

DECLASSIFIED

FIFTH DAY

The board reconvened in executive session at 0830 hours, 14 June 1969.

The board recessed at 1030 hours, 14 June 1969.

During this session the board reviewed and approved the prior day's transcript and planned future proceedings of the board. At the conclusion thereof the board reconvened in open session at 1045 hours, 14 June 1969.

All persons connected with the board who were present when the board adjourned were again present.

Senior member: The board now being in open session, it is pointed out by counsel that any person who is to be called as a witness or may be called as a witness should leave the board room and withdraw. The board recalls Captain Stevenson.

Captain J. P. Stevenson, Royal Australian Navy, was recalled as a witness by counsel for the board and testified as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. In your testimony yesterday you said, "I had already signalled that my course was 260. I was staying on that until the escort got astern." You are invited, sir, to give the reasons for the decision you made in that connection?

A. As soon as the EVANS altered course putting me on her starboard bow, I became a privileged vessel and could not alter course until that collision circumstance was overcome one way or another. It would be a matter of minutes, a very short space of time. It would not have an effect, or an appreciable effect, on the other escorts, a minute here or there, when they are weaving in sectors on a zig zag. It would not be important to them if I followed my zig zag course of 260, that leg of the zig zag, until EVANS got into safe position astern of me when I would have resumed the zig-zag without signal.

Q. Counsel asks at what time, in your opinion, you took over the conning of the ship that night during the events immediately preceding the collision?

A. In these circumstances I--can I put it this way, I didn't officially take over the conn until I gave that hard left rudder, but if anyone had given any other orders on the bridge, I would have intervened. In my own mind I had the conn from the moment she started turning towards me. I didn't give any instructions that I had it, but if any other orders had been by anybody else I would have stepped in to see that they were mine.

Q. And that you say was the position from what point in the sequence of events?

A. As soon as EVANS started her turn to starboard.

Q. Is there provision in the standing orders which determine the manner in which the commanding officer takes the conn from the officer of the watch?

A. Yes, there is.

Q. What is the provision?

A. Either by my giving a direct order stating that I had taken over the conn or by giving an order, an engine order or a wheel order.

Q. You are informed that you are privileged now to make any further statement--

Senior member: Excuse me counsel, the board has a few questions.

EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Captain Stevenson, I believe that you mentioned that the escorts were weaving?

A. Patrolling their sectors was the word I should I have used.

Q. In what document is contained the ship's order with respect to the moment which an individual takes over the conn?

A. It's in my Captain's Standing Orders, I believe, the ship's standing orders. I haven't got them with me.

Senior Member: Will counsel obtain that document.

Counsel for the board: Yes sir.

Senior Member: We will then determine if it should be admitted into evidence.

Counsel for the board: Can you help us, Captain, by letting us know if that document is still on the ship?

Witness: Yes, I will, it's not here. I would have to get it from the ship.

Counsel for the board: Are there any further questions from the board?

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Questions by Senior Member:

Q. Captain Stevenson, under what terms of reference did you believe at the time that EVANS placed MELBOURNE on EVANS starboard bow, at that time under what terms of reference did you believe that MELBOURNE was a privileged vessel?

A. Two ways, sir. The Rules of the Road, normal rule of the road and secondly, the well secondly, but not so clearly, the carrier's right of way. I was not operating aircraft at that time but preparing to operate.

Q. By rules of the road, I presume you refer to the International Regulations for the Prevention of Collisions at Sea?

A. That's correct, sir.

Q. And with respect to the second way, to what document would you refer?

A. ATP 1, sir, ATP 1(A). I can look it up for you. Chapter 15, of ATP 1(A), which says keep clear of carriers. It does state when preparing to or operating aircraft. In actual fact, I wasn't, hadn't indicated clearly that I was about to operate, although I was close to program.

Q. If I understand your response correctly, you believed, however, that that provision of ATP 1(A) did apply to you under the circumstances?

A. Yes.

Q. Captain, you have mentioned in prior testimony that MELBOURNE's wheel was rather stiff. I don't have the exact words in front of me. Did your comment in this regard imply that there was any problem or defect?

A. No, sir it did not. It's just that it does take a little, I imagined that it would take a little longer to put on than the triumph's wheel, which was the turning data that you have. I haven't been able to make a comparison of it. My indication there was that it would take just a shade longer than the triumph timing. It is no defect.

Senior Member: The board has no further questions at this time.

Counsel for the board (CDR Glass): In that event you are entitled to be informed that you have a privilege of making a further statement covering anything related to the subject matter of the inquiry that you think should be a matter of record in connection with it and which has not been fully brought out by the previous question.

Witness: One point I would like to make, which I didn't state before. After the collision, immediately after the collision, I ordered the escorts to close to assist with survivors. It was within the steps taken immediately after the collision. Secondly, I would like to make a statement on the steps taken to ensure the safe operations of EVANS in the role of plane guard, which were the following: (1) emphasis on care and safety in the escort hand-out, which all ships had been handed one week previous to this collision; (2) careful training in close quarters maneuvering during the early stages of the exercise and also in maneuvering to the plane guard station from a variety of screening stations; (3) adherence to the set and practiced procedure for moving to plane guard station, (4) use of navigation lights at full brilliance in MELBOURNE to avoid doubt as to the relative position of the two ships; (5) signalling of MELBOURNE's course to remove any possible doubt as to her movement; (6) discussion with the commanding officer prior to the exercise at which time the imperative need for care in order to keep clear of MELBOURNE was emphasized. Despite these precautions the unbelievable happened and my ship and its entire crew were endangered. Immediately this was apparent, a signal was sent warning the EVANS of the danger in plenty of time to avoid it. When collision became inevitable, I ordered drastic alteration of course of MELBOURNE in the only direction possible. The correct sound signal was made and a voice signal was sent telling EVANS of the action taken. When it was obvious this action would not succeed, the engines were stopped and put astern. All hands went to emergency stations in a high damage control state. After the collision, rapid and efficient action was taken as a result of which a very large portion of the EVANS ship's company was rescued, all of them by MELBOURNE. I would have expected the EVANS to have taken careful note of all the precautions I listed previously. However, if attention had been paid to even one of these cautions this collision could never have occurred.

Counsel for the board (CDR Glass): Counsel points out, sir, that part of your evidence relating to rescue and salvage operations is not being taken at this time and we will be asking you to come back later on, and the usual warning is to be given. You, like all other witnesses are required not to discuss with any other witness or with any person the evidence you have given before this board. You are excused subject to the liability to recall.

Senior Member: We will have a recess. 1115, 14 June 1969.

The board reconvened in open session at 1120 hours, 14 June 1969.

All persons connected with the board who were present when the board recessed were again present.

Counsel for the board: Let the record reflect that this is an open session of the board.

Lieutenant Commander Richard Arthur James Tagg Arundel, Royal Australian Navy, was called as a witness by counsel for the board, was duly sworn and testified as follows:

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EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. Would you state your name, grade and present organization?

A. Lieutenant Commander Richard Arthur James Tagg Arundel. I am the Fleet Communications Officer to the Flag Officer Commanding Australian Fleet.

Q. Do you have any particular qualifications in the Royal Australian Navy?

A. Yes, sir.

Q. What are they?

A. I am a qualified Communications Officer since 1958.

Q. What is your background in communications procedures and techniques?

A. In the course of my duties I have been conversant with communications procedures since 1958.

Q. Could you speak a little more loudly please, so the members of the board can hear you? Have you had any particular training or studies in this area?

A. I have sir.

Q. Would you state what they are?

A. I studied in the United Kingdom for 12 months in a long communications course.

Q. Are you familiar with the term Tactical Primary Net?

A. Yes, sir.

Q. What is it referred to in your communications phraseology?

A. The circuit your referring to is the Tactical Primary.

Q. And what is that circuit used for in fleet operations?

A. It is the principal tactical maneuvering circuit.

Q. And are any records kept by ships of transmissions on that circuit?

A. Yes, sir.

Q. What types of records?

A. The records kept by Commonwealth ships are an exact record of every transmission that is made on the Tactical Primary Circuit as recorded by a communications sailor that is trained in tactical procedures.

Q. Have you had a chance to become familiar with the records kept in U.S. Ships?

A. I have, sir. As the result of compiling some records for the past few days, I realize there are some differences in recording.

Q. Have you in the past two days performed any tasks at the request of counsel for the board?

A. Yes, sir I have. This has been the collation of the signals which were made, which had a particular tactical implication from the completion of the replenishment phase on the 2nd to the morning of the incident.

Q. And what was your basic source of this compilation or collation of signals made.

A. The Tactical Primary Log, sir.

Q. Of what ship. What ship was your primary document for this?

A. I used as my basic document the Tactical Primary Log as compiled by the Communications Tactical Operator on FOCAF Staff.

Q. What additional logs did you use in this process?

A. I used MELBOURNE's ship log, COMDESRON 23 and KYES combined log - LARSON's Log, BLACKPOOL's log. Incidentally, there were two logs from BLACKPOOL.

Q. What were the two logs?

A. There was the bridge log and another log kept in their CIC.

Q. Was the EVANS log available to you?

A. No, sir.

Q. Do you know the reason why not?

A. I presume it was lost with the ship.

Q. Did you also use the CLEOPATRA's log?

A. No, sir. It was not available to me until this very morning. I was unable to get into the details at this time. It is available.

Q. You do have it now?

A. I have it now.

Q. Did you have any assistance in the task of preparing this collation?

A. I had the assistance of Lieutenant Fisk, who is the Communications Officer of the KYES.

Counsel for the board: At this time I ask that this document be marked Exhibit 27 for purposes of identification.

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Q. Lieutenant Commander Arundel, I give you Exhibit 27 and ask you if you can identify it.  
A. Yes, sir. This is the compilation I was working on.

Q. Would you describe for the board what it contains?  
A. Yes, sir. I have collated the principal maneuvering signals from FOCAF Log for the period 020550Z until 022018Z. In columns alongside each signal I have compared the transcript of the log in MELBOURNE's bridge, COMDESRON 23 and KYES, LARSON's and BLACKPOOL's bridge and CIC logs. Shown in the columns are any discrepancies. That is any essential differences such as times or non receipt of signals, a certain signal.

Q. There are a large number of entries of "agree", would you state what that term means?  
A. Yes, sir. I've put the term "agree" where the signal made or recorded in MELBOURNE, or I should say FOCAF's log, agrees with the record in the other logs in precise detail.

Q. In your opinion is that an accurate representation of the transmissions made and received during that period by the units indicated?

A. It is a very accurate record of the principal tactical signals made throughout. However, it does not record in the case of the USN Logs where receipts were given, in all cases.

Q. Why is that true?  
A. The reason, sir, is that the system of recording in the U.S. Logs is not to record exact detail, such as receipts or repetitions.

Q. FOCAF Tactical Primary Log has been admitted into evidence as Exhibit 12. Is that the document that you used as the basic document in this preparation?  
A. Yes, sir.

Counsel for the board: Under those circumstances sir, counsel requests admission of this document as Exhibit 27. I think before doing so, sir, we would like to ask one additional question.

Q. Have you translated the signals into this document - in this document into the plain language equivalent?  
A. Yes, sir, I have.

Q. In your opinion are those translations accurate?  
A. They are.

Counsel for the board: Counsel would also like to state at this time that we will ask Lieutenant Commander Arundel to continue this work now that he has the CLEOPATRA's Log. At a later time we will provide a supplement to the exhibit, indicating the results of that comparison.

#### EXAMINATION BY THE BOARD

Questions by the senior member.

Q. I have one question before we admit this, possibly more. You have stated, Mr. Arundel, that you have recorded in this document the principal maneuvering signals.  
A. Yes, sir.

Q. Do I take it from that that some transmissions on the TACPRI Circuit, which may be evidenced by log entries of one or another ship, are not on this document?  
A. That is possible, but as I said sir, I used the basic document. That is the FOCAF log in which all transmissions have been recorded.

Q. The point which I wish to establish is whether the compilation that you have prepared and which is now marked for identification Exhibit 27, contains notations concerning all transmissions on the Tactical Primary Circuit during the period covered, or, whether it contains as you said earlier, only the principal maneuvering signals.  
A. It is the principal maneuvering signals.

Q. If a transmission did not consist of a signal or a maneuvering signal or something you thought of as a principal maneuvering signal, it does not appear on this compilation. Is that correct?

A. That would be correct sir. Except that my interpretation of principal maneuvering was that any signal which could have had a bearing on a screen maneuver, an alteration of course, and so forth.

Q. Does this include transmissions of a solely informative nature?  
A. It does indeed, sir. Such as supplying course and speed.

Q. In the course of your work and particularly that aspect which involves translation or decoding of the signals from their signal form to plain language form, to what publications did you refer?

A. I referred basically to ATP-1A, Volumes 1 and 2, change 4. Additionally, FOCAF's OPCODE 1-69 and Annex Golf to the main OPLAN.

Q. Did anyone assist you in this work?  
A. Yes, sir, Lieutenant Fisk assisted me. Not interpreting all call signs, but certainly interpreting maneuvering signals.

Q. And has there been any check of this material following its completion by yourself and Lieutenant Fisk?

A. No, there hasn't been, sir.

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Q. Does your collation include any indication as to which of the messages recorded were originally in signal form and which were in plain language?

A. No, it doesn't, sir. The transcription is plain English language.

Counsel for the board: May I ask one question in that connection, sir?

Senior Member: (nods his head in approval)

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. Where a code was used for transmission of courses or speeds, is that indicated in your translation?

A. It is not indicated, no, sir. Correction - except in one place, at the very end.

Q. Where is that place?

A. On the last page I have indicated alongside a course which was given, that it was in code.

Senior Member: Counsel, this Exhibit 27 may be admitted into evidence. However, in addition to what we have here a version of this document wherein CELOPATRA's data is inserted, and in addition the exact terms of both the call signs and the transmission in each case are shown is to be prepared.

Counsel for the board: Both the call signs and what, sir?

Senior Member: And the transmitted message. In other words, the entire text of the transmission including both the call up and the message or signal.

Counsel for the board: Sir, we have that already. Exhibit 12 which is admitted into evidence.

Senior Member: I understand that. I would like to have that placed alongside on this particular document for ease of reference.

Counsel for the board: I see, sir. That can be done.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Mr. Arundel, with respect to this compilation, you stated that your basic reference source was FOCAF's TACPRI Log. In the logs of the other ships and staffs available to you, were there any indications of transmissions which were not in FOCAF's.

A. I looked for some discrepancies, or to see if there were any discrepancies, in MELBOURNE's as a comparison. I didn't find any.

Q. So that if one of the other ships, other than MELBOURNE had recorded a transmission not recorded in FOCAF's or MELBOURNE's log, it would not be shown?

A. It would not be shown.

Q. Or it would not be ~~detached~~ <sup>deleted</sup> from this document?

A. Not from that document.

Senior Member: The board would like to have the additional work mentioned, include the examination of the other ships' logs. Namely, KYES, LARSON, BLACKPOOL and CLEOPATRA, to determine whether there were any transmissions not on here and if there were may they be inserted please.

Witness: I'd like to point out, sir, that there were two particular areas in which I did examine all logs, to see whether any signals were not included in this basic document.

Senior Member: Subject to those comments .....

Counsel for the board: Could we ask him which two those were at this time? Which two areas?

Witness: Yes, sir, these two areas were the last hour's signaling before the accident and on the occasion when the CTU, which was MELBOURNE, detailed or instructed COMDESRON 23 to detail a rescue destroyer.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by the counsel for the board:

Q. And what was the approximate hour the that latter .....

A. It was approximately 021108.

Q. 021108Z?

A. ZULU.

Q. Now what period on each side of that did you check?

A. I checked from that period for approximately half an hour.

Q. On each side?

A. On - from that period to approximately half an hour after the time I gave you. And on the other occasion it was just the total hour, preceding the accident.

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Q. Lieutenant Commander Arundel, are there any other features of this document that should be known to the board in it's examination of it?

A. I don't know whether you want me to go into some detail on the two areas I just mentioned?

Q. Not as to actual substance of messages, purely the form and what the document contains at this time?

A. No, sir, except to emphasize that it has not been possible - there's been no consistency in the two American logs to establish whether receipts were given for example ....

Q. Did you find major discrepancies in the times?

A. No, sir. No major discrepancies. Where there had been a minute or two difference in some ships logs, I have recorded it. However, I'd like to emphasize that these logs, quite often in the case of the American ships, the times have been established in an area remote from the bridge area and they may not be the times that the bridge would have made it.

Counsel for the board: Counsel has no further questions of this witness at this time.

Senior Member: The board does not.

The witness was duly warned concerning his testimony and withdrew from the boardroom, subject to recall.

Senior Member: The board will now recess to examine this Exhibit. The board will recess until 1330.

The board recessed at 1140 hours, 14 June 1969.

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The board opened at 1401 hours, 14 June 1969.

All persons connected with the board who were present when the open session of the board recessed are again present in open session.

Counsel for the board: Any person who may have been called as a witness or may anticipate that he might be called as a witness is requested to withdraw from the hearing room.

Counsel for the board: Counsel for the board calls Lieutenant (jg) Ramsey.

Lieutenant (jg) Ronald G. Ramsey, USN, entered.

Counsel for the board: Lieutenant Ramsey, the Judge Advocate General's Manual which governs the proceedings of this board and the appointing order of the board require that prior to directing questions to any witness who may be suspected of an offense, misconduct or improper performance of duty, that it must advise them as follows. Accordingly you are given this advice. First of all that you are suspected of having committed the offense of negligently hazarding a vessel of the armed forces. Second, that you have the right to remain silent as to that offense. Thirdly, that you have the right to consult with and to obtain a lawyer, either a civilian lawyer retained by you at your own expense or if you wish a Navy lawyer will be appointed by naval authority to act as your counsel without cost. Fourthly, that you have the right to have your retained civilian counsel or your appointed military lawyer present during your interview. And finally, that you have the right to terminate the interview at any time and for any reason. Do you understand what I have told you?

LTJG Ramsey: Yes, sir.

Counsel for the board: At this time then the board would like to know your response to that advice.

LTJG Ramsey: I would like to have legal counsel.

Counsel for the board: Do you have such counsel already?

LTJG Ramsey: Yes, sir.

Counsel for the board: Will you name him, please?

LTJG Ramsey: Yes, that would be Lieutenant Tilton.

Counsel for the board: Would you like to have him join you here or would you like to have the board recess so that you may consult with him?

LTJG Ramsey: He is just outside. I would like to have him here.

Counsel for the board: Very well, we will make such arrangements. Lieutenant Tilton, please.

At this point Lieutenant Fredric F. Tilton, JAGC, U. S. Naval Reserve, entered the room and took a seat next to LTJG Ramsey.

Counsel for the board: Lieutenant Tilton, I, as counsel for the board, have just advised LTJG Ramsey that he is suspected of the offense of negligently hazarding a vessel of the armed forces. I have given him the advice required by section 0606(d)2 of the JAG Manual. He has requested that you join him at the witness table as his counsel. Have you accepted appointment as his counsel?

LT Tilton: Yes, I have.

Counsel for the board: Would you state your qualifications please, sir?

LT Tilton: Yes, sir. I am a graduate of the University of South Dakota Law School. I am a member of South Dakota Bar. I have attended the Naval Justice School in Newport, Rhode Island and am a graduate of that school and I am certified as both trial and defense counsel by the Judge Advocate General of the United States Navy.

Counsel for the board: Thank you, sir. LTJG Ramsey, is Lieutenant Tilton acceptable to you as your counsel?

LTJG Ramsey: Yes, sir, he is.

Counsel for the board: Very well, sir. Will you stand for swearing?

LTJG Ronald G. Ramsey, U. S. Navy, was called as a witness for the board of investigation, was sworn and testified as follows:

Counsel for the board: Did you wish to make a statement, Lieutenant Tilton?

LT Tilton: Yes, I would. At this time, gentlemen, realizing the obligation of the board, also realizing the serious nature of the proceedings, as Mr. Ramsey's counsel and in view of the warning which has just been given, the serious nature of that warning and the unique nature of these proceedings, I have just joined him as counsel before the board and I would respectfully request that prior to Mr. Ramsey's testifying before the board that I be given the opportunity and Mr. Ramsey be given the opportunity to fully evaluate the situation, to familiarize ourselves more fully with everything that is going on here in the entire situation. At this time gentlemen, it would be difficult for me, in view of the type of offense, to be absolutely sure with regard to some of the questions that may be asked and therefore I would ask the board to grant a continuation

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in Mr. Ramsey's testimony until Wednesday of this coming week. In addition to that gentlemen, I would ask again in view of the warning, the unique nature of the proceedings, that counsel be afforded the opportunity to review the testimony that has been presented to this board prior to our appearance here today. I would also ask and request as counsel that I be given the right and Mr. Ramsey be given the right to examine all witnesses called by this board. I would ask for the right to recall any witness who has previously appeared before this board.

Counsel for the board: A clarifying question.

LT Tilton: Yes, sir.

Counsel for the board: First of all, when were you assigned as Mr. Ramsey's counsel?

LT Tilton: It was approximately Wednesday morning, this past Wednesday morning.

Counsel for the board: Is the board to understand your request for the right to examine witnesses to mean that you wish to examine them during the hearings of the board?

LT Tilton: Yes, sir.

Senior Member: Lieutenant Tilton, I would like to ask if you are aware at this moment that your client, Lieutenant (jg) Ramsey is not charged with an offense?

LT Tilton: Yes, sir, I am aware of that.

Senior Member: And are you aware that this board has no punitive power?

LT Tilton: I am aware of that, sir.

Senior Member: And finally this board is charged solely with reporting its findings of fact and opinions?

LT Tilton: Yes, sir, I understand that.

Counsel for the board: I would suggest that the board recess, sir.

Senior Member: The board will recess for the purpose of considering the request entered by Mr. Ramsey's counsel and will estimate a recess at this time of thirty minutes.

The board recessed at 1416 hours, 14 June 1969.

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The board reconvened at 1455 hours, 14 June 1969.

Senior Member: The hearing is open.

All persons connected with the board who were present when the board recessed were again present.

Counsel for the board: Let the record reflect that this hearing is in open session. Counsel has sent for LTJG Ramsey and LT Tilton.

LTJG Ramsey and LT Tilton entered the hearing room.

Counsel for the board: Please be seated.

Senior Member: LT Tilton, as I understand your requests to the board, they are three in number and briefly stated are as follows: You requested a delay until next Wednesday for further appearance of LTJG Ramsey before the board; secondly, you requested the right to review testimony already given to the board; and thirdly, you have requested the right to examine all witnesses and to recall any witnesses who have previously testified.

LT Tilton: Yes, sir.

Senior Member: As to the second and third of those requests, to review the testimony and the right to examine the witnesses who may be called, the board has no authority under the Judge Advocate General's Manual, U.S. Navy, which governs this procedure, to grant these requests. Accordingly, they are denied. With respect to the first request, the delay in the appearance of your client, the board grants a delay until Monday next, the 16th of June. If, on that date, a further delay is required, you should submit a request for such delay to the board together with the reasons therefor.

LT Tilton: Yes, sir.

Counsel for the board: Do you have anything further to say at this time?

LT Tilton: No, sir. Nothing further.

Counsel for the board: You are excused, subject to recall on Monday.

LTJG Ramsey and LT Tilton withdrew from the hearing room.

Counsel for the board: Counsel for the board calls LTJG Hopson.

LTJG Hopson entered the hearing room.

Counsel for the board: Would you have a seat over here, please? LTJG Hopson, the board's appointing order and the Judge Advocate General of the Navy's Manual require that prior to directing questions to any U. S. Navy witness who may be suspected of an offense, misconduct, or improper performance of duty, he should be given the following advice, which I shall give you now. First of all, that you are suspected of committing the offense of negligently hazarding a vessel of the armed forces. Secondly, that you have the right to remain silent as to that offense. And thirdly, that you have the right to consult with and to obtain a lawyer, either a civilian lawyer retained by you at your own expense or if you wish, Navy authority will appoint a military lawyer to act as your counsel without cost. Fourthly, that you have the right to have your retained civilian counsel or your appointed military lawyer present during the interview. And finally, that you have the right to terminate the interview at anytime and for any reason. Do you understand what I have told you?

LTJG Hopson: Yes, sir. At this time I would like to consult with a lawyer.

Counsel for the board: Very well. Do you have a specific lawyer in mind?

LTJG Hopson: Yes, sir, I do.

Counsel for the board: Would you name him, please?

LTJG Hopson: LCDR Brickson.

Counsel for the board: Is he present?

LTJG Hopson: Not at this time, sir. He is out in the passageway.

Counsel for the board: Would you like him to join you here or would you like the board to recess so that you may consult with him?

LTJG Hopson: Possibly if he could just join me here.

Counsel for the board: Very well. We will call him. LCDR Brickson, please.

Counsel for the board: Let the record reflect that LCDR Brickson has entered the room. Will you be seated please, Mr. Brickson?

LCDR Brickson: Thank you.

Counsel for the board: Would you identify yourself, please?

LCDR Brickson: I am LCDR Herbert O. Brickson, JAGC, U. S. Navy

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Counsel for the board: Have you been certified by the Judge Advocate General of the Navy in accordance with Article 27(b), Uniform Code of Military Justice?

LCDR Brickson: Yes, sir, I have.

Counsel for the board: LTJG Hopson, is LCDR Brickson acceptable to you as your attorney?

LTJG Hopson: Yes, sir, he is.

Counsel for the board: Mr. Brickson, I, as counsel for the board, have just advised LTJG Hopson that he is suspected of having committed the offense of negligently hazarding a vessel of the armed forces. I have given him the advice of section 0606(d)(2) of the JAG Manual, and he has requested that you serve as his counsel. Do you have a statement at this time, sir?

LCDR Brickson: Yes, sir. I do. (Standing)

Counsel for the board: You may be seated.

LCDR Brickson: With the permission of the board, in view of this development, it is respectfully submitted that Mr. Hopson is entitled to know the context in which he is going to make a statement. And additionally, in view of this development, it is submitted that by the action of the board, Mr. Hopson has in fact been designated a party, and as such, should be entitled to exercise the rights of a party as enumerated in section 0304 of our JAG Manual, which includes the right to examine the evidence presented before this board up to this point, to cross-examine the witnesses at his discretion or to recall any witnesses for purposes of cross-examination. Therefore, it is respectfully requested for permission to examine the evidence that has been presented thus far, and reserve the right to recall witnesses for purposes of cross-examination, and to exercise the right of cross-examination in the future. In this regard, it is respectfully requested that a continuance be granted Mr. Hopson until probably Wednesday, I think would be sufficient.

Counsel for the board: Does the board wish to recess to consider that request of counsel?

Senior Member: No. Mr. Brickson, this board wishes to ascertain first of all, whether you understand your client has not been charged with an offense.

LCDR Brickson: He has not been charged?

Senior Member: He has not been charged with an offense. The statement of counsel to your client was that he is suspected of an offense. He has not been charged with an offense. Now if that is not understood I would like to have counsel develop it further for you.

LCDR Brickson: No, sir. I misunderstood.

Senior Member: Secondly, the board would like you to know that the board is not endowed with any punitive power by its appointing orders, or its rules of procedure. Do you understand that?

LCDR Brickson: Yes, sir.

Senior Member: And thirdly, the board is charged with reporting only its findings of fact and opinions. Now understanding those points, do you adhere to your previous statement and request?

LCDR Brickson: Yes, sir. Just the - well, I think that under the circumstances and in view of this development to the point feeling that his statement should be made knowing the context in which he is making - going to make the statement. I would make the request for permission to examine the record thus far.

Counsel for the board: May I ask one clarifying question? How long have you been assigned as counsel for LTJG Hopson?

LCDR Brickson: Approximately since Wednesday afternoon.

Counsel for the board: Thank you.

Senior Member: Mr. Brickson, there is one further point on which I wish to insure there is no misunderstanding and that is that in fact, your client, Mr. Hopson, has not been designated a party. This board has no right or power to so designate any individual.

LCDR Brickson: I understand.

Senior Member: Does the board understand therefore, that you have made essentially four requests. First, the right to examine the evidence already given. Secondly, the right to cross-examine witnesses. And thirdly, the right to recall witnesses. And fourthly, a delay until this coming Wednesday....

LCDR Brickson: Yes, sir.

Senior Member: ....for further appearance of your client.

LCDR Brickson: Yes, sir.

Senior Member: As to the first three, that is, examination of evidence already given, cross-examination of witnesses, and the recall of witnesses already heard, the board, under its rules of procedure which are governed by the Judge Advocate General's Manual, U. S. Navy, has no right to

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grant those requests. Accordingly, they are denied. As to your fourth request, the board grants a delay until Monday, 16 June, and if on Monday further delay is required, you should request such delay, together with reasons therefor.

LCDR Brickson: Yes, sir. I understand.

Counsel had a discussion with the senior member out of the hearing of the reporter.

Counsel for the board: May I add one thing, Commander Brickson. You asked the context in which LTJG Ramsey had been - I'm sorry, LTJG Hopson had been called as a witness. The context is that information, preliminary information received by the board, indicates that LTJG Hopson was the Junior Officer of the Watch at the time of the collision. The board has heard evidence to this point from several witnesses, the Commanding Officer of FRANK E. EVANS, Commanding Officer of HMAS MELBOURNE, and the Flag Officer in Command of the Australian Fleet. LTJG Hopson would be, if he testified now, the first witness to testify giving the board the view point of the events of the evening of 2 and 3 June as seen from the eyes of the EVANS. It is in that context then as a witness with full rights of representation by counsel to assist him in the - in his testimony, and to help him in answering - to advise him in the answering of any questions, and to advise him as to his rights not to answer any question or to terminate the interview, that he has been called as a witness. Would the senior member like to amplify that in any way?

Senior Member: No, I think that covers the situation at the moment.

LCDR Brickson: Mr. Hopson is ready to testify at this time.

Counsel for the board: Very well. Mr. Hopson would you please rise and raise your right hand.

LTJG James A Hopson, U.S. Navy, was called as a witness by counsel for the board, was sworn, and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. Would you please state your name, grade and present organization?

A. My name is James Armor Hopson. My grade is LTJG, United States Navy. My organization is the USS FRANK E. EVANS?

Q. Was your organization on 3 June also FRANK E. EVANS?

A. Yes, sir. It was.

Q. At this time Mr. Hopson, would you briefly recount to the board your experience in the U. S. Navy.

A. I originally enlisted in the United States Navy in <sup>1954</sup> 1958, March the 8th of 1958, at Kansas City, Kansas. It was the Naval Reserve. I was connected with Naval Air Station, Olathe, Kansas at that time. I came on active duty on the 21st of July, 1961 and was sent to Norfolk, Virginia, Receiving Station. I stayed there for approximately two months and was then transferred to Hospital Corps School in Great Lakes, Illinois, in September of 1961. I attended a Hospital Corps course in Great Lakes and graduated in December of '61, was then transferred to Camp Lejeune, North Carolina, Marine Corps Base the latter part of December '61 and remained there until 1963. In April of 1963 I made second class petty officer and in May I reenlisted in the regular navy, upon acceptance of the NESEP program, the Naval Enlisted Scientific Education Program.

Q. Would you state the nature of that program a little more clearly, please?

A. What it consists of, sir?

Q. Yes.

A. The NESEP Program is designed for selecting various enlisted personnel in the United States Navy to attend a four year course at selected universities throughout the United States to obtain a degree and eventually a commission in the United States Navy. I was then transferred from the Marine Corps Base, Camp Lejeune, to Bainbridge, Maryland for a nine week preparatory course which ended in August of 1963. From there I was transferred to Moscow, Idaho, to attend the University of Idaho, arriving there in September of '63 and I eventually graduated from the University of Idaho with a Bachelor of Science Degree in Mechanical Engineering on the 4th of June, 1967. I was then transferred to Newport, Rhode Island, to attend the Officer Candidate School commencing in June of 1967 and was ultimately commissioned on the 20th of October 1967. I was then transferred to the USS FRANK E. EVANS. I ultimately arrived on board the EVANS when she was in Subic Bay on the 19th of November 1967. I reported aboard as prospective Main Propulsion Assistant and have been on board the FRANK E. EVANS ever since. I relieved LTJG Roger Struthers as Main Propulsion Assistant in February of 1968, and I was up until - well I still am designated as Main Propulsion Assistant of the FRANK E. EVANS.

Q. What does the term Main Propulsion Assistant mean?

A. The Assistant portion of it indicates that I assist the Chief Engineer in maintaining the main propulsion plant of the ship, namely the boilers, the main engine and the various pumps connected with maintaining the ship in a ready condition.

Q: Very well. You may proceed.

A: When I first reported aboard the EVANS, I was assigned watches as Officer of the Deck in port under instruction, and after three watches or so I was then allowed to stand these watches on my own when we were in port. The underway watches that I stood were originally CIC Watch Officer under instruction. This was for a period of approximately one month. And then I was standing watches as Junior Officer of the Deck on the bridge, until approximately January of 1968. In February of '68 as I recall, I was standing watches as CIC Watch Officer and up until March the 15th of '68 I was CIC Watch Officer. At this time wa....

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Q. May I interrupt, I'm sorry. Are you referring to 1968?

A. Yes, sir.

Q. All right.

A. On March the 15th of 1968, I was flown from the Sea of Japan where the FRANK E. EVANS was at the time, to the United States to San Diego to attend the Engineering Officer's School at the Development and Training Center in San Diego. This was approximately a twelve week course. I graduated from this course on the 14th of August, as I recall. I believe that's the proper date, the 14th of August 1968, and reported back to the FRANK E. EVANS. At this time the FRANK E. EVANS was undergoing a major overhaul period at Long Beach Naval Shipyard and she was in drydock at the time. The overhaul period ended for us on the 3rd of September, the first part of September 1968. We then had various exercises in the Southern California operating area. And during these exercises I was standing both CIC Watch Officer and Junior Officer of the Deck. And on March the 29th of 1969, we got underway from Long Beach, California to begin our WESTPAC deployment, which we were on until this time.

Q. Could you describe in detail your experience as Junior Officer of the Deck?

A. I don't quite understand what you mean by in detail, sir.

Q. How many months have you performed duties as Junior Officer of the Deck?

A. That would just be an estimate on my part. I really - I can't remember. It's been about half CIC Watch Officer and half Junior Officer of the Deck while we were underway. I would just estimate this. If I gave it a little thought, I suppose I could come up with an answer, but I really can't at this time.

Q. If you can't do more than that at this time, we will just leave that question until later. What type of qualifications for standing watches were you certified for? Let me start over. For what watches on board FRANK E. EVANS had you been certified by the Commanding Officer?

A. I was certified as a qualified Officer of the Deck in-port, a CIC Watch Officer and a Junior Officer of the Deck.

Q. The latter two under what circumstances?

A. The latter two were underway.

Q. Underway? Does that include fleet operations?

A. Yes, sir, to the best of my knowledge, it was.

Q. During your period as CIC Watch Officer and Junior Officer of the Deck, did you have any experience in ASW carrier screening operations?

A. Yes, sir. We did have experience in this. As I mentioned earlier we were on several exercises in the Southern California operating area and that was the purpose of these exercises, ASW. And so any watch I did stand during that period would be connected with ASW.

Q. During those periods, had you had the opportunity to have the conn of the ship during shifting station in the screen or moving to plane guard station?

A. Yes, sir, I had.

Q. Do you have any estimate of the number of times?

A. No, sir, I don't have any idea.

Q. Inviting your attention to the night of 2 and 3 June 1969, would you state your duties at that time?

A. You are referring to the night of the 2nd of June and the morning of the 3rd of June?

Q. That's correct.

A. I went to bed on the 2nd of June at approximately 1915 in anticipation of having the mid-watch. The last thing I recall on the 2nd of June was hearing "Lay before the mast all eight o'clock reports", which was called away at 1930. I then went to sleep and was awakened at 2330 by the Messenger of the Watch and told that I had the next watch. I got up and dressed, went to the ward room and had a cup of coffee and there met LTJG Ramsey, ENS Armstrong, and ENS Brandon, who were the officers who were going to be on the mid-watch. ENS Brandon and ENS Armstrong in CIC, and myself and Mr. Ramsey on the bridge. I finished my coffee and then went up the ladder to the bridge, walked through the pilot house and out on the open bridge and there met ENS Ogawa, who was....

Q. Would you repeat his name, please?

A. ENS Ogawa. Would you like for me to spell that, sir?

Q. Please.

A. O-G-A-W-A. ENS Ogawa was the Junior Officer of the Deck on the 20-24 watch. I told Mr. Ogawa that I was ready to relieve him and he related the basic setup to me. I have some graphical representations here of what he did relate to me.

Q. Before doing that, sir, I should give you one statement which I neglected at the beginning of this hearing session. First of all, that the evidence which is being received in open session is limited to unclassified information. You are not authorized to disclose classified information during the open session. And should the answer to any question which you are asked require you to disclose classified information, you are requested not to answer but to advise the board. In that case you will be given the opportunity to answer it fully and completely in closed session. If you can answer a question in general terms without disclosing classified information, you are requested to do so in open session amplifying if necessary in closed session. Do you understand that?

A. Yes, sir. I do.

Q. Can you show the chart which you have before you under those circumstances?

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Witness: What I have here is my first representation of the setup of the screen situation as it was at the time.

Q. The board understands that the details of the screen are classified. However, you may describe the screen in general terms as to what type of screen it is and the location of FRANK E. EVANS in that screen in unclassified session.

A. I do not have the screen named on this particular drawing.

Q. Does it show the exact sectors?

A. Yes, sir, it does.

Q. I'm sorry, but you cannot use that in open session.

Senior Member: The board will recess for five minutes.

The board recessed at 1532 hours, 14 June 1969.

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The board opened at 1540 hours, 14 June 1969.

All persons connected with the board who were present when the board recessed were again present.

Lieutenant Hopson and his counsel resumed their seats in the witness stand.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by the counsel for the board:

Q. Lieutenant Hopson, returning to the point at which you were awakened for the mid-watch, you indicated that you were awakened at 11:30 I believe. Was that the first notice that you had that you had the watch?

A. No, sir. I did have ample notification and it was an anticipated thing. I had the 12 to 16 watch on the 2nd of June and I fully anticipated to have the mid-watch during the morning of the 3rd of June.

Q. During the 12 to 16 watch what was the EVANS doing?

A. As I recall we were patrolling a sector in a bent line screen with a zig-zag plan that was put into effect by the carrier.

Q. What was the screened unit? What unit was being screened?

A. The screened unit was the HMAS MELBOURNE.

Q. During that period did EVANS go to plane guard station at all?

A. I don't recall, sir. I can't remember.

Q. Going back then to the night of 2 and 3 June you indicated that you had gone to the bridge and were preparing to relieve Ensign Ogawa as JOOD, will you continue from that point?

A. Without being too specific as far as what he related to me, he told me that the screen which was in effect was a bent-line screen and he indicated our position. This was written down on a maneuvering board that we had on the chart table on the open bridge.

Q. Was EVANS assigned a specific station or sector?

A. The EVANS was assigned a sector. I would like to explain that later at or in a closed session. I cannot divulge that at this time.

Q. Would you state where EVANS sector was in relation to the other ships of the screen?

A. We were to the right of the other ships.

Q. How many ships were in the bent-line screen that you have described?

A. (LT Hobson and counsel held brief discussion) There were three ships in an inner screen and two ships out in front of the formation. Would you like for me to name the ships?

Q. Yes. You don't need to give their stations but name the other four ships as I understand it were in the screen.

A. The other ships in the screen situation were the KYES, the LARSON, the CLEOPATRA, and the BLACKPOOL and then ourselves naturally.

Q. As I understand it you were at the right-hand side of the inner screen which consisted of three ships, is that correct?

A. Yes, sir, that is correct.

Q. Could you state the base course of the formation at the time you relieved the watch as you recall?

A. I don't recall what the base course or what the base speed was when I did relieve the watch.

Q. Do you recall that you were advised as to what they were by Ensign Ogawa?

A. Yes, sir, I was. I do remember that I was given the base course, the base speed, he related the screen plan to me also the zig-zag plan that was in effect at that time. I can't divulge that at this time as I understand.

Q. There was a specific zig-zag plan then in effect, is that correct?

A. Yes, sir, that is correct.

Q. From what publication was that taken, if you can recall?

A. That was from the Sea Spirit Operation Order.

Q. I show you Board Exhibit 1 and ask if that is the document from which the zig-zag plan was taken (handing the document to the witness).

A. (Witness looking through Exhibit 1) Yes, sir, this is the document.

Q. At the time you relieved the watch who else was on the watch on the bridge? I'm sorry, let me rephrase it. Who also was on watch during the 00 to 04 watch with you on the bridge?

A. Not the people who we were relieving just the people....

Q. That's correct, I want you to identify the people who also had the watch at the same time that you did.

A. The people having the mid-watch, aside from myself, were Lieutenant (jg) Ramsey as the Officer of the Deck; the Boatswain's Mate of the Watch who was a Seaman by the name of Petty, P-E-T-T-Y; and the Quartermaster of the Watch was a man by the name of Vigue.

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Q. Say that again, please?

A. Vigue, V-I-G-U-E. The others were a Seaman by the name of Baughman, B-A-U-G-H-M-A-M.

Q. What was his job?

A. He was rotated to several jobs during the course of the watch, and we had various other seaman but I can't recall who they were.

Q. And if you know, could you state what other stations in the ships were manned during the mid-watch, in general terms?

A. In general terms the after steering was manned.

Q. By how many men, do you know?

A. There was one man back there during that watch, I believe. The VDS detail was manned.

Q. State what VDS means?

A. VDS is Variable Depth Sonar.

Q. Very well.

A. The radio was manned for the midwatch, the CIC.

Q. I understood that there were two officers and a number of enlisted men there, is that correct?

A. In CIC, yes, sir. Then naturally the bridge, the signal bridge watch and the watches in the engineering spaces.

Q. Could you describe the engineering condition of readiness during your watch?

A. We had two boilers on the line, Number 1 and Number 4 boiler and Number 1 and Number 2 Ships Service Turbo-generator and we were running split-plant.

Q. What does split-plant mean?

A. It means that the forward main engine and its associated equipment, boilers and machinery are isolated from the after main engine and its boiler and auxiliaries and what have you.

Q. Were any lookouts stationed on the bridge?

A. Yes, sir. The lookouts were up on the flying bridge, sir.

Q. Could you hear their reports if they made them?

A. They passed their reports down through the JL circuit. We had a JL talker on the bridge.

Q. Is that a telephone circuit?

A. It is a sound-powered phone, sir.

Q. This is manned on the bridge level?

A. Yes, sir. It is manned on the bridge level, the flying bridge and in CIC.

Q. Could you state the condition of water tight integrity that existed on the ship during the midwatch?

A. Condition "Yoke".

Q. Would you describe in more detail what that means for a ship of FRANK E. EVANS class and specifically for FRANK E. EVANS?

A. It indicates....I don't understand by what you mean in specific terms. Let me approach it in this manner and maybe this will be what you are after. It means that every water tight closure that is labelled with "Yoke" or Xray" is to be closed at that time.

Q. And what is the purpose of this condition, when set?

A. The main purpose is for damage control and water tight integrity. It is to isolate various compartments of the ship from other compartments in case of a tragedy or what have you.

Q. Would you give the board the state of training of the personnel on watch on the bridge, with you during the midwatch?

A. The enlisted people on watch?

Q. All of those whose state of training you were familiar with.

A. We had several new people that had recently reported on board the FRANK E. EVANS and as was the case they were generally assigned to 1st Division. We did have some of these new people on the bridge during that watch. Exactly how many I can't say, but we did have experienced people. For example, the Boatswain's Mate of the Watch, Seaman Petty, was an experienced man and the Quartermaster of the Watch, Vigue, was an experienced man.

Q. Did the helmsman and the engine order telegraph operators carry out your orders properly and efficiently during the watch to the best of your knowledge?

A. When I had the conn, I didn't have the conn throughout the whole watch, but when I did have the conn it was sometimes a very concerning thing. I watched the rudder indicator very closely whenever an order was given to the helm to make sure that it was answered properly.

Q. To your knowledge were your orders answered properly?

A. Yes, sir. The majority of them were. If they weren't, then it was corrected immediately.

Q. When you arrived on the bridge did you find a Night Order Book left by the Captain before he retired?

A. Yes, sir. I relieved Ensign Ogawa. Mr. Ramsey then relieved Lieutenant (jg) Bowler.

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He walked over to the chart table and read the night orders and then he called me over and I read the night orders and signed them after that time. As I recall the things that were mentioned in the night orders, that stick in my mind, were be prepared to follow the zig-zag plan which was in effect, which I can't mention at this time, upon command of the carrier. This is paraphrased naturally, I can't remember the exact words.

Counsel for the board: You'll have a chance to amplify later.

A. I think that there was something in there about the boundaries of the sector that we were in and it was a modification that was applied to this (witness held brief discussion with his counsel.) This was a modification which was put in by the Executive Officer on the bearing boundaries of our sector. He said that our limits were 500 yards within the bearing boundary that was established in the screen/patrol sector.

Q. You say "put in by the Executive Officer" was it also approved by the Commanding Officer?

A. Oh, yes, sir. The Executive Officer wrote the things that he thought pertinent for our watch and the Commanding Officer would review these and then add his specific instructions, if he had any at the time, and then he did sign them.

Q. You indicated but I didn't quite understand when you indicated that you read and signed the orders. Was it before or after relieving the watch?

A. This was immediately after I relieved the watch.

Q. You have spoken, I assume, as to night orders particular to the night of 2 and 3 June, is that correct?

A. Yes, sir.

Q. Were there any indications in there of intentions for the night in the way of expected movements, changes in disposition or otherwise, that you recall?

A. To the best of my knowledge, as I look back, I seem to recall something in there about: follow the directions of the carrier in going to plane guard but I can't be too sure about this. A "be prepared statement" more or less. The thing that sticks out in my mind mostly of the Night Orders of that particular time is several "be prepareds." It said to be prepared to do this, be prepared to do that.

Q. Do you recall what they were in particular?

A. No, sir, I don't.

Q. In addition to the daily Night Orders which you referred were there any standing Night Orders that were applicable to all officers on watch that night?

A. Yes, sir. The standing night Orders were in front of the Night Order Book which was on the bridge every night. This consisted of about five or six pages of standing night orders. I couldn't recite them to you verbatim naturally but, but they were definitely in the Night Order Book.

Q. Do you recall whether either the daily or standing night orders contained any specific reference to what occasion the Captain should be called to the bridge?

A. The Captain wanted to be notified whenever a ship had a CPA of less than 10 miles and its course changed to come closer to the ship.

Q. Were there any specific instructions as to notification in the case of changes of dispositions, stations, etcetera.

A. I don't recall any at this time, sir.

Q. When you relieved the watch who had the conn?

A. Lieutenant (jg) Bowler had the conn, and when Mr. Ramsey relieved Lieutenant (jg) Bowler, he assumed the deck and the conn.

Q. Did you at any time during the period of the watch assume the conn?

A. Yes, sir, I did.

Q. At approximately what time?

A. It was between 0230 and 0300 that I assumed the conn.

Q. Do you recall the base course and speed of the formation at that time?

A. No, sir, I can't recall.

Q. Do you recall whether the disposition was zig-zagging?

A. Yes, sir. It was definitely zig-zagging and on top of the zig-zagging we were patrolling our sector.

Q. By patrolling your sector you mean moving about within the boundaries, is that correct?

A. Yes, sir.

Q. Do you recall the course and speed, the base course and speed of the formation at any time prior to the time EVANS was in collision with MELBOURNE?

A. Yes, sir, I do.

Q. Would you state what it was and at approximately what time?

A. To the best of my knowledge as I recall....I can't remember the time that it was ordered but the base course was changed to 185 at 16 knots.

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- Q. And was that during the time that you had the conn?
- A. As I recall....I can't remember it was in effect at...(witness held brief discussion with his counsel.) It was put into effect in a message that came over the radio telephone and it was shackled, as I think it was called.
- Q. The board as you are aware, are interested in the events concerning the collision. Was this course and speed you have mentioned 185 at speed 16 and in effect just prior to that.
- A. Yes, sir.
- Q. During the time you had the conn was FRANK E. EVANS required to change station in the formation?
- A. No, sir. Oh I'm sorry, are you talking about ordered to change station within the screen?
- Q. Either within the screen or taking another station within the formation?
- A. Yes, sir. I didn't understand you at first.
- Q. Would you describe the circumstances, please?
- A. (Witness discussing the question with his counsel) I have a diagram here that I will have to show the board in closed session, but I can give you some of the factors surrounding the incident up to the collision.
- Q. The board would desire that you give as much as you can in as much detail as you can in the open session and then you will be given the opportunity to amplify and add such additional facts as you would like in closed session.
- A. Yes, sir. We were ordered to take plane guard station 1,000 yards astern of the EMAS MELBOURNE.
- Q. May I interrupt at that point?
- A. Yes.
- Q. Approximately what time was that?
- A. It would be between 0310 and 0320. When the order was executed I went to the radar repeater on the bridge and checked the bearing and range to the MELBOURNE. This bearing was 084, the range was 3,800 yards. I then turned and looked at the clock on the after bulkhead of the pilothouse. I checked the zigzag plan that was in effect and according to the base course which was 185 and the zigzag plan her course should have been 20 degrees to starboard at that time or course 205. I was patrolling the screen and I was at 22 knots with a bearing of 084, 3,800 yards to the MELBOURNE and her on 205. I then informed Mr. Ramsey that my intention was to come around to the right and pass down the starboard side of the MELBOURNE and fall in astern of her at 1,000 yards, at which time I would reduce my speed.
- Q. According to your understanding of the situation of her course and speed, where would you have been in relation to MELBOURNE's bow?
- A. I would have been on her starboard bow. I then went to the starboard wing of the bridge. Ordered right 10 degrees rudder and told the helmsman to steady on a course of 050. When the ship came around I took my first visual bearing on the starboard polaris and noticed that the bearing to the MELBOURNE was 070. I was very confused at this time because I perfectly expected the MELBOURNE to be drifting right. The ships were at darken ship and all I could see of the MELBOURNE was a shadow. I could see no aspect at all. I then told Mr. Ramsey that she was drifting left and then I applied 5 degrees left rudder. At this time over the radio telephone circuit on the bridge, I heard from the MELBOURNE, "You are on a collision course." I turned and looked at Mr. Ramsey, Mr. Ramsey looked up and ordered right full rudder. At that time I turned and looked again at the MELBOURNE and she was drifting rapidly left across our bow. She had bright white lights on her flight deck, a mast head and range light, well her navigational lights were on, but due to the number of lights we still couldn't tell what aspect we were seeing. We then, both Mr. Ramsey and myself, went over to the port wing because she had drifted across our bow and it was at that time we saw that we were looking at the bow aspect of the MELBOURNE. I saw that the MELBOURNE was in very close proximity to the EVANS. I turned around and I ordered the lee helmsman to place the engines at "All Back Full". At this time I ran over to the starboard wing and I was shouting at the time that "She is going to hit us", "She is going to hit us". I reached the starboard wing, I turned and saw a flash of light on the bridge. I was hit very solidly in the back and I was in the water.
- Q. Lieutenant Hopson, the board hopes to separate the testimony into two sections, if at all possible, that leading up to the collision and then following that, rescue operations, salvage and so forth.
- A. Yes, sir.
- Q. At this point I would like to ask you some amplifying questions leading up to this point. You indicated that you were first given a signal to take formation 1,000 yards astern of the carrier, is that correct?
- A. Yes, sir.
- Q. Some time between 0310 and 0320?
- A. Yes, sir. To the best of my knowledge, yes, its about the time. I have no documentation on this.
- Q. Understood. Were any records of EVANS concerning this incident recovered to your knowledge?
- A. No, sir. To my knowledge they all went down with the ship, the forward section of the ship.
- Q. I understand that you are acting solely on the basis of your memory. Is that correct?
- A. That's true, yes, sir.

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Q. Can you recall if there was an appreciable interval between the time you were given the signal and the execution of that signal?

A. (Witness holding brief discussion with his counsel) You are referring to the time that I was given the initial signal and the time of the execution of that signal, is that correct?

Q. That's correct.

A. I don't recall what the time frame was on that. I'm sorry.

Q. You indicated that following the receipt of the execution you looked at the zigzag plan and the radar scope and determined what action you should take. Can you recall the length of time between the execution signal and the next scheduled change in the zigzag plan?

A. The periods of time on the zigzag plan I am sure are classified and I don't know whether I should answer that or not in open session.

Q. I believe, the board can correct me if I am wrong, I believe the board would permit you to answer if you gave the length of time between the time you received the "execute" and the next scheduled change.

Senior Member: Yes.

A. As I recall when I looked at the zigzag plan the course which the MELBOURNE was on had just started. That was 20 degrees to starboard.

Q. Do you recall in which direction the next zigzag leg would have taken MELBOURNE?

A. If I could see the operation order I could.

Q. Would you recognize the plan if you saw it in the operation order?

A. Yes, sir, I would.

Q. Very well (counsel handing the document to the witness).

Senior member: We will recess for five minutes.

The board recessed at 1614 hours, 14 June 1969.

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The board reconvened in open session at 1625 hours, 14 June 1969.

All persons concerned with the board's proceeding who were present when the board recessed were again present.

Counsel for the board: The board now being in open session, it is pointed out by counsel that any person who is to be called as a witness or may be called as a witness should leave the board room and withdraw. The board recalls LTJG Hopson.

LTJG James A. Hopson, U.S. Navy, was recalled as a witness by counsel for the board and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. I believe that just before the board recessed, Mr. Hopson, I asked you concerning the length of time between the execute "Form One" until the next leg of the zig-zag plan was scheduled. Do you recall that?

A. Yes, sir, after checking the operation order I found that it would be three minutes.

Q. Three minutes, that's based on you receiving the execute at what time?

A. That would be 0313.

Q. That would be the next change, is that correct?

A. No, sir, that's the time we received the order.

Q. Then the next change would be at time?

A. 0316.

Q. I see, and what would the change be, right or left, and how many degrees?

A. It would be to the right, and it would be 28 degrees.

Q. 28 did you say?

A. Yes, sir, 28 degrees.

Q. And what would be the deviation then from the base course, when the carrier was on that course?

A. It would be 48 degrees to starboard. This was not the one that was in effect when the order was executed.

Q. Let me go back a step. Maybe I've confused the issue. Based on the zig-zag plan that was in effect at the time the order to take station one thousand yards astern of the carrier, can you estimate the length of time until the time of the next leg of the zig-zag plan that was in effect was to be executed?

A. The length of time that the carrier would be on the course that she was on would be 3 minutes.

Q. And that was based on the zig-zag plan that you understand to be in effect?

A. Yes, sir.

Q. And the next course as we understood it, would be to the right?

A. Yes, sir.

Q. And it would be a turn to the right of how many degrees from the course of the carrier at that time?

A. From the base course it would be 48 degrees to starboard. This would be, sir, if I may add, this would be at time 16 that she would be coming right.

Q. At time 0316 is that correct?

A. Yes, sir.

Q. And what did you understand the zero hour of the zig-zag plan to be?

A. Well, the zero hour would have been 0200. This plan was put in effect, and, as I recall, it was stopped once by a signal and then restarted again. Now when restarting this you still maintain the same initial time and you just start where you should have been. The way we kept track of these were with small, penciled in, tick marks alongside of each time as the time arrived. We received from combat information center the course that MELBOURNE was coming to, we checked it on the bridge and then we either agreed and if there was any disagreement at all then we had it out then and there to find out which was the proper.

Q. Was there any disagreement between you and CIC on this particular night?

A. On this particular night?

Q. Yes, as to the times and directions of zig-zag movements?

A. There may have been one or two discrepancies, but not at this general time that we are mainly concerned with. The discrepancies being of a minor nature, maybe 4 or 5 degrees one way or another and then at that time they were straightened out and the outcome of these were the proper course as we saw it.

Q. To your knowledge did the carrier intend to continue zig-zagging during the time that you were to take your station astern?

A. As we understood it, yes sir.

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Q. Let me take you back to the time that you received the signal "Formation ONE". You indicated that you received that over the primary tactical circuit, I believe?

A. Yes, sir.

Q. How is that circuit monitored on board USS FRANK E. EVANS?

A. We have a radio telephone on the open bridge; we have a remote speaker on the open bridge. The open bridge has control of this particular circuit. It is monitored in combat information center, by the CIC watch, they maintain a log in there as we do on the bridge.

Q. If the signal is received in code, who has the responsibility for decoding it?

A. Both of us. Both of us meaning the watch in Combat Information Center and the watch on the bridge.

Q. When CIC receives a signal does it pass that signal to you in any way?

A. Yes, sir. We have a sound powered phone circuit that I mentioned earlier in my testimony, that connected the talker on the bridge, the lookout on the flying bridge and the radarman in combat information center and they would relay the information from CIC to the bridge and if there were discrepancies we would note it at that time and take corrective action.

Q. Who has the responsibility of acknowledging signals coming over the primary tactical circuit?

A. The bridge watch.

Q. And who specifically on the bridge?

A. The Junior Officer of the Deck has the primary responsibility of acknowledging the transmissions that come in over the RT circuits.

Q. Do you recall whether you specifically acknowledged the "Form One" that you received?

A. I don't recall whether I did or Mr. Ramsey did. It was acknowledged however. It was executed and we did acknowledge the execution.

Q. Were there any other radio telephone circuits being monitored on the bridge that evening, that night?

A. Yes, sir, we had another circuit, it was on the port side of bridge, but I can't recall what it was at this time.

Q. Where was the speaker for the primary tactical circuit on the bridge?

A. It was on the forward bulkhead of the pilot house, starboard side.

Q. Was it inside the pilot house?

A. No sir, it was outside the pilot house. When I say the forward bulkhead, I mean the exterior portion of that bulkhead within the bridge area.

Q. And how far approximately was it from where you were standing in carrying out your duties as conning officer?

A. This would depend on the time that you're referring to. As conning officer I would be on one of the wings or at the center portion of the bridge depending on what the situation was.

Q. Do you recall where you were at the time the signal "Formation ONE" was given?

A. No, sir, I can't recall.

Q. But do you specifically recall hearing that signal over the primary tactical circuit?

A. Yes, sir. I can verify that it was executed.

Q. <sup>Is</sup> there a hand set for the purpose of answering the radio telephone?

A. Yes, sir, the hand set is located on the starboard side of the bridge on the forward bulkhead which is just forward of the chart table at the center of the bridge.

Q. Is it near the speaker?

A. Yes, sir, it's almost directly in front of the speaker.

Q. Did I understand that the transmissions are recorded by an operator on the bridge?

A. No, sir. They're recorded either by myself or the Officer of the Deck. If I am conning on the port wing, then he would answer a signal or something like this, he would record them.

Q. Was that a permanent log that was kept of the transmissions?

A. Yes, sir, it was a primary tactical log.

Q. Who has the responsibility of the JOOD and the OOD, who would normally decode a message received in code?

A. Would you repeat the question again, sir?

Q. Yes, I'll be glad to, maybe I can rephrase it and make it more easily understood. You indicated, I believe, previously, that if a signal was received in some sort of a code that it would be decoded on the bridge and also in combat and you would compare notes, I believe something along that line. Was there any specific assignment of duty between the OOD and the JOOD as to who decoded the signal that was received?

A. As to the specific assignment of the duty, the way it was done is that one of us would decode it and then the other one would check it, so it was done by both of us normally.

Q. Do you recall whether there were any communications difficulties immediately prior to the collision in this case?

A. That I don't know, sir.

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Q. Did the messages that came to you over the primary tactical circuit seem clear and readable?  
A. Yes, sir. Those that I heard.

Q. After you had received the signal "Formation ONE" did you receive any further transmissions on the primary tactical circuit until the time of collision?

A. The next transmission I heard over the primary tactical circuit was "you are on a collision course."

Q. Can you recall at approximately what time that was received in relation to coming around to the right and steadying up?

A. It was very shortly thereafter. When we came around to the right we had a very high relative speed and so it was very shortly thereafter, I can't say what time it was.

Q. Could you see the carrier at that time?

A. At which time, sir?

Q. After you had steadied up and heard this message "you are on a collision course"?

A. I would like to say that after I steadied up I came left with five degrees rudder and then I heard the signal.

Q. If I understand your prior testimony, you came right and after steadying up discovered that there had been a left bearing drift rather than a right bearing drift and that's the reason for the five degrees left rudder?

A. Yes, sir. And then after the five degrees left rudder was applied then I heard the transmission saying "You are on a collision course." At this time as to your initial question, I could see the carrier but I couldn't tell what aspect I was seeing because we were at darken ship and there were no lights on the carrier at this time.

Q. You saw no lights whatsoever?

A. No, sir.

Q. Following that did you hear any further transmissions over the primary tactical circuit?

A. Yes, sir, would you like the ones that we initiated or....

Q. I would like transmissions that you initiated as well as those you received from MELBOURNE.

A. I see sir. Immediately after seeing that the carrier had the left bearing drift we applied the five degrees left rudder and then I heard the signal over the radio telephone saying "You are on a collision course." I turned to Mr. Ramsey, Mr. Ramsey looked up and ordered right full rudder. At this time I then turned around and looked at the carrier again and saw that she had her lights on, on the flight deck and a lot of white lights.

Q. Can you identify the white lights on the flight deck? Do you know what type of lights they were?

A. No, sir, I don't know.

Q. Were they navigational lights?

A. No, sir, just white lights. The next transmission I heard was....

Q. Did you also see any running lights at the time?

A. No, sir, if I could have, I would have been able to tell the aspect of the carrier at that time.

Q. Did the white lights in any way confuse you?

A. Yes, sir, definitely. Let's see, back to your question of the transmissions. Immediately after this there was some hesitation and the next transmission over the radio telephone was the MELBOURNE saying "Roger, my rudder is hard left."

Q. Could you estimate the distance between you and MELBOURNE at the time you received the message "You are on a collision course"?

A. No, sir, I couldn't. The MELBOURNE at this time was a shadow, the moon was clouded over with a cloud covering and it was just a shadow. There was a moon that night and there were patches of clouds and the clouds just happened to be in the position that the MELBOURNE was just in a shadow at that time.

Q. Could you describe the weather conditions in more detail in addition to the moonlight?

A. It was a very calm sea, very calm....

Q. Any wind?

A. Very little wind.

Q. Visibility?

A. Visibility was very good in the moonlight.

Q. Following the transmission "My rudder is hard left" from MELBOURNE, did you hear any other transmissions or transmit any other messages on the primary tactical network?

A. No sir.

Q. During this period from the time of "Formation ONE" until the collision, did you hear at any time a transmission from MELBOURNE announcing its course?

A. No sir.

Q. Can you give the board an estimate of the range between MELBOURNE and EVANS at the time you received the message from MELBOURNE, "My rudder is hard left"?

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A. No, sir, I couldn't. I couldn't tell the aspect of the carrier, and so I couldn't determine the range. The first time I could estimate the range was when we went to the port wing and we realized that we had a bow on aspect of the MELBOURNE. She was in very close proximity and collision was imminent.

Q. And what was your rudder at that time?

A. Our rudder was right full at that time.

Q. Was the ship already swinging right?

A. Yes, sir, as I stated before the MELBOURNE had drifted across our bow and I was on the starboard wing when the evolution first started and then when we started to come left and Mr. Ramsey ordered right full rudder, the ship started to swing very rapidly since we were at 22 knots. A full rudder at that time would swing the ship quite rapidly and the carrier drifted left across our bow, we went to the port wing and that was the first time we realized what we saw.

Q. After initially coming around to the right and steadying up you indicated you put on five degrees left rudder. Do you recall what course the ship reached before Mr. Ramsey put on right full rudder?

A. No, sir, I don't. I don't remember what it was.

Q. Is there a doctrine in EVANS as to who has the conn and the method of relieving the conn between the OOD and the JOOD?

A. Would you please repeat the question?

Q. Yes, sir. Is there a doctrine in EVANS as to who shall have the conn between the OOD and the JOOD and is there an established procedure for one or the other to relieve the other of the conn?

A. That's a two-fold question....

Q. Yes, and I'll start all over, I apologize. First of all you had the conn as I understand it when the maneuvers started. Is that correct?

A. Yes, sir.

Q. What would have been the normal procedure if LTJG Ramsey desired to relieve you of the conn?

A. I understand. The normal procedure for relieving the conn is for the individual who was going to take the conn to be informed of the course and the speed of the carrier which would be base course and base speed and then also the number of turns that we had to maintain station on the formation center and at that time the conning officer would turn into the pilot house and say this is Mr. so-and-so, Mr. "X" has the conn and then Mr. "X" would say this is Mr. "X", I have the conn. The helmsman would then report to the new conning officer his course and his speed, the steering motor and cable and then the lee helmsman would report the status of the main engines. That was the normal procedure.

Q. One time in your testimony you indicated that Mr. Ramsey gave an order "right full rudder." Was that order issued to you or to the helmsman?

A. It was issued to the helmsman.

Q. What was the effect of that order on who had the conn?

A. The effect of Mr. Ramsey issuing the order of right full rudder was that he did assume the conn.

Q. You understood that from that moment that he had the conn?

A. Yes, sir. I might add that just prior to the collision, I did issue an order for all back full. This was when we were definitely in extremis.

Q. Did you receive any direction from LTJG Ramsey to issue that order?

A. No, sir, I didn't.

Q. That was on your own initiative?

A. Yes, sir.

Q. Mr. Hopson, I hope you will forgive me if I repeat a couple of things, I'm trying to make sure I cover everything and my memory might not be completely accurate as to what you have already answered. I apologize in advance. First of all you indicated that upon receipt of the order, you ordered right ten degrees rudder, steady on 050.

A. Yes, sir. That is correct.

Q. Did you ever steady on 050 to your knowledge?

A. Yes, sir. I believe we did to the best of my knowledge.

Q. Did you receive a report from the helmsman to that effect?

A. Yes, sir, as I recall.

Q. And I asked you, I believe, when you came left, how far you came before you got the "right full" order. Did I receive an answer to that?

A. Yes, sir, you did and that was I didn't know.

Q. You stated that one time LTJG Ramsey looked up and noting the situation, took some action. Could you state what he looked up from and what he was doing at that time that was taking his attention?

A. He was looking at a message at the time as I recall. It was either a message or the operation order. I can't recall which, but he was reading something at the chart table on the open bridge.

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Q. Do you recall if the course change to 185, speed 16 knots, occurred during the time that you had the conn?

A. No, sir, I can't recall.

Q. But it was in effect at the time the order to "Form ONE" was received?

A. Yes, sir, that was the base course and speed.

Q. What was the first time that you recall seeing any lights on MELBOURNE?

A. It was immediately after I looked at Mr. Ramsay when he had ordered right full rudder. I then looked back at the MELBOURNE and saw the white lights that she had.

Q. But no side lights at that time?

A. No, sir. I couldn't see them.

Q. Did you at any time use binoculars?

A. I had them around my neck at the time as we always did when we were on watch, but I was looking through the bearing circle on the port pelorus, and I didn't have an opportunity to use the binoculars.

Q. Was anyone assisting you from the radar repeater?

A. No, sir, not at the time I was on the starboard wing. I did check as I stated earlier prior to making my turns, the bearing of MELBOURNE was 084 the range was three thousand eight hundred yards.

Q. After that initial range of, bearing 084, range 3,800 yards, do you recall any specific bearings and ranges at any time thereafter?

A. Yes, sir, the one bearing on my visual check after we had made our turn to the right was 070 and this at the point where I became confused because she was drifting left instead of right.

Q. At that time was she on your starboard or your port bow?

A. She was definitely to starboard of us, 070 and we were on 050.

Q. Did you receive any recommendations at any time from CIC as to action to take to execute the Form ONE signal?

A. No, sir, I did not.

Q. Was it normal practice for you to receive such recommendations?

A. No, CIC did not give a recommendation at this time.

Q. Was it normal for CIC to do so in changing stations?

A. Yes, sir. CIC generally did give courses, some times.

Q. Did anyone on the bridge work out a solution to the problem?

A. No sir.

Q. When the order was received where was the OOD?

A. Sir, I can't remember where I was, I can't....

Q. At the time you received the order "Form ONE" you were patrolling station as I recall. Patrolling sector I should say.

A. Yes, sir. That's correct.

Q. Do you recall what course you were on at the time you received the order?

A. We were at 22 knots and our course was, we were passing through 220 at the time. If I may I would like to clarify this. What we did when we patrolled our sector is we would maintain usually between 3 and 5 degrees rudder at all times and swing the ship in the different directions so that we could properly patrol our sector. So, as I recall, we were passing through 220 coming right.

Q. You spoke of a normal procedure for decoding messages received over the primary tactical circuit. Do you recall specifically what was the procedure at the time that the base course signal of 185 was received?

A. I don't recall who receipted for the message, but I do recall that it was broken and checked. The code was broken and checked.

Q. And that's under the procedure you previously mentioned of one breaking and one checking?

A. Yes, sir.

Q. How did you arrive at a course of 050 as a course to steady on?

A. 050 was my initial choice. It was a very conservative choice, based on the course of 205 and speed of 16 knots that the MELBOURNE was on. On a maneuver like this what normally happens is we would make our initial move and make minor adjustments after we did come about, our initial move would be a very conservative move. The 050 course, I have had an opportunity to check it, and the closest point of approach would place us 2,700 yards away from the MELBOURNE. I have a maneuvering board solution for this with me. A diagram that shows the sector that we were in, unfortunately, so I can't show it at this time. It will be in closed session.

Q. We will give you an opportunity to do that later. Since the bearing drifted left during your turn to 050 can you explain your reasons for then coming left?

A. I saw that she was drifting left and I perfectly expected her to be on a course of 205 and I thought according to every indication I had, according to the bearing and the range that I had checked prior to making my turn that I was off her starboard bow, so coming left would be a logical move in that particular instance.

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Q. Did you receive any suggestions as to course changes from LTJG Ramsey?  
A. At which point, sir?

Q. Prior to the time he issued the order right full rudder?  
A. Not for a particular course change, no sir.

Q. Was there any status board on the bridge which gave such information as base course, base speed, zig-zag plan in effect, etc.?

A. Yes, sir. There was a very good status board that we had on the port side of the forward bulkhead of the pilot house. It was on the bridge itself. It had the base course, base speed, the formation, the screen, what our position was so far as bearing and range, SOPA, OTC, the status of the engineering plant, and all equipment on the ship that had been down at any time or was down rather, and also its expected estimated time of repair.

Q. To your knowledge was it complete and up to date at the time of the incident?  
A. Yes, sir. That was my job.

Q. Where was the Captain ~~doing~~ during this evolution?  
A. The Captain was in his sea cabin which was adjoining the pilot house.

Q. Did you at any time during this maneuver notify the Captain?  
A. No, sir. I did not.

Q. To your knowledge did anyone else notify the Captain?  
A. Not to my knowledge, no sir.

Q. Would you state the reason why you did not?  
A. Why I did not?

Q. Yes.  
A. The Officer of the Deck was the normal contact with the Captain in any instance during the watch.

Q. Did you make any recommendations to the Officer of the Deck with respect to notification?  
A. No, sir, I did not. I might add that I don't know for a fact whether anybody did or not. I didn't notice that he was notified.

Q. You have no recollection?  
A. Yes, sir, I have no recollection.

Q. Your testimony is that you took no action to notify the Captain?  
A. That's true, yes.

Q. Is it your understanding of the Captain's orders that he should be notified under circumstances such as the ones you found yourself in upon receipt of the signal "Form ONF" or at any time thereafter?

A. It's my understanding that the Captain is to be notified when we have a major course change or something of this nature or a change of our station, yes, sir.

Q. And what is your understanding of who has the duty to make this notification?  
A. It is my understanding that the Officer of the Deck has the duty of notification.

Q. At this time I will show you what has been admitted into evidence as exhibit 13 and purports to be the Standing Night Orders of FRANK E. EVANS which were in effect on the evening of 2 June and the morning of 3 June 1969, and I would like you to look at them at this time. If the pen and ink changes on there confuse you, don't hesitate to say so, we've had a previous explanation of those.

A. Yes, sir, I understand.

Q. I believe my question was do you recognize those as being the night orders in effect on the night of 2, 3 June.

A. Yes, sir, I recognize them.

Q. You believe they are. Is that correct?  
A. Yes, sir.

Q. There are certain instances there in which the order is called for to call to the Captain. Do you see those?  
A. Yes, sir.

Q. Was it practice in EVANS that those should be the occasions when the Captain should be called?  
A. Yes, sir, it was.

Q. Was it usual that he should be called on those occasions?  
A. Yes, sir.

Q. Have you ever personally called the Captain at night to notify him of anything or called him for any purpose?

A. Not while I was Junior Officer of the Deck, no sir. Unless I was directed to by the Officer of the Deck.

Q. You stated that at one time you saw a sidelight of the carrier, is that correct?

A. The only time I knew what aspect I was looking at was when it was bow on and that was when you were in very close proximity.

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Q. Was she starboard or port of EVANS?  
A. She was on our port side.

Q. Was that when you had right rudder on? Is that correct?  
A. It was when we had right rudder.

Q. Right full?  
A. Yes, sir.

Q. Going back to the receipt, the time of the receipt of the message, "Form ONE", as I understand it, that was given in a two step process, a preparatory signal and then an execute. Is that correct?

A. As far as I recall the issuance of the "Form ONE" message was an execute to follow message and then at a later time it was executed.

Q. And you indicated that you were passing through 220 coming right. Was that at the preparatory signal or at the execute signal?

A. This was when I initially checked the radar repeater checked the course of the MELBOURNE and notified Mr. Ramsey of my intentions and went to the starboard wing and came around to the right. I was passing....

Q. You already had a slow swing to the right as a result of the 3 to 5 degrees rudder?

A. Yes, sir. It was very slow because we were <sup>TV</sup>parolling station and swinging back and forth in our sector.

Q. As I understand it, then, you were passing 220 at the time you had completed all your preparations after receipt of the execute?

A. Let's see. I'm trying to recall when I did look at the, there is a gyro repeater just above the chart table in the open bridge and this is where I looked at the course when I was checking the radar repeater and the course of the MELBOURNE. I don't recall when I did it, but it was in this chain of events just prior to my turn.

Counsel for the board: Counsel have no further questions in open session, sir.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Mr. Hopson, did you hear any sound signals, during the period immediately prior to the collision?

A. Immediately prior to the collision I did hear a collision alarm, yes sir.

Q. From where did that originate?

A. I couldn't tell. It was just so short a time prior to the time that I was under water that I couldn't tell.

Q. You're not certain whether it came from MELBOURNE or not?  
A. No, sir.

Q. Did you hear any whistle signals or siren signals?  
A. No, sir, just a collision alarm is all.

Q. What kind of a sound is this collision alarm which you heard?  
A. It's a high pitch tone of a varying intensity.

Q. Is it common to United States destroyers of the class of FRANK E. EVANS?  
A. Yes, sir, it sounded like ours.

Q. Did you actuate a collision alarm?  
A. No, sir.

Q. Did you order one?  
A. No, sir.

Q. Did you sound any other danger signal, either internally or externally?  
A. No, sir.

Q. Do you recall, Mr. Hopson, any occasions, when under the standing night orders, which you have examined, where the Captain was to be notified, when he was not so notified?

A. I don't recall any specific instance, no sir.

Q. Either on this watch or on any prior watch?

A. It may have happened, but I don't recall any specific time that it did happen. I don't recall whether it did happen or not.

Q. On any watch which you have stood on the bridge have you ever been present when the Captain was called to the bridge by the Officer of the Deck?

A. Not that I recall, no sir.

Q. What is the prescribed procedure for calling the Captain to the bridge?

A. Any means possible if it's an emergency or a, - the way that we had it set up is that there was a buzzer on the open bridge just on the forward bulkhead of the open bridge, and this buzzer could be pushed and the phone in the Captain's sea cabin could be picked up.

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Q. What message would you give him on the telephone?

A. Well, I normally didn't call him, sir.

Q. What was the prescribed procedure for calling him? Was there any prescribed procedure, and, if so, what was it?

A. As I understand it, sir, what I have heard is the Officer of the Deck would call the Captain and say, "Captain, this is the Officer of the Deck", and then relate to him what the situation was that he wanted to get clarified. Is that your question sir?

Q. My question is, what is the prescribed procedure for calling the Captain to the bridge?

A. Oh! To the bridge, the procedure is to contact the Captain in any way possible. If over the LMC, it would be, "Captain to the bridge, Captain to the bridge, Captain to the bridge."

Q. Well, let us suppose the Captain was in the sea cabin? What would be the procedure, prescribed procedure?

A. Well, it would be either calling him on the phone if the situation was such that you could do that or have the boatswain's mate of the watch or the watch go in and awake the Captain, ask him to come to the bridge.

Q. Have you ever been present on the bridge when this occurred?

A. I have never been on a watch where this did take place.

Q. Have you ever been on a ship when you heard this message passed over the LMC, "Captain to the bridge"?

A. Yes, sir.

Q. In FRANK E. EVANS?

A. Yes, sir.

Q. Mr Hopson, you stated that it was among the duties of the Junior Officer of the Deck to maintain the status board that was on the port side of the open bridge?

A. Yes, sir.

Q. Did you make any alterations to the status board during your watch on the third of June?

A. Yes, sir, I did.

Q. Do you recall any of these?

A. I made the course and speed changes that were necessary, but I can't recall the specific courses and speeds changes that I did make.

Q. When you were patrolling station, what courses were commonly recorded on the status board?

A. The base course and the base speed and also the zig-zag course at the time. No, correction, the base course and the base speed, the zig-zag course was taken from the operation order that was on the chart table and maintained there by tick marks by myself as Junior Officer of the Deck.

Q. So that the zig-zag course was not recorded on the status board?

A. No, sir.

Q. Mr. Hopson, you stated that the base speed in the moments immediately prior to the collision was, as you understand it, 16 knots?

A. Yes sir.

Q. And would that have then been the speed at which HMAS MELBOURNE was proceeding when she was the guide?

A. Yes, sir.

Q. You stated that EVANS was doing 22 knots?

A. Yes, sir.

Q. So that there was a six knot differential between MELBOURNE and EVANS?

A. Yes, sir.

Q. Is that the normal differential you would use when patrolling station with 3 to 5 degrees of constant rudder?

A. Well, sir, it all depended on the degree of swing that we would allow while we were patrolling the sector. In this particular instance, as I recall, I was trying to get to the upper right hand corner of our patrol sector and that's why it was such a differential, just a random patrol, to get up there and then start back again.

Senior Member: The board will have further questions for this witness in open session and then it will be necessary to hear the testimony of Mr. Hopson in closed session. We will do this tomorrow. The board will now adjourn for the day, until 1330 tomorrow, Sunday.

Counsel for the board: Before doing so, however, Mr Hopson, you are instructed not to discuss the testimony you have given with any person other than your counsel, counsel for the board and members of the board. If anyone other than these persons attempts to discuss your testimony with you, you are directed to get in touch with counsel. Do you understand that?

Witness: Yes, sir.

The board adjourned at 1735 hours, 14 June 1969.

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SIXTH DAY

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The board reconvened in executive session at 1330 hours, 15 June 1969.

The board recessed at 1355 hours, 15 June 1969.

During the above session the board reviewed and approved the prior day's transcript and planned future proceedings of the board.

The board reconvened in open session at 1400 hours, 15 June 1969.

All persons connected with the board who were present when the board adjourned were again present.

Senior Member: The hearing is now open.

Counsel for the board: Let the record reflect that this is an open hearing. Anyone who may be a witness in this hearing, or expects that he might be, is asked to leave the room at this time. Counsel for the board calls Lieutenant Hopson.

Lieutenant (junior grade) James A. Hopson, U.S. Navy, accompanied by his counsel, LCDR Herbert O. Brickson, JAGC, USN, was recalled as a witness by counsel for the board, reminded that he was still under oath and examined as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. At the close of yesterday's session, the board indicated it and counsel would have further questions in open session today and you are reminded that this is an open session and you are not permitted to answer any questions that call for a classified answer. Do you understand this?

A. Yes, sir, I understand.

Q. We asked you yesterday as to your background in the Navy. In addition to what you related yesterday, have you completed any courses of instruction of any sort in connection with standing watches on the bridge or in CIC?

A. Officer Candidate School had some phases of this, quite a bit as a matter of fact, sir.

Q. What type of instruction in your duties did you receive on board USS FRANK E. EVANS?

A. The type of instruction was more or less worked around the operational commitments of the ship. We had formal lectures when possible. These were conducted by the CIC Officer, or the Senior Watch Officer, or various officers on the ship in connection with the CIC and standing of the bridge watches.

Q. You indicated that on the morning of 3 June you were on watch with Lieutenant Ramsey?

A. Yes, sir, that is correct.

Q. Had you stood Officer of the Deck watches with him previously?

A. I had stood Junior Officer of the Deck watches with him, yes, sir.

Q. You were the Junior Officer of the Deck when he was the Officer of the Deck, is that correct?

A. Yes, sir. This was...As I recall, it was just since the start of the Sea Spirit Exercise, after leaving Manila, that I was assigned as his JOOD.

Q. Did you find that he corrected your errors as he detected such errors?

A. Yes, sir, he would correct them. I don't know what you are referring to right now.

Q. I was trying to find out if he demanded that you perform your duties in a correct manner as Junior Officer of the Deck?

A. Yes, sir.

Q. Had you stood watches as Junior Officer of the Deck with other Officers of the Deck of the ship?

A. Yes, sir, I had.

Q. Did you find that the standards of performance were high among Officers of the Deck of FRANK E. EVANS?

A. I have nothing to compare them with.

Q. Did you find that they demanded that you perform your duties in a correct and satisfactory manner?

A. Yes, sir.

Q. Prior to Exercise Sea Spirit, you indicated that you had become, that you had seen at least, the operation order in effect for that operation.

A. Would you repeat that?

Q. I'm sorry. You indicated that there was an operation order in effect for this particular operation in that you stated that the zigzag plan was taken from it. Is that correct?

A. Yes, sir.

Prior to the commencement of the transit phase of Sea Spirit, had you had the opportunity to study the operation order?

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- A. Not to study it in detail, no, sir.
- Q. Had you at any time prior to the night of the 3rd of June had the opportunity to become familiar with this?
- A. Yes, sir. I did look at the OpOrder several times prior to this particular watch.
- Q. Were you aware of any other publications that may have been in effect for this particular operation that were issued just prior to the exercise?
- A. There was what we called the "Maritime Operation Procedure," it was connected with this.
- Q. Had you had the opportunity to study that document?
- A. I had looked at it, yes, sir.
- Q. Had there been a requirement placed on the officers standing watch that they be familiar with that prior to the exercise, to your knowledge?
- A. The Senior Watch Officer on the ship did give us instructions to familiarize ourselves with these various publications which were in effect, that would be in effect during the period.
- Q. Were any formal instruction periods held for the watch standing officers? I should amend that to read conferences also.
- A. There were meetings in the Wardroom on this and it was discussed at the time.
- Q. Do you recall seeing a document entitled "HMAS MELBOURNE Escort Handout" prior to this time. I show it to you now (handing the document, Exhibit 17, to the witness).
- A. (Witness examined the document briefly) I don't recall specifically seeing this particular document. There were quite a few pieces of paper concerning this exercise and I may have. I don't recall at this particular moment.
- Q. You testified that there was a sound-powered telephone communications circuit connecting you with the lookouts and with CIC?
- A. Yes, sir.
- Q. Were there any other means of communications with CIC, and were they utilized immediately prior to the collision?
- A. The other forms of communications with CIC were the 29MC which is a box with loudspeaker on it, a two-way box.
- Q. Is that commonly referred to as a "Squawk box"?
- A. Yes, sir. I don't recall the 29MC being used for communication. I do remember, just immediately prior to the collision, I heard over the 29MC what sounded like Ensign Armstrong's voice. I really couldn't tell for sure, but all I heard was, "Hey."
- Q. All you heard was what?
- A. "Hey."
- Q. "Hey?"
- A. Yes, sir, and then the collision occurred.
- Q. During the period between the execute of the "Form One" signal and the collision, did you receive any reports from any lookouts, that you recall?
- A. No, sir, I did not.
- Q. Did you receive any reports from CIC during that same period?
- A. Immediately prior to the collision, I don't recall any report from CIC, no, sir.
- Q. I would appreciate if you would amplify your answer to include the period between the execute "Form One" signal and the collision. Did you receive any communications from CIC during that period?
- A. No, sir, not that I recall.
- Q. I am afraid that our record is not clear on what you saw in the way of navigational lights on board HMAS MELBOURNE during the period that you were executing the signal "Form One". Could you state again for us what it was that you saw and when if you can possibly do that?
- A. Yes, sir. I'll start from the time that we received "Formation One", is that the moment?
- Q. That's correct.
- A. I checked the radar repeater on the bridge to determine the bearing and the range to the HMAS MELBOURNE.
- Q. May I interrupt at that point? Was there any difference in the bearing that you received by viewing the...any difference in the bearing by radar than by visual sighting through the pelorus to your knowledge?
- A. I checked the radar repeater at that time only. I didn't take a visual bearing at that time.
- Q. Did you at any time compare the two?
- A. Prior to the turn?
- Q. Either prior to or after?
- A. No, sir. I took the bearing and range from the radar repeater and checked the zigzag plan and the time and the course the MELBOURNE would be on. I told Mr. Ramsey of my intentions to come around to the right and go down the starboard side of the MELBOURNE and fall in astern of

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her. He said that that would be fine and then I went to the starboard wing. Ordered right 10 degrees rudder. I then ordered the helmsman to steady up on course 050. I took my first visual bearing from the starboard wing and found that the MELBOURNE was on a bearing of 070. I realized that she had drifted left and I couldn't understand this so I applied 5 degrees left rudder to halt the left bearing drift. I then heard over the radio telephone the signal come in that said we were on a collision course. I turned to look at Mr. Ramsey, Mr. Ramsey looked up and order right full rudder.

Q. May I interrupt at that point? At that point the rudder was still 5 degrees left, is that right?

A. Yes, sir. Mr. Ramsey then picked up the radio telephone and sent the message to the MELBOURNE saying, "Roger, my rudder is right full", and I turned back, looked at the MELBOURNE and saw white lights and this is all I saw at this time.

Q. Was that the first time that you had seen lights on the MELBOURNE?

A. Yes, sir. At that time we had started to swing to the right quite rapidly with full rudder and we then heard over the radio telephone, from the MELBOURNE, that she had her rudder hard left. I believe that that answers your question.

Q. Yes. Did you ever see any lights of a color other than white?

A. No, sir. The brilliance of the lights I saw were quite confusing to me. I couldn't tell the aspect of the ship.

Q. Do you happen to know the placement of the navigational lights on board the MELBOURNE?

A. She has a masthead and range light.

Q. Where are they placed, do you know?

A. Her masthead and range light are on the island.

Q. Do you know where the side lights are placed, her red and green side lights?

A. Yes, sir. There, as I recall....

Q. Mr. Hopson, the board would not ask you to guess if you do not know.

A. I can't remember the exact placement of them, sir, but I know that they are forward though.

Q. Do you know at approximately what level, main deck level, or what level on the ship?

A. No, sir, I don't

Q. Am I to understand your answer to mean that they are not on the island?

A. I don't know is my answer, sir.

Q. Do you have any idea of how many white lights you saw?

A. No, sir.

Q. Did they light up the entire flight deck?

A. As far as I now, yes, sir.

Q. Could you tell the board the name of the helmsman who was at the helm at the time of this disaster?

A. I don't recall his name.

Q. Do you recall the placement of the other people on the bridge during these events of the last few minutes prior to collision?

A. The enlisted watch was in the pilot house and I couldn't tell you exactly where they were at the time, no, sir. I wasn't particularly looking in that direction.

Q. As far as you know, you and Mr. Ramsey were the only ones on the open bridge?

A. Well, we did have the JL talker, who was on the open bridge.

Q. Going back again to the question on lights. Is it true that you saw white lights other than the two standard white range lights?

A. Yes, sir, I saw other white lights. I could see the masthead and range lights above the bright white lights on the carrier.

Q. And from the masthead and range lights could you tell the aspect of the carrier?

A. Not from the masthead and range, no, sir.

Q. As I understand it then, you were close enough to see without the lights, is that correct? Ignore that if I misquoted you, I'm sorry.

A. I don't understand, sir. Would you repeat it please, sir?

Q. It was my understanding from your previous questioning, that you saw the lights at about the time that you were able to determine the aspect without lights, is that correct or is that erroneous?

A. That isn't correct, sir.

Q. Would you state the correct facts, sir?

A. From the time that I initially saw the lights of the carrier, to the time that I determined her aspect, was after she had drifted across our bow with our rudder right full. We then went to the port wing and that was the first time that I could tell what the aspect of the carrier was.

Q. What was the aspect at the time?

A. We could see her bow. She was bow on.

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Q. Bow on?  
A. Yes, sir.

Q. Understood. Could you give the board your exact recollection, so far as you are able to do so at this time, of the exact radio messages exchanged between you and the MELBOURNE between the time of the execute and the collision?

A. The three messages concerned after the time of the execution of the "Form One". The first one I am not too sure about, but as I recall it was, the initial call-up and she gave her coded signal.

Q. By signal you mean coded call sign?

A. Yes, sir. I'm sorry, coded call sign. And then she said, "You are on a collision course." The next transmission was originated from us, by Mr. Ramsey, after the initial call signs. He said, "Roger.... I can't be too sure about the call signs. I don't know whether he used the call signs in this particular situation, but his statement was, "Roger, my rudder is right full." The next one - I am not sure if call signs were used then or not either - was originated from the MELBOURNE saying, "My rudder is hard left." I don't remember whether the MELBOURNE used "Roger", or not, but that was essentially the transmission.

Q. Do you recall the interval of time between the message "You are on a collision course" and "Roger, my rudder is right full"?

A. It was a very short period of time. I couldn't guess at the time (witness conferring with his counsel). As just an estimate of the time, it was just a matter of seconds, a very short time.

Q. Do you recall the interval between that message, "Roger, my rudder is right full", and the next message received from MELBOURNE which was, "My rudder is hard left"?

A. As I recall at the time, there was some hesitation there because we were very anxious to hear. But there again, I suppose it was another matter of seconds.

Q. Did it seem to be a longer period than the interval between the other two messages?

A. I think so, yes, sir.

Q. You indicated that immediately after receiving the execute signal, execute of the "Form One" signal, you checked radar bearing and range and then took action. Did you at any time after that point use radar bearing and range information?

A. No, sir, I did not. I was on the starboard wing.

Q. Do you know if anybody on the bridge did?

A. No, sir, I don't. I don't know.

Q. Do you have an estimate, or can you give us your best estimate, as to the range to MELBOURNE when you put your rudder 5 degrees left?

A. I couldn't tell, no, sir, because there were no lights on the MELBOURNE at this time and she was in a shadowed condition, meaning that she was in shadow and that is all I could see. I couldn't tell her aspect. I expected the range to be approximately 3,000 yards at the time.

Q. What is that expectation based on?

A. Just from the original range when I first made my move and the time that I had come around.

Q. Do you recall the relative bearing of the MELBOURNE when you received the signal, "You are on a collision course"?

A. As I recall, when we did receive that transmission, "You are on a collision course", I did turn and look at Mr. Ramsey and then when I looked back, her relative bearing was approximately between 020, 040 something like this. This is just a very rough guess. This is as much as I can remember.

Q. Can you recall the relative bearing at the time the order, "Right full rudder," was given?

A. It would have been approximately the same because the time was very shortly thereafter.

Q. You indicated that the original order, "Form One," was given in a two-step procedure, execute to follow and the execute. Did you take any preparatory action during that period?

A. I don't remember whether it was an execute to follow or an immediate execute signal.... I might say that what I normally did in a situation like this would be to look up the signal in ATP 1(A), Volume II, to check this. Now I am not that familiar with the signals and I always checked them.

Q. Did anyone else normally check your translations of the signals? I am asking as to the practice on board the EVANS.

A. Sometimes the Officer of the Deck would check them and sometimes he wouldn't. I don't know what criteria he used on this thing.

Q. Mr. Hopson, do you recall a series of questions yesterday dealing with when and under what circumstances the Captain would be called to the bridge?

A. Yes, sir.

Q. I would like to read to you a section of yesterday's transcript and then I will ask you a couple of questions on it. You were asked first as to a call to a Captain if he was not in his Sea Cabin and he was needed immediately and you stated that there would be an announcement over the IMC, "Captain to the bridge, Captain to the bridge", Captain to the bridge." Then the question was, let us suppose the Captain was in the Sea Cabin, what would be the procedure, prescribed procedure. Answer, "Well, it would be either calling him on the phone if the situation was such that you could do that or have the Boatswain's Mate of the Watch or the Messenger of the Watch go in and awaken the Captain and ask him to come to the bridge," Question, "Have you ever

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been present on the bridge when this occurred". Answer, "I have never been on a watch where this did take place." Is the board to understand from that that you do not recall the Captain being called to the bridge while you were on watch at all?

A. I have been on the bridge when the Captain was called over the "E" call system.

Q. Over the what kind of system?

A. The intercommunications telephone system on board the ship. As an information call, but I have never been on the bridge when the Captain was called in an immediate nature to the bridge.

Q. Do you recall any occasions on which the Captain was advised that pending maneuvers, that there were pending maneuvers at night?

A. This is isolated from the night of June the 3rd or just on a broad....

Q. On a broad, I am trying to establish a practice.

A. Yes, sir. I can recall several times when calls were made to the Captain on maneuvers that were anticipated.

Q. Did he ever come to the bridge in response to those notifications?

A. Sometimes he would, and other times I suppose what he would do would be to give instructions over the phone to the Officer of the Deck. As I said yesterday, it was generally the Officer of the Deck who did call the Captain during the night-time hours. Well, during the daylight hours also.

Q. But there were occasions when the Captain did come to the bridge in response to such a call?

A. Yes, sir, as I recall, he did.

Q. Do you recall the lighting on the bridge of FRANK E. EVANS on the morning of 3 June, in the way of reading lights and other illumination?

A. There was a lamp over the chart table which had red cellophane over it to reduce the glare of the light. Some light was admitted from the radar repeater.

Q. What light did you use when you were using the signal book or other publication you needed to refer to it?

A. The light there at the chart table.

Q. Did this provide sufficient illumination so that you could read the publications?

A. Yes, sir.

Q. You indicated at the time that Lieutenant Ramsey looked up, he was reading something I believe, a message or something of that nature?

A. Yes, sir.

Q. Was he also standing at the chart table at that time?

A. Yes, sir. He was forward on the bridge there.

Q. Is that the starboard side of the bridge?

A. Yes, he was slightly to the starboard side. He was standing right beside the Captain's chair. Right in front of him was the phone that he picked up.

Q. Can you describe to the board the actions taken by Mr. Ramsey between the time the execute of the "Form One" signal was received until he ordered "right full rudder"?

A. Not completely. I naturally wasn't watching all this time.... I really don't know, sir.

Q. Going back again to the question of notification of the Captain. Was it the Captain's practice to keep the Officer of the Deck or the JOOD informed of his whereabouts on the ship?

A. Generally the "practice" is a hard question to answer, sir. But the Captain, when he would be on the bridge, and he would leave the bridge, he would tell the Officer of the Deck where he was going. If that is what you meant by your question.

Q. Did you have any experience in trying to reach him on such occasions and finding him where he had stated he was going?

A. Did he go where he said he was going, is that the....

Q. I was asking you if you had any experience in trying to reach him on those occasions and what the result of that was. Did you find him where you expected to find him, based on his report to you? If you have no experience you may say so.

A. I have never called the Captain in this situation.

Q. Was there a practice on the FRANK E. EVANS of requiring junior officers to complete a certain prescribed training syllabus after their arrival on board?

A. It was called the JO Journal.

Q. What did it include in general terms?

A. There were several lessons. The lessons in the course were concerned with the general knowledge of the ship's nomenclature, damage control, the engineering plant, navigation, rules of the road. Those are about all I can recall at this time.

Q. Did you complete such a course?

A. I completed the nine lesson course, yes, sir. That was the last cruise.

Counsel for the board: That is all the questions counsel has in open session, sir.

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Senior member: The board has no further questions. We will have a recess of a few minutes and then resume in closed session for classified material.

Counsel for the board: Let the hearing be recessed then.

The board recessed at 1450 hours, 15 June 1969.

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The hearing reconvened at 1510 hours, 15 June 1969?

All persons connected with the board who were present when the board recessed were again present.

Counsel for the board: The hearing is reconvened in closed session. LTJG Hopson you are reminded of the oath that you previously took.

LTJG Hopson: Yes, sir.

**EXAMINATION BY COUNSEL FOR THE BOARD**

Questions by counsel for the board:

Q. Mr. Hopson, prior to the close of the open session, I should have given you the opportunity to make any statement you desired bringing out matters which were not fully covered by the questions and answers which you gave. Were there any matters you would like to have given in such statement. If so, you will be given an opportunity at a later time, in open session. In addition you will be given the same right at the conclusion of the closed session so that you may bring out any matters that were not brought out by the questions. Did you wish to make such a statement in open session?

LCDR Brickson: In order to intelligently decide, I would like the opportunity to review what has taken place yesterday and today.

Counsel for the board: Would you like then at the conclusion of all of Mr. Hopson's statements the opportunity to consider at that time whether you want to make a statement?

LCDR Brickson: Yes, sir.

Counsel for the board: All right. You will be given that opportunity. If parts of it need to be stated in closed session that may be done and then at the conclusion of the open session.

LCDR Brickson: Yes, sir. I will also inform you.

Q. Mr. Hopson, in the open session you were asked a question as to the screening situation at the time you were on watch, on the 00-04 watch, on 3 June, and you answered in general terms using the term "bent line screen." At other times the screen was described as a "sector screen." Is there a difference between the two, or in your mind are the two the same?

A. Yes, sir, there is a difference between the two.

Q. And which type of screen was the FRANK E. EVANS on the mid-watch?

A. I do have a diagram of this. May I show it at this time?

Q. Would you produce that diagram and we can put it up on this board?

The witness placed the diagram on the easel.

Q. Prior to your use of that diagram, we will mark it as Exhibit 28 for identification purposes. Could we have a classification on that? Is that Confidential?

A. Yes, sir. This drawing which I have prepared depicts the screen situation that was in existence to the best of my knowledge during the entire watch on the mid-watch on the 3rd of June. As I have pointed out here, the boundary limits of our patrol sector were 240 and 280 from the guide or when we were on station the guide would bear between 060 and 100. The range limits were circle 3, 3000 yards, and circle 5, 5000 yards. Us in this position, the BLACKPOOL, the CLEOPATRA in the inner screen formation. All of these bearing differentials are 40 degrees. We had added limitations which were placed upon our screen sector of 500 yards within the bearing boundaries. I mentioned this in my testimony yesterday. This would be within our sector on either bearing boundary. The EYES and the LARSON were in front of the inner screen. As I recall it was between circle 7 and circle 10, which would be between 7000 and 10,000 yards, and I can't recall what their bearing limitations were.

Q. May I ask a question, sir? Did I understand that those sectors are laid out based on an axis of true north? Is that correct?

A. Yes, sir. True north.

Q. Now,....

A. This is the outer perimeter of a maneuvering board.

Q. I see. Perhaps this is an assumption on my part, but the screen is oriented toward a formation course in a particular direction. Do you know what the orientation of this particular screen is?

A. No, sir. There again this was the original course and speed when I relieved the watch which is something that I can't recall at this time. But this is to the best of my knowledge the way the screen was set up.

Q. Are those sectors given any particular designation by letters or otherwise?

A. Oh, yes, sir. There - let's see, this would be one, three, and two.

Q. I'm sorry, sir. When that particular screen is signaled, how is the signal received indicating what the bearing and range limits of your sector are?

A. There would be 20 degree sectors set up around the maneuvering board. These would be labeled ALPHA, BRAVO, CHARLIE, etc., with the exception of....

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Senior Member: Excuse me a moment. I would like to confer off the record with counsel.

Counsel and senior member had a discussion out of the hearing of the reporter.

Q. Were these sectors described in the MDP that you have previously referred to? Maritime Operating Procedures?

A. These particular sectors?

Q. No, sir, the designation that you talked about, ALPHA, BRAVO, and so forth.

A. I don't recall.

Q. Do you recall where you did get these designations, ALPHA, BRAVO, and so forth?

A. No, sir, I can't recall.

Q. Proceed. I'm sorry to have interrupted your train of thought.

A. As I recall I was explaining that 20 degree sectors were designated completely around the maneuvering board and the sectors would be ordered. First the inner circle, with the two letters that would be involved in the bearings here, and then the outer circle, the number of the outer circle, which would be 3, ALPHA, BRAVO, SEVEN, or something of this nature. Then there was an XRAY, YANKEE, WHISKEY, which would be placed in there to designate different increments within the lettered circles, or lettered sectors.

Q. The board has already received into evidence documents setting forth the mechanics of laying out this screen and is satisfied that you have a knowledge that there are ways of prescribing it - prescribing the ones laid down for this particular period, so I think you can proceed directly to your actions with respect to your station.

A. Yes, sir. This is - I have no further use of this particular diagram now.

Q. The board may have some questions on it.

The senior member nodded in the negative.

Counsel for the board: Before you take it down, we would like this to be entered into evidence as Exhibit 28.

Senior member: Yes, it will be entered.

Counsel for the board: And substitute photographs upon completion of the hearing.

The senior member nodded in the affirmative.

Counsel for the board: The witness has placed another chart which we will mark as Exhibit 29 for purposes of identification.

Q. Proceed.

A. This particular drawing here designated our sector as on the original drawing that I had up here previously. The circle in our sector represents the EVANS, the bearing, range - where we were, I'm sorry, where we were in our sector when I checked the radar repeater. The MELBOURNE's bearing was 084, the range was 3,800 yards. This was the position of the EVANS at approximately 0310, this was prior to the time that I looked at the zig-zag plan and I couldn't remember the exact time. So that's why the 0310 is an approximation on this particular drawing. This is the position where we were immediately prior to commencing the turn to starboard. The course at this time was the MELBOURNE on 205. The base course was 185 and the base speed was 16 knots. Are there any questions?

Q. Are there any questions on this particular chart?

The senior member nodded in the negative.

Counsel for the board: You are going to put on another?

LTJG Hopson: Yes, sir.

Q. At this time as I understand it, you had on about 3 or 5 degrees right rudder and were swinging through course 220. Is that correct?

A. Yes, sir. What I was - it was my intention to come up in this area here and patrol this position of the sector.

Q. Let the record indicate that LTJG Hopson has pointed to the northwest corner and outer limits of the sector.

A. Well, within the 500 yard boundary.

Q. Within the 500 yard boundary.

Counsel for the board: May we ask that this exhibit be admitted as Exhibit 29?

Senior Member: So be it.

Counsel for the board: LTJG Hopson would you mark the chart you have just placed on the board Exhibit 30 for identification?

The witness did as directed.

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Q. Proceed.

A. This drawing depicts a maneuvering board solution of my choice of 050. As I stated in previous testimony, it was a very conservative course. The closest distance would be 2700 yards, and I also stated that I did not at the time do a maneuvering board solution prior to my turn. This is from the original point when the MELBOURNE's bearing was 084 and the range was 3800 yards. And the time again is approximately 0310, as previously explained, was prior to the time that I saw the Operation Order.

Q. Mr. Hopson, does that maneuvering board solution use as an input a MELBOURNE course of 185 or 205.

A. No, sir. The MELBOURNE course is 205, her speed is 16 knots, and my speed at 22 knots on course of 050 are in direction of relative motion along this line which is parallel to this line.

Q. Let the record indicate that the two relative motion lines are lines tending in a north-easterly direction at the outermost edges of the diagram. Would the board like to leave that up for further questions? If not, can we ask that it be admitted as Exhibit 30?

Senior Member: It may be so admitted.

Q. Mr. Hopson, you indicated that you understood the base course to be 185 degrees true?

A. Yes, sir, that's correct.

Q. All of your actions were taken on the basis that that was the base course?

A. Yes, sir.

Q. You also indicated that at the time of the "execute", you understood the carrier to be on 205?

A. Yes, sir.

Q. And that would be based on a zig-zag plan in which the carrier was on a leg 20 degrees to the right of base course?

A. Yes, sir.

Q. Can you indicate the basis - let me rephrase that. Can you indicate how the formation got on to base course 185?

A. There was a signal requiring us to turn to a course of 185.

Q. At the time, had the formation been zig-zagging?

A. Yes, sir, as I recall it was.

Q. Do you recall whether at that time the - do you recall the base course at that time?

A. No, sir, I don't.

Q. Do you recall whether 185 was the leg of the zig-zag plan that you were on at that time?

A. No, sir, I don't recall that.

Q. Do you recall whether upon resuming zig-zagging, a new course of 185 - I'm sorry. That the base course 185 was prescribed by the signal itself or by tactical doctrine?

Captain Shands: Could that question be rephrased, sir?

Counsel for the board: Is the question confusing you?

LTJG Hopson: Yes, sir, slightly.

Counsel for the board: Let me rephrase it then. You indicated that at some time during the watch, the formation was zig-zagging on a base course which you do not remember? That's prior to the event we are talking about?

A. Prior to the time that we were on 185 as base course?

Q. Yes, right.

A. Yes, sir.

Q. And at some time the formation turned to 185 and ceased zig-zagging. Is that correct?

A. There was a time during the watch when the zig-zagging was halted and then re-resumed. What the course was though, I really don't know.

Q. When the force resumed zig-zagging, can you recall the exact signal sent or any details of it?

A. The signal that was sent?

LCDR Brickson: Captain, I think questions in this area would help to refresh Mr. Hopson's memory if he had an access to ATP-1(A).

LTJG Hopson: 1(A), Volume II.

Counsel for the board: While we are waiting for the publication to be brought in, may I go on to another question? Do you recall the number of the zig-zag plan that you were on?

A. Yes, sir. It was 13 SIKRA.

Q. I see. And you indicated that that came from the OPORDER?

A. Yes, sir.

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Q. I'll give you the OPORDER now, and ask you to refer to plan 13 SIERRA in the OPORDER and indicate to the board if you recall where you were in that zig-zag plan at the time the execution was received.

A. The hour and minute is the one hour and thirteen minute section here. Which is angle off the base course is 20 degrees to starboard.

Q. So according to your recollection the execute signal was received after 0313?

A. No, sir. As I recall it was received right about 0313. What do you mean, after 0313?

Q. Well, all your documents that you displayed to the board indicated that you took your actions on the basis that the carrier was 20 degrees right of base course.

A. Yes, sir.

Q. This zig-zag plan shows that prior to 0313 the carrier, or the force would have been at some different course. Could you explain that?

A. Yes, sir. At the time when I checked the clock - I always carry a flashlight with a red lens - the clock on the bridge, it was on the after bulkhead of the pilot house, and it did have a small red light that did shine on it, but I always carried a flashlight with a red lens and I always shined the flashlight on the clock because it was quite a distance. And it was the beginning time of the 20 degrees to starboard during my turn.

Q. Going back then to the earlier question I asked. What I'm seeking by the answer is to determine the manner in which the signal to resume zig-zagging or execute a new zig-zag plan was given, if you can recall.

A. The manner in which - if I may ask you. You want the signals that were given to us, is that correct, sir?

Q. Yes. We are trying to determine whether in your understanding the signal was to establish a new base course or resume zig-zagging on the old base course or some other thing that I have not mentioned. Mr. Hopson, for your information the board has taken judicial notice of ATP-1(A) so you may refer to specific sections of that publication.

A. What I was doing was refreshing my memory on the various signals that were given, during this period. As I recall the signals that were transmitted were the various turn signals associated with zig-zagging. Turn ROMEO, as I recall, was a signal that was transmitted frequently during the exercise, or resume previous zig-zag. Turn XRAY was given occasionally. And as I recall Turn SIERRA was also given, which is cease zig-zagging and remain on course being steered when this signal is executed.

Q. Now do you recall which of those, if any, was given at the time of the 185 - at the time that you were on 185?

A. I'm sorry, sir. I don't remember the times that these things were given. I have no documentation on this.

Q. Do you recall - and if you don't please say so - do you recall whether a new base course was signaled when the force recommenced zig-zagging, or whether it was on the old base course?

A. There again, sir, I don't know.

Senior Member: The board has a question.

Counsel for the board: Yes, sir.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Mr. Hopson, the most recent exhibit which you showed and the one just prior to that are numbered 30 and 29. These depict a course for MELBOURNE of 205, in each case?

A. Yes, sir.

Q. And if I understood you correctly, they depict the situation as of 0310, approximately.

A. Yes, sir. That's correct. Would you like me to amplify this?

Q. No. Now, having referred to zig-zag plan 13 SIERRA in FOCAF's OPORDER 1-69, you have stated that the plan called for a turn right to 20 degrees to the right of the base course, at time 0313.

A. Yes, sir. It doesn't require a turn right. It requires that she would be 20 degrees to the right of her base course.

Q. I'll clarify then. At 0313 if the course in effect from that moment onwards is 20 degrees to the right of base course, so that at time 0313 having completed the required zig-zag turn, the guide would have been on a course 20 degrees to the right of the base course.

A. Yes, sir.

Q. And you have said that the base course was 185.

A. Yes, sir.

Q. So that the guide would have been on 205 at time 0313.

A. Yes, sir.

Q. Then why, is the time shown on this diagram at time 0310, 3 minutes earlier?

A. Sir, the time 0310 was prior to the time that I had access to the Operation Order, and this was just to the best of my knowledge at the time frame that I could place the situation as I

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saw it. It wasn't until I did see the Operation Order and saw the actual 20 degree to starboard course that I could definitely say that the time was 0313. This is why, sir, that I put approximately in ther. Just kind of a time frame situation, to give the board an idea.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. Mr. Hopson, referring back to your Exhibit 28, the screen diagram, isn't it normal that the screen such as this would protect the front of formation, would be oriented along the base course of the force? If that's not within your knowledge....

A. Sir, this was the screen....

Senior Member: Before the witness's answer, could we discuss this?

The counsel and senior member had a discussion out of the hearing of the reporter.

Q. I'll withdraw the last question. I'll restate the question in another way, Mr. Hopson. The screen you have shown on Exhibit 28 - it does not appear to be symmetrical along the base course 185. Does it appear that way to you?

A. Yes, sir, it does.

Q. When the base course was changed to 185 did you expect that there would be a reorientation along that course?

A. I really can't answer that, sir.

Q. Let me ask another question then. Had you been on watch previously during the exercise when formation course had changed?

A. Previous watches?

Q. Previous watches, yes.

A. Yes, sir.

Q. Had it been the practice in those cases to reorient the screen in the direction of the new base course?

A. On occasion, yes, sir. Depending on what the situation was. It wasn't always done.

Q. I see.

Counsel for the board: Counsel has no further questions, sir.

Senior Member: The board has one question.

EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Mr. Hopson, during your mid-watch on the morning of 3 June, did EVANS, whether you were conning or whether Mr. Ramsey was conning, have any particular difficulty in remaining within her assigned screen sector?

LCDR Brickson: If I may, what we are having a little trouble with is what you mean by difficulty. Do you mean is, it would be within the sector or difficulties with some other ship or....

Q. Let me restate the question in another way.

LCDR Brickson: If you would, please.

Q. With the exception of the instance we have just been talking about wherein the ship was ordered to take station astern of MELBOURNE and proceeded on a course intended to do that, did EVANS remain at all times during the mid-watch within her assigned sector?

LCDR Brickson: Due to the circumstances, I don't think the witness should answer that question.

Counsel for the board: He has the right not to answer the question.

Senior Member: Mr. Hopson, at what time approximately, to refresh my recollection of yesterday's testimony, at what time approximately did you assume the conn during the mid-watch on 3 June?

A. It was between 0230 and 0300.

Q. And during the time that you had the conn, from whatever that time was until you departed your sector proceeding towards the assigned station astern of MELBOURNE, did EVANS remain within her assigned sector?

LCDR Brickson: Under the circumstances, we don't believe the witness should answer that question at this time.

Senior Member: Mr. Hopson, when you assumed the watch at midnight on 2 June, what was the status of the variable depth sonar towed body?

A. The status of it, sir?

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Q. The status of it.  
A. It was streamed.

Q. What were the instructions in USS FRANK E. EVANS for the variable depth sonar when the ship was assigned to rescue destroyer duty?

A. To the best of my knowledge, there would have been no change. If it were down, it would have been left down.

Senior Member: The board has no further questions which may require classified answers. The board has some additional questions for this witness in open session.

Counsel for the board: Would the board like for him to return tomorrow?

Senior Member: Yes.

Counsel for the board: Prior to closing the open session, Mr. Hopson, you are privileged at this time to make any further statement - did I say open, I meant closed. You are privileged to make any further statement covering anything relating to the subject matter of the inquiry which you think should be a matter of record in connection therewith, which has not been fully brought out by the previous questioning in this closed session. Do you have anything that you would like to say that you consider classified and should be considered by the board, you have the opportunity now to do so.

LTJG Hopson: May I have a minute, please?

Counsel for the board: Yes, you may have as long as you need.

LCDR Brickson: The witness at this time - the witness has indicated that he would like to withdraw his objection to the two questions he refused to answer and would desire to answer them at this time.

Counsel for the board: Sir, would the senior member like to repeat those questions?

Senior Member: I will do so as closely as I can. On the mid-watch on the morning of 3 June, did EVANS remain within her assigned sector throughout the watch, with the exception of the period which she was proceeding to new station, in accordance with the Formation ONE signal?

LTJG Hopson: There was an instance at which time the EVANS was out of her sector, by a very short margin. I don't recall what it was. But we were in the BLACKPOOL's sector. We came around to the right and increased the speed to 22 knots and got back into our sector. And in this instance we were out of our sector.

Senior Member: Approximately what time did that occur?

LTJG Hopson: This I don't recall, sir. As I recall it was when I initially took the conn, and to the best of my knowledge in trying to reconstruct the situation, the ship was in the southeast corner of the sector, and it did drift over to the BLACKPOOL's sector, and then I made some corrections to it and we did get back into our sector.

Senior Member: Did you intend to indicate that to the best of your knowledge, the ship was out of her assigned sector when you took the conn - the moment that you assumed the conn?

A. No, sir. It happened just shortly after I did take the conn, but it was corrected within a short time.

Q. Did EVANS return to her assigned sector prior to the time of the Formation ONE signal?

A. Oh, yes, sir. We were definitely in our assigned sector when we did receive that, the execution for that Formation ONE.

Q. During the time that the ship was out of her assigned sector, did any transmission on the radio draw your attention to this fact?

A. No, sir. This was caught by myself when I plotted my path on the maneuvering board with a pencil tick mark, and it was then that I made the corrective action.

Senior Member: As we are in an area wherein the questions and answers are unclassified, the board has no further questions on this point.

Counsel for the board: Again, Mr. Hopson, we renew the board's offer to you that you may at this time make any statement concerning any classified matter that you feel should be brought to its attention in connection with the investigation, which has not been brought out by previous questions. Do you have any such statement?

LTJG Hopson: No, sir, I do not.

Counsel for the board: You are reminded that you are not to discuss your testimony with anyone other than your counsel, counsel for the board or its members. Should anyone attempt to discuss your testimony with you or any testimony he proposes to give as a witness, you should advise the board immediately through counsel.

LTJG Hopson: Yes, sir.

Counsel for the board: The hearing is closed.

The hearing adjourned at 1617 hours, 15 June 1969.

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-SEVENTH DAY-

The board reconvened in executive session at 0830 hours, 16 June 1969. During this session the board reviewed and approved the prior day's transcript and made executive decisions as to future proceedings of the board.

The board recessed at 0920 hours, 16 June 1969.

The board reconvened in open session at 0930, 16 June 1969.

All persons connected with the board who were present when the board adjourned were again present.

Counsel for the board: Let the record reflect that this is an open session. Any person who may be called as a witness, should at this time withdraw from the board room.

Senior Member: Lieutenant (junior grade) Ramsey has been granted a further twenty-four hour delay in appearance before this board and the board at the present time expects him to appear tomorrow.

Counsel for the board: Counsel for the board calls Lieutenant (junior grade) Hopson.

Lieutenant (junior grade) James H. Hopson, IV, U. S. Navy and his counsel, Lieutenant Commander Herbert O. Brickson, JAGC, U. S. Navy entered the board room. Lieutenant (junior grade) Hopson was reminded of his oath and he testified as follows:

DIRECT EXAMINATION BY COUNSEL

Questions by counsel for the board.

Q. Mr. Hopson, you are also reminded that this is an open session of the board and any question which may call for a classified answer should not be answered in open session.  
A. Yes, sir.

Q. Lieutenant Hopson, do you recall whether any time checks were made during your watch, both internal to the ship and within the force.

A. I don't seem to recall any time checks that I was aware of. There may have been, since we were very aware of the significance of the time. But I can't recall whether any time checks were made, as I say, there may have been.

Q. Are you referring to both internal and external?

A. I don't recall either one, sir. If I may elaborate on that, as I say, we were aware of the significance of the time, and WWV in Hawaii, I think it is, was checked by the quartermaster, but it wasn't relayed to me if it was done.

Q. Do you recall the zone time that was being kept by EVANS during this period?

A. It was minus - to the best of my knowledge, it was minus seven (-7).

Q. Can you describe for the board the method by which you ensured the FRANK E. EVANS was kept within its correct screen sector?

A. While patrolling the screen we would check the radar repeater and place tickmarks on the maneuvering board and our position where we didn't check the ... let me put it this way. When we did check the radar repeater, which was very frequently while patrolling this screen, we would transfer this position to the maneuvering board on the chart table and maintain a path that we were following through our patrol sector.

Q. Did the maneuvering board to which you are referring have superimposed upon it the sector to which you are referring?

A. Yes, sir, it did.

Q. Did you receive any help in this connection or any recommendations from CIC?

A. From CIC we did receive the courses that the zigzag plan prescribed at that particular time.

Q. I'm referring specifically to advice or recommendations with respect to remaining in your sector?

A. When we were patrolling the sector, it was considered more or less a station keeping problem, and CIC sometimes would send out recommendations and sometimes they wouldn't. It would depend on the situation, I suppose. I don't know any criteria that would be used in a situation like this.

Q. At the time you received the signal "Formation ONE", which I believed you testified was approximately 0310, did you take a visual sighting of the MELBOURNE at that time?

A. No, sir, I didn't.

Q. Do you know if MELBOURNE was visible from EVANS at that time?

A. She would have been pretty far back on our port quarter at that time. I checked the radar repeater, and that was the only bearing and range indication that I did have.

Q. Do you recall the last time prior to that, that you had looked at her visually?

A. I can't recall when the last time was, no sir.

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Q. Were you ever given any instructions, either oral or written, as to how close you were permitted to approach a carrier while going to a new station, such as in this case where you were taking position astern?

A. Yes, sir. During some of my watches when the Captain would be on the bridge and I would be working a maneuvering board problem to get to one place or another, the Captain would mention that he wanted a course to come no closer than one thousand yards to the main body, the one ship or what have you.

Q. At the time you noted that MELBOURNE's bearing had drifted left from 084 to 070, did you form an opinion as to why there was an unexpected drift to the left?

A. As I said before, it was a very disconcerting thing. I realized that she wasn't drifting as I was expecting her to drift, which would have been rapidly to the right. This was in part the reason for applying left rudder, to move away from the carrier.

Q. Lieutenant Hopson, you indicated that the first time that you were able to determine the aspect of MELBOURNE was when you shifted to the port wing of the bridge and then found a bow aspect, as I recall?

A. Yes, sir.

Q. Was that.... could you tell whether that was a port or starboard bow aspect that you received?

A. It was.... it looked like it was dead on to me.

Q. Mr. Hopson, what did you consider EVANS' responsibilities were in staying clear of the MELBOURNE during this maneuver? I refer specifically to written authority governing maneuvers around a carrier.

A. As I understand, it was our responsibility to stay clear of the carrier.

Q. What do you consider to be the applicability of the International Rules for the Prevention of Collisions at Sea to this situation? By International Rules I mean the so called "Rules of the Road."

A. As far as I know, there are exceptions made to the "Rules of the Road" in formation maneuvers, but as I understand it, the responsibility ultimately is to adhere to the "Rules of the Road." As an example, in the darkened ship situation, the ultimate criteria used is that responsibility belongs to the ship that is at darkened ship, according to the "Rules of the Road," as I understand them.

Q. You first referred to the responsibility of EVANS to stay out of the way or to avoid collision with MELBOURNE?

A. Yes, sir.

Q. What is the source of that rule that you referred to, as you recall?

A. As far as I know, sir, it's .... I don't know what the source is, but I would assume just customary - the way I heard it, it's always stay away from the big guy.

Q. During the maneuver you made to take station astern of MELBOURNE, did you at any time consider turning on your navigation lights?

A. No, sir, I didn't.

Q. You testified a few minutes ago that you cannot recall the last time that you checked the position of MELBOURNE visually, did you have any regular procedure for checking ranges and bearings received by radar such as sighting through the binoculars to check relative size, visibility and so forth?

A. I didn't have a standard set procedure whereby I would check this one and then this one at a specific time period. It was a random check. Visual checks were made, however, by myself and then I would check the radar repeater. Then maybe the next time I would take a bearing position. I did, as I stated before, have the binoculars around my neck during the watch, this was standard procedure on our bridge and the binoculars were used.

Q. Do you recall seeing MELBOURNE at any time through those binoculars?

A. Yes, sir, several times I looked at the MELBOURNE through the binoculars.

Q. Did the information you received by looking through the binoculars cast any doubt as to the accuracy of the information you may have been getting by radar?

A. No, sir.

Q. Did you use your binoculars at any time between the signal "Formation ONE" and the collision?

A. I believe I stated this before, that I was over on the starboard wing and I was looking through the bearing circle at the time, so I did not use binoculars for this particular situation.

Q. What were you looking at through the bearing circle?

A. I was looking at a shadow of what was the MELBOURNE.

Q. Do you recall the bearing you saw?

A. When I looked through the bearing circle? Yes, sir. It was 070.

Q. That's after your turn?

A. Yes, sir.

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Counsel for the board: No further questions, sir.

Senior Member: The board has no further questions for this witness at this time.

Counsel for the board: Mr. Hopson, at this time neither counsel for the board nor the board has any further questions. However, at this time you are privileged to make any statement covering anything that is related to the subject matter of the inquiry that you think should be a matter of record in connection therewith, which has not been fully brought out by the previous questioning.

LCDR Brickson: In this regard, it is respectfully requested that the - Mr. Hopson be allowed the opportunity to view a transcript of what he has said in order to arrive at an intelligent decision as to whether or not to make additional information available.

Counsel for the board. Sir, (to senior member) counsel at this time would suggest that since this opportunity has not been granted prior witnesses that the board might wish to allow the witness to make such statement as he wishes at this time, reserving decision on that request until a later time.

Senior Member: Concur.

Counsel for the board: Did you understand the ruling of the board? That you may make such statement that you wish at this time. The board reserves its decision as to your request until a later time.

LCDR Brickson: Yes, sir. Under those circumstances I think that Mr. Hopson would like the board to understand and the record to reflect, that what he has said, he has said only from memory and the facts that he has related, he feels are the truth to the best of his knowledge and belief.

Senior Member: The board understands that Mr. Brickson, and Mr. Hopson.

The witness was duly warned by counsel for the board concerning his testimony, and excused from the boardroom, subject to recall.

Counsel for the board: At this time sir, counsel for the board will call Captain Doak, COMDESRON TWENTY-THREE.

Senior Member: Very well.

Captain Joseph J. Doak, Jr., U. S. Navy, Commander Destroyer Squadron TWENTY-THREE, was called as a witness by counsel, for the board was duly sworn and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board.

Q. What were your duties on 3 June 1969?

A. I was screen commander of a screening unit that was screening MELBOURNE.

Q. What units were in that screening unit?

A. USS KYES, USS LARSON, HMZS BLACKPOOL, BMAS .... excuse me HMS CLEOPATRA and the USS FRANK E. EVANS.

Q. Captain Doak, my co-counsel has just called to my attention that I have omitted a necessary step prior to questioning you, I will do that at this time. Captain, you have been called a witness to an investigation that is inquiring into the circumstances surrounding the collision of HMAS MELBOURNE and USS FRANK E. EVANS because it is understood that you have evidence which may assist the board in its investigation. You are advised that the evidence is being received in open session and that disclosure of classified information is not authorized during this open session. Should the answer to any question you are asked require you to disclose classified information, you are requested not to answer the question, but advise the board that the answer would require you to disclose classified information. In such cases you will later be given the opportunity to testify as to the classified information in closed session. However, if you can answer the question either in part or in general terms without disclosing details, you should do so, advising the board of your desire to amplify at a later closed session. Do you understand?

A. Yes, sir.

Q. Finally, under United States law, no witness may be compelled to answer any question, the answer to which may tend to incriminate him, and you may refuse to answer any such question.

Q. Commodore, so that the board may appraise your testimony, would you briefly outline your experience in destroyer type ships.

A. I was gunnery officer of the USS HEALEY (DD-672). I was Executive Officer of the USS LLOYD (APD-63); Executive Officer of the USS BORDELON (DDR-881); Commanding Officer, USS VAN VOORNIS (DE-1028); Commanding Officer, USS DOUGLAS H. FOX (DD-779); the Commanding Officer, USS BARNEY (DDG-6); Commanding Officer, USS SIERRA (AD-18); the latter being more of a repair ship than one that would be concerned with the operations of destroyers.

Q. And your present capacity, how long have you been in that?

A. 11 months.

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Q. Can you give the board an estimate as to the total number of years you have spent in destroyers and destroyer types?

A. I have to think about it a little bit. Oh, a good ten years.

Q. Do you recall the nature of the screen that was in effect on the night of 2 and 3 June in your task group?

A. Yes, sir, in general.

Q. Would you describe it so the board, avoiding classified information?

A. We had what is called a sector patrol screen, with defense in depth.

Q. Do you recall the station that was assigned the USS FRANK E. EVANS?

A. Yes, sir. She was the starboard destroyer of the inner line, let's say.

Q. Had the screen which was in effect on the night of 2 and 3 June been the same.... been in effect since the sortie from Manila?

A. No, sir.

Q. Would you describe the changes that had been made during that period and the reasons for them?

A. Yes, sir, I ... when we sortied from Manila the first time, I was told to form a screen. I was requested to form a sector patrol screen. I formed the type screen I used with the U. S. Task Group I normally operate with.

Q. Which Task Group is that, sir?

A. 70.4

Q. And what is the carrier in that....

A. USS KEARSARGE. I could explain these screens, but in a way I feel it would be classified. However, I'll try to do my best without going into details, if that's all right with the board?

Q. They would like to hear as much as possible that is unclassified.

A. Well, I tried to form the type screen I normally use with KEARSARGE. I didn't try, I did. This was the 30th I believe, we sortied. That evening I received a message on the Primary Tactical Circuit ordering me to reform another screen because the one I had was too loose and lacked defense in depth. I was also told to put the destroyer that I would have used for plane guard in a position that would enable him to assume his plane guard station rapidly.

Q. Where was that destroyer placed in your original screen?

A. Astern of the carrier. I pondered over this for awhile because I.... we all have our ideas of screens I suppose. I tried to develop the type I thought I was asked to. Therefore, I instituted a sector patrol screen with a "pouncer". The Pouncer....

Q. By "pouncer" you mean what?

A. "Pouncer" is a destroyer or destroyers we place between the main screen and the main body, primarily because of the fact that if a submarine manages to punch the main screen - "punch" I mean, means to elude it, the pouncer is in the best position to thwart any further attack from the submarine. And the pouncer being closer to the carrier, he happened to be the man who was in the plane guard. We operate with that screen, I suppose for - we did other things other than that screen. We went and joined a convoy group and so forth. But whenever we were with MELBOURNE, we used that screen until the morning of the large replenishment, which was 2 June. The prior evening I received a memo asking if I would come to MELBOURNE and discuss some anti-surface action group operations that would be conducted on the 2nd. There I had a discussion with our Task Group Commander. We discussed several areas of the operation, and I indicated to him that I knew he was displeased with the type screens that I was using, and I wanted to naturally abide by his wishes and asked, since I was face to face with him, what type of screen he would like? And the screen was the one I first explained which is the one that we had on the night of 2-3 June.

Q. Was there any discussion with Admiral Crabb as to the assignment of a plane guard from the screen?

A. No, the Admiral said that, ... well let me back up a little bit. The Task Group would be issued Operational General forms which, in essence, gave the duties of various ships in the task group.

Q. How often were those issued?

A. I believe I'm correct, they were from 0800 to 0800.

Q. Daily?

A. Daily. And the plane guard was indicated in that messages. My discussions with the Admiral...he said you can designate the plane guard. I believe it was because of the fact that when you try to form the screen if your closing a group and trying to form a screen around it, you would want to put the plane guard in a spot you thought he should be in. He may be on the wrong side of the formation and so on and so forth and you may create a situation which could be overcome if you were permitted to say "We'll make this man plane guard" rather than a dispatch. That's about the only discussion regarding plane guard.

Q. As a result of that discussion, who assigned plane guard for the night of 2 and 3 June.

A. I did.

Q. And which unit did you assign?

A. USS FRANK E. EVANS.

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Q. Following your meeting with Admiral Crabb, did you advise the units of your screen as to the nature of the changes that you instituted and the reasons for them?

A. No, I just.... We were replenishing in a very large formation and the first time we joined together with MELBOURNE I sent the signal which placed the ships in a screen that the Admiral wanted. The first time we were.... when MELBOURNE was ready for flight operations, he asked me to designate a destroyer for plane guard, and I did.

Q. Did you make that designation for a period of time or for each time a plane guard was desired?

A. I made it under the impression that once I made it, it would always be the plane guard.

Q. Until changed by you, is that correct?

A. Until changed by me, or, of course, our Task Group Commander.

Q. At your meeting with Admiral Crabb, was there any mention of a prior incident involving a unit of the screen and the MELBOURNE?

A. Yes, sir. It was very sketchy. The Admiral said, "I consider the incident closed". It was rather obvious to me, we had been talking for quite some time, he didn't care to say anything else about it.

Q. Did you have information of the incident at that time?

A. Not solid concrete information, no, sir.

Q. Did you see the incident that he referred to?

A. No, sir.

Q. You indicated that during one period of the operation the plane guard followed the carrier astern all night, I believe. Do you recall that. Could you amplify it?

A. I don't believe we.... I believe I was ordered to change that screen about, sometime around 2200 local time the first night. So we never really got through the full cycle with that screen. No, he was, this destroyer, he had a sector to patrol, he just wasn't dead astern of the aircraft carrier all that time.

Q. Was there any night during the operation in which the plane guard trailed the carrier the entire night, to your recollection?

A. Yes, we received a message, and I'll try to remember the date.

Q. Who was it from also?

A. We received a message from the Task Group Commander saying that in his impression it was highly likely that the convoy would be encountered by one or two submarines during the next ten hour period. Based on this information we took the MELBOURNE group, I mean the MELBOURNE plus the destroyers, and augmented the convoy with our destroyers, the convoy screen. The carrier operated astern of the convoy which was the normal method of operating - one of the normal methods of operating in that case and took a plane guard with him and stayed astern, which, again, I would say is a normal way of operating if you want to get into the little protected box, which is what we were doing.

Q. To your knowledge was there any connection with the assignment of this plane guard to trail astern and the prior incident which we have discussed?

A. Not to my knowledge.

Q. To your knowledge was it done that way for the purpose of the safety of the carrier or protecting the plane guard from collision?

A. No, I would say that's a normal way of operating if you want to include an aircraft carrier within a convoy that's being protected by screen ships.

Q. You indicated that the first day or night you received a message asking you to change the screen. Would you indicate the originator of that message also?

A. It was our Task Group Commander.

Q. By Task Group Commander, you mean Admiral Crabb?

A. Well now, I would have to look at the circuit log. It was either the overall Task Group Commander or the Commanding Officer of the aircraft carrier who at times would institute some maneuvers. If my memory serves me correctly, it was the Task Group Commander, Admiral Crabb. Why I can't answer perfectly is, you probably know you see alpha numeric signals and I just can't recall that day who had what. In either case they were my superiors and, of course, I had to abide by their wishes.

Q. Do you know why the Task Group Commander asked you to designate the plane guard when he had previously done it in the OPGEN Message. I believe you have answered this in part already, but could you amplify that?

A. I really didn't see why except the one reason I explained. However, there may have also been a case - the screen that we had, the one we had on the evening of 2-3 June was a double sector patrol, and in those cases doctrine tells you to put your high powered sonar, if you happen to have any, in the forward sector. Now we may have somewhere along the line designated one of those ships as plane guard and he would have to come through the inner screen. Perhaps there was another reason.

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Q. You indicated that both the Task Group Commander, Admiral Crabb, and the Commanding Officer of the MELBOURNE gave you orders at different times. Were you always able to identify the originator of the messages you received?

A. Yes, sir.

Q. How?

A. Well normally if they were on the tactical circuit, they had a call sign, and that was the way we....

Q. They used different call signs?

A. Yes, this is common practice to do this.

Q. To your knowledge, were any messages originated by CO MELBOURNE using the Task Group Commander's call sign?

A. I don't believe so.

Q. Prior to being asked to come aboard MELBOURNE to talk with Admiral Crabb, had you had any previous opportunity to discuss with him screening and other matters related to your duties?

A. No, sir. I tried to arrange that but operational commitments didn't permit it.

Counsel for the board: If the board please, I'm going to move on to more general matters now, not specifically related to this incident. You may have questions on subjects I've covered so far. You might find this an appropriate time to ask them.

Senior Member: Yes, the board has some questions.

#### EXAMINATION BY THE BOARD

Questions by the senior member.

Q. Commodore, with relation to your last question, you said that operational commitments did not permit. The board has had testimony indicating that there was a period in port prior to the "at sea" phase of the exercise for familiarization, discussion and so on.

A. Yes, sir.

Q. Were efforts made to discuss these matters between you and your Task Group Commander at that time?

A. No, sir. I thought that there's enough - there are enough procedures in our publications wherein we could screen any unit properly. But yet, I still thought it would be best if we could get together, and this is the reason I sent a message asking if we could. This was during the work up phase.

Q. You sent a message asking to do what?

A. If I could - if MELBOURNE could send a helicopter for me anytime to discuss screens, screen orientation and rescue destroyer operations.

Q. Approximately what date did you send that?

A. I believe 26 May, sir.

Q. What response did you receive?

A. I never - I almost got a helicopter one morning. As a matter of fact, I was ready to go. I received a message reading that there would be a helicopter for you at let's say 0900. I was ready and all set to go and it had to be cancelled for some reason by MELBOURNE. Another time when MELBOURNE was going back into Subic Bay for material, we were going to Manila, I received a message saying, "we can send a helicopter over to you, but the Admiral won't be aboard", which indicated to me that the man I should speak with would be the Admiral and not the Commanding Officer of the carrier. It so happened that the ship I was on was on one shaft at that time and we had to plan a sortie the next morning, and I was concerned with getting into Manila and getting onto another ship, if I had to, rather than being side tracked into Subic Bay. I had no idea really what time MELBOURNE would be back into port.

Q. During the time on the second of June when you conferred with your Task Group Commander, do you recall any discussions regarding the distance of destroyers from carriers when occupying - when the destroyers were occupying the screening stations.

A. No sir, I placed the screen, as I said earlier, after I was told my initial screen was not desired, I placed the man two to four thousand yards ahead in the pouncer station, which in ASW doctrine is certainly acceptable. When I brought the subject up with my Task Group Commander, I said, "I realize we're not seeing eye to eye on screens, what exactly would you like?". It was then I was told, like so and so, so and so, so and so, and to form the screen. I pointed out two items concerning the screen, which I thought should be made known. One of them was that the outer screen was rather far and if we had a large reorientation it would be some time before we got around. Also, if we got reduced sonar ranges the inner screen may not have covered the limiting lines of approach.

Q. Does this get into classified material?

A. If we go much farther, I believe, yes, sir.

Q. Is it possible in your mind that some of the difference in view point which you referred to may have been from differences in the characteristics of anti-submarine sensors or weapons between the ships which you normally work with and those which Task Group Commander normally works with?

A. I don't believe so, sir.

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Q. Did you discuss with the Task Group Commander the CPA of destroyers from carriers when the destroyers are moving from one station to another?  
A. No, sir.

Q. When and by what method did you designate FRANK E. EVANS as the rescue destroyer on the 2nd of June?

A. I received a normal tactical message from the Task Group Commander which said "designate a plane guard", and at that time I designated FRANK E. EVANS.

Q. And can you recall the time you received these instructions?

A. I believe it was in the afternoon of the 2nd, sir. It was upon completion of the large replenishment and the first time we rejoined around MELBOURNE.

Q. Was that instruction to designate a rescue destroyer received on the Tactical Primary Circuit?

A. Yes, sir.

Q. Did you make the designation of FRANK E. EVANS on the same circuit?

A. Yes, sir.

Q. What was the basis for your decision to designate FRANK E. EVANS as rescue destroyer on that particular occasion?

A. I believe the position she had in the screen, sir. It was the most logical position for a rescue destroyer.

Senior Member: The court has no further questions on this topic at the moment. The counsel should proceed.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board.

Q. Commodore, I have some more general questions, dealing with doctrine and so forth. First of all, is there an instruction from Commander Cruiser - Destroyer Force Pacific, or higher authority as to a procedure for qualifying officers of the deck for destroyers?

A. Yes, sir.

Q. Do you have a copy of such?

A. I do.

Q. Could you produce it at this time?

A. Yes.

(Commodore leaves the witness chair briefly to get his brief case at the other end of the board room, then returns to his chair)

Q. What document is this that you have produced?

A. This is COMCRUDESPAC Instruction 5000.3c, commonly called "Commander Cruiser - Destroyer, U. S. Pacific Fleet Regulations."

Q. And to what specific articles do you refer in those regulations?

A. Article E3014, "Qualifications of Officers of the Deck."

Counsel for the board: Counsel would ask that this section only of this document be marked as Exhibit 31 for identification.

(Counsel hands the Exhibit marked 31 for identification by the reporter to the witness)

Q. Does that particular section lay down the criteria for the qualifications of officers of the deck?

A. Yes, it does.

Q. To whom does it give authority for qualifying officers as officers of the deck?

A. The Commanding Officer.

Counsel for the board: Rather than go through the details, counsel would ask that this be admitted into evidence as Exhibit 31 for perusal of the board at a later time.

Senior Member: It may be so admitted, counsel.

Counsel for the board: We would ask for authority to reproduce copies for the record and return this copy to Commodore Doak?

Senior Member: Granted.

Questions by the counsel (continued).

Q. Commodore, you indicated that you were the operational commander of the USS FRANK E. EVANS on 3 June. Were you also the Administrative Commander of the FRANK E. EVANS?

A. Yes, FRANK E. EVANS is a member of Destroyer Squadron TWENTY-THREE, and consequently I have a great deal to do with the administration of the ship.

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Q. Have you - has FRANK E. EVANS been under your command the entire 11 months you have been in command of DESRON 23?

A. Yes.

Q. During this period have you had an opportunity to determine the - to form an opinion as to state of readiness and training of the FRANK E. EVANS?

A. Yes.

Q. Would you at this time state that opinion?

A. I believe the USS FRANK E. EVANS was in a high state of readiness and certainly she was - she had met all her training criteria that's established by our type commander. I considered her to be probably the most outstanding ship in our squadron.

Q. Each year you are required to make nominations for the Battle Efficiency Pennant. Could you state what action you had planned to take with respect to that award for this year for that squadron?

A. The answer is, there is no doubt in my mind that I would have recommended the FRANK E. EVANS.

Counsel for the board: Sir, that's all the questions counsel has. This witness will leave, or go to sea tomorrow. If the board has no questions for him we would like to delve very briefly into the rescue phase with this witness.

#### EXAMINATION BY THE BOARD

Questions by the senior member.

Q. Commodore, at the time of the collision of the FRANK E. EVANS and MELBOURNE, a time which has not been specifically established, but it was approximately 0315 local time the morning of 3 June, where were you?

A. I was asleep, sir.

Q. Had you had occasion to view MELBOURNE in say the hour immediately preceeding the collision?

A. Not that close to the collision, sir. About 2330 I did.

Q. Commodore could you elaborate a little bit on your reasons for having made up your mind, as you indicated, that you would nominate the FRANK E. EVANS for squadron Battle Efficiency Award for this fiscal year?

A. Yes, sir, when we make such a nomination we consider all of the actions that the destroyer would be concerned with or had been concerned with throughout the entire year. This includes his operations at sea, the completion of his training requirements, many administrative inspections, day to day observations and so forth. I'm confident that he would not be surpassed in our squadron in any of those fields. Perhaps one man would have received a little more higher grade in an Administrative Inspection, but overall, no doubt at all in my mind.

Q. Did you, Commodore, as the Screen Commander in this formation, maintain a watch on the positions of the destroyer in the screen, monitoring their performance?

A. Yes sir. I'd say that's a normal practice for a watch, a staff watch to do. It's done periodically though, there isn't a man glued all the time to the scope.

Q. During the mid-watch on the morning of 3 June, prior to the collision, did you receive any reports that any ships in the screen were outside their assigned sectors of designated positions?

A. No, sir.

Q. If such had been observed by your staff watch officer, would have you expected him to notify you, or to take action himself, or what?

A. I would expect him to notify me, sir.

Senior Member: The court has no further questions. We will have a brief recess.

The board recessed at 1035 hours, 16 June 1969.

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The hearing reconvened at 1055 hours, 16 June 1969.

All persons connected with the board who were present when the board recessed were again present.

Senior Member: The hearing will resume.

Counsel for the board: Let the record reflect that this is an open hearing. Commodore Doak you are reminded of the oath you previously took.

Witness: Yes, sir.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q: Commodore, I believe your testimony is to the effect that during the period we have been talking about, there were three different screening formations, basically.

A: That's correct.

Q: The first one you established, the second one was a so called "pouncer screen," and the third one was the "screen" in depth. Would you state the reason you used the screen you first established?

A: Yes, sir. I believe when you are screening an antisubmarine warfare carrier, you must consider several things when you develop the screen. Obviously you must give him sonar protection. In addition you must, in my belief, cater to the needs of the aircraft carrier. The fact that he most certainly will be steaming on various courses and at various speeds and various directions, naturally, to evade the enemy if we happen to know where he may be. And, of course, to conduct flight operations. Therefore, the screen that I originally instituted, I believe, was geared to accommodate both of these situations, and at the time same time I believe it could be easily manipulated and maneuvered and it could be safely manipulated and maneuvered. Is that clear, sir?

Q: With respect to each of these type screens, would you indicate the basis on which a plane guard would be designated from which station as to each of these screens?

A: The one that I proposed would be the astern station. When we had the final screen, it would be the man on the starboard wing, all in my impression.

Q: Between the final two, the pouncer and the final screen, insofar as plane guards taking station, was there any difference in safety between the two?

A: I would say in essence, no, sir. In both cases they had to come from ahead to their astern position.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q: Commodore, in your final screen you said that the rescue destroyer would be taken from the starboard wing. Was there any difference between that and the port wing in this regard?

A: No, sir. Just from my experience with aircraft carriers, I think they like to have them come down their starboard side so they can see them, and that's the only reason, sir.

#### EXAMINATION BY THE COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: Do you recall how many times EVANS took plane guard station between replenishment on the afternoon of 2 June and the collision?

A: I can't recall the exact numbers of times, primarily because the KYES, CLEOPATRA and BLACKPOOL were detached for a considerable period of time then on anti-surface group operations.

Q: And you were in KYES?

A: I was, yes, sir.

Counsel for the board: Counsel has no questions of this witness which require closed session as far as we know. Does the board?

Senior Member: The board has no questions.

Counsel for the board: Do you have any statement which you feel would require an answer in closed session?

COMM DOAK: No, sir. I don't.

Counsel for the board: Or amplification of prior answers you have given?

COMM DOAK: No, sir, unless you care to delve into all the ifs, ands, and whys of screen and so forth.

Senior Member: The board has enough information on that subject at this moment.

Counsel for the board: With the board's permission I would like to ask the Commodore just a few questions about the rescue operations since he is departing tomorrow.

Senior Member: Proceed.

#### EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: Commodore, you do recall the approximate time of the collision, do you?

A: Yes, sir.

Q: Following that, what was the notification given to you of the collision?

A: I received it via "E" call belt system, which is a sound powered telephone system.

Q: And what action did you take upon receipt of that call?

A: I immediately went to Combat and I was back and forth from bridge to Combat.

Q: What rescue operations did you observe take place from what point on?

A: My impression was that the performance of everyone there was absolutely magnificent. I don't think many people had to be told to do much of anything. We all knew what we were - naval officers of various countries, yet, we just pitched in and did what we thought we had to do.

Q: What action did KYES take?

A: KYES closed the contact area, which we all did, and we formed a ring, so to speak, around the area and we all put boats in the water. There were helicopters, I couldn't tell you how many. There were so darn many there. When I first realized what was happening the MELBOURNE had EVANS alongside, and they were, in my impression... they did a tremendous job. We were very fortunate I think in that we had ideal conditions.

Q: How was the visibility?

A: It was a moonlight night. If I recall correctly, the water was as smooth as a lake. Shortly thereafter, just a few hours is seemed the sunlight came and this greatly assisted us.

Q: In your view, was the rescue operation which was conducted thorough and complete?

A: Undoubtedly.

Senior Member: Your answer again, Commodore.

A: Undoubtedly so, yes. The water conditions were such and the visibility was such, and I haven't seen it very often in my naval career. You could see a matchbox I would say.

#### EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: In your opinion, were any resources which would have been required unavailable to the Task Group Commander for the rescue operations?

A: I don't believe so.

Q: Would the addition of further ships, for example merchant ships in the area, have assisted the operations?

A: I don't believe so. I believe we had ample ships and aircraft and small boats.

Counsel for the board: That's all the questions we have sir.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q: Commodore, would you describe the position of the moon, that is its altitude, whether it was rising or setting and the cloud conditions existing during the period of the search and rescue operations?

A: I couldn't really do that, sir. Those are the things that you don't look - at least I didn't, that day or that evening. But I do know it was very clear. We could easily see ships even though it was still dark. I could obtain that information as you know, sir.

Counsel for the board: Sir, counsel will present in evidence a witness who will testify as to the time of the moon rise and other factors.

#### EXAMINATION BY THE BOARD (Cont'd)

Questions by the senior member:

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Q: Commodore, you stated that the period following the collision you spent some of your time on the bridge and some time in the Combat Information Center. Could you estimate, for the board, the visibility conditions immediately following collision with respect to the distance at which you could recognize that a ship was of a given type with the unaided eye?

A: I would certainly say five miles or greater.

Q: Would this distance increase if you used binoculars?

A: Yes, sir.

Q: During the period immediately following the collision, who directed the movements of the destroyers in the immediate vicinity of MELBOURNE?

A: I would say little direction had to be ordered, sir. I directed KYES. I was about to direct other ships to go around the other side of MELBOURNE, and I believe it was LARSON who went around and so, as I said earlier, everyone did their tasks almost without being told. I do recall MELBOURNE asking us to send our doctors over, which we certainly did as soon as we could get close enough to put the boat in the water. But at that moment most of the recovery operations were being conducted right alongside MELBOURNE. And it was obvious that this is where we should concentrate.

Q: The board has been told that at some period of time subsequent to the collision, the after section of EVANS, which had been alongside MELBOURNE, was cast loose and drifted clear of MELBOURNE. Was any particular ship then detailed to tend that section of EVANS?

A: Yes, sir.

Q: What ship?

A: The U.S.S. LARSON.

Q: Who so detailed U.S.S. LARSON?

A: I did, sir.

Counsel for the board: Commodore, you are informed that you are privileged to make any further statement covering anything relating to the subject matter of the investigation that you think should be a matter of record in connection therewith, which has not been fully brought out by previous questioning. Do you have such a statement?

A: Right now, sir, no. Not that I can think of.

Q: Very well, you are excused, subject to recall by the board. Counsel for the board asks that Commodore Doak be authorized to depart with his unit tomorrow, sir, subject to being recalled in the event there is a need.

Senior Member: Yes. That's agreeable. Commodore, we will make every effort, in the event we require further information from you, to provide you with maximum lead time.

A: Thank you, sir.

Q: For you planning.

A: Thank you, sir.

The witness was warned, excused subject to recall, and withdrew from the hearing room.

Counsel for the board (CDR GLASS): Counsel calls LT Newby.

LT Richard Eugene Newby, U. S. Navy, was called as a witness for the counsel of the board, was sworn, and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: LT Newby you have been called as a witness for this board of investigation, which is inquiring into the circumstances surrounding the collision of HMAS MELBOURNE and USS FRANK E. EVANS, because it is understood that you have evidence which may assist the board in this investigation. You are advised that the evidence is being received in open session of the board and that disclosure of classified information is not authorized during open session. Should the answer to any question which you are asked require you to disclose classified information, you are requested not to answer the question, but to advise the board that the answer would require you to disclose classified information. In such cases you will later be given the opportunity to testify as to the classified information in closed session. However, if you can answer the question either in part or in general terms without disclosing specific classified details, you should do so, advising the board of your desire to amplify in later closed session. Under United States law, no witness may be compelled to answer any question, the answer to which may tend to incriminate him, and you may refuse to answer any question. Do you understand those matters?

A: Yes, sir.

Q: Would you please state your name, rank and appointment?

A: Richard Eugene Newby, LT, United States Navy.

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Q: And to what ship are you assigned?  
A: U.S.S. James E. KYES (DD-787).

Q: And were you a member of that ship, one of that ship's officers, on the night of the 2nd and the 3rd of June?  
A: Yes, sir.

Q: And what particular duty did you perform in that ship?  
A: At the time of the incident, I was the Officer of the Deck.

Q: What are your normal duties?  
A: I'm the Engineering Officer.

Q: When did you take over watch on the night of the 2nd and 3rd of June?  
A: I took over the watch at approximately 2345.

Q: And at that time what was the base course and speed of the ship?  
A: If I remember, it was 220.

Q: Speed?  
A: Speed, I believe - I do not remember at this time.

Q: What other ships were in company with KYES at this time?  
A: The LARSON was on my port hand, the BLACKPOOL - - -

Q: I'm sorry to interrupt. To avoid giving classified material, could you just give us the names at this stage.  
A: The LARSON, BLACKPOOL, CLEOPATRA, EVANS, MELBOURNE.

Q: And did you remain on watch on the bridge of U.S.S. KYES until the collision later occurred?  
A: Yes, sir.

Q: And what was the state of the weather at around 0300, just before the collision, say?  
A: Well, there was very low wind, I would say, probably 10 knots of wind. The skies were overcast. There was a good moon, but like I say, the skies were overcast. It was patchy at times, not much light came through.

Q: What was the degree of visibility just before the collision for persons not using binoculars as to regards type of ships, what length of view without binoculars?  
A: You mean, how far away I would be able to see a ship?

Q: Yes.  
A: Without binoculars and to recognize its type, that would depend on the size of the ship. A smaller ship, it's a good chance you wouldn't be able to see it much over about 5 or 6 miles. Actually, I don't think you could really see without binoculars, unless it was silhouetted on the horizon. Anything inside the horizon would be hard to see without binoculars.

Q: Without binoculars, what length of view did you have as to the heading of a particular ship?  
A: I don't follow your question.

Q: What range did you have, without binoculars, in determining the direction that the ship was heading?  
A: I would say if it was on the horizon, there wouldn't be any difficulty whatsoever, which would be about 6 or 7 miles.

Q: Now using binoculars, how far could you tell the type of ship in question?  
A: I would probably say an additional 2 miles.

Q: And using binoculars, for what range could you tell the direction in which a ship was heading?  
A: Probably about the same.

Q: At this period just before the collision, what lights were being shown by ships in the force as far as you observed?  
A: As I observed it, I know that the LARSON was not showing lights, and she was the one I was most particular interested in or worried about at the time. As for the other ships, I don't remember seeing any lights on any of the escorts. And immediately prior to the collision, I cannot say what the MELBOURNE was showing.

Q: Without revealing any classified material, what was the distance from the KYES to MELBOURNE?  
A: At the time of the incident it was exactly 8,500 yards and had been so for about 10 minutes before that because I made a note of speaking to my JOD at the time that he was right on station.

Q: Do you recall a signal to EVANS to take up position Formation One?  
A: Yes, sir.

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