



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

IN REPLY REFER TO
Ser 00/000538
22 November 1977

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THIRD ENDORSEMENT on Rear Admiral [redacted]
U.S. Navy,
investigative report of 14 February 1977

From: Chief of Naval Operations
To: Judge Advocate General

Subj: One officer formal investigation into the circumstances
surrounding the overturning of a USS TRENTON/USS GUAM
LCM-6 liberty boat on 17 January 1977

Ref: (g) OPNAVINST 3120.32, Article 630.1

1. Forwarded. This investigative report was forwarded to the Chief of Naval Operations for information. However, the magnitude of the tragedy documented by the basic correspondence compels formal endorsement on the record by the Chief of Naval Operations.

2. The investigative report discloses that at about 0200, 17 January 1977, a U.S. Navy liberty boat with 124 passengers and crew members embarked, capsized following a collision with the Spanish motor vessel URLEA at Barcelona, Spain. Forty-nine Navy and Marine enlisted members lost their lives as a consequence of that entirely avoidable accident. The pertinent facts surrounding the collision, as established by the basic correspondence, can be briefly summarized as follows:

a. The liberty boat, an LCM-6, provided by USS TRENTON (LPD-14) to USS GUAM (LPH-9), departed the fleet landing area located at the foot of the Muella (Pier) de Barcelona and proceeded parallel to that pier toward the relatively narrow channel in mid-harbor. Although the night was dark, visibility was good. However, a building toward the end of the pier tended to obscure the coxswains' view as the LCM-6 approached the channel. The boat rounded the end of the pier in a wide turn directly into the path of the merchant ship. Although the coxswain immediately reversed his engines, URLEA struck the liberty boat on the starboard side amidships causing it to capsize and throwing all 124 passengers and crew members into the water.

b. The crew of the LCM-6 consisted of a coxswain (E-1), an engineman (E-3) and a bowhook (E-3). All three crew members

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were on the stern sheet when the collision occurred. There was no forward lookout in the bow. A Marine First Lieutenant attached to the embarked Marine contingent in GUAM was designated as boat officer. However, like other Marine officers employed in this capacity during GUAM's deployment to the SIXTH Fleet, his responsibilities were expressly limited to maintaining good order and discipline on the liberty boat. He, therefore, was not a qualified boat officer within the meaning of applicable OPNAV and SIXTHFLT regulations. Of the four commissioned officers among the passengers, three were Marines and one was a Navy medical officer. Consequently, a qualified boat officer was not on the liberty boat at the time of the collision. The coxswain, Seaman Recruit _____, was properly qualified in his duties, as was the engineman. However, the bowhook was inexperienced and had not been instructed in his duty to provide a lookout in the bow while under way.

3. The investigating officer expressed the opinion that the proximate cause of the collision was the failure of the coxswain to maintain a bow lookout and his imprudent operation of the LCM-6 in exceeding a safe speed at a dangerous intersection. The investigating officer also expressed the opinion that Commanding Officer, USS GUAM, was responsible for the violation of COMSIXTHFLT instructions prohibiting the use of embarked troops as boat officers, and for failing to ensure that boat crew members were properly instructed as to their assigned responsibilities. The Chief of Naval Operations specifically concurs with the foregoing opinions and with the opinion of Commander, SIXTH Fleet that the _____ in the USS GUAM, _____ assignment of unqualified embarked troops as boat officers.

4. The investigating officer's recommendation that the requirement for qualified boat officers and bow lookouts on small boats be continually emphasized, is specifically approved. The Boat Bill contained in reference (g) provides definitive policies and procedures for the operation of ships boats and defines in considerable detail the duties and responsibilities of ship's personnel with regard to small boat operations. Section 3.b. of reference (g) provides that the executive officer, and in his absence the command duty officer, shall exercise overall supervision of boating. Section 3.d. tasks the first lieutenant with providing properly trained and qualified personnel as boat officers and boat crew members. Such training is to include instruction in the rules of the road, seamanship and safety. Section 3.f. assigns responsibility to the officer of the deck for direct supervision of

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ship's boats, including their safe operation. The officer of the deck is directed to assign qualified boat officers under potentially hazardous circumstances, including the return of large liberty parties after sunset. Section 3.f. also provides that the officer of the deck must require one member of the boat crew to act as a bow lookout, and emphasizes the importance of this requirement in boats such as LCMs where the coxswain's vision ahead is severely limited. Section 3.h. provides that the coxswain must obey strictly the rules of the road, must not pass close around the corner of a pier, and must run slowly until there is no danger of collision with any vessel which may be obscured. In short, the Boat Bill contained in reference (g) is designed to preclude boating accidents and, had the responsible officers in GUAM been familiar and complied with its terms, this disastrous loss of life would, in all probability, have been averted.

5. The fundamental lesson to be learned by this tragedy is that promulgation of comprehensive policies and procedures regarding the proper operation of small boats will not, standing alone, ensure the safety of the passengers and crew. What is required is the constant awareness of all commanding officers and executive officers, as well as all officers serving as command duty officer and as officer of the deck in port, of the perils of embarking personnel in small boats exposed to the multiple hazards of harbor traffic, unfamiliar waters, adverse weather and simple human frailty. That awareness must then be translated into action to insure that watch officers, boat officers and crew members are properly trained and effectively supervised in their assigned responsibilities, and that small boat operations and seamanship are at all times conducted with the professionalism that has been the Navy's tradition. By copy of this endorsement, the Fleet Commanders in Chief are directed to review the status of readiness and training in small boat operations within their respective commands and to take such action as may be appropriate to ensure the safety of ship's personnel and embarked troops during boating operations.

6. It has administratively been determined that disciplinary action has been completed in the case of the coxswain, Seaman Recruit [redacted], USN. Seaman Recruit [redacted] was tried by special court-martial, convened by NAVSUPACT Naples, on forty-nine specifications of negligent homicide, in violation of Article 134, UCMJ, and two specifications of dereliction of duty, in violation of Article 92. On 27 April 1977, Seaman Recruit [redacted] was acquitted of all charges and specifications. It has also been determined that Captain

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, USN, (USS GUAM,
appealed the punitive letter of admonition awarded to him
on 12 March by Commander, SIXTH Fleet. On 14 August 1977,
that appeal was formally denied by Commander in Chief, U.S.
Naval Forces, Europe. On 31 May 1977,
USN, Executive Officer, USS GUAM, was awarded a punitive letter
of admonition by Commander, Amphibious Squadron SIX, as non-
judicial punishment, on the basis of two specifications of
dereliction of duty in violation of Article 92, UCMJ. On
22 August 1977, Commander Amphibious Group TWO, acting on the
appeal of Commander directed that the punitive letter
of admonition be withdrawn and a nonpunitive letter of caution
substituted therefor.

7. Subject to the foregoing remarks, the proceedings, find-
ings of fact, opinions and recommendations of the investigating
officer, and the action thereon of Commander, SIXTH Fleet and
Commander in Chief, U.S. Naval Forces, Europe, respectively,
are approved.

U Admiral, U. S. Navy
Chief of Naval Operations

Copy to:
CINCLANTFLT
CINCPACFLT
CINCUSNAVEUR
COMNAVSURFLANT
COMSIXTHFLT
Investigating Officer

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COMMANDER IN CHIEF
UNITED STATES NAVAL FORCES, EUROPE
FPO NEW YORK 09510
London, England

FF1-3
5800
Ser U 513 /013
APR 15 1977

SECOND ENDORSEMENT on Rear Admiral _____, U.S. Navy,
investigative report of
14 February 1977.

To: Judge Advocate General

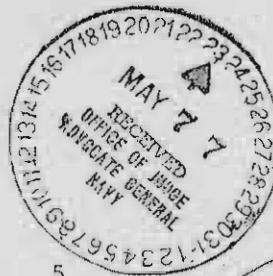
Subj: One-officer formal investigation into the circumstances
surrounding the overturning of a USS TRENTON/USG GUAM LCM-6
liberty boat on 17 January 1977 at Barcelona, Spain

1. Forwarded.

2. Commander in Chief, U.S. Naval Forces, Europe, notes the awarding of a punitive letter of admonition to Captain _____, USS GUAM, for derelictions in the performance of duty contributing to the accident under investigation. No appeal from this letter has been received to date. Additionally noted is Commander Sixth Fleet's request to Commander Amphibious Squadron SIX to hold an impartial hearing into apparent derelictions of Commander _____ USN, _____, USS GUAM. The results of that hearing have as yet not been promulgated to this command. The charges and specifications against Seaman Recruit _____, USN, preferred by Rear Admiral _____ and by Lieutenant Commander _____, USN, have been referred for trial to a Special Court-Martial convened by Commanding Officer, U.S. Naval Support Activity, Naples, but have not yet been tried.

3. Subject to the foregoing, the proceedings, findings, opinions, and recommendations as previously approved by Commander Sixth Fleet are approved.

Copy to:
COMNAVSURFLANT
COMSIXTHFLT
Investigating Officer



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DEPARTMENT OF THE NAVY
UNITED STATES SIXTH FLEET

Fleet Post Office
New York 09501

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5830
Ser 240

12 MAR 1977

FIRST ENDORSEMENT on Rear Admiral _____, U. S. Navy,
_____, investigative report of
14 February 1977

From: Commander Sixth Fleet
To: Judge Advocate General
Via: Commander in Chief, U. S. Naval Forces, Europe

Subj: One-officer formal investigation into the circumstances
surrounding the overturning of a USS TRENTON/USS GUAM LCM-6
liberty boat on 17 January 1977 at Barcelona, Spain

Ref: (b) COMSIXTHFLTINST 5000.1H, article 3000.J.6
(c) COMSIXTHFLTINST 5000.1H, article 5100.1
(d) COMNAVSURFLANTINST 5400.1A, article 3601
(e) USS GUAM INST 1500.1B
(f) OPNAVINST 3120.32, section 630.1.3f.4(c)

Encl: (4) Additional charges for Seaman Recruit
U. S. Navy

1. Readdressed and forwarded.

2. The basic correspondence sets forth in detail the circumstances of subject accident and concludes that the causes of the accident were the coxswain's failure to maintain a bow lookout and his imprudent operation of the LCM prior to the accident. Specifically, the investigation finds that the coxswain was operating the LCM too fast for the conditions which existed at the time and that he was not as alert to his duties as he should have been. Recommendation 2 of the investigating officer recommends that the coxswain, Seaman Recruit _____, U. S. Navy, be tried by special court-martial for dereliction of duty, but not for negligent homicide. Commander Sixth Fleet is of the opinion that, absent the tragic consequences of the coxswain's negligence, namely the deaths of forty-nine (49) persons, the case would not merit trial by special court-martial. Accordingly, additional charges of negligent homicide have been preferred, enclosure (4). Because of the operating schedule of Commander Sixth Fleet, it is deemed preferable that any court-martial in this case be convened ashore. Accordingly, by copy hereof, the recommendation of the investigating officer that Seaman Recruit _____ be tried by special court-martial is referred to Commanding Officer, U. S. Naval Support Activity, Naples, Italy, for appropriate action.



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3. The record demonstrates that, at the time of subject incident, Marine Corps officers were being utilized as boat officers on USS GUAM (LPH-9) liberty boats in violation of reference (b). Moreover, it appears that, although Marine Corps officers were pressed into service as boat officers by USS GUAM in order to fulfill the requirement of references (c) and (d) that boat officers be utilized during periods when weather or sea conditions rendered their utilization necessary, the decision was made by the Executive Officer of USS GUAM, Commander

U. S. Navy, to limit the role of such officers to that of crowd control and to likewise limit their training to proficiency in boat discipline, with the result that unqualified officers were assigned as boat officers under circumstances which dictated that qualified boat officers be utilized. Therefore, the record of investigation does not support the recommendation of the investigating officer that no administrative or disciplinary action be taken against the Executive Officer, USS GUAM (LPH-9). By copy of this endorsement, Commander Amphibious Squadron SIX is requested to hold an impartial hearing in accordance with paragraph 133b, Manual for Courts-Martial, into Commander _____ apparent violations of Article 92, Uniform Code of Military Justice, to wit: the detailing of Marine Corps officers as boat officers in violation of reference (b) and the assignment of unqualified persons as boat officers in violation of reference (e), and to take such action at the conclusion of the hearing as may be warranted by the evidence. A report of the action taken should be forwarded to Commander Sixth Fleet for incorporation into the record of investigation.

4. Finding of fact 85 reflects that seventeen persons named in Exhibit 55 were hospitalized for more than 24 hours as a result of exposure sustained incident to subject accident. With regard to those personnel, it is the opinion of Commander Sixth Fleet, an officer exercising general court-martial authority, that the injuries sustained as a result of the accident were incurred in the line of duty and not as a result of misconduct on the part of any of the injured persons.

5. Commander Sixth Fleet concurs in opinion 35 and will initiate implementing action to provide for the use of properly qualified Marine Corps officers as boat officers when U. S. Navy officers are not available in sufficient numbers for that purpose.

6. With regard to recommendation 8, it is noted that reference (f) requires that boat officers be used in boats returning large liberty parties after sunset. Section 5100.1 of COMSIXTHFLTINST 5000.1H will be amended to conform to the requirements of reference (f), but it is not considered necessary to require a boat officer in every liberty boat operating at night.

7. Recommendation 5 is approved. By copy hereof, it is referred to Commanding Officer, USS GUAM (LPH-9) for implementation.

8. Subject to the foregoing, the proceedings, findings of fact, opinions, and recommendations of the investigating officer are approved. Commander Sixth Fleet will implement recommendations 1, 2, 4 and 7 by separate action.

9. The thoroughness of the investigation, in this case is noted with appreciation.

Copy to:

COMNAVSURFLANT

JAG (advance)

COMNAVSAFECEN

COMPHIBRON SIX

CO, USS GUAM (LPH-9) (end only)

CO, NAVSUPACT, NAPLES, ITALY

INVESTIGATING OFFICER (end only)

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HEADQUARTERS
NAVAL STRIKING AND SUPPORT FORCES
SOUTHERN EUROPE
NAPLES, ITALY

OOA:WT.
5830
Ser 1-77
14 February 1977

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From: Rear Admiral [redacted], U. S. Navy
To: Commander SIXTH Fleet
Subj: One officer formal investigation into the circumstances
surrounding the overturning of a USS TRENTON/USS GUAM
LCM-6 libertyboat on 17 January 1977
Ref: (a) COMSIXTHFLT Appointing Order Ser 61 of 18 Jan 1977
Encl: (1) Report of investigating officer and record of
proceedings (two volumes)
(2) Proposed punitive letter of admonition for
Commanding Officer, USS GUAM
(3) Proposed charges for Seaman Recruit [redacted]
[redacted], USN

1. As directed by reference (a), a formal one officer investigation was convened on 24 January 1977. The original report of investigation and record of proceedings along with eight complete copies thereof are forwarded as enclosure (1).
2. A proposed punitive letter of admonition for [redacted], USS GUAM, is attached as enclosure (2). Proposed charges for Seaman Recruit [redacted], USN, are attached as enclosure (3).

Deputy Commander
[Signature]

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REPORT OF INVESTIGATING OFFICER

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*SURVIVORS OF THE LCM-6 COLLISION

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- 2 COMSIXTHFLT Msg 171048Z JAN 77 directing
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- 3 COMSIXTHFLT Msg 221446Z JAN 77 appointing
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- 4 Illustration of top view of LCM-6
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- 6 Illustration of Barcelona Fleet Landing Port
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- 7 Drawing of the path of the LCM and the
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- 9 Illustration of Barcelona Fleet Landing Port
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- 10 Map of the Barcelona, Spain Port area with
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- 11 CTF 61 Msg 160710Z JAN 77, Weather Forecast
- 12 CTF 61 Msg 170630Z JAN 77, Weather Forecast
- 13 Weather Forecast for Mediterranean area by
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- 14 Weather Forecast for Mediterranean area by Duty Forecaster, AG1 , USN, for the period 160700L to 170700L JAN 77
- 15 OPNAV Form 3140/8, Department of the Navy Surface Weather Observations (SHIP) completed by USS GUAM LPH-9 on 17 JAN 77
- 16 Boat schedule submission of First Lieutenant to Executive Officer dtd 16 JAN 77, signed by , LCDR, USN and approved by , CDR, USN
- 17 Naval Amphibious School LCM Manual, Chapter II, Article 201 and 304 dealing with characteristics of LCM
- 18 Marine Amphibious Warfare School Landing Manual, page 37, dealing with characteristics of LCM
- 19 NAVSHIPS Manual, Section VI, Article 9820.82 dealing with characteristics of LCM
- 20 CTF 61 Msg 151046Z JAN 77, supplementary SOPA Instructions for Barcelona designating USS TRENTON as Military Guardship
- 21 OPNAV FORM 2110-30, Visual Message, from USS GUAM LPH-9 to USS TRENTON LPD-14 regarding boat help
- 22 OPNAV FORM 2110-30, Visual Message, from USS TRENTON LPD-14 to USS GUAM LPH-9 indicating that TRENTON will provide crew with boat
- 23 USS GUAM INSTRUCTION 3120.1, dtd 12 JAN 76, Subj: Standard Organization and Regulations of the U. S. Navy
- 24 OPNAV INSTRUCTION 3120.32, various excerpts concerning duties, responsibilities, organization of watches, etc., concerning the operation of small craft
- 25 COMSIXTHFLT Deployment Manual, Section 3 of Chapter 5, Article 5100.1: SAFE OPERATION OF SMALL BOATS
- 26 COMNAVSURFLANTINST 5400.1A, Article 3601, BOATS and Article 3602, LANDING CRAFT

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- 27 COMNAVSURFLANTINST 5400.1A, Article 3108, FUNCTIONAL TRAINING
- 28 GUAMINST 1500.1B of 5 OCT 71, CH-1 dtd 1/12/76, BOAT OFFICER TRAINING PROGRAM
- 29 USS GUAM LPH-9 Memorandum from Executive Officer to Distribution, dtd 2 JAN 77, Subj: Boat Officer Watches
- 30 Letter from USS GUAM First Lieutenant, dtd 2 APR 76, to All OOD Watch Standers, Subj: Orders to Boats
- 31 Drawings of Mr. _____ e, CTF-63, depicting the damage of LCM-6
- 32 Drawings of Mr. _____, CTF-63, depicting the damage of LCM-6
- 33 Three (3) Color photographs of the Spanish vessel URLEA
- 34 Diagram of Spanish vessel URLEA
- 35 Drawing of the location of material found by the Spanish divers of the BS-1 Poseidon
- 36 Statement of _____, Captain of the Spanish vessel URLEA
- 37 Statement of _____, Boat-swain of the Spanish vessel URLEA
- 38 Statement of _____, Engineman of the Spanish vessel URLEA
- 39 Statement of _____, Seaman of the Spanish vessel URLEA
- 40 Statement of _____, Merchants Line-handler
- 41 CTF-61 Msg 091550Z JAN 77, Supplementary SOPA INST for Barcelona, Spain, 16 JAN - 3 FEB 77 with attached Memo dtd 11 JAN 77 from Medical Officer of USS GUAM to Executive Officer of USS GUAM, Subj: Medical Guard in Barcelona 16 JAN - 03 FEB 77

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- 42 CTF61/COMPHIBRONSIXNOTE 3128, dtd 4 NOV 76, Assignment of Specific Functional Responsibilities with emphasis on NOTES, 1. Concerning Military Guardship/Boat Coordinator
- 43 COMSIXTHFLT Deployment Manual, Chapter 1, Section 2, CH-9, Article F, instructions to SOPA regarding liberty boats
- 44 CTF-61 Msg 291800Z DEC 76, Boating Assistance and concerning assistance to USS GUAM boating for liberty parties
- 45 Seven (7) B&W photos depicting the two (2) bow platforms of LCM-6
- 46 OPNAV FORM 1500-30, General Record, dtd from the period 1 JAN 76 to 1 JUN 76, showing the training record of onboard USS TRENTON and indicating qualifications of
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47 OPNAV FORM 1500-30, General Record, dtd from the period 1 JAN 76 to 1 JUN 76, showing the training record of onboard USS TRENTON, 1st Division
- 48 Letter from OS1 , OI Division Training Petty Officer to CIC Officer and info Deck Department Officer of USS TRENTON dtd 17 MAR 76, Subj: Look Out Training, which lists as receiving lookout training
- 49 Page 9(1). Enlisted Performance Record, SERVREC, , SSN indicating performance marks, NJP, reductions in rate, advancement in rate and warning of consideration for Administrative Discharge
- 50 Page 4, Enlisted SERVREC, indicating attendance of Assault Boat Coxswain Course G-062-6358, completion of course on 20FEB76
- 51 Report of Enlisted Performance Evaluation of SA dated 31 JUL 76 for the period 31 JAN 76 to 31 JUL 76

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- 52 Report of Enlisted Performance Evaluation of SA [redacted], dated 31 JAN 76 for the period 1 AUG 75 to 31 JAN 76
- 53 Naval Amphibious School, Little Creek, Norfolk, Virginia ltr dtd 3 MAR 76, Subj: Assault Boat Coxswain C-062-6358 Course; notification of attendance in, which lists SA [redacted], showing he finished number four in a class of twelve
- 54 NAVMED Form 5360/2, Certificate of Death (Overseas) in the case of the victims of the collision of LCM-6 and Spanish vessel URLEA in Barcelona Harbor on 17 JAN 1977
- 55 OPNAV Form 5100/1, Accidental Injury/Death Report in the case of the survivors of the collision of LCM-6 and the Spanish Vessel URLEA on 17 JAN 77 in Barcelona Harbor
- 56 Letter from Mr. [redacted] Shipbroker, Barcelona, Spain, dtd 27 JAN 77 to USS GUAM, indicating that there is no Tide Table for the port of Barcelona and no currents registered in Barcelona area
- 57 Spanish Navy's report of ships moored in the area of the collision of the LCM-6 and the Spanish vessel URLEA at the time of the collision on 17 JAN 77.
- 58 Rules of the Road, Rule 25, Narrow Channels and Bends
- 59 Deck Log of the USS GUAM for the period 16 JAN 77 at 1849 hours through 17 JAN 77 at 0347 hours
- 60 List of Personnel, Survivors in LCM-6 Accident
- 61 COMSIXTHFLT Deployment Manual, Chapter 1, Section 8, Beach Guard, Beach Guard Officer
- 62 Map illustration of [redacted], BML, USN, Seal Team, Det "A", depicting area of recovered material belonging to USS TRENTON
- 63 GUTHRIE, CTF-61 Msq 032338Z FEB 77, to RADM [redacted] USN, Subj: Barcelona Port Incident, indicating that LCM-6 boat sling was located

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- 64 Memorandum of 27 JAN 77 from Ship's Secretary, USS GUAM to Commanding Officer, USS GUAM, Subj: Swimming Qualifications of deceased personnel
- 65 USS GUAM Msg 021825Z FEB 76, to COMSTRIKFOR-SOUTH for RADM concerning the swimming qualifications of personnel of the LCM-6 and Spanish vessel URLEA collision
- 66 CHNAVPERS WASHINGTON DC Msg 011648Z FEB 77, Readdressed by COMSIXTHFLT Msg 031912Z FEB 77 Concerning swimming qualifications of other victims of the collision of LCM-6 and the Spanish vessel URLEA
- 67 COM THREE FOUR MAU Msg 041619Z FEB 77, swimming qualifications of personnel on USS TRENTON LCM-6
- 68 JUSMG MAAG MADRID SP/SJA Msg 070935Z FEB 77 readdressal CTF SIX ONE 071410Z FEB 77, Subj: Request for appearance of Spanish Witnesses
- 69 USS TRENTON Msg 031710Z FEB 77, info relating to the conditions and repairs of LCM-6 involved in Barcelona boat accident
- 70 Photographs of the damage to the LCM-6 and the M/V URLEA

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PRELIMINARY STATEMENT

This investigation was conducted on board the USS GUAM (LPH-9) during the period 17 January 1977 - 29 January 1977, while both the USS GUAM and the USS TRENTON (LPD-14) were located at Barcelona, Spain. Initially, five persons were designated as parties: Seaman Recruit [redacted] USN, the coxswain of the LCM-6; First Lieutenant [redacted] USMC, the boat officer of the LCM-6; Captain [redacted] USN, Commanding Officer of the USS GUAM; Captain [redacted] USN, Commanding Officer of the USS TRENTON; and Captain [redacted] USN, Commander, Task Force SIX ONE. All parties except Seaman Recruit [redacted] requested and were represented by individual military counsel. Seaman Recruit [redacted] requested and was represented by appointed military counsel. During the course of the investigation, it was determined that Captain [redacted] was not materially involved in the matter under investigation. Accordingly, the designation of Captain [redacted] as a party was withdrawn.

All counsel for the parties did not arrive at Barcelona until 23 January 1977. The first session of the investigation was held on 24 January 1977, at which time a continuance of one day was granted to Major [redacted], counsel for Lieutenant [redacted], in order to allow him more time to prepare. The investigation reconvened on 25 January 1977 and then continuously heard testimony and received evidence for the next four days. In addition all counsel and parties accompanied me in viewing the scene of the accident, the LCM-6, and the Spanish merchant ship URLEA, which collided with the LCM-6.

Cooperation received from the Spanish Government during the course of the investigation was excellent. The Spanish Navy furnished copies of statements taken during their own investigation of the accident. These statements include those made by both Seaman Recruit [redacted] and Lieutenant [redacted] both of whom declined to testify at the investigation. However, their statements have not been viewed by myself and will not be considered because the normal American Constitutional safeguards were not present prior to their making such statements. These statements remain in the custody of the counsel for the investigation, Major [redacted] USMC.

Five Spanish citizens, who were witnesses to the accident were invited to testify. Four of these individuals were members of the crew of the M/S URLEA and the fifth was a line-handler for the Spanish vessel. All declined to testify. A

request to the Spanish Government was made to compel their appearance. However, a response to this request will not occur for some time. (See Exhibit 68) Accordingly, the copies of the statements of these witnesses taken by the Spanish investigating judge were admitted as evidence.

Testimony was not taken from every survivor of the accident. A pre-hearing interview by counsel disclosed that many of the survivors were not able to observe the events occurring prior to the accident because their attention was focused elsewhere or their location in the well deck of the LCM-6 precluded them from seeing what happened. Thus, it is my belief that the testimony of the remaining survivors would not materially add to the testimony already taken.

The assistance and response of the Spanish citizenry of Barcelona was magnificent. Many Spanish tugs and fishing vessels immediately got underway and picked up survivors of the accident. The fire department and ambulances were on the scene within minutes of the accident. Local hotels and hospitals were utilized in caring for the survivors. In addition to the assistance of divers from the Barcelona fire department and Spanish Navy, members of a local diving club volunteered their aid in the efforts to recover bodies from the harbor during the four days following the accident.

After the close of the investigation, I received several documents which related to the swimming qualifications of the boat passengers, repairs to the LCM-6, and the recovery of the boat hoist sling by divers on 2 February 1977. Photographs of the damaged LCM-6 and the M/V URLEA taken during the course of the investigation were not developed until after the close of the investigation. All of these items have been attached as Exhibits 63-70.

FINDINGS OF FACT

SEQUENCE OF EVENTS LEADING TO THE COLLISION

1. On 15 January 1977 the Commander, Task Force SIX ONE directed the USS TRENTON to furnish the USS GUAM one LCM-6 for use as a liberty boat in Barcelona (Exhibit 20).
2. Direct liaison between the USS TRENTON and USS GUAM was authorized for coordination of the boat crew requirements (Exhibit 20).
3. The First Lieutenant of the TRENTON informed the First Lieutenant of the GUAM that the TRENTON would provide a crew for the LCM-6 (Exhibits 21 and 22).
4. Upon anchoring in Barcelona harbor on 16 January 1977, an arrival conference was held on board the USS GUAM. The Executive Officer of the USS GUAM, Commander [redacted] and the Executive Officer of the USS TRENTON, Commander [redacted], agreed that the USS TRENTON would provide the crew for the LCM-6 that the TRENTON would provide the GUAM. (R195, 219).
5. At approximately 1530, 16 January 1977, the LCM-6 left the TRENTON for the GUAM. (R127, 249) The crew of the LCM-6 consisted of SR [redacted] Coxswain; ENFA [redacted], Engineman; and SN [redacted], Bowhook. (R127) SN [redacted] was only designated as bowhook for the ride to the GUAM because he was designated to be a LCVP coxswain the next day. (R270)
6. Ensign [redacted] was OOD of the GUAM from 1200-1600. (R248) Ensign [redacted] was informed and was aware of the arrival of the LCM-6 at the GUAM. (R248) He informed Lieutenant Commander [redacted], who was CDO, of the arrival of the LCM-6. (R249) Ensign [redacted] was relieved prior to the LCM-6 being used. (R249)
7. Upon arriving at the port accommodation ladder of the GUAM, the LCM-6 was met by Warrant Officer [redacted] the GUAM's Second Division Officer, who physically entered the boat (R128, 234). Seaman Recruit [redacted] told Warrant Officer [redacted] that his orders were to, "Report to the GUAM." (R237) The coxswain, SR [redacted], also told WO [redacted] that the GUAM would have to furnish a bowhook for the LCM-6 (R235). WO [redacted] was not aware that the TRENTON was providing the crew for the LCM-6. (R237)

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8. Mr. was not familiar with the operations of an LCM-6 nor does he know whether a bow lookout is required on an LCM-6 (R235, 236).
9. Warrant Officer told BML , to get a bowhook for the LCM-6. (R236, 348) BML assigned SN as bowhook. (R348) SN had previously been designated to be a member of the crew which the GUAM had expected to provide for the LCM-6. (R348, 237)
10. Seaman was then assigned as a bowhook on the LCM-6 (R128, 236). SN has been in the Navy for one year, five months, and is in the deck division of the USS GUAM. (R58)
11. Seaman has been to boat coxswain's school to learn how to operate an LCVP and has been a bowhook on the officer's boat. (R59)
12. Seaman had never been on an LCM-6 before. (R59)
13. Seaman did not receive a briefing as to what his duties were as a bowhook on the LCM-6. (R79, 235) SN did not consider one of his duties to be to maintain a lookout on the LCM-6. (R69, 70)
14. SN had remained on the LCM-6, undergoing instruction on the LCM-6 as a coxswain until approximately 0100, 17 January 1977. (R129)

CONTROL OF THE LCM-6

15. After the LCM-6 reported to the GUAM, Warrant Officer informed the JOOD, ABH1 that the boat was alongside for the liberty party (R235).
16. ABH1 cast off the LCM-6 on its first liberty run with 150 passengers. (R239, 240)
17. ABH1 only instructions to the coxswain were instructions to return to the TRENTON, go to Fleet Landing and return to the GUAM (R240).
18. On the first trip the LCM-6 was leaking because of a faulty gasket in the bow ramp area of the boat. (R129)
19. The crew of the LCM-6 decided that the number of passengers to be carried in the LCM-6 would subsequently be reduced to 100. (R129, 240)

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20. After the first liberty boat left, ABH1 thought that WO brought him four Marine officers who were to be boat officers and said that he, , was to ensure that the next boat which leaves has a boat officer on it. (R238) Lieutenant USMC, the first boat officer on the LCM-6, reported for duty at 1815. (R226) LT thinks that he reported in to WO at the quarterdeck and also remembers talking to a petty officer on duty (R226).

21. Lieutenant did not receive any instructions about the boats from any person on the quarterdeck prior to assuming his duties. (R226) The boat officers decided among themselves as to which boat they would take (R226).

22. First Lieutenant , USMC, relieved Lieutenant as boat officer on the LCM-6 at 2100. (R242) He does not recall reporting to anyone other than the boat officer he was to relieve. (R242) Second Lieutenant ; relieved Lieutenant as boat officer of the LCM-6 at approximately 2200. (R244) Lieutenant was not directed to report to anyone, received no briefing on the quarterdeck, and informally relieved the off-going boat officer. (R244) Lieutenant was relieved as boat officer at 0100 by First Lieutenant (R246) LT did not pass on any information about the LCM-6 to LT . (R226) The relief of LT was accomplished informally on the quarterdeck. (R226)

23. Lieutenant (Junior Grade) was JOOD of the GUAM from 2000-2400 on 16 January 1977. (R349) LT stated that he had been told by the JOOD that he had relieved that the LCM-6 under SR was not under the control of the GUAM, but was providing shuttle runs to the GUAM (R350).

24. After 2300 on 16 January 1977 another LCM-6 from the TRENTON, under BMSN , made at least two runs to the GUAM (R350).

25. Chief Warrant Officer was OOD of the USS GUAM from 0001-0400, 17 January 1977. During his relief an LCM-6 approached the starboard accommodation ladder (R350). He stated he felt responsible for the LCM-6 since he was told that the boat was provided by the TRENTON to help run liberty parties. (R350) No relief of boat officers occurred on the accommodation ladder that he was manning (R350).

26. Prior to the arrival of the LCM-6 at the GUAM, the CDO, Lieutenant Commander had informed WO and BML , the GUAM boat coordinator, that the TRENTON would provide an LCM-6 to the GUAM (R235,348).

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27. LCDR _____ stated that his only responsibility with respect to the training and qualifications of the boat crew of the LCM-6 was to furnish a bowhook (R181).
28. LCDR _____ was not aware of any particular qualifications that a bowhook on an LCM-6 should have (R181). LCDR _____ has had no previous experience with an LCM-6 (R185).
29. LCDR _____ was informed during the evening of 16 January 1977 that the passenger load was reduced to 100, although he did not know why. (R186)
30. LCDR _____ did not believe that a qualified boat officer was required for large liberty parties returning at night (R188).
- 30a. Commander _____ testified that boat officers were not required on 16-17 January 1977. (R197)
31. LCDR _____ testified that he did not believe that the conditions in Barcelona required a qualified boat officer to be present on the liberty boats dispatched by the USS GUAM (R180), that he assumed the coxswain would brief the bowhook on what his duties were (R180), that control of the LCM-6 remained with the USS TRENTON (R182), that the crew members had the responsibility for ensuring that the safety regulations were carried out (R182). LCDR _____ never discussed with anyone the assignment of qualified boat officers to the liberty boats while in the port of Barcelona (R183). LCDR _____ did not inform the enlisted crew members of the LCM-6 that the Marine officers assigned were not qualified boat officers (R184).
32. There are no LCM-6's assigned to the USS GUAM (R185).
33. The LCM-6 made five trips to Fleet Landing prior to 0200, 17 January 1977. (R129, 148, 80, 84)
34. At approximately 0200, 17 January 1977, there was a liberty party of approximately two hundred people at Fleet Landing when the LCM-6 arrived (R31, 45).

0200 - TIME OF COLLISION

35. The crew of the LCM-6 attempted to limit the number of passengers to 100 (R31).
36. The liberty party at Fleet Landing was somewhat unruly in that persons were pushing and shoving to get on the LCM-6 and some personnel jumped over the side of the LCM-6 into the well deck (R38, 68).
37. The LCM-6 left Fleet Landing with 124 passengers and crew (Exhibits 54 and 60).
38. A short distance from Fleet Landing the LCM-6 was stopped

and the boat officer and coxswain ordered the passengers to put out their cigarettes (R35, 5, 61, 99, 72).

39. The passengers were noisy and some were intoxicated, but there were no fights or disturbances aboard the LCM-6 (R61, 13).

40. The passengers reluctantly complied with these orders and the boat started moving again, parallel to the Muelle (Pier) de Barcelona (R96).

41. At the end of the Muelle de Barcelona, it was necessary for the LCM-6 to make a right turn in order to enter the main channel for the trip to the USS GUAM (Exhibit 9).

42. At the area of the turn, the distance from the end of the Muelle de Barcelona across the channel to the Muelle de Cataluna is approximately 156 meters (Exhibit 10).

THE COLLISION

43. As the LCM-6 started to make its turn into the main channel, someone in the boat shouted a warning. (R33, 61, 63, 99)

44. At that time the bow of the Spanish merchant ship, URLEA, was sighted approximately 50 meters off the starboard side of the LCM-6 (R33, 62, 106).

45. The coxswain threw the engine of the LCM-6 into reverse (R5, 65, 83, 87).

46. The URLEA struck the LCM-6 on the starboard side, amidships, pushed the LCM-6 slightly away, and then struck the LCM-6 again on the starboard side (R33, 62, 97, 34).

47. The LCM-6 then capsized. (R97, 34)

48. At the time of the accident, all personnel were located in the well deck of the LCM-6 except for the following personnel who were on the stern sheet of the LCM-6 (R60, 31, 32, 97):

SR	-	Coxswain
ENFN CHAPMAN	-	Engineman
LT	-	Boat Officer
LT	-	Off-going Beach Guard Officer
LCPL	-	Crowd Control Watch
BM1	-	USS TRENTON's Bos'n
SN	-	Bowhook

49. There was no forward lookout located in the bow of the LCM-6 (R67, 68).

50. The bowhook, SN , had been told by ENFN to move aft and stay off the gunwales (R67).

51. SN moved aft and stood next to the coxswain's cabin (R67).

52. SN [redacted] spoke to the coxswain prior to collision, while on the stern sheet (R67).
53. A platform for a bow lookout was located near the bow ramp on both sides of the boat (Exhibit 45, R67).
- 53a. SN [redacted], the bowhook, stated that prior to the accident he could see across the harbor, but that he could not see up the channel (R83).
- 53b. There is a building, the Estacion de Maritima, located at the end of the Muelle de Barcelona (R83, Exhibits 9 and 10).
- 53c. Boxes were located inside the coxswain's cabin that are used by the coxswain to stand on for better visibility (R144).
54. At the time of the accident the survivors of the accident indicate that visibility was clear. (R64, 7, 91)
55. The USS GUAM weather observations for 0200 and 0300, 17 January 1977 indicate visibility was six nautical miles, the sea water temperature was 14.4° Celsius (58.1°F), and the sea waves were calm (Exhibits 11, 12, 15).
56. There are many lights on buildings, ships, and the breakwater in the area of the accident (Personal observation of the IO).
- 56a. At the time of the accident LCPL [redacted] was located directly in front of the coxswain's cabin (R97, Exhibit 4).
- 56b. The coxswain had been working since 0800, 16 January 1977 (R130).
57. The engine RPM of the LCM-6, while making the turn, was approximately 1000 RPM's (R65).
58. The LCM-6 had port and starboard running lights and a white light on the stern (R66).
59. There is conflicting testimony as to whether the LCM-6 had a bow light. (R66, 255, 135, 246)
- 59a. There was a workable battle lantern on board the LCM-6 (R130).
60. The survivors from the LCM-6 neither saw any lights on the URLEA prior to the accident, nor heard any sound signals prior to the accident (R34, 12, 7, 91).
- 60a. Survivors from the LCM-6 testified that the Spanish vessel appeared to be moving a fast rate of speed (R65, 106, 112, 333).
61. The LCM-6 made a wide turn in going around the pier (R82).
- 61a. There was sufficient distance for the LCM-6 to pass between the URLEA and the tugs and barges moored at the end of the pier (R62, 83).

62. The captain, , and engineman, of the URLEA and the linehandler, , located on the Muelle de Barcelona, have all stated that the URLEA was moving slowly in mid-channel and had sounded its whistle as the URLEA passed the Muelle de Poniente, in order to warn the linehandler of its approach (Exhibits 36, 38, 40).

63. The Muelle de Poniente is approximately 525 meters from the Muelle de Barcelona (Exhibit 10).

64. The engineman of the URLEA, states that the whistle was sounded approximately three minutes prior to the collision (Exhibit 36).

65. Tools and other material from the LCM-6 were found by Spanish divers from the Spanish ship BS-1 POSEIDON at the location, approximately 60 meters from the end of the Muelle de Barcelona (Exhibit 35).

66. The boat hoist sling from the LCM-6 was recovered by CTF-61 divers approximately 60.6 meters from the end of the Muelle de Barcelona (Exhibit 63).

67. Witnesses who have observed port traffic testified that the port of Barcelona is a very busy port (R192, 257, 340).

67a. An average of 48 ships per day move in and out of the Barcelona harbor (Conversation of IO and leading harbor pilot).

68. The maximum speed in the Barcelona harbor is four knots (IO's conversation with Spanish port authorities).

69. Vessels the size of the URLEA usually proceed at 6-7 knots in the Barcelona harbor (R341) Personal observation of IO and IO conversation with leading harbor pilot.)

70. The LCM-6 has the following characteristics:

Length	:	56.1 feet
Beam	:	14 feet
Displacement	:	28 tons
Maximum speed:		9 knots
Draft	:	3 feet forward
		4 feet aft
Capacity	:	80-120 combat equipped troops

(Exhibits 17 - 18)

71. The Spanish merchant ship, URLEA, has the following characteristics:

Length	:	43 meters
Beam	:	8.4 meters
Draft	:	4.5 meters

(Exhibit 34)

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72. The bow of the URLEA is shaped such that the lower portion is bulbous and protrudes forward (Exhibits 33, 34).
73. A canopy, as depicted by the black-dotted lines in Exhibit 4, was secured to the sides of the LCM-6 prior to the accident (R335).
- 73a. Approximately 20 persons were standing under the canopy (R313, 316, 320).
- 73b. At least nine persons who were under the canopy did not survive (R310, 315, 316, 330).
74. When the LCM-6 was turned upright after the accident, the canopy was secured only at one corner (R347).
75. After the LCM-6 capsized several survivors were able to climb on top of the LCM-6, others were picked up by Spanish tugboats and fishing vessels which had begun searching the area of the accident, and other survivors were able to swim to the shore or pier (R89, 64, 34, 35).
- 75a. No one in the LCM-6 was wearing a life jacket, although life jackets were available (R82).
76. After the LCM-6 capsized, it drifted into the center of the end of the Muelle de Barcelona (R89).
- 76a. After the LCM-6 capsized, water entered port engine, #1 cylinder, causing connecting rod failure and consequently causing the engine to sieze. The starboard engine was also contaminated with salt water, but no damage was caused other than corrosion (Exhibit 69).
77. Several persons were still under the LCM-6 when it drifted into the pier (R89, 202).
78. At approximately 0330, Seal Team divers from the USS GUAM dove underneath the LCM-6 and brought out seven persons alive and nine persons who had drowned. It was not possible to accurately determine the number of missing persons, at first, because many survivors had been taken to local hospitals or hotels after the accident and because liberty did not expire until 0730 (R201, 202, 203).
79. On 17 January 1977 a total of 24 bodies were recovered and it was determined that 25 men were still missing (R204).
80. On 18 January 1977 20 additional bodies were recovered and five were missing (R206). One man also died in the hospital (R206).
81. On 19 January 1977 two bodies were recovered (R206).
82. On 20 January 1977 two bodies were recovered (R280).
83. On 2 February 1977 the final body was recovered, making a total of 49 dead (Personal knowledge of IO).
84. The primary cause of all deaths was accidental drowning (Exhibit 54).

85. Seventeen personnel were hospitalized more than twenty-four hours and were suffering primarily from exposure (R278, Exhibit 55).

86. As of 28 January 1977, all personnel had been released from sickbay, except LCPL [redacted] who had been med-evaced to NRMC, Rota, Spain, for treatment of psychological trauma (R278, Exhibit 55).

87. The estimated cost of repairs to the LCM-6 is \$23,844, broken down as follows: (R337, Exhibit 69)

Repair engine	:	\$ 6,500.00
Temporary repair of rip in hull	:	2,500.00
Battery	:	84.00
Voltage Regulator and alternator:		300.00
Permanent repair to hull	:	14,500.00

88. The LCM-6 sustained damage to its engines, voltage regulator, alternator, battery, a 2'7" ling, 6" deep rip in the underside of the hull, a 2½" deep, 2'9" long dent, located 21'9" aft, and a 2'3" ling, 2" deep dent, located 12'2" aft. The latter two dents are both located on the bottom of the starboard side of the LCM-6 (R337, Exhibits 31 and 32).

89. All bodies recovered during the rescue-search operations were located in the grid squares LL, PP, MM, and QQ of Exhibit 9 (R204, 281, 282). All were recovered on the Muelle de Barcelona side of the channel (R282).

90. At the time of the accident, the following vessels were moored at the end of the Muelle de Barcelona: two barges, 30 meters by 7 meters, each of which were moored separately; two tug boats which were moored alongside each other near the middle of the pier, and which measured 31.85 meters by 8.07 meters, and 28.85 meters by 7.5 meters, respectively. (R57)

91. The distance between the barge at the NE corner of the pier and the center of the channel is approximately 55 meters (Exhibits 10 and 57).

92. The distance between the tugs and the center of the channel is approximately 62 meters (Exhibits 10 and 57).

93. At 2345, 23 October 1974, a collision between a utility boat from the USS INDEPENDENCE and a Spanish fishing vessel (which was sunk) occurred in approximately the same location as the subject collision. Although a qualified Navy boat officer was on board the utility boat, the boat was proceeding at a speed of approximately 10 knots and had no lookout posted (Personal knowledge of IO based on review of USS INDEPENDENCE Report of Investigation dated 29 NOV 74 w/endorsements).

TRAINING AND QUALIFICATIONS OF COXSWAIN

94. Seaman Recruit _____ enlisted in the Navy on 19 July 1974. He was transferred to the USS TRENTON on 4 April 1975. Since that date, he has received three Captain's Masts, a warning for administrative discharge on 9 December 1976, and was reduced to his present rank (for the second time) at Captain's Mast on the same date. The highest rank he has attained is Seaman Apprentice. His average evaluation marks for professional performance for the period, 31 July 1975 to 31 July 1976, are 3.26 and his average behavior marks are 3.2 (Exhibit 49).

95. SR _____ attended assault boat coxswain's school at NAD, Little Creek, VA, for the period 2-20 February 1976. He finished fourth out of twelve students with a grade of 3.23 (Exhibit 53).

96. SR _____ is listed by the USS TRENTON as being qualified as a LCM-6 coxswain, helmsman, lee helmsman, and forward and aft lookout (Exhibits 46, 47, and 48).

97. SR _____ is rated as an excellent coxswain by his First Lieutenant, Division Officers, and contemporaries (R256, 258, 260, 263, 270, 131).

98. SR _____ has received periodic training on navigation, rules of the road, boat etiquette, since graduating from assault boat coxswain's school. He also participated in an amphibious refresher training course in August 1976. (R253).

99. SR _____ was present for instructions given during amphibious refresher training in August 1976, that emphasized the need for a forward lookout in an LCM-6 (R264, 269).

ASSIGNMENT OF MARINES AS BOAT OFFICERS

100. On 29 December 1976, the Commanding Officer of Troops, USS GUAM, Major _____, was informed by the Executive Officer of the USS GUAM, Commander _____, that Marine Corps officers would be required to serve as boat officers on liberty launches that were to go into Naples harbor (R162).

101. After reading the portions of OPNAV Instruction 3120.32 which pertained to boat officers, Major _____ informed Commander _____ that the Marine Corps officers were not trained in certain specific areas such as rules of the road, boating and navigation (R162).

102. Commander _____ informed Major _____ that the primary responsibility of the Marine Corps officers was security and discipline of the liberty party (R162, 196).

103. The USS GUAM First Lieutenant, Lieutenant Commander _____, was tasked with the responsibility of briefing the boat officers on their duties (R197).

104. On 30 December 1976, LCDR [redacted] gave a lecture to the majority of Marine Corps officers on board the USS GUAM. That lecture consisted of briefing the prospective boat officers as to how to maintain discipline on the liberty boat. The Marine Corps officers were specifically informed that they were not responsible for knowing the Rules of the Road, navigating, or controlling the boat. The above items were to be the responsibility of the coxswain (R162, 171, 175, 176, 179, 193, 196).

105. The officers were not given any instructions with respect to an LCM-6 (R171).

105a. The Navigator, LCDR [redacted] was present at the briefing for a short time, but provided no instruction himself (R190, 191).

106. The Marine Corps officers were used as boat officers in Naples (R163)

107. On 2 January 1977, Commander [redacted] directed that the boat officers for USS GUAM liberty and admin boats would be Marine officers, and that boat officers would be in all boats during hours of darkness or when sea/weather conditions required a boat officer (Exhibit 29). He further directed the First Lieutenant to train the boat officers (Exhibit 20).

108. On 16 January 1977, First Lieutenant [redacted], USMC, the senior Marine watch officer on the USS GUAM, made assignments of Marine Corps officers as boat officers for the night of 16-17 January 1977 (Exhibit 20).

109. Four of the assigned officers had not attended LCDR [redacted] brief (R172). LT [redacted] briefed these individuals at approximately 1900 on 16 January 1977. (R172). First Lieutenant [redacted], USMC, was among those four officers, who was a graduate of the U. S. Naval Academy (R172). The briefing of LT [redacted] lasted about 15 minutes and consisted of explaining to him how to maintain discipline on board the liberty boat and what to do if rough weather occurred (R172, 175).

110. LT [redacted] could not recall whether he specifically told LT [redacted] to report to anyone prior to assuming his duties (R174, 178).

111. Captain [redacted], Commanding Officer, USS GUAM, had been informed by Commander [redacted] that Marines were being used as boat officers (R199). CDR [redacted] stated that Captain [redacted] replied, "I have no hang-ups." (R199).

112. First Lieutenant [redacted] stated that he previously served as a boat officer while embarked on the USS IWO JIMA in 1974 (R170).

113. CDR [redacted] stated that he previously observed Marines serving as boat officers in the Mediterranean in 1973 (R196, 199).

114. CDR [redacted] stated that he has previously observed Marines serving as boat officers on liberty boats from amphibious ships (R223).

SWIMMING QUALIFICATION OF PERSONNEL ON THE LCM-6,

115. The service records of all Navy personnel embarked on the LCM-6 indicate that they are Class III swimmers except for MS2 BRETON, a deceased, whose record does not list any qualification (Exhibits 64 - 66, personal knowledge of IO).

116. Service records of Marine personnel embarked on the LCM-6 indicate that twelve of the twenty-four deceased were unqualified or there was no swim qualification entry, and that fourteen of forty-seven survivors either were unqualified, not tested, or had no entry. (Exhibit 67)

APPLICABLE REGULATIONS

117. COMSIXTHFLT DEPLOYMENT MANUAL, Section 3000.J-6 provides:

"No officer of embarked troops shall be detailed as a boat officer except in case of unforeseen emergency when a line officer of the Navy of appropriate rank is not available."
(Personal knowledge of IO).

118. COMSIXFLTDEPMAN, Section 5100.1 SAFE OPERATION OF SMALL BOATS, provides:

"A. ... During inclement weather, periods of reduced visibility, and at other such times as are considered necessary, the commanding officer of each Sixth Flëet ship shall have boat officers in all boats intended to embark 35 or more men. Special precautions must be taken in anchorages where it is known that the weather changes suddenly and during the winter season when boating is often dangerous ... "

"B. Commanding officers shall require that :

1. ...
2. Boat crews are properly instructed and are in the proper uniform.
3. Boat officers, if required, are properly instructed.
4. All boats larger than 26 foot motor whale boats carry a spotlight near the bow and are manned by competent lookouts during hours of darkness and in periods of reduced visibility."

(Exhibit 25).

119. COMNAVSURFLANT INST 5400.1A, section 3601 Boats, paragraph d. Safety, provides:

- "
- (1) ...
 - (2) Under conditions of fog, reduced visibility, rough seas, and poor boating conditions, day or night, a boat officer shall be in charge of every boat leaving the ship.

(3) . . .

(8) At all times, day and night, a careful forward lookout shall be maintained in power boats underway by a member of the crew specially assigned to the duty by the coxswain."

(Exhibit 26)

120. OPNAVIST 3120.32, section 6301.3f provides:

"The Officer of the Deck shall:

. . .

4. Use boat officers under such conditions as the following:

(a) ...

(b) ...

(c) Returning large liberty parties after sunset, especially prior to sailing.

...

8. Require one member of the boat crew to act as a bow lookout. This requirement is of major importance to boats such as LCMs where the coxswain's visibility is severely limited."

(Exhibit 24)

121. The boat bill of the GUAM consists of the regulations contained in OPNAVINST 3120.32 (Exhibit 23, R197).

122. LCDR _____ the navigator of the GUAM, promulgated paragraph 630.1.3f.4(c) of OPNAVINST 3120.32 to all OOD watchstanders in April 1976 when he was serving as First Lieutenant (Exhibit 30).

123. OPNAVINST 3120.32, section 456, provides the duties and responsibilities of a boat officer. This requires that the boat officer ensure that the coxswain understand his orders, be able to give orders to the coxswain in time of danger or emergency, and be knowledgeable about the Rules of the Road (Exhibit 30).

DAMAGE TO M/V URLEA

124. Damage to the M/V URLEA was negligible. (Personal observation of IO) (Exhibit 33, 70)

125. No claim will be presented by M/V URLEA against the U. S. Government (Oral statement of URLEA's attorney).

OPINIONS

QUALIFICATIONS OF BOAT CREW

1. The coxswain of the LCM-6, SR [redacted], was adequately qualified and sufficiently experienced to perform his assigned duties. In spite of the fact that he was a seaman recruit who had had some disciplinary problems, his training record and the observations of his past performance by his superiors and peers indicate that he was an adequately trained coxswain. Moreover, his several trips into Fleet Landing prior to the fatal trip should have given him adequate familiarity with the harbor.
2. The bowhook, Seaman [redacted], was not adequately trained to perform his duties, although he has experience as a bowhook and as a coxswain on an LCV. This was the first time that he had been on an LCM-6. His unfamiliarity with this boat, particularly his not knowing about the bow platforms, and the specific need for a bow lookout, and the failure of anyone to instruct him as to what his duties were, limited his participation to being solely a bowhook at the approaches to the GUAM, TRENTON, and Fleet Landing.

QUALIFICATIONS OF THE BOAT OFFICER

3. First Lieutenant [redacted] was not a qualified boat officer. His training consisted of a fifteen minute brief by 1/LT [redacted] on how to control the liberty party and what to do in the event of rough weather. There is no evidence that he received any instructions from any member of the GUAM, as to his duties. He received no instructions from the boat officer whom he relieved, 2/LT [redacted].

THE BARCELONA HARBOR

4. The port area of Barcelona is very busy with an average movement of about 48 ships per day. Although the maximum speed in the harbor is four knots, vessels the size of the URLEA usually exceed the limit. The area of the accident has been the scene of a similar incident - the collision of the USS INDEPENDENCE utility boat and a Spanish fishing vessel - under conditions similar to those that existed on 17 January 1977.

WEATHER

5. The weather at the time of the accident was good. It did

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not contribute to the cause of the accident, although the temperature of water did contribute to the exposure suffered by some of the survivors. -The water temperature - 58.1° F. - may have contributed to the drownings.

VISIBILITY

6. The visibility at the time of the accident was six miles. However, the lights on buildings, boats, and other structures in the harbor area could have caused confusion and/or masked the lights of the Spanish vessel. It would require attentiveness to pick up the lights as the URLEA moved through the channel.

7. The buildings on the end of the Muelle de BARCELONA would obstruct vision in the direction from which the URLEA was coming until the LCM-6 moved near the end of the Muelle de BARCELONA.

SEQUENCE OF EVENTS LEADING TO THE COLLISION

8. The liberty party at Fleet Landing was large - approximately 200 persons. The personnel at Fleet Landing and the crew attempted to limit the number of passengers to 100. However, the unruliness and size of the crowd resulted in more personnel getting on the boat than was desired. The addition of the deceased with the list of survivors indicates that 124 people were on the boat. Although this exceeded the capacity desired by the crew, the overloading was not a factor in causing the collision.

9. A short distance from Fleet Landing, the LCM-6 was stopped because of passengers smoking in the well deck of the boat. The crew, the boat officer, and the crowd control watch engaged in ordering the passengers to put out their cigarettes. The orders were complied with and the boat began to move again. This incident occurred approximately four minutes prior to the accident and did not contribute to the collision.

10. There were seven persons on the stern sheet of the LCM-6 prior to the collision. This included all three crew members, the boat officer, and BM1 MCCAULEY, the TRENTON's ship's boat-swain. The presence of the bowhook, SN , on the stern of the LCM-6 resulted in no forward lookout being in place in the boat. SN should have been located on one of the platforms on either side of the bow.

11. The leak in the bow ramp gasket did not contribute to causing the accident.

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12. The presence of several people on the stern could only have provided distractions for the coxswain. BMT MCCAULEY, LT and SN had been talking. There was no reason for any of these individuals to be on the stern. The crowd control watch, LCPL , should not have been standing directly in front of the coxswain's cabin.
13. The apparent course taken by the coxswain was prudent in that it afforded an earlier view up the channel towards the sea.
14. The point of collision is approximately at the point where the boat hoist sling and other material was recovered from the water by the Spanish and American divers (60 meters from the pier). The weight of this material would have caused it to sink immediately upon capsizing.
15. The URLEA was slightly left of the center of the channel. Although the Spanish crew members and linehandler state that she was in mid-channel, the location of the heavy material from the LCM-6 and the location of the recovered bodies indicate otherwise.
16. The speed of the URLEA may have been above four knots, although the Spanish statements indicate she was proceeding very slowly.
17. The failure of any personnel embarked on the LCM-6 to see any lights on the M/V URLEA resulted from the close proximity of the URLEA at the time she was sighted. By the time anyone was alerted to the appearance of the ship, collision was imminent. The attention of the persons in the LCM-6 was riveted on the bow of the ship colliding with the side of the liberty boat and they would also be concerned for their own safety.
18. The noise of the passengers on the LCM-6 may have resulted in the failure of anyone on the LCM-6 to hear the signal that the URLEA sounded to alert the line handler. Moreover, the LCM-6 would have been close to Fleet Landing at the time the signal was sounded. This could have occurred during the cigarette incident.
19. Even though the Spanish vessel may have been left of mid-channel, sufficient distance existed between the URLEA and the Muelle de Barcelona to allow safe passage of the LCM-6.
20. The LCM-6 had the burden of staying out of the way of the larger vessel at this intersection.
21. The action of the coxswain in reversing his engines was not sufficient to avoid the collision.

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22. The coxswain should have ensured that a properly instructed and alert bow lookout was situated on the bow ramp platform.

23. The failure of the coxswain to have a bow lookout and the limited visibility at the end of the Muelle de Barcelona mandated a slow, cautious approach prior to turning the LCM-6 into the channel.

24. Although the LCM-6 was not exceeding the harbor limit, the boat was going too fast for the conditions which existed, and the coxswain was not as alert to his duties as he should have been. He may have been distracted for a moment while entering the channel. However, a mitigating factor is the long period of time he had been working may have decreased his alertness.

THE ASSIGNMENT OF MARINES AS BOAT OFFICERS

25. The Marines assigned as boat officers by the USS GUAM were not adequately or sufficiently trained to be considered qualified boat officers.

REQUIREMENT FOR A BOAT OFFICER

26. There was a requirement for a qualified boat officer on the LCM-6 that capsized. A large liberty party existed on both Fleet Landing and the LCM-6. In particular, Exhibit 16 indicated that there would be no boats between 0300 and 0600. The GUAM should have anticipated that a large liberty party would occur at this hour of the morning. Coupled with the darkness, the temperature of the water and the winter season, prudence required a qualified boat officer.

RESPONSIBILITY AND CONTROL OF THE LCM-6

27. The USS TRENTON was directed to provide an LCM-6 to the USS GUAM. Once that boat arrived at the GUAM, responsibility for the control rested with the GUAM.

28. Little, if any, control was exercised over the operations of the LCM-6 by the personnel of the GUAM. The only supervision that the GUAM exercised over the boat was to load passengers on the LCM-6. All responsibility for the safety, briefing of crew members, determination of capacity and operation of the LCM-6 was left with the coxswain, SR. The provision of a qualified boat officer and an adequately trained bowhook may have prevented the accident, or at the least, decreased the chance of it occurring. The same may be said of proper supervision of boat operations by the watch standers or thorough briefings of the crew by the navigation and deck department.

RESPONSIBILITY OF KEY PERSONNEL

29. The Coxswain. SR failure to maintain a bow lookout and his imprudent operation of the LCM-6 at a dangerous intersection are the proximate causes of the accident.

30. The Boat Officer. Lieutenant performance as crowd control officer was adequate. In view of the limited responsibilities and instructions that he was given, he met the standard of care that was expected of him.

31. The Commanding Officer, USS TRENTON. He was not negligent in the performance of his duties. He provided an LCM-6 as directed and a qualified crew. Once the boat reported to the GUAM the responsibility for the operation of the boat and the briefing of the crew rested with the GUAM.

32. The Commanding Officer, USS GUAM. Captain was briefed on the use of Marines as boat officers and concurred in their use. Thus, he is responsible for the violation of the SIXTH Fleet instruction prohibiting the use of embarked troops as boat officers. However, once violating the instructions, he still had the responsibility to ensure that the boat officers were properly trained. This was not done. Moreover, the entire watchstanding operation on the 16-17th of January reflects a lack of supervision and a lack of understanding with respect to the operation of small boats. Further, the Commanding Officer failed in his responsibility to ensure that boat crews were properly instructed. The Task Force Commander alerted the Commanding Officer, USS GUAM, that the USS TRENTON would provide an LCM-6 as a liberty boat. The LCM-6 is a boat that is not carried by the GUAM. It is apparent from the testimony of the First Lieutenant/Command Duty Officer, LCDR , and the Second Division Officer, WO , who met the LCM-6 when it arrived at the GUAM, that these two key personnel were unfamiliar with the precautions that need to be taken with this boat. The Commanding Officer must share the responsibility for their unpreparedness.

33. The Executive Officer, USS GUAM. Commander shares a major portion of the blame for the assignment of Marines as boat officers on board GUAM liberty boats. It is clear from his memorandum of 2 January 1977 (Exhibit 29) that these officers were to be the designated boat officers required by higher authority. However, Commander specifically directed the CO of Troops, Major to provide Marines as boat officers. His testimony was contradictory with respect to their responsibilities and duties. His testimony that boat officers were not required on 16-17 January 1977 is rebutted by his own memorandum. Commander decided to fill the required boat officer

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billet with Marine Corps Officers in order to relieve the watch-standing responsibilities of his own officers, but yet not give them sufficient training to carry out their duties.

34. The First Lieutenant, USS GUAM. LCDR *Bl* briefed the Marine officers as to their duties. His limited instruction to these officers was apparently done at the direction of the Executive Officer with the apparent concurrence of the Navigator, LCDR *Bl*, who would share the responsibility for properly instructing boat officers. As the Command Duty Officer on 16 January 1977, as well as the First Lieutenant, all aspects of the small boat operations of the GUAM fell under his cognizance.

35. The use of Marine Corps officers as boat officers on liberty boats containing large numbers of Marines may be a good practice provided the Marine Corps officers are properly trained and qualified.

SWIMMING QUALIFICATIONS

36. The swimming qualifications listed in the service record of the Navy personnel embarked as passengers is questionable. It is doubtful that every Navy man was at the minimum a Class III swimmer.

RECOMMENDATIONS

1. That information regarding the characteristics of the Barcelona harbor be promulgated to all SIXTH Fleet units, with special emphasis on the need for care at the intersection at the end of the Muelle de Barcelona. This information should be included in in-chop briefings and units should be reminded periodically of the dangers that exist.
2. The requirement for qualified boat officers and bow lookouts on small boats must continually be emphasized.
3. That no administrative or disciplinary action be taken against the Commanding Officer, USS TRENTON, Executive Officer, USS GUAM, First Lieutenant, USS GUAM, or the boat officer, First Lieutenant
4. That the USS GUAM, be issued a punitive letter of admonition for his disregard of SIXTH Fleet Instructions concerning the use of embarked troops as boat officers and for the poor state of training and knowledge demonstrated by the members of his staff and crew in the area of small boat operations.

5. That the Commanding Officer, USS GUAM, reevaluate the training and qualifications of his Executive Officer, Navigator and First Lieutenant in the area of small boat operations and take such action as is necessary to make them knowledgeable in this area.

6. That the coxswain, Seaman Recruit be tried by Special Courts-Martial for violations of Article 92, Dereliction of Duty. I do not believe charging SR with negligent homicide will serve any useful purpose.

7. That more emphasis be placed on water survival by all naval units.

8. That the COMSIXTHFLT Deployment Manual, section 3800, be changed to clearly require a boat officer on all liberty boats operating at night.

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Rear Admiral, U. S. Navy

Final Entry
14 February 1977