

\*Court of Inquiry Findings Related to "Panay Incident"

Official Press Release from Friday, December 24, 1937.

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CAUTION: This report of findings of the Court of Inquiry on the bombing and sinking of the USS PANAY MUST BE HELD IN CONFIDENCE AND NO PORTION, SYNOPSIS OR INTIMATION SHALL BE PUBLISHED OR GIVEN OUT UNTIL RELEASED FOR PUBLICATION.

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EXTREME CARE MUST BE EXERCISED TO AVOID PREMATURE PUBLICATION OR ANNOUNCEMENT

SECRETARY OF THE NAVY SWANSON HAS RECEIVED THE FOLLOWING FINDING OF FACTS OF THE COURT OF INQUIRY ORDERED TO INVESTIGATE THE BOMBING AND SINKING OF THE U.S.S. PANAY. THESE FINDINGS HAVE BEEN APPROVED BY THE COMMANDER-IN-CHIEF, ASIATIC FLEET.

THE COURT FINDS AS FOLLOWS:

1. THAT ON DECEMBER TWELFTH NINETEEN THIRTY SEVEN THE U.S.S. PANAY A UNIT OF THE YANGTZE PATROL OF THE U.S. ASIATIC FLEET, WAS OPERATING UNDER LAWFUL ORDERS ON THE YANGTZE RIVER.

2. THAT THE IMMEDIATE MISSION OF THE U.S.S. PANAY WAS TO PROTECT NATIONALS, MAINTAIN COMMUNICATION BETWEEN THE U.S. EMBASSY NANKING AND OFFICE OF THE AMBASSADOR AT HANKOW, PROVIDE A TEMPORARY OFFICE FOR THE U.S. EMBASSY STAFF DURING THE TIME WHEN NANKING WAS GREATLY ENDANGERED BY MILITARY OPERATIONS, AND TO AFFORD A REFUGE FOR AMERICAN AND OTHER FOREIGN NATIONALS.

3. THAT DUE TO INTENSIVE SHELL FIRE AROUND NANKING THE U.S.S. PANAY HAD CHANGED BERTH SEVERAL TIMES TO AVOID BEING HIT, AND ON THE MORNING OF DECEMBER TWELFTH NINETEEN THIRTY SEVEN FORMED A CONVOY OF SOCONY VACUUM OIL COMPANY VESSELS PRINCIPALLY THE S.S. MEIPING, MEISHIA AND MEIAN AND PROCEEDED UP RIVER.

4. THAT ADEQUATE STEPS WERE TAKEN AT ALL TIMES TO ASSURE THAT THE JAPANESE AUTHORITIES WERE INFORMED OF THE MOVEMENTS OF THE U.S.S. PANAY.

5. THAT IN ADDITION TO HER REGULAR COMPLIMENT THE U.S.S. PANAY HAD ON BOARD AT THIS TIME FOUR MEMBERS OF THE AMERICAN EMBASSY STAFF, FOUR AMERICAN NATIONALS AND FIVE FOREIGN NATIONALS.

6. THAT AT 9:40 A.M. WHILE STANDING UP RIVER THE U.S.S. PANAY STOPPED IN RESPONSE TO A SIGNAL FROM A JAPANESE LANDING BOAT, A JAPANESE ARMY BOARDING OFFICER WITH GUARD WENT ON BOARD AND WAS INFORMED THAT THE U.S.S. PANAY AND CONVOY WERE PROCEEDING TO ANCHORAGE TWENTY EIGHT MILES ABOVE NANKING, NO WARNING WAS GIVEN OF ANY DANGER LIKELY TO BE ENCOUNTERED.

7. THAT AT ABOUT 11:00 A.M., DECEMBER TWELFTH, NINETEEN THIRTY SEVEN, THE U.S.S. PANAY AND CONVOY ANCHORED IN THE YANGTZE RIVER IN A COMPACT GROUP AT ABOUT MILEAGE TWO HUNDRED TWENTY ONE ABOVE WOOSUNG, TWENTY EIGHT MILES ABOVE NANKING.

8. THAT THE U.S.S. PANAY WAS PAINTED WHITE WITH BUFF UPPER WORKS AND STACKS AND DISPLAYED TWO LARGE HORIZONTAL FLAGS ON HER UPPER DECK AWNINGS PLUS LARGE COLORS AT HER GAFF.

9. THAT THE SOCONY VACUUM SHIPS MEIPING, MEISHIA AND MEIAN EACH DISPLAYED NUMEROUS HORIZONTAL AND VERTICAL AMERICAN FLAGS ALL OF LARGE SIZE.

10. THAT AT 1:30 THE CREW OF THE U.S.S. PANAY WERE ENGAGED IN NORMAL SUNDAY ROUTINE AND WERE ALL ON BOARD EXCEPT A VISITING PARTY OF EIGHT MEN ON BOARD THE SS MEIPING.

11. THAT AT ABOUT 1:38 P.M. THREE LARGE JAPANESE TWIN MOTORED PLANES IN A VEE FORMATION WERE OBSERVED AT A CONSIDERABLE HEIGHT PASSING OVERHEAD DOWN RIVER, AT THIS TIME NO OTHER CRAFT WERE IN THE NEAR VICINITY OF THE PANAY AND CONVOY AND THERE WAS NO REASON TO BELIEVE THE SHIPS WERE IN A DANGEROUS AREA.

12. THAT WITHOUT WARNING THESE THREE JAPANESE PLANES RELEASED SEVERAL BOMBS ONE OR TWO OF WHICH STRUCK ON OR VERY CLOSE TO THE BOW OF THE USS PANAY AND ANOTHER WHICH STRUCK ON OR VERY CLOSE TO THE SS MEIPING.

13. THAT THE BOMBS OF THE FIRST ATTACK DID CONSIDERABLE DAMAGE TO THE USS PANAY DISABLING THE FORWARD THREE INCH GUN SERIOUSLY INJURING THE CAPTAIN AND OTHERS, WRECKING THE PILOT HOUSE AND SICK BAY, DISABLING THE RADIO EQUIPMENT, AND THE

STEAMING FIREROOM SO THAT ALL POWER WAS LOST AND CAUSING LEAKS IN THE HULL, WHICH RESULTED IN THE SHIP SETTLING DOWN BY THE HEAD AND LISTING TO STARBOARD, THEREBY CONTRIBUTING FUNDAMENTALLY TO THE SINKING OF THE SHIP.

14. THAT IMMEDIATELY THEREAFTER A GROUP OF SIX SINGLE ENGINED PLANES ATTACKED FROM AHEAD DIVING SINGLY AND APPEARING TO CONCENTRATE ON THE USS PANAY. A TOTAL OF ABOUT TWENTY BOMBS WERE DROPPED, MANY STRIKING CLOSE ABOARD AND CREATING BY FRAGMENTS AND CONCUSSIONS GREAT DAMAGE TO THE SHIP AND PERSONNEL. THESE ATTACKS LASTED ABOUT TWENTY MINUTES DURING WHICH TIME AT LEAST TWO OF THE PLANES ATTACKED ALSO WITH MACHINE GUNS, ONE MACHINE GUN ATTACK WAS DIRECTED AGAINST A SHIP'S BOAT BEARING WOUNDED ASHORE CAUSING SEVERAL FURTHER WOUNDS AND PIERCING THE BOAT WITH BULLETS.

15. THAT DURING THE ENTIRE ATTACK THE WEATHER WAS CLEAR WITH HIGH VISIBILITY AND LITTLE IF ANY WIND.

16. THAT THE PLANES PARTICIPATING IN THE ATTACKS ON THE USS PANAY AND ITS CONVOY WERE UNMISTAKINGLY IDENTIFIED BY THEIR MARKINGS AS BEING JAPANESE.

17. THAT IMMEDIATELY AFTER THE FIRST BOMB STRUCK, AIR DEFENSE STATIONS WERE MANNED AND THE CALIBER MACHINE GUN BATTERY OPENED FIRE AND ENGAGED THE ATTACKING PLANES THROUGHOUT THE REMAINDER OF THE ATTACK. THE THREE-INCH BATTERY WAS NOT MANNED NOR WERE ANY THREE-INCH SHELLS FIRED AT ANY TIME, THIS WAS IN ACCORDANCE WITH THE SHIPS AIR DEFENSE DRILL.

18. THAT DURING THE BOMBING MANY WERE INJURED BY FLYING FRAGMENTS AND CONCUSSION AND ALL SUFFERED SHOCK ON THE FIRST BOMB. THE CAPTAIN SUFFERED A BROKEN HIP AND SEVERE SHOCK, SOON THEREAFTER LIEUTENANT ANDERS, EXECUTIVE OFFICER WAS WOUNDED BY FRAGMENTS IN THROAT AND HANDS LOSING POWER OF SPEECH, LIEUTENANT, JUNIOR GRADE, GUEST ENGINEER OFFICER RECEIVED FRAGMENTS IN THE LEGS, ENSIGN BIWERSE HAD CLOTHING BLOWN OFF AND WAS SEVERELY SHOCKED, THIS INCLUDED ALL THE LINE OFFICERS OF THE SHIP, THE CAPTAIN BEING DISABLED, THE EXECUTIVE OFFICER CARRIED ON HIS DUTIES GIVING ORDERS IN WRITING. HE ISSUED INSTRUCTIONS TO GET UNDERWAY AND TO BEACH THE SHIP. EXTENSIVE DAMAGE PREVENTED GETTING UNDERWAY.

19. THAT AT ABOUT 2:00 P.M., BELIEVING IT IMPOSSIBLE TO SAVE THE SHIP AND CONSIDERING THE NUMBER OF WOUNDED AND THE LENGTH OF TIME NECESSARY TO TRANSFER THEM ASHORE IN TWO SMALL BOATS,

THE CAPTAIN ORDERED THE SHIP TO BE ABANDONED, THIS WAS COMPLETED BY ABOUT 3:00 P.M. BY THIS TIME THE MAIN DECK WAS AWASH AND THE PANAY APPEARED TO BE SINKING.

20. ALL SEVERELY WOUNDED WERE TRANSFERRED ASHORE IN THE FIRST TRIPS, THE CAPTAIN PROTESTED IN HIS OWN CASE. THE EXECUTIVE OFFICER WHEN NO LONGER ABLE TO CARRY ON DUE TO WOUNDS LEFT THE SHIP ON THE NEXT TO LAST TRIP AND ENSIGN BIWERSE REMAINED UNTIL THE LAST TRIP.

21. THAT AFTER THE PANAY HAD BEEN ABANDONED, MAHLMANN, CHIEF BOATSWAIN MATE, AND WEIMERS, MACHINIST MATE FIRST CLASS, RETURNED TO THE PANAY IN ONE OF THE SHIP'S BOATS TO OBTAIN STORES AND MEDICAL SUPPLIES. WHILE THEY WERE RETURNING TO THE BEACH A JAPANESE POWER BOAT FILLED WITH ARMED JAPANESE SOLDIERS APPROACHED CLOSE TO THE PANAY, OPENED FIRE WITH A MACHINE GUN, WENT ALONG SIDE, BOARDED AND LEFT WITHIN FIVE MINUTES.

22. THAT AT 3:54 P.M. THE PANAY, SHORTLY AFTER THE JAPANESE BOARDING PARTY HAD LEFT, ROLLED OVER TO THE STARBOARD AND SANK IN FROM SEVEN TO TEN FATHOMS OF WATER, APPROXIMATE LATITUDE THIRTY DEGREES FORTY FOUR MINUTES THIRTY SECONDS NORTH LONGITUDE ONE HUNDRED SEVENTEEN DEGREES TWENTY SEVEN MINUTES EAST. PRACTICALLY NO VALUABLE GOVERNMENT PROPERTY WAS SALVAGED.

23. THAT AFTER THE PANAY SURVIVORS HAD REACHED THE LEFT BANK OF THE RIVER THE CAPTAIN, IN VIEW OF HIS OWN INJURIES AND THE INJURIES AND SHOCK SUSTAINED BY HIS REMAINING LINE OFFICERS AND THE GENERAL FEELING THAT ATTEMPTS WOULD BE MADE TO EXTERMINATE THE SURVIVORS, REQUESTED CAPTAIN F. N. ROBERTS, U. S. ARMY, WHO WAS NOT INJURED AND WHO WAS FAMILIAR WITH LAND OPERATIONS AND THE CHINESE LANGUAGE, TO ACT UNDER HIS DIRECTIONS AS HIS IMMEDIATE REPRESENTATIVE. CAPTAIN ROBERTS FUNCTIONED IN THIS CAPACITY UNTIL THE RETURN OF THE PANAY SURVIVORS ON BOARD THE U.S.S. OAHU ON FIFTEEN DECEMBER, NINETEEN THIRTY SEVEN, PERFORMING OUTSTANDING SERVICE.

24. THAT MESSRS. ATCHESON AND PAXTON OF THE U.S. EMBASSY STAFF RENDERED HIGHLY VALUABLE SERVICES ON SHORE WHERE THEIR KNOWLEDGE OF THE COUNTRY AND LANGUAGE, COUPLED WITH THEIR RESOURCEFULNESS AND SOUND ADVICE, CONTRIBUTED LARGELY TO THE SAFETY OF THE PARTY.

25. THAT AFTER SOME FIFTY HOURS ASHORE, DURING WHICH TIME THE ENTIRE PARTY SUFFERED MUCH HARDSHIP AND EXPOSURE SOMEWHAT MITIGATED BY THE KINDLY ASSISTANCE OF THE CHINESE, THEY RETURNED AND BOARDED THE U.S.S. OAHU AND H.M.S. LADYBIRD.

26. THAT FROM THE BEGINNING OF AN UNPRECEDENTED AND UNLOOKED FOR ATTACK OF GREAT VIOLENCE UNTIL THEIR FINAL RETURN, THE SHIP'S COMPANY AND PASSENGERS OF THE U.S.S. PANAY WERE SUBJECTED TO GRAVE DANGER AND CONTINUOUS HARDSHIP, THEIR ACTION UNDER THESE CONDITIONS WAS IN KEEPING WITH THE BEST TRADITIONS OF THE NAVAL SERVICE.

27. THAT AMONG THE PANAY PASSENGERS MR SANDRA SANDRI DIED OF HIS INJURIES AT 1:30, THIRTEEN DECEMBER, MESSRS J. HALL PAXTON, EMILE GASSIE AND ROY SQUIRES WERE WOUNDED.

28. THAT EARLY IN THE BOMBING ATTACKS THE STANDARD OIL VESSELS GOT UNDERWAY. MEIPING AND MEISHA SECURED TO A PONTOON AT THE KAIYUAN WHARF. THE MEIAN WAS DISABLED AND BEACHED FURTHER DOWN RIVER ON THE LEFT BANK. ALL THESE SHIPS RECEIVED INJURIES DURING THE FIRST PHASES OF THE BOMBING. SERIOUS FIRE ON THE MEIPING WERE EXTINGUISHED BY THE PANAY VISITING PARTY OF EIGHT MEN WHO WERE UNABLE TO RETURN TO THEIR SHIP.

29. THAT AFTER ATTACKS ON THE PANAY HAD CEASED THE MEIPING AND MEISHIA WERE FURTHER ATTACKED BY JAPANESE BOMBING PLANES, SET ON FIRE AND DESTROYED. JUST PREVIOUS TO THIS BOMBING JAPANESE ARMY UNITS ON SHORE NEAR THE WHARF ATTEMPTED TO AVERT THIS BOMBING BY WAVING JAPANESE FLAGS. THEY WERE NOT SUCCESSFUL AND RECEIVED SEVERAL CASUALTIES. IT IS KNOWN THAT CAPTAIN CARLSON OF THE MEIAN WAS KILLED AND THAT MESSRS. MARSHALL, VINES, AND PICKERING, AND SQUIRES WERE WOUNDED. CASUALTIES AMONG THE CHINESE CREWS OF THESE VESSELS WERE NUMEROUS BUT CANNOT BE FULLY DETERMINED.

30. THAT THE FOLLOWING MEMBERS OF THE PANAY CREW LANDED ON SHORE FROM THE MEIPING AFTER VAINLY ATTEMPTING TO EXTINGUISH OIL AND GASOLINE FIRES ON BOARD: V.F. PUCKETT, CHIEF MACHINIST'S MATE, J.A. GRANES, GUNNER'S MATE FIRST CLASS, J.A. DIRNHOFER, SEAMAN FIRST CLASS, T.A. COLEMAN, CHIEF PHARMACIST'S MATE, J.A. BONKOWSKI, GUNNER'S MATE THIRD CLASS, R.L. BORWING, ELECTRICIAN'S MATE THIRD CLASS, J.L. HEDGE, FIREMAN FIRST CLASS, AND W.T. HOYLE, MACHINIST'S MATE SECOND CLASS. THESE MEN ENCOUNTERED JAPANESE SOLDIERS ON SHORE WHO WERE NOT HOSTILE ON LEARNING THEY WERE AMERICANS.

31. THAT ALL OF THE PANAY CREW FROM THE MEIPING, EXCEPT J.L. HODGE, FIREMAN, FIRST CLASS, REMAINED IN ONE GROUP ASHORE UNTIL THE FOLLOWING DAY WHEN THEY WERE RESCUED BY HMS BEE. HODGE MADE HIS WAY TO WUHU AND RETURNED SHANGHAI VIA JAPANESE NAVAL PLANE ON FOURTEEN DECEMBER.

32. THAT IN THE SEARCHING FOR AND RESCUING THE SURVIVORS, REAR ADMIRAL HOLT, ROYAL NAVY, AND THE OFFICERS AND MEN OF HMS BEE AND HMS LADYBIRD RENDERED MOST VALUABLE ASSISTANCE UNDER TRYING AND DIFFICULT CONDITIONS, THEREBY SHOWING A FINE SPIRIT OF HELPFULNESS AND COOPERATION.

33. THAT CHARLES L. ENSMINGER, SHIP'S COOK, FIRST CLASS, DIED AT 1:30 P.M., THIRTEEN DECEMBER, AT HOHSIEN CHINA FROM WOUNDS RECEIVED DURING THE BOMBING OF THE USS PANAY AND THAT HIS DEATH OCCURRED IN LINE OF DUTY.

34. THAT EDGAR C. HULSEBUS, COXSWAIN, DIED AT 6:30 A.M., NINETEEN DECEMBER, AT SHANGHAI CHINA, FROM WOUNDS RECEIVED DURING THE BOMBING OF THE USS PANAY AND THIS HIS DEATH OCCURRED IN LINE OF DUTY.

35. THAT LIEUTENANT COMMANDER JAMES J. HUGHES, LIEUTENANT ARTHUR F. ANDERS, LIEUTENANT, JUNIOR GRADE, JOHN W. GEIST, JOHN H. LAND, CHIEF QUARTERMASTER, ROBERT R. HEBARD, FIREMAN FIRST CLASS, KENNETH J. RICE, ELECTRICIAN'S MATE, THIRD CLASS, CARL H. BIRK, ELECTRICIAN'S MATE, FIRST CLASS, CHARLES S. SCHROYER, SEAMAN FIRST CLASS, ALEX KOZAK, MACHINIST'S MATE SECOND CLASS, PERES D. ZEIGLER, SHIP'S COOK, THIRD CLASS, AND NEWTON L. DAVIS, FIREMAN FIRST CLASS WERE SERIOUSLY INJURED IN LINE OF DUTY.

36. THAT LIEUTENANT CLARK G. GRAZIER, MEDICAL CORPS, ENSIGN DENIS H. BIWERSE, CHARLES S. ADAMS, RADIOMAN, SECOND CLASS, TONY BARBA, SHIP'S COOK THIRD CLASS, JOHN A. BONKOWSKI, GUNNER'S MATE, THIRD CLASS, ERNEST C. BRANCH, FIREMAN FIRST CLASS, RAYMOND L. BROWNING, ELECTRICIANS' MATE THIRD CLASS, WALTER CHEATHAM, COXSWAIN, THOMAS A. COLEMAN, CHIEF PHARMACIST'S MATE, JOHN A DIRNHOFER, SEAMAN FIRST CLASS, YUAN T. ERH, MESS ATTENDANT FIRST CLASS, FRED G. FICHTENMAYER, CARPENTER'S MATE FIRST CLASS, EMERY F. FISHER, CHIEF WATERTENDER, MICHAEL GERENT, MACHINIST'S MATE SECOND CLASS, CECIL B. GREEN, SEAMAN FIRST CLASS, JOHN L. HODGE, FIREMAN FIRST CLASS, FON B. HOFFMAN, WATERTENDER SECOND CLASS, KARL H. JOHNSON, MACHINIST'S MATE SECOND CLASS, CARL H. KERSKE, COXSWAIN, PETER H. KLUMPERS, CHIEF MACHINIST'S MATE, WILLIAM P. LANDER, SEAMAN FIRST CLASS, ERNEST R. MAHLMANN, CHIEF

BOATSWAIN'S MATE, WILLIAM A. MC CABE, FIREMAN FIRST CLASS, STANLEY W. MCEOWEN, SEAMAN FIRST CLASS, JAMES H. PECK, QUARTERMASTER SECOND CLASS, REGINALD PETERSON, RADIOMAN SECOND CLASS, VERNON F. PUCKETT, CHIEF MACHINIST'S MATE, KING F. SUNG, MESS ATTENDANT FIRST CLASS, HARRY B. TUCK, SEAMAN FIRST CLASS, CLEO E. WAXLER, BOATSWAIN'S MATE SECOND CLASS, JOHN T. WEBER, YEOMAN FIRST CLASS, AND FAR Z. WONG, MESS ATTENDANT FIRST CLASS WERE SLIGHTLY INJURED IN LINE OF DUTY.

The Court of Inquiry was composed of:

Captain H.V. McKittrick, U.S. Navy,  
Commander M.L. Deyo, U.S. Navy,  
Lieutenant Commander A.C.J. Sabalot, U.S. Navy  
and Lieutenant C.J. Whiting, U.S. Navy, Judge Advocate.

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