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IAW SECNAVINST 5720.42A

RECORD OF PROCEEDINGS

OF A

COURT OF INQUIRY

CONVENED AT

HEADQUARTERS, COMMANDER MARIANAS, GUAM

BY ORDER OF

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS

TO INQUIRE INTO ALL THE CIRCUMSTANCES CONNECTED WITH THE SINKING OF THE USS INDIANAPOLIS (CA-35), AND THE DELAY IN REPORTING THE LOSS OF THAT SHIP AUGUST 13, 1945.

VOLUMES ONE AND TWO

AND PAPERS CONCERNING

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The court, having thoroughly inquired into all the facts and circumstances connected with the allegations contained in the precept and having considered the evidence adduced, finds as follows:

FINDING OF FACTS

NARRATIVE

1. U.S.S. INDIANAPOLIS, Captain Charles B. McVay, III, U. S. Navy, commanding, departed Apra Harbor, Guam, at about 0900 KING, 28 July, under orders contained in Cincpac Advance Headquarters Secret dispatch 260152 July, and routed by Port Director, Guam, to Leyte, Philippine Islands, there to report by dispatch to CTF 95 upon arrival. Cincpac dispatch directed CTG 95.7 to arrange ten days training for INDIANAPOLIS. Routing instructions for INDIANAPOLIS were contained in Port Director, Guam, Secret Letter PDG 1849, dated 28 July 1945, which prescribed an ETA at 1100 ITEM, 31 July.

2. Upon her departure, Port Director, Guam, sent his secret dispatch 280032 addressed for action to SCOMA, Port Director Tacloban, and CTG 95.7. Information addressees were: Com5thFlt, ComMarianas, CTF 95, ComPhilSeaFron, Cincpac - both headquarters, and ComWestCarolines.

3. Due to communication errors, Cincpac Secret dispatch 260152, although received on CTG 95.7 flagship, was not decoded and, therefore, never reached Rear Admiral Lynde D. McCormick, who was CTG 95.7.

4. The ship proceeded along her assigned route "Peddie" making engine revolutions for seventeen knots until she reached position about 12° 02' North, 134° 48' East, where at about 0005 July 30, 9½ zone time, she suffered two heavy explosions, listed rapidly to starboard, capsized, and sank in about fifteen or twenty minutes, going down in water of more than 1200 fathoms.

5. At the time of the first explosion the Commanding Officer was asleep in his emergency cabin on the navigating bridge level. He proceeded into the bridge, received reports as to damage from the Damage Control Officer and from the Executive Officer. The latter reported the damage serious, the ship sinking rapidly, and recommended "abandon ship". This word was passed by word of mouth by the Boatswain's Mate of the Watch since communications were out.

6. Before giving this order, he had directed the Navigator to send out a message that the ship had been hit by two torpedoes, was sinking rapidly and needed immediate assistance. Position of the ship was included in this message. It is believed, however, that no distress message ever left the ship due to damage to radio equipment and loss of power.

7. The Commanding Officer was washed overboard while standing on the ship's side about frame 110, and swam to an empty life raft.

8. The survivors kept themselves afloat in life rafts, floater nets, and life jackets and were assembled in four groups of varying sizes, which, when finally discovered, were dispersed along a line about twenty miles long.

9. Food and water and medical supplies were found in the rafts and in the water, but in many cases water was brackish and medical supplies wet with salt water.

10. Several planes were sighted by the various groups but the survivors were unable to attract attention to themselves by use of mirrors or by waving flags, clothing, etc.

11. At about 1125 ITEM, 2 August, a regular search plane of VPB 152, piloted by Lieutenant (junior grade) Wilbur C. Gwinn, U. S. Naval Reserve, sighted what he estimated to be thirty survivors in the water at 11° 30' North, 133° 30' East, and immediately communicated this fact to his Squadron Commander, Lieutenant Commander George C. Atteberry, U. S. Naval Reserve, at

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Peleliu. Other planes were flown to the area, including an Army and a Navy Dumbo, and two Army B-17s, equipped with life boats. The Dumbos made successful landings, the Navy Dumbo picking up 56 survivors but being unable to take off. The Army Dumbo successfully took off with one rescued survivor.

12. Meanwhile, four destroyers, four destroyer escorts, and three APDs, under command of Commander Marianas, Commander Philippine Sea Frontier, and Commander Western Carolines Sub Area, were ordered to the area and succeeded in rescuing a total of fifteen officers, including Captain McVay, and 300 enlisted men.

13. So far as is known, there were 82 officers and 1,114 enlisted men aboard the INDIANAPOLIS on the night of 29 - 30 July, 1945.

14. The missing are 67 officers and 809 enlisted men, some of whom have been partially identified as dead.

15. Four enlisted men died while enroute to hospitals.

16. Survivors were landed at Peleliu and Samar. Search of area for additional possible survivors and for bodies was continued through 8 August, when it was considered that the area had been fully covered and further search futile.

17. After hospitalization at points of debarkation, survivors able to travel were transferred by hospital ship or air to Guam.

18. List of survivors, known dead, partially identified dead, and missing is appended, Exhibit 20.

FACTS

1. That INDIANAPOLIS had been informed by Port Director, Guam of recent submarine and mine contacts made along her assigned route, "Peddie", to Leyte.

2. That testimony regarding visibility and whether or not the moon was shining is conflicting. Likewise, testimony is conflicting as to whether or not the sky was overcast.

3. That the wind was about force four from southwest, sea confused and choppy with long swell moving from about northeast. The moon was in the last quarter of its phase and rose at about 2205 ITEM.

4. That INDIANAPOLIS was not zigzagging at the time explosions occurred just prior to her sinking.

5. That condition of readiness three, material condition YOKE modified, had been set and was in effect in INDIANAPOLIS at time of the first explosion.

6. That night orders written by Captain McVay required all contact reports, radar or otherwise, to be reported directly to him by voice tube.

7. That no radar contacts were reported to the Commanding Officer on the night of 29 - 30 July.

8. That an explosion occurred aboard INDIANAPOLIS shortly after midnight about 0005, zone time 9½, July 30.

9. That as a result of the explosion, INDIANAPOLIS, whose cost and the value of whose equipment is unknown to this court, sank, was a total loss.

10. That following the explosions fires immediately broke out within the forward part of the ship and burned many persons.

11. That as a result of the explosions all communications from the bridge were lost, much of the machinery, including pumps, steam and water pressure, was affected, making proper operation impossible.

12. That both radio One and radio Two of the INDIANAPOLIS endeavored to transmit distress signals giving latitude and longitude and requesting immediate assistance.

13. That check on all possible radio stations that might have heard purported distress signal fails to reveal any station having received this message.

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14. That some of the rafts and life saving equipment of INDIANAPOLIS, including water breakers, emergency rations and first aid equipment were not in good condition in that some water breakers were empty, some contained brackish water, and some first aid packets and other equipment were not watertight.

15. That certain testimony charging Morgan, Eugene S., boatswain's mate second class, U. S. Naval Reserve, with unauthorized use of water and rations has been introduced.

16. That direct evidence refuting the testimony tending to incriminate Morgan, Eugene S., boatswain's mate second class, U. S. Naval Reserve, has been submitted.

17. That certain radio teletype tests of new shipborne equipment aboard INDIANAPOLIS involving net operations between three stations were planned to be carried out upon arrival of INDIANAPOLIS at Leyte.

18. That these tests were not held due to inability to establish communication with INDIANAPOLIS on the frequency prescribed.

19. That because radio teletype on shipboard is a very recent development and its operation involves much skill on the part of highly trained technical personnel, no alarm or concern was created by failure to establish communications with INDIANAPOLIS on this circuit.

20. That no attempt was made by Communications Division of Cincpac Staff to establish communications with INDIANAPOLIS by normal channels.

21. That aircraft on regular search and reconnaissance missions in the general area, as well as other aircraft on transport operations, were seen by survivors on July 30th, 31st, and August 1st, but these aircraft failed to sight the survivors in the sea.

22. That planes attached to VPD 133, operating from Peleliu, while engaged in regular patrol and submarine search, flew in close proximity to area where ship sank, July 30, July 31 and August 1 and failed to sight survivors.

23. That weather conditions during period July 30 - August 2 were good in the general area in which INDIANAPOLIS sank, as reported by search planes engaged in normal search and reconnaissance operations, but with glassy sea.

24. That Lieutenant (junior grade) Wilbur C. Gwinn, U. S. Naval Reserve, took off from Peleliu in PV-1, number 49538, at 0910 KING, 2 August, on a regular day search and anti-shipping patrol of Sector 19W258, cruising at 3,000 feet in good weather with very glassy sea conditions. At about 1100 he went aft to the tunnel to investigate the possibility of repairing the trailing antenna and, while there, noticed he was directly over an oil slick, which he followed, changing course to do so and letting down to an altitude of 900 feet.

25. That at about 1125 KING he sighted about 30 survivors and immediately sent following message: "Sighted thirty survivors 11° 30' North 133° 30' East. Dropped transmitter and life boat. Emergency IFF on".

26. That thereafter efficient search and rescue operations were conducted.

27. That Pacific Fleet Confidential Letter 10CL-45 dated 26 January 1945 states "Arrival reports shall not be made for combatant ships". SEVENTH Fleet instructions contained in Confidential Letter 2CL-45 were identical at the time INDIANAPOLIS was sunk, but have now been changed by Commander Philippine Sea Frontier Secret dispatch 031406 August to require a report to that officer of all combatant ships which are five (5) hours overdue.

28. That at time of sinking of INDIANAPOLIS, non-arrival of combatant ships at Guam was normally reported to Commander Marianas by Port Director, Guam, twelve hours after ETA. No such report was made normally by Port Director, Tacloban, or by the Operations Officer of Commander Philippine Sea Frontier to Commander Philippine Sea Frontier, nor was there any provision for making such reports.

29. That no direct responsibility existed in the administrative organiza-

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tion at Leyte Gulf for control and accountability of all shipping.

30. That at the time INDIANAPOLIS sank, there were no instructions in effect in the Philippine Sea Frontier to indicate what action should be taken if a combatant ship which was routed Port Director, Leyte, failed to arrive.

31. That the Operations Officer, Philippine Sea Frontier, caused an entry to be made on the plotting board in the Operations Office, of the predicted positions of the INDIANAPOLIS from time of departure from Guam to ETA at Leyte, in accordance with routine practice followed by his office.

32. That until a dispatch was received reporting survivors, INDIANAPOLIS was shown on the Operations plot in Operations Office of Commander Philippine Sea Frontier as having arrived in Leyte Gulf.

33. That Port Director, Tacloban, and CTG 95.7 were action addressees on Port Director, Guam, dispatch 280032 announcing ETA of INDIANAPOLIS at Leyte as 1100 ITEM, 31 July.

34. That due to an error in decrypting Cincpac dispatch 260152 in the Communication Office of CTG 95.7, this dispatch was not decoded and, therefore, neither Rear Admiral Lynde D. McCormick nor his Staff knew that he had been ordered to "arrange ten-day training period for INDIANAPOLIS in Leyte area".

35. That CTG 95.7 was in Leyte Gulf when dispatch 280032 was received on board.

36. That no arrangements were made by CTG 95.7 regarding INDIANAPOLIS prior to his going to sea on July 31, it being assumed she would arrive in accordance with her ETA.

37. That CTG 95.7 departed Leyte Gulf about 1000, July 31, with some of the ships of his Task Group to conduct training exercises and returned August 2.

38. That CTG 95.7 expected INDIANAPOLIS would have arrived in the anchorage while he was at sea and would report to him upon his return to port on August 2.

39. That the Port Director, Tacloban, was unaware of the fact that INDIANAPOLIS had not arrived at Leyte on July 31 as scheduled.

40. That the Port Director, Tacloban, took no positive action with respect to the non-arrival of INDIANAPOLIS on July 31, although he was one of the action addressees on Port Director, Guam, dispatch 280032.

41. That Operations Officer, Port Director, Tacloban, Lieutenant Stewart B. Gibson, U. S. Naval Reserve, recorded the ETA of INDIANAPOLIS in the Operations Office, upon receipt of Port Director, Guam, dispatch 280032.

42. That the Operations Officer, Port Director, Tacloban, Lieutenant Stewart B. Gibson, U. S. Naval Reserve, considered he was not required to take any action regarding non-arrivals of combatant ships, therefore, he took none when the non-arrival of INDIANAPOLIS came to his attention.

43. That until after the sinking of INDIANAPOLIS, when a new directive was issued, the Port Director, Tacloban, did not assume any responsibility regarding the arrival or non-arrival of combatant ships in that port.

OPINIONS

1. That the Operations Officer, on staff of Commander Marianas, considered the danger from submarines along the route "Peddie" practically negligible at the time INDIANAPOLIS sailed from Guam.

2. That visibility on night in question was good with intermittent moonlight.

3. That in view of all the attendant circumstances including Fleet doctrine, sound operational practice required INDIANAPOLIS to zigzag on the night in question.

4. That regular patrols for damage control were maintained in INDIANAPOLIS on the night of her sinking.

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5. That an adequate bridge watch and lookouts were stationed aboard INDIANAPOLIS on the night in question.

6. That the ship was in normal wartime cruising condition, condition of readiness THREE, material condition YOKE modified, immediately prior to the explosions.

7. That it cannot definitely be determined whether or not condition of watertight integrity prescribed by material condition YOKE modified, was being strictly observed.

8. That there is conflicting testimony as to whether there were one or two explosions, but the court is of the opinion that two major explosions occurred within a matter of seconds, one forward of frame 15, the other at about frame 55.

9. That the origin of the explosions cannot be clearly established since testimony of survivors is contradictory and inconclusive.

10. That, due to the violence of the explosions, with resulting damage to radio installations, radio personnel were uncertain as to whether or not a distress signal actually left the ship.

11. The court is of the opinion that no distress message did leave the ship.

12. The court is of the opinion that delay in attempting to send a distress message was caused by:

(a) Loss of internal communications.
(b) Damage to radio installations.
(c) Some uncertainty regarding proper frequency to be used.

13. That deficiencies in life saving equipment reported by some of the survivors were in part due to conditions beyond the control of the ship, i.e., design and type of equipment furnished by the Department.

14. That first aid kits did not contain sufficient quantities of remedies for burns and for eye troubles caused by salt water and fuel oil.

15. That insufficient or brackish water found in breakers might have developed after they were cast loose from the ship, or might have been the result of inadequate or insufficient inspections.

16. That standard life rafts and kapok jackets, due to their neutral color, are difficult to sight.

17. That testimony of Lieutenant Richard B. Redmayne, U. S. Naval Reserve, regarding immoral conduct of unnamed men in the "sick bay raft" was based on hearsay and, due to mental condition of that officer at the time, may have been imagined.

18. That certain testimony tending to incriminate Morgan, Eugene S., boatswain mate second class, U. S. Naval Reserve, regarding unauthorized use of water and rations which has been introduced is largely refuted by witnesses in Morgan's behalf.

19. That failure of search planes on July 30 and August 1 to sight survivors in water in area where ship sank, while regrettable, cannot be attributed to carelessness or inattention to duty on the part of the plane crews in question.

20. That normal search and reconnaissance of the area where ship sank was being conducted at altitudes in accordance with prescribed doctrine, from which altitudes it was extremely unlikely that small objects on the surface of the water could be detected.

21. That the sighting of the survivors of INDIANAPOLIS was accidental.

22. That failure to inquire into the reason for non-arrival of INDIANAPOLIS at Leyte on schedule was primarily due to a faulty system which had grown up. This led to resultant complacency on the part of responsible personnel by reason of the instructions contained in Pacific Fleet Confidential Letter 10CL-45 and Commander SEVENTH Fleet Confidential Letter 20CL-45, pertinent paragraphs of which are quoted:

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"The Commander of a Fleet Unit making a movement will not originate a movement report. He shall, however, when the military situation permits, issue such supplementary reports as may be required to apprise those who need to know of:

(1) Changes in orders or corrections of erroneous information contained in movement reports; and

(2) Deviations from prescribed routing of more than 40 miles or changes in prescribed ETA of more than three hours."

and

"Arrival reports shall not be made for combatant ships."

23. That directive in Pacific Fleet Confidential Letter 10CL-45 regarding non-reporting of arrivals of combatant ships was intended to reduce heavy communication load and for security purposes.

24. That there was a definite belief in the minds of responsible personnel of Commander Philippine Sea Frontier and Port Director, Tacloban, that the prohibition contained in directives regarding not reporting arrivals of combatant ships likewise prohibited, by implication, reporting of non-arrivals.

25. That the intent of Pacific Fleet Confidential Letter 10CL-45, paragraph 3(b), is that port authorities and others concerned be kept advised of prospective arrivals of combatant Fleet units. In case of unexplained non-arrival, the court is of the opinion that Commander in Chief, Pacific Fleet, expected action to be initiated by those concerned.

26. That it should be the duty of the Port Director to whom a ship is routed to account for her arrival or non-arrival.

27. That failure of communication personnel on CTG 95.7 staff to correctly decode Cincpac dispatch 260152 prevented CTG 95.7 having all possible information regarding employment of INDIANAPOLIS in the immediate future.

28. That attention might have been drawn to failure of INDIANAPOLIS to arrive at Leyte Gulf at appointed time, if those in charge of radio teletype tests had endeavored to communicate with her by other means.

29. That the most probable cause of the explosions was that the ship had been struck almost simultaneously by two torpedoes from an enemy submarine.

30. That the next most probable cause of the explosions was that the ship struck one or more mines.

31. That the least probable cause of the disaster was a series of explosions within the ship.

32. Although the court has been unable to establish the fact that the ship was torpedoed, it has expressed its opinion that the most probable cause of the explosions was torpedo hits. It has also expressed its opinion, in spite of conflicting testimony, that visibility on night in question was good with intermittent moonlight. The moon, in last quarter of its phase had risen at about 2205 ITEM. The court is, therefore, of the opinion that failure of the ship to be zigzagging at the time the explosions occurred was a contributory cause of the loss of the ship. This opinion, however, cannot be given full weight for the following reasons:

(a) Possession of radar by the enemy makes tracking and accurate attack relatively simple, whether a ship is zigzagging or not, unless, in the case of a ship making fifteen knots or more, the submarine happens to be in poor initial position.

(b) If the ship struck mines or was sunk by internal explosions, zigzagging made no difference.

33. The court is of the opinion that failure or inability of the ship to transmit a distress message was the primary cause of delay in connection with reporting the loss of the ship and delay in initiating rescue operations.

34. The court is of the opinion that failure of any naval activity in Leyte Gulf to inquire into the reason for non-arrival of INDIANAPOLIS was a contributory cause of the delay in reporting the loss of the ship and delay in initiating rescue operations.

35. The court is of the opinion that instructions contained in Pacific

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Fleet Confidential Letter 10CL-45 and SEVENTH Fleet Confidential Letter 2CL-45, with particular reference to the following:

"The Commander of a Fleet Unit making a movement will not originate a movement report. He shall, however, when the military situation permits, issue such supplementary reports as may be required to apprise those who need to know of:

(1) Changes in orders or corrections of erroneous information contained in movement reports; and

(2) Deviations from prescribed routing of more than 40 miles or changes in prescribed ETA of more than three hours."

and

"Arrival reports shall not be made for combatant ships.",

were the primary causes of the failure of any naval activity to inquire into the reason for non-arrival of INDIANAPOLIS at its ETA.

36. That CTG 95.7 and Port Director, Tacloban, were action addressees on Port Director, Guam, dispatch 280032 announcing ETA of INDIANAPOLIS and, therefore, the court is of the opinion that responsibility rested upon these officers regarding arrival of INDIANAPOLIS at Leyte, or her failure to arrive. However, responsibility of CTG 95.7 regarding arrival of INDIANAPOLIS at Leyte was lessened because of his absence from port at the ETA of INDIANAPOLIS. The concern which he otherwise might have felt was further lessened by his failure to receive Cincpac dispatch 260152.

37. That although responsibility of Port Director, Tacloban, with respect to reporting non-arrival of combatant ships was not clearly laid down either in his orders or in any instructions or directives issued by higher authority, the court is of the opinion that responsibility did exist which is implicit by the nature of his duties.

38. That responsibility for delay in connection with reporting the loss of INDIANAPOLIS rests with the following:

(a) Lieutenant Stewart B. Gibson, U. S. Naval Reserve, for failure to bring to the attention of the Port Director, Tacloban, the fact that INDIANAPOLIS was overdue and that he had received no supplementary movement report setting a new ETA, or announcing a change of orders.

(b) Communication staff of CTG 95.7 for failure to decode Cincpac Secret dispatch 260152 which directed that officer to arrange ten-day training period for INDIANAPOLIS in Leyte area.

39. The court is of the opinion that a contributory responsibility for loss of INDIANAPOLIS rests upon Captain Charles B. McVay, III, U. S. Navy, for failure to order zigzag courses to be steered.

40. The court is also of the opinion that a contributory responsibility rests upon Captain Charles B. McVay, III, U. S. Navy, for delay in connection with reporting the loss of that ship, due to failure to send out a distress message.

41. The court is of the opinion that no offenses were committed, except as indicated in opinion 42.

42. The court is of the opinion that no blame for loss of INDIANAPOLIS, or for delay in reporting loss of that vessel, attaches to any officer or man except as follows:

(a) Commanding Officer, U.S.S. INDIANAPOLIS incurred serious blame for failure to order zigzag courses to be steered on the night in question.

(b) Commanding Officer, U.S.S. INDIANAPOLIS incurred serious blame for failure to send out a distress message.

(c) Operations Officer, Port Director, Tacloban, incurred blame for failure to bring to the attention of the Port Director, Tacloban, the fact that INDIANAPOLIS was overdue.

(d) Communications staff of CTG 95.7 incurred blame for failure to decode Cincpac Secret dispatch 260152.

43. The court is of the opinion that the record of this inquiry contains

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matter of interest in the cases of the following officers, but not of sufficient interest to make them defendants or interested parties, or to warrant further proceedings against them:

(a) Rear Admiral Lynde D. McCormick, U. S. Navy;
(b) Commodore Norman C. Gillette, U. S. Navy;
(c) Commodore Jacob H. Jacobson, U. S. Navy;
(d) Captain Alfred M. Cranum, U. S. Navy;
(e) Lieutenant Commander Jules E. Sancho, U. S. Naval Reserve.

44. That all personnel losses and injuries were incurred in line of duty, and not as a result of their own misconduct.

RECOMMENDATIONS

1. The court recommends that further proceedings be had as indicated below:

A. That Captain Charles B. McVay, III, U. S. Navy, be brought to trial by general court-martial on the following charges:
I CULPABLE INEFFICIENCY IN THE PERFORMANCE OF HIS DUTY under Article 8, Section 10, Articles for the Government of the Navy,
and II NEGLIGENTLY ENDANGERING LIVES OF OTHERS under Article 22, Articles for the Government of the Navy.

B. That a letter of admonition be addressed to Lieutenant Stewart B. Gibson, U. S. Naval Reserve, based upon Opinion 38(a) of this record of proceedings.

C. That CTG 95.7, Rear Admiral Lynde D. McCormick, U. S. Navy, be directed to take necessary disciplinary action with regard to blame incurred by his communications staff.

2. That no further proceedings be had in the case of Morgan, Eugene S., boatswain's mate second class, U. S. Naval Reserve.

3. That Commander in Chief, U. S. Pacific Fleet, include in Confidential Letter 10CL-45, instructions regarding reports of non-arrival of any vessel, routed to the Port Director at port of destination.

4. That since the rescue of survivors in areas under search is an important wartime mission, altitudes at which aerial searches are flown should be adjusted with due regard to changing military situations which develop in the area under search.

5. That in enemy submarine waters, ships without anti-submarine escort zigzag at all times without regard to state of visibility.

6. That life rafts be provided with bright yellow tarpaulins for protection from sun and weather and also to attract attention.

7. That first aid kits for life rafts, etc., be packed in watertight containers and that adequate quantities of remedies for burns and for eye troubles caused by fuel oil and salt water be provided.

8. The court recommends that subject to the foregoing, no further proceedings be had.