. There were no lights so we turned northward along the coast and dropped our flares scattered to either side of the mouth of the river and we picked up the boats and made a turn southbound while we investigated the boats. The flarelight was quite bright and the boat was well illuminated so on my second pass around I dropped one area flare at approximately his one o'clock position at about a mile and I dropped a surface flare, a marker flare that drops in the water, at about his two o'clock position at about a hundred and fifty yards and I did this mainly so that I could be sure that the flare lights weren't washing out any recognition signals and so forth he was giving. As I turned outbound from the last drop, he made an evasive turn from the flare toward the East again. He had continued his turn toward just about the Southeast and when I dropped the flare he made a turn back to the East to stay away from the flarelight. As I turned around for my next light I temporarily lost sight of him because of the angle of the alignment of the aircraft, the flare and the boat prevented me from picking him up. As we continued on in our run we picked him up again on the other side of the flare and we dropped three flares in an arc well up on an easterly heading. Due to his evasive action, we had to drop one flare approximately at his two o'clock, one at his twelve o'clock, and one at approximately his ten o'clock position so that regardless of which way he turned he would end up under a flare. We could discern no recognition signals of any type. I continued in my orbiting pattern around for my fourth light and under my second light when he made an evasive turn he did accelerate at an estimated thirty or thirty-five knots. He was leaving about two hundred yards of wake behind him. I don't know what the speed is on that boat. Yellow Bird 18 was orbiting overhead. He arrived approximately the same time we did in the area. He had his recognition, his nav lights and his beacon on while he was at altitude. We were working at five thousand feet for our first drop. We descended forty-five hundred feet for more accurate placement of the flares and due to our susceptibility to ground fire at that altitude. I did not leave my lights on. They were off from then until our entire time over the area. Coyote 91 and 92 were in the area. They were descending through twenty thousand feet sometime

lost well
illuminated

Why did he
start crawling
around Yellow Bird
to an extent
1930Z

Yellow
Bird

[REDACTED]

in the area of when we started lighting the first light on the boat. Yellow Bird 18 was at six thousand feet. I descended to forty-five hundred feet and we were completely blacked out except for four mission lights because of our proximity to shore ground fire and from that on the boat. We continued to make our drops between forty-five hundred and five thousand feet and I did attempt one light from one flare which he took evasive action from so we could exchange recognition signals. I don't know whether he saw our signals or not. We saw none from him. We continued around for our fourth light. We dropped four flares this time also in an arc in front of him and he still, this was approximately ten minutes later from the first time we lit him, he still showed no lights and was still traveling at a high speed and taking evasive turns, small evasive turns, heading generally down the coast, approximately a mile and a half down the shore. At 1942Z, I told Yellow Bird 18 to strike the boat. He made one dry pass at the target before striking. Understand, this I can not swear to as a positive statement but I understand he made one dry pass at the boat without firing. He came off and then on the second run he made a firing pass striking approximately ninety-five percent of his fire on the boat, working from stern to bow. He broke off from his pass, made his orbit, came back around and fired the second time then being very effective on the boat and the second strike caused the fire on the aft end of the boat. I would roughly estimate a twenty foot fire ball. It caught rapidly and died rapidly, lasting about three minutes. The boat did not diminish in speed. It continued heading South and as soon as Yellow Bird finished his strike we cleared 91 and 92 on their strike. We continued lighting the area in a racetrack pattern in front of the boat. 91 expended two pods of CBU's and could discern no hits on the boat. 92 dropped two bombs and both were misses. At this time we had reached the southern boundary and probably exceeded our southern boundary of the DMZ for at that time it was approximately 2005Z and Coyote 92 had cleared the target area. I called Waterboy control for permission to continue pursuit of the boat out of our patrol area. They called 7th and they replied we had permission to continue the strike on the boat and they said they had launched fighters for our support. Prior to arrival of the fighters, Waterboy called us up and advised us that this was a friendly vessel. I continued to remain in the area keeping the boat illuminated for rescue purposes until they found all the survivors. Later on during the night we noted many vessels converging on the area. One large destroyer type boat coming in from seaward and similar type craft as the craft struck were proceeding North along the coast. They all had their nav lights and beacons on and we picked them up, at first I would estimate about twenty miles away. As the first one neared the area, got approximately five miles away, we flew over it to drop a flare over it to see if the lights were visible under flarelight and they were readily visible in the flarelight. It didn't wash them out. We continued to light the struck craft until approximately fifteen minutes before dawn when they notified us that all personnel were accounted for.

Yellow Bird
6,000'

←

←

←

OK

Summary
1942Z
1945Z
1948Z

Q. Captain Chism, have you been briefed on and are you familiar with the rules of engagement?

A. Yes, sir.

Q. Are you familiar with the MAR OPS identification and recognition procedures?

A. Yes, sir.

[REDACTED]

[REDACTED]

Q. When did you last complete or accomplish a rules of engagement test?

A. To my knowledge I have not had a rules of engagement test.

Q. Were you briefed specifically on the MAR OPS that might be operating that night?

A. At the briefing we were informed that MAR OPS would be in effect, but prior to our departure during target study, we were told that MAR OPS was canceled.

Q. Have you been briefed on the Market Time operations?

A. No, sir.

Q. Have you ever been briefed on the types of boats or surface craft that would be operating in that area or in your area of operation such as the size, shape and general characteristics?

A. No, we were given no formal boat identification as such but intelligence does have photos of the type of craft that are operating inside Vietnam.

Q. Have you studied and are familiar with these photographs; the types of craft that would be operating?

A. Yes, I have looked at them.

Q. What type of recognition signal were you trying to make at forty-five hundred feet and what type of return did you expect?

A. Well, we were to have our red beacon on and fly over the boat and he was to reply with ~~parallel lights~~ ~~concentric light~~ ~~slightly~~ slightly forward or a red rotating beacon or a red flare fired from the stern of the ship.

Q. How many identification passes did you make?

A. We made a total of four.

Q. This was dropping flares each time?

A. Yes, sir.

Q. How long was it from the time you dropped your first flare and got around and dropped your second string of flares?

A. Less than two and a half minutes. The flare burning time is approximately two minutes and fifty seconds.

Q. Did you have the boat in sight all the time from the time you first illuminated it?

A. With the exception of when our tail was to the boat and when he was on the other side of the flare, we had him in positive radar and visual contact.

[REDACTED]

[REDACTED]

Q. Captain Chism, in your mission you said, to attack fleeting targets of opportunity. What are the fleeting targets of opportunity?

A. These are boats thirty feet in length and greater.

Q. This is the definition that was given you?

A. Yes, sir.

Q. What action were you to take upon sighting these boats?

A. We were to try to attempt recognition signals with them and try to identify whether it was friend or foe.

Q. Is this in your FRAG?

A. This is just standard operating procedures that before you strike any target you attempt to identify whether it is friendly or enemy. At this time we were FRAGGED from the southern boundary of the BMEZ, the point being approximately five miles South of Bong Noi.

Q. Can you identify this SOP that you are speaking of?

A. Well, this is just the rules of engagements that we fly under. I can't give you the specific message number that lays this down.

Q. Would you explain the operation you were completing up North on the coast when you first got a call to go down to the BMEZ?

A. We had been patrolling the coastline with Yellow Bird 16 orbiting overhead and we noticed lights along the shore. I illuminated these lights and found out that they were three craft located about thirty yards offshore. Three craft pulled up right next to the beach. They were covered with pan type and we estimated thirty-five to forty feet in length. Our lights immediately went out and we made another flare pass and called Yellow Bird 16 down. Oh, I believe it was the third pass we told Yellow Bird 16 to strike the craft. He strafed the craft, sinking three and damaging three.

Q. Captain, how much time was involved in your actual loss of visual contact with the boat?

A. I would estimate about fifteen to twenty seconds was the maximum.

Q. Did you hold radar contact during this period?

A. No, sir, due to the placement of the antenna, radar contact was lost also during the time the tail of the aircraft was toward the target.

Q. What angle do you have on the radar either side of the nose?

A. There is approximately a thirty degree cone of darkness to the tail of the aircraft. I don't know what the area of, it might possibly be forty degrees. It covers three hundred and ten degrees or so at least.

Q. Did Yellow Bird expend all of his ammunition in two passes?

A. I believe he did.

[REDACTED]

[REDACTED]

Q. Was any attempt made to contact the craft on UHF radio?

A. No, sir.

Q. On any radio?

A. No, sir, first of all, we didn't know what frequency to attempt contact on. We had one UHF radio which we were using for primary control for our fighter aircraft. Our HF radio we were using for contact with Baton Rouge which is one of our control centers and the other radio which is HF radio was unable to channelize at that time. At that time it would not channelize to the frequency we wanted and I did not attempt any contact with the boat.

Q. Captain, is it possible that during the time you had lost radar and visual contact in the turn that you could have sighted a different boat the next time you sighted it thinking it was the same boat that you had illuminated?

A. No, sir. I don't see how it could be possible. If there were two boats in the area that close together, radar would have shown them and he must have been evading the flare light, but radar showed only one target in the area and the movement of the craft we originally sighted couldn't have moved beyond our anticipations out of the flare light. I don't see how it's possible that we could have had two boats in the area and mistaken them.

Q. Were there any distinguishing features that you noticed on your first run that would verify it was the same boat on your second or third run?

A. No, sir. We couldn't discern a flag, or a light, or a marker of any type on the craft. It remained blacked out the entire night.

Q. Captain, is it customary to be assigned a mission against surface contacts inside the three mile limit?

A. Yes, sir.

Q. When you dropped your surface flares, were the boats still off the mouth of the river?

A. On our second pass, I would estimate the boat at that time was approximately one mile from the river. It's very generally, just an estimate.

Q. Specifically, what recognition signals did you give?

A. Our propeller aircraft had their beacon and navigation lights displayed. Yellow Bird 18 was over the area and the Coyote flight was inbound. The Coyote flight left their recognition lights on the entire time, even during their strike they had their lights on.

Q. Did you see them in their strikes with their lights on?

A. Yes, sir. I saw one of the Coyote aircraft with his lights on. I didn't discern as to which one was which. It might have been both.

[REDACTED]

Q. The one you observed, was that in his recognition pass?

A. No, sir, it was in his strike pass.

Q. When you first illuminated the boat, from the size and shape of the boat, what was your evaluation of the threat of this or the threat of this boat?

A. I would have assumed that at the time it would be armed with approximately 37 millimeter or smaller. Because it could have been armed with 50 caliber or 37 millimeter type was one reason I remained at forty-five hundred feet due to the statistics that show that the majority of the aircraft that are hit and downed are always below forty-five hundred feet.

Q. In your opinion what was your opinion of the threat of this boat to military or Vietnamese interests? What is your opinion as a professional officer?

A. As far as the purpose of the boat itself or what its mission could have been had it been Vietnamese, I do not know. It could have been offloading troops or hauling in ammunition or hauling supplies or supporting just any number of things. Traffic had been in the past going down through that area. As far as immediate threat, I would say there would be no immediate threat.

Q. Captain, how many missions have you had in this area?

A. This was my second mission on the coastal route.

Q. And you were the aircraft commander at this time?

A. Yes, sir.

Q. One thing I'm not quite clear on. What are the specific rules of engagement as applied to your mission here? In other words, you sight a boat and then what happens?

A. We attempt recognition signals with the boat and determine if possible whether it is friendly or enemy. Past experience has proven the majority of the boats after we light them, rather than acknowledge recognition signals will beach themselves.

Q. When you light a boat and receive no positive recognition signals that you can see, does this constitute authority for you to order a strike upon this boat?

A. It doesn't give me the authority to strike unless it's positively identified as an enemy craft. The most positive means I have are the recognition signals or the most immediate methods I should say are the identification signals.

Q. Would you review briefly from the time you approached the mouth of the river from the North when and where and what you saw on each flare drop?

[REDACTED]

A. Okay, sir. We proceeded South. We were working 16 in this area. We were illuminating the mouth of T Bone lake right here. We were dropping flares over this area here when we got the target call from Spud and proceeded South down the river or down the coast to approximately somewhere in this area here and then turned North and dropped four flares approximately in these positions here.

Recorder: Let the record show that he dropped the first four flares right at the mouth of the Cua Tung River, heading North.

A. And we saw two small craft located in the mouth of the river itself and the larger craft was approximately a hundred yards, I would say, away from the mouth of the river oriented, well, about Northeast or between Northeast and East and he was making slow speed and a slow right turn. We made our orbit to the right and came back around and we dropped one flare on his nose and the marker flare at about his two o'clock position at a hundred and fifty yards. As soon as we dropped the flare we started an immediate right turn. It takes approximately twenty seconds for the flare to illuminate after it has departed the aircraft. We were still under flare-light from the previous flare drop.

Q. What was your airspeed at the time?

A. Somewhere between a hundred and fifty and two hundred knots. The first flares that we had dropped were still illuminated as we made our second drop and we continued our turn outbound and when we got sight of the craft again our four previous flares had burned out and the surface flare was just igniting and the aerial flare had already been illuminated. We saw the boat. He was still in a right turn and as we proceeded this way the boat took a turn to the left, to port, and then as we proceeded down this way the alignment of the aircraft, the flare and the boat prevented me from seeing him for about fifteen or twenty seconds. I came back inbound and then I made a sharp right turn. He had proceeded; I would have to estimate that he was down in this area here then, and I made my flare drops Eastbound dropping one just about abeam at about a quarter mile and one on his nose at about a mile and the other one off his other side or to the North of him.

Recorder: Let the record show that the area previously mentioned is still heading due East from the mouth of the river.

A. And when we dropped our three flares on our third drop he was headed Southeast and we dropped them in front of him in an arc like this and he made small evasive turns but his general heading was generally toward the Southeast, parallel to the coast. At the time when we first picked him up he was heading apparently what looked like was parallel to the North side of the beach going North. We thought it was a diversionary tactic to head South, thinking we would lose interest in him. On our fourth flare pass the boat was approximately in this position here. The boat was approximately in this position here and we made our fourth flare pass illuminating him and dropping our flares in about this position and we cleared Yellow Bird in for his flight. He made his pass and the boat was struck at this position right here.

Recorder: Let the record show approximately one half mile South of the 17th Parallel, approximately one mile offshore.

[REDACTED]

A. I will have to check with the navigators to see what they meant by these other marks here. He made his two firing passes and we continued lighting him approximately every two and a half minutes. We cleared Coyote and as soon as Yellow Bird made his last pass, we cleared 91 and he made his CBU run.

Q. Captain, do you have any assurance that the boat you attacked was the same that was initially reported by the Spud aircraft?

A. If there were two boats in the area that could possibly be mistaken for each other, in other words being fairly large -- the Spud's radar return only gave us one target and when we illuminated the area we only saw one large boat. I don't think we lost visual contact or radar contact with him long enough for the boat we were illuminating to have traveled say two miles or a mile and a half at least to get so far out of the flare-light that we couldn't positively identify it. I would almost definitely say that it was the same boat that we found in the mouth of the river.

Q. What is the length, the normal length, from beginning to end of your racetrack pattern when you're in the flare drop?

A. It varies considerably depending on the technique that we're using for flare drops and so forth and how many flares we're dropping. I would say an average would be a mile and a half. A mile and a half in the length of the racetrack.

Q. Could you state offhand the turning radius for a 180 degree turn for your type aircraft at a hundred and seventy knots or a hundred and eighty knots?

A. I couldn't give you the exact figures but I would estimate that it's less than a half mile. This is using the auto-pilot turning for which we use about a thirty degree bank. We can go to whatever degree we need and at times for maneuvering we use up to sixty degrees of bank which makes it fairly rapid.

Q. Was there a change of Spuds during the mission?

A. Yes, sir, there were two Spuds working in the area, a Spud 14 came on target at 0140Z and a Spud 13 that gave his initial call in at 2355, sir. The Spud 14 departed the area at 0425Z. I do not have Spud 13's departure time.

Q. You keep speaking of Zulu time. I think you are speaking of Hotel time.

A. Pardon me, Hotel time, yes, sir.

Q. What information was exchanged between the Spuds?

A. Sir, they have FM radio that we cannot monitor.

Q. Do you have authority to order attacks on targets without reference to higher authority?

[REDACTED]

A. Yes, sir. On all land targets I'm given authority to strike. Rolling stock, I think the rules of engagement that were laid out were if they were within a hundred yards of movable trails and so forth and the water craft type targets we have to ascertain that it is not a friendly target by recognition or exchange of recognition signals?

*Rules
of
Engagement*

Q. Or the lack thereof?

A. Or the lack thereof?

Q. At any time did any of the aircraft advise you that you were South of your area?

A. No, sir.

Q. Have you ever been briefed on Market Time operations or about frequencies used by Market Time operations for recognition?

A. No, sir.

Q. How good is your radar detection range against maybe a thirty foot wooden junk?

A. Depending on the set, the range and altitude, I would say, this will be a wild guess, I would say we would have about a sixty percent ping on it.

Q. Do you normally fly at five thousand feet?

A. Well, in this area, normally it's six thousand feet in North Vietnam.

Q. Well, at six thousand feet, how far out would you normally detect, say a thirty foot junk, if at all?

A. If we could pick it up I really wouldn't know. I would say no better than ten miles because we usually keep the radar on a fairly short range for blowup of the return itself.

The witness was duly cautioned concerning his testimony and excused.

Captain Paul V. HERSHEL, USAF, FV3024875, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you state your duty capacity on the night the incident took place?

A. Yes, sir, I was flying as co-pilot.

Q. Co-pilot on what?

A. On a C-130.

Q. And the call sign?

A. Blind Bat 02.

[REDACTED]

Q. Are you familiar with the rules of engagement and the MAR OPS identification and recognition procedures?

A. Yes, sir, I am.

Q. When did you last accomplish a rules of engagements test?

A. I don't believe I have ever taken the test, sir.

Q. How long have you been in your squadron?

A. Since May 28th.

Q. Were you briefed specifically on MAR OPS operations for that night?

A. Yes, sir.

Q. Have you ever been briefed on Market Time operations?

A. No, sir, I never have.

Q. Have you ever been briefed on the types of friendly craft you would expect to find in the coastal area?

A. Not particularly as to the type, no, sir.

Q. Captain, what is your interpretation of the rules of engagements that were in effect at the time of the incident regarding surface craft?

A. Well, if it was a friendly surface craft, sir, the challenge signal is to have a rotating beacon on your aircraft and if the boat is friendly he would turn on his lights and as an emergency he will hold a hand-held flare, or someone will hold a hand-held flare.

Q. And if none of this happens?

A. We will assume that he is not friendly.

Q. Well, after you have identified or not identified this boat what then is your further action as you understand it under the rules of engagement?

A. I don't think I understand you. You mean what do I do?

Q. What are your rules for attacking or not attacking a boat?

A. I think I understand. If, in the event that he is within our prescribed area and he does not identify himself as friendly, then we are authorized to attack or to direct attack.

Q. Could you define for me your assigned area for that evening?

A. Yes, sir. We were to patrol the coastal waters from the Southern boundary of the DMZ, North to a point just South of Dong Hoi. I can't give you the exact coordinates.

[REDACTED]

Q. Captain, in your own opinion, is it possible from the time that you first approached the target area and first dropped your first flares that in turning around and getting position for your drop or for any successive drop after that, there could have been a switch in targets? Could you have picked up another boat and assumed it was your first target?

A. No, sir, I don't believe that's possible. We had the target on our own radar, plus the fact that at no time was he not illuminated for a period longer than thirty seconds.

Q. Captain, at any time during the evening or rather, during that morning, were you out of your area of responsibility and if so for what reason and under what authority?

A. Yes, sir. We chased the boat out of our area to the South and after he parked we asked Waterboy to get permission to continue the strike since he was out of our area and we received permission from 7th Air Force about five minutes later to go ahead; however, we weren't able to because we didn't have any fighters. We did keep him illuminated during that period.

The witness was duly cautioned concerning his testimony and excused.

1st Lt Melvin M. MARVEL, USAF, FR75329, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you state your official capacity and duties during the mission?

A. I was the navigator on the flare ship.

Q. What was the call sign?

A. Blind Bat 02.

Q. After you were headed South into the area, at what point did you detect and positively identify the target on your radar?

A. Well, we first picked him up visually when he came down the coast and turned back up to the North or started back up the first time going generally North. We picked up the boat about halfway around the 360, is when I first saw the boat visually. We came back, hit it again, and as we came back out again I got back on the radar scope because we didn't want to lose it. I picked it up and said I have him at 210 degrees. I forget the range and they said roger we have him just off the nose. Then when we would get in close to him where I could track to within a mile I would get up and watch visually and after each flare drop I got back on the radar and tracked it.

Q. How long a period was there when you did not have him on the radar scope positively?

A. You mean between the first light...?

Q. After you first saw him positively on radar. What period was there when you did not have him on the radar?

[REDACTED]

A. Every pass we made over him I'd lose him at about a mile out. I wouldn't pick him up again until we had passed over him and made about a ninety degree turn. I'd say on every flare pass, sir, there was probably at least about forty-five seconds that I didn't have him on radar but at that time we were coming right over top of him. I'm positive it was the same boat.

Q. Is there any question in your mind that the possibility that from one pass to the next you could have picked up a different boat on your radar?

A. No, sir. There would be a possibility of it, but I don't believe that I did pick up a different boat because when he turned South he went to fullpower and was leaving quite a wake and there was no missing of the boat visually. I tracked the boat on each pass and then came right in under the head mark.

Q. How about after your second or third pass when he did turn South? Is it possible you could have picked up a boat which was heading South but not the same one you said was indicated that came out of the river?

A. It could be possible but the size of the boat we hit and the size of the first boat we saw were so close together that I'm sure I wasn't seeing two boats down there.

Q. Did you have any other surface targets on your radar at all?

A. No, sir, not until the boat had parked in this other river.

Q. This was after the attack was over?

A. Yes, sir.

Q. It was after you had seen him on your first run that you picked him up on your radar?

A. It was after the first flare drop as near as I can remember.

Q. Lieutenant Marvel, would you describe the actions of the boat after your first flare drop?

A. Yes, sir, when I first saw him he was heading generally easterly, approximately a quarter of a mile off the coast. He came out, I would say, about East-Northeast to about two to two and a half miles off the coastline and turned South because I remember stating or telling the pilot; I was watching him on radar at this time, I said he is heading just about due South now and he said something about I wonder why he is going down that way.

Q. How far South did he go before you made the first attack?

A. I guess it would be about a mile or a mile and a half before we struck, after he turned South.

[REDACTED]

Q. And on what flare pass was the first strike made?

A. Just after the fourth flare pass.

Q. Did you record the times from the time you first dropped your first flares until the first strike?

A. No, sir, I didn't record the time of the first actual flare drop, but I did record the exact time of the first striking pass.

Q. What would you estimate was the time interval between the first flare drop and the first strike?

A. Approximately ten to twelve minutes.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1305, 17 August 1966.

[REDACTED]

On board YR-71
DaNang, Republic of Vietnam
Thursday, 18 August 1966

The board met at 0630

All persons connected with the investigation who were present when the board adjourned are again present.

LCDR Howard H. ISTOCK, USCG, 5019, was recalled as a witness, was reminded that he was still under oath, and examined as follows:

Q. Commander Istock, do you have further statements to make, or evidence you want to introduce before this board?

A. Yes, sir, I do. In answer to one of your previous questions the last time I testified, as to whether I had made any communications with the operational commander about the problems we had about recognition and coordination, I went through my files and in my files I have numerous instances where I reported to him in writing the problems that we have encountered in our boats while on patrol.

Recorder: Let the record show that extracts from the weekly summaries submitted to Commander Task Group 115.1 by the Commander Coast Guard Division TWELVE have been introduced as Exhibit 7 and will be reproduced.

Q. Commander Istock, do you have any other verbal statement that you desire to make at this time, sir?

A. Yes, sir. It is just my own feeling but in some respects I feel that maybe the organization up here is wrong. In the Coast Guard we have an organization commander who is in charge of the operation and administration of the unit. Here we have a dual type division of the unit. One man is operational commander and one man is administrative commander of the unit. From my experience, I like the one commander concept much better and I personally feel it would work much better in this operation here. Maybe some of the problems we are having now would be better solved if one man was in charge of the whole operation rather than two. That completes my statement.

Colonel Reid: Would you show on the record, please, that Commander Istock has been more than helpful for the board and has taken every occasion to aid us in our mission.

The witness was duly cautioned concerning his testimony and excused.

[REDACTED]

[REDACTED]

LTJG James Dennis BOYCE, USCG, 7193, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Would you please give your duty capacity?

A. Commanding Officer of the Coast Guard Cutter Point Caution.

Q. When you first became aware that the Point Welcome was under attack, where was your ship and where were you at the time?

A. At the time, about 0350H, my unit was in the Northern part of area 1C, just South of the barrier areas. At the time I was in the rack sleeping.

Q. If you would give it in coordinates, please?

A. It is approximately 16.43 North and 107.28 East.

Q. Would you indicate how far you were from the Point Welcome at the time of the incident?

A. It's about eighteen and one half miles. That is approximate, sir.

Q. At what time were you directed to proceed to intercept and join the Point Welcome?

A. I was not directed, sir.

Q. For what reason did you go and intercept him then?

A. At 0350 our OOD, who is the Executive Officer, intercepted a call from the Point Welcome and if I could quote here to the best he remembers. The Point Welcome's call sign is Article India. He called in "Article, this is Article India. I am under fire from Vietnamese aircraft". Article came back "Article India, this is Article, roger, out". At that time my OOD called in to Article India "Do you require assistance". "This is India, affirmative. I have taken hits and request assistance". At that time I was called and we set course 310 true at maximum speed and informed Article that I intended to proceed and assist.

Q. At what time did you intercept the Point Welcome or have her in sight?

A. I had her in sight at approximately 0445, sir.

Q. At this time did you observe any running lights on board the Welcome?

A. No, sir. I did observe what appeared to be a small light in the cabin at that time.

Q. Were you illuminated in the vicinity of the Point Welcome?

A. Yes, sir, until daylight by aircraft and near daylight I noticed it was a C-130.

[REDACTED]

[REDACTED]

Q. During this illumination could you see the running lights on the aircraft that was illuminating you?

A. I don't remember looking, sir.

Q. Who led the boarding party aboard the Point Welcome?

A. My Second Class Engineman, Deloach.

Q. Was there an officer that went aboard with him?

A. No, sir.

Q. Did anyone on the Caution assist in removal of the Captain of the Welcome's body?

A. I don't know for sure, sir. My boarding party was still aboard the Point Welcome when I directed the Point Orient to go alongside and assist or help her as necessary and I don't know for sure who transported the Commanding Officer's body.

Q. Along the line of recognition and identification, Mr. Boyce, what would you expect from an aircraft that was trying to identify you and what type of recognition signal or identification signal would you use to identify yourself?

A. If an aircraft challenged me I would come up with a reply.

Q. What type of challenge would you expect from an aircraft?

A. I would expect some flashing lights, the challenge for that day.

Q. What type of flashing lights, an Aldis lamp?

A. I would imagine something like that, sir. I don't know what an aircraft carries for that type of thing. Normally, from my experience here, an aircraft, if in doubt as to the identity of a boat would make some passes with a searchlight, shining them over the deck, and make as many passes as necessary to properly identify the boat.

Q. How would you answer him?

A. Is this in regard to a challenge, sir?

Q. If an aircraft was making passes over your boat, how would you answer him, whether or not he used lights or an Aldis lamp?

A. Before this incident, sir, I would just continue on my way and assume that if he were satisfied he would leave or if he wanted to contact me he would do it on some frequency. We guard 46.4 FM and also Fleet Comm on 277.8. If he did want to contact me he could do it that way. Sometimes in my past experience, an aircraft will come over while we are boarding and we'll have boarding lights on and I think that makes him suspicious in the first place, but I don't like to shine lights in the aircraft because it will blind them.

[REDACTED]

[REDACTED]

Q. What would your action be if you were illuminated by an aircraft?

A. Before this incident, sir, I would take no action.

Q. Since this incident has happened what would your procedures be?

A. I would turn all my lights on, sir, and fire off two red flares.

Q. Why would you fire two red flares?

A. I believe that's what it says in my op order, sir. I believe it's worded to cease fire or stop shooting or whatever. I'm not really familiar with it, sir.

Q. Captain, what indications do you think or what indications do you believe would show that you were a friendly craft if you were at darken ship at night and an aircraft was trying to identify you?

A. The ensign is flying all the time, sir, from the stick and on top of our pilot house, are our international call signs. It might blend with the deck structure, but I do have a Boston whaler with a thirty-five horse engine on it which, if he could see, I'm sure he could identify as American-made. I'll say if he could see our silhouette he could see our high distinctive superstructure.

Q. Do you have anything further you would like to add to your testimony?

A. Yes, sir. I was directed by our operational commander to submit a summary of events that happened. I would like to bring this to the attention of the board and if they do want to use this as a chronological chain of events.

Recorder: Let me examine the report. Let the record show that the correspondence is dated 12 August 1966 from the Commanding Officer, U.S. Coast Guard Craft Point Caution to Commander Task Group 115.1; subject is Summary of Events, 11 August 1966, and signed by the present witness, LTJG Boyce. This will be entered as Exhibit 8.

The witness was duly cautioned concerning his testimony and excused.

LTJG Stanley E. BORK, USCG, 7446, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Where were you and what was your duty capacity at the time of the incident?

A. I was on watch. I had the midwatch. It was about three forty-five and my relief had just come up. I mark the time to be close on this.

Q. And what did you hear or observe at this time?

A. At this time on circuit three, which is our main net there, I heard Article India, I heard some talking from Article India, it was Brostrom,

[REDACTED]

Dave Brostrom, the CO; I recognized his voice. He said "Article, this is Article India. I am under fire from Vietnamese aircraft". Article came up and he said "Roger, out". I then picked up the radio and I asked him if he needed assistance. He said something in answer to my request that he had taken hits and I told him that I was on the way, put down the phone and called the Captain and he got up.

Q. Would you please identify the voice, the person's voice you heard on the radio?

A. The person on the radio was LTJG Brostrom, the Commanding Officer of the Point Welcome.

Q. Did you observe any illumination at this time?

A. Yes, sir. I saw illumination up there in the vicinity of Capitol A. I would say to the North of us. There has been illumination up there constantly for the last month I'd say.

Q. Then it wasn't unusual to see illumination in that area?

A. No, sir.

Q. When you first intercepted the Point Welcome, did you observe any running lights aboard the ship or aboard the craft?

A. No, sir. She was dead in the water with no lights whatsoever on it.

Q. Were you illuminated while you were in the vicinity of the Point Welcome?

A. Yes, sir, we were. At the time we were approximately; the first illumination broke when we were on the way up I would say when we were five miles to the South of it. We were constantly illuminated while we were in the area.

Q. At this time could you see any lights aboard the aircraft that was illuminating you?

A. I did not see any of the aircraft. I just didn't look for the aircraft. I was too busy with communications and other things.

Q. Did you go aboard the Point Welcome after intercepting her?

A. No, sir, I did not.

The witness was duly cautioned concerning his testimony and excused.

[REDACTED]

DELOACH, William (n), 330682, EN2, USCG, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Did you lead the boarding party aboard the Point Welcome after she was intercepted?

A. Yes, sir.

Q. Did you see any running lights aboard the Point Welcome?

A. No, sir.

Q. After you boarded the Point Welcome did you go in the vicinity of the Captain's body?

A. Yes, sir.

Q. Did you observe any signaling device near the Captain's body?

A. No, sir.

Q. Did you see any lights aboard the Point Welcome when you went aboard her?

A. Just the light from the cabin. The door was open.

The witness was duly cautioned concerning his testimony and excused.

CDR Joseph D. NOLAN, UEN, 550717/1100, was recalled as a witness, reminded that he was still under oath, and examined as follows:

Q. The Commander Coast Guard Division TWELVE has submitted in evidence before the board excerpts from some of the weekly summaries which he had submitted to you as Commander Task Group 115.1. They indicate from the report of 15 through 21 May and various other reports, the latest being the weekly summary of 17 through 23 July 1966, indicating that at various times some of the WPV's during the scope of their operations have been fired upon by artillery and have had problems in communications with aircraft in the area and the board would like for you to comment on these and what action you have taken upon receipt of them.

A. I recall most of these comments. With this weekly summary which I receive from both the Coast Guard and the Swift Commodores, I make up a weekly situation report and forward it to 115. I can't verify at the present time that I included all these comments and in fact, I'm sure I didn't but I do recall submitting some of them to 115. For example, in this situation with the Seventh Fleet units answering challenges and recognition. On this particular situation I talked it over with the Naval Gunfire Liaison office and they discussed it with their units, the LEMR's and the destroyers that operate in the I Corps area. One of the replies I received was the fact that the LEMR's which normally operate quite close to the beach are reluctant to answer challenges because they are afraid they will reveal their position. On the question of the item on the 20th of

[REDACTED]

May dealing with MAR OPS, we now have a procedure or a system where we publish to barrier units the number of craft, times North, and the times South so that the barrier operational commander embarked in the destroyer escort picket and the two WPV's on the barrier will know that the forces at this time are friendly units.

Q. Commander, would you please clarify and identify what you speak of as the barrier?

A. The Market Time units that need the information of MAR OPS are those stationed on the barrier which is the patrol area from the coast along the 17th Parallel to a distance 80 kilometers to sea. This patrol is normally manned with two WPV's and a DIER. I receive a message whenever MAR OPS are conducted in that area. On the question of communications between Army reconnaissance aircraft and Market Time aircraft, most of the Army reconnaissance aircraft which fly along the coast, specifically the OI's, have Naval Advisory Group observers on board. They are all aware of the fact that 46.4 is the normal air to surface communication net. However, since our operating units at sea do not guard 46.4 continuously because of the fact that it is a battery-operated radio and not from ship's power. The only time that they in fact turn it on is when, in accordance with the message procedures, an aircraft buzzes the boat. At that time the boat will come up on 46.4 and attempt to establish communications. On the question of liaison between Market Time units and Marine and ARVN operations, the information is rather difficult at times to promulgate, specifically for the reason that if we are not invited to participate in an operation, then we are not aware of it. Now, as I mentioned before, I have participated in approximately ten Marine and ARVN operations which happened along the coast of I Corps. Not all of the operations along the coast require a seaborne force to provide ex-filtration. Each day we send an officer representative to the I Corps area briefing at which time he receives information on the operations in the I Corps area. If these operations are likely to involve Market Time units, then we inform the operating craft. Then it is a question of whether we are invited to participate or requested to provide forces. There is one comment here during the week of 10 to 16 July concerning an Air Force spotter aircraft attempting to establish communications with Point Caution. A statement is made that the spotter aircraft are not aware that the WPV's carry 46.4 when the aircraft are sighted. The aircraft in this case eventually resorted to dropping a message in the water asking the boat to come up on 44.5. I can only refer to the message that was sent out by CTF 115 informing all the forces involved that the normal frequency guarded in the FM range is 46.4, as I mentioned in connection with the Army reconnaissance aircraft. There is one entry here that needs a little clarification concerning the detection of USS Perch by Point Lomas during the week 17 to 23 July. The Perch was on a classified mission in connection with an operation and had been directed to keep her movements unknown to all forces. The Perch is a submarine as the comment specified. I was aware of the Perch's being in the general area, but again this was a question of the discretion of the commanding officer of the ship involved in not wanting to reveal his position by replying to the challenge. On the question of Point Welcome being fired upon by shore artillery, I correlated this with the fact that there was an ARVN battery in the area that possibly could have fired over and could have fired within

[REDACTED]

an arc of Point Welcome's patrol area. I would like to make one general comment. 115's primary mission is counter-infiltration from sea. Now I would like to state for the record that this consists of long, tedious and quite frequently, monotonous patrol work. Our primary mission is not to support land forces nor to participate in land operations. We consider that exfiltration, that is the evacuation of a specific area by the VC, to be a collateral mission in Market Time and we provide our forces accordingly when requested. However, we must concentrate our operations at sea and not specifically to conduct joint or combined operations with land forces in the area. It is a difficult fact for our young officers to recognize as most of the action is on the beach and they are both eager and curious and would like to participate in this action. Accordingly, I have had to direct on a number of occasions that they exercise maximum caution in areas close to the shore.

Q. For clarification, Commander, do the WPV's use ship's power for 46.4 and are able to guard it continuously?

A. I don't know. I don't know even if we can do it.

Q. Commander, do you desire to make any statement regarding the command relationship between 115.1 and the operational and administrative lines of command?

A. Yes, sir, I would like to comment. Prior to the 12th of May of this year, the operational control of all the Market Time units was vested primarily in Commander Task Force 115 in Saigon, who exercised his sub-operational commanders afloat, primarily in the EBR's and Mine-sweepers in Market Time areas. It was considered that, with the increase in the tempo of operations, the number of forces assigned and a continuous increase to the maximum to be reached in country, that decentralization of operational control was necessary. Accordingly, CTF 115 vested operational control of the Market Time patrol areas to a shore-based commander. This step was taken to improve command control, to improve rapid response to developing situations, and it has been my experience during the few months that we have conducted the operations like this that it has vastly aided nearly all Market Time efforts and in my opinion, there is no other way to accomplish such a large scale mission such as Market Time other than decentralizing and conducting operations on a local level. I have no other further comments.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1045, 18 August 1966.

Handwritten notes:
Pursue
CTF 115
continued
[unclear]

[REDACTED]

At Hq, 35th Air Division
DaNang Air Base
Republic of Vietnam
Friday, 19 August 1966

The board met at 1010

All persons connected with the investigation who were present when the board adjourned are again present.

Captain Robert D. LUFBURROW, USA, 000007, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. On the morning of the 11th of August, were you the pilot of Spud 13?

A. Yes, sir.

Q. Would you give us your version of the incident from the time that you first identified, or from the time you first saw what was later identified as the Point Welcome and the subsequent attack by friendly aircraft?

A. Yes, sir. First of all let me say that with our AFE-94 and our side-looking radar we cannot positively and conclusively prove anything. We make an assumption and that assumption is that when we do find a target and we do plot it out and it is lit up by a flare aircraft or control aircraft, that is there is a target under the flares, we assume that it is one and the same target. However, there is nothing that can be proven one way or the other by the target we report. At approximately 0900 on the morning of 11 August, I found a moving target just North of the BME in the mouth of a river just South of the big cape that juts out. The target I found on my imagery plotted out right in the mouth of the river.

Recorder: Let the record show the witness is pointing to the Cua Tung River.

A. The image looked rather suspicious because he was not moving and as a result, I could not positively state that it was a moving target. However, it did appear on my fixed target imagery and it shouldn't have been there. About this time Spud 14 entered the area and I was ready to turn over control of the Tally Ho route package 1 area to him for surveillance and I gave him this target as a potential. I said there is something there that shouldn't be there, you might check it out. I contacted the Air Force flare ship and turned over my control to Spud 14 and notified him that I was evacuating the area. By the time I did this I had run all the way up to the northernmost limits of the Tally Ho area in the vicinity of Dong Hoi and I had turned around and started my run back out. By the time I made my run back out and rounded the cape, Spud 14.....

Recorder: Let the record show that he is pointing to Cap Lay.

A. By the time I rounded Cap Lay on my way back to South Vietnam, Spud 14 had definitely pinpointed a target in the Cua Tung River and had called the flare ship. The flare ship had come in to light the area. As I came

[REDACTED]

around Cap Lay I noticed the flare ship dropping flares in the vicinity of the area. I passed over the flares and came on back into the country and completed my mission and returned to home station.

Q. Captain Lufburrow, is it possible, from your knowledge of the radar, that the Spud 14 could have picked up a different but similar target in the area of the Cua Tung River than the one you originally spotted?

A. Yes, sir, highly possible. Highly possible, but very improbable.

Q. Why do you say very improbable?

A. Because number one, if I picked up the target and he came by immediately thereafter and picked up a target in the same area, and if it wasn't my target, what happened to my target and what happened to his target when I tracked it. One target doesn't just disappear and another appear, although it's possible. Specifically, I'll give an example. Lets say there were two boats in the mouth of that river and one boat was beached and another boat was in the water. I could pick up the boat Alfa that was in the water and between the time that I picked him up and the time the next aircraft came along, he could beach and another boat could be in the water. Again, possible, but highly improbably; technically possible.

Q. Captain Lufburrow, what was the time between the time that you passed the target to him and he identified it?

A. Sir, to the best of my knowledge, it would be around twenty to forty minutes. I don't have my debrief report with me; I can't say.

Q. How far South does your patrol area go?

A. My patrol area goes from the DMZ, North to the mouth of the river that empties into the ocean at Dong Hoi.

Q. Did you have any other targets South of the Cua Tung river, but North of the DMZ?

A. There were targets on my imagery but I did not call them in because they are not in my area of interest.

Q. Speaking, Captain, of the area between the Cua Tung River, which is the line of Demarcation, and three miles South, which is the southern edge of the DMZ.

A. Did I have any targets North of this line?

Q. That's correct; between there and the Cua Tung River.

A. No, sir, not that I called in. There were some later plotted on the imagery but I did not call them in.

Q. I'm interested specifically in if there were targets there?

00
[REDACTED]

[REDACTED]

A. There was boat traffic moving generally in the vicinity of the mouth of the Cua Viet River in the ocean when I went out on my run; however, I did not call it in and I did not even plot it because again, it was out of my area of interest. Another reason that made me completely discount it was because as I passed this general area, an area off the ninety degree radial of Dong Ha, I noticed a ship sitting at anchor here, well lighted. Obviously, I should have plotted that ship. It should appear on my imagery. I just saw it out of the corner of my eye and when I looked around my imagery and saw that target I discounted it particularly and I had seen a ship there.

Q. What time were you over that area, Captain Lufburrow?

A. I departed Hue Phu Bai at 2400; I was over that area approximately 0014.

Q. In earlier testimony you said there was a boat in the mouth of the Cua Tung River and there shouldn't have been. Why did this impress you so much?

A. In reference to that statement, I didn't say there was a boat. I think I said there was a target in that area. I have two sides to my imagery. I have a mapping side which is nothing more than a ground mapping radar and maps it out on film and on the other side of the other channel, electronic cancellation ration turns it back and nothing stands out but a moving target. It will stand out as a blip similar to a GCI radar. When I passed this, even though the map did not say there was anything in there to show that there was an island or a point of land or a sand bar or anything else in there, I saw something in that location on my fixed target side. However, I did not see it on my moving target side. Now this would indicate one of two things. One, there was a target, obviously a boat if it was in the water, sitting in the middle of that inlet, or there was an unmapped piece of land there which would also map and come up identically the same way on the imagery. This is why I was suspicious; however, I could prove nothing. It was not moving.

Q. Captain, what rate of movement is necessary for an object to show on the moving target indicator?

A. Around three to five miles an hour.

Q. Captain, would you expect to find any friendly boats in that area?

A. Not really, although it wouldn't surprise me considering that we have found boats up there before.

Q. Why would you not expect to find any friendly boats?

A. Because it's not very friendly territory. We have had no intelligence information and no information coming to us that friendly naval traffic was working in that area, either overtly or covertly. We knew nothing about it.

Q. Have you had any briefing on Market Time forces operating in that area or operating in the area of the 17th Parallel?

[REDACTED]

A. No, sir, we get no information on anybody's operation other than our own. There is no exchange of information.

The witness was duly cautioned concerning his testimony and excused.

1st Lt Jimmy N. BRASHER, USA, 0545516, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. On the morning of the 11th of August, were you the pilot of Spud 14?

A. Yes, sir.

Q. What time did you relieve Spud 13 on station?

A. Between 0230 and 0300, sir. I couldn't give you a definite time.

Q. When you relieved him, what information did he pass to you regarding a target in the area of the Cua Tung River?

A. I don't really recall, sir.

Q. Did you paint a target in the area of the Cua Tung River?

A. Yes, sir, we painted multiple targets there.

Q. How far offshore?

A. I would say not more than one mile.

Q. Would you indicate where they were on the map here?

A. Yes, sir, right in this area from this little point here, down to the mouth of the river.

Recorder: Let the record show the witness has indicated a point approximately one half mile North of the Cua Tung River to the Southern shore of the mouth of the Cua Tung River.

Q. Did you pass this target to the Blind Bat aircraft?

A. Yes, sir, I did.

Q. What information did you give regarding the target?

A. If my memory serves me correctly, sir, we reported three to five targets in the mouth of the river.

Q. Were you patrolling North or South at the time?

A. I couldn't really say, sir. We made multiple runs on the target.

Q. What were the extremities of your patrol area?

THREE

[REDACTED]

[REDACTED]

A. The southern extremity was I would say along in this area here and the northern extremity was about ten miles South of Dong Hoi.

Q. Let me define the southern extremity a little more clearly. How far South was your area in which you were to patrol?

A. We patrol up and down the coast. It depends upon -- our call-in targets are from the southern edge of the DMZ North. Sometimes we get further down because of the delay in turning.

Q. Then the southern edge of your assigned area is the southern edge of the demilitarized zone?

A. Yes, sir.

Q. Were there any targets that you recall between the Cua Tung River and the southern edge of the DMZ, within three miles of shore?

A. When we reported the first targets, no, sir.

Q. At what time did you report the first targets?

A. Again, sir, I'm guessing. I don't have my notes. I would say approximately 0200.

Q. What did the Blind Bat do after you reported this target?

A. He rogered the target and then he proceeded immediately to the area.

Q. And then what?

A. He lit up the area that was approximately in the mouth of the river there and from there on, all of it is hearsay, sir, over the radio.

Q. Can you speak with any degree of certainty that he lit up the same target that you saw on your radar?

A. Not the same target, sir, but he actually lit the same area.

Q. What was this area?

A. The area was the mouth of this river right here.

Recorder: Let the record show that the witness is pointing to the mouth of the Cua Tung River.

Q. Were these targets stationary according to your radar or were there indications on your moving target indicating gear?

A. When we first picked them up, sir, we were getting a vague indication on our MTI side and I would say three returns. On the FT side we picked up approximately five.

[REDACTED]

[REDACTED]

Q. After the area was illuminated, could you tell if the boats picked up speed or which direction they turned?

A. We cannot determine the movement and direction, sir, except by multiple runs. One target did speed up because the return got stronger.

Q. You stated you had made multiple runs. Could you tell which direction the boat moved after it left the mouth of the river?

A. We tracked his course, sir, but to tell you which way it turned, sir, no. He went, if I recall correctly, to the East Southeast and then South. Again, I could show you more if I had the imagery.

Q. At the time the flares were dropped could you tell if there were any other targets South of the Cua Tung River, from your radar?

A. What distance, sir?

Q. Within three miles.

A. If my memory serves me correctly, sir, no.

Q. How far seaward do the limits of your patrol area go, including the DMZ?

A. Three miles, sir.

Q. Lieutenant, did you stay in the area after the flares were dropped and did you make any visual sightings yourself?

A. Yes, sir, I did stay in the area and no, sir, we stayed six miles off the shore and I did not make any visual sightings.

Q. Lieutenant, knowing you were to appear before the board, why didn't you bring your notes with you?

A. Sir, the notes we had were turned over to the 7th Air Force board.

Q. Lieutenant, have you been briefed on Market Time operations?

A. No, sir.

Q. Or any other surface operations that are going on in that area?

A. No, sir.

Q. Lieutenant, have you been briefed to expect any friendly surface operations in that area at all?

A. No, sir. We have at different times had no-boat investigations at certain such times between this time and this time when we are not to report or investigate a boat because there are friendlies in the area.

99
[REDACTED]

[REDACTED]

Q. Do you know what these type operations are for or have you been briefed on these type operations, other than the fact that you don't report boats between a certain time and a certain time and at a certain point?

A. No, sir. I don't believe I have a need to know that information.

The witness was duly cautioned concerning his testimony and excused.

Captain John S. LYNCH, USAF, FR54266, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Captain, would you give your version of the incident in question from the time you were called in by the Blind Bat; I assume you were called in by the Blind Bat?

A. Yes, sir. We had returned from a sky-spot mission, sir, and checked in with Blind Bat 02 as I recall was the call sign. The time of our rendezvous with him we were orbiting in about this area here.

Recorder: Let the record show the witness was orbiting in the area of Cap Lay.

A. The first indication we had of any targets available was when we overheard Spud 14 call that he had a target in the mouth of the Cua Tung River. He said that there were targets coming out of the entrance of the river mouth here. He checked it and Blind Bat went in and reported he was in the area and we started that way and came down to about ten thousand feet, subsequently descending as the mission went on for the tactical necessities. Blind Bat hit the area, sir, and he reported that he had a large vessel, a motorized vessel, departing the river entrance. Spud 14 confirmed this. We dropped down in a trail formation on the Blind Bat and went over to see him. Although he reported that he had him under one particular flare, we didn't see him. I might add that Spud also reported that there were a number of sam pans in the vicinity. We identified what we thought were sam pans here on the North bank and going ashore. We reported that to Blind Bat and he rechecked it and said he was after the bigger one so we would continue to circle for a while. We circled in close proximity to Blind Bat, trying to pick up the target. Subsequently, we ended up about 180 degrees out of phase with each other trying to pick up this target through the light reflection. We got fleeting glimpses of him and the time was, sir, about three thirty in the morning. And finally, I would estimate the third or possibly fourth pass in orbit, we were on the South side here and called that we had him and my initial impression of him was the classic silhouette of the Chinese junk, that is the high stern and the big sail. It was such a fleeting glimpse and this is what I told Blind Bat it looked like and he said "Roger, do you still have him?", or words to this effect and I said affirm and he said roger, hit him. At this time we were North of the BMS and I went in on the first strafing pass and I believe my navigator gave the time as three forty in the morning. This is basically correct. A total of three gun passes were made, sir. The first pass was the heaviest I think and of the longest duration and was a pass made from the stern of the ship to the bow. The

[REDACTED]

general run in was basically a southerly heading; we pulled off to the East and made a 270 degree turn and on the turn I could see that he had stopped in the water and was on fire in the stern section. I held out just a minute to see what effect the damage would have and as soon as the fire was put out we went in again. The second attack was made toward what I would estimate to be the bridge section of the vessel and having a different look at him as I came off from the first pass. Subsequent to the last pass I don't recall the exact heading. It was of a short duration and we went Winchester, or expended our ammunition at that time, sir. Now, sir, at no point or at no time generally during any of the circling by the flare ship when he had the area lit up and we started out in our area progressively spreading wider searching for the target, or at any time during our attacks was there any indication from this vessel that he was friendly. I would dare say we circled him for fifteen minutes; no return flares, no radio calls whatsoever, no ship lights, and the two fleeting glances we did get of him he was zig zagging out from under the flares. At no times during the attacks that I made did he identify himself as being friendly.

Q. You said that you circled him about six times and caught just fleeting glances of him?

A. We caught a fleeting glance of him just at one point, sir, and it was just about here and if I had a one to fifty thousandths map, I think I could give you the approximate coordinates. As you probably know, 7th Air Force convened a board on this, sir, and I gave them a statement and also the coordinates that we had at the time and any coordinates that I give you now I'll ask that you do reference the 7th Air Force hearing because they were the ones that we immediately marked down on the maps as we came back in. I don't have those coordinates here with me. I can only estimate.

Q. How far off the beach was the target when you first saw it?

A. I'd estimate approximately a half a mile, sir.

Q. And this is the target that impressed you as being a chinese junk?

A. Yes, sir. And also as I recall, sir, Spud 14 witnessed the attack and said roger this is the boat he had picked up on the side-looking radar.

Q. Do you know how he was able to do this; to verify that this was the same boat?

A. Only in casual conversation with the pilot, sir. I don't understand the equipment they carry but apparently he had a scope and I believe he took pictures of it at the time.

Q. In your opinion, is there a possibility that the target attacked was not the original target that was spotted coming out of the river?

A. No, sir. There is no doubt in my mind that the one he saw coming out is the one we attacked.

[REDACTED]

Q. Let me clarify what you meant by coming out. That is the reason why I asked you the question about when you first saw him. Can you verify when he was actually coming out of the river?

A. Yes, sir. As you recall, sir, I mentioned that Blind Bat said that he had him under a particular flare, and that I said I couldn't see him but I could see a wake. As I remember, sir, I'm not absolutely certain of this but the Spud reported that he turned North and he gave subsequent corrections as to his track but at the time I was just monitoring Spud and not really recording it.

Q. You did see a wake coming out of the river?

A. Yes, sir.

Q. And where did you see this wake? Was it within the extremities of the northern and southern mouth of the river?

A. Yes, sir. There was a pronounced wake just here at the river entrance.

Q. How long was this wake?

A. Sir, I couldn't estimate it really.

Q. Would it indicate the boat was doing ten, fifteen, twenty knots or slower?

A. It would be an uneducated guess, sir, but I would estimate ten plus.

Q. Captain, would you expand a little more on your first look at the boat in question? What was your description and why it impressed you as you stated?

A. Well, sir, when we were searching for him the Blind Bat was, as I mentioned earlier, we were circling at a hundred and eighty degrees from each other, for instance, a circling pattern. I called that I had him and as I mentioned previously, I called that I had him and my first impressions were of the classic Chinese junk; high stern with the large square sail but we didn't lose him at any time in the turn and I'm not absolutely certain here, sir, but I believe that Spud made a radio call on him at about the same time that, yes, that was the position and we tracked him at that time in a turn that came out of the mouth of the river here and swung North. We swung North of the mouth of the river and then turned South to run in on my attack and I had him or kept him under observation the whole turn, sir.

Q. How far offshore were you on your first attack?

A. I estimate a half a mile, sir.

Q. And where was the target in relation to the mouth of the river during your first attack?

A. It was approximately in this area.

[REDACTED]

Q. How far South of the mouth of the river and how far offshore is what I'm getting at.

A. I would estimate he was East of the river at about a half a mile, sir, and he may have been about a half a mile South of the river and half a mile offshore.

Q. When you made your first pass was your impression of the ship the same as your first impression?

A. No, sir. The flares that were hanging and of course the shifting light and shadows under the flares, no, it changed and I didn't recognize the silhouette but all I could see really at this point was an image in the water, sir. I had him identified as the target.

Q. Captain, did you make any identification passes yourself over the ship that you were attacking?

A. No, sir, I did not.

Q. How would you expect the ship to identify itself as a friendly?

A. Sir, in our briefings that we had received on the boats working at night was if you picked up one without a flare, make a pass over the suspected boat with position lights on bright flash. They would respond and daytime signal would be a red panel or a day glow bright orange panel on the back. At night they illuminated green panels that they would put out and if all else, a flare would be fired, sir.

Q. After you started your attack and during the subsequent passes, what was your evaluation of the type of target; a PT type boat, a patrol craft, or a junk?

A. He appeared to be a PT type boat, sir. I'm familiar with the Nasties' silhouettes and some of the Soviet type boats and those that we believe belong to the North Vietnamese. However, I couldn't make a positive identification, but I knew that he was not a Swift or a Nattie. He was too big for a Swift.

Q. Captain, would you clarify your first impression of the target, when you first sighted the target physically; the type of craft or your impression of the type of craft upon which you made your first attack and the differences in the type of craft and did you inform Blind Bat of any differences?

A. Well, sir, as I mentioned, my first impression was the classic Chinese junk. However, as you know, sir, in working under flares, the shifting shadows do create illusions; however, as I called that I had him and Blind Bat made a call and said do you see him under such and such a flare and I replied again that I have him and he said hit him and the whole time we had him in sight. Now as I turned to make my run on the boat, heading as he was, approximately South, again the shifting light, I did not see the high tail or the square sail but it was the same target that I had initially seen.

[REDACTED]

Q. Captain, in the shifting light and in your turn when getting lined up on the target for your pass, is there a chance that you could have lost the first target and picked up a second target on which you did make the actual run?

A. No, sir. I kept him in sight the whole time purely to avoid losing him, sir. As I mentioned earlier, we caught fleeting glimpses of him and this time I wanted to keep him in sight.

Q. Captain, have you ever been briefed on Market Time operations?

A. Yes, sir, I have. When the Market Time operations initially began, sir, I at the time was working in the tactical air control center in Saigon. I got in on the preliminary briefing that was given and then what I read in the newspapers, sir.

Q. Have you ever been briefed on Market Time recognition and identification procedures?

A. No, sir.

Q. Captain, when was the last time you took a rules of engagements exam?

A. Sir, when we came in country on this most recent tour.

Q. Can you give me approximately when that was?

A. Yes, sir, it was June 15th or 16th.

Q. Where would the records of this exam be kept?

A. Well, sir, I beg your pardon. We weren't examined in the sense of a written test. We were given a very thorough briefing and periodically when we have strikes in the area where we will be working very closely with the rules of engagement, these are covered in the briefing by the briefing officer of the command post.

Q. Were you briefed on any boats for that evening that you made the strike?

A. No, sir, none whatsoever and this was a question that we specifically asked prior to takeoff; were there any friendly boats in the area and we received a negative. I had been flying in that area for the last ten days approximately, sir, and at no time as I recall were there any boats reported in the area.

Q. Which area are you speaking of when you speak of boats in that area?

A. Working from the DMZ North, sir.

Q. Are you speaking of the DMZ or the line of demarcation?

A. Well, I refer to it as the DMZ, sir. The boundary between North and South Vietnam.

[REDACTED]

Q. I see, then you are speaking of the demarcation line. Are you aware that the DMZ goes three miles further to the South?

A. Yes, sir.

Q. But you're not speaking of the southern half of the DMZ, the three miles between the line of demarcation and the southern boundary which is three miles?

A. I may be talking terminology, sir, but the way it's briefed to us is from the DMZ North and this refers to the borderline which follows the river and goes further out West, and I might add, Major Bradley, by way of reemphasis, that on the missions that we have been running North, this is one thing we have consistently asked is if there are any friendly boats out there. They say no or yes and when there is a yes given we were told not to strike any craft at sea or within the coastline here of North Vietnam.

Q. In saying your area, Captain, reached from the line of demarcation, are you aware that the boat which was attacked was South of the river?

A. Not exactly, sir. When I first picked him up we briefly identified him I would say in this basic area. If there's any disagreement on positions here, the positions I gave the 7th Air Force are the ones that will stand because I do not have the notes of the exact positions; however, our ops four report -- I don't have the exact coordinates that I gave 7th Air Force right after the mission and our operations report and the briefing that was held there. The best I can do is give you an approximate position. However, the positions that we plotted at the time which we gave 7th, I would have to ask that you please verify those if there was any doubt.

Q. The question was were you aware that the boat was South of your area?

A. Sir, we were under what we consider FAC control.

Q. Could you ascertain whether or not Blind Bat had lights on when you were flying in loose trail with him?

A. He had lights on, sir, but I believe they were on the top wing and I don't recall if he had position lights on or not.

Q. Did you have your navigation lights on?

A. No, sir.

Q. What is your understanding of the seaward limits of the DMZ?

A. Well, sir, what we refer to as the coastal waters coming up in any, as I recall, sir, one mile offshore.

Q. One mile offshore?

A. Yes, sir.

[REDACTED]

Q. Did you hear the Coyote aircraft tell the Blind Bat do you know how far South we are?

A. Yes, sir.

Q. You did hear it?

A. Yes, sir.

Q. Captain, in your mission do you have authority to strike a boat or a surface craft with FAC control?

A. Are you referring to night or day missions, sir, North or South?

Q. I'm referring to night missions.

A. We are allowed to strike targets in the coastal waters here in North Vietnam, sir, and although we work with flareships, the one thing that in our operation, we stress the FAC control. Two nights previous to that, sir, or perhaps the night before I found a group of boats to the North, that is, the Spud had found them and Blind Bat could not come up and light the area for some reason. But we gave their positions and he said if you can find them, hit them and we found them just by getting low, full moon reflection on the water, and about this time a flight of F-4's checked in and they had flares so we were able to act as FAC with them with Blind Bat's approval.

Q. Captain, can you identify the document or operations plan that contains this authority?

A. The rules of engagement for the in-country are MACV 95-2 and, sir, I don't recall the designation for the out-of-country; however, these are prominently displayed in the command post of the 35th Tactical Wing.

Q. You spoke of rules of engagement for in-country. These are considered all out-of-country operations, are they not?

A. Yes, sir.

Q. Do you wish to add something to your last statement?

A. The only thing I was going to say, sir, is previous experience. I spent a year as a forward air controller here so I am very familiar with the rules of engagement and need for positive identification of targets and the criteria that goes into a strike. Because of this background I am personally; I have not gone in on strikes in the B-57's until I was absolutely sure in my own mind and working with the FAC and this includes out-of-country, until he was able to satisfy me on any reasonable doubt or any point of clarification I had. When I struck this target, sir, there was no doubt in my mind.

Q. Since this incident has there been any change in the rules giving authority to hit surface contacts?

[REDACTED]

[REDACTED]

A. Sir, this strike took place, I believe it was Thursday morning and I have not flown in-country since then and my tour was up and we departed on Sunday. That was my last mission. If there has been any changes I am not aware of them.

Q. Captain, for clarification, the target you had described as being within the banks of the river, that you saw the wake of, can you describe this as the same target that came out of the river and the same target which you subsequently attacked?

A. You may recall, sir, that the point emphasized was that I did not see him depart the area. I only saw a wake. Blind Bat said you have him under my such and such a flare. I said negative. The first contact that I had with him was on the point where I mentioned that I saw him and we went in; however, I do believe the Spud was tracking him the whole time and I'm not exactly sure how the radio conversation went, but he was tracking him and we followed it and we said we have him and Spud had, some time just before this, had given his position.

Q. Captain, would you again describe the position of the target and the direction he was heading when you first personally spotted him?

A. He was approximately a half mile Southeast of the river and heading approximately South when I first saw him. From the time I first picked him up I never lost sight of him.

Q. Captain, do you have anything further that you would like to make a statement on?

A. Yes, sir, from the time that I first picked up the boat we struck, he attempted to evade the flares.

Q. Captain, can you state how many flare passes that Blind Bat 02 made over the craft prior to your first run?

A. A minimum of four passes, sir. Flares were dropping on each pass.

Q. Can you state whether or not the target was under continual illumination during the time that Blind Bat was illuminating him?

A. Yes, sir, he was. The only time the flares were not up was when the Coyote flight was committed on the CBU run and said that he had him and didn't need the flares as I remember, sir.

Q. But during the time you were searching for him, there was continual illumination in the area?

A. Yes, sir.

Q. Then why did it take four passes for you to see a boat in the area that was illuminated?

A. I just didn't pick him up, sir. I finally got him by descending below our normal altitude. I was down as I recall about two thousand feet trying to get the reflection from the flares, and I believe there was a three quarter moon, sir, trying to pick him up.

[REDACTED]

[REDACTED]

Q. Then identification of the boat was that difficult that it took that many flare drops?

A. Acquisition, sir.

Q. Was the boat leaving a wake when you first picked him up?

A. No, sir, he was dead in the water.

Q. When you made your first pass which was from stern to bow, could you see if there was a wake at that time?

A. Yes, sir, there was a wake.

Q. Captain, do you have another statement that you desire to make on this?

A. Yes, sir, by summation we flared the area I'd say Blind Bat flared the area for over fifteen minutes. During this time at no point whatsoever was any indication made by the vessel which we subsequently struck, did he give any indication that he was friendly. If he had turned on lights, fired a flare, and if I'm not mistaken, he had UHF capability. If he had come up on guard channel or if he had done anything other than evade the flares we would not have struck.

Q. Do you have any recommendations on how this sort of incident can be prevented in the future?

A. Yes, sir, I think an air liaison officer with the Market Time patrol would be beneficial. I think a naval liaison officer in the TACC is an absolute must. I know you have a naval liaison officer with the 7th Air Force but he should be in with the TACC as is Army ground liaison officer. And finally, sir, it's a simple matter it would seem to me in the joint operation that we have here, when there are friendlies in the area, let the air know.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1230, 19 August 1966

[REDACTED]

At Hq, 7th Air Force
Tan Son Nhut Air Base
Republic of Vietnam
Monday, 22 August 1968

The board met at 1500

All persons connected with the investigation who were present when the board adjourned are again present.

Colonel I. B. Jack DONALSON, USAF, FR32941, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Colonel, would you give your specific duties in the Tactical Air Control Center?

A. I'm the Commander of the Task Force Tiger Hound/Tally Ho and in that duty assignment I'm responsible for the conduct of the responsibilities of that Task Force which are enumerated in our 7th Air Force Operational Order 453-67.

Q. Colonel, will you give us the mission of the Blind Bat aircraft in question; whoever was flying that mission the night of the 10th and the morning of the 11th of August?

A. Well, the mission of the aircraft is the command center for all operations in the area of Tally Ho. They have the FRAG orders; they know what airplanes are scheduled in, they have radio communications with these aircraft and they direct them on to targets according to the FRAG order and they uncover enemy targets or targets which appear or have been reported to them and appear to be enemy targets and they direct strike aircraft on these targets. It's a mission control aircraft. Those people are there to control the aircraft in the Tally Ho area. It's an airborne battlefield command and control center aircraft. They use them throughout the air war in Vietnam in other areas as well as the Tally Ho. It's not the only one of its kind in the theater, there are several of them. That's just the call sign for the aircraft that we use in the Tally Ho.

Q. Aboard Blind Bat 02 on the mission in the early morning hours around 0300 on the 11th, was there an airborne battle commander on board?

A. Well, I'm certain there was. There always is. I don't personally or I'm not personally responsible for seeing that there is one on. We FRAG the unit, the 8th Tactical Fighter Wing. They're the mission commander of the C-130 aircraft. It's his responsibility to see that there are qualified crews manning the aircraft. We just task the unit there to provide this facility. The unit commander there is responsible for providing the aircraft and the people or crew on the aircraft. For example, we task other units, the 35th Tactical Fighter Wing at DaNang

[REDACTED]

and other units, Army units and Air Force units to provide certain facilities to be used in the Tally Ho operation. That's just one of several units that we task. Those individual unit commanders are responsible to see that qualified people conduct these tasks that we direct them to do. It's not my individual responsibility to see if the people are qualified. We only task the unit to provide qualified people to perform the mission. For example, I can't tell you if the crew flying a certain airplane are qualified and current in the airplane and know all the rules of engagement and various other things it takes to conduct its mission. I'm tasking the commander of that unit to provide a qualified crewmember and a combat ready aircraft and it's not my responsibility to see if these people are combat ready and the airplane is combat ready. It's the unit commander's responsibility.

Q. My specific question, sir, was there an officer aboard the aircraft who was designated airborne battlefield commander?

A. I have not investigated this incident. I can't answer for certain. The unit commander always does, at least we assume there was in this case, and he was tasked or directed to provide one. Whether there was one aboard or not, I don't personally know the man or even if there was one aboard but I'm sure there was.

Q. Is there normally a battlefield commander designated in addition to the normal complement of the crew, sir?

A. There is normally a battle commander aboard the aircraft. Now he could very well be the pilot or he could be piloting the aircraft at certain times or he could be in the co-pilot's seat or he might be in any particular position in the aircraft.

Q. What is the 7th Air Force guidance relative to qualifications of an ABCCC? In other words, what additional qualifications does he need in order to perform this function as an ABCCC, in addition to possibly a rated pilot or an aircraft commander or what specific rank? Has 7th Air Force given the units guidance in designating personnel as ABCCC's?

A. Well, we have definitely given them guidance on who should be ABCCC mission crews and commanders. This guidance is probably contained in many different documents. My Operations Officer, Major Brown, has been with this program since the inception of it in December. He is in a better position to give you all of these specific documents than I am. I have just been in this program only one week when the thing started and there's just an awful lot about that I don't know even yet.

Q. Colonel, for that particular FRAG order that FRAGGED that mission, who approved that FRAG order, sir?

A. I would have to check the record to be certain of my answer. However, I'm almost certain that it was my Operations Officer, who normally does. I discuss these missions in a planning meeting. We discuss the missions we're going to conduct at which, in most cases, I always attend if I'm here and available. He, as the Operations Officer, prepares the FRAG orders

[REDACTED]

tasking our units to conduct these missions and they physically write the orders, have it typed up and dispatched to the units. If I'm here and available, I review it and sign the FRAG order. If not, he signs it and it's dispatched to the units. As far as exactly who signed it before it went out, you'd have to check the FRAG order itself which is available. However, as I said, I do if I'm here. When I'm available I sign it and I also attend all the planning conferences where we plan the missions. For specifically who signed that particular FRAG order, you'd have to check the FRAG order itself and see.

Q. What are the rules of engagement in the DMZ as you know them?

A. Now?

Q. Yes, sir.

A. In the DMZ right now we only attack military targets which are under FAC control, that's forward air control targets. Or we attack targets that are preplanned. In other words, if we have intelligence information to indicate an enemy target in a specific location, we FRAG them to go in and hit that specific target even though it isn't under forward air control. If we have sufficient intelligence information to indicate that it is a right and proper enemy target, we FRAG the units, give them a location and tell them to go in and hit that particular target.

Q. Colonel, what is the seaward limit of the DMZ?

A. The seaward limit?

Q. Yes, sir.

A. I'm not certain. I can't tell you for certain. I just don't know. I believe it's approximately three miles, I'm not sure.

Q. Colonel, are aircraft authorized to strike surface contacts in territorial waters of either North or South Vietnam?

A. If they indicate they are enemy or are identified as enemy craft. They have been, as I understand for some time attacking these water craft. Every day at the briefing for example, the Navy reports having destroyed a number of water craft in North Vietnam waters.

Q. And in South Vietnam waters, sir?

A. Well, I don't know about South Vietnam waters. My area of operations isn't in South Vietnam. I do happen to know for example, they captured an enemy boat down here in IV Corps, down on the beach at IV Corps, with a large cache of enemy weapons. Our units attacked that boat.

Q. Colonel, I might correct one statement that the Colonel made that you have no area in South Vietnam. The area from the southern border of the DMZ to the line of demarcation is in South Vietnam.

[REDACTED]

A. Yes, six miles is the whole area I believe. Six miles wide and in essence, three miles of that is in South Vietnam. We were told we had permission and were directed to conduct strikes in the EEZ. I think it's reasonable to assume that this EEZ is an area controlled by an international control commission and I suppose is not under control by anyone except the international control commission, whether it be in the South or North Vietnam.

Q. What are the criteria for establishing a surface contact or vessel as hostile?

A. Well, it should be observed originating in enemy waters and it should be engaged in support or contact or action with enemy forces in North Vietnam. However, a craft that would be attacking or failing to properly identify himself when challenged by our free world forces craft or aircraft. There are established procedures for challenging, I understand, and for identifying yourself. Again, I don't know all the different procedures used by all different forces and units, whether it be Navy or Air Force or many of them containing many different documents but there are established procedures to be used in identifying yourself when challenged. However, our people know that within the EEZ, they are not to engage a water craft unless these water craft attack us or are engaged in support of enemy troops or they originate in North Vietnam and we have them under surveillance and can identify them as supporting enemy units.

Q. When did this latest requirement come out, Colonel?

A. Right after this incident with the Coast Guard boat we placed additional restrictions on our aircraft. There were certain restrictions up to this incident and after that we placed additional restrictions on them. We have those documents available and you certainly may have access to them and put them as a part of your record with the times and dates and specific restrictions that are placed on our units.

Q. Have the 7th Air Force units, by units I'm speaking of squadrons, been apprized of Market Time questions and their assigned areas?

A. I can't answer that with any degree of personal knowledge. I just don't know. It's one of those things that apparently has been in effect for some time. Again, as I say, I've been here a very short time. I can't answer it from personal knowledge. I assume that these procedures would have been in effect for some time. Again, Major Brown, my Operations Officer, can probably give you more specific information about that point. Personally, from personal knowledge, I couldn't say. I just really don't know.

Q. Would you know then, Colonel, if aircraft were to detect targets moving South in the territorial waters of the EEZ would attempt to pass the information to any control agencies so that Market Time forces could board and search that craft?

A. I didn't quite follow the beginning of your statement. Were you asking me a question?

[REDACTED]

[REDACTED]

Q. Yes, sir. If the ARCC type aircraft or the SLAR aircraft detect a target moving South in the territorial waters of the DMZ, is there any provision for them to call a control agency so that Market Time boats may check out this craft?

A. Again, I can't answer for certain. I read a document today where there is a procedure, I don't know how long it's been in effect, where they are supposed to contact the coastal center who apparently coordinates all the movements of the water craft within specific areas. Again, I assume that these are procedures that have been established some time ago and there is an established procedure for it. Again, maybe Major Brown can answer that for you.

Q. Colonel, who issued the FRAG order for the Blind Bat aircraft?

A. Tally Ho operations personnel. We FRAG every day units that participate in our operation. For example, take one of our Tactical Fighter Wings who provides aircraft. They support other operations other than Tally Ho, but they're committed to Tally Ho operations for a certain amount of effort each day, so many sorties. We FRAG them to provide so many sorties of a certain type aircraft. Other units FRAG them to provide certain aircraft for other areas. For that particular aircraft, we FRAG the unit to provide one airborne command control aircraft.

Q. Colonel, could you describe the coordination that you have with NAVFORV?

A. NAVFORV. We have a Navy officer in our operations, Commander Larson. He does most of our naval coordinating for us and that's one of his duties for being assigned to us; that is coordinating naval activities.

Q. Do you know, Colonel, if he coordinates all naval activities?

A. Well, not necessarily. If he is available and we have a matter pertaining to naval affairs, he normally does it. If he isn't available, somebody else does it, depending on the nature of the matter we have to coordinate. As I said, we have Marine officers, we have Navy officers, we have Army officers and we have Air Force officers. It is a combined organization and the reason for them being there is to coordinate matters pertaining to their service. Does that clarify the point?

Q. Not quite, sir. Do you know which organizations your naval officer, or naval liaison officer coordinates activities with? Is it all naval forces in South Vietnam or certain designated ones?

A. He coordinates naval matters with any naval organization that he needs to coordinate with. If there is a need for coordination with naval activities, he does it for us. He is there and available. He may be with any number of units or organizations. In other words, he's not restricted to coordinating matters with only certain organizations. He's around the board. That is General Westmoreland's reason for making us the type of an organization that it is. He wants Navy participation, Marine, Army and Air Force. He's most definite and firm about this.

[REDACTED]

[REDACTED]

Q. Do you know how and by whom the Tally Ho project or task force was established?

A. I sure do. It was established by direction of General Westmoreland. We have a memo for the record, a Top Secret document in which he describes the way that he wanted Tally Ho to be organized and the area in which he wanted it to operate and his concept of the operation, directing his staff to proceed with the establishment of Task Force Tally Ho. We have another document, a memo for the record, a Top Secret document by General Messner, directing his staff to establish Task Force Tally Ho according to the concepts directed by General Westmoreland. Namely to the effect that it would be a joint, I mean a combined staff consisting of Army, Air Force, and Navy people, operating in a specific area designated by the operation order. As a result of these two documents the Task Force was established. The mission and responsibilities are outlined in 7th Air Force operations order 483-07 dated 17 July 1968.

Q. Colonel, by other testimony, it's been stated that, at least by Blind Bat 02, the mission included an attack on "floating targets of opportunity". The testimony defined these targets as boats thirty feet in length and greater. Do you agree with this definition?

A. Well, I don't know. I didn't make the definition. I don't know what criteria was used in making such a definition. I don't know whether I necessarily agree with it or not. But by boats, I couldn't say what the criteria should be. I don't know. I can't answer that.

Q. Is there an official publication or document that defines floating targets of opportunity within the 7th Air Force operations?

A. Again, I'm sure there is. The rules of engagements are, again are contained in several documents. These several documents are now being revised and are now being consolidated in a new revised edition of the rules of engagement. I can't tell you which document it's in. I'm sure it is in a document somewhere. Again, they are working on this trying to revise them and consolidate them and redistribute them to all interested agencies. But specifically what document you want to see, I don't know. I couldn't tell you.

Q. Colonel, was this Blind Bat FRAGGED as a Tally Ho mission?

A. Yes, in the Tally Ho area, it's a mission control for air strikes in the Tally Ho area.

Q. It was FRAGGED in accordance with the Tally Ho operations order?

A. Yes.

Q. Colonel, what are the seaward limits of the Tally Ho area?

A. The seaward limits of the Tally Ho area, well, it's given here, the area as defined by specific coordinates. I can give you those. They would have to be plotted on a map. Do you want me to do that?

Q. If you would, please, sir. Just to put it in the record.

[REDACTED]

[REDACTED]

A. The area of Task Force Tally Ho is defined as follows: Coast of the Gulf of Tonkin at XE850205 in the vicinity of 1722 North, 10644 East, then to Northern branch of the Kien Giang and Dia Giang at XE740185 in the vicinity of 1721 North, 10638 East, then along the North bank of the Dia Giang River to the vicinity of Co Trang village at XE553977 in the vicinity of 1715 North, 10628 East Southeast along the approximate alignment of Trail/Line to XE540047, vicinity of 1714 North 106276 East, North to XE410037, vicinity of 1713 North 10624 East, Southwest to North Vietnam/Laos border to XE400976, vicinity of 1709 North 1061 East, North along the border to XE 050043, vicinity of 1653 North 10633 East, East along the Southern border of the DMZ to the Gulf of Tonkin.

Q. Does the provisions of the Tally Ho op order include search and destroy missions for coastal water craft, sir?

A. Well, we don't describe them as just search and destroy; we call them armed reconnaissance of the coastal area. I guess it's a matter of terminology. That is a responsibility of all forces operating in North Vietnam and enemy areas. Armed reconnaissance of coastal areas, of enemy water craft, not just in Tally Ho but, yes, that's part of our mission. For example, the feeling is that because of the interdiction of roads and railroads, they are bringing their supplies and people down by boat. If they start suffering casualties or prohibitive casualties on water craft, I imagine they will go back to land transport. This is the feeling that our intelligence people give us and those are the guidelines we have to use. Whatever they are using, whether it be water craft, or rail or boat, that's what we have to go after.

The witness was duly cautioned concerning his testimony and ensued.

Major John B. BROWN, USAF, PR50732, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Major, specifically what do your duties consist of as Director of Strike Plans?

A. Well, primarily I'm associated with the planning, the preparation and the execution orders that are sent out to the field units to effect their mission for the following day.

Q. Major, are you familiar with what the duties of an ABCCC are?

A. Yes.

Q. Could you tell me what the 7th Air Force guidance is relative to the special qualifications for designating a person an ABCCC?

A. I would like to clarify that. The ABCCC we use in our operation during the day we refer to him as an ABCCC, an airborne battlefield command and control center. We also use a C-130 at night. He's not the ABCCC; he's the mission commander of those night sorties. He's their correlation, sort of their traffic control in the interest of safety. He's authorized to do this through our FRAG orders.

[REDACTED]

[REDACTED]

Q. Does your mission controller have the authority to order strikes upon targets?

A. Yes, within the existing rules of engagement.

Recorder: References for Rules of Engagement for Southeast Asia have been entered into the record at this time as Exhibits 9 and 10.

Q. Does this mission controller require any special qualifications before he is qualified as such?

A. You mean formal schooling or a briefing? I don't understand exactly what you mean by special schooling?

Q. Has 7th Air Force not done any special qualifications such as so much time in country, so much familiarity with the area or any special qualification other than the minimum capable of riding in the airplane and being able to talk on the radio?

A. Well, I just don't know of anything.

Q. What are the rules of engagement in the USSF?

A. Well, the rules of engagement -- what period of time are you referring to?

Q. As of the 12th of August, covering the period of the 10th to the 14th of August.

A. The rules of engagement within the USSF; there was no basic separation from this particular case, as the rules of Rolling Thunder in North Vietnam basically apply to the USSF.

Q. Do you know what is the seaward limit of the USSF?

A. The seaward limit of the USSF?

Q. Yes.

A. I don't know.

Q. Are aircraft authorized to do the surface contacts in the territorial waters of either North or South Vietnam?

A. Well, are you when you say territorial waters, would you by chance be referring to the three-mile limit? I'm not a Navy man myself.

Q. The territorial waters as defined in the rules of engagement.

A. Yes, coastal armed reconnaissance is authorized in the Rolling Thunder ops order, 100-66, I think the date is in January. At this time the specific rule is as I recall, authorizes from the USSF North along the shore on the coastline, and of course the operation Tally Ho which commenced on the 20th was given the authority to conduct air strikes

[REDACTED]

within the DMZ and so our interpretation was at this time that this area of land and the waters adjacent to it were considered hostile and so we were authorized to conduct reconnaissance and to conduct air strikes in this. I presume this to be the result of the basic instruction of the Tally Ho operation; that is, the mission was given to us by COMUSMACV to restrict, disrupt the flow of supplies and personnel through and around the DMZ.

Q. What are the criteria for establishing a surface contact as hostile; by surface I mean as on the water?

A. Well, under the Rolling Thunder rules it only indicates that you identify it as being, I believe the terminology is being DVN or hostile water craft. Under the armed reconnaissance rules of engagement it was only that the aircraft was identified as DVN or hostile aircraft, or hostile water craft.

Q. How do you establish that it is a hostile water craft?

A. Well, you could establish this. I'm not a pilot and consequently I have not personally, myself, been to any of the water craft recognition schools or the intelligence from the strike units that have this sort of program, but this as I understand it is the part of any unit intelligence if they are associated with strikes to be conducted and if their coastal armed reconnaissance is authorized that this sort of a water craft recognition type instruction is provided them.

Q. Have the 7th Air Force units been apprised of Market Time operations in their assigned areas?

A. Well, I won't answer for all 7th Air Force because I can't answer for all 7th Air Force. If you want to ask me if I know, as Director of Strike Plans, about the Market Time operations, the answer is no.

Q. Do you know if the squadrons involved in operating in the area where Market Time operations are going on are apprised of the fact that these operations are in being?

A. I cannot answer that question.

Q. What type of coordination does the TADC have with MAVERICK?

A. I cannot answer that. Perhaps it would sound that I'm not answering because it would tend to incriminate me. I'm not answering because I wouldn't know. It is probably a more proper answer that I cannot answer the question.

Q. In questioning the pilot of the Blind Bat 08 on that particular mission, he stated that his mission included attack upon floating targets of opportunity. When questioned as to what floating targets of opportunity were, he stated these targets or boats thirty feet in length and greater. Would you agree with his definition, as the Director of Strike Plans?

[REDACTED]

A. Well, yes I would agree with his statement. I'm not too sure of the thirty foot in length business because I'm not sure of that point. But yes, under the rules of engagement in armed reconnaissance, a water craft is a fleeting target.

Q. What official publication or message has the definition of fleeting target of opportunity given?

A. Although I can't recall saying it's specifically identified in the Rolling Thunder operations order, it's basically thought of as a target that's not fixed. By definition almost, the fact that it's a fleeting target, a vehicle, a ship, or anything that's moving is a target of opportunity that can't be FRAGGED as strike from my point of the Director of Strike Plans. That is as I understand the definition of a fleeting target of opportunity.

Q. Do you know of any publication that would give a mission commander or FAC guidance as to which targets are or are not fleeting targets of opportunity?

A. Well, yes. As a matter of fact, targets of opportunity are defined in the Steel Tiger operations order which I was associated with in the Tiger Hound operation prior to Tally Ho and which I'm pretty familiar with these and a target of opportunity or a fleeting target is identified and I'm sure it must be identified in the Rolling Thunder. I just can't recall seeing it or the specific rule or the location at this time. Of course the operation is still fairly new but it is identified in official documents, in answer to your question.

Q. Major, who issued the FRAG order for the Blind Bat mission that was in being around 0200 on the morning of the 14th?

A. Well, we prepare the FRAG order in the Tally Ho operations section, strike plans section. The FRAG order goes out and the Task Force Commander signs for the 7th Air Force director of operations and it's approved at the Commander's briefing for the following day and night's activity, that's the Commander 7th Air Force briefing.

Q. Where are the rules of engagement for Tally Ho FRAG orders found?

A. First of all, Tally Ho operations order 453-67 refers to the rules of engagement applied that are already listed in the Rolling Thunder operations order 100-66 as a reference item within our ops order. Secondly, on each FRAG order that goes out we reference our ops order. We reference Rolling Thunder ops order 100-66 and we present this and the first line usually, of the special instructions for FRAG, or within our general instructions is All Aircrews will be familiar with the rules of engagement.

Q. Major, are you familiar with CTF-155 message 240310Z of January of this year, which I now show you and enter as Exhibit 117?

A. No, I think this is the first time that I have seen this message. No, I'm not familiar with it.

[REDACTED]

Q. Do you know if that has been disseminated to other units within the 7th Air Force as requested in the message?

A. I don't know.

The witness was duly cautioned concerning his testimony and excused.

LCDR Victor D. LARSEN, USN, 565636, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Mr. Larsen, what are your duties in the Tiger Sound/Tally Ho operations?

A. Well, I'm Strike Plans Officer. I write FRAG orders.

Q. Do you have additional duties as a liaison officer?

A. That's right, and I also handle any naval matters that come in there where I have some expertise or some knowledge. I coordinate all naval matters to do with Tiger Sound operations, which doesn't mean I always do the actions. It means that I may just get ahold of somebody who can perform the action. My primary job is Air Force strike plans.

Q. Does your strike plane duties extend where you take an active part in the Tally Ho operation?

A. Not as yet, sir. I will. I've been here a month, a little more than a month and I'm primarily Tiger Sound FRAG strike plans officer and the only Tally Ho work I get into is after the FRAG has been built, then I provide information to the field units and what not. When they've got questions concerning the FRAG, I give them the answer because I generally know what the situation is but I have not had anything to do with building the FRAG of Tally Ho's yet.

Q. Do you have evidence concerning the Tally Ho operation you would like to introduce at this time?

A. I'll introduce the Tally Ho FRAG order for the 20th and 11th.

Recorder: This will be entered as Exhibit 12.

Q. How long have you been in the Tally Ho staff?

A. Since the 20th of July.

Q. Are you familiar with Market Time operations?

A. Yes, sir. I'm familiar in that I know it's an operation and I worked in COMNAVFORV for four months and in some portions of it. Not in the operations end and I didn't have any accurate knowledge of tracks.

Q. Do you know if the 7th Air Force units involved in Tally Ho have been appraised of the Market Time operation in their assigned areas?

[REDACTED]

A. I can't give any information on that. I don't know. I frankly don't. I know that 7th Air Force has got a copy of the op order. Other than that I don't know. Again, I think I'd been there something like ten days when this occurred.

Q. Would you describe what coordination the Tally Ho or the TACC, or as far as you know, has with COMNAVFORV?

A. As far as daily coordination, very little. We have some involving naval gunfire and other subjects but as far as Market Time, I haven't observed and there hasn't been daily traffic. They have coordination with other maritime units and our special operating forces daily but not with COMNAVFORV.

Q. Were you with the Tally Ho operations from the beginning?

A. Essentially; I think it started about the 18th of July and I was here on the 20th. I arrived just after most of the paperwork started. We just set up operations.

Q. Are you aware that the Tally Ho operating area overlapped the Market Time area?

A. I'm aware now, yes, sir. I can't say I was aware at the time. Let me put it this way. I was probably aware but hadn't considered it. Knowing that the Market Time or operating area that Market Time involves and knowing that we were overlapping these areas, but I had never considered it as being a conflict.

Q. Commander, has COMNAVFORV, or do they normally use you as their liaison with the TACC or specifically with the Tally Ho staff?

A. No; however, when I was originally assigned as I said before, not primarily as the duty as a liaison officer. However, because I did work at COMNAVFORV and essentially I'm assigned there now and I know the people, I have been over there and explained to different parties that I am available for whatever I can do in this matter and of course, I have to say that I did this after the incident occurred. Prior to that time I've had no liaison with COMNAVFORV. Since then I've handled a few minor things.

Q. Mr. Larson, to whom did you offer your services as a liaison officer in COMNAVFORV?

A. LCDR Bishop who works in operations. I spoke to him on the matter and I spoke to a Lieutenant Commander who, I don't remember his name, but he was a watch officer in operations on the third deck, who was directly involved. I did not talk to Captain Stewart but I know the Captain surely knows that I'm here or I think he has that information.

Q. To the best of your knowledge, is COMNAVFORV or CTF 115 aware that the Tally Ho area overlaps the Market Time area?

[REDACTED]

A. That would have to be an opinion. I couldn't say. I don't think they did know, but that's my opinion.

The witness was duly cautioned concerning his testimony and excused.

1st Lt Melvin Claude SMITH, USA, 05418605, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Here is a film which has been entered as Exhibit 13 which I now present to you for you to examine. Would you take this film and point out surface craft or a surface target at the beginning of the sequence and describe what actions you can interpret that took place from beginning to end of the strip of imagery?

A. On run 3 we find one target that appears to be a surface craft on or about, maybe just South of, the 17th Parallel.

Q. How far offshore?

A. He's approximately between two and three; well, about two miles. On run 3 I don't see the aircraft. In run 4 the camera was turned on after they passed the boat and we don't have the boat in this run. However, the aircraft is North of the 17th Parallel and approximately six miles offshore. In run 5 the boat is still in the same position as in run 3 and the aircraft is now about on the 17th Parallel, maybe a little bit North. The boat still seems to be stationary in run 5. The aircraft; however, has moved South and closer to shore, probably two to three miles from shore at this position. In run 6, the aircraft has moved down the coast. It still is North of the 17th Parallel and the boat has not yet moved. In run 7, a target that appears to be the boat is now moving South and has moved approximately, I would imagine, about one mile. The aircraft is also South of the 17th Parallel, about a mile offshore, in about the same position as the boat was stationary. On run 8 we missed both the boat and the aircraft. On run 9 the boat has moved about two miles further South and the aircraft is a little bit South of the area the boat was in stationary. On run 10 the boat has moved further South, again by a mile or maybe two miles and the aircraft is now about five miles offshore, circling North. On run 11 there is no boat or aircraft.

Q. Lieutenant Smith, would you give your opinion as to the amount of time that had elapsed between run 1 and run 10?

A. My estimate will not be accurate; however, by the length of the runs and if the aircraft made a normal turn he would take between five and ten minutes per run, and from the first run that we see the boat until the last one we see the boat, there are eight runs, so it would be between forty and eighty minutes.

Q. Lieutenant, at what speed would the boat appear as stationary and at what speed would he show up on the moving target indicator?

[REDACTED]

A. On normal MTI an object is required to move five miles an hour to be recorded as MTI. However, on this imagery, permanent echo, he is recorded also on the MTI side, as a ship that would be a MTI is also partly permanent echo. Therefore, if a boat is stationary, I also pick it up on the MTI side as a permanent echo.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1730, 22 August 1966.

[REDACTED]

[REDACTED]

At HQ, 7th Air Force
Tan Son Nhut Air Base
Republic of Vietnam
Tuesday, 23 August 1966

The board met at 1015

All persons connected with the investigation who were present when the board adjourned are again present.

Captain Robert B. RASTBURN, USAF, F061900, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Captain, what are your duties with the 7th Air Force?

A. I'm a member of the weapons force planning branch in TACC, in-country TACC.

Q. You have presented here a strip of side-looking aircraft radar imagery which the board examined and has gotten expert testimony on yesterday. Would you please identify this imagery?

A. Yes, sir. I have been assisting the 7th Air Force investigating outfit, Colonel Taylor, in his investigation of this same incident and in conjunction with this we asked the Army pilots involved to bring their SLAR imagery film to us which they did. And I was present when this was turned over to us by the Army pilots involved, of the Army Mikovik OV1 SLAR aircraft.

Q. Would you identify the aircraft that this came from and the time that this film was taken?

A. Yes, sir, that particular film you have there is the film of Spad 14, which was taken on the morning of 11 August in the time frame approximate of 0300 to 0400.

Q. Captain, do you know the whereabouts of the Spad 13 film on the night of the 10 or the early morning hours of the 11th of August?

A. Yes, sir, this was turned over to us also by the pilot of the aircraft, Spad 13. We have it in TACC; however, it is not of any value as far as establishing required facts in relation to this incident because it was taken earlier in the morning and it was not the film that relates to the time period of the ships or boats, probable boats, which were called out to the C-130 aircraft. This time period is involved on Spad 14's film which you have.

Q. Captain, have you examined or caused to be examined the Spad 13's film?

A. Yes, sir.

Q. On the film did you see or was it interpreted by experts on SLAR film, any targets near the mouth of the Cuu Tung River?

[REDACTED]

[REDACTED]

A. On this particular film which was explained to us by Captain Lufburrow, the pilot of Spud 13, he points out a probable target on his film earlier in the morning and indicates that it could or could not be the same ship which was spotted later by Spud 14 and reported. There on the film to which I'm referring is only definite target which is actually further South than the targets that are painted on Spud 14's film. In direct answer to your question, targets in or near the mouth of the Dien Hai (Cua Tung) River, the target on Spud 13's film is not in or very near the mouth of the Dien Hai River. It is actually further from the river than the targets which are painted on the Spud 14's film which you have.

Q. Captain, is there any other statement that you would like to make?

A. No, sir.

Q. Captain, who interpreted this Spud 14 film for you?

A. In our testimony, sir, which is the official interpretation that we have read into our record, this was done by Captain Lufburrow, the pilot of Spud 13. However, the pilot of Spud 14 was present and assisted. He requested, since Captain Lufburrow was quite familiar with the film and interpreting same, that Captain Lufburrow should interpret it for us which he did. There have been other interpretations made by professional interpreters from the U.S. Army; however, other than assisting us in our own investigation to see if there could have been anything we missed, this latter interpretation was not entered into our record.

Q. Captain, in your interpretation and the interpretation that was given you of your film, would you give the approximate location of the target or surface craft in relation to the 17th Parallel?

A. Yes, sir. The film of Spud 14 which is the aircraft, of course, that reported the probable target to the C-130 flare aircraft, reveals a probable boat, this is the largest boat approximately three quarters to one mile offshore and approximately two miles below the mouth, this is slant range, of the Dien Hai (Cua Tung) River, which places it when correlated with a like scale map, places this probable boat or target in the vicinity, in the near vicinity of the 17th Parallel. Because of the scale of the map and the film are not identical scale, it is impossible to determine exactly where it is. As far as we can tell, it falls right on the 17th Parallel, probably slightly below, like a quarter of a mile or possibly a half a mile. Nothing on the film that we can see indicates that it was above the 17th.

Q. Captain, in determining your two mile slant range from the river, what point did you measure from the river?

A. It was the center of the mouth of the river, sir.

The witness was duly cautioned concerning his testimony and excused.

The board adjourned at 1630, 23 August 1968.

[REDACTED]

The board met at 1435, 23 August 1966, at Hq, COMNAVFORV

All persons connected with the investigation who were present when the board adjourned are again present.

Captain Paul N. GRAY, USN, 196872, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Captain, I have some specific questions that I'd like to go through to begin with. One is, I'll ask you directly what are the Task Force 115 rules of engagement in the DMZ?

A. You mean what piece of paper outlines the rules of engagement for Task Force 115 in the DMZ?

Q. Yes, sir.

A. CTF 115 is authorized by COMUSMACV to operate to the 17th Parallel in the territorial waters of Vietnam.

Q. What are the specific rules, Captain, applying to engaging or attacking other surface craft or aircraft?

A. Well, I'd have to go down and get the specific paper because they are long and complicated.

Q. You couldn't just briefly outline them for us?

A. I briefly could but the accuracy would be sketchy.

Q. Were you aware, Captain, of a modification to the rules of engagement of approximately July 23rd?

A. You say am I aware of it?

Q. Were you aware of it?

A. I wasn't here at the time. I wasn't personally aware of it. I didn't get here until the 26th of August.

Q. Sir, prior to the time of this incident, were you aware of an overlap of the Air Force and the Market Time areas?

A. Was I personally?

Q. Yes.

A. The answer is no.

Q. Captain, we have liaison officers in the 7th Air Force at various CMC's and within the Headquarters MAF that are 7th Fleet liaison officers.

A. Say that again.

[REDACTED]

[REDACTED]

Q. We have liaison officers in the 7th Air Force Headquarters and in various other commands within the 7th Air Force, such as the CBC's, who are liaison officers for the 7th Fleet. Is there any way or would it be proper for these liaison officers to also assume the duties as COM-NAVFORSV liaison officers?

A. Not officially for they work for the 7th Fleet and I would be surprised if they were capable of conducting liaison with NAVFORV.

Q. Captain, what liaison procedures do you have now with 7th Air Force and other major commands within the MACV command structure?

A. Do you mean do we have liaison officer, NAVFORV liaison officers in the other headquarters?

Q. Are there liaison officers or what procedures do you follow for liaison?

A. Now, I would say that as component commands under COMUSMACV, anything originated by Naval Forces, Vietnam of interest to other component commanders could be handled by information copies or direct addresses in messages or other correspondence. In other words, it's standard liaison in any large staff and as far as a formal assignment of liaison officers, no, and I don't think one is necessary.

The witness was duly cautioned concerning his testimony and advised.

LCDR Doyce Raymond BISHOP, USN, 610107, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Mr. Bishop, what are your specific duties in NAVFORV?

A. I am the force and readiness officer, primary duties have been search and rescue and rules of engagement.

Q. How long have you been dealing with the rules of engagement?

A. Approximately two months.

Q. Can you tell me what the rules of engagement are in the DMZ as pertains to surface forces?

A. I know of no specific rules of engagement that apply in the DMZ for surface forces.

Q. What are your rules of engagement for engaging or attacking other craft or aircraft within the DMZ?

A. Like I say, I know of no rules regarding surface surveillance operations that apply to the DMZ.

Q. Do you have a copy of the Air Force Tally Ho ops order which is 7th Air Force ops order 483-877?

[REDACTED]

A. I don't have an op order. All I've seen Tally Ho-wise is rules of engagement. We did readdress those I believe. I don't know where it was in relation to this talk about it. I believe that what happened in this case was the rules of engagement as applied to Tally Ho was addressed to all Tally Ho addressees and all Tally Ho addressees was not known by this Naval Communications Center as far as I know until recently; the same with COMUSMACV because when I called to find out who was addressees when they sent to all Tally Ho addressees, we didn't know and COMUSMACV didn't know and the only way I could find out was call the Tally Ho Task Force out in Tan Son Nhut to find out. Therefore, when I did find out, I copied them down here and we readdressed this message to our units. As you can see by the list there, COMNAVFORV was not even included. COMUSMACV was, but COMNAVFORV wasn't.

Recorder: The message that was discussed was 7th Air Force 130000Z August, addressed to all Tally Ho addressees. The point was made that COMNAVFORV was not a Tally Ho addressee.

Q. Mr. Bishop, when were you made aware of the fact there was a change in the rules of engagement that allowed strikes into the BSB?

A. I don't remember the date I was aware of it. I have the COMUSMACV message but I don't know the date I became aware of it. I look at so much paperwork that I don't remember the exact date.

Q. Can we look at the message and see the time of receipt?

A. This is the message. I just signed for the date. I had seen it once before and I forgot. I signed the disclosure.

Q. Mr. Bishop, can you give me an approximate date that you became aware of the change in the rules of engagement?

A. You want to know when I first saw this message?

Q. Yes.

A. I would give an estimated date that I saw it approximately three or four days after this was issued. This would have probably been 26 July I would estimate.

Q. Were you aware of this prior to the 11th of August, the date of the incident?

A. I believe I would have been.

Q. What modifications, if any, were made in the Market Time operations as a result of the modified rules of engagement?

A. To my knowledge, none.

Q. To whom within your command structure was this information about the change in rules of engagement disseminated?

[REDACTED]

A. I don't know.

Q. Do you know who might know within the organization?

A. Since the disclosure copy is not signed I have not seen anything from the other Task Force commander. I do not have any idea who received information from this copy.

Q. Do you know if COMNAVFORV issued a message to subordinate commanders containing this information?

A. Not to my knowledge.

Recorder: Show the message we're speaking of as COMNAVFORV 200741Z July 66, Top Secret.

Q. Do you desire to make a statement?

A. I do, on this message here. In rules of engagement as I found they apply to U.S. forces in particular, to U.S. surveillance forces, it does not mention the DMZ. It says U.S. surveillance forces are authorized to patrol in South Vietnamese territorial waters which is also in defense of sea area. In defense of sea area in the territorial waters, up to the demarcation line. These are in our rules of engagement. This relaxed the rules of engagement under certain conditions in the DMZ. Therefore, I have attempted to find out through information in this message what is the definition of the DMZ. I've tried to determine the definition of the DMZ which has not been defined in any other previous rules of engagement that I had seen. This is after the fact of course, in the past few days. In an informal discussion with this general here who is the originator of the message, Lieutenant Colonel Wetzinger, J-3, he does not have a definite definition. He gives me a personal opinion he thought applied to the land area, five kilometers each side of the demarcation line in South Vietnam and North Vietnam. He does not know whether it applies to the water. I have no opinion as to whether it applies to the water. I do not know. I read the Geneva Accords and I make a personal opinion but I have not seen anything official.

Q. Would you care to say anything further?

A. No, sir.

Q. Mr. Bishop, I'm going to show you a COMNAVFORV message 140400Z April, Top Secret. I'd like you to tell me if you are familiar with this message and the contents.

A. This is April 1966, I believe. Yes, sir, I'm familiar with this.

Q. Mr. Bishop, based on the contents of this message with which you stated you are familiar, would you give me your definition or your interpretation of the territories of North Vietnam and South Vietnam?

[REDACTED]

A. I interpret this to mean all land mass of North Vietnam and South Vietnam and as it applies to the territorial waters, it defines their areas as so many miles from the low water mark out to sea. It is depicted in the message for each country; North Vietnam is twelve miles presumed; South Vietnam is three miles presumed.

The witness was duly cautioned concerning his testimony and excused.

Captain Clifford L. STEWART, USN, 567897, was called as a witness, advised of his rights under Article 31, UCMJ, was duly sworn, and examined as follows:

Q. Captain, I would like to ask some questions that we have prepared in advance for you, beginning with what are the Task Force 118 rules of engagement in the BMS?

A. Our rules of engagement in the BMS are the same as the rules of engagement from the 17th Paragraph in the Bravo line and are contained in a secret document published by the Joint Chiefs of Staff and entitled "Rules of Engagement for Southeast Asia".

Q. Captain, were you aware of a change in the JCS rules of engagement on the 23rd of July of this year?

A. I have the changes here.

Q. What modifications, if any, were made in the Market Time operations as a result of this change of rules?

A. We were allowed to take enemy under fire in the BMS.

Q. Captain, were you aware of the overlap between the Air Force operating area and the Market Time operating area?

A. I was not.

Q. Could you describe the coordination you have with the 7th Air Force and the Tactical Air Control Center?

A. My control here?

Q. Yes, sir, as Commander Task Force 118, sir?

A. As Commander Task Force 118, our coordination with the 7th Air Force is usually through MACV GDC. Our liaison is through them; has to be. I have not had 7th Air Force op orders.

Q. Captain, would you describe the coordination between Market Time commanders and the Tactical Operating Centers and other control agencies within their areas?

[REDACTED]

[REDACTED]

A. Each Task Group commander has authority for direct liaison with the Corps Commanders in their respective area. They have telephone communications and radio communications with each Corps commander. They have the facilities for it. Here I have direct liaison with all Corps commanders through hot line and through MACV COC.

Q. These direct communications, do they go right into the Tactical Operations Center or right to the Corps Commander Headquarters?

A. Some of them go to the COC's, some direct to Headquarters. Here we go direct or we have a direct line to IV Corps at Vung Tau. He has telephone communications to the III Corps. Second Corps has a hot line and I Corps has a hot line; did have a hot line until about a month ago, and into III MAF. Since then the hot line has been down and he's been on telephone communications.

Q. Is there any other coordination with other control agencies within the Corps areas, such as DASC or Command Reporting Centers for aircraft?

A. Each task group commander has set up his own.

Q. Captain, does the Market Time op order contain an emergency visual identification signal?

A. We have emergency signals if we're in communication with the ASVN people. The only other communication that we have in the op order is in the concept where we say we are steaming darkened ship and if taken under attack, ships will light up. That's normal.

Q. Let me repeat the question, sir. Does the op order contain an emergency visual identification signal to be used at any time?

A. No. We have a Market Time identification. There was a message that was published by COMUSMACV in December last year which has been updated by us to January this year. This is our basis for recognition.

Q. Captain, did the Market Time forces have the information on identification and recognition signals used by other friendly forces?

A. The Market Time forces in the I Corps area have the SOG identification signals. They have the VMS signals and the junk recognition signals. They carry three sets of recognition signals; that is in the I Corps, and in the II, III and IV Corps, they only carry two sets. They do not carry the SOG recognition signals.

Q. Captain, when the PCF's and the WPV's are checked to you for operational control, do you expect that the crews will be fully trained in all aspects of the Market Time operation, including the op order?

A. I do not. When they check to me or arrive in country, they go through a period of training and readiness before they go on patrol. The period lasts up to ten days to two weeks.

[REDACTED]

[REDACTED]

Q. Captain, what system do you use to determine the operational readiness and personal knowledge of your own forces?

A. By visits, and I usually rely on my Task Group Commanders and Task Unit Commanders. Along this line I have two-service commanders, the Coast Guard Commander and the Port Force Commander who takes care of the training and readiness.

Q. Getting back to liaison, sir. Do you recommend a liaison officer with other component commanders within the MACV?

A. I think there is probably a need for closer liaison. I think the liaison officer might solve some of the problems.

Q. As the Captain probably knows, the 7th Fleet has liaison officers located within the Communications Reporting Centers and the 7th Air Force Headquarters. Do you think they could become or assume the duties of a dual liaison officer, both for 7th Fleet and for COMNAVFORV?

A. I think he possibly could; however, you've got a command relationship involved here. He's a 7th Fleet man. He's a fleet man and not an in-country COMUSMACV man, so you've got a command relationship that comes out here. But he is not so busy that he couldn't do both, that I see.

Q. Captain, when you became aware of the change of the rules of engagement on 23 July, was this disseminated to your subordinate forces, particularly Commander Task Force 115.1?

A. The change was a Top Secret change. Task Force 115.1 does not have facilities for Top Secret messages. I called him and sent him a message, I think we sent him a message, I know we called him, and told him to go over to III MAF and view the change. He did and called me back and said he understood it.

Q. Captain, in previous testimony you testified that in an emergency, the procedure for a craft under attack was to turn on his lights. Would you point out where this procedure is contained?

A. It's contained in my op order, Annex B, and I quote, "Lights should be used any time danger of collision or attack by friendly forces is evident".

Q. Captain, would you explain your relationship between the command center of NAVFORV or CTF 115 and the command operations center at MACV?

A. We have a fully operational operations center which has direct teletype hot line communications with MACV COC. In my COC I have communication with all four of my task group commanders by teletype or with radio, hot line, and commercial telephone. From this COC, I have a quick-talk line and a hot line to all the Corps commanders.

[REDACTED]

Q. Captain, would you define briefly the command relationship that exists, or did exist between yourself as CTF 115 and the Captain of the Point Welcome, sir?

A. As CTF 115, my next command would be CTF 115.1, who is the Commander First Coastal Zone. The Point Welcome was in the northern barrier so the next chain would be Task Unit 115.1.4 which is the senior commander of the barrier patrol unit.

Q. Captain, do you receive from Commander Task Force 115.1 weekly reports of his operations?

A. I do.

Q. At any time in those weekly reports has he made note that some of the boats had been illuminated or that there was a lack of communication with any of the boats to either identify themselves and have other boats identify themselves or for them to identify themselves to aircraft?

A. I do not remember any of the reports that mentioned illumination. We have had minor communication trouble. I do not remember any reports saying we had trouble communicating with aircraft.

Q. Captain, prior to the change of rules of engagement on 23 July, were Market Time craft permitted to fire on vessels offshore of the EMB?

A. The Market Time vessels, prior to the change had no restriction at sea. We could not fire ashore.

Q. Captain, do you consider the territorial waters adjacent to the EMB as part of the EMB?

A. I have had no restrictions except firing into the beach. The Market Time patrol has been conducted below the 17th Parallel and the only restriction we have placed on the vessels is they were not allowed to fire into the beach in the EMB zone.

Q. Captain, in previous testimony, you stated you were familiar with the 23 July change in the rules of engagement. You also stated that you were not aware of an overlap between the Air Force and the Market Time forces' areas. How do you explain this?

A. I was aware that the Air Force could strike in the EMB. I did not or was not aware that they would be striking at sea.

Q. Captain, had you been aware that aircraft were authorized to attack targets in the coastal waters South of the line of demarcation within the EMB, would you have changed your patrol areas or the area of Patrol Area 1A1?

A. I would not have changed the patrol area, no.

Q. Captain, would you have taken any other action had you been aware of this, if you would not have changed your patrol areas?

[REDACTED]

[REDACTED]

A. Yes, if I had been aware of this it would probably have been set up, different recognition signals between the 7th Air Force and the craft on patrol.

Q. Captain, do you believe that your command and coordination communications are adequate for your forces within the Baffling area?

A. Depending upon your definition of adequate. This leaves a lot open; however, I think the communications are adequate in the Baffling area to carry out the Market Time mission.

Q. Captain, do the Coast Guard cutters, WPV's, have the capability to transmit and receive on UHF frequency 348.0?

A. The Coast Guard cutter has the capability. He is by my op order not required to guard this frequency. The MACV message for identification does not mention 348.0. Although he has the capability, he is not required to transmit and receive by my op order.

Q. Captain, are you aware that all aircraft continuously guard 348.0?

A. I am.

Q. Do you feel that the Coast Guard cutter Commanding Officers should also be aware of this and be able to switch immediately to 348.0 in the case of aircraft identification or impending attack by friendly aircraft?

A. They could be made aware; however, there are provisions set up now for the aircraft to identify itself with the Coast Guard cutter on communication.

Q. Captain, in the CTF 115 message, date-time group 240010Z of January this year, you state that the best means of initial contact of the WPV is by radio and you list the frequencies which they are guarding. Has this message been superseded by your current operations order?

A. It has not.

Q. Captain, does your op order which was published in April refer to the previously published recognition and identification procedures by the message of January? Does it state that it is an addition to them or refer to it in any other manner, sir?

A. It does not refer to the message.

Q. Captain, are you familiar with 7th Air Force's op order 453-07, the Tally Ho op order, dated 17 July 1968?

A. I have studied this op order. I received the op order on the 18th or 19th of August. I was not aware of the Tally Ho op order until the 18th of August. At a briefing at MACV, I asked the briefer who I could get in contact with to get the op order. He gave me a Captain Crow's name. I called Captain Crow and asked him for the op order and he said he would

[REDACTED]

[REDACTED]

try to procure one for me. On the 16th I sent out for one and there were no Tally Ho op orders available. They ran us off another copy of the op order and my Intelligence Officer brought it back on the 19th.

Q. Captain, are you familiar with the 7th Air Force operations order 100-66 which is the Rolling Thunder operations order dated 31 January 1966?

A. I am not familiar with this op order. I received a copy yesterday on loan to study. We have asked 7th Air Force for a copy. They have none available. They are reprinting it.

Q. Captain, are you familiar with the CINCPAC message 340455Z April 1966 which are the basic rules of engagement for Southeast Asia?

A. Yes, I am familiar with this.

Q. Captain, would you give us an assessment of the damage of this ship that was incurred in the attack by the aircraft?

A. In accordance with your message, I had prepared plans and also pictures which I present.

Recorder: Let the following items that disagree have been submitted as Exhibits 14, 15, and 16. Photographs have been entered as Exhibits 17, 18, 19, 20, 21, and 22.

Q. Captain, do you have any recommendations for a common recognition/identification signal for use by all surface and air forces regardless of mission?

A. We have three forces; U.S. Navy, air force, land and sea, in South Vietnam. We should have a common set of rules or a common set of identification signals. I cannot give a recommendation as to what we should have. There should be an AS JOC group study this and come up with a common set.

The witness was duly cautioned concerning his testimony and answered.

The board adjourned at 1730, 20 August 1966.

[REDACTED]

***** EXTRACT COPY *****

Copied on 26 Aug 66

IMMEDIATE/URGENT

FROM: 7AF SL RVN

315 TOW ULON THAI

INFO: AFCE

CYS TO:

2 - DIO
1 - TACC-TH
1 - TACC-OFF
1 - DCCO-CR
1 - DCCO-CF
1 - DCCO-B
1 - DCCO
1 - 3 ARCS
1 - 505 TOG

SECRET/LINDIS/ZIIP/TACC-66-S 2251 AUG 66.

SUBJ: (U) TALLY NO FRAG ORDER 22 FOR TR 510 33.

EXECUTION 10 AUG 66. MSG IN XIII PARTS.

REF A. (S) 7AF/OPORD 458-67, TALLY NO. 17 JUL 66.

REF B. (TS) 7AF/OPORD 100-66 (ROLLING THUNDER) 21 JAN 66.

REF C. (TS) RT 51 SUP. PBR 136 FOR 10 AUG 66.

REF D. (TS) 7AF/OPORD 478-66 TS-10409, 10 JUN 66.

REF E. (S) 7AF/OPORD 449-66 (SKYSPAW) 14 APR 66.

REF F. (S) 7AF/TACC-TH 09124 GENERAL INSTRUCTIONS.

REF G. (S) 7AF/TACC-TH 0.226 TALLY NO CONGESTION.

PART I. SITUATION REF A.

PART II MISSIONS:

L. RT/TH-H. CONDUCT NIGHT ARMED RECON/SEARCH MISSIONS ALONG LOC.

PART III. EXECUTION:

B. NIGHT FORCES (ALL TYPES ZULU)

I. B. JACK DONALSON, COLONEL, USAF
TALLY NO TASK FORCE COMMANDER

s/ I. B. Jack Donalson, Col
EDWARD A. HOGGOTT, III, COL, USAF
DCS II-3 AND OPERATIONS

FACE 1 OF 3 PAGES

D. L-66-00190

BR		VV
1.	315	1. 35
2.	RT/TH H 44	2. RT/TH H 448
3.	1 C-130	3. C PAC
4.	BLIND DAT 2	4. GOYOTE 91
5.	2700-2800	5. 1945-2015
6.7.8.	NA	6. 6.7.8 NA
9.	FLARES	9. LD 2XJUU 25 2XIRH1 .01/CD #2 2XCEU
10.	NA	10. NA
11.	NA	11. AMBROSE
12.	NA	12. BLIND DAT 2

K. GENERAL INSTRUCTIONS: (REF A, B, F, G).

6. BLIND DAT 1 AND 2 WILL BE DESIGNATED PSU COMMANDERS. CONTACT
REQUIREMENT FILED ON FREQ 330.0. REMAIN IN DESIGNATED ORBIT AREA.

7. SPUD ACFT WILL CONTACT BLIND DAT AND RELAY MOVING TGT INFORMATION
RE: THE ACFT/BLIND DAT. SPUD ACFT FLY NO FURTHER NORTH THAN A LINE
EXCEED 100 FEET FROM XLS87205.

***** EXTRACT COPY *****

PART IV THRU X: NO CHANGE

PART XI SAR: REFER REF C.

PART XIII COM: REFER REF A.

END. * * * * *

This is a certified true extract.

Richard D. Emerson

RICHARD D. EMERSON, LtCol, USAF
Chief, Air Defense Division

PAGE 3 OF 3 PAGES.

[REDACTED]

A. U.S. NAVY ESCORT RADAR PICKET DESTROYERS (DEP), OCEAN MINESWEEPERS (MSO) AND COASTAL MINESWEEPERS (MSC) ARE STATIONED THROUGHOUT MARKET TIME AREA. THESE SHIPS GUARD 277.8 MCS AND 301.0 MCS. SHIPS WILL ACTIVATE 46.4 MCG (FM) WHEN AIRCRAFT ARE IN VICINITY. COAST GUARD CUTTERS (WPC) (LENGTH 82 FT, BEAM 17 FT) GUARD 277.8 MCS AND 2158 ICS (V). WHEN AIRCRAFT IN VICINITY WILL ACTIVATE 46.4 MCG (FM). SWIFTS (PCP) (LENGTH 50 FT, BEAM 13 FT) GUARD 2158 MCS (V). MARKET TIME P2 AND P3 AIRCRAFT PATROL THE AREA AND GUARD 277.8 MCS AND 301.0 MCS.

B. THE VNM SHIP PARTIAL CRAFT (PC AND PCE), COASTAL MINESWEEP (MSC), LANDING SHIP SUPPORT LARGE (LSST), LANDING SHIP INFANTRY LARGE (LSLI) AND PATROL MOTOR GUNBOAT (PGM) OPERATE IN MARKET TIME AREA. VNM SHIPS GUARD 301.0 MCS AND ACTIVATE 46.4 MCG (FM) WHEN AIRCRAFT ARE IN VICINITY. SHIPS MARKED ON HORIZONTAL SURFACE WITH A LARGE YELLOW SQUARE DIVIDED INTO FOUR EQUAL PARTS BY RED CROSS WHICH EXTENDS FROM CORNERS OF SQUARE. ALL NORMALLY HAVE U.S. NAVY ADVISORS ABOARD.

C. COASTAL GROUPS (JUNK DIVISIONS) ARE BASED ALONG THE COAST AND OPERATE IN CONTIGUOUS WATERS IN VICINITY OF BASES. PRIMARY JUNKS ARE COMMAND JUNKS (LENGTH 55 FT, BEAM 15 FT); TABUTA JUNK (LENGTH 53 FT, BEAM 10 FT); MOTOR ONLY JUNKS

(LENGTH 40 FT, BEAM 9 FT); ALL HAZE GREY IN COLOR, PRIMARY IDENTIFICATION FOR THESE AND ALL VNM JUNKS IS A LARGE YELLOW SQUARE WITH RED CROSS AS DESCRIBED ABOVE. JUNKS GUARD 46.4 MCS (FM). U.S. ADVISORS MAY OR MAY NOT BE ABOARD.

D. AT NIGHT ALL UNITS OPERATE DARKENED. RADIO IS BEST METHOD OF INITIAL CONTACT.

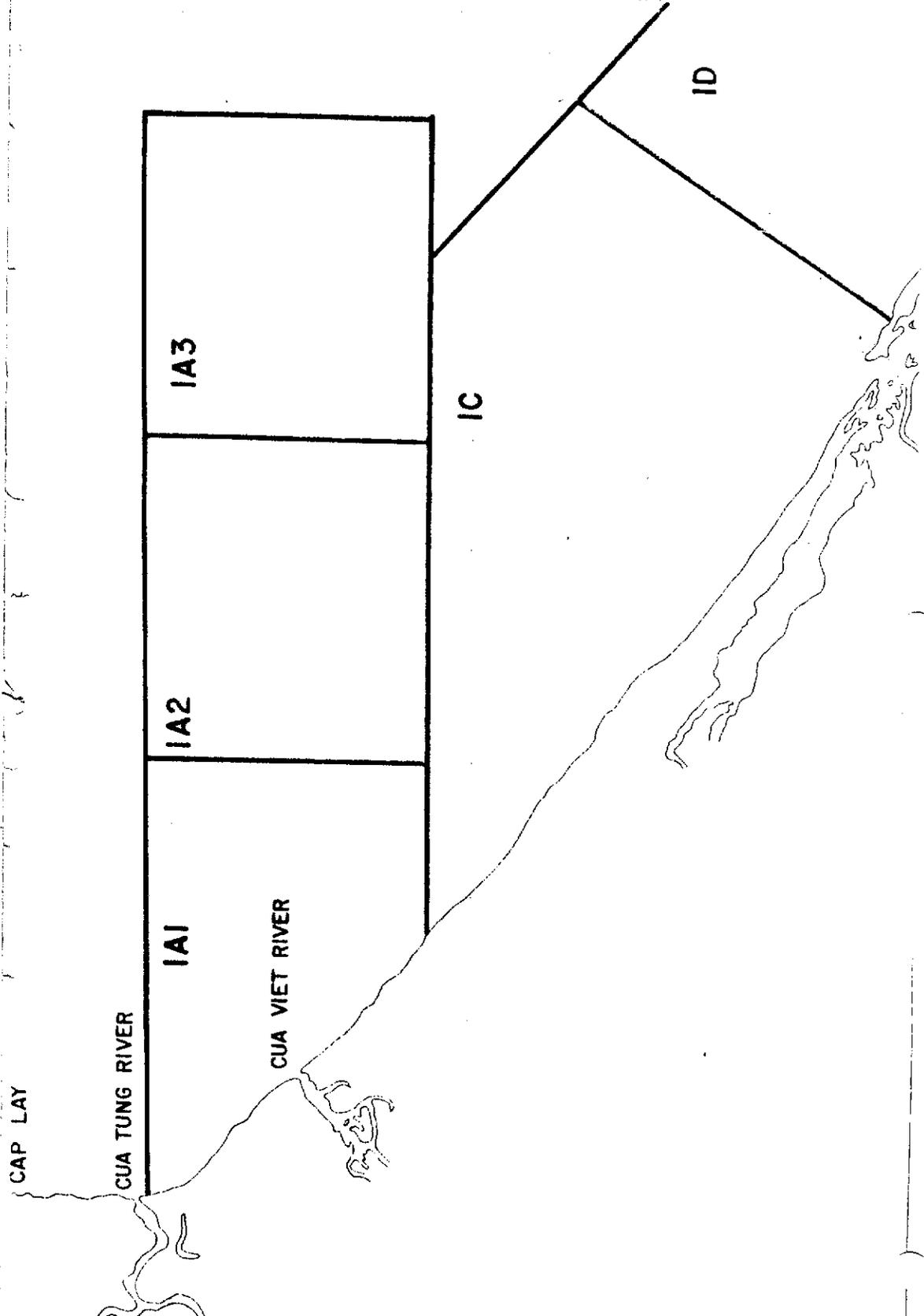
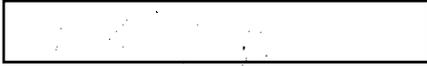
E. MARKET TIME FORCES WILL ANSWER CALL-UP "ANY MARKET TIME UNIT".

3. REQUEST PROMULGATE TO AIR AND SURFACE UNITS THAT MAY OPERATE IN MARKET TIME AREA.

OP-4

List of Exhibits

1. Chart of Area
2. Standing Night Orders of Point Welcome
3. Point Welcome Night Order Book for 9 August 1966
4. Point Welcome Night Order Book for 10 August 1966
5. Point Welcome Bridge Log for 11 August 1966
6. Copy of CBC Communication Log for period 101940Z through 102210Z August 1966
7. Extracts from Commander, Coast Guard Division 12 Weekly Summaries to CTF 115.1
8. Summary of Events for USCG Cutter Point Caution for period 110300Z through 110740H August 1966
9. Information contained in documents dealing with Rules of Engagement for SEASIA
10. 7th AF Msg, Cite # 00124 Jul 66, for Rolling Thunder/Tally No General Instructions
11. CTF 115 Msg 240310Z Jan 66 on Recognition and Communication with Market Time forces
12. 7th AF Msg 22512 Aug 66, Tally No FRAG Order for 10-11 August 66
13. Copy of SLAR imagery taken by Spud 14
14. Diagram of Point Welcome depicting damage; Port Side
15. Diagram of Point Welcome depicting damage; Starboard Side
16. Diagram of Point Welcome depicting damage; Top View
17. Photograph of Damage
18. Photograph of Damage
19. Photograph of Damage
20. Photograph of Damage
21. Photograph of Damage
22. Photograph of Damage
23. Example of Press Card issued to Timothy J. Page



TREASURY DEPARTMENT
UNITED STATES COAST GUARD

Address reply to:

30 April 1966

STANDING NIGHT ORDERS
USCGC POINT WELCOME

1. Standing orders are general and permanent. Supplementary orders will be issued daily and will be signed by each OOD prior to relieving the watch.
2. As OOD you are required to understand and comply with the appropriate sections of Coast Guard Regulations: International and Inland Rules of the Road; and unit, division, squadron, and task force regulations.
3. Do not relieve the watch until you know exactly what is going on. If for any reason you feel that you cannot relieve the watch notify me immediately. Position, course, speed and navigational safety are of prime importance.
4. Adapt your eyes to darkness before relieving. While on watch avoid bright lights as much as possible.
5. Be thoroughly familiar with all bridge equipment and be able to use it in the dark.
6. While on Market Time Operations steam at darken ship. Use navigation lights only in an emergency situation.
7. Advise me of all contacts that could threaten the safety of the ship, whether navigational or hostile.
8. Notify me of all significant changes in the weather such as changes in barometric pressure of more than 0.04, changes in wind velocity of 20 knots, reduction in visibility to less than one mile, and wind shifts of more than 20 degrees.
9. Energize fathometer when within 1000 yds of the beach and within 1500 yds of river mouths.
10. Inform me before trying to recover any floating objects.
11. Board no junks without my specific authority.

*Keep Freedom in Your Future With U.S. Savings Bonds*

12. Notify me of all equipment failures.

13. Should this vessel draw fire sound the general alarm. Have watch personnel man the most advantageous weapons. You are authorized to commence fire only if failure to do so would endanger the vessel. In all other cases I am the only one who is authorized to commence fire. In the event of my death, the executive officer is in command.

14. As commanding officer, I am always on duty. Never hesitate to call me if in doubt. If I am awakened make sure that I fully understand the report that is given to me. Be insistent if necessary. I am completely responsible for the safety of this vessel and her crew, never take it upon yourself to relieve me of this responsibility by failing to make a required report.

/s/ D. C. Brostrom
D. C. BROSTROM
COMMANDING

DATE	SIGNATURE
4-30-66	/s/ T. E. Hardy CMI
4-30-66	/s/ G. Barton LTJG
5-1-66	/s/ John W. Sprater BMC
6-22-66	/s/ Richard H. Patterson, BMC
6-22-66	/s/ R. Bell
8-10-66	/s/ B. Russell

TUESDAY 9 AUGUST 1966

1. UNDERWAY IN AREA 1A1 UNDER THE OPERATIONAL CONTROL OF BEE KING.
2. WE WILL BE WORKING WITH X-A. KEEP HIM INFORMED OF HIS POSITION BE SURE TO TELL HIM IF HE IS NORTH OF THE DMZ.
3. STAY FAR ENOUGH TO SEAWARD SO HE CANNOT SEE YOU.
4. CALL TIM PAGE, THE PHOTOGRAPHER IF YOU SEE ANYTHING THAT MIGHT MAKE A GOOD PICTURE, FLARES ETC.
5. CALL ME AT 0800H.

2000-2400 BRP
0000-0400 'GUNS'
0400-0900 RHP

/s/ D. C. BROSTRON
COMMANDING

WEDNESDAY 10 AUGUST 1966

1. UNDERWAY IN AREA 1AL UNDER THE OPCON OF BEE KING.
2. XRAY ALFA WILL BE OUT TONIGHT IN THE SOUTHERN PART OF AREA.
3. PATROL IN THE NORTHERN PART OF AREA UNLESS X-A NEEDS ASSISTANCE.
4. CALL ME WHEN CAT KILLER OR BIRD DOG COMES UP TOMORROW MORNING.

/s/ D. C. BROSIROM

0400-0800 RHP
2000-2400 BRR

* X-A WILL HAVE TWO JUNKS IN NORTHERN PART OF AREA, CALL ME IF THEY ARE WITHIN 1 MILE OF 17TH PARALLEL.

/s/ DCB

2000-2400 BRR
0000-0400 RHP

COMMANDING OFFICER (Name and Rank)	LOCATION AT 0000 HOURS
DAVID C. BROSTRUM LT(jg) USCG 7190	SOUTH CHINA SEA
DATE (Insert day of week, month, date and year)	ATTACHED TO-
THURSDAY; AUGUST 11, 1966	COG DIVISION 12

0000-0400

UNDERWAY ON MARKET TIME PATROL IN AREA 1-A-1, UNDER THE OPERATIONAL CONTROL OF TU 115.1.4. STEAMING AT DARKEN SHIP AT WATCH CONDITION III WITH CONDITION "YCKE" SET THROUGHOUT THE SHIP. VESSEL IN TIME ZONE - 7 OBSERVING TIME - 8.

/s/ MARK D. MCKENNEY GM2

0345 STARTED TO RECEIVE FIRE FROM JET PLANE
 THE HOLE BOAT IS SHOT UP FIRE ON THE FANTAIL. GOT
 THE FIRE OUT. GOT THE BOAT UNDER WAY FOR X A RECEIVING
 FIRE ALL THE WAY. THE COMMANDING OFF IS DEAD.
 THE XO WOUNDED I ASSUMED COMMAND AT 0350
 0415 LOSING ENGINE POWER BEACHED THE BOAT AT
 MOUTH OF CUA VIET RIVER TRYING TO EVAC. WOUNDED.
 JET STOPED FIRING THANK GOD. 0500 PT. CAUTION ARRIVED
 ON BEAM.
 0630 UNDERWAY FOR YR 71 DA NANG

/s/ RICHARD H. PATTERSON BMC

0400-0800

UNDERWAY AS BEFORE

/s/ BILLY R. RUSSELL BMC

0800-1200

UNDERWAY AS BEFORE ENROUT DA NANG

/s/ RICHARD H. PATTERSON BMC

*Assigned to the
 10/15/66
 Dec 17/66
 Page 30*

The following is a transcript of circuit S-3 (4085 kcs), Northern Coordinating and Reporting Net.

Net control of this circuit is CTG 115.1. All times listed are Zulu time for 10 August 1966.

Time	Originator	Addressee	Message
1940	Pt. Welcome	CTG 115.1 CTU 115.1.h	Am being illuminated and attacked by what I believe is VN aircraft. Have received hits.
1955	CTG 115.1	Pt. Orient Pt. Caution Pt. Lomas CTU 115.1.h	Close Pt. Welcome's area at maximum speed and commence search.
2007	CTG 115.1	Pt. Orient	Interrogative ETA Pt. Welcome area.
2007	Pt. Orient	CTG 115.1	ETA 20 minutes.
2007	CTG 115.1	Pt. Orient	Have you been trying to contact Pt. Welcome via all circuits?
2007	Pt. Orient	CTG 115.1	Affirmative; negative contact.
2010	CTG 115.1	Pt. Lomas	Interrogative ETA Pt. Welcome area. Have you had communications with Pt. Welcome via any circuit?
2010	Pt. Lomas	CTG 115.1	Negative results. ETA 0515H.
2015	Pt. Caution	CTG 115.1	ETA Pt. Welcome area 0445H.
2016	CTG 115.1	PCF-15	Patrol area north of you until further notice.
2020	CTG 115.1	Pt. Caution Pt. Lomas	Do you have what appears to be Pt. Welcome on your gadget? When you arrive at Pt. Welcome's area, Pt. Orient coordinate with Pt. Caution for maximum search efforts.
2020	---	---	CG-11 is providing illumination from base.
2025	CTG 115.1	Pt. Orient	Do you have radar coverage of area concerned?
2026	Pt. Orient	CTG 115.1	Affirmative; I am 8 miles and Pt. Caution is 3 miles...believe to be Pt. Welcome.
2030	Pt. Caution	CTG 115.1	Request frequency of aircraft; am being illuminated at this time.

2031	CTG 115.1.h	CTG 115.1	ETA 0515H.
2035	Pt.Caution	CTG 115.1	Believe to have Pt.Welcome in sight.
2045	Pt.Caution	CTG 115.1	Am picking up survivors now; will send you something as soon as I get more information.
2045	CTG 115.1.6	Pt.Caution	Advice as soon as possible if you need Medevac.
2105	Pt.Orient	CTG 115.1	P 102100Z (text follows)

From: Pt.Orient
To: CTG 115.1

Sitrep 1

Point Welcome hit.

1. Pt.Caution, Pt.Orient, Pt.Lomas, CG-11
Pt.Caution has five survivors aboard. CG-11 unit attempting to rescue unknown number of survivors from beach and water.
2. Pt.Caution personnel aboard Pt.Welcome this time. Communications bridge destroyed, main engine still running. CO of Pt.Welcome believed dead.
3. Pt.Orient attempting to tow Pt.Welcome away from beach.
- h. Medevac needed urgently.

BT

2110	CTG 115.1	Pt.Orient	Our records show 11 Coast Guard personnel, one civilian.
---	CTG 115.1	Pt.Orient	Request to know cause of attack.
2115	Blind Bat 02	CTG 115.1	Received targets from Spud-13 at 17° north. Blind Bat 02 illuminated and saw power boat and no lights. Illuminated three times; boat failed to give recognition signal.
----	Spud-13	addce unknown	(Spud-13 made transmission this net; CTG 115.1 unable to copy; could not raise him again.)
2130	Pt.Orient	CTG 115.1	All personnel including civilian are accounted for.
2130	CTG 115.1	Pt.Orient	...Medevac and interrogative conditions.
2135	Pt.Orient	CTG 115.1	Pt.Caution has many seriously wounded on board, and Medevac urgently needed.
2135	CTG 115.1	Pt.Orient	Medevac on its way.

2143 CTU 115.1.h CTG 115.1 P 102130Z (text follows)

From: CTU 115.1.h
To: CTG 115.1

Confidential

Interrogative possible NGFS for me. If so is there a spotter?

BT

2146 CTG 115.1 CTU 115.1.h Are you on scene?
2146 CTU 115.1.h CTG 115.1 Negative; will be on scene in 30 Mins.
2154 CTG 115.1 Pt.Caution Shoot green Very pistol when Medevac arrives on scene.
2155 CTG 115.1 CTU 115.1.h Reference your P 102130Z: negative.
2155 CTG 115.1 Pt.Orient Request advise personnel from Pt.Welcome.
2155 Pt.Lomas CTG 115.1 CG-11 has contact with Medevac; will provide green Very pistol.
2205 CTG 115.1 Pt.Lomas Pt.Caution Do you need another Medevac helo?
2205 Pt.Lomas CTG 115.1 Medevac has been completed.
2206 CTG 115.1 Pt.Lomas Request status of personnel.
2207 CTG 115.1 Pt.Lomas Where is Medevac helo going?
2210 CG-11 CTG 115.1 Medevac being completed at this time. Will advise CTG 115.1 as soon as possible.
2210 Pt.Caution CTG 115.1 -O-102200Z (text follows)

From: Pt.Caution
To: CTG 115.1

Sitrep

1. Have accounted for all Pt.Welcome personnel. 2 KIA, 5 WIA. Remainder on board Pt.Orient enroute CTG 115.1.
2. Medevac underway. ETA 0630H at CG-11. KIA/WIA at CG-11 at this time.
3. Pt.Welcome underway own power with partial crew from Pt.Orient.
4. Pt.Caution remaining this station unless otherwise directed.

KIA: Phillips, EN2
LJG Brostrom

WIA: Page (civilian)
VHRL0

Weekly Summary, 3 - 9 July 1966

3a: Challenge and reply systems to date are ineffective and not being used. There is a question as to when systems are to be used, and between whom. The instructions for the use of these systems are confusing, as contained in reference (d). It is recommended that a re-evaluation of these systems be considered by CTF 115, and new instructions be promulgated.

Weekly Summary 10 - 16 July 1966

2d: Spotter aircraft are not aware that WPB's guard 46.4 mcs when the a/c are sighted. Recently an Air Force Spotter a/c attempted to establish communications with the PT CAUTION. The a/c eventually had to resort to dropping a Mat'g in the water asking to come up on 44.5 mcs. The a/c reported that she had been attempting to gain communications with WPB's for 9 months, but didn't know what frequency she guarded. WPB's have continually reported that spotter planes fail to come up on FM when in the vicinity of WPB's. However, the problem actually is that spotter a/c don't know that WPB's guard 46.4 mcs. Again, more coordination between Market Time and other efforts in I Corps is necessary. The above situation should never have occurred.

Weekly Summary 17-23 July 1966

2b: Again challenge and reply procedures are poor. PT LOMAS detected a steel hull contact on the barrier. Repeated challenges went unanswered. After setting General Quarters, illuminating, and closing to 300 yards, the steel hull then answered the challenge correctly by loud hailer. The contact then turned out to be the submarine USS PERCH, which had surfaced on the water.

4. Other comments: Another case of a near catastrophe: PT WELCOME fired upon by shore artillery. Artillery suspected to be friendly as PT WELCOME was at least three miles from shore. Estimated 6-10 rounds sighted in a ladder pattern. Lack of liaison in these matters will lead to an eventual disaster. Too many near misses have already occurred.



TREASURY DEPARTMENT
UNITED STATES COAST GUARD

Address reply to:
Commanding Officer
USCGC Pt. Caution
Box 88, NSA
FPO San Francisco 96695
-5000
12 August 1966

From: Commanding Officer, USCGC Pt. Caution
To : CTG 115.1

Subj: Summary of Events, 11 August 1966

Ref : (a) Your msg 110811Z of Aug 66

1. The following is taken from ship's log, radio log and statements of boat's personnel.
2. 0350 Intercepted call from Pt. Welcome on S-3 to CTG 115.1: "Article this is Article India, am under fire from Vietnamese aircraft. Article India this is Article, Roger out." This unit called Article India: "Do you require assistance?"
"This is India, affirmative, I have taken hits, request assistance."
Set course 310T at maximum speed. Informed CTG 115.1 intend proceed and assist.
- 0355 Attempted to contact Pt. Welcome on all frequencies, negative results. Attempted to contact aircraft on 243.0 Mcs, negative results. Observed continuous aircraft illumination in area where Pt. Welcome believed to be.
- 0445 Sighted Pt Welcome dead in the water at position YD 343 709. Sighted survivors in the water and closed to assist. Called Career 7 requesting medevac as soon as possible.
- 0455 Completed taking five(5) Pt Welcome survivors from the water. Coastal Group 11(XA) units in area took seven(7) persons from the water. Was informed by survivors that Pt Welcome Commanding Officer still aboard his unit and believed dead. Commenced giving First Aid to survivors.
- 0500 Lowered small boat with three(3) men to go aboard Pt Welcome and investigate.
- 0505 Small boat alongside Pt Welcome; investigation revealed small fire in lazarette, not taking on water, engines and #2 generator running and intact, no apparent damage. Directed Pt Orient to send SITREPS as necessary.
- 0510 Pt Orient on scene, directed Pt Orient to go alongside Pt Welcome to assist and tow if necessary.
- 0515 Report from Pt Welcome that fire was out, both main engines and #2 generator in normal operation. No flooding aboard. Commanding Officer of Pt Welcome found dead on bridge.
- 0517 Pt Lomas on scene, standing by to assist. Directed him to assist with communications. HC-130 illuminated until daylight.



Keep Freedom in Your Future With U.S. Savings Bonds

Exhibit 8. 1 of 2

USCGC Pt Caution 5000 ltr of 12 Aug 66

- 0545 Transferred wounded to XA unit for medevac at XA.
- 0600 XA unit departed with wounded.
- 0602 Partial crew of Pt Orient aboard Pt Welcome, transferred uninjured survivors to Pt Welcome.
- 0605 Pt Welcome underway own power for Banang, Pt Orient escorting. Small boat alongside Pt Caution.
- 0610 Sent my msg O 101400Z SITREP To CTF 115.1. DTG in error, should read O 102200Z.
- 0612 PCF 15 arrived on scene.
- 0615 USS Haverfield on scene. Directed XA unit pick up HMI from Haverfield for transfer to XA.
- 0657 USS Haverfield departed scene.
- 0715 Pt Lomas and PCF 15 departed scene.
- 0720 Commenced retrieving Pt welcome survival gear from water.
- 0740 Completed retrieving Pt Welcome survival gear. Resumed patrol.

D. Boyce

J. D. BOYCE
LTJG, USCG
Commanding Officer
USCGC Point Caution(WPB-82301)

The board reviewed and noted the content of the following documents:

1. CINCPAC () 140425Z APRIL 1965, Rules of Engagement SEASIA (U).
2. JCS () 6003/070323Z JULY 1966, Rolling Thunder 51, JCS Execute (U).
3. CINCPAC () 080730Z JULY 1966, Rolling Thunder 51, CINCPAC Execute (U).
4. 7AF () GJORD 100-16, 21 JAN 66, Rolling Thunder Basic Operations Order (U), *with changes # 1 through 12.*
5. 7AF () GJORD 433-66, 10 JUN 66, Barrell Roll/Steel Tiger (U).
6. TACCC () 230741Z AUGUST 1966, Rules for DMZ (U).
7. 7AF () LUBIS/TACC-TH 09124 JULY 1966, Rolling Thunder/Tally Ho General Instructions (U).
8. 7AF () //ZIPPO/TACC-66-S 22512 AUG 66, Tally HO Frag Order 22 for RT 510-33 Execution 10 Aug 66.

These documents contained the following paraphrased information:

1. Defined hostile vessels and rules for engagement, including restrictions.
2. Authorized engagement of specific type vessels in defined areas.
3. Limited authorization for engaging only attack type vessels. This message passed for action by COMUSMACV.
4. Contained rules for engagement as authorized by 3 above.
5. Established and defined armed recon areas within Route Package 1.
6. Provided new guidance for operations/restrictions in and near the DMZ.
7. Contained general guidance for operations in Tally Ho area, including DMZ.
8. Daily Frag Order authorizing armed recon ^{AND} ~~OR~~ designating C-130 flare ship aircraft commander as mission commander.

JOINT MESSAGEFORM

SECURITY CLASSIFICATION

"A CERTIFIED TRUE COPY"

TYPE MSG	BOOK	MULTI	SINGLE
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PRECEDENCE

ACTION IMMEDIATE

INFO IMMEDIATE

DTG

FROM: 7AF TSN RVN

SPECIAL INSTRUCTIONS

TO: DEP COMDR, 7AF UDORN THAI
 CG III MAP DNG AB RVN
 CG FMAW DNG AB RVN
 35 TFW DNG AB RVN
 12 TFW CRB RVN
 633 CSGP PKU AB RVN
 MAG 11 DNG AB RVN
 MAG 12 CHU LAI AB RVN
 I DASC DNG AB RVN
 620 TCS DNG AB RVN
 DET 3, 621 TCS UBON THAI
 DET 1, 620 TCS DONG HA RVN
 621 TCS UDORN THAI
 DET 5, 621 TCS NAKHON PHANOM THAI
 PROJECT TIGER HOUND DRAWER 16 DNG AB RVN
 PROJECT TIGER HOUND 1 ACS PKU AB RVN
 366 TFW PHAN RANG AB RVN
 8 TFW UBON THAI
 634 TUOC NAKHON PHANOM THAI

INFO: COMUSMACV
 COMSEVENFLT
 PACAF
 13AFCC CLARK AB PI

CYS TO:
 2 - DIO
 2 - TACC-TH
 1 - TACC-CO
 1 - DOCC-OR
 1 - DOCC-CP
 1 - DOCC-B
 1 - DOCC-A
 1 - 3ARRG
 1 - DMCOC
 1 - ABOCC

DATE	TIME
MONTH	YEAR
PAGE NO. 1	NO. OF PAGES 6

D R A F T K E R	TYPED NAME AND TITLE	PHONE	SIGNATURE
	I.B. JACK DONALDSON, COLONEL, USAF TALLY HO TASK FORCE COMMANDER		s/ I.B. Jack Donaldson
SE	TYPES (or stamped) NAME AND TITLE		
	EDWARD A. HOGGUGH, III, COL, USAF DCS PLANS AND OPERATIONS		
REGRADING INSTRUCTIONS			

DD FORM 173 NOV 62

REPLACES EDITION OF 1 MAY 62 WHICH MAY BE USED.

GPO : 1969-O-774-777

480 TFS DNG AB RVN
390 TFS DNG AB RVN
314 TCW CHING CHUAN KANG AB TAIWAN
14 ACW NHA TRANG AB RVN
20 TASS DNG AB RVN
630 TFW UBON THAI

[REDACTED] TACC-CH 09124 JUL 66.

SUBJ: [REDACTED] ROLLING THUNDER/TALLY HO (RT/TH) GENERAL INSTRUCTIONS.

REF A. 7AF OPOD 453-67 (TALLY HO), 17 Jul 66

REF B. 7AF OPOD 100-66 (ROLLING THUNDER) 21 JAN 66

REF C. 7AF OPOD 433-66-75-10409, 10 JUN 66

REF D. 7AF OPOD 439-66 (SKY SPOT), 14 APR 66

MSG IN IV PARTS:

PART I: THE FOLLOWING GENERAL INSTRUCTIONS APPLY TO ALL AIR OPERATIONS BEING CONDUCTED IN SOUTH SECTOR RPI (TALLY HO). THESE INSTRUCTIONS ARE EFFECTIVE UPON RECEIPT AND REMAIN IN EFFECT UNTIL FURTHER NOTICE. SPECIFIC INSTRUCTIONS, AS APPLY TO A DAILY OPERATIONS, WILL BE CONTAINED IN FRAG ORDER AND TAKE PRECEDENCE OVER THESE GENERAL INSTRUCTIONS.

A. AIRCREWS WILL BE THOROUGHLY FAMILIAR WITH THE RULES OF ENGAGEMENT AS OUTLINED IN REF A AND B AND CHANGES THERETO, PARTICULARLY AS THEY APPLY TO THE DMZ. ORDNANCE WILL BE EXPENDED WITHIN THE PROVISIONS OF THESE OPODS.

B. THE ABCC WILL BE IN ^{Proximity of} TGT AREA A MINIMUM OF 30 MINUTES PRIOR TO



FIRST TOT OF STRIKE ACFT TO PERFORM WEATHER RECONNAISSANCE. SHOULD WEATHER PRECLUDE POSSIBILITY OF STK IN TALLY HO OR TIGER HOUND, ABCCC WILL PROMPTLY ADVISE TACC-CP (BATON ROUGE) OR TACC-TH OPERATIONS (SNOOPY).

C. PAC'S WHEN REQUIRED, ARE PROVIDED BY TALLY HO TASK FORCE, CALL SIGN (HOUND DOG). THEY WILL KEEP STK ACFT ADVISED OF AW/FLAK IN THEIR TGT AREA AND WILL PERFORM A DAMAGE ASSESSMENT AT CONCLUSION OF STK. DAMAGE ASSESSMENT WILL BE GIVEN TO STK ACFT AS SPECIFIC AS POSSIBLE (I.E., 4 BLDGS DESTROYED) OR IN CASE OF SATURATION, IN A PERCENTAGE FIGURE FOR AREA COVERAGE AND EFFECTIVE^{NESS} (I.E. 75/100 WOULD MEAN 75% OF TGT COVERED WITH ORDNANCE AND 100% OF TGT DESTROYED).

D. HOUND DOG ACFT NOT REQUIRED TO PERFORM PAC RESPONSIBILITIES WILL BE SCHEDULED BY TALLY HO TASK FORCE ^{DETACHMENT} TO CONDUCT VISUAL RECCE. ALL ACFT, WHEN REQ'D TO PROVIDE ESCORT/FIRE SUPPRESSION, ONE ^{ACFT} WILL CONDUCT VISUAL RECCE WHILE OTHER ACFT IS PERFORMING ESCORT DUTIES. ALL PAC AND VISUAL RECCE ACFT WILL AVOID HEAVY DEFENSE AREAS AND WILL MAINTAIN RADIO CONTACT WITH ABCCC. WHEN ABCCC IS NOT AIRBORNE, HOUND DOG ACFT WILL NOT FLY SINGLE AND WILL MAINTAIN VISUAL OR RADIO CONTACT WITH OTHER ACFT.

E. THE VMAP WILL PROVIDE APPROXIMATELY 12 SORTIES DAILY WITHIN AN AREA ENCOMPASSING A SQUARE FROM XD560720, 12 KILOMETERS NORTH AND 13 KILOMETERS EAST. ALL AIRCREWS WILL EXERCISE CAUTION IN VICINITY.

F. AIRBORNE COMMAND POST AND PAC'S ARE AUTHORIZED TO DIVERT SELF TO TOTS OF OPPORTUNITY WITHIN EXISTING RULES OF ENGAGEMENT. PAC'S WILL BE PREPARED TO DIVERT STK ACFT TO ALTERNATE TOTS IF I DASC WHEN TALLY HO/ TIGER HOUND STK AREAS ARE OBTAINED.



G. IF FAC CONTROLLED STK ACFT ARE UNABLE TO CONTACT FAC, ORDNANCE WILL BE EXPENDED ON TGT AREA WHEN IDENTIFIED. IF UNABLE TO STK ASSIGNED TGT, FLIGHT WILL CONDUCT ARMED RECCE IN TALLY HO ALONG LOC.

H. BOMB RELEASE SEQUENCE ^{IS} TO REMAIN AT THE FLT LEADERS OPTION. HIS JUDGEMENT OF TGT SIZE, DEFENSES, AND WEATHER STATUS GUIDE HIM IN DETERMINING WHETHER TO USE SINGLE, DUAL OR RIPELY RELEASE OPTIONS. HE ~~WILL~~ USE STK FORCES AGAINST TGT DEFENSE FOR SUCCESS OF THE MISSION **AND PROTECTION OF FAC.**

I. STRIKE AND SUPPORT ACFT WILL LAUNCH AS FRAGGED UNLESS CANCELLED BY TACC. COMMANDERS WILL ADJUST TAKE OFFS TO MAKE GOOD TIME ON TGT.

J. MAG 11 HAS AUTHORITY TO INTERCHANGE F4B AND F8E TYPE ACFT TO MEET OPERATIONAL REQUIREMENTS.

K. FLIGHTS WILL CONTACT WATERBOY PRIOR TO CROSSING 16/30 NORTH LAT AND REQUEST FLIGHT FOLLOWING. FLIGHTS WILL ESTABLISH CONTACT WITH AIRBORNE COMMAND POST (ABCCG), CALL SIGN, HILLSBORO CONTROL, AS SOON AS FEASIBLE. IF UNABLE TO CONTACT HILLSBORO, FLIGHT LEADERS MAY GO DIRECT TO STK FREQUENCY WITHIN FIVE MINUTES OF TOP FOR CONTACT WITH VISUAL RECCE/FAC ACFT IN AREA, FOR STRIKE OR DIVER INFORMATION, OR RE-ESTABLISH CONTACT WITH WATERBOY FOR POSITIONING.

L. SIGHTING OF FLEETING TGT'S BY ANY AIRCREW WILL BE REPORTED BY POSITION/TIME TO ABCCG OR TACC IMMEDIATELY TO GET STK ONTO THE TGT. IF VEHICLES ARE MENTIONED IN THE ^{REP} REPORT, STATE ALSO THE ACTION TAKEN TO SECURE AIR STK. SIGNIFICANT SIGHTING BY STK AIRCREWS WILL BE INCLUDED IN THEIR MISSION REPORT.

M. MISSION REPORTS WILL BE SUBMITTED TO 7AF DOCC-OR AND 7AF TACC-TH TSN RVN (7AF TACC-TH TO BE SEPARATE ADDRESSEE ELEMENT) BY IMMEDIATE

[REDACTED]

OPREP-4 WITH MOST DIRECT COMMUNICATIONS CIRCUIT AVAILABLE IAW NORMAL POST MISSION REPORT PROCEDURES. THIS APPLIES TO ALL MISSIONS. MISSIONS WILL BE REPORTED AS RT/TH WITH MISSION DESIGNATOR SHOWN FOR EACH FLT. IF MORE THAN ONE AREA IN TGT COMPLEX, REQUEST OPREP-4 GIVE PARTICULAR STK AREA. IMPORTANT: ADD IN REMARKS "THIS IS A TALLY HO STRIKE".

PART II. A. NIGHT OPERATIONS IN TALLY HO IS CONTAINED IN PART II OF THE DAILY FRAG ORDER. THE PRIMARY OBJECTIVE WILL BE TO SEARCH OUT AND DESTROY TGT'S OF OPPORTUNITY (VEHICLES). ALTERNATE OBJECTIVES WILL BE TO DENY THE ENEMY ACCESS TO THE ROUTE BY CONTINUED SURVEILLANCE AND TO INTERDICT LOC'S.

B. ABCCC WILL NOT BE AIRBORNE, CONTACT C130 FLARE ACFT, "BLIND BAT" OR "LAMPLIGHTER" FOR STRIKE AND COMMUNICATIONS ASSISTANCE.

C. NORMAL QUADRANGLE ALTITUDE SEPARATION WILL BE FLOWN WHEN APPROACHING OR DEPARTING TGT AREA.

D. SEARCH FOR TGT'S OF OPPORTUNITY SHOULD BE MADE WHENEVER POSSIBLE WITHOUT USE OF FLARES.

E. SENSOR ACFT, CALL SIGN (SPUD) ARE FRAGGED IN SUPPORT OF NIGHT OPERATIONS. THESE ACFT WILL ESTABLISH A MUTUALLY SUPPORTING SEARCH PATTERN WITH FRAGGED STK ACFT. CONTACTS WILL BE RELAYED TO FIGHTERS TO INDICATE NUMBER OF CONTACTS, POSITION AND DIRECTION OF MOVEMENT.

F. SPUD ACFT WILL RELAY INFORMATION OF MOVING TGT'S DIRECTLY TO NIGHT STK ACFT ON STATION. FREQ F/338.8, S/257.9, T/338.1.

G. DURING NIGHT OPERATIONS A MISSION COMMAND (BLIND BAT, SEE TIGER HOUND FRAG FOR HOURS OF OPERATIONS) WILL BE POSITIONED IN THE FOXTROT AREA OF STEEL TIGER (SOUTH). SIGHTING OF LUCRATIVE TGT'S ^{will} BE RELAYED TO TACC VIA BLIND BAT (OR LAMPLIGHTER) FOR FURTHER EXPLOITATION.

MISSION DESIGNATOR (I.E. RT/TH N/E).

PART III. A. SPECIAL INSTRUCTIONS: MARITIME OPERATIONS, RECOGNITION PROCEDURES. CHALLENGE AIR TO SURFACE: DAY - APPROACH CRAFT ROCKING WINGS, NIGHT - ACFT ROTATING BEACON/ANTI-COLLISION LIGHT ON. REPLY SURFACE TO AIR: DAY - DISPLAY ORANGE TRIANGLE ON DORWARD DECK, NIGHT - ILLUMINATE GREEN LIGHT STRIPS OR ROTATING RED BEACON. EMERGENCY REPLIES SURFACE TO AIR: DAY - HAND HELD ORANGE SMOKE FLARE, NIGHT - HAND HELD MK-13 RED BURNING FLARE. AIRCRAFT REACTION: DAY - DISCONTINUE INVESTIGATION NIGHT - FLASH NAVIGATION LIGHTS, DISCONTINUE INVESTIGATIONS.

FRIENDLY SURFACE VESSELS GUARD 268.7 AND 243.0 UHF.

PART IV: COMMUNICATIONS:

A. AIRBORNE COMMAND POST (ABCCO)

P/338.1, S/271.0, T/338.8

B. FAC/STRIKE

P/338.8, S/257.9, T/360.8

C. CRICKET (NORTH STEEL TIGER)

P/335.7, S/343.5

D. RESCAP

364.2

E. GCI COMMON 278.4

PANAMA P/367.8, S/376.9

PEACOCK P/256.3, S/345.0

PYRAMID P/337.3, S/372.0

WATERBOY P/269.6, S/375.7

LION P/234.3, S/259.1

BRIGHAM P/233.2, S/294.3

INVERT P/265.5, S/289.3

Pg 6 of 6 pg

A CERTIFIED TRUE COPY

CERTIFIED:

Richard B. Peterson
 RICHARD B. PETERSON, LtCol, USAF



ACTION: ROUTINE

DTG: 240310Z

FROM: OTF 115

TO: COMSEVENTHFLT
COMUSMACV (COMUSMACV)
CG III MAP
CG 2ND AIR DIVISION

RECOGNITION AND COMMUNICATION WITH MARKET TIME FORCES (V)

- A. MY 161034Z NOV NOTAL
- B. COMUSMACV 030340Z DEC NOTAL
- C. SEVENTHFLT NR 93 NOTAL

1. THE PURPOSE OF THIS MEO IS TO UPDATE INFO IN REFERENCES AND PROMULGATE FREQUENCY CHANGES.
2. THE FOLLOWING INFORMATION CONCERNING MARKET TIME USN AND VIETNAMESE NAVAL FORCES (VNN) IS TO PROVIDE ASSISTANCE IN RECOGNITION OF AND COMMUNICATION WITH THESE FORCES. MARKET TIME FORCES OPERATE OFF THE COAST OF RVN FROM THE 17TH PARALLEL TO THE CAMBODIAN BORDER AND OUT TO A DISTANCE OF ABOUT 40 MILES FROM THE COAST; HOWEVER, THE MAJORITY OF THE UNITS OPERATE WITHIN 12 MILES OF THE COAST.

1 of 1



* * * * * EXTRACT COPY * * * * *

Copied on 26 Aug 66

IMMEDIATE/IMMEDIATE

FROM: 7AF SI RVN

325 TCW ULON THAI

INFO. AFCE

CYS TO:

- 2 - DIO
- 1 - TACC-TH
- 1 - TACC-OFF
- 1 - DDOO-CR
- 1 - DDOO-CP
- 1 - DCCC-B
- 1 - DOME
- 1 - 3 ARCS
- 1 - 505 TCG

SECRET/LHDIS/ZIIF/TACC-66-S 2251 AUG 66.

SUBJ: (U) TALLY NO FRAG ORDER 22 FOR TR 510 53.

EXECUTION 10 AUG 66. MSG IN XIII PARTS.

REF A. (S) 7AF/OPORD 452-67. TALLY NO. 17 JUL 66.

REF B. (TS) 7AF/OPORD 100-66 (ROLLING THUNDER) 21 JAN 66.

REF C. (TS) RT 51 SUP. MTR 136 FOR 10 AUG 66.

REF D. (TS) 7AF/OPORD 423-66 TS-10409, 10 JUN 66.

REF E. (S) 7AF/OPORD 419-66 (SKYFOW) 14 APR 66.

REF F. (S) 7AF/TACC-TH 09124 GENERAL INSTRUCTIONS.

REF G. (S) 7AF/TACC-TH 0.226 TALLY NO CONGESTION.

PART I. SITUATION REF A.

PART II MISSIONS:

L. RT/TH-N. CONDUCT NIGHT ARMED RECON/SEARCH MISSIONS ALONG LOC.

PART III. EXECUTION:

B. NIGHT FORCES (ALL TIMES ZULU)

I. B. JACK DONALSON, COLONEL, USAF
TALLY NO TASK FORCE COMMANDER

n/ I. A. Jack Donalson, Col
EDWARD A. BOGOTT, III, COL, USAF
DCS II 3 AND OPERATIONS

PAGE 1 OF 3 PAGES

D. L-66-00190



I-11

Exhibit 13 (13) 1013