the attack and the extent of Japanese culpability. In any event, the Japanese government issued a note of apology before Panay’s survivors reached Shanghai. In that note, the Japanese insisted that Panay had been bombed by mistake. While no one believed this was true - because Alley had filmed the attack with his 16 mm camera, and this proved that the Japanese planes had flown at masthead height - President Franklin D. Roosevelt did not want to go to war with Japan over Panay. Consequently, he accepted the apology and the Japanese paid nearly a half million dollars in compensation.

Eligibility of Panay crew for Purple Hearts

For their heroism during the attack two Panay crewmembers received the Navy Distinguished Service Medal and there were 26 awards of the Navy Cross. Among these was the award to Lieutenant Arthur F. Anders, who was Panay’s executive officer. Anders was severely wounded by the bombs, was suffering from loss of blood, and was unable to speak. But he remained at his duty station directing the fire of Panay’s machine guns and supervising abandon-ship operations. Being unable to talk, he gave his orders and commands in writing! Similarly, Radioman Third Class James T. Murphy received the Navy Cross for courageously operating the machine gun battery against the attacking planes and he remained at his post of duty until all ammunition was expended.3

But there were no Purple Hearts for those men who had been wounded or killed by the Japanese. The chief reason was because the Navy did not have the authority to award the Purple Heart; it was exclusively an Army award until 1942.

However, even if the Navy had enjoyed award authority similar to that which had existed in the Army since the Purple Heart’s “revival” in 1932, the Navy still could not have awarded the Purple Heart to Panay’s crew. This is because the existing award criteria for the Purple Heart - as contained in Army Regulation 600-45, Awards, dated August 8, 1932 - required that any wound had been “received in action from an enemy of the United States, or as the result of an act of such enemy” (emphasis added). It follows that, if the Japanese had attacked United States soldiers in China, the Army could not have awarded Purple Hearts to them because Japan was not an “enemy” since a state of war did not exist between the United States and Japan at the time of the attack.

After the United States entered World War II in December 1941, and sailors and Marines “serving with the Army” in the Pacific began receiving Purple Hearts from that service, the Navy decided that it wanted its own legal authority to award the decoration. Navy leaders had previously viewed the Purple Heart as an “Army” decoration, and showed little interest in adopting it for the sea services. Their attitude changed, however, when sailors and Marines serving in Army units received the Purple Heart for their wounds and it became an issue of disparate treatment - since sailors wounded aboard warships would always be ineligible for an exclusively Army award.

As a result, the Navy prepared an executive order titled “Award of the Purple Heart to Persons Serving With the Navy, Marine Corps or Coast Guard,” and President Franklin D. Roosevelt signed it as Executive Order No. 9277 on December 3, 1942.

Under this order, the Secretary of the Navy now had the legal authority to award the Purple Heart to those sea service personnel who were “wounded in action against an enemy of the United States, or as a result of an act of such an enemy, provided such a wound necessitates treatment by a medical officer.”

This might have been sufficient legal authority to award the Purple Heart to the crew of USS Panay - because Japan was now an enemy of the United States. Some might have argued, however, that this language was still insufficient because Japan had not been an enemy in 1937. Unfortunately, however, deciding Japan’s status as an enemy was irrelevant because there remained one insurmountable barrier to any Panay Purple Hearts: Executive Order No. 9277 was retroactive only to December 6, 1941!

It was only during the Korean War, when President Harry S. Truman signed Executive Order 10409 on November 12, 1952, that the Navy obtained the authority to award the Purple Heart to the sailors who had been wounded in the attack on Panay. This was because Truman’s order provided for retroactivity to April 5, 1917, the first day of America’s entry into World War I.

As for the issue as to whether Japan qualified as an “enemy” in 1937, Truman’s new order resolved the question because it also expanded the Purple Heart’s award criteria: any wound received “in any action with an opposing armed force of a foreign country in which the armed forces of the United States are engaged” now also qualified for the Purple Heart. Since the attack on Panay was an “action” and “foreign” Japanese forces had “engaged” and wounded American sailors, Truman’s 1952
executive order provided all necessary legal authority.

From 1937 until the early 1990s, however, the issue of Purple Hearts for the crew of USS Panay was forgotten. All that changed in late 1992, when the Navy Department Board of Decorations and Medals met to consider whether it was time to award Purple Hearts to those who had been wounded or killed in the attack.4

According to an October 8, 1992 letter from the Chief of Naval Operations to the Secretary of the Navy, the Navy recognized that it had not had the legal authority to award Purple Hearts for the 1937 incident until long after the event. Additionally, the Navy acknowledged that even with this authority, the Panay “incident had been overcome by other dramatic events” and forgotten until 1992.

But “it is never too late” and now, some 55 years later, the Navy’s leadership decided that the time had come to honor the crew of USS Panay. As the letter explained, there were several reasons to award Purple Hearts to Panay crewmembers - even at this late date:

There is precedent to award the ... Purple Heart. On 17 October 1941, the USS KEARNY (DD-432) was torpedoed by a German U-boat. Eligible crewmembers of the KEARNY were subsequently awarded the PHM [Purple Heart Medal] under Executive Order 9277. There are other well established precedents, but the KEARNY torpedoing should be sufficient. For whatever reason, the current celebrations involving the victorious events of the World War II years, the recent and well publicized victories of Operation DESERT STORM, or a small group of old warriors preparing for their 55th anniversary; now is the time to award the PHM to those PANAY crewmembers who are eligible.

On October 19, 1992, the Chief of Naval Operations expressed no objection to the award of the Purple Heart to eligible Panay survivors and, on October 28, 1992, Acting Secretary of the Navy Sean O’Keefe awarded the Purple Heart “to those crewmembers of the USS PANAY who were killed or wounded on 12 December 1937.”

List of USS Panay crewmembers eligible for the Purple Heart

According to a list compiled by Lieutenant Commander James J. Hughes shortly after the attack on Panay, the following were casualties on December 12, 1937:

**Killed:**

Coxwain Edgar W. G. Hulsebus (died from wounds received in action) (posthumously awarded Navy Cross)
Storekeeper 1st Class Charles L. Ensminger (killed in action)

**Wounded:**

Lieutenant Commander James J. Hughes
Lieutenant Arthur F. Anders (also received Navy Cross)
Lieutenant Clark G. Grazier (Medical Corps) (also received Navy Cross)
Lieutenant (Junior Grade) John W. Geist
Ensign Dennis H. Biwerse
Radioman 2d Class Charles S. Adams (also received Navy Cross)
Officer’s Cook 3d Class Tony Barba, Jr.
Electrician’s Mate 1st Class Carl H. Birk
Gunner’s Mate 3d Class John A. Bonkoski (also received Navy Cross)
Fireman 1st Class Ernest C. Branch
Electrician’s Mate 3d Class Raymond L. Browning
Coxwain Walter Cheatham (also received Navy Cross)
Chief Pharmacists Mate Thomas A. Coleman
Fireman 1st Class Newton L. Davis
Seaman 1st Class John A. Dirnhofer (also received Navy Cross)
Carpenter’s Mate 1st Class Fred G. Fichtenmayer
Chief Water Tender Emery F. Fisher
Machinists Mate 2d Class Michael Gerent
Seaman 1st Class Cecil B. Green
Chief Boatswains Mate Ernset R. Halhmann
Fireman 1st Class Robert R. Hebard (also received Navy Cross)
Fireman 1st Class John L. Hodge (also received Navy Cross)
Water Tender 2d Class Fon B. Huffman
Machinists Mate 2d Class Karl H. Johnson
Seaman 1st Class William P. Lander
Quarter Master Chief John H. Lang (also received Navy Cross)
Chief Machinists Mate Peter H. Lumpers
Machinists Mate 2d Class A. Kozak (also received Navy Cross)
Fireman 1st Class William A. McCabe
Seaman 1st Class Stanely W. McEowen (also received Navy Cross)
Radioman 3d Class J. T. Murphy (also received Navy Cross)
Quartermaster 2d Class James H. Peck
Radioman 2d Class R. Peterson (also received Navy Cross)
Chief Machinists Mate Vernon F. Puckett
Electrician’s Mate 3d Class Kenneth J. Rice
Seaman 1st Class Charles S. Schroyer
Seaman 1st Class Harry B. Tuck
Boatswains Mate 2d Class Cleo E. Waxler
Yeoman 1st Class John T. Weber
It is not clear from the official correspondence, however, that the Navy had a copy of Hughes list. On the contrary, the Navy identified only the following crewmembers as eligible for Purple Hearts:

- Lieutenant Arthur F. Anders
- Lieutenant (Junior Grade) John W. Geist
- Coxwain Walter Cheatham
- Water Tender 2d Class Fon B. Huffman
- Quarter Master Chief John H. Lang
- Electrician's Mate 1st Class Carl H. Birk
- Coxwain Edgar W. G. Hulsebus
- Machinists Mate 2d Class A. Kozak
- Radioman 3d Class J. T. Murphy
- Radioman 2d Class R. Peterson
- Seaman 1st Class Charles S. Schroyer
- Fireman 1st Class Marcus V. Williamson
- Radioman 1st Class A. R. Wisler

Presumably the Navy awarded the Purple Heart to each recipient (or next of kin) on its list. But only one Purple Heart is known to have been presented to a living recipient: Boiler Technician Chief Fon B. Huffman, United States Navy (retired).

Born in Truro, Iowa, Huffman grew up on a farm and enlisted in the Navy when he was 16 years old. He was 24 years old and an experienced “Water Tender 2nd Class” on USS *Panay* when she was attacked. Huffman’s job was to man the boiler room - ensuring that the boilers were hot and making steam to power the gunboat.

In a recent letter to the author, Huffman’s daughter, Nancy Ferguson, explained that her father received a one-inch shrapnel wound in his right shoulder. She also explained that he received $1200 from the Navy - part of his share of money paid by the Japanese as compensation for the attack. Huffman spent $800 of his proceeds on a brand new Chevrolet.

Huffman retired as a Chief Boiler Technician in 1949 after 20 years in the Navy. In addition to *Panay*, he served in USS *Lexington* (CV-16), USS *Augusta* (CA-31), USS *Texas* (BB-35), USS *Stack* (DD-406), USS *Hawkins* (DD-873) and USS *Thomas* (DD-764). Today, Huffman is the only living survivor from the USS *Panay* crew. He is 95 years old, and lives in Arizona.

Although it took 55 years for the Purple Heart to be awarded to those members of USS *Panay* who had been wounded in the Japanese aerial attack of December 1937, the Navy’s decision to award the decoration to those who had arguably been the first American casualties of World War II proves that it is “never too late.”

**Endnotes:**


3. For more on the Panay Navy Cross awards, see http://www.homeofheroes.com/valor/1_Citations/02_interim-nc/nc_04interim_3panay.html (accessed May 9, 2008)

4. The official documents relating to the Navy’s decision to award the Purple Heart to Panay survivors are: "Record of Proceedings of a Board Convened Aboard the USS *Augusta*,” January 8, 1938; Memo, subj: The Purple Heart Medal for USS *Panay* Crewmembers (with enclosure List of Crewmembers and Known Survivors), n.d.; Memo, from Chief of Naval Operations to Secretary of the Navy, subj: Purple Heart Eligible Crewmembers of the USS *Panay*, October 19, 1992; Memo, Acting Secretary of the Navy to Chief of Naval Operations, subj: Recommendation for Purple Heart Medal, October 28, 1992.

**IN THE NEWS**

**The Last Doughboy**

Frank Buckles, the last living American to be involved in World War I, is still going strong at 107. Born in Bethany, Missouri, in 1901, he enlisted in the United States Army in April 1917. He was sent to France in 1917 and served as an ambulance driver. After the Armistice, he served with a prisoner of war escort company returning prisoners back to Germany. In 1941 he was working in the Philippines as a civilian in the shipping business. Taken prisoner by the Japanese, he spent three years and two months as a prisoner of war. In 2003 he was awarded the French Legion of Honor by French President Chirac.

From the *Miami Hearld*
Submitted by William A. Wooding