

INVESTIGATION OF THE FIRE AND CAPSIZING
OF THE U. S. S. "LAFAYETTE" (NORMANDIE)

REPORT

OF THE

COMMITTEE ON NAVAL AFFAIRS
UNITED STATES SENATE

ON THE

INVESTIGATION OF THE FIRE AND CAPSIZING
OF THE U. S. S. "LAFAYETTE" (NORMANDIE)

PURSUANT TO

S. Res. 225

A RESOLUTION AUTHORIZING THE COMMITTEE ON
NAVAL AFFAIRS, UNITED STATES SENATE, TO INVESTIGATE ALL THE FACTS AND CIRCUMSTANCES
WITH RESPECT TO THE FIRE WHICH
SEVERELY DAMAGED THE U. S. S.
"LAFAYETTE" AND RESULTED IN
HER BEING CAPSIZED



MAY 27 (legislative day, MAY 26), 1942.—Ordered to be printed

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INVESTIGATION OF THE FIRE AND CAPSIZING OF THE
U. S. S. *LAFAYETTE* (*NORMANDIE*)

MAY 27 (legislative day, MAY 26), 1942.—Ordered to be printed

Mr. WALSH, from the Committee on Naval Affairs, submitted the following

REPORT

[Pursuant to S. Res. 225]

Senate Resolution No. 225, adopted by the Senate on February 17, 1942, authorized and directed the Committee on Naval Affairs, United States Senate, or any duly authorized subcommittee thereof, to make a full and complete investigation of all the facts and circumstances with respect to the fire which severely damaged the U. S. S. *Lafayette* on February 9, 1942, and resulted in her being capsized at her dock at New York City, with a particular view to determining the cause of such fire and whether it was due to negligence or was attributable to the activities of enemy agents or fifth columnists in an effort to impede the prosecution of the war.

The resolution also directed the committee to report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

In compliance with the foregoing resolution, the committee appointed special counsel in the person of James F. Dulligan, Esq., of New York City, who, under the direction and guidance of the chairman, Mr. Walsh, made a searching inquiry of all the facts concerning the disaster and the loss of this naval vessel. The findings of committee counsel are printed hereafter, and they are made a part of this report.

Other separate and independent investigations of this same disaster were made by a subcommittee of the Committee on Naval Affairs, House of Representatives; a naval court of inquiry; the Federal Bureau of Investigation; the Bureau of Fire Investigation of the New York City Fire Department; and the district attorney of New York County. The reports of the investigations made by the above investigative bodies were made available to the committee, and an analysis of same has been made by the committee.

Therefore, and in an endeavor to arrive at some definite conclusions as to the causes and responsibility for the loss of the *Lafayette*, and in a

further effort to determine what legislation may be needed to prevent similar loss in the future, the committee, in addition to the findings and recommendations of its own counsel, has given consideration to the findings of fact, the opinions, and the recommendations of the above-mentioned agencies. In doing this, your committee has employed the basic principles used by professional men, to wit: First, ascertaining all the available facts; secondly, evaluating these facts in the light of past experience to determine the errors which were made; and lastly, to make the necessary readjustments in methods and courses of action to insure against the recurrences of like error in the future.

The committee is of the opinion that all aspects of this disaster must be considered in the natural desire of the Government to make this vessel available for war service at the very earliest practicable date.

The committee summarizes these findings of fact and recommendations under various headings and as follows:

SABOTAGE

The committee finds no evidence to support the widely held theory that the fire which started the chain of unfortunate events resulting in the loss of the *Lafayette* was caused by the activities of enemy agents or fifth columnists in an effort to impede the prosecution of the war. All the investigative agencies who have delved into the causes of the disaster are agreed that sabotage played no part in it. Contrary to the many and various reports that were circulated at the time and since, the fire was not the result of explosives or other incendiary material. Nor were the hoses or other fire-fighting equipment tampered with or rendered ineffective through malicious or wilful destruction. There is a general concurrence on this point.

On the other hand, the committee finds, along with the subcommittee of the House Committee on Naval Affairs, that the ship was not adequately protected against sabotage or other subversive activity; that there was improper supervision of the contractor's employees, both by the contractor and the naval officials charged with that duty; that the system of identification and credentials employed to permit egress to the pier and vessel was ineffective to accomplish the purpose for which it was intended; that the method of checking the citizenship and subversive tendencies of employees engaged in work aboard naval vessels is cumbersome and slow; and that this general laxity and absence of proper safeguards extends throughout the entire New York water front. The committee finds that the causes for these conditions are many.

Although the Navy has been vested with full responsibility for the protection of the New York water front by Executive order of the President, dated February 26, 1942, and the Secretary of the Navy has designated the United States Coast Guard to execute this particular order, an effective system of protection had not been put into operation on the New York water front.

The United States Coast Guard for years have been recognized as specialists in safety on shore and at sea, and have practically operated and controlled port operations in cities like New York and Boston. By long training and experience it is the proper agency to protect the water front and naval shore facilities. However, the committee find that the Coast Guard command is hindered in the performance of its duties by:

(1) Confusion of authority and jurisdiction between the Coast Guard command, the Collector of Customs, and other Federal and city agencies;

(2) A lack of personnel that presently makes it necessary to spread a small force of men over a 700-mile water front;

(3) Refusal of certain labor unions to cooperate in the matter of fingerprinting workers along the New York water front. (This latter obstacle now cured by recent enactment of the New York State Legislature); and

The committee has reached the conclusion from all the evidence at hand that the problem of security of naval and other waterfront property throughout the United States so essential to the conduct of the war is far from being solved, and despite many sincere efforts that now are being made in that direction. Therefore, the committee recommends the following:

That the security of the port of New York and all other maritime cities, with particular reference to ship facilities, piers, boats, yards, and other equipment be placed under a single and unified naval command, with clearly defined responsibility, in each and every naval district throughout the United States. It should be the duty of such naval officer to establish an efficient and effective police system along the lines of any well-organized police department, bearing in mind the particular objective and problems involved.

Although contact and cooperation with civilian agencies such as the United States Customs guards and local police authorities is desirable, the absolute control and final authority should be vested in the naval command.

Such a system would require an adequate force capably administered with adequate authority at law to accomplish the purpose of affording full security to our waterfront facilities. In the opinion of the committee the United States Coast Guard, working with the Office of Naval Intelligence, is the ideal combination of naval forces to protect the waterfront against sabotage.

THE FIRE

The committee finds that the proximate cause of the fire which damaged the *Lafayette* was the careless use of an oxy-acetylene torch in close proximity to inflammable material (burlap-covered bales of kapok life preservers) by employees of the Robins Dry Dock & Repair Co., Inc., without the protection of adequate safeguards in violation of all rules and sound judgment.

There is no dispute among the various bodies who have investigated this matter as to the foregoing being the actual cause of the fire. However, and as more fully appears in the report of committee's counsel, and which is further substantiated in whole or in part by the findings of the subcommittee of the House Committee on Naval Affairs and the naval court of inquiry, there are other and contributing causes. The committee lists these causes without attempting to place them in the order of their relative importance.

(1) Time limitations for the completion of the conversion work imposed upon the contractor charged with the duty of actually doing the work, whereby the requisite care was sacrificed in the interest of speed to get the vessel into war service.

(2) Failure to give serious consideration to the advice and recommendations of responsible and competent officers on the ground, who reported that the conversion work could not be accomplished properly within the time limits fixed.

(3) Confusion of command and divided authority among the naval officers aboard the vessel prior and subsequent to the fire.

(4) Absence of proper supervision of the contractor's work by naval inspectors, and the failure of said naval inspectors to insist on general compliance with the security provisions of the contract.

(5) Absence of adequate fire-prevention safeguards; absence of trained personnel to cope with ever present fire hazards such as flame torches as were in continuous daily use on the vessel.

Consequently, when the committee considers all the causes that contributed to the fire, it is difficult to fix the blame on any one individual or group of individuals. We concur in the findings of the subcommittee of the House Committee on Naval Affairs, who reported, "It is not difficult to find acts of carelessness or omission on the part of many individuals connected with the *Normandie*, but it is difficult to place the sole responsibility upon any one individual" (H. Rept. 206, p. 2943). The naval court of inquiry reached the same general conclusion. However, the Secretary of the Navy draws different conclusions from the same evidence, and fixes responsibility on two subordinate officers and the contractor.

The committee feels that the failure of various officials to cooperate and coordinate their efforts effectively among themselves cannot be corrected by legislative fiat. It is believed that administrative shortcomings of this nature must be corrected by appointing to positions of great authority and responsibility only those officers who are familiar with modern scientific methods of analysis and deduction and who have demonstrated by actual experience that they understand thoroughly and are able to apply effectively the basic principles which make individual ships and planes of our Navy an effective fighting unit.

Unlike our naval vessels afloat our naval shore establishments seem to lack the unity of command and the efficient system of inspection that makes our battle fleet an integrated and effective fighting unit. These same basic principles that are applied to the operation of our naval vessels at sea should be extended to the naval shore establishments.

The committee feels that the situation requires the need of creating in the Navy Department the office of Inspector General of the Navy, some one person to be charged with the duty of keeping the Congress and the Secretary of the Navy informed as to the conditions and needs of the entire naval service, pointing out to the legislative and administrative authorities the errors of commission as well as the errors of omission, and of making recommendations to correct any unsatisfactory conditions or procedures found to exist in the naval service.

It is possible that an appropriate service or agency of this kind may be set up under the Secretary of the Navy or the Chief of Naval Operations without further legislative authority or directive. If not, such legislation should be enacted. The committee is of the opinion that if some such service had been in operation in the Navy Department during the month of February 1942 it might have been able to

reconcile the difference of opinion between the officials who ordered the *Lafayette* be made ready to sail on February 14, and the officials on the scene who protested that this would be an unwise thing to do.

THE CAPSIZING

The committee finds that the principal cause of the capsizing was the undue amount of water placed on board the ship by the New York City Fire Department in the act of extinguishing the fire. Because of the fact that the ship was grounded in the mud, added to the fact that she was unduly top heavy and without a center line bulkhead, the free surface waters pumped aboard eventually caused the ship to lose stability, and turn over to rest on her port side.

No criticism can be made of the efforts of naval officers present to prevent the ship from capsizing. Their plans were sound and constructive, but due to circumstances beyond control were without effect. The work of the Navy and Coast Guard crew during the fire and preceding the capsizing was commendable.

It is now most apparent that neither the Third United States Naval District nor the great maritime city of New York have sufficient equipment to meet a situation such as the *Normandie* fire presented. There were no pumps available to relieve waters trapped on a ship like the unique *Normandie*, or even for a smaller sized vessel.

The committee finds with further regard to the capsizing that the acquisition of this French luxury liner *Normandie* by the United States Government for ultimate conversion into a troop ship evidently was done without making an adequate study and survey to determine just what practical use the vessel might serve in our war effort. There is prima facie evidence to give rise to the thought that the ship's construction, lack of proper compartmentation, and known instability made it inadvisable to use the vessel for a transport upon which the lives and safety of 15,000 American boys on any voyage were dependent. Obviously, the Navy Department entertained some doubts on this point, as is evidenced by the fact that first plans called for the use of the ship as an airplane carrier, then a boxed plane cargo ship, and finally a troop ship. The capsizing of the vessel under the weight of trapped water confirms the belief that many men in the shipping business have held with regard to this vessel's stability.

FLAMEPROOFING OF KOPAK LIFE PRESERVERS

The Navy Department on February 28, 1942, directed that the covering of all kapok life jackets in service and in store be fireproofed with flame-retardant compounds and stocks of such compounds were established at continental navy yards.

The compounds now available are suitable for the purpose from the standpoint of resistance to flame and water insolubility. However, the compounds are not entirely satisfactory and further tests are now being conducted at the Navy Yard, Philadelphia, test laboratory to determine those most suitable for this purpose.

In conclusion, the committee is also of the opinion that the evidence reveals a need for other changes and readjustments in the manner and method of protecting our naval shore establishments and naval vessels against sabotage and other losses such as we suffered with the *Lafayette*. These matters are dealt with in the report of committee's

counsel which follows. These recommendations do not require legislation but they can be effected by administrative action if the officials appointed to carry them out apply the basic organizational and operational principles of efficient naval command. We commend counsel's recommendation to the attention of the Secretary of the Navy and the Chief of Naval Operations.

REPORT OF THE CHIEF COUNSEL TO THE COMMITTEE FOR THE
"NORMANDIE" INVESTIGATION

APRIL 28, 1942.

HON. DAVID I. WALSH,
*Chairman, Committee on Naval Affairs,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Following your directions and instructions, and in accordance with plans outlined by you for the scope of the investigation to be made by your committee pursuant to Senate Resolution 225 approved February 17, 1942, I have made a full and complete investigation of all the facts and circumstances with respect to the fire which severely damaged and subsequently capsized the U. S. S. *Lafayette* (the former French liner *Normandie*) at her pier at New York City on February 9, 1942. I now submit this report of my investigation to you for the attention and consideration of the Committee on Naval Affairs.

SCOPE OF INVESTIGATION

I proceeded with the investigation on February 28, 1942, by opening headquarters in New York, N. Y. The investigation comprised the examination of naval officers and civilian employees of the United States Navy and United States Coast Guard, Third Naval District; officials and employees of the Robins Dry Dock & Repair Co.; officials of the fire department of the city of New York; an assistant district attorney of New York County; the former French commander of the *Normandie*; a representative of the Merritt-Chapman Salvage Co.; and many experts on ship construction and maritime affairs, whose aid and advice was most helpful. In addition thereto, I made an analysis of the sworn testimony of approximately 259 witnesses previously taken by the Federal Bureau of Investigation and the bureau of fire investigation of the city of New York, and I then personally examined certain key witnesses for the purpose of eliciting and developing further testimony on material or disputed issues of fact. Other personal and independent investigations were conducted by the undersigned and his assistant, Mr. John J. M. O'Shea. I was accorded free access to the records and files of the Navy Department, the Federal Bureau of Investigation, and other Federal and city agencies.

At this time your counsel wishes to acknowledge his appreciation for the invaluable aid rendered to him in the conduct of this investigation by Chief Fire Marshal Thomas P. Brophy, of the Fire Department of the City of New York; Mr. P. E. Foxworth, of the New York office, Federal Bureau of Investigation; Capt. R. C. MacFall and Lt. Comdr. Charles R. Haffenden, of the Office of Naval Intelligence; Mr. Stephen W. Birmingham, senior investigator of the Dies Committee on un-American Activities; and Mr. Armand Chankalian, chief clerk, United States attorney's office.

FINDINGS OF FACT

It would be difficult and equally unfair for me in this report to place the entire blame for the loss of the U. S. S. *Lafayette* upon any one individual or group of individuals. It may be stated at the outset that the destruction of this vessel can be attributed to a chain of causes, conditions, and unusual circumstances, all contributing to the ultimate disaster to a greater or less degree, and which we may readily term to be the proximate and contributory causes. This report, therefore, will deal with the events preceding the calamitous fire and the various causes contributing to it in the sequence in which they occurred, in order that the committee may have a full, complete, and chronological story of the facts and events prior, during, and subsequent to the disaster.

SABOTAGE

However, before dealing with what I deem and consider to be the actual and contributing causes for the loss of the *Lafayette*, I feel that I should report my findings on the question of sabotage at this point. I do this in the interest of public morale and to allay the fears and suspicions of many loyal and sincere Americans who do believe that this vessel was destroyed through the activities of enemy agents in an effort to impede the prosecution of the war. I do it, also, in fairness to the United States Coast Guard, the Office of Naval Intelligence, the Federal Bureau of Investigation, and other protective agencies charged with the duty of protecting naval and other water-front property in the port of New York.

Searching inquiry by your counsel, along with that made by other Federal, State, and city investigative agencies, has failed to adduce any evidence of sabotage or other subversive activity in connection with the origin of this fire. Contrary to the various and widespread rumors concerning sabotage that were current at the time of the disaster, I find no evidence to support or substantiate any of them. I shall not attempt to make answer to each and every rumor of sabotage and enemy alien activity that has been called to my attention during the course of the investigation, but I am in a position to state with reasonable certainty that the fire which started the chain of unfortunate events resulting in the loss of this vessel was not caused by explosives or other incendiary material. Nor were fire hose and other fire-fighting equipment on the vessel or the pier found to have been tampered with or rendered ineffective through malicious or wilful destruction. What your counsel did find to exist on the *Lafayette* was a general condition of laxity borne of haste and indecision that readily did invite sabotage. These conditions I now bring to the attention of your committee.

DETAILS OF VESSEL

The U. S. S. *Lafayette*, the 83,000-ton French luxury liner, formerly known as the *Normandie*, was built according to unique French design and construction, and was formally launched in October 1932, at St. Nazaire, France. She had a cargo capacity of 11,800 tons and a speed of 30 knots or better. She had a well-equipped fire-detection system and excellent fire-fighting equipment. Since her launching,

this vessel has made 65 complete trans-Atlantic crossings, but from August 28, 1939, due to war conditions abroad, the *Normandie* has been moored at pier 88, North River, N. Y., a leased pier of the French Lines.

POSSESSION BY UNITED STATES

On May 15, 1941, a message or directive was received from the Commandant, United States Coast Guard, Washington, D. C., by Capt. John Baylis, United States Coast Guard, and captain of the port of New York, to place guards on all French ships. In accordance therewith, Capt. John Baylis ordered Lt. Comdr. Earl G. Brooks, United States Coast Guard, and a detail of 110 men aboard the *Normandie*. This order expressly excluded taking the vessel into protective custody, but it did prevent damage to the ship through sabotage or neglect. As a result of this directive, the United States Coast Guard, from May 15, 1941, to December 12, 1941, prevented any person from going aboard a French vessel without the permission of the captain of the port. The only exceptions were crew members and officers of the French ships.

On November 1, 1941, the United States Coast Guard was placed under Navy command. Thereafter, on December 12, 1941, the United States Coast Guard forces on the *Normandie* were increased from a detail of 110 men to one of 283 officers and men under an order to take full possession. At this time her French crew was removed to Ellis Island. On December 16, 1941, at 2 p. m., the United States Maritime Commission seized the vessel. The French flag was lowered and the United States Coast Guard then was charged with full responsibility for the security of the vessel. Subsequent events have raised some doubt as to when the full responsibility of the United States Coast Guard for the security of this vessel actually ceased, and I deal with that subject hereafter.

On December 22, 1941, Captain Baylis received a telephone call from Washington, D. C., to permit Lt. Comdr. Lester C. Scott of the district matériel office to come aboard. This request was refused. On December 23, 1941, Captain Baylis was ordered by Washington to permit 10,000 plans aboard the vessel to be taken off, and with this order Captain Baylis complied.

On the following day, the eve of Christmas, December 24, 1941, Capt. Frederick G. Reinicke, United States Navy (retired), port director, Third Naval District, gave a receipt for the *Normandie* to the Maritime Commission, in the name of the commandant of the Third Naval District and the Secretary of the Navy. The ship was then renamed the *Lafayette*. From this point on, the question of command and responsibility for the security of the *Lafayette* becomes vague and confused. I found that naval rules and customs calling for the issuance of formal orders or directives designating command and the exchange of receipts whereby responsibility for a naval vessel is fixed and determined thereafter were either waived or disregarded.

On December 24, 1941, Capt. Frederick G. Reinicke, United States Navy (retired), without formality turned the *Lafayette* over to Capt. Clayton M. Simmers, United States Navy, district matériel officer, for the purpose of converting the ship into a troop ship. Thereupon, Captain Simmers assigned three naval officers and eight civilian Navy inspectors under the command of Lt. Comdr. Lester C. Scott, United

States Naval Reserve, to be in direct charge of the conversion work aboard this vessel. No formal naval orders or directives were issued in connection with this assignment, and all efforts on the part of Lieutenant Commander Brooks, United States Coast Guard, then in command, to learn what his status might be under this unusual and irregular procedure remained unanswered.

As of December 24, 1941, the Robins Dry Dock & Repair Co., of Brooklyn, under its general contract No. 75854, signed September 6, 1940, with the Navy Department, commenced the work of converting the luxury liner into a troop ship, in accordance with some tentative plans for the work previously prepared by the Bureau of Ships of the Navy Department. Once again, the exchange of the customary receipts between the contractor and the Navy was either waived or ignored, and the conversion work started at once and without compliance with this regular procedure.

CONDITIONS PRECEDING FIRE

In order to obtain a clear understanding of the conditions that existed on the *Lafayette* on February 9, 1942, the day of the fatal fire, it is well to point out briefly the magnitude of the work entailed in converting this ship for war purposes. Day and night hundreds of different work operations were going on simultaneously on every part of this, the second largest vessel ever built. The ship's machinery, electrical, fire-detection, and other systems were being either overhauled, changed, or dismantled to meet United States standards and requirements. The liner's luxurious fittings and decorations were being unloaded and stored ashore for safe keeping. Cargo supplies and materials of all kinds were being loaded aboard the ship for naval use. Burning and welding operations were being performed all over the 1,027-foot vessel above and below her 11 decks, and, in fairness to those who were performing the work, the stupendous task was being done with speed, dispatch, and only occasional and inconsequential mishap.

On the day of the fire approximately 2,500 civilian mechanics, artisans, and laborers of all kinds, both in the employ of the general contractor and 30 subcontractors, were engaged in the conversion work. Supervising this work were the three naval officers and eight civilian Navy inspectors from the district matériel office mentioned above. Also on board was the Coast Guard crew previously assigned, together with a prospective Navy crew of 34 officers and 424 enlisted men under the prospective command of Capt. R. G. Coman, United States Navy, who were standing by ready to take over the vessel on February 13, 1942.

Because of the extent of the work and the number and variety of work operations that had to be performed before the ship could be made ready to sail, there was present a condition of poorly defined and divided responsibility. Added to this was an absence of definite planning, coupled with indecision.

For instance, on December 24, 1941, the date of completion of conversion was fixed at February 1, 1942. Thereafter, ever-changing plans with respect to the work that was to be done and as to whether or not the Navy or Army ultimately would operate the ship added to the general confusion. On January 9, 1942, the Chief of Naval

Operations offered the *Lafayette* to the Army for use as an Army transport. The Army Chief of Staff accepted the vessel on January 14, 1942, and on the following day marine engineers and naval architects came aboard the ship. The Army representatives, after inspection, suggested a number of modifications and changes in the conversion plans in order to meet particular Army requirements. On January 27, 1942, the Chief of Naval Operations requested the return of the *Lafayette* from the Army, and with this request the Army complied. Notwithstanding the delay of 2 or 3 weeks resulting from this indecision and transfer of the ship between Navy and Army control, the Bureau of Ships informed Captain Simmers on February 6, 1942, that the ship must be made ready for loading on February 28, 1942. The next day, on February 7, the Bureau of Ships informed the district matériel officer, Captain Simmers, that the ship must leave New York on February 14 for docking at Boston, Mass., on the 15th. Captain Simmers protested that the conversion work could not be completed in that short space of time, and the prospective commander, Captain Coman, further protested that his newly assigned crew never could learn the details of such a large vessel, not to mention the intricacies of a quadruple-screw turbo-electrically propelled vessel, within the time allotted. However, this order had never been changed up to the day of the fire, and in order to keep pace with it the contractor was compelled to employ additional workmen hastily, particularly fire watchers, most of whom had no experience for the type of work which they were to perform, and little or no time for specific training in their duties.

The foregoing affords a brief but general view of the activity and conditions existing aboard the *Lafayette* on February 9, 1942, the day of the fatal fire.

THE FIRE

The fire originated on the outside of a burlap-covered bale of kapok life preservers, in the aft, port side of the grand salon, on the promenade deck, extended throughout the grand salon and smoking lounge adjoining, and subsequently broke through to the boat and sun decks above.

The bale on which the fire was first discovered was one of 1,140 bales of kapok life preservers that were stored on the port side aft of the grand salon. It was testified that these kapok life preservers had been placed in the grand salon by the contractor as being the most appropriate space for the stenciling work that was to be done on them prior to their distribution throughout the vessel and for the further reason that no burning or welding work had been foreseen or planned for that particular location. Each bale consisted of 10 life preservers, wrapped in waterproof paper, with an outside covering of burlap. They measured approximately 2 feet by 2½ feet, by 3 feet, and were stored in 2 loose piles, about 20 feet high, covering an area of about 1,500 square feet. They were in a fairly dry condition due to the temperature in this salon before the fire, which was reported to have been 70° to 74° F.

Close by and in the path of the fire were several rolls of carpet and linoleum, two 5-gallon cans of linoleum cement, a piano, a number of upholstered chairs, several piles of parquet flooring recently ripped up, 2,250 canvas bunks that had been set upon the promenade deck

to provide additional sleeping accommodations for the large number of troops that it was planned to transport on this vessel.

The rolling doors between the grand salon and the smoking lounge were open, as well as windows on the port and aft sides of the promenade deck. A strong northwest wind was blowing at the time, and the ship's ventilator system, that was then in operation, furnished a ready draft for the blaze.

The grand salon was, as the name implies, a big room located amidships, approximately 35 feet high by 85 feet wide by 100 feet long. On February 8, 1942, which was Sunday, the day previous to the fire, Captain Coman, the prospective commander, had observed that this room was carpeted. Contemplating its use as a recreation center for the troops on board he had conferred with Lieutenant Commander Scott, United States Naval Reserve, naval inspector in charge of repairs, and requested that carpeting be taken up and battleship linoleum laid in its place. Captain Coman also requested that four large metal stanchions in the salon used for indirect lighting fixtures be removed. The four metal stanchions were to be cut to a height approximately 2 feet from the deck so that their bases might be used for seats or tables, and as a further safety measure in order to prevent injury to troops occupying the room. This was a last-minute order, and up to that time no burning operations had been contemplated in the said salon. Workmen started taking up the carpeting Sunday afternoon, and the following morning, February 9, at about 11 a. m., workmen began to cut away the stanchions on the starboard side of the grand salon. The work was under the direction of a "snapper," or foreman of welders, named Alphonsus Gately. The two starboard stanchions were taken down without any untoward incident. The man named Gately bossed the work with his "chain" gang, consisting of a burner named Derrick, two fire watchers, and eight other men. At this morning burning a man named Elias Nadel, chief supervisor of the Robins Dry Dock & Repair Co. fire watchers, also was present. This work was discontinued at around 12 o'clock, and the men went to lunch.

As stated, Elias Nadel, supervisor of fire watchmen, Frederick McGraw, and John Venuto, fire watchmen, had been present in the grand salon when two of the stanchions on the starboard side had been burned and removed in the forenoon. However, Nadel testified that after the burning of the two starboard stanchions was completed, about 11:50 a. m., Alphonsus Gately, boss burner, told him there would be no burning done in the afternoon, but Nadel directed John Venuto to return to the grand salon at 2 p. m., after his lunch hour, and to remain there. Nadel also instructed Robert Kraus, assistant supervisor of fire watchmen, to have a fire watchman in the grand salon between 1 and 2 p. m., while Venuto was at lunch. Nadel's action in arranging the presence of fire watchers for the afternoon is not consistent with his previous statement; to wit, that Gately said there would be no further burning in the grand salon.

At any rate, Robert Kraus, assistant supervisor of fire watchmen, testified that at 1 p. m. he instructed fire watchmen John Fennelly and William Salomone to go to the grand salon and remain there until 2 p. m., when fire watchman Venuto would return from lunch. John Fennelly and William Salomone admitted receiving such instructions but testified that Kraus directed them to go to the "main dining

room" on the promenade deck, and that when they reached the promenade deck they were unable to find a "dining room" and immediately returned to the boat deck, where during the morning they had been assigned to watch acetylene burners who were employed in cutting away boat davits. When Kraus learned of the statements made by Fennelly and Salomone, he said: "If I told them to go the main dining room, it was a slip of the tongue," but that he believed he also told them to go to the promenade deck.

Venuto testified that on returning from lunch at 2 o'clock he went to the grand salon, found the "chain" gang working, but no burning being done, so he went to the boat deck, where he was on duty in the early morning and where he remained until he learned of the fire. However, there was no check-up by Nadel, the boss fire watcher, or his assistant, Kraus, to learn whether or not the men assigned had actually reported to that station, and it has been definitely ascertained by your counsel that no other fire watchman was present in the grand salon during the afternoon before the fire.

Resuming the afternoon's burning program in the grand salon about 1 p. m., Derrick, with Gately supervising, proceeded to burn the forward port stanchion. There was no fire watcher present. It was admitted by Gately that burning without a fire watcher present was a violation of the company's printed rules and instructions, but in explanation Gately said: "I saw a fellow with a red hat standing there and I assumed he was a fire watcher." However, this burning of the third stanchion was done without incident except that as it was being lowered to the deck it crashed and crushed the circular metal shield that is used by the burner to prevent the sparks from flying in all directions.

Before starting to burn the last or port aft stanchion the bales of kapok life preservers piled around and up against the stanchion had to be removed clear of the stanchion, and distances of such removal were estimated to be from 3 to 8 feet, as developed by conflicting testimony. Evidently the space was just large enough within which to work and no more. Gately said that before starting to burn he had picked up a piece of tin or other metal and shaped it to resemble the metal shield that had been rendered useless, as explained above. Considerable doubt exists that this improvised shield was high enough to prevent flying sparks from going beyond it because of the distance from the deck where the cutting was being done.

However, Derrick, the burner, started to burn this fourth and last stanchion and he completes the two major cutting operations. The "chain" gang then lowered the stanchion to the deck by means of the guy ropes operated by members of the "chain" gang. Derrick then proceeded to cut the two remaining clips about ½-inch thick by 2-inches wide while the standard was in a lowered position. Collins, a member of the gang, because no fire watcher was present, had been using an asbestos shield to prevent sparks flying toward the bales, but had let this protective covering down to assist the gang in lowering the last stanchion, and at the same time the metal shield used around the base of the stanchion had been removed out of the way of the stanchion as it was being lowered. As Derrick, the burner, finished burning the last clip, someone in the grand salon cried "Fire!"

At this time there were approximately 21 persons in the grand salon, among them being Henry P. Wood, senior naval inspector;

Mitchell, subcontractor on linoleum; and one Pristora, "snapper" of the "chain" gang. Fire was observed on the surface of three or four bales of life preservers, about a foot above the deck nearest the burning operation. It was testified it "spread like a grass fire," or "like a singeing fire," along the lint surface of the burlap. Members of the "chain" gang, together with Gately, Wood, and others present in the room, attempted to beat it out with their hands, coats, and sweaters, which only caused additional draft and helped to spread the fire. The bales were loosely piled and the fire spread around and in between the bales. Those present then attempted to overcome the flames by tossing the bales about the deck of the grand salon. These bales thus thrown to the floor broke open and added to the rapid spread of the fire. In the space of minutes the fire was beyond all control of those in the grand salon. The fire gave off dense and huge volumes of smoke, making it necessary for those present to leave the salon.

It is definitely established that at the time the fire started there were only two pails of water near the place of the burning operations, and one of these only partly filled. There were no fire extinguishers in the grand lounge, and one that was brought in from the promenade deck had failed to work. Gately testified that there was a fire hose near the burning operation port side, but that it was not connected, and that he, Gately, subsequently connected the fire hose. When turned on it was ineffective, because "not more than a bucket or so of water came through the hose." Other witnesses saw no hose in the grand salon at all. Other hoses, it was said, were brought in from the starboard side, but they were without pressure. Whether or not there was normal water pressure is a matter of dispute among witnesses. In extenuation, it should be pointed out that the failure of water pressure, if such were the case, was due to the fact that workmen on the day of the fire were changing over the French couplings on the standpipes to American standard couplings, and the open valves naturally would reduce the pressure on the connected hose lines.

Also, a change-over was being made from the French to the American type of fire-extinguishing equipment, which may account for the absence of that type of portable fire-fighting equipment in or near the grand salon.

The fire raged 10 minutes before a Coast Guard man, hearing shouts of "Fire!", turned in an alarm by telephoning to the fire-control station. Another Coast Guard man in the fire-control station received an oral report of the fire. He ordered the distribution room on Deck D to shut off all air ventilators and phoned the bridge to turn in a general alarm.

The two switches on the bridge had been cut off. One switch had controlled a line to the city fire system on shore and had been maintained by the American Telegraph Co. for the French Line, but had been discontinued on January 13 on orders of the superintendent of the French Line, the French Line, no longer considering itself the owner of the boat. The second switch controlling the ship's general alarm had been discontinued by the contractor. The Coast Guard commander knew of the discontinuance of these lines, and he had taken the precaution of posting notices advising that the city fire-alarm box was on the pier.

Rahl, a Coast Guard man, "hollered" to a city policeman on the pier to have a city alarm turned in. This alarm was turned in at 2:49 p. m., and within 2 minutes the first city engine company responded.

In the interval the Coast Guard fire detail, equipped with gas masks and asbestos suits, was on the scene, and they made their way from A deck to the promenade deck. Because of the dense smoke, the lack of protection offered by the gas masks and the fact that the lights were out in the vicinity of the grand salon, their efforts were ineffective.

Lt. John P. German, engineering officer of the Coast Guard detail, ordered the fire-hose pressure stepped up from 60 pounds pressure to approximately 120 pounds. This pressure was maintained until approximately 3 p. m. when, due to the dense smoke being forced into the boiler rooms by down-drafts through the ship ventilators and boiler room uptakes, it was necessary to abandon the boiler rooms and secure the auxiliary Scotch boilers. As a consequence, within 15 minutes thereafter all light and power on the ship failed. The order to abandon the engine room was given by Lieutenant Commander McCloskey, of the District Materiel Office.

Due to the size and height of the ship the city fire department had great difficulty in rigging adequate hose lines and getting them on board. The ship being in darkness and enveloped in smoke made it more difficult to fight the fire. Progress was further retarded because the firemen lacked knowledge of the ship's passageways. This difficulty was eased by the help rendered by the Coast Guard and Navy men in guiding them aboard. These enlisted men also helped the city firemen in manning the hose lines.

The fire never did penetrate to the lower decks. According to fire department records the fire was considered out at approximately 6 p. m., although small fires had to be extinguished until around 8 p. m. There was one mortality. A contractor's employee fell during the fire from the sun deck to the promenade deck, fracturing his skull. Hospital records reveal that 229 officers and men of the Navy and Coast Guard and 283 contractors' employees sustained injuries of various degrees as a result of the fire.

THE CAPSIZING

The problem of preventing the capsizing of the *Lafayette* was given prompt and sound technical consideration by the higher ranking naval officers and other officials who were at the scene of the fire. Many plans and methods of overcoming the list that had started to reveal itself shortly after the outset of the fire were discussed.

In dealing with this problem it must be remembered that the *Lafayette* by reputation, and in the observation of Navy officials, was a "tender" ship, in that she was known to have a small positive metacentric height. Consequently, on February 9, 1942, this height was rapidly reduced by the heavy weights of water poured on the vessel by the city fire department, marine and land divisions, and assisting railroad tugs in their efforts to fight the fire. This height was further reduced by the free surface of this large quantity of water, due to the absence of a center line bulkhead in this particular ship. Because this ship had no outboard scuppers the water pumped into the ship was trapped, and thereby further contributed to the heeling of the big ship toward the port side. As the ship continued to list portwise the open cargo ports and ship drains began to admit water, adding to the total weight of water aboard. Later efforts to close these openings on the port side of the vessel were not successful.

A primary and contributory cause for the capsizing may be ascribed to the failure of the Horowitz system to operate in the emergency. The Horowitz system was a plumbing system used on the vessel to carry off all waters, such as soil drains, water closets, and other drainage apparatus on the upper decks. This system, to be effective, required air pressure supplied by the functioning of the auxiliary boilers, and when these were secured shortly after the start of the fire the Horowitz system was without power to function, thereby cutting off the only mechanical means provided in the design of this ship for the release of the large quantity of impounded water.

With the failure of the Horowitz system it became necessary to consider other means of keeping the ship afloat. In turn, the question of scuttling the ship was considered and abandoned because the ship already had an initial list and an initial upsetting moment, the latter caused by reason of her keel being in mud or silt. Furthermore, there were no seacocks on this ship, and the only other method of scuttling would be to manually open the condenser main, a very dangerous task for those who would have to attempt it, with the ship then filled with smoke.

It was then decided to adopt the scheme of "counterflooding"; that is, to cut holes in certain wing tanks in the vessel's starboard side in an effort to bring about a righting movement. This was a delicate operation inasmuch as it might cause the vessel to flop over or to careen over to the opposite or starboard side, due mainly to the great weight of free surface water on the ship. However, it was actually tried, but it failed. The reasons given, based on an investigation made after the capsizing, indicated that not enough tanks had been flooded, due to an inability in the emergency to locate, reach, and fill the seven starboard water tanks by cutting through the starboard side of the vessel. Then again, unfamiliarity with the plans of the ship made it difficult to place the actual location of the tanks from the outside.

An attempt was made by the contractor's men under Navy direction to cut holes in the port side to free water, but this attack was abandoned when the torches were extinguished by escaping water. Torches capable of burning under water were not immediately available.

At 3:40 p. m. the vessel had listed so far to port that her hawsers pulled the steel ballards from the concrete pier. The degree of list was then 15 degrees. At this time an effort to flood the starboard double bottoms was frustrated because the hose lines of the city fire department were not long enough to reach the manholes leading to such tanks.

Efforts at this time were made by the city fire department to employ small cellar pumps to relieve the water on the upper decks, but they were ineffectual and quickly abandoned. There was no other suitable pumping gear available in New York Harbor. The city fire boats had no equipment to accomplish this task.

At 9 p. m. the list of the boat was 20 degrees, increasing to approximately 40 degrees by 11 p. m.

Admiral Andrews gave orders to abandon the ship around midnight, when the list was approximately 40 degrees. The U. S. S. *Lafayette* capsized at 2:45 a. m., February 10, 1942, coming to rest on her port side at an angle of 80 degrees.

From fire department reports it has been estimated that about 6,000 tons of water were pumped aboard the vessel. It was stated that if only 10 percent of this amount of water were trapped on the vessel it would have been sufficient to have capsized it, and all evidence indicates it was so trapped. Navy officials feared the consequences of putting such large quantities of water aboard, and they, particularly Captain Simmers, complained after the disaster that their requests to the city fire department members at various times to cease pumping water on the vessel were not executed quickly enough, and were sometimes ignored. Communications between the fire boats and Navy officials on shore and the U. S. S. *Lafayette* were poor. Finally, it became necessary to have the mayor of New York radiophone the city fire boats, and it was only then that the pumping ceased. The privately owned fire tugs not equipped with radiophone continued to pump water for some time thereafter.

Concluding, as one old and respected salvage operator expressed himself, "She was doomed 1 hour after the fire started. There was only one way the ship could have been saved, and that was if only someone had made the decision to let her burn herself out she might have stayed afloat." For certain, this last opinion can only be justified as an after-thought when one recalls the menacing picture of the great vessel afire.

RESPONSIBILITY

From the foregoing facts concerning the origin of the fire and the subsequent capsizing of the *Lafayette*, it would be a simple matter for your counsel to report that the proximate cause of the disaster was the careless use of an acetylene burner in close proximity to inflammable material by certain employees of the Robins Dry Dock & Repair Co., and then let the matter rest at that point. There are other causes, however, that contributed in no small measure to the loss of this naval vessel—disregard of contractual obligations, confusion of naval command, supervision, and indecision—and this report would not be complete without reference to them. I now deal with these subjects in that order.

The Robins Dry Dock & Repair Co. commenced the work of converting the *Lafayette* from a luxury liner into a troop ship capable of carrying 15,000 or more soldiers, on December 24, 1941. Contrary to Navy regulations and customs, no receipt whereby responsibility for the naval vessel is established was given by the contractors to the Navy Department for this vessel. It is reasonable to assume that this matter should have been discussed at the first conferences between Robins executives and the district matériel office, but witnesses advise me that the subject was not brought up. However, it has been intimated by Admiral Adolphus Andrews, at that time commandant of the Third Naval District, that pier 88, North River, New York City, was constructively an extension of the contractor's yard, and it was considered by him to be such. The vessel was too large to be accommodated in any shipyard in New York City, and if the work were to be done at all, it had to be done where she then lay, moored to her pier in the North River.

The contract under which the work was being performed is the usual blanket and standard contract used by the Navy Department in its relations with privately owned shipyards throughout the United States. It provides, among other things, that work will be assigned to the contractor on a time and material basis, and the ratable com-

compensation is fixed prior to the start of the particular job. The compensation fixed for the conversion work in the instant case was \$3,800,000, and subsequent changes and adjustments had raised this sum to approximately \$5,500,000 on the day of the fire.

Regardless of the mooted question of responsibility raised by the question of where the work was done, the contract itself imposed certain obligations on the contractors with regard to the safety precautions that must be assumed by the contractor in undertaking to do work on naval vessels. These provisions of the contract and pertinent to this investigation are as follows:

Article 11 (a) of the contract provided:

The contractor shall exercise the highest possible degree of care to protect the vessel from fires. To this end the contractor shall maintain an adequate system of inspection over the activities of welders, burners, riveters, painters, plumbers, and similar workers, particularly where such activities are undertaken in the vicinity of the vessel's magazines, fuel-oil tanks, or store rooms containing inflammable material * * *. At least four 2½-inch-diameter hose lines shall be maintained between the vessel and the shore (two forward and two aft), ready for immediate use at all times while the vessel is berthed alongside the contractor's pier, or in the drydock or on the marine railway * * *. The contractor shall maintain a fire watch on the vessel at all times satisfactory to the naval inspector.

The Robins' contract further provided in article 24:

The contractor shall, whenever directed by the Secretary of the Navy, report to the Navy Department the citizenship, the country of birth, or the alien status of any or all of his employees at the plant, factory, or site of the work and/or materials covered by this contract.

It is important, therefore, that I review the evidence to determine whether or not the contractor complied with these foregoing provisions of the contract.

Testimony reveals that four 2½-inch hose were connected from pier 88 to the *Lafayette*, that these hose were connected with the New York City water mains into the ship's water systems, and that it was possible to hook them up with the ship's fire mains. Considering the fact that the contractor was working away from his own yard, and further considering the location and size of the ship, this facility may be deemed to be the best that could be afforded under the circumstances.

It can be stated that the contractor did attempt to provide so-called fire watchers at all times in that vicinity of the ship where welding, burning, and other operations requiring the use of open-flame torches were being performed. The questions that arise in this case are whether or not a sufficient number of fire watchers, competent and sufficiently trained for the work they were called upon to do, were present on the *Lafayette* on February 9, 1942. What is equally important is the question of whether or not proper supervision was maintained over these fire watchers to see that they carried out their assignments and that they actually reported to the place where they were supposed to be.

The record of the investigation reveals that fire watchers were recruited, figuratively speaking, "from the highways and byways," that they had no experience in the important type of work that they were called upon to do, that their training was superficial, if they were trained at all, and in most cases they were unskilled laborers.

The fact is not disputed that there were no fire watchers present at the time or place where the fatal fire started, and this despite the fact that "burning" was being done in a place where, to the admitted

knowledge of the contractor's representatives and Navy officials, inflammable material was stored, namely kapok life preservers.

Many reasons have been offered in testimony as to why there were no fire watchers present in the grand salon on the afternoon of February 9. It is well to examine some of the reasons offered, because it reveals beyond doubt that there was no proper supervision over fire watchers, that their assignment to particular locations where "burning" was being done was haphazard, and that both contractor's representatives and Navy officials were equally guilty in this respect.

One Nadel was selected as the "boss fire watcher" because, it was said, "he had had previous naval experience and that he had previously served as a fire watcher aboard a merchant vessel." It was Nadel's job to determine from the "boss burner," Gately, where the fire watchers were needed, make the assignments of his men and then, with the aid of his assistant, one Kraus, make the rounds to see that they were at the place where he had assigned them.

No such check-up ever was made by either Nadel or Kraus to see that fire watchers were present, at least at the place of the fatal burning, between the hours of 11:50 a. m. and 2:45 p. m., on February 9, 1942. Although Kraus, on Nadel's instructions, had ordered two watchers to report to this location at 1 p. m. to relieve the fire watcher who was going to lunch, his instructions, to wit: "*One of you two fellows go to the dining room on the Promenade Deck, * * **" lacked both definiteness and finality and thereby revealing an absence of competent and efficient supervision.

Nor can the Navy officials be absolved from all blame in this regard. Despite the fact that the danger of having large piles of kapok life preservers stored aboard the vessel was discussed and known to the district matériel officer in charge and his assistants, an acetylene torch by their orders was used in the proximity of these bales of kapok life preservers. The naval inspectors on duty aboard the *Lafayette* never inspected the burning operations going on in the grand salon. In fact, Senior Naval Inspector Henry P. Wood happened to pass through the grand salon on his way to the smoking lounge just a minute or two before the burning of the fourth and last stanchion had been completed. He stopped to talk with Gately, the boss burner, and, making due allowances for any lack of powers of observation, he should have observed that these workmen were using an acetylene torch within arm's length of highly inflammable material. Nevertheless, Wood never admonished or even cautioned the workmen, but he proceeded on his way with the parting remark, "Down with the old apple tree," referring to the last stanchion.

Wood's remark, as quoted above, seems to exemplify the tempo and the spirit of the occasion and explains in part the conditions that existed aboard the *Lafayette* on the day of the fire. To meet the demand for speed that had been imposed upon them by the Bureau of Ships at Washington something had to be sacrificed and, unfortunately, in the instant case it seemed to be care. In order to get the ship ready to sail on February 14, against the judgment of those who were actually on the scene, it became necessary to bring in welders and burners from all over the city, some of whom were not experienced in the inherently dangerous operation of using a torch in the close confines of a naval vessel. Eighty or more burning and welding operations were being performed aboard the *Lafayette* on the day of the fire.

Although the contractor cannot be excused from the duty of exercising reasonable care in the performance of his contract, it must be stated, in fairness, that he was working under difficulties not wholly of his own making, that he was deprived of the services of experienced and better trained fire watchers that would have been available to him if the work could have been done in his own yard, and that he was working under an unreasonable time limitation.

Lastly, and with respect to that provision of the contract concerning the employment of enemy aliens aboard a naval vessel, the records show that there were 5 such aliens employed aboard the *Lafayette* on the day of the fire, four of them in violation of the contract and one who had obtained approval by the Navy Department. Approximately 105 other workmen who claimed citizenship had failed, up to that time, to submit proof of their American birth.

Each and every one of these persons was carefully checked by the Federal Bureau of Investigation, and none of them was found to ever have been guilty of subversive activity. To be sure, their presence aboard the *Lafayette* afforded to these enemy aliens, if so minded, the opportunity to commit sabotage. The testimony shows none of these enemy aliens was working in the vicinity in which the fire originated.

In establishing the responsibility for the loss or damage to a naval vessel, the question of naval command is of paramount importance. In the case of the *Lafayette* this matter never has been definitely determined, and this may be due to the fact that the ship had not been commissioned as of February 9, 1942. The testimony developed the following information on the subject of command:

Admiral Adolphus Andrews, on February 9, was in command of the eastern sea frontier, a combat post, extending from Maine to Florida. He was at the same time commandant of the Third Naval District. As such commandant, according to Navy regulations, he had no direct responsibility for supervision of the conversion of the *Lafayette*. He admits that he never had been aboard the vessel, knew little or nothing about her unique construction, and, although he assumes full responsibility for his command in true Navy tradition, no one can truthfully say that the responsibility for the loss of this ship rests with Admiral Andrews.

The vessel had been informally turned over to Capt. Clayton M. Simmers, United States Navy, district matériel officer in charge of conversion. At this time, on or about February 9, Captain Simmers' office was supervising the conversion of 30 or more ships. He, Captain Simmers placed Lt. Comdr. Lester C. Scott, United States Naval Reserve, in direct charge of the conversion operation of the U. S. S. *Lafayette*. His, alone, was the duty of supervising the work of the contractor. Scott, in turn, had his assistants, officers, and civilian inspectors to assist him in seeing that the work of conversion was performed in safe, efficient, and orderly manner. It must be admitted that this record is replete with instances of the obstacles that confronted this man in performing his duty, to wit: Five hundred or more different work operations, the demand for speedy completion and indecision on the part of his superiors as to the final use of the vessel. Nevertheless, from a common sense standpoint, as the tempo of work and concomitant danger increased, so should have increased measures of safety for the security of the ship.

I do not find any basis to charge Lieutenant Commander Brooks, United States Coast Guard, with any responsibility for the loss of the vessel, directly or indirectly. He was not consulted about or kept advised of the work of the contractor or the planning of the district matériel office. Primarily, the Coast Guard unit was to tend the auxiliary machinery necessary for lighting, heating, and sanitary services. The Coast Guard, it is true, did maintain a skeleton fire brigade. The Coast Guard crew was busy instructing the prospective crew in the detailed and intricate machinery of the vessel so far as they, the Coast Guard, were acquainted with it. But the Coast Guard detail was specifically directed not to interfere with or interrupt the work of conversion carried on by the contractor under the supervision of the office of district matériel, as is set forth in Naval Regulations. The testimony of Captain Simmers and Lieutenant Commander Scott indicates that they regarded Brooks as being in command for purposes of security. The only basis for such testimony is the fact that the United States Coast Guard had been in custody of this liner prior to its having been taken over for conversion by the United States Navy.

Capt. R. G. Coman, United States Navy, prospective commander on board the U. S. S. *Lafayette*, most certainly had no responsibility for the vessel. The general outline of duties of a prospective commanding officer of an auxiliary-type vessel, issued by the Bureau of Ships, specifically limited his authority to recommending changes to the district matériel office.

U. S. S. "LAFAYETTE" AS A TROOP SHIP

Capt. H. LeHuede, French Commander of the *Normandie*, gave it as his opinion in appearing before your counsel that the *Normandie* was so constructed that her use for any war purpose was inadvisable. Other competent witnesses before your counsel volunteered the information that the *Normandie*, because of her lack of proper compartmentation, the location of her motive power, and her lack of stability, was extremely vulnerable to attack by submarine. Unlike the British large luxury liners, the French liner *Normandie* was never designed with thoughts of war use. It is admitted she had a large measure of speed and operated economically; nevertheless, the absence of other qualities, particularly stability and compartmentation, should have militated against her use as a troop carrier. It was observed that the weight of 15,000 soldiers unevenly distributed at any time for causes unknown might result in a disaster at sea.

SUMMARY

1. The cause of the fire was the careless use of an oxy-acetylene torch in close proximity to inflammable material by the contractor's employees without adequate and proper safeguards, in violation of contractor's rules and sound judgment.
2. The fire was not an act of sabotage, nor was there any evidence found of attempts to sabotage.
3. The work was unduly accelerated through decisions made by the United States Navy Bureau of Ships in Washington by persons in authority who were not on the scene, who had no personal knowledge of the work entailed, yet placed unreasonable time limitations on those charged with the actual burden of doing the work—and in the face of advice to the contrary by subordinate Navy officers who were on the scene and fully acquainted with the difficulties involved.

4. The work of the contractor with respect to the security provisions of the contract was not properly supervised by the United States Navy district matériel office.

5. The proximate cause of the capsizing was the undue amount of water placed aboard the ship to extinguish the fire. Other and contributing causes were the flooding of water through open cargo ports and drains as the vessel lost her stability, and the absence of adequate damage controls.

RECOMMENDATIONS

By Executive order of the President, dated February 26, 1942, the Navy was vested with full responsibility for the protection of the New York waterfront. The Secretary of the Navy pursuant thereto did designate the Commandant of the Coast Guard as the responsible officer under said directive. But it is not clear at this date that the directive has been fully compiled with.

The loss of the *Lafayette* proved beyond doubt the need of clearly defined responsibility under a single head accompanied with adequate authority in military or naval undertakings. The protection of the security of the port of New York and all other maritime cities, particularly of their ship facilities, piers, boats, yards, and equipment, is a most important undertaking, and the confusion of control and authority that now exists with respect to these agencies should be corrected.

It appears to me that the United States Coast Guard is endeavoring to do an honest job of protecting the naval interests in New York Harbor but under difficulties. We find on the piers and waterfront property not only Coast Guard personnel, but also United States customs guards, members of the New York police force, and other civilian guards employed by the several steamship companies through private detective agencies, each with their own jurisdiction and authority. This should be corrected.

1. Therefore, a branch of the naval service, such as the Coast Guard, should be given in a most clearly defined directive the full responsibility for the security of the above services in the port of New York and other maritime cities, forthwith. Their authority should be unquestioned and without limitation in matters of the physical security. The authority of the United States Coast Guard should be without limitation by reason of the appointment of any other type of administrator or coexecutor, Federal, municipal, civilian, or otherwise. The force of men assigned should be adequate to the task involved. Training should be thorough. Their rules of security should be published and given adequate sanctions. So timely and vital is this problem that the commandant or captain of the port, United States Coast Guard, shall acquaint the Governor of the State and the mayor of the city with his problem if the State or city government is involved.

The United States Coast Guard's designated personnel should be augmented with adequate personnel to do the job.

With respect to the Office of Naval Intelligence, this office should perform all necessary intelligence and investigative work to effectuate the aims and purposes of the Coast Guard command. It is understood and appreciated that this office has other duties with respect to the Navy.

2. Forgetting for the moment the proximate cause of the fire, which must be attributed to the everyday carelessness of the ordinary laboring man working without proper supervision, and which only more and

better supervision can ever prevent, the investigation reveals a need for some legislation that may help to prevent similar disasters and loss of United States property and naval vessels in the future. Several things suggest themselves:

It cannot be denied that the haste imposed upon the contractor by the Bureau of Ships was an important factor in the loss of the *Lafayette*. What is more important is the undisputed fact that this haste was dictated in Washington by men who evidently had no conception of the work entailed in carrying out their orders and in total disregard of contrary advice from responsible and competent men on the scene.

Therefore, it occurs to me that the Chief of Naval Operations should set up some sort of inspection service whereby he can keep himself directly informed of what is going on within the various naval shore establishments and private shipyards throughout the United States. The Navy Department has been and is now considering such an inspection system.

There is some doubt in my mind that legislation is necessary in order to empower the Secretary of the Navy and the Chief of Naval Operations to create such an inspection or liaison service, as I suggest. However, this matter should be called to the attention of the aforesaid officials, and if legislative authority is needed they should request it.

3. Some system should be inaugurated to prevent the reemployment of civilians in a similar plant in another part of the United States who have been discharged from one naval establishment or plant engaged in national defense work because of subversive, espionage, or other inimical activity.

4. An immediate inspection and report should be made of every private shipyard engaged in war work throughout the United States with respect to fire control, opportunity for sabotage, and other qualities as are deemed essential for the defense of the country. This report should be completed on or before June 15, 1942, and be submitted to the Secretary of the Navy for appropriate action.

5. City or other authorities should be more stringent in affording work certificates to burners and welders. This type of work is inherently dangerous, yet more care is exercised in issuing a license to drive an automobile than in issuing a certificate to burn and weld.

6. Officers and crews, shipyard executives, welders, burners, and fire watchers should be made aware of the highly combustible nature of kapok.

7. It was reported to your counsel that the large demands now being made upon the Bureau of Criminal Identification of the Federal Bureau of Investigation for the identification of persons engaged in war work through fingerprint and other records has caused a bottleneck, resulting in a delay of 6 months or more before reports are rendered. This should be remedied forthwith.

8. The investigation disclosed that there is no equipment in New York Harbor capable of pumping trapped water out of the larger sized vessels. This is a matter that should be called to the attention of the proper authorities in the United States Maritime Commission, the Navy Department, and the city of New York.

Respectfully submitted.

JAMES F. DULLIGAN,
Chief Counsel.