was the absence of trained, full time Force Protection Officers. Force Protection can no longer be a collateral duty. *I fully concur with Recommendation Six* that the Force Protection Officer be an assigned billet vice a collateral duty on U.S. Navy ships and staffs. However, the issue goes beyond dedicated Force Protection Officer billets. Force Protection should become part of every Naval Officer's basic skills, just like damage control and navigation. The Navy must incorporate Force Protection in its training, from boot camp to retirement. Ships must work up and train to Force Protection Measures they will be using on deployment. Training commands must ensure that the full spectrum of waterside security and shipboard Force Protection Measures are trained during the Inter-Deployment Training Cycle. Forces arriving in theater should be trained and ready to execute the Force Protection Mission. *(Recommendation 9)*.

44. [redacted] The ultimate beneficiary of Force Protection Measures must be the individual ship. As such, we should eliminate inconsistencies and ambiguities in the program that may cause either uncertainty or unnecessarily add to the administrative burden on the individual ship. *I concur with Opinion 17* that the current system places the onus on the individual ship to retrieve the critical threat assessments and knowledge of this theater. On USS COLE this burden fell on the Assistant Force Protection Officer (a Lieutenant Junior Grade) and a senior Petty Officer.

45. [redacted] There are some immediate steps that can be taken to lessen this burden. U.S. Naval Forces Central Command will review how it can better assist in preparing ships for their deployment to this AOR. *(Recommendations 3, 4, 5, 9)*. Stateside Fleet Commanders must also review their Inter-Deployment Training Cycle to ensure deploying units are prepared to fully exercise the Force Protection Measures applicable in this theater. *(Recommendation 3)*. The U.S. Embassy country teams must be more involved in future port calls. Host nation support that provides security for our ships, as well as implementation of appropriate Force Protection measures, must be negotiated by the embassy with the host nation. The United States Defense Attaché Offices should provide, without being asked, salient port information such as host nation security arrangements, to ships calling in their respective country. We should push hard for greater host nation support. *(Opinion 16, Recommendations 8*

and 10). As a systemic approach, I concur that we should develop methods to push relevant information to each ship. This will lessen the burden on the ship, as well as ensuring that the information has been made available. *(Recommendation 14)*.

46. [redacted] A reading of the current Force Protection Measures finds several that are redundant, or through their broad language, raise questions as to implementation procedures that have been spelled out in detail for land-based Force Protection Measures. I strongly support efforts to draft and promulgate common guidelines for naval vessels on how to accomplish each Protection Measure, and support technological developments to make implementation easier. *(Recommendation 12)*.

47. [redacted] *I concur with Opinion 18* that there is a current disparity between Navy Force Protection Measures applicable in the CINCUSNAVEUR AOR and those promulgated by the Joint Chiefs of Staff and applicable in this theater. The Investigating Officer noted that two critical Force Protection Measures not accomplished by USS COLE are found in Joint Staff guidelines for Threat Condition BRAVO, but not required under Navy guidelines for the same Threat Condition. This type of inconsistency should be eliminated. *I concur with Recommendation 11* that we should have one unified Force Protection scheme.

48. [redacted] Commanding Officer USS COLE should not have had to consider multiple Threat Level assessments or systems. The Commander in Chief for this theater has the authority to decide when it is time to change threat evaluation systems and sets the Threat Level for each country in the AOR. Interloping messages create confusion and thus should be discontinued. *(Opinion 14.b.)*.

SECTION FIVE: CONCLUSION

49. [redacted] Our ability to defend U.S. interests, including military assets, depends on our recognition that we have been drawn into an undeclared war. This was not a purely criminal act. The attack on USS COLE was an asymmetric act of war by an elusive adversary. In 1983, over two hundred Marines lost their lives in a terrorist attack in Beirut, Lebanon. Thirteen years later, in 1996, the adversary attacked us at Khobar Towers, killing 19 and wounding over 200 U.S. personnel. Four years

later on October 12, 2000, we were hit again--this time in Aden, Yemen. There is absolutely no evidence to suggest that terrorists will forsake further battle.

50. [redacted] The emergence of the transnational maritime terrorist establishes a new "baseline." Our adversary is supported by both ideologically committed groups, and hostile nations willing to use terrorism as an instrument of their foreign policy. His people are willing to sacrifice their lives in the pursuit of their causes. During the last fifty years the United States dedicated billions of dollars towards developing a sophisticated intelligence network and modern military that could detect, deter, and defend against conventional warfare. These resources, tactics, and strategy must now be focused on the global terrorist. We must approach this new challenge with the same commitment demonstrated in the past.

51. [redacted] Only through honest, forthright review of the attack on USS COLE, will we be able to prevent such a tragedy in the future. In the aftermath of this event it is painfully obvious there has been insufficient emphasis on waterside security. The 1996 Khobar Towers bombing energized our efforts in providing in-depth, layered force protection for land-based personnel and units. Standoff zones, hardened perimeters, point defenses, and aggressive inspection practices became the "norm" for overseas facilities. Sadly, as we look seaward, the same cannot be said. A typical land-based unit in Threat Condition ALPHA will have a perimeter with Rules of Engagement "tripwires" that will expose hostile intent harbored by an intruder. In the maritime environment, it is not until imposition of Threat Condition CHARLIE that equivalent Force Protection measures, e.g., declaration of a perimeter with picket boats, are implemented. These types of measures are easier to impose where there exists a permanent Navy presence. They are significantly more difficult to implement in those locations where we only make infrequent stops, or periodic visits. Accordingly, it is imperative that host nation agreements allow us to employ effective Force Protection Measures. In those nation states where support and cooperation are inadequate, or not forthcoming, we need to re-evaluate our port call policy. *(Recommendation 7)*.

52. [redacted] The attack on USS COLE should forever and fundamentally change the way we do business in the United States Navy. In the future there must be a level of security, never before seen, surrounding our warships. We must extend our maritime combat philosophy, which has focused on "Blue Water" ship self-defense for the last five decades, to territorial waters, internal waters and ports. Wherever our ships go, they are vulnerable to terrorist attack. We must put in place flexible, impenetrable vital zones suitable for the air, surface and subsurface terrorist attack. These efforts must be accomplished in concert with host nations and must involve the active participation of our ambassadors and their country teams.

53. [redacted] Our Force Protection Program in this theater has been our highest priority. It is underpinned by our recognition that we live and operate in a dangerous area, "surrounded" by terrorists who are committed to drive us out of the region. We recognize Force Protection as a mission; a mission that must succeed if we are to have any hope of maintaining our presence in the region, and succeeding in our ultimate objective of bringing peace and stability to this troubled, yet vital, part of the world. We have put forth our best effort, worked incredibly hard, and devoted enormous time and energy towards it. In spite of the attack on USS COLE, we believe we have been very successful. Our Force Protection Program has been singled out for high praise during numerous Joint Service Vulnerability Assessments and we have been presented a variety of awards. We have been complimented by our Senior Leaders on numerous occasions for the high level of excellence of our program. We have never rested on our laurels, and have constantly sought to improve our program. Our greatest source of gratification has come from our knowledge that, through our collective effort, we have actually deterred and disrupted planned terrorist attacks in the past. Unfortunately, this extraordinary effort we have put into our Force Protection Program was simply not good enough on October 12, 2000, when USS COLE was attacked.

54. [redacted] As the Naval Component Commander for U.S. Central Command, I am responsible for the protection of our Naval forces in this region, and I was responsible for scheduling USS COLE for this brief stop for fuel in Aden, Yemen. I did not, and do not now, take these responsibilities lightly. Shortly after I took command, and before the Defense Energy Support Center

established a contract for refueling in Aden, I traveled to Yemen to assess, first hand, the viability of our Engagement Program with Yemen, including the development of a refueling capability in Aden. In October 1998, accompanied by U.S. Ambassador Barbara Bodine, and the Governor of Aden, I visited Captain Moti, the Director of Aden Port Authority. Captain Moti briefed our delegation on his port, and how refueling operations would be conducted. Together, we boarded one of his Harbor Security Craft and toured Aden Port, inspected the Refueling Dolphins, and assessed the various security parameters of the port. I was impressed with Captain Moti, his people, and his port. He pledged to work closely with us to ensure the utmost security for our ships if Aden was used as a refueling stop. I then traveled to Sanaa with Ambassador Bodine, where we met, in separate meetings, the President of Yemen, the Prime Minister, and the Ministers of Foreign Affairs, Defense, and Interior. In each of these meetings, I discussed the potential of refueling in Aden. I was impressed with all of these men and their commitment to work together with us to ensure the success of our Engagement Program, and in particular, our refueling operation in Aden. It was evident that they all took great pride in the fact that the U.S. Navy would even consider refueling in Aden, and that they took great pride in Yemen's relationship with the United States. After returning to my headquarters, and after consulting with my staff, I reported to General Zinni, then Commander in Chief, U.S. Central Command, and recommended we commence refueling operations in Aden if the Defense Energy Support Center established a contract in Aden. General Zinni accepted my recommendation and instructed me to proceed.

55. [redacted] In December 1998, I was informed that the Defense Energy Support Center had established their contract and I then directed my staff to start scheduling brief stops for fuel in Aden. Since then, I have personally reviewed and approved every proposed fuel stop in Aden, after carefully consulting with my Intelligence Officer and my Force Protection Board, weighing the threat information we had and the security situation at the time. In addition, during 1999 and 2000 I made several return visits to Aden to conduct personal, on-site assessments. At no time since we commenced refueling operations did we ever receive a specific threat warning for Aden, and at no time during my consultations with Ambassador Bodine or any of the Senior Yemeni Government Officials with whom I frequently met, did I ever

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG-67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

discern a threat against our ships. In spite of my personal efforts, and those of my staff, our Ambassador, and her country team, and, in my opinion, the Government of Yemen, we suffered a ferocious attack on USS COLE and lost 17 of our precious men and women.

56. [redacted] Force Protection is our number one priority. We have worked it hard and we have done our best. Our best was not good enough on 12 October 2000. We simply had no warning that some of the most lethal terrorists in the world were present in Aden, totally committed to destroying our ship and killing as many Americans as they could. In closing, I wish to acknowledge the great debt of gratitude that our nation owes to the brave men and women of USS COLE.

C. W. MOORE, JR.

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IMMEDIATE RELEASE January 19, 2001

NAVY ANNOUNCES RESULTS OF ITS INVESTIGATION ON USS COLE

The Navy has completed its Judge Advocate General Manual (JAGMAN) investigation of the terrorist bombing of USS Cole while refueling in Aden, Yemen, Oct. 12, 2000. The investigation provides a comprehensive account of the actions taken onboard USS Cole before, during and after the terrorist attack that killed 17 sailors and wounded more than twice that number. JAGMAN investigations provide the Navy an effective means to gather the facts about what happened, determine "lessons learned" to help prevent future such incidents, and assess accountability of those involved as appropriate.

Chief of Naval Operations, Adm. Vern Clark, completed the JAGMAN investigation and agreed with the findings of the Commander in Chief, U.S. Atlantic Fleet, Adm. Robert Natter, that the commanding officer acted reasonably in adjusting his force protection posture based on his assessment of the situation that presented itself when USS Cole arrived in Aden to refuel.

"I found Adm. Natter's analysis to be both well-reasoned and convincing," Clark said, "and therefore agreed with his determination that the facts do not warrant any punitive action against the commanding officer or other members of Cole's crew."

In assessing the accountability of the commanding officer, the Navy essentially needed to answer two questions: Were the decisions made and the actions taken by the commanding officer reasonable and within the range of performance we expect of our commanders; and would any of the force protection measures not implemented by USS Cole have deterred or defeated this determined attack if they had been implemented. The conclusion of Natter - agreed to and supported by both the CNO and Secretary of the Navy Richard Danzig - is that the commanding officer's decisions were reasonable and appropriate under the circumstances, and that even perfect implementation of all force protection measures specified under Threat Condition Bravo would not have prevented or deterred this attack.

The JAGMAN also pointed to a number of significant "lessons learned" from the

incident:

The Navy needs to do a better job of both training and equipping its ships to operate with reasonable risk in a high-threat environment.

Collective responsibility exists for oversight in pre-deployment training, threat awareness and in-theater support for entering new ports.

The Navy must -- and is -- taking force protection to a new level. The Secretary of the Navy's Task Force on Antiterrorism and Force Protection is already spearheading efforts to create a fundamentally improved force protection mindset throughout the Navy, and to challenge every assumption we make about how we conduct naval operations around the globe. Well-built ships with well-trained crews remain the key to survival, whether the battle is with other military forces or criminal terrorists.

Navy leadership also noted that the investigation underscored shortcomings throughout the network of commands, departments and agencies that provide support to U.S. Navy ships operating in foreign waters around the globe.

"The investigation clearly shows that the commanding officer of Cole did not have the specific intelligence, focused training, appropriate equipment or on-scene security support to effectively prevent or deter such a determined, preplanned assault on his ship," Clark said. "In short, the system - all of us - did not equip this Skipper for success in the environment he encountered in Aden harbor that fateful day."

Danzig underscored the importance of a thorough assessment of accountability in his review of the JAGMAN investigation.

"We must account for why 17 people under our charge died, and why many other people, material and interests within our responsibility have been injured," Danzig said. "In the process we cannot avoid our own responsibility for what the terrorists achieved. We owe it to those who suffer to provide the comfort of explanation, to the best of our abilities."

Note: An electronic copy of the redacted investigation is on the Web at http://www.foia.navy.mil/usscole/ .

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DoD USS COLE COMMISSION REPORT

9 January 2001

Executive Summary

Since the attack on Khobar Towers in June 1996, the Department of Defense (DoD) has made significant improvements in protecting its service members, mainly in deterring, disrupting and mitigating terrorist attacks on installations. The attack on USS COLE (DDG 67), in the port of Aden, Yemen, on 12 October 2000, demonstrated a seam in the fabric of efforts to protect our forces, namely in-transit forces. Our review was focused on finding ways to improve the US policies and practices for deterring, disrupting and mitigating terrorist attack on US forces in transit.

1. Overseas Presence since the End of the Cold War

Our review was based on the premise that worldwide presence and continuous transit of ships, aircraft and units of the United States military support the engagement elements of both the National Security Strategy and the National Military Strategy and are in the nation's best interest. The US military is conducting overseas operations in a new post-Cold War world environment characterized by unconventional and transnational threats. Operating in this new world exposes US forces to terrorist attacks and requires a major effort in force protection. This major effort will require more resources and, in some cases, a better use of existing resources for protecting transiting units. The net result of our recommendations is a form of operational risk management applied at both the national and operational levels to balance the benefits with the risks of overseas operations. We determined that the "fulcrum" of this balance is usually the Unified Commander-in-Chief's (CINC) Service Component Commander; therefore, a significant number of our recommendations are designed to improve that commander's AT/FP antiterrorism/force protection (AT/FP) capabilities.

We organized our findings at both the national and operational levels into the five functional areas of organization, antiterrorism/force protection, intelligence, logistics and training.

2. National Level Policies and Practices

Conducting engagement activities (including those by transiting forces) in higher threat areas in support of the National Security Strategy and National Military Strategy requires completely coordinated priorities, policies and oversight at all levels. The pervasive and enduring threat calls for some adjustments to national level policies and procedures.

2.a. Organization

Unity of effort among the offices and agencies in the DoD providing resources, policy, oversight and direction is critical to truly gain the initiative over a very adaptive, persistent, patient and tenacious terrorist. This unity of effort extends also to the coordination of engagement activities across US Government agencies, including developing the security capabilities of host nations to help protect US forces and balancing the range and frequency of activities among all agencies.

2.b. Antiterrorism/Force Protection

In force protection, we identified seven national level policy and procedural improvements to better support AT/FP for transiting units. We have five of the seven that address additional resources and two that

address procedural changes. They are covered in the findings.

2.c. Intelligence

Intelligence priorities and resources have shifted from Cold War focus to new and emerging threats only at the margins. We, like other commissions before us, recommend the reprioritization of resources for collection and analysis, including human intelligence and signal intelligence, against the terrorist. Intelligence production must be refocused and tailored to overwatch transiting units to mitigate the terrorist threat. Furthermore, an increase in counterintelligence (CI) resources dedicated to combating terrorism and development of clearer CI assessment standards is required.

2.d. Logistics

Logistics practices and policies can impact force protection if imaginatively applied. We believe the current level of Combat Logistics Force oilers is sufficient to support the refueling and logistics requirements of the national strategy. The regional logistics support structure must provide the Component Commander the opportunity and flexibility to adapt operational patterns to minimize exposure to threats.

2.e. Training

We believe most firmly that the US military must create an integrated system of training that produces a unit that is clearly and visibly ready, alert and capable. To achieve this level of AT/FP proficiency, AT/FP training must be elevated to the same priority as primary mission training. The level of competence with which units execute force protection must be the same level for which primary combat skills are executed; and we must develop and resource credible deterrence standards; deterrence specific tactics, techniques and procedures; and defensive equipment packages.

3. Operational Level Lessons Learned

The links between national policies/resources and individual transiting units are the geographic Unified CINCs and their Component Commanders. Transiting units do not have time or resources to focus on a series of locations while in transit, requiring these units to rely on others to support their efforts to deter, disrupt and mitigate terrorist attacks. We think it is the Component Commander who has the operational war-fighting mindset for the region and is capable of controlling the resources to fight the fight and tailor specific AT/FP measures to protect transiting units. Below we identify operational level recommendations in the areas of antiterrorism/force protection, intelligence, logistics, and training for improving AT/FP support to transiting units.

3.a. Antiterrorism/Force Protection

First, we must get out of the purely defensive mode by proactively applying AT/FP techniques and assets to detect and deter terrorists. Second, transfer of transiting units between and within theaters must be better coordinated. Third, a discrete operation risk management model should be adopted and utilized in AT/FP planning and execution.

3.b. Intelligence

Independent transiting units must be better trained and resourced to provide appropriate requests for information to force intelligence organizations to be responsive to the transiter's AT/FP requirements.

3.c. Logistics

While classifying the logistics request and diplomatic clearance request processes is not practical, implementation of the recommendations in this Report is required to mitigate the AT/FP effects of public knowledge of movements.

3.d. Training

Predeployment training regimes must include deterrence tactics, techniques and procedures; deterrence AT/FP measures specific to the area of operation; and equipment rehearsals.

The AT/FP training provided to unit commanding officers and force protection officers and the tools necessary to sustain an AT/FP training program needs increased attention.

In summary, we found Component Commanders are the fulcrum of a balance with the benefits of engagement on one side and the associated risks/costs on the other side. Our review suggests there is much we can do to help the field commander reach the proper balance. Taken as a whole, the Commission's recommendations are intended to enhance the tools available to commanders in making this balance.

Unclassified Findings and Recommendations Summary

Organizational

Finding: Combating terrorism is so important that it demands complete unity of effort at the level of the Office of the Secretary of Defense.

- *Recommendation: Secretary of Defense develop an organization that more cohesively aligns policy and resources within DoD to combat terrorism and designate an Assistant Secretary of Defense (ASD) to oversee these functions.*

Finding: The execution of the engagement element of the National Security Strategy lacks an effective, coordinated interagency process, which results in a fragmented engagement program that may not provide optimal support to in-transit units.

- *Recommendation: Secretary of Defense support an interagency process to provide overall coordination of US engagement.*

Finding: DoD needs to spearhead an interagency, coordinated approach to developing non-military host nation security efforts in order to enhance force protection for transiting US forces.

- *Recommendation: Secretary of Defense coordinate with Secretary of State to develop an approach with shared responsibility to enhance host nation security capabilities that result in increased security for transiting US forces.*

Antiterrorism/Force Protection (AT/FP)

Finding: Service manning policies and procedures that establish requirements for full-time Force Protection Officers and staff billets at the Service Component level and above will reduce the vulnerability of in-transit forces to terrorist attacks.

- *Recommendation: Secretary of Defense direct the Services to provide Component Commanders with full-time force protection officers and staffs that are capable of supporting the force protection requirements of transiting units.*

Finding: Component Commanders need the resources to provide in-transit units with temporary security augmentation of various kinds.

- *Recommendation: Secretary of Defense direct the Services to resource Component Commanders to adequately augment units transiting through higher-threat areas.*

Finding: Service AT/FP programs must be adequately manned and funded to support threat and physical vulnerability assessments of ports, airfields and inland movement routes that may be used by transiting forces.

- *Recommendation: Secretary of Defense direct the Chairman of the Joint Chiefs of Staff, the CINCs and the Services to identify and resource manning and funding requirements to perform quality assessments of routes and sites used by transiting forces in support of Component Commanders.*

Finding: The Chairman of the Joint Chiefs of Staff Combating Terrorism Readiness Initiative Fund is a responsive and relevant program designed to fund execution-year emergent and emergency antiterrorism/force protection physical security requirements. To optimize the program, Combating Terrorism Readiness Initiative Fund initiatives must be coordinated with Service programming for a commitment of life-cycle costs, and the Combating Terrorism Readiness Initiative Fund must fund the transition period.

Recommendations:

- *The Chairman of the Joint Chiefs of Staff Combating Terrorism Readiness Initiative Fund should be increased to cover the period prior to which a Service program can fund the remaining life-cycle costs.*
- *Secretary of Defense direct the Services to establish a formal link to the Chairman of the Joint Chiefs of Staff Combating Terrorism Readiness Initiative Fund to ensure that initiatives receive a commitment for follow-on programming.*

Finding: More responsive application of currently available military equipment, commercial technologies, and aggressive research and development can enhance the AT/FP and deterrence posture of transiting forces.

- *Recommendation: Secretary of Defense direct the Services to initiate a major unified effort to identify near-term AT/FP equipment and technology requirements, field existing solutions from either military or commercial sources, and develop new technologies for remaining requirements.*

Finding: The Geographic Commander in Chief should have the sole authority for assigning the threat level for a country within his area of responsibility.

Recommendations:

- *Secretary of Defense direct that the Geographic CINCs be solely responsible for establishing the threat level within the appropriate area of responsibility with input from DIA.*
- *Secretary of Defense coordinate with Secretary of State, where possible, to minimize conflicting*

threat levels between the Department of Defense and the Department of State.
- *Secretary of Defense designate an office or agency responsible for setting the threat level for Canada, Mexico, Russia, and the United States.*

Finding: AT/FP will be enhanced by improvements to the THREATCON system.

Recommendations:

- *Secretary of Defense change the term "THREATCONs" to "Alert States," "FP Conditions," or some other term.*
- *Secretary of Defense direct the CINCs and Services to give Component Commanders the responsibility and resources to direct tailored force protection measures to be implemented at specific sites for in-transit units.*
- *Secretary of Defense direct that the AT/FP plan and the particular measures that are triggered by a specific THREATCON be classified.*

Finding: The CJCS Standing Rules of Engagement for US forces are adequate against the terrorist threat.

- *Recommendation: Make no changes to the SROE.*

Finding: We need to shift transiting units from an entirely reactive posture to a posture that more effectively deters terrorist attacks.

- *Recommendation: Secretary of Defense direct the CINCs and Services to have Component Commanders identify proactive techniques and assets to deter terrorists.*

Finding: The amount of AT/FP emphasis that units in-transit receive prior to or during transfer between CINCs can be improved.

- *Recommendation: Secretary of Defense direct the CINCs and Services to have Component Commanders ensure unit situational awareness by providing AT/FP briefings to transiting units prior to entry into higher threat level areas in the gaining Geographic CINC's AOR.*

Finding: Intra-theater transiting units require the same degree of attention as other transiting units to deter, disrupt and mitigate acts of terrorism.

- *Recommendation: Secretary of Defense direct Geographic CINCs and Component Commanders to reassess current procedures to ensure that AT/FP principles enumerated in this Report are applied to intra-theater transiting units.*

Finding: Using operational risk management standards as a tool to measure engagement activities against risk to in-transit forces will enable commanders to determine whether to suspend or continue engagement activities.

- *Recommendation: Secretary of Defense direct the CINCs to adopt and institutionalize a discrete operational risk management model to be used in AT/FP planning and execution.*

Finding: Incident response must be an integral element of AT/FP planning.

- *Recommendation: Secretary of Defense direct the Geographic CINCs to identify theater rapid incident response team requirements and integrate their utilization in contingency planning for in-transit units, and the Services to organize, train, and equip such forces.*

Intelligence

Finding: In-transit units require intelligence support tailored to the terrorist threat in their immediate area of operations. This support must be dedicated from a higher echelon (tailored production and analysis).

- *Recommendation: Secretary of Defense reprioritize intelligence production to ensure that in-transit units are given tailored, focused intelligence support for independent missions.*

Finding: If the Department of Defense is to execute engagement activities related to the National Security Strategy with the least possible level of risk, then Services must reprioritize time, emphasis, and resources to prepare the transiting units to perform intelligence preparation of the battlespace–like processes and formulate intelligence requests for information to support operational decision points.

- *Recommendation: Secretary of Defense direct the Services to ensure forces are adequately resourced and trained to make maximum use of intelligence processes and procedures, including priority information requests and requests for information to support intelligence preparation of the battlespace for in-transit unit antiterrorism/force protection.*

Finding: DoD does not allocate sufficient resources or all-source intelligence analysis and collection in support of combating terrorism.

Recommendations:

- *Secretary of Defense reprioritize all-source intelligence collection and analysis personnel and resources so that sufficient emphasis is applied to combating terrorism. Analytical expertise must be imbedded, from the national, CINC, and Component Command levels, to the joint task force level.*
- *Secretary of Defense reprioritize terrorism-related human intelligence and signals intelligence resources.*
- *Secretary of Defense reprioritize resources for the development of language skills that support combating terrorism analysis and collection.*

Finding: Service counterintelligence programs are integral to force protection and must be adequately manned and funded to meet the dynamic demands of supporting in-transit forces.

- *Recommendation: Secretary of Defense ensure DoD counterintelligence organizations are adequately staffed and funded to meet counterintelligence force protection requirements.*

Finding: Clearer DoD standards for threat and vulnerability assessments, must be developed at the joint level and be common across Services and commands.

Recommendations:

- *Secretary of Defense standardize counterintelligence assessments and increase counterintelligence resources.*

- *Secretary of Defense direct DoD-standard requirements for the conduct of threat and vulnerability assessments for combating terrorism.*
- *Secretary of Defense direct the production of a DoD-standard Counterintelligence Collection Manual for combating terrorism.*

Logistics

Finding: While classifying the diplomatic clearance and logistics requirement process may improve the operational security of transiting units, it is not practical due to the commercial nature of the process.

- *Recommendation: None. Implementing proactive AT/FP measures identified in this report mitigate the effect of public knowledge of US military ship and aircraft visits.*

Finding: The combination of the Combat Logistics Force and the Department of Defense worldwide logistics network is sufficient to meet current operations and has the collateral benefit of supporting the engagement component of the National Security Strategy and National Military Strategy.

- *Recommendation: None. The current level of Combat Logistics Force oilers is sufficient to support the refueling and logistics requirements of the national strategy.*

Finding: CINCs/Component Commanders can enhance force protection for transiting forces when the Component Commanders are included in the logistics planning and contract award process.

- *Recommendation: Secretary of Defense direct the Chairman of the Joint Chiefs of Staff and the Services to update respective logistics doctrine to incorporate AT/FP considerations for transiting units.*

Finding: Local providers of goods, services, and transportation must be employed and evaluated in ways that enhance the AT/FP posture of the in-transit unit.

- *Recommendation: Secretary of Defense direct the Defense Logistics Agency and the Services to incorporate AT/FP concerns into the entire fabric of logistics support.*

Training

Finding: Military Services must accomplish AT/FP training with a degree of rigor that equates to the unit's primary mission areas.

Recommendations:

- *Secretary of Defense direct the Services to develop rigorous tactics, techniques, and procedures with measurable standards for AT/FP training and develop training regimens that will integrate AT/FP into unit-level training plans and pre-deployment exercises.*
- *Secretary of Defense direct the Services to elevate AT/FP training to the equivalent of a primary mission area and provide the same emphasis afforded combat tasks in order to instill a force protection mindset into each Service.*

Finding: Better force protection is achieved if forces in transit are trained to demonstrate preparedness to deter acts of terrorism.

Recommendations:

- *Secretary of Defense direct the Services to develop and resource credible deterrence standards, deterrence-specific tactics, techniques, and procedures and defensive equipment packages for all forms of transiting forces.*
- *Secretary of Defense direct the Services to ensure that pre-deployment training regimes include deterrence tactics, techniques, and procedures and AT/FP measures specific to the area of operation and equipment rehearsals.*

Finding: DoD must better support commanders' ability to sustain their antiterrorism/force protection program and training regimens.

Recommendations:

- *Secretary of Defense direct the Chairman of the Joint Chiefs of Staff to publish a single source document that categorizes all of the existing AT/FP training literature, plans and tactics, techniques, and procedures for use by the Services (on both classified and unclassified versions) (short term).*
- *Secretary of Defense direct the Chairman of the Joint Chiefs of Staff to consolidate and develop a single repository for all AT/FP lessons learned. This database should be accessible to unit commanders in the classified and unclassified mode (long term).*
- *Secretary of Defense direct the Chairman of the Joint Chiefs of Staff to continually update training tools, capture lessons and trends and aid Commanders in sustaining meaningful AT/FP training programs.*

Finding: DoD and Service guidance on the content of AT/FP Level III training must be more definitive if commanders at the O-5 and O-6 levels are to execute their AT/FP responsibilities.

- *Recommendation: Secretary of Defense direct more rigorous Level III AT/FP training requirements for each Service.*

Finding: Service Level II AT/FP Training must produce a force protection officer capable of supervising unit training and acting as the subject matter expert for the commander in transit.

Recommendations:

- *Secretary of Defense direct the Services to establish more rigorous training standards for unit-level Force Protection Officers.*
- *Secretary of Defense direct the Services to increase the emphasis and resources devoted to producing qualified Force Protection Officers through Level II training.*

-END-

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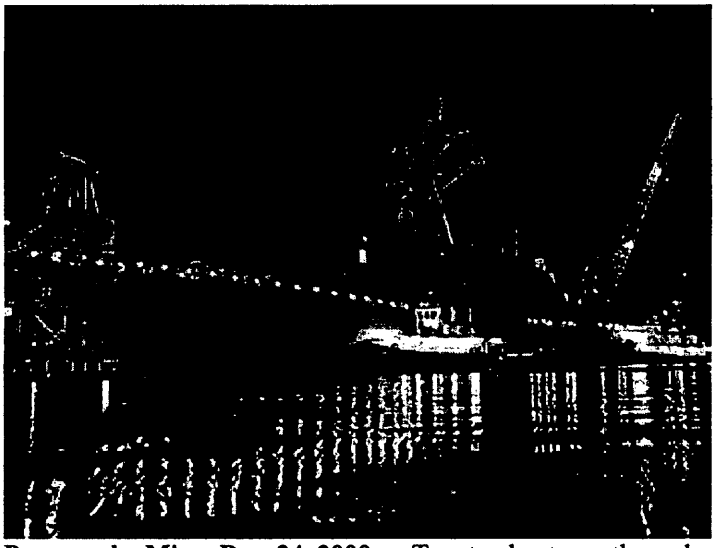
"Facts do not warrant any punitive action"

Navy announces results of its investigation on *USS Cole* (DDG 67)

Full-screen images are linked from the images captioned in story below.
High resolution, full-size .jpg images are hyperlinked from the words "Hi-Rez".

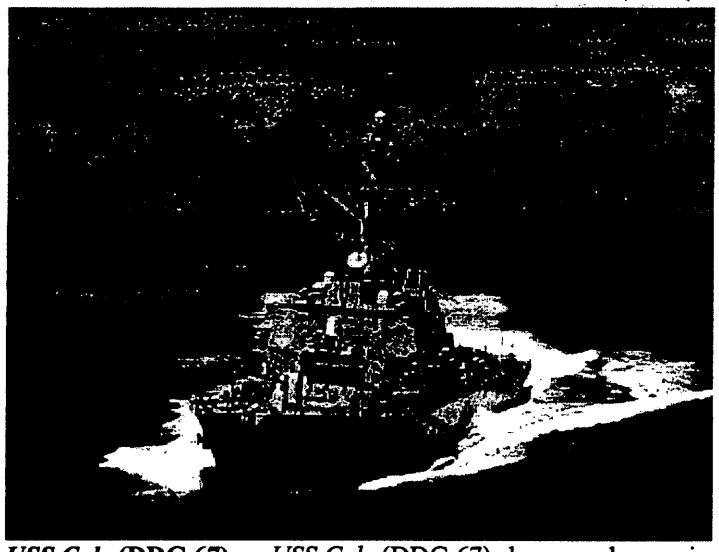


Pascagoula, Miss., Dec. 24, 2000 — Two tug boats gently push *USS Cole* (DDG 67) to Pier 4 of the Ingalls Shipyard in Pascagoula, Miss., on Dec. 24, 2000. The *Arleigh Burke*-class destroyer was the target of a terrorist attack in Aden, Yemen, on Oct. 12, during a scheduled refueling. The attack killed 17 crew members and injured 39 others. *Cole* was transported from Aden to Pascagoula by the Norwegian heavy transport ship *M/V Blue Marlin*. A 60 foot by 60 foot patch was welded to the hull of the destroyer before it was off-loaded from *Blue Marlin*. U.S. Navy photo by Chief Photographer's Mate Johnny R. Wilson. [001224-N-3580W-540] Hi-rez.

Washington, D.C., Jan. 19, 2001 — The Navy has completed and released its Judge Advocate General Manual (JAGMAN) investigation of the terrorist bombing of *USS Cole* (DDG 67) during its refueling in Aden, Yemen, Oct. 12, 2000.

The investigation provides a comprehensive account of the actions taken onboard *Cole* before, during, and after the terrorist attack that killed 17 Sailors and wounded more than twice that number. JAGMAN investigations provide the Navy an effective means to gather the facts about what happened, determine "lessons learned" to help prevent future such incidents, and assess accountability of those involved as appropriate.

Chief of Naval Operations, Adm. Vern Clark completed the JAGMAN investigation, and agreed with the findings of the Commander in Chief, U.S. Atlantic Fleet, Adm. Robert Natter, that the commanding officer acted reasonably in adjusting his force protection posture based on his assessment of the situation that presented itself when *Cole* arrived in



***USS Cole* (DDG 67)** — *USS Cole* (DDG 67) shown underway in a U.S. Navy file photo. The ship suffered severe damage Oct. 12 in a terrorist bombing attack when the ship was in the port of Aden, Yemen, for a routine fuel stop. Seventeen Sailors were killed and 39 others were injured in the blast which blew a hole in the port side of the destroyer. Hi-Rez.

Additional images:

- Latest images
- Images, Oct. 30-Dec. 13, 2000
- Images, Oct. 18-29, 2000
- Images, Oct. 15-18, 2000
- Images, Oct. 13, 2000

Related pages:

- Remarks of the SECDEF at the release of the JAGMAN Investigation — 19 Jan. 2001
- Remarks of the SECNAV at the release of the JAGMAN Investigation — 19 Jan. 2001
- Remarks of the CNO at the release of the JAGMAN Investigation — 19 Jan. 2001
- The Department of Defense Crouch-Gehman Commission Report — 9 Jan. 2001
- Video of the arrival of *USS Cole* (DDG 67) at Pascagoula, Miss., 13 Dec. (7.75 MB)
- *M/V Blue Marlin* loading Coastal Mine Hunters at Ingleside, Tex., July 2000 — an .MPG file from the MSC Web site
- DoD News Conference with Gen.Crouch and Adm. Gehman — 2 Nov. 2000
- DoD news release announcing the Crouch-Gehman Commission
- Message from Commanding Officer, *USS Cole* (DDG 67)
- Message from the Command Master Chief, *USS Cole* (DDG 67)

Aden to refuel.

"I found Adm. Natter's analysis to be both well-reasoned and convincing," Adm. Clark said, "and therefore agreed with his determination that the facts do not warrant any punitive action against the Commanding Officer or other members of *Cole*'s crew."

In assessing the accountability of the commanding officer, the Navy essentially needed to answer two questions: Were the decisions made and the actions taken by the commanding officer reasonable and within the range of performance we expect of our commanders; and would any of the force protection measures ***not*** implemented by *USS Cole* have deterred or defeated this determined attack if they ***had*** been implemented.

The conclusion of Adm. Natter — agreed to and supported by both the CNO and Secretary of the Navy Richard Danzig — is that the commanding officer's decisions were reasonable and appropriate under the circumstances, and that even perfect implementation of all Force Protection measures specified under Threat Condition Bravo would not have prevented or deterred this attack.

The JAGMAN also pointed to a number of significant "lessons learned" from the incident:

- The Navy needs to do a better job of both training and equipping its ships to operate with reasonable risk in a high-threat environment.
- Collective responsibility exists for oversight in pre-deployment training, threat awareness and in-theater support for entering new ports.
- The Navy must — and is — taking force protection to a new level. The Secretary of the Navy's Task Force

- List of the casualties from *USS Cole* explosion
- Page on Navy ranks and rates
- Donation information for *USS Cole* Memorial Fund
- Navy Fact File page on destroyers
- Text of radio address by President Clinton on 14 Oct. 2000
- Message from the Commandant of the Marine Corps
- Biography of Commanding Officer, *USS Cole* (DDG 67)
- News release from June 6, 1996, announcing the commissioning of *USS Cole*
- *USS Cole* (DDG 67) — ship's web site.

Remarks from Memorial Service in Norfolk, Oct. 18:

- Remarks of the President of the United States Bill Clinton
- Remarks of the Secretary of Defense William S. Cohen
- Remarks of the Chairman of the Joint Chiefs of Staff Gen. Henry H. Shelton
- Remarks of the Secretary of the Navy Richard Danzig
- Remarks of the Chief of Naval Operations, Adm. Vern Clark
- Remarks of the Commander in Chief, U.S. Atlantic Fleet Adm. Robert S. Natter

Transcripts of briefings:

- Department of Defense Briefing by Rear Admiral Craig R. Quigley, USN, The Pentagon, 17 Oct. 2000
- Statement by the President on the Middle East Situation and incident on *USS Cole* in Yemen.
- Secretary of Defense/Chief of Naval Operations brief, Thurs., 12 Oct. 2000 — Hon. William S. Cohen/Adm. Vernon Clark, Washington, D.C.
- Department of Defense brief, Fri., 13 Oct. 2000 — Mr. Ken Bacon, Washington, D.C.
- Commander in Chief, U.S. Atlantic Fleet brief, Fri., 13 Oct. 2000 — Adm. Robert J. Natter, Norfolk, Va.

on Antiterrorism and Force Protection is already spearheading efforts to create a fundamentally improved force protection mindset throughout the Navy, and to challenge every assumption we make about how we conduct naval operations around the globe.
- Well-built ships with well-trained crews remain the key to survival, whether the battle is with other military forces or criminal terrorists.

The Navy leadership also noted that the investigation underscored shortcomings throughout the network of commands, departments and agencies that provide support to U.S. Navy ships operating in foreign waters around the globe.

"The investigation clearly shows that the commanding officer of *Cole* did not have the specific intelligence, focused training, appropriate equipment or on-scene security support to effectively prevent or deter such a determined, preplanned assault on his ship," Adm. Clark said. "In short, the system — all of us — did not equip this skipper for success in the environment he encountered in Aden harbor that fateful day."

Secretary Danzig underscored the importance of a thorough assessment of accountability in his review of the JAGMAN investigation.

"We must account for why 17 people under our charge died, and why many other people, material and interests within our responsibility have been injured," Mr. Danzig said. "In the process we cannot avoid our own responsibility for what the terrorists achieved. We owe it to those who suffer to provide the comfort of explanation, to the best of our abilities."

Cole is being repaired at Litton Ingalls Shipbuilding in Pascagoula, Miss. The

Navy estimates that the repairs will take approximately one year and cost an estimated $240 million.

-USN-

Updated: 11:15 p.m., EST [0415Z 20 Jan.] , 19 January 2001

Return to the Welcome Page of the U.S. Navy's web site.

Secretary of the Navy and Chief of Naval Operations
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SECNAV/CNO READING ROOM - USS COLE

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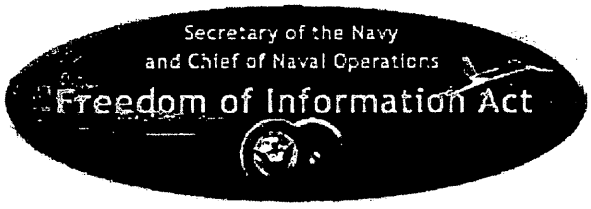
USS COLE (DDG 67) - Endorsements to the Investigating Officers Report
USS COLE (DDG 67) - Investigating Officers Report - Download (72 MB)
USS COLE (DDG 67) - Enclosures
USS COLE (DDG 67) - Appendices



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SECNAV/CNO READING ROOM - USS COLE

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Filename	Size	Date
CNO.pdf	1,296,719	1/18/01 12:35 pm
CINCLANTFLT.pdf	6,492,637	1/ 8/01 9:38 am
NAVCENT.pdf	3,808,734	1/ 8/01 10:10 am

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

5800 IN REPLY REFER TO
Ser N00/1U500002
9 Jan 01

THIRD ENDORSEMENT on [redacted] S. Navy, ltr of 27 Nov 00

From: Chief of Naval Operations

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

1. The terrorist attack on the USS COLE highlights the constant dangers confronting our armed forces. Being readily identifiable symbols of the United States, our armed forces are attractive terrorist targets. As the Director for Central Intelligence has said, the question is not whether terrorists will attack our armed forces in the future, but when and where they will attack. Recognizing that we cannot eliminate the risk of terrorist attacks against our dedicated service members, every leader, at every level, must take action to minimize that danger. In performing our peacetime mission, the Navy must always keep the security of our units and people as our foremost consideration. We must, and we will, elevate our emphasis on force protection to confront the increased risks that have become evident in the COLE investigation.

2. After carefully considering the investigation and endorsements, I concur with the conclusion of Commander in Chief, U.S. Atlantic Fleet (CINCLANTFLT) to take no punitive action against the Commanding Officer or any of his crew for this tragedy. I conclude, along with the previous endorsers, that the tools and information at the Commanding Officer's disposal on 12 October 2000, coupled with the lack of any indication of hostile intent before the attack, severely disadvantaged the Commanding Officer and crew of COLE in trying to prevent this tragedy. Likewise, I concur that the investigation clearly demonstrates that COLE was a well-trained, well-led, and highly capable ship.

[redacted]

[redacted]

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

3. CINCLANTFLT has presented a thorough, well-analyzed accountability assessment. I believe, however, that four issues merit further comment.

a. The investigation indicates the ship was focused almost exclusively on a shore-based threat, in particular preventing unauthorized access to the ship. My reading of the actual threat warnings helps me understand this mindset of the Commanding Officer and his Force Protection Team. Most importantly, their sensitivity was reduced by various factors. The specifics of the NCIS threat assessment make it clear to me that Yemen's HIGH Threat Level is driven by threats ashore and the warnings associated with travel in that country. Added to the absence of any specific waterborne threat indicators was the message the ship received on 11 October 2000, announcing a new terrorism threat level system that changed the threat level for Yemen from "high" to "significant," which by definition indicated that known terrorist groups in Yemen had limited operational activity. I conclude that the COLE team's consideration of these inputs lessened their perception of the threat. Considering such circumstances, I agree with the Second Endorsement that the security posture the ship employed was not unreasonable.

b. I find the assessment of both Commander, U.S. Naval Forces Central Command (COMUSNAVCENT) and CINCLANTFLT, that implementation of all THREATCON BRAVO force protection measures would not have stopped this attack, to be compelling. Although certain of the THREATCON BRAVO measures addressed identification and control of craft in the vicinity of the ship, these measures, even if fully implemented, would not have thwarted a well-planned, determined attack of this nature. The investigation concludes that no THREATCON BRAVO measure would have, with any degree of confidence, either identified the threat posed by the suicide boat or blocked it from approaching the ship. I find nothing in the warnings that would have induced a commanding officer to deploy boats and establish a security perimeter around the ship, the only measure that, in my judgment, would have protected the ship from a suicide attacker. I conclude that THREATCON BRAVO measures were inadequate for the

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Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

12 October scenario. I further conclude that THREATCON BRAVO was not an inappropriate posture given the existing threat assessment.

c. My conclusion in paragraph 3b above, that full implementation of THREATCON BRAVO measures would not have thwarted the attack, is central to my determination that disciplinary action is not warranted for any member of the COLE team. Having said that, I am not completely satisfied with the Commanding Officer's performance. Navy commanders, operating in the far reaches of the earth, must be ready to make independent decisions. It is the essence of our profession. The Commanding Officer understood and demonstrated his responsibility in that regard by setting aside various inapplicable force protection measures. While I applaud his readiness to lead, my impression from reading the enclosures is that the Commanding Officer did not have all the information he would have liked prior to entering Aden. It is not clear if that realization was as strongly felt before the attack as it was after the attack. Nonetheless, my concern rests in questions that the Commanding Officer had prior to entering port, and his failure to take action to resolve them. Prior to COLE's arrival in Yemen, for example, the Commanding Officer did not know whether the ship would tie up to a pier or refueling dolphin, whether he was allowed to utilize small boats, and what, if any, security assistance was provided by Yemeni authorities - all important issues in formulating a force protection plan. I am troubled that he took no steps to resolve these uncertainties prior to pulling into port. Furthermore, other senior commanders had responsibilities for approving his force protection plan, and they deserved to know that significant force protection-related questions arose and, time permitting, to participate in deciding to set aside or modify measures. In this case, the Commanding Officer should have been more proactive in clarifying his uncertainties. I balance these concerns with the requirement for commanding officers to make on-the-spot judgments and take appropriate action, often in the face of difficult and sometimes dangerous situations. In my view, the Commanding Officer's actions do not rise to the level requiring punitive action.

[redacted]

[redacted]

d. The scope of this investigation was limited to examining the actions taken by the ship's Commanding Officer and his crew in preparing for and undertaking the brief stop for fuel in Aden. It does not, and was never intended to, address the conduct of others in the ship's chain of command. Since separate actions will be taken to assess the accountability of others in the chain of command, I am refraining from making any judgments concerning the conduct of such personnel.

4. This attack revealed weaknesses in our force protection program, including inconsistent force protection schemes as well as inadequate guidance on interpreting and executing existing force protection measures. In an apparent effort to allow the measures to be broad enough to be applicable in all situations, the measures give insufficient guidance to commanding officers. For example, implementation of all THREATCON ALPHA and BRAVO force protection measures require that unauthorized craft be kept away from the ship, while at the same time they provide that picket boats will be on 15-minute standby. Absent host nation support, a ship in COLE's situation is limited to issuing verbal orders, in a foreign language, with no reasonable means available of enforcing them. Likewise, these measures require that workboats be inspected, but again, without picket boats in the water, a ship must wait until the workboats are alongside to inspect them. While it is essential to give commanding officers needed flexibility to adequately protect their ships, it is equally important to give them enough guidance so that they may understand and meet the intent of the measures. The scope of the measures for each THREATCON must also be reassessed to determine their sufficiency for addressing waterborne and other threats. Additionally, I concur with COMUSNAVCENT's recommendation to provide ships more assistance in formulating force protection plans for particular ports. In fact, this investigation points out the challenges a ship has attempting to craft an effective force protection plan when none of the crew has been in that port. Navy Component Commanders, operating under the authority of the Unified Commanders, need to take force protection to the next level by providing transiting units a baseline force protection plan to implement, including the measures as well as specific execution tactics, which in many

[redacted]

instances may be more important than the measures themselves. Finally, I do not agree with the implication in the Second Endorsement that face-to-face briefings upon inchopping into a new theater are mandatory events. I concur that such briefings will be beneficial, but the nature and mobility of naval forces does not always make face-to-face briefings possible. Commanders are responsible for the effective exchange of information, but face-to-face briefings do not represent the minimum essential requirement.

5. The weaknesses revealed in our force protection program should be contrasted with the results of the damage control inquiry, which showed the effectiveness of a program that receives significant attention in every facet of the Navy, from ship design to continuing training given to each and every Sailor. The investigation points to brilliant and determined leadership and demonstrated that when significant damage occurred to the ship, the COLE crew immediately and aggressively fought for their ship and the lives of their shipmates, relying on their countless hours of prior training. Their heroic actions, both individually and as a team, saved the lives of many shipmates and saved the ship. It is imperative that force protection receives similar attention from each and every Navy member. In this regard, the Secretary of the Navy has established a Force Protection Task Force. A copy of this investigation will be provided to the Task Force so that they may address the inadequacies noted in our force protection program and examine implementation of the recommendations in the investigation having Navy-wide applicability.

6. I am proud of the extraordinary individual valor and selfless devotion exhibited by COLE crewmembers in the aftermath of the attack. This tragedy demonstrated the courageous character and resourcefulness of our servicemembers, many of whom risked their lives to save their shipmates and their ship. Their heroic lifesaving and damage control efforts upheld the highest Navy traditions. The scrutiny faced by COLE during this investigation in no way diminishes their outstanding contribution to the defense of our country. As I conclude this endorsement, I am extraordinarily thankful that we have

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Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

dedicated men and women, like those on COLE, serving in the Navy. As I stated immediately following the attack, ours is a large Navy, but we are still one Navy family. We stand with COLE in praying for a speedy recovery for those injured and mourning the loss of the 17 shipmates who have made the ultimate sacrifice for our country. Their sacrifice will not be forgotten.

7. Subject to the foregoing, the proceedings, findings of fact, opinions, and recommendations of the investigating officer, as acted upon by the prior endorsers, are approved. Commanders in Chief, U.S. Naval Forces, Europe, and U.S. Pacific Fleet are directed to examine this investigation and submit any recommendations they may have for enhancing our force protection program.

V. E. CLARK

Distribution:
SECNAV
CINCUSNAVEUR
CINCLANTFLT
CINCPACFLT
COMUSNAVCENT
CO USS COLE

[redacted]

DEPARTMENT OF THE NAVY
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NORFOLK, VA. 23551-2487

5800
Ser N02L/ 003
04 JAN 01

SECOND ENDORSEMENT on [redacted], U.S. Navy, ltr of 27 Nov 00

From: Commander in Chief, U.S. Atlantic Fleet
To: Chief of Naval Operations

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

Ref: (r) CLF ltr 5800 Ser N02L/276 of 7 Dec 00 [redacted]

Encl: (140) COMNAVSURFLANT ltr 5830 Ser N02L/1371 of 21 Dec 00, w/encls [redacted]
(141) Summary of interview of CDR Kirk Lippold conducted 22 Dec 00 [redacted]
(142) Summary of interview of LT [redacted] conducted 2 Jan 01 [redacted]
(143) Summary of interview of HMCM [redacted] conducted 2 Jan 01 [redacted]

1. Forwarded. The investigation was received by this command on 6 December 2000. On 7 December 2000, I directed Commander, Naval Surface Force Atlantic (COMNAVSURFLANT) to conduct additional investigation into damage control efforts in response to the attack, to include personnel, training, materiel readiness, medical response and lessons learned, per reference (r). Enclosure (140) is the report of COMNAVSURFLANT's findings.

2. One goal of the investigation was to assess whether Commanding Officer, USS COLE (DDG 67) or any of his officers or crew should be held accountable for actions taken in regard to the terrorist attack of 12 October 2000. The Investigating Officer and the First Endorser recommended that subsequent endorsers consider the matter of personal accountability of the Commanding Officer, Executive Officer, Force Protection Officer and the Command Duty Officer. I agree with these recommendations and have made an accountability determination.

[redacted]

3. In assessing the matter of personal accountability, I employed a standard that considered all surrounding facts and circumstances. I then sought to determine whether there had been an act or omission by any officer or crew in USS COLE that exhibited a lack of due care which a reasonable person occupying the same rank and position would have exercised, with the information then available to them, under the same or similar circumstances. The U.S. Navy requires its Commanding Officers to exercise at all times a high degree of care, prudence, and attention to duty, commensurate with a given circumstance or set of facts. Implicit in this requirement is an understanding that an on-scene commanding officer must exercise independent judgment in the protection of his or her ship and crew, so long as it is done in a manner consistent with the responsibilities of the position of commanding officer, international law, the customs of the Navy, and specifically enumerated regulations or orders.

4. The Investigating Officer and the First Endorser fault the Commanding Officer, USS COLE for deviating from the Force Protection Plan he had submitted to his superiors in the chain of command. The Investigating Officer states that had these measures been activated, the attack "could possibly" have been prevented. I disagree with this opinion, given that those measures would have been inadequate against attackers who were willing to, and actually did, commit suicide to accomplish their attack. I specifically find that the decisions and actions of the Commanding Officer were reasonable under the circumstances. I also find that the terrorist attack of a well-prepared, determined group, fully willing to sacrifice their lives, could not have been prevented under the circumstances present in this case. I firmly believe that the terrorists' objective of attacking a U.S. Navy ship could not have been thwarted with the procedures called for in THREATCON BRAVO and possibly not even under the more restrictive THREATCON CHARLIE force protection measures. Under either regime, there were no measures that could have with any confidence identified the threat posed by the suicide boat. As noted in the investigation, a third garbage boat was expected. When topside watchstanders observed the approaching boat and looked into the boat from the ship, they saw no indication of suspicious activity or hostile intent. Enclosures

(92) and (93) catalog the detailed observations of the watchstanders. Supposing that COLE's boats had been deployed, as required under THREATCON CHARLIE - which was not in effect - it is unlikely that the attacking boat would have been detected as a threat. The boat was essentially identical to other boats operating in support of the ship. COLE was expecting a third garbage boat that had not yet arrived. Not having Arabic linguists, COLE had no means of making meaningful queries. Given the benign appearance of the attackers, it is doubtful that a picket boat, operating under THREATCON CHARLIE requirements, could have identified the threat. It was highly unlikely that use of boats on a 15 minute standby as called for under THREATCON BRAVO would have thwarted or deterred this particular attack.

5. The attack against USS COLE on 12 October 2000 is the latest in a series of terrorist actions against U.S. military forces forward deployed in support of the national security strategy. These terrorist acts are conducted by determined, well-financed, and committed adversaries - adversaries whose objective is to kill and who are often prepared to die. Such attacks capitalize on their unpredictability and surprise, choosing unexpected times and locations, and employing unexpected means. Terrorists rely on the U.S. military to always comply with the requirements of domestic and international law concerning the use of force. However, terrorists give no thought to the rule of law in guiding their own actions. U.S. forces must place themselves in exposed positions around the world to carry out their national responsibilities. In the information age, well-placed terrorists have had little difficulty in obtaining information on the movement of U.S. forces. Moreover, it is frequently important to the mission of U.S. forces that they maintain a highly visible presence. The terrorists, on the other hand, consist of small, secretive cells, operating under the shield of anonymity and using effective techniques to deny intelligence gathering on their activities and plans.

6. Under the existing and current rules of engagement (ROE) in effect at the time of the attack, USS COLE was entitled to use force in self-defense in response to a hostile act (e.g., an attack) or a demonstration of hostile intent (the threat of

imminent attack). Neither of these ROE criteria was present in this case prior to the actual explosion. There would have been no justification in U.S. law or international law for USS COLE to use force, deadly or non-deadly, against a vessel or individuals in a vessel based only on its apparently benign approach to a U.S. Navy ship. As noted, use of force in self-defense is justified only by the commission of a hostile act or some demonstration of hostile intent.

7. Regarding the issue of COLE's efforts to monitor and determine hostile intent, the following information must be considered. Any ship visiting a foreign port is restricted in the self-protection measures it may employ while in the sovereign territory of a host nation. U.S. warships in these ports are vulnerable to external attack, and must have the active assistance of the host nation, the State Department country team, and the efforts of the unified CINC or his component commanders for situational awareness and guidance. It is a fundamental principle of international law that the host nation bears primary responsibility for the protection of any visiting vessel. For example, should a warship of another nation visit New York Harbor, it is highly unlikely the United States would permit that warship to place armed patrol boats in the water. Moreover, any use of deadly force by that visiting warship to prevent approach by local small boats would be regarded as a serious breach of U.S. sovereignty. Without special host nation permission, clearly communicated to a ship's commanding officer through higher U.S. authority, U.S. Navy vessels must abide by the same rules. There was no special authority for visiting U.S. ships to Aden to use such force. Further light can be shed on the difficult nature of this problem through consideration of a recent incident involving a U.S. aircraft carrier and Greenpeace in a foreign port approximately two months after the COLE attack. Using non-lethal force (fire hoses), the ship was unable to prevent approach by Greenpeace boats. Additionally, some hours prior to getting underway from the same port, the U.S. ship was surrounded by eighteen Greenpeace vessels which approached and circled the ship in a threatening manner. Other local vessels joined the Greenpeace boats resulting in approximately 50 vessels circling the ship. The host nation, which was providing port

security, responded with patrol craft, helicopters, water cannons and rubber bullets, and were unable to disperse the harassing vessels. Even these provocative acts of the Greenpeace vessels did not give rise to the right of the U.S. ship to employ significant force in self-defense in the sovereign territory of the country it was visiting.

8. Under such circumstances, the decisions a commanding officer must make to ensure the protection of his vessel are exceedingly difficult. The commanding officer must balance operational necessity with associated risk, international law and diplomacy with his obligation to safeguard ship and crew. The U.S. Navy has a long and honored tradition of placing great trust, authority, and accountability on a ship's commanding officer. In the exceptionally challenging area of protection against a terrorist threat to a transient vessel in a foreign port, the important role played by the in-theater U.S. commanders and U.S. embassy authorities cannot be overstated. Appropriate, specific and well-defined security arrangements must be negotiated prior to any U.S. warship entering a foreign port. If the host nation is reluctant to support visiting warships with adequate protection and allow U.S. employment of force protection measures, the U.S. should procure its fuel and provisions elsewhere.

9. As part of this effort, force protection doctrine has been, and continues to be, to train commanding officers to assess situations, determine and reduce risks, and plan responses to hostile actions. Under the standards and requirements in place for the U.S. Atlantic Fleet at the time, USS COLE was well-trained in force protection, having received special recognition during a major exercise a few months before deployment. USS COLE had a good team in place and a fully considered and thought-out force protection plan operating.

10. The attack upon USS COLE presented no opportunity for use of force in self-defense. This fact is critical to understanding whether the commanding officer and ship's crew took adequate steps to protect the ship. The attacking boat approached slowly, appearing not unlike other, very similar craft, e.g., the pilot boat, line handling boats, and garbage boats that had previously

approached COLE. There was absolutely no outward indication that the attack boat was in any way different. There is evidence in the record that personnel who were observing the boat believed it to be the third garbage boat expected and that it was approaching amidships to pick-up plastic waste. Nothing the boat did could have been construed as a demonstration of hostile intent. As the events unfolded, there was insufficient justification for USS COLE to use force to defend itself prior to the detonation of the suicide boat.

11. After careful consideration of the matter of personal accountability, I am firmly convinced, and conclude, that the Commanding Officer, Executive Officer, Command Duty Officer, Force Protection Officer, and other officers or crew of COLE, were not derelict in the execution of duty. Further, they did not act in violation of any regulation, order or custom of the Navy. Accordingly, no disciplinary or other adverse administrative personnel action is warranted.

12. Findings of Fact (pp. 24-95). The following comments disapprove or modify the Investigating Officer's Findings of Fact (FOF):

a. FOF 56 (that the Commanding Officer delegated authority to waive force protection measures to the ship's Force Protection Officer). This finding of fact is disapproved. The cited enclosures do not support the finding. Enclosures (141) and (142), the summary of interviews with the ship's Commanding Officer and Force Protection Officer, make it clear that there was no delegation of authority in the sense implied by FOF 56. The Force Protection Officer briefed the Commanding Officer thoroughly on the measures he had implemented and obtained the Commanding Officer's specific approval. Rather than a delegation, this process is more aptly described as "command by negation" and is the standard by which command is exercised at sea.

b. FOF 124 (that on arrival at the refueling dolphin, the ship's Force Protection Officer unilaterally waived 19 force protection measures). This finding of fact is disapproved as

written and the first sentence is modified as follows: "The Force Protection Officer briefed the Commanding Officer on his intent not to implement all of the planned Force Protection Measures, explaining his rationale that some of the measures were not applicable to COLE's situation. The Commanding Officer approved the plan not to implement some of the measures. The following chart shows the measures that were not implemented:" Add enclosures (141) and (142) to the reference notation.

c. FOF 132 (a chart depicting 13 "not accomplished" NAVCENT/FIFTHFLT force protection measures). This finding of fact is disapproved with regard to comments keyed to measures 1 (lack of adequate crew briefs) and 26 (non-implementation of all THREATCON ALPHA measures). The comments contradict portions of FOF 131 (a chart depicting the "accomplished" NAVCENT/FIFTHFLT force protection measures) and statements of the ship's Commanding Officer, Force Protection Officer, and Command Master Chief (enclosures (141),(142), and (143)). In essence, the existing comments reflect the Investigating Officer's opinion and are not factual findings. The validity of the opinion relative to measure 1 (lack of adequate crew briefs) is discussed in connection with Opinion 5 (alleging overall poor crew knowledge about the threat conditions in Yemen). The ship conducted multiple "Med-Arabian University" briefings on the mess decks and Combat Information Center briefings to raise crew awareness to the challenges and dangers of operations in the FIFTH Fleet AOR. Many on-bridge discussions between the ship's Commanding Officer and the various watch standers centered on the up-coming operations. See enclosures (141), (142) and (143). The opinion relative to measure 26 (lack of THREATCON ALPHA compliance) is disapproved for the reasons stated above and discussions at paragraphs 12e and 13f.

d. FOF 223, 224, 225, 226, and 230 (which refer to the general expectations that units will comply with all measures put forward in their Force Protection Plans, the prerequisites to serving as a Force Protection Officer, and how measure deviation reporting is accomplished). Much of the material in these findings is not factual, consisting largely of statements from various officers on their personal interpretations of applicable regulations and

instructions. While not expressly disapproved, little weight should be accorded to what are essentially opinions.

e. FOF 232 (alleging force protection measure 19 requires ship personnel to physically board and inspect each work boat). This finding of fact is disapproved. This finding only supplies individual interpretation of the measure by a FIFTH Fleet staff officer. The record shows that this interpretation was never communicated to USS COLE, nor is there any evidence of record that the interpretation is authoritative. Further, the Force Protections Measures applicable to THREATCON BRAVO by their definition indicate that this interpretation is not valid. The measures required boats to be on a 15 minute standby. Therefore, it was not contemplated by the measures that picket boats would stop, board and inspect work boats before they approached the ship. The only identification and inspection possible would occur after a work boat had approached and come alongside the ship.

f. Subject to the foregoing, the findings of fact are approved.

13. Opinions (pp. 96-106). The following comments disapprove or modify the opinions expressed by the Investigating Officer and the First Endorser:

a. Opinion 5 (that overall crew knowledge of the Threat Level and THREATCON in Aden, Yemen was low and that the ship did not make effective use of information tools to maximize the crew's awareness). Opinion 5 is disapproved. The random sample interviews conducted by the Investigating Officer soon after the attack appear to reflect poor crew understanding or knowledge of the THREATCON and Threat Level applicable to Aden. I find this to be inadequate support for the opinion that the lack of knowledge is attributable to a command failure to make "effective use" of available information tools. There is ample evidence that the command made attempts to raise the awareness of the crew to the challenges and dangers of operations in the FIFTH Fleet AOR, e.g., enclosures (18), (20), (141), (142), and (143). For example, as documented in the original investigation, when a workboat pulled

along side the ship's stern and two men attempted to climb the Jacob's ladder, a GM2, pointing an M-14 loaded with shot line, motioned for the men to descend back to the boat. (FOF 99). Additionally, COLE's Executive Officer, along with a Petty Officer, met the husbanding agent as he climbed aboard and searched him. (FOF 102).

b. Opinion 6 (that USS COLE failed to engage in a deliberate planning process for their Brief Stop for Fuel in Aden, Yemen, despite having sufficient information about Aden, Yemen to critically evaluate and plan meaningful Force Protection measures prior to the ship's arrival; and, that this resulted in an unstructured assortment of Force Protection measures). Opinion 6 is disapproved. This opinion as written is unsupported by the factual evidence. I specifically disagree that the ship had sufficient information about Aden to plan meaningful Force Protection Measures prior to the ship's arrival. The ship was not provided with a face-to-face inchop brief prior to their arrival in theater. The ship relied on previous ships' lessons learned messages and information gleaned from FIFTH Fleet SIPRNET web pages. These do not provide tailored information relative to this visit to Aden by COLE. None of the command's personnel had been to the port of Aden before, enclosures (141), (142), and (143). Given the lack of specific information communicated to the ship, COLE submitted an appropriate Force Protection Plan. The ship tailored its implementation of Force Protection Measures once they determined actual conditions, enclosures (141) and (142).

c. Opinion 7 (that there was no deliberate execution of the ship's Force Protection Plan; that neither the Command Duty Officer nor the Force Protection Officer were involved in ensuring there was active identification and control of the boats alongside; and, that the duty section was not briefed on the Force Protection Plan and therefore relied on general knowledge of providing security for the ship and were unaware of specific Force Protection requirements for Aden, Yemen). Opinion 7 is modified. The third sentence, which reads "The Commanding Officer should not have given the Force Protection Officer the authority to approve deviations from an approved Force Protection Plan" is deleted. There was no

delegation of authority. All the actions of the Force Protection Officer were reviewed and approved by the Commanding Officer.

d. Opinion 8 (that the Commanding Officer, Executive Officer, Command Duty Officer, and Force Protection Officer failed to supervise the implementation of the Force Protection Plan and that since the Commanding Officer had delegated the authority to deviate from the USS COLE's Force Protection Plan to the Force Protection Officer, he could not exercise meaningful oversight in plan implementation). Opinion 8 is modified. The second sentence, which reads "There was little interest in whether ship's force was executing applicable Force Protection measures" is deleted. The third sentence, which reads "By delegating to the Force Protection Officer the authority to deviate from USS COLE's (DDG 67) Force Protection Plan, he could not have exercised meaningful oversight in plan implementation" is deleted. Neither of these opinions is supported by the factual findings. In distinct contrast to these statements, I find that USS COLE was cognizant of force protection concerns, employing an active and knowledgeable force protection team. COLE's performance during the interdeployment training cycle and her aggressive pursuit of force protection training and information is well documented in this investigation. Beyond the force protection performance of the ship, and fully consistent with that performance, were the extraordinarily successful and effective damage control and medical efforts undertaken by the ship after the attack, enclosure (140). These exceptional, and in many instances heroic, life-saving efforts reflect the ship's character. Read in its entirety, this investigation conclusively demonstrates a taut, highly capable ship -- well-trained and well-led.

e. Opinion 9 (that there were 62 Force Protection measures that USS COLE was required to implement in Aden, Yemen, and that the ship waived 19 measures, completed 31 measures, and did not complete 12 other measures). The opinion is modified as follows: "USS COLE submitted a plan to implement 62 Force Protection Measures while in Aden, Yemen. The ship implemented 33 measures and did not implement 29 measures. (FOF (123 - 125), (131 - 134))" These changes reflect my determination that measures 1 and 26 were

adequately implemented. Further, the factual basis available for differentiating measures which were "waived" or simply "uncompleted" is not sufficient. I consider that the measures either were or were not implemented as all that can be established reliably.

f. Opinion 10 states that 19 Force Protection measures could possibly have prevented the suicide boat attack or mitigated its effect. The ship implemented 7 of these measures. The remaining 12 measures were waived by the Force Protection Officer or not completed. Opinion 11 states that of the 12 measures waived by the Force Protection Officer or not completed, six were of particularly high importance:

1. Briefing the crew on the threat in Yemen.
2. Briefing the watch personnel on Inport Force Protection Plan.
18. Keeping unauthorized boats away from USS COLE and supervise and monitor authorized boats.
19. Identifying and inspecting boats.
34. Manning the Signal Bridge or Pilothouse.
39. Implement measures to keep unauthorized craft away from the ship.

It states the collective failure to implement these 6 measures created a seam in the ship's defensive posture that allowed the terrorist craft to come alongside the ship unchallenged by those responsible for the ship's protection. Opinions 10 and 11 are disapproved.

(1) COLE was the victim of a determined, planned attack. As discussed at the opening of this endorsement, there was no opportunity or justification for COLE to have reacted with force to the approach of the suicide boat. In my opinion, consistent with the First Endorser, none of the originally planned measures, implemented or not implemented, would have prevented this attack. I note as particularly important in this regard, the fact that the ship's training for inport force protection measures had been focused primarily on pierside threats. The ship had never been

trained to employ picket boats or patrol exclusion zones as a force protection measure. This does not reflect a failing on the part of the ship or her Commanding Officer; it highlights an inability to identify or predict this specific threat in this specific port or region and to have the ship and the country team alerted to defend against it.

(2) Specifically addressing the "critical" Force Protection Measures identified by the Investigating Officer: Measures 1 (briefing the crew) and 2 (briefing the watch personnel). I consider measure 1 to have been implemented. Even assuming more could or should have been done to brief the crew, I cannot make a logical connection with general threat briefs on Yemen and the region, and effectively countering the suicide boat attack. While measure 2 could have more relevance to force protection performance, nothing beyond general threat information was available for Aden. No information indicated a small boat threat. Given the tactics employed by the attackers, I do not regard these measures as effective in preventing or disrupting the attack. In making this statement I am aware that the ship was in receipt of an intelligence message, received some three weeks earlier, regarding a terrorist plan to attack a U.S. warship in the SIXTH Fleet by use of a small boat loaded with explosives. The last paragraph of the message, however, essentially stated that the intelligence was preliminary in nature. I have read this message. Nothing in the message indicated a need for COLE to take a heightened security posture beyond the THREATCON BRAVO measures directed by the in-theater FIFTH Fleet Commander. Neither embassy personnel nor the in-country team expressed any unique concerns pertaining to small boat threats. Nor had the in-country team made any provisions with the host nation to provide port security against such a threat.

(3) Measures 18, 19, and 39 all deal with boats and small craft in the vicinity of the ship. Specifically required is:

(a). The only feasible means available to COLE of controlling approaching small craft would have been with other small craft, either those of the host nation or her own. The facts indicate that Yemen had not provided patrol craft protection to

visiting warships. Of the almost thirty U.S. ships which have visited Aden in the last two years, only one ship put a boat in the water as patrol craft. COLE was not aware that the Yemenis had objected to the boat patrol, at first, but eventually approved that action. The Commanding Officer, USS COLE considered maintaining, under THREATCON BRAVO, the ability -- within 15 minutes -- to, place one of his ship's boats in the water, but decided against doing so. He considered that mooring his ship with its starboard side to the refueling dolphin, allowing his vessel to be bow forward to the sea, was more important for the ship's safety. The import of this decision is clear: if, because of an evolving threat, a need arose to get the ship underway rapidly, mooring starboard side to the dolphin would allow the ship to leave without tugs or a pilot - mooring port side to the dolphin would require the ship to be twisted with the assistance of tugs, and the boats recovered before COLE could escape the port. In essence, the Commanding Officer consciously determined that it was more important to be able to sortie expeditiously and without help than it was to be able to have a ship's boat on 15 minute alert to put into the water. Based on the general threat intelligence available to USS COLE, this was a reasonable decision.

(b). Even supposing that a boat had been employed to inspect and attempt to direct small craft traffic in the vicinity of the ship, it is still probable that the attacking boat would not have been detected as a threat. The boat was essentially identical to other boats operating in support of the ship, especially the boats picking up garbage. Without Arabic linguists, COLE had no means of making meaningful queries. Again, without some indication of hostile intent or some hostile act, the use of force against an approaching boat could not be justified. Given the tactics employed and the benign appearance of the attackers, it is extremely doubtful that a picket boat could have identified and neutralized the threat.

(c). In summary, I find that Commanding Officer, USS COLE made a reasonable decision to go starboard side to the dolphin in order to allow an expeditious sortie from Aden should the need arise. By doing so, his boats were not deployable.

Further, I find that it was unlikely that use of a picket boat would have thwarted or deterred this particular attack.

(4) Measure 34, manning the signal bridge or pilothouse. Commanding Officer, USS COLE decided to man the quarterdeck as opposed to the pilothouse or signal bridge. He reasoned that the pilothouse could be re-manned rapidly should the need arise, and that the quarterdeck was in closer proximity to the refueling operations on the dolphin, enclosure (141). While I believe that manning the signal bridge or pilothouse could have improved the ship's situational awareness of harbor traffic, it is doubtful that this attack could have been detected, deterred, or thwarted by this measure. Similarly, having flares available on the signal bridge or in the pilothouse would have made no difference to the ultimate outcome of the attack. There was no indication of hostile intent or hostile act sufficient to justify firing a flare to ward off an approaching boat.

(5) In summary, the measures not implemented, either singly or collectively, would not have detected, deterred, or thwarted the attack on USS COLE.

g. Opinion 13a (that the Task Force review of the USS COLE's Force Protection Plan was perfunctory and that the USS COLE submitted a plan stating its intention to implement all 62 THREATCON BRAVO measures, many of which were inapplicable to USS COLE's Brief Stop for Fuel in Aden, Yemen, which demonstrated their failure to think critically about their posture). The last sentence is modified to read as follows: "In this case, USS COLE submitted a plan stating its intention to implement all 62 THREATCON ALPHA and BRAVO measures, many of which were inapplicable to USS COLE's brief stop for fuel in Aden, at a refueling dolphin." The remainder of the original sentence is inconsistent with my conclusion that submission of COLE's Force Protection Plan for Aden was not inappropriate given the lack of specific information about whether COLE would refuel at a pier or dolphin.

h. Opinion 13c (that the ship failed to notify Task Force FIVE ZERO of measures it waived or otherwise failed to implement

upon arrival in Aden, making Task Force FIVE ZERO unaware of the ship's Force Protection posture and that USS COLE had an obligation to inform Task Force FIVE ZERO since the Operation Order was, in fact, an order.) Opinion 13c is disapproved. While this requirement is not specifically contained in the order, it is not unreasonable to consider it an implicit requirement. Therefore one could reasonably expect a commanding officer to notify his superiors if there was a deviation from a previously submitted force protection plan after arrival in port. The Commanding Officer and the Force Protection Officer both indicated that they intended to send the force protection posture in an upcoming OPREP 5 naval message, enclosures (141) and (142). This is the methodology COLE had used previously in the SIXTH Fleet. The Commanding Officer could not know how to modify his force protection posture until he had arrived in port, and been informed where he was to tie up, and assessed the situation.

i. Opinion 14 (that the USS COLE had sufficient available information to make an accurate assessment of the port Threat Levels and conditions in Aden, Yemen, despite the fact it did not possess the most recent Naval Criminal Investigative Service threat assessment and that United States Central Command had not implemented the new four-point Threat Level system.) Opinion 14 is modified. The first sentence is modified to read as follows: "USS COLE had correct THREATCON and Threat Level information for Aden." This resolves ambiguity in the Investigating Officer's original opinion which could be read to imply that COLE was responsible for setting Threat Level and THREATCON.

j. Opinion 20 (that the Commanding Officer, Executive Officer, Force Protection Officer, and Command Duty Officer's performance of duty did not meet the standards set forth in United States Navy Regulations and/or other pertinent directives). Opinion 20 is disapproved. I do not concur that the performance of the officers concerned failed to meet expected standards. The decisions taken by Commanding Officer, USS COLE with regard to the COLE's Force Protection Plan were considered reasonable given the information he had been provided on the port of Aden, his refueling operation there, and the general threat information made available to him.

k. Subject to the foregoing, the Opinions of the Investigating Officer, as endorsed by the First Endorser, are approved.

14. Recommendations (pp. 107 - 110). The following comments disapprove or modify the recommendations made by the Investigating Officer as endorsed by the First Endorser.

a. Recommendation 3 (that there is a need to put additional emphasis on Force Protection training and deployment preparation). Existing force protection measures and training need modification and improvement. Steps have been undertaken to incorporate more active and realistic inport, waterborne anti-terrorist/force protection training during the Interdeployment Training Cycle for Atlantic Fleet units. Discussions with the Pacific Fleet will align Fleet training to more accurately reflect this inport waterborne threat.

b. Recommendation 7 (that ships be required to implement positive waterside access control measures such as safety zones and picket boats in "HIGH" threat areas). This recommendation is modified to read as follows: "That Force Protection Measures be written to clarify requirements for establishment of positive waterside access control, keyed to THREATCONs, ships' capabilities, and host nations' requirements. Furthermore, that the component commander of the unified CINC needs to arrange which Force Protection measures will be provided by the host nation and ensure that transiting ships are aware of these measures and any subsequent changes."

c. Recommendation 8 (that there should be better integration of federal agencies in the development of port security). This recommendation is augmented by adding the following sentence: "Furthermore, all parties involved in arranging port visits should take every available step to safeguard information, such as arrival and departure dates, purpose of visit and logistic requirements."

[redacted]

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

d. Recommendations 15, 16, 17, and 18 (that the chain of command assess accountability of the Commanding Officer, Executive Officer, Force Protection Officer and Command Duty Officer). These recommendations are accomplished by this endorsement.

e. Subject to the foregoing, the recommendations of Investigating Officer, as endorsed by the First Endorser, are approved.

15. I cannot close this endorsement without addressing the tragic loss of the 17 men and women of USS COLE who gave their lives in defense of their country. Their performance of duty and ultimate sacrifice are vivid yet somber testimonials to the national will and heritage of the U.S. Navy. They died as casualties in a continuing conflict between the forces of a free nation committed to protecting the liberty and lives of its people and ruthless bands of highly-organized terrorists, bent on destruction and death. I extend my deepest sympathy to each member of every family who lost a proud sailor in this cowardly act. Our nation and the U.S. Navy will not forget the sacrifice of your loved ones, nor the enormity of your loss.

Robert J. Natter

ROBERT J. NATTER

Copy to: (w/o basic corr, end, and encls)
[redacted]
NAVCENT
USCINCCENT
VCNO
CNO
SECNAV

[redacted]

5800
Ser 00/S0005
30 Nov 00

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FIRST ENDORSEMENT on CAPT [redacted], U.S. Navy, ltr of 27 Nov 00

From: Commander, U.S. Naval Forces Central Command
To: Chief of Naval Operations
Via: Commander In Chief, U.S. Atlantic Fleet

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG 67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

Encl: (135) Results of interview with SK1 [redacted], USN by LCDR Copenhaver, JAGC, USN
(136) Results of interview with FC2 [redacted], USN by LCDR Copenhaver, JAGC, USN
(137) Results of interview with SH2 [redacted], USN by LCDR Copenhaver, JAGC, USN
(138) Results of interview with TM3 [redacted], USN by LCDR Copenhaver, JAGC, USN
(139) Results of interview with STG3 [redacted], USN by LCDR Copenhaver, JAGC, USN

INTRODUCTION

1. [redacted] The attack against USS COLE (DDG 67) in which seventeen Sailors were killed and 42 wounded, is being investigated and analyzed by a number of investigative bodies. No matter what these inquires conclude, it is clear that the heart and soul of the Navy is our people. If nothing else, the attack on USS COLE establishes beyond any doubt that the men and women who wear the Navy uniform are the best in the world. On USS COLE, every Sailor did his or her duty. USS COLE was gravely wounded, and like generations of Sailors before them, they rose to the challenge and saved their ship.

[redacted]

[redacted]

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG-67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

2. [redacted] Within hours of the explosion I directed a command investigation into the actions of USS COLE and its crew in preparing for and undertaking their brief stop for fuel in Aden. In the days following the attack, the President directed the Federal Bureau of Investigation to investigate the attack and seek to identify the perpetrators. Additionally, the Secretary of Defense appointed a Commission led by a Flag Officer and an Army General Officer to review the incident "in light of applicable Department of Defense policies and procedures, in order to assess the lessons to be learned from this tragedy."

3. [redacted] The focus of the command investigation convened by this headquarters was centered on those matters directly relating to the performance of the ship and the support it received in preparation for its brief stop for fuel in Aden, Yemen. During the course of this investigation, it became clear that the implementation of Force Protection Measures was a critical issue.

4. [redacted] The command investigation was completed and forwarded for my review on November 27, 2000. The Investigating Officer should be commended for a job "well done" under the most trying circumstances. The difficulties he encountered were far more arduous than detailed in his report. On October 15, 2000, USS COLE lost power and began taking on water. Captain [redacted] rushed to USS COLE and waded into the ship's bilges to spearhead de-watering efforts and assist in establishing internal communications. The Investigating Officer answered the call of duty as few of us could.

5. [redacted] In addition to working under extreme physical conditions, in an environment of continuing threat of terrorist attack, the Investigating Officer had a short period of time in which to gather important information. Almost immediately after the attack, efforts were underway to return both the crew and the ship to the United States. The Investigating Officer, through Herculean efforts, gathered sufficient information to obtain an accurate chronology and understanding of events. His investigation, however, includes only part of the complete picture. Other investigative queries and additional crew interviews will undoubtedly establish a fuller picture of the events that transpired on October 12, 2000.

[redacted]

Subj: INVESTIGATION TO INQUIRE INTO THE ACTIONS OF USS COLE (DDG-67) IN PREPARING FOR AND UNDERTAKING A BRIEF STOP FOR FUEL AT BANDAR AT TAWAHI (ADEN HARBOR) ADEN, YEMEN ON OR ABOUT 12 OCTOBER 2000

6. [redacted] In 1986, USS STARK (FFG 31) was struck by an Exocet Missile. The following year, in 1987, USS SAMUEL B. ROBERTS (FFG 58) struck a mine. Both ships sustained severe structural damage. These incidents resulted in improvements to ship design, ship survivability and damage control procedures. The USS COLE tragedy also offers many lessons learned. As a result of numerous factors, including the imposition of Threat Condition DELTA, the October 15, 2000, re-flooding of the ship, the necessity to complete this investigation quickly, and the immediate return of both the ship and the crew to the United States, these lessons have not been captured in this investigation.

7. [redacted] In the coming days, the heavy lift transport BLUE MARLIN will arrive in the United States with USS COLE. In addition, many of the crew will return from leave. It is recommended that a fact-finding study be convened to document the damage control aspect of this tragedy. Information derived during the JAG Manual investigation suggests the study will reflect heroic accomplishments of both individual Sailors and the crew as a whole. Collectively, the crew saved their ship, working with little rest under the harshest conditions. Individual stories include diving into flooded spaces to save shipmates, dragging injured shipmates out of smoke-filled compartments, and emergency triage of the wounded.

8. [redacted] The study should incorporate information from: USS COLE crewmembers, Ship Repair Unit (SRU) Bahrain, participating personnel from Mobile Diving Salvage Unit, USS HAWES (FFG 53) and USS DONALD COOK (DDG 75); technical representatives currently riding BLUE MARLIN; Naval Sea Systems Command (NAVSEA) and other key players involved in the initial damage control response and survey efforts. This command will provide information it obtained, and other assistance as required.

9. [redacted] In addition to the recommended "damage control" study, the USS COLE tragedy gave rise to a remarkable emergency response involving both medical and security support. The explosion destroyed the USS COLE's medical department. Emergency care for the wounded was provided by COLE Sailors, NAVCENT Emergency Response Team, the French military and local Yemeni hospitals. Sailors found their injured shipmates and carried them to the ship's aft battle dressing station where

broken bones were splinted and wounds were dressed. Within 10 hours of the explosion NAVCENT's Emergency Response Team was on scene in Aden coordinating the medical effort with Saber and Al Gamhooria hospitals. Simultaneously, the French Military Medical Center in Djibouti deployed a medical evacuation aircraft and three triage teams to treat patients and evacuate 11 of the most seriously injured crewmembers to Djibouti. The care provided by the two Yemeni hospitals and the French Medical Team saved the lives of four Sailors and prevented life threatening complications for four others.

10. [redacted] Overseeing the overall response, was the Task Force stood up by this headquarters. The first elements of the Task Force (subsequently designated Joint Task Force DETERMINED RESPONSE) accompanied the Emergency Response Team and within 24 hours was providing logistical support and security to USS COLE and additional assets as they arrived on scene. Security was particularly critical. A FAST Platoon provided essential perimeter defense at both the airhead and USS COLE. Our security assets also supported the large FBI Team that arrived several days later. This was a superb effort by all concerned.

11. [redacted] Secretary of the Navy has convened a task force to review Force Protection in the Naval Service. This task force will touch on almost all aspects of this investigation. It is recommended this investigation be incorporated in the efforts of the Secretary of the Navy Force Protection Task Force.

12. [redacted] My comments concerning the investigative report are divided into five sections. Section One provides background on the Navy's presence in the U.S. Central Command Area of Responsibility. Section Two places USS COLE's port call in perspective by addressing the question, "Why Aden?" Section Three addresses the attack on USS COLE within the context of Force Protection and discusses the command's performance in Aden, Yemen. This section also speaks to the issue of whether the attack was preventable. Section Four discusses improvements to the Force Protection Program. Finally, Section Five contains my recommendations for future action.

13. [redacted] As First Endorser on this investigation, I must approve findings of fact, opinions and recommendations. *I approve all findings of fact. I emphatically concur with Opinion One* that

the injuries sustained by USS COLE Sailors as a result of the explosion were in the line of duty, not due to misconduct. In addition, *I emphatically concur with Recommendations One and Two*, that the injured Sailors receive in-depth clinical evaluations as part of their post-casualty treatment and, that all personnel assigned to USS COLE receive a comprehensive hearing examination. *Finally, I approve all findings of fact and opinions contained in Medical Appendices A and B to this investigation.*

14. [redacted] *Opinion 19 and Recommendation 13,* concerning the loss of information held in computers as a result of this type of event, should be addressed by Navy Staff in Washington, D.C. I will specifically comment on the remaining opinions and recommendations during the discussion that follows. Enclosures (135)-(139) arrived after completion of the investigation. The information contained within the enclosures is considered in the discussion below.

SECTION ONE: NAVAL PRESENCE IN CENTCOM AOR

15. [redacted] The United States Central Command Area of Responsibility stretches from eastern Africa across the Arabian Peninsula to the western coast of the Indian sub-continent. The AOR includes 25 countries as well as the Red Sea, Gulf of Aden, Arabian Sea, the northern Indian Ocean, Gulf of Oman and Arabian Gulf. It is the CENTCOM AOR where Europe, Asia and Africa join to form a unique and complex region with a diverse political, economic, cultural and geographic make up. The recent history of this area includes continuous upheaval in the areas of both conventional warfare and terrorism. The high level of danger is well illustrated by the: 1986 Exocet missile attack against USS STARK (FFG 31); 1987 mine explosion involving USS SAMUEL B. ROBERTS (FFG 58); 1990-91 Gulf War; 1995 OPM SANG bombing in Riyadh, Saudi Arabia; 1996 Khobar Towers bombing in Saudi Arabia; 1998 embassy bombings at Nairobi, Kenya and Dar es Salaam, Tanzania; and several significant contingency operations, including Operations DESERT STRIKE, DESERT THUNDER and DESERT FOX. Since 1998, U.S. Naval Forces Central Command have conducted continuous combat operations in support of Operation SOUTHERN WATCH. [redacted]

[redacted] Despite the dangers and high threat levels inherent to the Middle East, the United States Navy has remained a major force for peace and stability in the region for over fifty years.

16. [redacted] The U.S. Navy established its first command in the Middle East, January 1, 1949. Known as the Persian Gulf Area Command, its forces consisted of two destroyers and a small seaplane tender. On August 16, 1949, the Persian Gulf Area Command was renamed the Middle East Force. During the late 1970's and early 1980's, U.S. Navy units in the region operated at a high operational tempo, culminating in the Kuwaiti tanker escort missions of the late 1980's. Middle East Force ships were the first U.S. military units to take action following the August 2, 1990, invasion of Kuwait when they began Maritime Interception Operations in support of United Nations sanctions against Iraq. In January 1991, with the beginning of Operation DESERT STORM, the Middle East Force was absorbed into U.S. Naval Forces Central Command, the Naval component of U.S. Central Command. Today, U.S. Naval Forces Central Command and U.S. FIFTH Fleet consist of as many as 30 ships and 20,000 Sailors and Marines. These forces typically include an aircraft carrier battle group, an amphibious ready group, surface combatants, maritime patrol aircraft and logistics ships. By way of example, on today's date over 12,000 Sailors and Marines from the ABRAHAM LINCOLN Battle Group and TARAWA Amphibious Ready Group patrol the waters of the Central Command. Naval forces routinely make up over 70 percent of all U.S. military presence in theater.

17. [redacted] U.S. Naval Forces Central Command is responsible for Force Protection of U.S. Navy assets in the Central Command AOR. This headquarters identifies and prioritizes Anti-terrorism/Force Protection initiatives and funding requirements, and sets, along with U.S. Central Command and U.S. Defense Representatives, Threat Conditions for assigned units. Commander, U.S. Naval Forces Central Command promulgates Operations Order 99-01, providing overarching guidance and specific direction on implementation of the Force Protection Program. This headquarters provides oversight to subordinate operational commanders on Force Protection matters. The Force Protection Officer and I make regular site visits to ports throughout the theater. By way of example, the COMUSNAVCENT

Force Protection Officer was in Aden, Yemen the week before the attack. This command also funds a number of Force Protection initiatives.

18. [redacted] U.S. Naval Forces Central Command facilities serve as a Department of Defense test site for new explosive detection technology. Examples include: Barringer Ion Scan Particle Detector for explosive particles; Ion Track Instruments Vapor Tracer for explosive gasses; MTXR-WE X-ray Backscatter and Through Transmission Truck; Rapiscan Secure 1000 Backscatter X-ray Machine for personnel screening; Sabre 2000 Vapor Tracer/Ion scanner; and EG&G Astrophysics Linescan baggage inspection system. Additionally, the following intrusion detection and access control systems have been tested and implemented by this headquarters: Tactical Automated Security System (a microwave portable motion detector); electronic counter measures systems; Cortex video motion detection system; visual and thermal imaging systems; and Intelliflex cabling along perimeter fencelines. This command recently installed an integrated waterside security system at the Mina Salman pier complex, Bahrain, [redacted]

19. [redacted] U.S. Naval Forces Central Command units are recognized as Anti-Terrorism/Force Protection experts within the Department of Defense. In recent years, our facilities have undergone a series of Joint Staff and U.S. Central Command vulnerability assessments. Our facilities received laudatory praise for their Force Protection Programs. In 1998, NSA Bahrain was selected by the Chief of Naval Operations as having the best anti-terrorist program, OCONUS. In 1998, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SOLIC) selected this headquarters as having the best anti-terrorism program, major command. In 1999, Naval Criminal Investigative Service, Bahrain received an award for innovative Counter Intelligence (CI) techniques. In 1998 and 1999, ASD SOLIC awarded NSA Bahrain First Honorable Mention for Security Forces. In 2000, NSA Bahrain won this award.

SECTION TWO: "WHY ADEN?"

20. [redacted] In the aftermath of the USS COLE attack, many have asked the question, "Why Aden?" The answer to this question is

premised on the strategic importance of Yemen, operational commitments and logistical needs of our ships, Threat Levels and Threat Conditions for regional ports, and the availability of reliable port services.

21. [redacted] Commander, U.S. Naval Forces Central Command is responsible for the coordination of Naval Force requirements and the conduct of naval operations within the Central Command Area Of Responsibility. The Navy, through the Global Naval Forces Presence Policy (GNFPP), assigns and coordinates the movement of Naval Forces between the various geographic Unified Commanders in Chief in accordance with National Command Authority guidance. [redacted] Each force allocation in the GNFPP is distinct and meets detailed parameters of National Command Authority and U.S. Central Command directed mission requirements. [redacted] These trained, equipped and ready forces are provided by Commander in Chief, Atlantic Fleet (CINCLANTFLT) and Commander in Chief, Pacific Fleet (CINCPACFLT) since U.S. Central Command, with the exception of four Mine Counter Measure ships homeported in Bahrain, has no standing forces.

22. [redacted] Ships originating from CINCLANTFLT, passing through the Mediterranean area of operations, undertake a 3,000 mile journey from the Mediterranean Sea to the Arabian Gulf. Upon exiting the Suez Canal, most ships are required to refuel at least once before arriving in the Arabian Gulf. A limited number of tankers accompany multi-ship battle groups. There are not enough tankers to refuel every U.S. warship at sea, particularly

those that travel alone. As a result, most independently transiting ships make brief stops for fuel enroute to the Arabian Gulf, as was the case for USS COLE. At the time of the attack, the ABRAHAM LINCOLN CVBG and TARAWA ARG/13th MEU were assigned to U.S. Naval Forces Central Command. The USS COLE was specifically assigned to meet [redacted] requirements for the theater. On October 12, 2000, USS COLE was steaming independently to join the ABRAHAM LINCOLN CVBG in the Northern Arabian Gulf. The requirement to be within a specified geographic area for immediate contingency response (TLAM) necessitated a 25-knot speed of advance that was in excess of the speed for optimum fuel efficiency.

23. [redacted] Consistent with U.S. Navy policy, COMUSNAVCENT policy is to keep all ships fueled to at least [redacted] capacity to ensure they are able to meet emergent tasking. In planning the USS COLE transit, it was recognized that the ship would require a brief stop for fuel to conform to the [redacted] and reach station in the Arabian Gulf. Regardless of the speed of advance, USS COLE required refueling prior to reaching and maintaining station in the Arabian Gulf. The speed of advance limited the geographic window where the refueling would become necessary to maintain [redacted] With this in mind, Commander U.S. Naval Forces Central Command planned and approved a brief stop for fuel in Aden. Consistent with this planning, USS COLE reported [redacted] the night before arriving in Aden.

24. [redacted] As this endorsement discusses Threat Condition Bravo for Yemen, a description of the criteria used in setting a Threat Condition is useful. Fundamentally, the Threat Condition drives a military unit's Force Protection posture and is derived from a Commander's best judgment of the threat environment. The methodology for establishing a Threat Condition involves a combination of factors, the most important of which is the Threat Level. The Threat Level is set by the unified Commander In Chief in full coordination with the National Intelligence Community. If the Threat Level is not accurately assessed, the Commander is at risk for setting a Threat Condition that does not mirror the true threat. [redacted] This Threat Condition represents a robust Force Protection capability

against a general threat. When a specific warning arises above the "normal" level of threat indicators and warnings, a higher Threat Condition is established.

25. [redacted] Throughout 1999 and 2000, the [redacted] issued a variety of Terrorist Threat Advisories and Assessments and other products describing the overall terrorist threat situation in the U.S. Central Command Area of Responsibility. A common theme was that a credible near-term terrorist threat existed throughout the AOR. This threat included Yemen, although Yemen was not specifically singled out as being any more or less dangerous than elsewhere in the AOR. During 1998-99, the Threat Condition in Yemen was CHARLIE. [redacted] I totally concurred with his assessment. On the day USS COLE was attacked, the Threat Level in Aden, Yemen, was HIGH and the Threat Condition was BRAVO.

26. [redacted] Another common theme of the reports throughout 1999 and 2000 was that [redacted] groups could execute attacks throughout the AOR, or even world wide, with little or no warning. Despite these general advisories of a high Terrorist Threat Level throughout the AOR, there were no specific Threat "Warnings" of imminent attack against U.S. interests in the AOR issued by any agency during this period.

27. [redacted] Yemen, a fledging democracy with which the United States enjoyed cordial relations, is strategically located along a key maritime corridor and controls one of the seven key maritime chokepoints in the world (Bab el Mandeb). Although [redacted] there had been no terrorist attacks specifically directed against Americans since the December 1992 bombings of two hotels in Aden occasionally used by U.S. military personnel. While kidnappings of foreign tourists have occurred, these events were conducted by Yemeni tribes as a means to address grievances with the central government, and with one exception in December 1998, were all resolved peaceably. These kidnappings resulted in a series of State

Department Travel Advisories, these activities were not directed against U.S. military personnel or activities.

28. [redacted] we did not believe an attack in Yemen would occur. The simple fact is that terrorists operate out of most Middle East countries, [redacted] With respect to Yemen, we have had Navy demining personnel on the ground there for the past two years. In that time we never received a specific threat against our personnel or ships, although in January 1999, we did observe surveillance of our demining team and directed immediate departure of all our forces from Yemen. Our experience in Yemen is in distinct contrast to other countries in the region, where we received specific threat warnings and, in response to those warnings, conducted emergency sorties of our ships.

29. [redacted] Up until 1998 our ships used the African Port of Djibouti as the primary fueling stop between the Mediterranean Sea and the Arabian Gulf. The preference for Djibouti was based principally on access and not the superiority of port services or fuel storage capacity. Djibouti has limited fuel storage capacity, berthing and pumping capabilities. When conducting fueling stops, U.S. Navy ships competed with commercial shipping for the limited berthing and port services. During the late 1990's the overall situation in Djibouti deteriorated. Crime in that city was increasing and personal safety could not be assured. Every indication was that the situation would get worse. At the same time, we had an immensely successful regional engagement program in Yemen. We were working with the Yemeni government to help establish a Coast Guard able to assist with smuggling interdiction, fisheries enforcement, environmental pollution protection, immigration enforcement, and search and rescue. Additionally, a U.S. Congressionally funded humanitarian demining program, under the command and control of this headquarters, was underway. By October 2000, we had trained over 500 Yemeni deminers who had cleared over 12 minefields and disposed of thousands of pounds of unexploded ordnance left over from Yemen's long civil war. The engagement strategy also included the development of a ship refueling program. We conducted a number of studies and were satisfied

that Aden, located across the Bab el Mandeb from Djibouti, was a preferable location for fueling. The navies of Great Britain, France, Italy and the Netherlands were all using Aden as a refueling stop. In 1998, reflective of the changing dynamics, the Djibouti fuel storage contract was terminated and the Defense Energy Support Center negotiated a strategic fuel storage and bunkering contract with Yemen.

30. [redacted] By contrast to Yemen, the Threat Condition in Djibouti was higher, at CHARLIE. Although DIA assessed the Terrorist Threat Level of Djibouti to be LOW, Central Command assessed it to be MEDIUM. Central Command's assessment of a higher Threat Level than DIA was driven by several factors, including greater analytic focus [redacted] Of significant concern were several reports over the spring and summer of 2000 of a [redacted] group, [redacted] planning to conduct attacks against U.S. interests in the Horn of Africa area. Given Djibouti's porous borders, poor security environment, [redacted] the terrorist threat to U.S. ships calling in Djibouti was assessed as credible. Small-scale terrorist attacks in Djibouti, such as grenade throwing against establishments frequented by the French military, were relatively frequent as recently as 1999. Djibouti suffered from a very high crime rate and an unstable government situation. Throughout 2000, the Port of Djibouti was inundated with military cargo destined for Ethiopia in its ongoing war with Eritrea and with humanitarian goods intended to alleviate the famine in the Horn of Africa. The potential for spillover from the Ethiopia/Eritrea War, in particular possible Eritrean attempts to interdict Ethiopia's only military supply route to the sea, was a threat to Djibouti throughout 2000. In addition, U.S. Navy ships refueling in Djibouti were required to go alongside a quay, susceptible to vehicle bombs or small arms attack. As a result of all these factors, the Threat Condition for Djibouti at the time of attack on USS COLE, as set by the U.S. Defense Representative (the U.S. Defense Attaché), was assessed as CHARLIE. I fully concurred with that assessment.

31. [redacted] In February 1999, we commenced refueling operations in Aden under the recently negotiated Defense Energy Support Center

contract. USS COLE was the 25th ship over a 19-month period to utilize the refueling facilities in Yemen. The program was working well, and we were satisfied. The short answer to the question, "Why Aden?" is that Aden represented the best alternative. Our ships had to stop for fuel, and the alternative, Djibouti, was unacceptable from Force Protection and safety perspectives, and did not have reliable port services.

SECTION THREE: USS COLE IN ADEN, YEMEN

32. [redacted] This incident highlights that naval forces are as vulnerable as land forces to terrorist attack. Our ships must be able to defend themselves against such attacks. The cornerstone of a successful defense is a qualified and properly trained crew.

a. Forty (40) crewmembers were scheduled to stand a ship security watch (Quarterdeck or Rover Watch) on October 12, 2000. In this group, fifteen (15) were not fully qualified to stand their assigned Watch Station. Due to the destruction of the Relational Automated Data Management System, the Investigating Officer was unable to develop a definitive conclusion as to the health of USS COLE's qualification program. It should be noted that the investigation does not disclose any instance where the lack of qualifications influenced events in Aden, Yemen.

b. USS COLE actively trained in all aspects of self-defense, small arms proficiency, damage control, Rules of Engagement, and use of deadly force. *I concur with Opinion Two* that USS COLE was sufficiently trained in these areas when it entered this theater.

33. [redacted] The unpredictable, sophisticated nature of terrorism requires the crew of a ship to have a mental edge, a mindset, that is prepared for the unpredictable, a vigilance that keenly inspects its surroundings, and a constant state of awareness that the threat is always there. This is an absolute bedrock requirement for ships entering this AOR.

a. This requires timely information as to the level of threat in this theater and a robust shipboard program that reaches each crew member. *I concur with Opinion 14, paragraph*

a., that the necessary threat information was available for USS COLE.

b. However, the investigation indicated the crew was not focused on the terrorist threat in Yemen. There was a lack of specific knowledge as to the Threat Level and Threat Condition in Yemen. Certainly, the manner in which the ship implemented its Force Protection Plan indicated the crew did not comprehend the known dangers in Aden, Yemen. *I concur with Opinions Four and Five.*

34. [redacted] In order to defend against an enemy that can be highly unpredictable, our ships must know what defensive measures to take in any given port visit and then properly execute the measures. The Force Protection Planning process establishes the conduit through which intelligence assessments and security overviews are translated into appropriate self-defense measures in order for ships to defend themselves against the terrorist threat as they are understood by the chain of command. The importance of the system cannot be overstated. A robust shipboard Force Protection Program is necessary. My assessment is that USS COLE had developed such a program and had exercised it prior to entry to this theater. *I concur with Opinion Three.*

35. [redacted] The Force Protection Planning process is well designed. It provides individual ships with the specific measures they should employ in the ports in this AOR. It removes any guesswork as to what measures the ship should take in any particular port and in any particular Threat Condition. So long as higher authority is able to accurately determine the appropriate Threat Condition in a port, the ship has the means to successfully protect itself in case of terrorist attack. That said, at the shipboard level, the system is only as good as its implementation. I expect each commanding officer to deliberately plan and then deliberately execute a meaningful Force Protection Plan while inport in this AOR.

a. After review of this investigation, it is clear this focus was lacking on USS COLE. The ship had sufficient information about Aden, Yemen to critically evaluate and plan meaningful Force Protection Measures prior to the ship's arrival. Neither prior to, nor after mooring, is there any evidence of a methodical planning process as to what measures

were to be implemented. *I concur with Opinion Six* that the ship implemented an unstructured assortment of Force Protection Measures.

b. I am disappointed in the implementation of Force Protection Measures onboard USS COLE. Distilled to its simplest, all the command had to do was follow methodically the Force Protection Measures checklist. The Watch was not briefed on the plan or their responsibilities, the Bridge was not manned, service boats were not closely controlled, and there was little thought as how to respond to unauthorized craft being along side. Watch standers relied on their general knowledge in providing security. *I concur with Opinion Seven* that there was no deliberate execution of Force Protection Measures.

c. The Commanding Officer, Executive Officer, Force Protection Officer, and Command Duty Officer, as a group, took few steps to follow or otherwise ensure their Force Protection Plan was implemented. The Commanding Officer cannot delegate this responsibility to the Force Protection Officer and maintain meaningful oversight. There was no active participation by those responsible for Force Protection on USS COLE in ensuring Force Protection Measures were being properly carried out. *I concur with Opinion Eight* that in Aden, Yemen there was no active supervision of the Force Protection Plan.

36. [redacted] As a result of the failure to deliberately plan, deliberately implement, and actively supervise a Force Protection Plan, a number of Force Protection Measures were not accomplished. Within this context, *I concur with Opinion 20 and Recommendations 15, 16, 17, and 18* that subsequent endorsers should review the performance of the Commanding Officer, Executive Officer, Command Duty Officer, and Force Protection Officer with respect to their responsibilities in planning and executing USS COLE's Force Protection Measures in the Port of Aden, Yemen. It is clear, however, **that had USS COLE implemented the THREATCON BRAVO Force Protection Measures appropriately, the ship would not have prevented the attack. I am convinced THREATCON BRAVO Force Protection Measures were inadequate to prevent the attack.** Regrettably, we did not possess the specific threat information that would have compelled the establishment of a higher Threat Condition. *Thus, I concur with Opinion Nine. I further concur with Opinions 10*

and 11 in so far as the failure to implement certain measures allowed the terrorist boat to come alongside USS COLE unnoticed and unchallenged; however, I ***disapprove*** *those portions of Opinions 10 and 11 that state the actions "might have prevented the event or deterred the terrorist boat."*

37. [redacted] On October 12, 2000, the Threat Level in Yemen was set at HIGH. As there was no specific threat warning, Threat Condition BRAVO was warranted. This was a correct assessment based on all available information and intelligence. In reality there were adversaries, laying in wait, poised to strike a U.S. ship moored at Refueling Dolphin Number Seven. These adversaries were highly professional with considerable expertise and knowledge. Had these facts been known, the USS COLE would not have been scheduled to stop in Aden.

38. [redacted] We cannot use 20-20 hindsight to penalize a commanding officer for not knowing in advance what has become common knowledge - that a determined, well-armed and well-financed terrorist cell was operating in the Port of Aden. In fact, all of the intelligence assets of the United States and its allies, as well as the U.S. Embassy in Sanaa, did not identify the threat, let alone communicate the presence of that threat to the Commanding Officer of USS COLE.

39. [redacted] Additionally, just prior to arriving in Aden, Yemen, the Commanding Officer of USS COLE read an e-mail forwarding to him a Naval Criminal Investigative Service message describing the new Threat Level evaluation system promulgated by Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. This was a policy message that did not contain real time tactical information for fleet units and it had not been implemented by U.S. Central Command. The Commanding Officer mistakenly interpreted the message to mean that the Threat Level for Yemen had decreased. While it is impossible to know the precise effect of this perception on the final outcome of events, it may have contributed to his lack of focus on Force Protection Measures in the Port of Aden. The Commanding Officer USS COLE was told to expect a certain level of threat. We cannot blame him for not sensing that the threat was much greater than he was led to believe by national intelligence sources with access to the best information available. To the contrary, the Naval Criminal Investigative Service message he

received shortly before entering port led him to mistakenly believe the threat was decreasing.

40. [redacted] It is clear the Topside Rovers acted appropriately. In Aden, the enemy camouflaged his presence by blending in with other harbor traffic. The terrorist boat was similar in size and shape to many other small vessels, including the service craft that had been alongside or handling USS COLE's lines. It was not distinctive in any way. The men operating it looked like typical local nationals. The boat was operated and maneuvered in a completely benign manner. The "battlefield" scene presented to our sentries was devoid of either a hostile act or hostile intent. Under these circumstances our sentries, though adequately armed and knowledgeable on the use of deadly force, were not presented with sufficient justification to use force. It appears our adversaries understood our rules and used them to their advantage. *I concur with Opinions 12 and 15.*

41. [redacted] Finally, while this investigation focused on the actions of USS COLE and, particularly, the actions of its leadership, these actions must be placed in context. The events on October 12, 2000, in Aden Harbor were, in reality, a combination of actions by USS COLE, Fleet logistic and contingency requirements, declining number of replenishment ships, intelligence assessments, Task Force oversight, U.S. policy and relations with the Government of Yemen, Navy and Joint Force Protection Measures, and the training cycle prior to deployment. This said, **the cause of this tragic event was an attack by a well-trained and determined adversary.**

SECTION FOUR: IMPROVING FORCE PROTECTION

42. [redacted] Force Protection planning also provides for oversight and assistance to individual ships. By submission of their plans to their Task Force Commanders, there is a check on whether appropriate measures are being implemented. This requires accurate submissions by ships and meaningful review by the Task Force Commander. *I concur with Opinion 13* that there was in this case perfunctory compliance in both submission by USS COLE and review by CTF-50.

43. [redacted] Contributing to the lack of meaningful submission of the Force Protection Plan by USS COLE and its review by CTF-50

was the absence of trained, full time Force Protection Officers. Force Protection can no longer be a collateral duty. *I fully concur with Recommendation Six* that the Force Protection Officer be an assigned billet vice a collateral duty on U.S. Navy ships and staffs. However, the issue goes beyond dedicated Force Protection Officer billets. Force Protection should become part of every Naval Officer's basic skills, just like damage control and navigation. The Navy must incorporate Force Protection in its training, from boot camp to retirement. Ships must work up and train to Force Protection Measures they will be using on deployment. Training commands must ensure that the full spectrum of waterside security and shipboard Force Protection Measures are trained during the Inter-Deployment Training Cycle. Forces arriving in theater should be trained and ready to execute the Force Protection Mission. *(Recommendation 9).*

44. [redacted] The ultimate beneficiary of Force Protection Measures must be the individual ship. As such, we should eliminate inconsistencies and ambiguities in the program that may cause either uncertainty or unnecessarily add to the administrative burden on the individual ship. *I concur with Opinion 17* that the current system places the onus on the individual ship to retrieve the critical threat assessments and knowledge of this theater. On USS COLE this burden fell on the Assistant Force Protection Officer (a Lieutenant Junior Grade) and a senior Petty Officer.

45. [redacted] There are some immediate steps that can be taken to lessen this burden. U.S. Naval Forces Central Command will review how it can better assist in preparing ships for their deployment to this AOR. *(Recommendations 3, 4, 5, 9).* Stateside Fleet Commanders must also review their Inter-Deployment Training Cycle to ensure deploying units are prepared to fully exercise the Force Protection Measures applicable in this theater. *(Recommendation 3).* The U.S. Embassy country teams must be more involved in future port calls. Host nation support that provides security for our ships, as well as implementation of appropriate Force Protection measures, must be negotiated by the embassy with the host nation. The United States Defense Attaché Offices should provide, without being asked, salient port information such as host nation security arrangements, to ships calling in their respective country. We should push hard for greater host nation support. *(Opinion 16, Recommendations 8*

and 10). As a systemic approach, I concur that we should develop methods to push relevant information to each ship. This will lessen the burden on the ship, as well as ensuring that the information has been made available. *(Recommendation 14)*.

46. [redacted] A reading of the current Force Protection Measures finds several that are redundant, or through their broad language, raise questions as to implementation procedures that have been spelled out in detail for land-based Force Protection Measures. I strongly support efforts to draft and promulgate common guidelines for naval vessels on how to accomplish each Protection Measure, and support technological developments to make implementation easier. *(Recommendation 12)*.

47. [redacted] *I concur with Opinion 18* that there is a current disparity between Navy Force Protection Measures applicable in the CINCUSNAVEUR AOR and those promulgated by the Joint Chiefs of Staff and applicable in this theater. The Investigating Officer noted that two critical Force Protection Measures not accomplished by USS COLE are found in Joint Staff guidelines for Threat Condition BRAVO, but not required under Navy guidelines for the same Threat Condition. This type of inconsistency should be eliminated. *I concur with Recommendation 11* that we should have one unified Force Protection scheme.

48. [redacted] Commanding Officer USS COLE should not have had to consider multiple Threat Level assessments or systems. The Commander in Chief for this theater has the authority to decide when it is time to change threat evaluation systems and sets the Threat Level for each country in the AOR. Interloping messages create confusion and thus should be discontinued. *(Opinion 14.b.)*.

SECTION FIVE: CONCLUSION

49. [redacted] Our ability to defend U.S. interests, including military assets, depends on our recognition that we have been drawn into an undeclared war. This was not a purely criminal act. The attack on USS COLE was an asymmetric act of war by an elusive adversary. In 1983, over two hundred Marines lost their lives in a terrorist attack in Beirut, Lebanon. Thirteen years later, in 1996, the adversary attacked us at Khobar Towers, killing 19 and wounding over 200 U.S. personnel. Four years

later on October 12, 2000, we were hit again--this time in Aden, Yemen. There is absolutely no evidence to suggest that terrorists will forsake further battle.

50. [redacted] The emergence of the transnational maritime terrorist establishes a new "baseline." Our adversary is supported by both ideologically committed groups, and hostile nations willing to use terrorism as an instrument of their foreign policy. His people are willing to sacrifice their lives in the pursuit of their causes. During the last fifty years the United States dedicated billions of dollars towards developing a sophisticated intelligence network and modern military that could detect, deter, and defend against conventional warfare. These resources, tactics, and strategy must now be focused on the global terrorist. We must approach this new challenge with the same commitment demonstrated in the past.

51. [redacted] Only through honest, forthright review of the attack on USS COLE, will we be able to prevent such a tragedy in the future. In the aftermath of this event it is painfully obvious there has been insufficient emphasis on waterside security. The 1996 Khobar Towers bombing energized our efforts in providing in-depth, layered force protection for land-based personnel and units. Standoff zones, hardened perimeters, point defenses, and aggressive inspection practices became the "norm" for overseas facilities. Sadly, as we look seaward, the same cannot be said. A typical land-based unit in Threat Condition ALPHA will have a perimeter with Rules of Engagement "tripwires" that will expose hostile intent harbored by an intruder. In the maritime environment, it is not until imposition of Threat Condition CHARLIE that equivalent Force Protection measures, e.g., declaration of a perimeter with picket boats, are implemented. These types of measures are easier to impose where there exists a permanent Navy presence. They are significantly more difficult to implement in those locations where we only make infrequent stops, or periodic visits. Accordingly, it is imperative that host nation agreements allow us to employ effective Force Protection Measures. In those nation states where support and cooperation are inadequate, or not forthcoming, we need to re-evaluate our port call policy. *(Recommendation 7)*.

52. [redacted] The attack on USS COLE should forever and fundamentally change the way we do business in the United States Navy. In the future there must be a level of security, never before seen, surrounding our warships. We must extend our maritime combat philosophy, which has focused on "Blue Water" ship self-defense for the last five decades, to territorial waters, internal waters and ports. Wherever our ships go, they are vulnerable to terrorist attack. We must put in place flexible, impenetrable vital zones suitable for the air, surface and subsurface terrorist attack. These efforts must be accomplished in concert with host nations and must involve the active participation of our ambassadors and their country teams.

53. [redacted] Our Force Protection Program in this theater has been our highest priority. It is underpinned by our recognition that we live and operate in a dangerous area, "surrounded" by terrorists who are committed to drive us out of the region. We recognize Force Protection as a mission; a mission that must succeed if we are to have any hope of maintaining our presence in the region, and succeeding in our ultimate objective of bringing peace and stability to this troubled, yet vital, part of the world. We have put forth our best effort, worked incredibly hard, and devoted enormous time and energy towards it. In spite of the attack on USS COLE, we believe we have been very successful. Our Force Protection Program has been singled out for high praise during numerous Joint Service Vulnerability Assessments and we have been presented a variety of awards. We have been complimented by our Senior Leaders on numerous occasions for the high level of excellence of our program. We have never rested on our laurels, and have constantly sought to improve our program. Our greatest source of gratification has come from our knowledge that, through our collective effort, we have actually deterred and disrupted planned terrorist attacks in the past. Unfortunately, this extraordinary effort we have put into our Force Protection Program was simply not good enough on October 12, 2000, when USS COLE was attacked.

54. [redacted] As the Naval Component Commander for U.S. Central Command, I am responsible for the protection of our Naval forces in this region, and I was responsible for scheduling USS COLE for this brief stop for fuel in Aden, Yemen. I did not, and do not now, take these responsibilities lightly. Shortly after I took command, and before the Defense Energy Support Center

established a contract for refueling in Aden, I traveled to Yemen to assess, first hand, the viability of our Engagement Program with Yemen, including the development of a refueling capability in Aden. In October 1998, accompanied by U.S. Ambassador Barbara Bodine, and the Governor of Aden, I visited Captain Moti, the Director of Aden Port Authority. Captain Moti briefed our delegation on his port, and how refueling operations would be conducted. Together, we boarded one of his Harbor Security Craft and toured Aden Port, inspected the Refueling Dolphins, and assessed the various security parameters of the port. I was impressed with Captain Moti, his people, and his port. He pledged to work closely with us to ensure the utmost security for our ships if Aden was used as a refueling stop. I then traveled to Sanaa with Ambassador Bodine, where we met, in separate meetings, the President of Yemen, the Prime Minister, and the Ministers of Foreign Affairs, Defense, and Interior. In each of these meetings, I discussed the potential of refueling in Aden. I was impressed with all of these men and their commitment to work together with us to ensure the success of our Engagement Program, and in particular, our refueling operation in Aden. It was evident that they all took great pride in the fact that the U.S. Navy would even consider refueling in Aden, and that they took great pride in Yemen's relationship with the United States. After returning to my headquarters, and after consulting with my staff, I reported to General Zinni, then Commander in Chief, U.S. Central Command, and recommended we commence refueling operations in Aden if the Defense Energy Support Center established a contract in Aden. General Zinni accepted my recommendation and instructed me to proceed.

55. [redacted] In December 1998, I was informed that the Defense Energy Support Center had established their contract and I then directed my staff to start scheduling brief stops for fuel in Aden. Since then, I have personally reviewed and approved every proposed fuel stop in Aden, after carefully consulting with my Intelligence Officer and my Force Protection Board, weighing the threat information we had and the security situation at the time. In addition, during 1999 and 2000 I made several return visits to Aden to conduct personal, on-site assessments. At no time since we commenced refueling operations did we ever receive a specific threat warning for Aden, and at no time during my consultations with Ambassador Bodine or any of the Senior Yemeni Government Officials with whom I frequently met, did I ever

[redacted]

discern a threat against our ships. In spite of my personal efforts, and those of my staff, our Ambassador, and her country team, and, in my opinion, the Government of Yemen, we suffered a ferocious attack on USS COLE and lost 17 of our precious men and women.

56. [redacted] Force Protection is our number one priority. We have worked it hard and we have done our best. Our best was not good enough on 12 October 2000. We simply had no warning that some of the most lethal terrorists in the world were present in Aden, totally committed to destroying our ship and killing as many Americans as they could. In closing, I wish to acknowledge the great debt of gratitude that our nation owes to the brave men and women of USS COLE.

C. W. MOORE, JR.

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