



USS Utah Memorial, AG-16 ex BB-31, off Ford Island, Hawaii

The Story of the USS *Utah* Lost at Pearl Harbor And the Tomich Medal of Honor

By Captain Lawrence B. Brennan, U.S. Navy (Ret.)

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A World War I cover sent abroad from Jersey City October 6, 1918 to A.E.F. Pvt. Marmorstein, returned to Washington D.C. in May 1919. For more on WWI mail, see page 187.

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USS UTAH (AG 16 ex BB 31) NEW JERSEY-BUILT SHIP LOST AT PEARL HARBOR¹

By: Captain Lawrence B. Brennan, U.S. Navy (Ret.)

During the first quarter hour of the Second World War, 75 years ago, a 48 year old immigrant who enlisted in the Navy from New Jersey, who had served half his life – nearly a quarter century – in the U.S. armed and naval forces, sacrificed his life for his shipmates and in doing so earned the Medal of Honor. Heroism is a great gift given infrequently throughout recorded history; premeditated heroism is a far more rare and complex virtue.

On the morning of 7 December 1941 at Pearl Harbor, Chief Watertender Peter Tomich, U.S. Navy² willingly gave his life to help save his shipmates as they abandoned the New Jersey-built 30-year-old former battleship, USS *Utah* (AG 16 ex BB 31) which was lost to torpedoes during the first 15 minutes of the Japanese attack. As a result, within 90 days, President Franklin D. Roosevelt posthumously awarded Chief Tomich the Medal of Honor in 1942; a warship, USS *Tomich* (DE 242), was commissioned in 1943, and Navy's senior enlisted academy, Tomich Hall, was named in his memory in 1989. But, for nearly three quarters of a century, Chief Tomich's Medal of Honor was homeless. The bulk of his family was in German-occupied Yugoslavia and his relatives in the United States could not be located. Only through the efforts of a retired Naval Reserve officer and World War II veteran, was the matter brought to the fore and after nearly a decade of unsuccessful administrative proceedings and litigation, did the Executive branch change its mind and present the Medal of Honor to Chief Tomich's surviving Croatian relatives in a ceremony on board USS *Enterprise* (CVN 65) on 18 May 2006 while she was in the Eastern Mediterranean Sea.

USS *Utah* was the second and final member of the *Florida* class of dreadnoughts which was built by the New York Shipbuilding Corporation, Camden, New Jersey, during the Taft Administration. Her keel was laid down 9 March 1909 and the hull was launched 23 December the same year. She was commissioned 31 August 1911. *Utah* and *Florida* were the first ships to arrive during the United States occupation of Vera Cruz in 1914 early in the Mexican Revolution. The two battleships put ashore a landing party that began the occupation of the city. *Utah* was stationed in Bantry Bay, Ireland, during World War I as flagship of the U.S. Battleship Division SIX (BatDiv6). During the 1920s, *Utah* routinely participated in individual training cruises, fleet maneuvers, and carried dignitaries twice to South America in 1924 (General Pershing) and 1928 (President-elect Hoover's entourage).

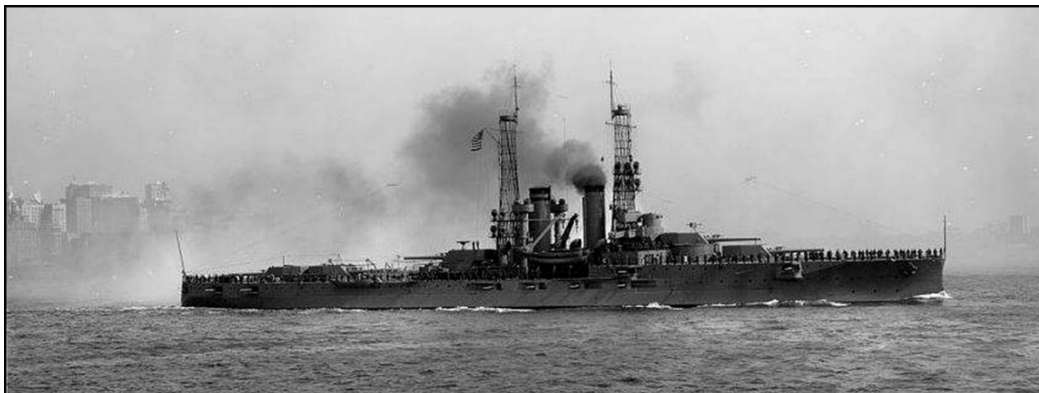


Fig. 1: Early view of USS Utah (BB 31) off Battery Park, New York City.

<http://navsource.org/archives/01/031/013104.jpg>

USS UTAH LOST AT PEARL HARBOUR ~ Capt. Lawrence B. Brennan, USN, (Ret.)

After 20 years of combatant service, in 1931 *Utah* was converted to a demilitarized target ship (redesignated AG 16), in accordance with the 1930 London Naval Treaty. She was also equipped with multiple types of anti-aircraft guns for training and served in these twin roles for the remainder of her life. She became the oldest battleship hull to remain in commission.

Utah was moored off Ford Island in Pearl Harbor on 7 December 1941; during the first minutes of the attack she was hit by two torpedoes. *Utah* quickly rolled over and sank; the majority of her crew escaped, but 64 officers and men were killed. The wreck remains near her sinking location; in 1972, a memorial was erected.³

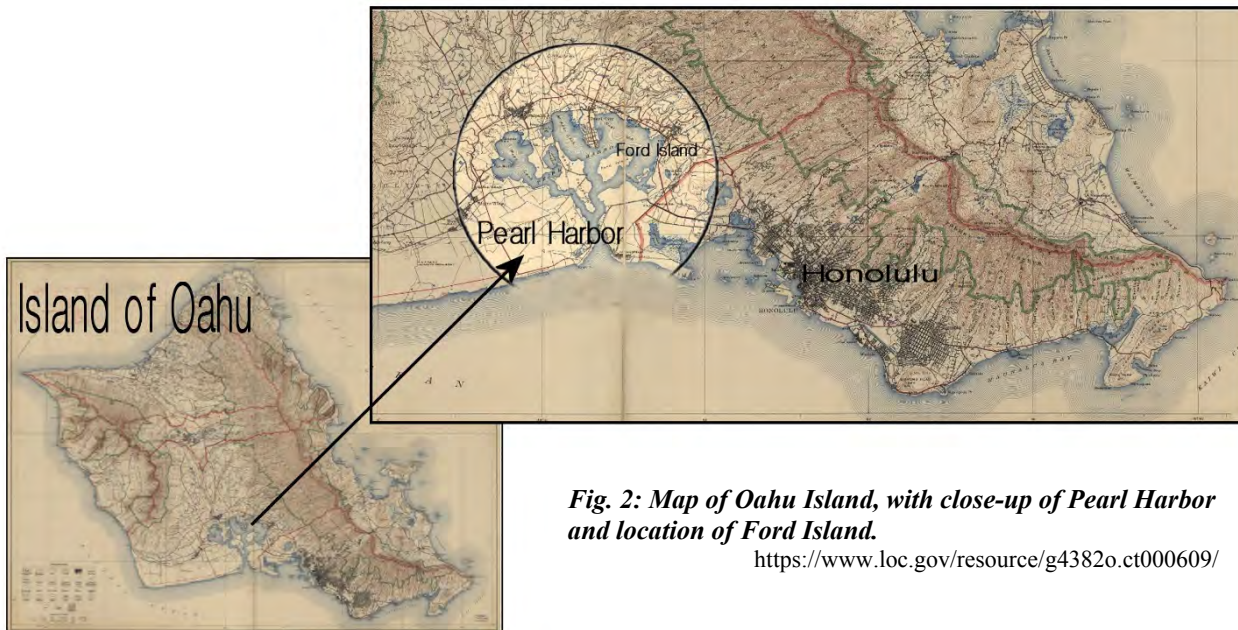


Fig. 2: Map of Oahu Island, with close-up of Pearl Harbor and location of Ford Island.

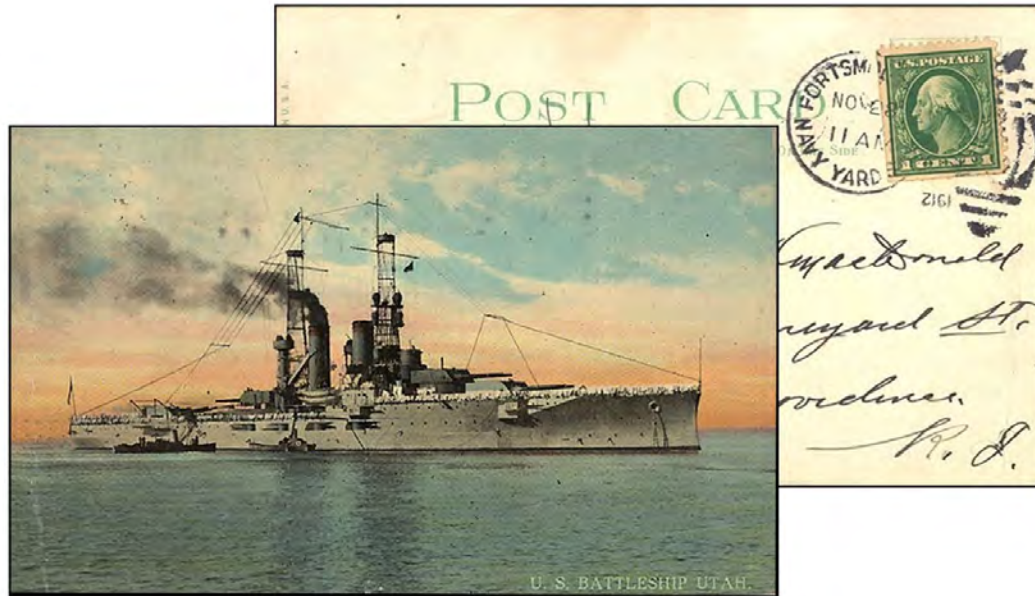
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COMMISSIONING OF USS *UTAH* (BB 31) AND EARLY YEARS

Initially built as a coal burning ship, *Utah* was 521' 8" length overall with a beam of 88' 3" and a draft of 28' 3". She displaced 21,825 tons. The ship was powered by four-shaft Parsons steam turbines rated at 28,000 shaft horsepower and 12 coal-fired Babcock & Wilcox boilers, generating a top speed of 20.75 knots. The ship had a cruising range of 6,720 nautical miles at 10 knots. She had a crew of 1001 officers and men.

Utah's original armament considered of a main battery of twin 12" /45 caliber Mark 5 guns in five twin gun turrets on the centerline. Two were placed in a superfiring pair forward; three turrets were aft of the superstructure. The secondary battery consisted of sixteen 5"/51 guns mounted in casemates on both sides of the hull. As was standard for capital ships of the period, she carried a pair of 21" torpedo tubes. The main armored belt was 11" thick, while the armored deck was 1.5" thick; the main battery turrets had 12" thick faces and the conning tower had 11.5" thick sides.

In 1911, Captain William S. Benson, who would be named the first Chief of Naval Operations (CNO), became the first Commanding Officer. *Utah* then conducted a shakedown cruise calling at Hampton Roads, Santa Rosa Island, Pensacola, Galveston, Kingston, Jamaica, and Guantanamo Bay. Assigned to the Atlantic Fleet in March 1912, she participated in drills and underwent overhaul at New York Navy Yard (Brooklyn). Departing New York 1 June 1912, *Utah* proceeded to Annapolis after calling at Hampton Roads. She conducted a midshipman cruise off New England until 25 August. A similar routine was followed for the next two years, punctuated by a European cruise in the fall of 1913.



Courtesy Jon Burdett and the online Naval Cover Museum.

Fig. 3: A post card view of *Utah*, used November 28 1912 with a Portsmouth Navy Yard cancel. It was not used by a *Utah* crewman.

During the Mexican Revolution, the Wilson Administration decided to protect U.S. lives and property and intervention commenced in early 1914. While en route to Mexico on 16 April, *Utah* was directed to intercept the German-flagged steamer *SS Ypiranga*, carrying arms to the Mexicans. *Ypiranga*'s arrival in Vera Cruz prompted U.S. occupation of the city. *Utah* and *USS Florida* (BB 30) were the first U.S. naval vessels to arrive. The ships landed a combined one thousand Marines and sailors on 21 April. During the next three days, Marines battled rebels, suffering 94 casualties, while killing hundreds of Mexicans.



Fig. 4: An April 22 1914 type 2 cancel on a *Utah* on a Japanese post card, sent from Mexico.

Jon Burdett, Naval Cover Museum.

WORLD WAR I

Utah returned to New York after two months off Vera Cruz. During most of the next three years she trained with the Atlantic Fleet. On 6 April 1917, the United States declared war on Germany. For the first year of hostilities, *Utah* was stationed in Chesapeake Bay to train engineering personnel and gunners until 30 August 1918, when she departed for Bantry Bay, Ireland with Vice Admiral Henry T. Mayo, U.S. Navy, Commander-in-Chief of the Atlantic Fleet on board.

After arriving in Ireland, *Utah* was assigned as the flagship of Battleship Division 6 (hereafter BatDiv 6) commanded by Rear Admiral Thomas S. Rodgers, U.S. Navy. BatDiv 6 was tasked with covering convoys in the Western Approaches against possible attacks from German surface raiders.⁴ *Utah* served in the division along with USS *Nevada* (BB 36) and USS *Oklahoma* (BB 37). The two newer oil-burning battleships had arrived in Berehaven on Friday, 23 August 1918, screened by six destroyers: *Balch*, *Conyngham*, *Downes*, *Kimberly*, *Allen*, and *Sampson*. *Utah* arrived in Berehaven on Tuesday 10 September 1918, just two months prior to the end of hostilities. She was escorted by four destroyers: *Stockton*, *Shaw*, *Conyngham*, and *Rowan*. Unlike the other U.S. Naval forces, BatDiv6 was not under the operational command of the Royal Navy, but was under the direct command of Admiral William S. Sims, U.S. Navy, Commander of Naval Forces Europe.



US Battleships in Cork, Ireland, 1918.⁵

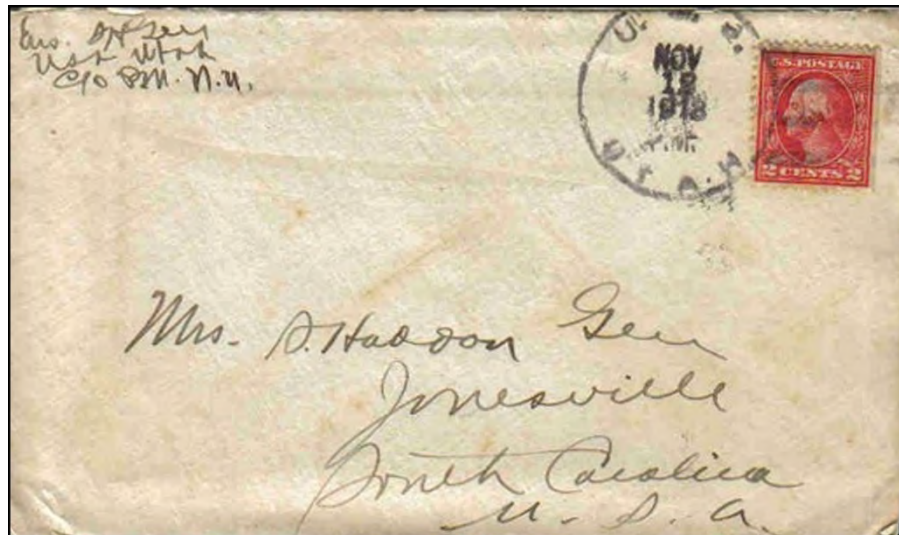
Fig. 5: US warships of BatDiv6 at anchor in Berehaven Harbour, 1918. *Utah* became flagship of this force, under the command of Rear Admiral Thomas S. Rodgers.

In mid-October the battleships and destroyers sortied to protect two U.K. bound convoys from threats of mysterious ships in the Irish Sea. Heavy weather restricted the ships' speed to 15 knots and *Utah* lost her observation kite which was not manned when struck by lightning and *Oklahoma* lost her kite to the weather and sea. No contact was made with the enemy but the convoys arrived safely at their destinations. The three battleships and destroyers returned to Berehaven where they remained until the Armistice was promulgated.

The battleships departed their Irish port within the month. On 20 November *Nevada* departed for Portland, England and on 26 November, *Oklahoma* and *Utah* left Ireland, with *Utah* calling at the Isle of Portland. In December 1918, she escorted USS *George Washington* [(ID-3018) which subsequently was transferred to the U.S. Army and then known as USAT *George Washington*] which was transporting President Wilson to Brest for the Versailles negotiations. She headed west 14 December and arrived in New York on Christmas Day; the winter crossing took less than 11 days. The battleship remained on the East Coast for the next year and a half of peacetime routine.



Fig. 6: USS Utah (BB 31) as she appeared in World War I with her distinctive camo design at that time.⁶



Courtesy Jon Burdett and the online Naval Cover Museum.⁷

Fig. 7: A 12 November 1918 cover from Utah to South Carolina, with Locy Type 2r (C) cancel.

Utah's first decade in commission was the most active. Twice she was deployed for hostilities, serving about four months total in “combat zones” (about 60 days each at Vera Cruz in 1914 and Europe in 1918). Her second decade saw an overseas deployment, two lengthy diplomatic cruises to Latin America, and conversion to oil burning engines before demilitarization and conversion to a target ship.

BETWEEN WARS

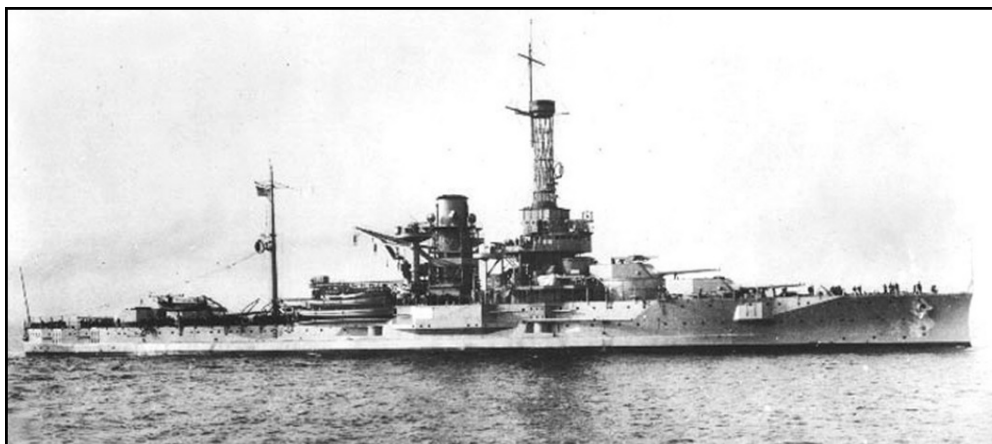
On 9 July 1921, the ten year old *Utah* sailed for Europe, calling at Lisbon and Cherbourg. She became the flagship for the force in European waters until relieved by USS *Pittsburgh* (ACR 4 subsequently CA 4) in October 1922. In the years following World War I, U.S. naval forces in European waters engaged in extensive operations from the Baltic Sea, North Sea, through the Mediterranean Sea, and into the Black Sea. *Utah* called at Constantinople in late 1921 as flagship for Vice Admiral Albert P. Niblack, U.S. Navy, who commanded U.S. Naval Forces, Europe.⁸



*Fig. 8: 23 September 1922
Locy type 3rs(BC) cancel
with Portugal between the
bars.*

Courtesy Jon Burdett and the
online Naval Cover Museum.⁹

Utah returned to the United States 21 October, where she resumed her traditional role as flagship BatDiv 6. In early 1924, *Utah* took part in the Fleet Problem III maneuvers, where the pair of *Florida*-class coal burners acted as stand-ins for the new *Colorado*-class battleships. In late 1924, *Utah* carried General of the Armies John J. Pershing, U.S. Army on a diplomatic mission from New York to Peru for the Battle of Ayacucho centennial. Pershing and his party debarked at Mallend JMollendo, Peru; *Utah* made goodwill stops at Chilean ports before rounding Cape Horn to pick up the general in Uruguay, calling at other ports, including Rio de Janeiro, La Guaira, Venezuela, and Havana before returning Pershing to New York on 13 March 1925.¹⁰ *Utah* conducted midshipman training cruises during the summer. The battleship earned the Navy Battle Efficiency Award in 1925 and 1926 before undergoing a complete rebuilding and modernization. She was decommissioned at the Boston Navy Yard 21 October 1925 and dry-docked. The major alterations included replacement of the coal-fired boilers with oil-fired models and her aft cage mast with a pole mast.



U.S. Naval Historical Center USNHC # NH 50227.¹¹

Fig. 9: Utah after conversion from coal to oil and other modernization. Note in particular that her aft cage mast has been replaced by a pole mast.

Capt. Lawrence B. Brennan, USN, (Ret.) ~ USS UTAH LOST AT PEARL HARBOUR

Utah was recommissioned 1 December 1927; she then served with the Scouting Fleet. Perhaps *Utah*'s most memorable non-combat cruise occurred after the election of 1928. After his election in 1928, but before assuming the presidency 4 March 1929, Hoover embarked on 19 November at San Francisco in one of the newest battleships, USS *Maryland* (BB 46) flagship of the U.S. Fleet [which also would be at Pearl Harbor on 7 December 1941], for a seven-week tour of Central and South America during which he visited 11 nations and delivered 25 speeches which stressed his plans to reduce U.S. political and military involvement in Latin American affairs. He pledged that the United States would act as a "good neighbor." On this trip Hoover was nearly assassinated in Argentina by a local anarchist. Before leaving office in 1933, he had directed the ultimate removal of U.S. forces from Haiti and Nicaragua.



Photo from Defense Video Image Distribution System¹²

Fig. 10: President-elect Herbert Hoover and Battleship USS Utah (BB-31), 1928; with members of his staff including his wife Lou Henry Hoover and Henry T. Fletcher, ambassador to Italy; along with members of the press embarked on board the U.S. battleship for a South American good-will tour.

Nearly simultaneous with Hoover's departure in *Maryland* from San Francisco, in mid-November 1928, *Utah* was sent south to Uruguay to return President-elect Herbert Hoover and his party. She left Hampton Roads on 21 November 1928, picked up the Hoover entourage at Montevideo, transported them to Rio de Janeiro in December, and then carried them home, arriving in Hampton Roads 6 January 1929.

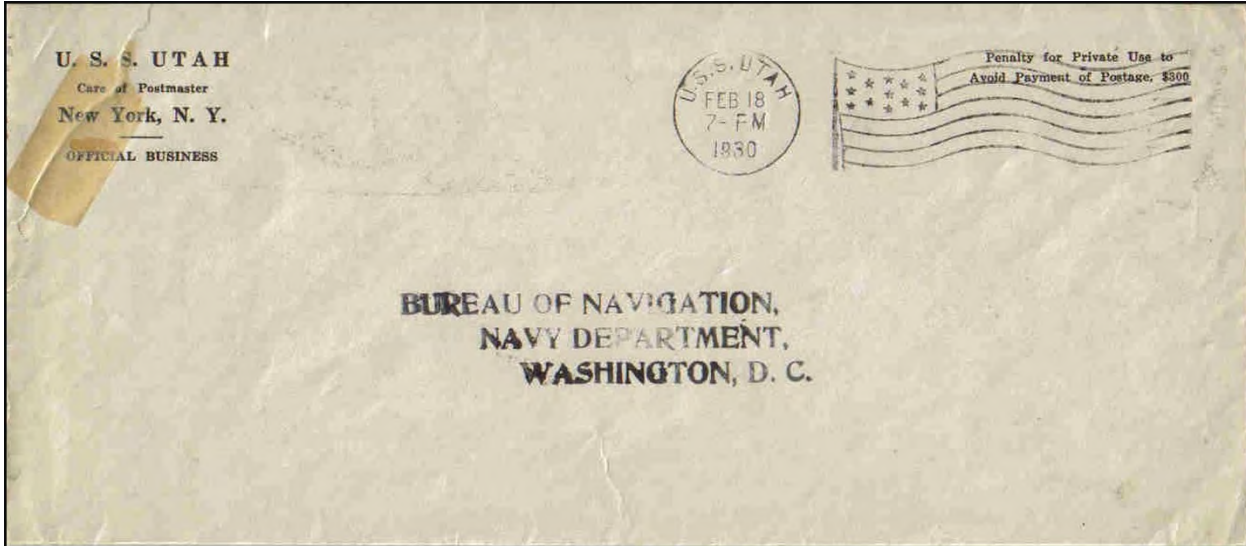


Courtesy Jon Burdett and the online Naval Cover Museum.¹³

Fig. 11: A 6 January 1929 cover on the day of her returning President Hoover to Hampton Roads, Virginia. This label shows both a flag cancel and Locy Type 3s "Hampton Roads /Va."

USS UTAH LOST AT PEARL HARBOUR ~ Capt. Lawrence B. Brennan, USN, (Ret.)

Her final deployment as a combatant began in June 1929, again as flagship, when *Utah* sailed with *Florida* and USS *Arkansas* (BB 33) to the Mediterranean, calling at Naples and Rome before returning in early 1930. *Utah* received the Navy Engineering Trophy for greatest improvement in 1929 and 1930.



Jon Burdett, Naval Cover Museum¹⁴

Fig. 12: A Utah official business envelope with an 18 February 1930 Locy type 8ed postmark.

REDESIGNATION AS AG-16 AND A NEW ROLE

Utah's third and final decade of service saw her conversion to a Miscellaneous Auxillary ship and redeployment primarily to the Pacific Ocean except for most of the year 1939 spent in the Atlantic Ocean. Because of the Washington Naval Treaty, the ship's days as a battleship were over. She was decommissioned 1 January 1931, but was retained as a training ship. Her classification was changed to AG-16 (Miscellaneous Auxiliary); the ship was the first to be equipped with radio-control apparatus before being tested and recommissioned 1 April 1932.



Fig. 13: Redesignated as a target ship (AG-16), Utah served in this capacity for nine years. Both cancel and cachet indicate her radio controlled capabilities. She also served as transport.

Capt. Lawrence B. Brennan, USN, (Ret.) ~ USS UTAH LOST AT PEARL HARBOUR

Utah departed for the Pacific as a training ship and served the Pacific Fleet as a mobile target and for amphibious operations. She was homeported at San Pedro, California, where she joined Training Squadron 1, Base Force, United States Fleet. She continued in this role for the remaining nine years of service. *Utah* participated in Fleet Problem XVI in May 1935, serving as a transport for a contingent of Marines. In June, the ship was modified to train anti-aircraft gunners and was equipped with 1.1"75 caliber anti-aircraft guns in quadruple mounts. In 1939 she was fitted with four 5"25 caliber dual-purpose guns, and other anti-aircraft guns and gun directors.

Utah returned to the Atlantic for Fleet Problem XX in January 1939, she trained with Submarine Squadron 6 before returning to the Pacific for the last time, arriving at Pearl Harbor 1 August 1940. There, she conducted anti-aircraft gunnery training until 14 December, when she departed for Long Beach, California, arriving on 21 December. Off the West Coast, she served as a bombing target for aircraft from the USS *Lexington* (CV 2), USS *Saratoga* (CV 3), and USS *Enterprise* (CV 6). *Utah* returned to Pearl Harbor 1 April 1941, where she resumed anti-aircraft gunnery training. She proceeded to Los Angeles 20 May to carry a contingent of Marines to Bremerton, Washington, after which she entered the Puget Sound Navy Yard 31 May for what would be her last overhaul. She was equipped with new 5"38 caliber dual purpose guns in single mounts to improve her ability to train anti-aircraft gunners. She left the West Coast for the last time 14 September, bound for Pearl Harbor.

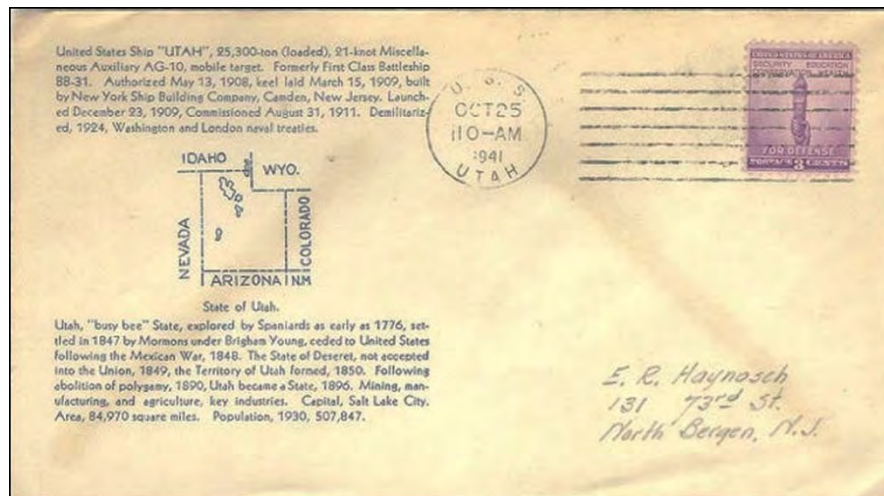


Fig. 14: 25 October 1941 cover from Utah to New Jersey, sent only six weeks before her sinking at Pearl Harbor. Locy type 7 cancel. The cachet has a number of misstatements of fact in the top paragraph.

PEARL HARBOR DURING WORLD WAR II

Mooring and Berthing Plans

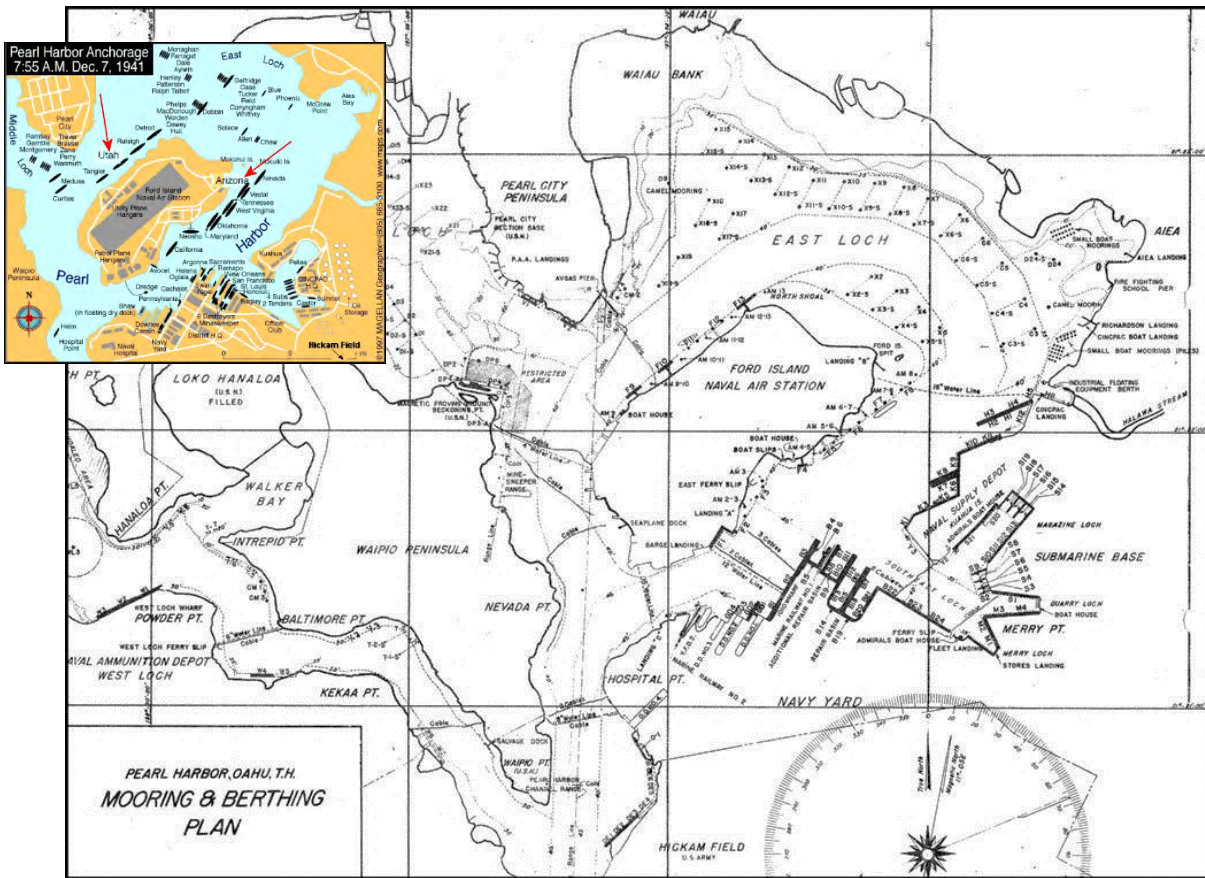


Fig. 15: Chart of Pearl Harbor, Oahu, T.H., Mooring & Berthing Plan: showing the mooring and berthing areas around Ford Island Naval Air Station, Powder Point, Naval Ammunition Depot West Loch, Hickam Field, Hospital Point, Navy Yard, Submarine Base, AIEA, along the East Loch, Pearl City Peninsula, Middle Loch, to Bluff Point.¹⁵ Inset showing Ford Island with Utah & Arizona¹⁶

Returning to Pearl Harbor for the final time on Friday, 5 December 1941, *Utah* was moored off the west side of Ford Island where she remains.

The most comprehensive primary account of the loss of *Utah* was provided by her senior surviving officer present on board, Lieutenant Commander Solomon S. “Izzy” Isquith, U.S. Navy, which was forwarded with acknowledgment of its accuracy by Commanding Officer, *Utah*:

On Sunday, December 7, 1941, while moored at Berth FOX-11 Pearl Harbor, T.H., 3 planes whose identification were not questioned but taken for U.S. planes maneuvering, were observed just as colors were being hoisted at 0800, heading northerly from the harbor entrance. They made a low dive on the southern end of Ford Island and each dropped a bomb.

Capt. Lawrence B. Brennan, USN, (Ret.) ~ USS UTAH LOST AT PEARL HARBOUR

Immediately thereafter the air was filled with planes clearly distinguished as yellow colored planes with brilliant red Rising Sun insignia on fuselage and red wing tips, flying low at about 100 knots speed and dropping aerial torpedoes and bombs. They appeared to [be] Henkle 113, or similar type, with very silent engines. The general alarm was immediately rung and word was passed "All hands to bombing quarters". At about this time, 0801, a severe underwater hit, at approximately frame 84, port side, was felt and the ship immediately commenced to list to port. Another underwater hit was felt almost immediately thereafter in about the same general location and the listing of the ship increased immediately to about 15 degrees. At this time I realized that the ship would capsize and word was passed "All hands on deck and all engine room and fireroom, radio and dynamo watch to lay up on deck and release all prisoners."

All hands were ordered to the starboard side, which was the high side, to escape danger of loose timbers pinning men down. Word was passed for all hands to equip themselves with life jackets but due to the fact that the life jackets were stored in canvas bags in the aircastle, it was not practicable for many men to obtain life jackets due to miscellaneous gear stored in the starboard aircastle moving and bomb explosion in the port aircastle which took place at that time. At about that time the engine room reported that steam had dropped and that they were unable to cut in the drain pumps, that the port engine room was flooded and that the starboard engine room was taking water rapidly, the water at that time being above the high pressure turbine and reduction gear. The lights were still on in the engine room. The engine room watch cleared the starboard engine room. No. 2 fireroom, No. 4 boiler steaming, reported steam dropping rapidly and additional burners cut in to hold steam. The second hit put out all fires. The fireroom watch then abandoned the fireroom, closed the quick closing fuel oil valve, leaving the auxiliary feed pumps operating but slowing down due to lack of steam.

By about 0805, the ship had listed to about 40 degrees to port. Lights were still on. No report had been received from the dynamo room; word was again passed "All hands on deck and abandon ship, over starboard side." The crew commenced getting over the side, the ship continuing to list but somewhat slower. The attacking planes were now returning from a northerly direction flying low and strafing the crew as they abandoned ship. The loose timber about the decks were moving to port, interfering greatly with the efforts of the crew to abandon ship.

Observing the strafing and the moving of the timbers and loose gear in the aircastles, I directed that the crew divide into three groups, one group going up the ladder leading from the starboard aircastle to the Captain's cabin, one going up the ladder from the starboard wardroom country to the passage inboard of the Captain's cabin stateroom, and one going up the ladder leading from the starboard wardroom country near the wardroom pantry to the forecastle. A large number of these men escaped through the ports in the Captain's cabin.

Lieutenant (jg) P.F. Hauck, Machinist S.A. Szymanski, and myself were the last to leave the ship going through the ports in the Captain's cabin. At this time, about 0810, the ship was listing about 80 degrees to port and the planes were still strafing the ship. Mooring lines were parting and two motor launches and the motor whale boat were picking up men in the water. Many men were observed swimming to the north and south keys of Pier FOX-11, and as planes were still strafing, the men were ordered to the sides of the keys for some protection.

USS UTAH LOST AT PEARL HARBOUR ~ Capt. Lawrence B. Brennan, USN, (Ret.)

At about 0812, the last mooring lines had parted and the ship was capsized, the keel plainly showing. All men picked up by ship's boats were taken ashore to Ford Island and boats ordered to return and pick up any men still swimming about.^{17,18}

As the crew began to abandon ship, Chief Tomich headed below decks to ensure that his shipmates could escape and to secure the boilers to prevent catastrophic explosions. He was last seen by Leonard L. Purifoy, who was hurriedly ascending the ladder from the engineering spaces. "Tomich was going down the opposite ladder exclaiming that he was going to secure all boilers and clear the area."¹⁹ Tomich would be awarded the Medal of Honor posthumously; the first Medal of Honor signed by President Roosevelt during World War II. Almost immediately after reaching shore, Commander Isquith heard knocking from trapped men. He called for volunteers to secure a cutting torch from USS *Raleigh* (CL 7) to free trapped men; they succeeded in rescuing four men.²⁰ Isquith reported:

While in the trenches, a short time later, knocking was heard on the ship's hull. At this time planes were still strafing and dropping bombs. I called for a volunteer crew to return to the *Utah* to investigate the knocking heard. Machinist Szymanski and a volunteer crew consisting of MacSelwiney, CAM, and two seamen, names unknown, returned to the ship and located the tapping coming from the void space V-98, under the dynamo room. They answered the knocking with knocks on the outside which in turn were answered by knocking within the ship.²¹

In total, 64 officers and men were lost but 461 survived.²² The 45 year old native New Yorker, Isquith was awarded the Navy Cross for his heroism that saved nearly 90% of *Utah's* crew and ultimately was promoted to flag rank.

Utah was placed "in ordinary" (vessels are those out of service for repair or maintenance) 29 December 1941 under Pearl Harbor Base Force. Following the successful righting of the capsized *Oklahoma*, an attempt was made to right the *Utah* by the same parbuckling method. As *Utah* was rotated, she did not grip the harbor bottom but the hull slid towards Ford Island. The recovery effort was abandoned with *Utah* rotated 38 degrees from horizontal. This cleared the berth and no further attempts were made to refloat her as she had no military value. *Utah* was decommissioned 5 September 1944 and then stricken from the Naval Vessel Register 13 November. During her years of service, *Utah* received the Mexican Service Medal, World War I Victory Medal with "Atlantic Fleet" and "Grand Fleet" clasps, American Defense Service Medal, Asiatic-Pacific Campaign Medal with one battle star, and the World War II Victory Medal.²³

Her century-old rusting hulk remains partially above water; the men killed when *Utah* sank were never removed from the wreck. Beginning around 1950, two memorials were placed at the wreck. In 1972, a larger memorial was erected just off Ford Island, near the hull. The memorial consists of a 70-foot walkway which extends from Ford Island to a platform near the ship, where a brass plaque and a flagpole are located. In 1989, *Utah* and *Arizona* were added to the National Historic Landmark registry. Similar to *Arizona*, remains of surviving crewmen are entitled to be entombed in *Utah*.



Photo by Petty Officer 3rd Class Diana Quinlan

Fig. 16: The sun sets over the remaining structure of battleship USS Utah (BB-31/AG-16). The memorial was renovated to provide easier public access.²⁴

STORY OF A HERO'S MEDAL OF HONOR

The decision of the United States Court of Appeals for the Second Circuit summarizes the life of the man.²⁵ Few details are known about his life beyond his service record and two photographs. The Court of Appeals wrote:

Peter Tomich was born Petar Herceg-Tonić in 1893 near the Dalmatian coast in the village of Prolog, which was then in Austria-Hungary. He immigrated to the United States in 1912. For a time, he lived in Queens, and in 1917, enlisted in the U.S. Army at Fort Slocum, N.Y. A year later he became a citizen. After World War I, he was discharged and in 1920 enlisted in the U.S. Navy in New Jersey. By December 7, 1941, aboard the U.S.S. Utah, he held the rank of Chief Water Tender.²⁶

Within 17 years of arriving in New York, Peter Tomich had reached the height of his profession in the navy as Chief Petty Officer – then the highest enlisted rank. The navy had become his home and his life. He would sacrifice his life at Pearl Harbor to save many of his shipmates. On March 4, 1942, Franklin D. Roosevelt awarded Tomich the Medal of Honor, with the following citation:

For distinguished conduct in the line of his profession and extraordinary courage and disregard of his own safety during the attack on the Fleet in Pearl Harbor by the Japanese forces on December 7, 1941. Although realizing that the ship was capsizing, as a result of enemy bombing and torpedoing, he remained at his post in the engineering plant of the U.S.S. UTAH, until he saw that all boilers were secured and all fireroom personnel had left their stations, and by so doing he lost his own life.²⁷



Fig. 17: Peter Tomich, Chief Water Tender, USS Utah.²⁸



Fig. 18: Front and reverse of the Tomich Medal of Honor.

Chief Tomich gave his life in an effort to avoid a steam explosion if water were to contact the hot steam boilers in the fire rooms as *Utah* capsized. An earlier example of Chief Tomich's self-sacrificing service came within the first years of his naval service during U.S. naval operations in the Black Sea in the wake of the fall of the Ottoman Empire. Admiral J. Robert Lunney, the proponent of the struggle to present the Medal of Honor, wrote:

During my review of Chief Tomich's Navy personnel file I uncovered his prior service aboard the USS *Litchfield* (DD 336) and learned of his being awarded the Navy Expeditionary Medal in special recognition of his service at Smyrna in September 1922. His file contained a full page letter, October 7, 1922, from Mr. Cass Arthur Reed, Acting President of the International College, Smyrna. The letter highly praised the men of the *Litchfield*, including Tomich, for their relief work and evacuation of refugees. Also included in the Tomich file is a Memorandum (5-5-38) reciting excerpts from the *Litchfield* log relative to the landing forces sent ashore (Sept. 7, 13, 14 and 16, 1922). The Memorandum mentions protection of American property and the transportation of orphans.

Tomich's participation in the humanitarian rescue at Smyrna relates most significantly to his personal sacrifice years later to save his ship mates at Pearl Harbor. Truly a brave and good man.²⁹

The Homeless Medal of Honor

The Court of Appeals' decision sets forth the history of Chief Tomich's Medal of Honor's movements from 1942 until 2006.

The Medal was awarded pursuant to the former 34 U.S.C. § 363 (1919), *recodified as amended as* 10 U.S.C. § 6250, which allowed the President to award a posthumous Medal of Honor if "presented" to a "representative" of the hero, as designated by the President, within five years of the act or service justifying the award. *Id.*

Following the award of the Medal, the Navy tried unsuccessfully to find next of kin. The only family history available was in "Beneficiary Slips" filled out years earlier for the Navy, in which Tomich said he was "[n]ot married" and listed a "[c]ousin" John Tonich at an address in Los Angeles. In March 1942, the Secretary of the Navy wrote to the cousin in Los Angeles, "deem[ing] it an honor to transmit" the Medal, which was forwarded under separate cover. The Medal was returned with the postal notation "[n]o such address."

The Medal was formally presented on January 4, 1944 [by Rear Admiral Monroe Kelly, U.S. Navy] to the [C]ommand[...ing] Officer of the Destroyer Escort U.S.S. Tomich. Plaintiff and the government agree that this ceremony amounted to a "presentation" of the Medal within the meaning of 10 U.S.C. § 6250. Internal Navy records concerning the presentation state that the Medal was "to be displayed on board [the U.S.S. Tomich], in the status of a loan, to be recalled should a next of kin make a claim for same."

When the U.S.S. Tomich was decommissioned near the end of World War II, the Medal was returned to the Secretary of the Navy. In 1947, the Navy "forwarded" the Medal to the Utah state capital building for display alongside a memorial to the U.S.S. Utah. The Navy advised the Governor, however, that it might require return of the Medal in the "improbable" event that a "relative" of Tomich made a claim for it.

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For reasons not in the record, the State of Utah returned the Medal in 1963. Since then, it has been in the custody of the Navy. The Medal [was] on display in the Navy Museum in Washington [as well as at Tomich Hall, the Senior Enlisted Academy, in Newport, Rhode Island after 1989].³⁰



Fig. 19: In 1943 a destroyer escort (DE 242) was named in honor of Peter Tomich.⁵³ It became home to Tomich's Medal of Honor from January 1944 until her decommissioning in 1946.

Photo by Neal Dyste³²



Fig. 20: Peter Tomich's Medal of Honor hung in a passageway forward of the galley and behind the small armory locker on board USS Tomich for about three years.⁵⁵

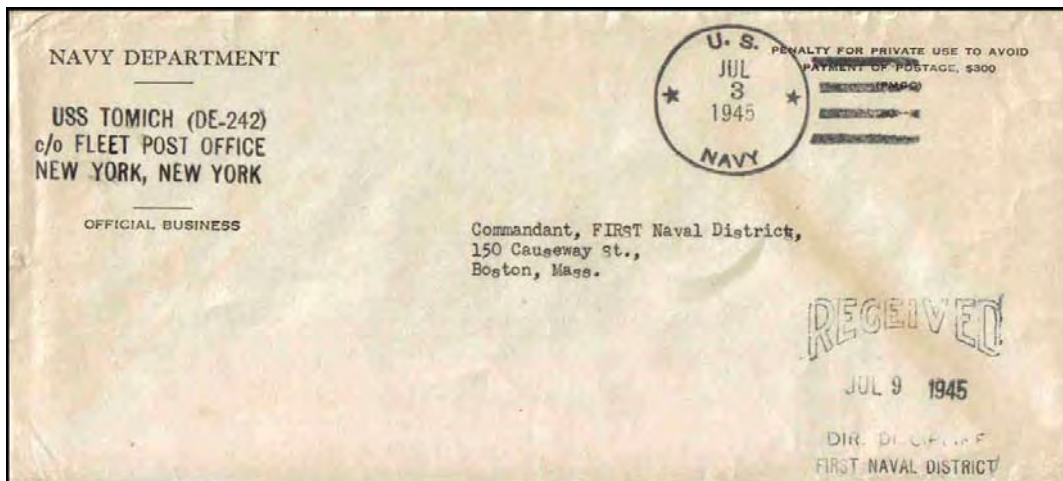


Fig. 21: An official business envelope from USS Tomich postmarked 3 July 1945.

The Attempt to Cooperate With Navy to Present the Medal of Honor

The bona fides of Chief Tomich's survivors were investigated by Admiral Lunney³⁴ as set forth in the Court of Appeals' decision:

In 1997, the Congressional Medal of Honor Society (the "Society") and the New York Naval Militia (the "Militia") asked Lunney, a retired Rear Admiral and member of the Militia, to assist in locating Tomich's next of kin. The Society informed Lunney that Tomich's Medal was the only one of its kind in the last century that 'ha[d] gone unclaimed,' and requested Lunney's assistance in finding someone "to receive the award."

Lunney studied Navy files concerning Tomich's career, and traveled to Prolog, a village of about 400 that had been in Austria-Hungary when Tomich was born there (later part of Yugoslavia, now in the Federation of Bosnia and Herzegovina), where Lunney searched the birth, marriage, baptism, and death records of the local Roman Catholic church.

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Lunney satisfied himself that Tomich's cousin John returned to Prolog in the early 1920s, and had a son named Dragutin Herceg Tonic, who survives. According to Lunney, Dragutin Herceg Tonic has designated his son, Screcko Herceg Tonic, as next of kin for purposes of receiving the Medal awarded to Tomich. Although Navy records stated that Tomich was "[n]ot married," Lunney reports that Tomich was married in Prolog in 1911 (a year before he left for America), and that his wife died in 1963 without issue.³⁵

Navy, however, rejected an administrative attempt to present the Medal of Honor to Chief Tomich's next of kin.

Lunney offered the Navy his investigative materials, and urged the Navy to present the Medal to Screcko Herceg Tonic. In March 1998, the Secretary of the Navy referred the matter to the Navy's Board of Decorations and Medals (the "Board"), which in turn referred the matter to the Office of the Judge Advocate General of the Navy ("JAG").

JAG determined that the Medal had already been presented, to a Navy officer (commander of the U.S.S. Tomich) whom President Roosevelt designated as Tomich's representative. JAG opined therefore that the Medal was "property of the Navy" appropriately in the Navy's possession, that the Navy could take any action with respect to the Medal not prohibited by statute or regulation, and that transfer of the Medal was "a matter of policy and, subject to applicable restrictions, within the discretion of the Secretary of the Navy." In addition, JAG questioned Lunney's identification of the next of kin, pointing to discrepancies in the genealogical records.

On April 27, 1998, the Secretary of the Navy sent an internal memorandum to the Board stating that "[u]pon review of all relevant information concerning the Medal ..., [the] Navy shall retain custody of the original medal." The Secretary suggested that "[c]ustody of the award shall continue under Navy control until such time as definitive evidence is presented to verify a next-of-kin relationship." On December 31, 1998, the Secretary informed the Militia of the Navy's decision. Lunney's subsequent petition to President Clinton was also unsuccessful.³⁶

The Litigation

Thereafter, Admiral Lunney was appointed Administrator of Tomich's estate. In May 2000 Lunney was issued Letters of Administration of Tomich's Estate by the Surrogate's Court of Queens County, New York. As administrator, Lunney ultimately commenced unsuccessful litigation to compel the delivery of the Medal of Honor to the next of kin.

The complaint recites that the suit was "brought to insure that the only Medal of Honor that has been awarded in the past century but never presented be so presented," and argues that the Medal should be presented to Screcko Herceg Tonic as next of kin "at an appropriate ceremony." Presentation, according to Lunney, "would be at no cost to the Government," since "[o]nce the Medal [wa]s properly presented the next of kin w[ould] accept a reproduction or duplicate and allow the Navy to retain the original for appropriate display at mutually agreeable museums and other prominent locations."

Defendants moved to dismiss for lack of standing, lack of subject matter jurisdiction, and failure to state a claim. They argued (*inter alia*) that all decisions as to presentation of the Medal of Honor were wholly within the discretion of the President. Lunney's response conceded that, according to the Navy's records, the Medal had *already* been presented. Without abandoning his request for a presentation of the Medal, Lunney argued, that the relief he sought might be characterized as "custody" or "deliver[y]" of the Medal.³⁷

The district court, Judge Lawrence M. McKenna, dismissed the complaint holding that the court did not have jurisdiction to order the President to present the Medal of Honor.³⁸ As noted by the Court of Appeals:

The district court granted defendants' motion to dismiss the APA claim on the ground that Lunney's claim was one for presentation by President Clinton, and that President Clinton's denial of Lunney's request for that relief was the only final action affecting the custody of the Medal. (*Lunney*, 2001 WL 1636965 at *2-4, 2001 U.S. Dist. LEXIS 21178, at *6-8.) Lunney appeals from this ruling.³⁹

The Court of Appeals affirmed the District Judge's holding, dismissing the action for lack of jurisdiction although the three judge panel reached the same conclusion by different reasoning. Thus, after 2003, it appeared that there was no realistic hope that the United States would present Chief Tomich's Medal of Honor to his family. But circumstances changed. As the *New York Times*' Clyde Haberman noted, "Admiral Lunney acknowledged, [this] seems to be the end of the line, unless the Navy should change its mind. "It's a just cause," he said. "It's a fair thing for our government to do. This was a guy from Europe, but this American ship was his home. This was his life."⁴⁰

The Ultimate Success

Just over three years later, on Memorial Day 2006, Mr. Haberman was able to publish an account of crowning success. His article on Memorial Day 2006 in the *NY Times* follows:

Nine years of shoe-leather reporting, nine years of doggedness, nine years of bucking an unhelpful bureaucracy took J. Robert Lunney to the deck of an aircraft carrier off the coast of Croatia.

This is a Memorial Day tale, though the events occurred before the observance yesterday. It is a Memorial Day tale because it is about remembrance. And honor. And duty.

But first we must go way back, to Dec. 7, 1941, and the Japanese attack on the United States fleet at Pearl Harbor. No, better to go back to 1893, when Petar Tonic was born to a Croatian family in a Balkan village called Prolog, now in western Bosnia.

He journeyed as a young man to America. For a time, he lived in Queens. In 1917, he enlisted in the Army at Fort Slocum, N.Y., and a year later became an American citizen. As anyone born to an immigrant family knows, names can lose constancy when they cross oceans. Petar became Peter. Tonic became Tonich, then Tomich.

Days after his discharge from the Army in 1919, Peter Tomich joined the Navy. That is the short version of how he came to be at Pearl Harbor, on the Utah, a former battleship in use as a training ship, when Japanese torpedoes struck. He was in charge of the engine room, with the rank of chief watertender.

The Utah capsized within minutes. While others abandoned ship, Chief Tomich heeded a different inner call. He raced below deck to keep the boilers from exploding and get his crewmen out. Most got away all right. Sixty-four did not. The chief was one of those 64.

Months later, he was awarded the Medal of Honor, the nation's highest decoration for valor. It is a rarity these days. Only three medals have been given since the Vietnam War, all posthumously. Two were for actions in Somalia in 1993. The third is the only one to

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have come out of the war in Iraq: to Army Sgt. First Class Paul R. Smith of Florida, killed near the Baghdad airport on April 4, 2003.

Sergeant Smith had a wife, Birgit, who received his medal from President Bush last year. That is more than can be said about Chief Tomich. His only listed next of kin was a cousin in Los Angeles. No one could find the man.

And so his became the only Medal of Honor in the last 100 years never presented to a recipient or a surviving relative. It became a wanderer, put on display in various places, most recently at the Navy Museum in Washington.

Enter Mr. Lunney. Make that Rear Admiral Lunney. He is a lawyer in White Plains. He is also a Navy veteran of World War II vintage, and judge advocate general of the New York Naval Militia.

It troubled Admiral Lunney that a military tradition had been breached in the case of this onetime New Yorker, Peter Tomich. In 1997, he began a hunt for relatives, only to run into resistance from Navy bureaucrats in Washington pretty much every step of the way.

He went on his own dollar to Prolog. He interviewed villagers. He searched church records. Soon enough, he found Tomich relatives. They went by their clan name, Tonic. Yes, they said, they would be delighted, honored, to receive the medal.

Still, the Navy balked, citing different spellings of the names and saying that the family connection had not been proved. Admiral Lunney took it to court, but lost. Then recently, after saying no for so long, naval officials relented, perhaps as a gesture to a friendly country, Croatia.

Twelve days ago, nine years after he got involved, Admiral Lunney found himself aboard the aircraft carrier *Enterprise*, anchored off the coast of Split, Croatia. There, with full Navy honors and plenty of brass on hand, the long-orphaned medal found a home. It went to a distant cousin of Chief Tomich, Srecko Herzeg-Tonic, a military man himself, retired.

For the Tonic clan, it was an emotional moment. For Admiral Lunney, it was a triumph, tempered by the somber recognition that “a true naval hero sacrificed his life.”

The admiral’s family joined him on the *Enterprise*. So did the commander of the New York Naval Militia, Rear Adm. Robert A. Rosen, who asked, “What makes a man, when the ship is hit with torpedoes and listing 40 degrees and sinking, what makes this simple and honest and straightforward man stay at his duty station, chasing the people in his command to get out?”

Admiral Rosen did not pretend to have an answer. “That is what is remarkable in human nature,” he said, that what we call valor “is done by people who seemingly are so ordinary on the outside.”⁴¹

Initially, Vice President Cheney was scheduled to present the Medal of Honor to Chief Tomich’s next of kin but the schedule was changed so the Medal was presented on board USS *Enterprise* (CVN 65).⁴²



Fig. 22: A reproduction of the reverse of a program for the medal presentation.



Fig. 23: Presentation of the Medal of Honor to Tomich's cousin aboard USS Enterprise at Split.

In an era when the Chief was the pinnacle—the highest enlisted grade, Chief Watertender Tomich was recognized as possessing the valor, courage, and skill that personified those who earned the right to wear khaki. Today, he remains the personification of a leader who leads by example and self-sacrifice. There is no higher duty and no better role model for anyone who “goes in peril on the seas.”⁴³

ENDNOTES:

- ¹ Copyright MMXVI Captain Lawrence B. Brennan, US Navy (Ret.). All legal and moral rights reserved. May not be copied, republished, or reproduced without the prior express written consent of the author.
- ² Until the late 1950s, the highest enlisted grade was Chief Petty Officer. The grades of Senior Chief and Master Chief were created effective June 1, 1958, under a 1958 Amendment to the Career Compensation Act of 1949.
- ³ The history of USS Utah is based primarily on the official account contained in the *Dictionary of American Naval Fighting Ships*. <http://www.navy.mil/navydata/ships/battleships/utah/bb31-utah.html>
- ⁴ Eleven months earlier, the first U.S. four battleships to cross the Atlantic for combatant action were BatDiv9 which had arrived 7 December 1917 and joined the Royal Navy's Grand Fleet at Scapa Flow in the Orkney Islands. The Admiralty had requested coal-burning ships to reserve its limited supply of oil for its ships. As a result, Secretary Josephus Daniels ordered Battleship Division Nine, comprised of most of the latest built coal-burners, USS *New York* (BB 34), USS *Wyoming* (BB 32), USS *Florida* (BB 30), and subsequently USS *Delaware* (BB 28) which were joined in late 1918 by USS *Texas* (BB 35) and USS *Arkansas* (BB 33). The battleships carried six months of stores and were self-sufficient, apart from fresh produce.
- ⁵ Shipwrecks of Cork, Ireland: Battleships of the US Navy in Cork Ireland in 1918 at <http://www.corkshipwrecks.net/united%20states%20battleships%20in%20cork.html>
- ⁶ From a blog entitled Last Stand on Zombie Island, at <https://laststandonzombieisland.com/tag/uss-utah/>. (10/31/2016).
- ⁷ Naval Cover Museum at http://www.navalcovermuseum.org/restored/UTAH_AG_16.html
- ⁸ See Shenk, Robert, *America's Black Sea Fleet: The U.S. Navy Amidst War and Revolution, 191-1923*, (Annapolis, Md. USNI Press 2012)
- ⁹ Naval Cover Museum: http://www.navalcovermuseum.org/wiki/images/1/19/JonBurdett_utah_bb31_19220923.jpg
- ¹⁰ Salt Lake Tribune, Apr. 17. 2009 http://archive.sltrib.com/story.php?ref=/news/ci_12166954
- ¹¹ NavSource.org at <http://www.navsource.org/archives/01/31a.htm>, USNHC # NH 50227.
- ¹² Defense Video Image Distribution system at <https://www.dvidshub.net/image/1746765/aboard-uss-utah-bb-31-herbert-hoover>.
- ¹³ Naval Cover Museum: http://www.navalcovermuseum.org/wiki/images/1/19/JonBurdett_utah_bb31_19220923.jpg
- ¹⁴ http://www.navalcovermuseum.org/wiki/images/1/15/JonBurdett_utah_bb31_19300218.jpg.

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- ¹⁵ Naval History and Heritage Command at <https://www.history.navy.mil/research/archives/digitized-collections/action-reports/wwii-pearl-harbor-attack/pearl-harbor-mooring-and-berthing-plans.html>
- ¹⁶ Ship placement at Pearl from <http://www.wv2pacific.com/pearlus.html>
- ¹⁷ USS Utah Action Report –USS Utah – Loss by Enemy Action Commanding Officer, USS Utah Letter AG16 Ser. No. 3 Pearl Harbor , T.H. dated 15 December 1941 to Commander-in-Chief, U.S. Pacific Fleet with Enclosure A, Statement dated 14 December 1941 from Lieutenant Commander S. S. Isquith, U.S. Navy at <https://www.history.navy.mil/research/archives/digitized-collections/action-reports/wwii-pearl-harbor-attack/ships-s-z/uss-utah-ag-16-action-report.html>
Included as Enclosure (E) to CINCPAC action report A16-3 Serial 0479 of 15 February 1942 Subject: Report of Japanese Raid on Pearl Harbor 7 December 1941 at <https://www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/c/cinccpac-report.html>
- ¹⁸ Morison, *History of United States Naval Operations in World War II*, Vol. III, *The Rising Sun in the Pacific* (Boston: Atlantic-Little Brown 1948), pp.113-14; Morison, *The Two Ocean War* (Boston: Atlantic-Little Brown, 1963) pp. 46-76; Karig, Commander Walter, USNR and Lieutenant Welbourn Kelley, USNR *Battle Report*, Vol. 1 Pearl Harbor to Coral Sea, (New York: Farrar & Rinehart, Inc. 1944) pp. 26, 28, 33, 34, 50-52, 56, 93, 94.
- ¹⁹ Interview of retired Chief Petty Officer Leonard L. Purifoy, USN 5 March 1998 by Admiral Lunney set forth in his 27 November 2016 email to this writer.
- ²⁰ USS Raleigh Report at <https://www.history.navy.mil/research/archives/digitized-collections/action-reports/wwii-pearl-harbor-attack/ships-m-r/uss-raleigh-cl-7-action-report-07-dec-1941.html>
- ²¹ USS Utah Action Report –USS Utah – Loss by Enemy Action Commanding Officer, USS Utah Letter AG16 Ser. No. 3 Pearl Harbor , T.H. dated 15 December 1941 to Commander-in-Chief, U.S. Pacific Fleet with Enclosure A, Statement dated 14 December 1941 from Lieutenant Commander S. S. Isquith, U.S. Navy at <https://www.history.navy.mil/research/archives/digitized-collections/action-reports/wwii-pearl-harbor-attack/ships-s-z/uss-utah-ag-16-action-report.html>.
- ²² DANFS History of the USS Utah at [https://en.wikipedia.org/wiki/USS_Utah_\(BB-31\)#cite_note-FOOTNOTEDANFS_Utah_28BB-31.29-3](https://en.wikipedia.org/wiki/USS_Utah_(BB-31)#cite_note-FOOTNOTEDANFS_Utah_28BB-31.29-3)
- ²³ Wikipedia on the USS Utah at [https://en.wikipedia.org/wiki/USS_Utah_\(BB-31\)](https://en.wikipedia.org/wiki/USS_Utah_(BB-31)).
- ²⁴ Defense Video Image Distribution system at <https://www.dvidshub.net/image/799952/pearl-harbor-71st-anniversary>.
- ²⁵ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003), *affirming*, 2001 U.S. Dist. LEXIS 21178, 2001 WL 1636965, 2001 WL 1636965 (S.D.N.Y. Dec. 18, 2001).
- ²⁶ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003).
- ²⁷ Home of Heroes, Tomich Medal of Honor citation: http://www.homeofheroes.com/moh/citations_1940_wwii/tomich.html.
- ²⁸ Naval History & Heritage Command NH photo #79593 at <https://www.history.navy.mil/search.html?q=tomich&category=>
- ²⁹ Statement by Admiral Lunney.
- ³⁰ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003).
- ³¹ Defense Video Image Distribution system at <https://www.dvidshub.net/image/799952/pearl-harbor-71st-anniversary>.
- ³² DESAUSA at http://www.desausa.org/USS%20Tomich%20DE%20242/uss_tomich_de_242_2.htm.
- ³³ DESAUSA at http://www.desausa.org/images/uss_tomich_12.htm.
- ³⁴ Admiral Lunney studied Navy files concerning Tomich's career, and traveled to Prolog, a village of about 400 that had been in Austria-Hungary when Tomich was born there (later part of Yugoslavia, now in the Federation of Bosnia and Herzegovina), where Lunney searched the birth, marriage, baptism, and death records of the local Roman Catholic church.
- ³⁵ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003).
- ³⁶ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003).
- ³⁷ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003).
- ³⁸ *Lunney v. United States*, 2001 WL 1636965 at *2-4, 2001 U.S. Dist. LEXIS 21178, at *6-8 (S.D.N.Y. 2001).
- ³⁹ *Lunney v. United States*, 319 F. 3d 550 (2d Cir. 2003).
- ⁴⁰ Haberman, Clyde, *The New York Times*, April 1, 2003, “NYC; A Medal Both Coveted And Orphaned”.
- ⁴¹ Haberman, Clyde, *The New York Times*, May 30, 2006, “After 65 Years, a Hero's Medal Finds a Home”.
- ⁴² “US Vice President and the Medal of Honor for Croatian: American Vice President Cheney plans to award the Peter Tomich Medal of Honor to his next of kin during his visit to Croatia this month May 2006. ...”
<http://www.croatia.org/crown/articles/4271/1/E-US-Vice-President-and-the-Medal-of-Honor-for-Croatian.html>.
- ⁴³ “The Navy Hymn.”