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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."

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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

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)

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NAVCENT
USCINCCENT
VCNO
CNO
SECNAV

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