

Q: How did that message come to your attention?  
A: It came over, what I would call PRITAC. They gave her a Formation One and giving the stations as MELBOURNE, then EVANS.

Q: And coming over PRITAC, did you hear it through headphones or through an amplifier on the bridge?  
A: Through an amplifier-speaker arrangement.

Q: Approximately when was it that you heard that message?  
A: I would guess somewhere about 0310, in that area.

Q: At the time that message came through what was the course of your ship?  
A: We had just resumed, I believe if I remember right, 260, around in that area.

Q: And was a zig-zag change coming up sometime thereafter?  
A: Right. If I remember right we had just come to that course and still had about 3 or 4 minutes on that course to go, if I remember right.

Q: I would like to correct the term of a question I put to you, it is the course of the force at the time this message came through that we are interested in, not the particular course of the destroyer you were in. What is the answer to that question?

A: Exactly at that time I cannot remember, I would say we were just coming to 260 or we had just come to 260 as part of the zig-zag plan.

Q: What was the base course at that time?  
A: 220.

Q: Well, what was the next matter that came to your attention after the signal Formation One to EVANS?

A: I heard over the same circuit the MELBOURNE calling the EVANS. I believe at that time she gave her heading and she coupled it.

Q: By that you mean that it was sent out in code, of course.  
A: Yes.

Q: The code, what heading did she give?

A: I believe it was 260. I remember it - well, it was either 260 or 265. I can't remember at this time. I remember we looked it up and it jibed with what course we were on for that part of the zig-zag plan.

Q: Did you hear any acknowledgement of that signal from anybody?  
A: Yes, sir. The EVANS rogered.

Q: And what was the next thing that you heard?

A: The MELBOURNE telling the EVANS that they held her on a collision course.

Q: Are you able to recollect the time that intervened between the signal giving her course and that last signal you mentioned?

A: It would all be a pure conjecture on my part. I would say that there was a pause, but how long I don't know.

Q: And did you hear any acknowledgement of that signal?

A: Yes, well, I can't be sure if it was right after that. It was acknowledged and either right then or shortly after that the EVANS came out with, "My rudder is right full."

Q: And did you hear any other signal?

A: And the MELBOURNE came back immediately with, "My rudder is left hard."

Q: During the time that these messages were being heard by you what were you able to observe of the two ships?

A: Only I heard that she was ....she stated that they held her on a collision course, I started watching the radar scope. And I watched the two blips on the radar scope going together.

Q: Was there, as far as you were concerned, any communication difficulty during this period?

A: I do not believe so.

Q: The signals that you heard on the PRITAC, were they clear, indistinct or what?  
A: They were very clear on our bridge.

Q: Did you, apart from watching the event on the radar display, also watch them visually?

A: Not until the ships had come together on the scope. It was only after that time that I went on the starboard wing of the bridge. My JOD had been up there all this time before.

Q: Is he in Subic Bay or is he gone?

A: No, sir.

Q: Where is he now?

A: He has left Subic Bay and is in route to the United States at this time.

Q: When you went out on the starboard bridge what did you see?

A: I saw something going down the port side of MELBOURNE and what I realize now to be steam, in the vicinity of her bow. That was with the use of glasses.

Q: And with what degree of clarity were you able to see the two ships?

A: I could see the MELBOURNE quite clearly because at this time she had ample lights on. I could really not distinctly see what seemed to be passing down her port side. It could have also been part of a ship, which is really all I could determine at that time.

Q: What lights did she then have on, did you then see rather?

A: I really honestly couldn't answer that question.

Q: Were there any lights exhibited in addition to the ordinary navigation lights?

A: Yes, sir.

Q: What were they?

A: I would say just her deck lighting along the edge - other lights other than her normal navigation lights. It seemed like she was starting to turn on all her lights at this time. Only at this time, I still did not realize that they had collided.

Q: How long after that - the collision had occurred, then you say?

A: I would say it had occurred because of the fact, now what I believe to be steam, what I saw on her bow.

Q: Do I understand you to say that it was only shortly before the collision that you had a visual - -

A: I would say it was after the collision that I first saw her doing this evolution.

Counsel for the board (CDR GLASS): Counsel has no further questions of the witness.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q: Mr. Newby, immediately following the collision when you stepped out to view MELBOURNE through your glasses, did you see any lights that were identifiable as MELBOURNE's navigational lights?

A: I believe I did, but thinking back, I really can't positively say that I did.

Q: Mr. Newby, when you were on watch prior to the collision, did you keep moment to moment or minute to minute track of EVANS as she proceeded to move in response to the FORMATION ONE signal?

A: Visually watching her, no, sir.

Q: By any means?

A: On the open bridge, up around the bridge, no, sir. I simply was watching the two blips on the scope and they moved relative to each other.

Q: But, you did not track these?

A: No, sir. I did not track them.

Q: Use a grease pencil on a plotting head or anything?

A: No, sir.

Q: Do you know if anyone in your ship did?

A: I do not believe so. The only place it might be is on our DRT trace, if they did in fact track her.

Q: Would you expect them normally to have done so?

A: No, sir. They would be tracking the carrier, probably track the ship closest to us and any contacts.

Q: You testified that you heard a message from MELBOURNE to EVANS in which MELBOURNE said, "You are on a collision course," or words to that effect.

A: Yes, sir.

Q: Do you have any means of helping us establish the distance between those two ships at that time?

A: It would only be a guess. It would only be a pure guess. I'm trying to visualize the scope as it was at that time, and I really couldn't say with any real definite answer.

Q: Did you exchange information with the Junior Officer of the Deck, or anyone else, on the bridge immediately prior to collision, as to what either of you could see?

A: I went out on the starboard wing and looked and he was out there already looking, seeing what he could see. Our CIC watch supervisor stepped out just shortly before and said, "It looks like it's going to be a close one." That's about the only real communication. Then we stepped out and said well - I couldn't quite get the position relative to the carrier where

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EVANS was. I thought she was going to pass clear of her, trying to get perception in there. So I don't think there was a real exchange about, except for the fact that it looked like it was going to be close.

Q: Do you recall seeing any lights on either ship at this time?  
A: Well then I stepped out there it was after the collision had already occurred. He was out there watching, I was inside, and when I got out there, I believe the collision had already occurred.

Counsel for the board (CDR GLASS): Thank you Mr. Newby. You are excused from further attendance. You are not excused, you are invited to say whether there are any other matters related to the subject matter of the inquiry that you think should be brought out as a matter of record which has not yet been brought out by questions.

LT Newby: There is nothing.

The witness was warned, excused, and withdrew from the hearing room.

Counsel for the board (CDR GLASS): The board calls LTJG Thompson.

LTJG Richard Wittick Thompson, U. S. Navy, was called as a witness for the counsel for the board, was sworn and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: You have been called as a witness, LT Thompson, before this board of investigation which is inquiring into the circumstances surrounding the collision of HMAS MELBOURNE and U.S.S. FRANK E. EVANS, because it is understood that you have evidence that may assist the board in its investigation. You are advised that the evidence is being received in open session of the board and the disclosure of classified information is not authorized during open session. Should the answer to any question which you are asked require 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 classified information in closed session. However, if you can answer the question either in part or in general terms without disclosing classified matters - 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 such questions. Do you understand those matters?

A: Yes, sir.

Q: Would you please state your full name and your rank and ship?  
A: Richard Wittick Thompson, LTJG, U.S.S. James E. KYES (DD-787).

Q: And were you appointed to that ship on the night of the 2nd and 3rd of June last?  
A: Yes, sir.

Q: What were your normal duties in that ship?  
A: I was CIC Watch Officer.

Q: And were you on watch that night?  
A: I was.

Q: When did you come on watch?  
A: At 2345, sir.

Q: And who was keeping watch with you in CIC?  
A: Well, the watch supervisor, petty officer first class Chapman, and there was petty officer second class Hedley.

Q: And of the persons who were there with you, was one of them keeping a log of the signals transmitted over the Primary Tactical Circuit?  
A: Yes, sir, he was.

Q: Who was doing that?  
A: I can't think of his name right now, sir.

Q: Whoever it was, was he keeping it under your direction and supervision?  
A: He was sitting in another part of Combat, sir, across the room.

Q: Was it your responsibility from time to time to refer to him?  
A: Yes, sir.

Q: And did you from time to time during that watch check what was being entered in that log?  
A: Yes, sir.

REF ID: A6514

Q: Is this document which I ask to be marked as Exhibit 32, the PRITAC Log which was being kept in KYES on the night of the 2nd and 3rd of June?  
A: Yes, sir.

Counsel for the board (CDR GLASS): The board is requested by counsel to admit this into evidence as Exhibit 32.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board (CDR Glass):

Q: What zone time was kept in that log?  
A: At this time it was GOLF, sir. Sir, the log is kept in ZULU, we were in GOLF time.

Q: Yes. The log was kept in ZULU time and the ship was keeping GOLF time.  
A: Yes, sir.

Q: What is the time differential between GOLF and ZULU?  
A: Minus 7, sir.

Q: What time checks were made in CIC during the time you were on watch that night?  
A: I don't recall, sir.

Senior Member: Exhibit 32 may be admitted.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board (CDR Glass):

Q: Would you be good enough to examine this document, LT Thompson, and tell us what signal was received in KYES around about 1952 ZULU time?  
A: This is on the 2nd?

Q: Yes.  
A: "Execute to follow, SHACKLE. ...."

Q: Stop, that's my fault. Could you, you know, translate it into plain - -

Counsel for the board (CDR GLASS): Counsel has no further questions.

Senior Member: The board has no questions.

Counsel for the board (CDR GLASS): You are privileged, if you wish, to make a further statement covering any matter related to the subject of the inquiry that you think should be a matter of record in connection therewith, of which has not been fully brought out by previous questions. Is there anything that you wish to add?

A: No, sir.

The witness was warned, excused and withdrew from the hearing room.

Counsel for the board (CDR GLASS): Counsel calls LT Haugh.

LT James Robert Haugh, U. S. Navy, was called as a witness for counsel for the board, was sworn and testified as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: Lt Haugh, you have been called as a witness for this board of investigation, which is inquiring into the circumstances surrounding the collision of the HMAS MELBOURNE and the U.S.S. 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 of the board, and that disclosure of classified information is not authorized during 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 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 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 such question. Do you understand those observations?

A: Yes, I do.

Q: Would you please state your full name and rank?  
A: James Robert Haugh, LT, United States Navy.

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Q: And on the night of the 2nd and 3rd of June, what was your appointment?  
A: I was the Officer of the Deck on board Everett F. LARSON.

Q: And what watch were you keeping?  
A: I had the 4 to 8 watch in the morning. I had just relieved the watch. We had time difficulties. That's why on the LARSON, at that time, we had just relieved the watch.

Q: What time was it that the watch was relieved in LARSON, using GOLF time?  
A: Using GOLF time, it was at 2:45.

Q: And when you came on the bridge at 2:45 GOLF time, what was the base course of the force to which LARSON belonged?  
A: The base course was 275 at the time I relieved the watch.

Q: And was it changed before the collision occurred to any other course?  
A: The next course, in my recollection, was 260.

Q: And was that course come to before the collision?  
A: Specifically, I don't know exactly at that time. I know it was close to that time, that we were to come to 260. It was very close to the time of collision.

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

#### EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

##### Questions by counsel for the board (CDR GLASS):

Q: My questions may not have been properly expressed LT. I shall go back over that ground again. At that time, shortly before the collision, what was the base course of the formation to which LARSON belonged, ignoring any zig-zag for the moment.

A: I don't recollect exactly. I believe the base course was 260 at the time and I was on a 275 zig-zag course.

Q: And is there any difference in that respect? Are you talking about the zig-zag for the whole force or the particular course being followed by your ship for patrolling purposes?

A: The course, the zig-zag course as I understood it, as I remember it, was 275. I was on course 280 for patrolling purposes at the time.

Q: Well, now at this point of time, shortly before the collision, what was the weather condition?

A: Weather conditions, as I recall, were slightly overcast. The visibility was good, due to the fact that the moon was above the clouds and provided an excellent horizon.

Q: Now, if one were not using binoculars, for what range was it possible to identify the type of ship and the direction in which she was heading?

A: Not quite 5 miles. I would say close to 5 miles, but in order to identify the course you would have to use binoculars, as I recall.

Q: Well then, with binoculars, you could identify the course up to what range?  
A: I could identify the course beyond 5 miles, not necessarily the exact course, but the aspect of the vessel.

Q: What lights were burning on the ships in the formation, just before the collision?

A: To the best of my knowledge and recollection, there were no navigational lights showing on any vessel at the time I relieved the watch.

Q: What was, without revealing classified information, the approximate distance from LARSON to MELBOURNE and EVANS just before the EVANS was ordered to take Formation One?  
A: LARSON was approximately 9,000 yards from MELBOURNE.

Q: And from EVANS?

A: Approximately 6,000 yards from EVANS.

Q: Do you recall hearing that signal from the MELBOURNE to EVANS, "Take station FORM ONE."  
A: Yes, sir, I do.

Q: Where were you when that message came through?  
A: I was on the open bridge.

Q: With respect to the subject of lights, just going back a moment, was there any change in that connection from the time you came on watch until the time of collision?

A: I cannot specifically say if there was a change prior to the collision - at the time of the collision I saw lights on MELBOURNE.

Q: What lights did you see?

A: I saw bright lights on the island and immediately thereafter flood lights on the flight deck. But prior to the collision I cannot say whether there were any lights showing.

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Q: Well, I think you were telling us where you were when the FORM ONE signal came through. Could I ask you that again, please?

A: Yes, sir. I was on the open bridge.

Q: And did you observe what EVANS did following that signal?

A: No, sir, I did not visually see exactly what EVANS did.

The first indication I had as to what EVANS was doing was from the radar scope. She appeared from the radar scope to be heading to her station.

Q: Heading towards?

A: Heading to her station. She was moving towards - to take her station. I don't know which direction or anything.

Q: Well what was the next thing you heard or saw?

A: The next thing I heard on the radio telephone was the MELBOURNE calling the EVANS advising her that EVANS was on a collision course, at which time I took a quick glance at the radar and I stepped to the starboard wing of the bridge with binoculars and I saw that they were close.

Q: Were you by either means able to estimate the distance then between the two ships?

A: Just from the radar scope itself, I was alarmed at the distance, and that's when I stepped out to the starboard wing with the binoculars and picked up the two ships visually. I wouldn't want to estimate how far apart they were at that time.

Q: From your visual observation, are you able to give us any information from what you observed on the radar display?

A: No, sir. That's what I mean. I wouldn't want to estimate it from the radar scope. From the visual observation - it happened in such a short period of time, my only thought was, where is she going to pass. Is she going to pass astern or ahead. I couldn't tell from what I saw.

Q: What could you see at that point of time as to the relative bearing of the two ships from each other?

A: Well, at - I couldn't determine whether the EVANS was going to pass astern or whether she was going to pass ahead of the MELBOURNE. I saw the port bow of the MELBOURNE and the starboard beam of the EVANS and I just watched the progression from there as the silhouettes merged together.

Q: On what bow of the MELBOURNE did the EVANS appear to you to be located?

A: Well, from our position in the formation it appeared that the EVANS was on the starboard bow, just from a visual, strictly from a visual presentation, silhouettes against the horizon. It was difficult to say.

Q: This observation you had was approximately how long before the collision?

A: Less than one minute.

Q: After you heard the signal about collision course, did you hear anything further on the PRITAC circuit?

A: Yes, sir. I heard the EVANS indicate that her rudder was right full and then I heard the MELBOURNE indicate that her rudder was hard left.

Q: And were you still observing the two ships at this stage?

A: Yes, sir.

Q: What did you further notice about them as they came up to collision?

A: I noticed that the two silhouettes merged and at that time I saw a large cloud at which time I thought was dust, and I later decided that was steam that I saw, and it was just - it was well defined, there were some lights on the MELBOURNE at that time, because I could see the steam from the EVANS.

Q: What period of time did you have them under view before collision?

A: Less than a minute, prior to the collision I watched them, with the binoculars.

Q: I would like to ask you the question again, about the course of 275, which you mentioned. Did you mean that to be a base course, or a base course with a zig-zag added to it?

A: Base course with a zig-zag added to it. That's the best of my recollection.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q: From the time, Mr. Haugh, that you came on watch at 2:45 local time, on the morning of the 3rd, until the collision, was there any change in the base course?

A: No, sir. From the period of time I was on watch, there was no change in any base course that I recall.

#### EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

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Questions by counsel for the board (CDR Glass):

Q: From the period of time that you came on watch until the time of the collision, do you recall whether zig-zagging was maintained throughout or whether it was stopped and resumed?

A: I was only on watch, I only had the deck for less than 15 minutes prior to the collision and at that time, I can't recall a change. All I know is that when I relieved the watch, we had executed a zig-zag. I don't recall prior to that what the - -

Q: Did you hear any signal from the MELBOURNE giving her course?

A: I did not hear the signal giving her course. My junior Officer of the Deck indicated to me that MELBOURNE had signalled her course, shortly thereafter the FORM ONE was given. But I did not hear the signal, I was out on the wing of the bridge.

Q: When you are out on the bridge, are transmissions on the Primary Tatical Circuit within hearing or not?

A: They are within hearing if you've got your ear tuned, but if you are engaged in other activities out on the wing of the bridge you can't always hear them. You can't hear the signal come over.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q: What was the name of the Junior Officer of the Deck at this time, who informed you of this message about MELBOURNE's course?

A: LTJC Payne.

Counsel for the board (CDR GLASS): The board will hear from him, sir.

#### EXAMINATION BY THE BOARD (Cont'd)

Questions by the senior member:

Q: During the period of time of execution of Formation One until the collision, was anybody in your ship tracking EVANS and MELBOURNE on a permanent record or grease pencil plotting head?

A: Not to my knowledge, sir.

Senior Member: The board has no further questions of this witness.

Counsel for the board (CDR GLASS): You have a privilege to make any further statement covering anything related to the subject matter of the inquiry, if you wish to do so, anything that you think should be a matter of record which has not been fully brought out by the previous questioning.

LTJC Haugh: I have nothing further to say, sir.

The witness was warned, excused, and withdrew from the hearing room.

The board recessed at 1204 hours, 16 June 1969.

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The board opened at 1440 hours, 16 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. Anyone who may be expected to be called as a witness is asked to withdraw from the board room at this time. Orderly will you call Doctor Cordes please.

Counsel for the board: Sir, with the board's permission, at this time we would like to call a witness out of logical order. The witness is scheduled to leave tomorrow on board the KEARSARGE. He is the Senior Flight Surgeon, and we would not like to detain him at this time.

Senior Member: Understood. Please proceed.

Lieutenant Commander Bernard James Cordes, Medical Corps, U.S. Navy, Senior Flight Surgeon on board USS KEARSARGE (CVS 33), 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 state your name, grade and organization?

A. My name is Bernard James Cordes, Lieutenant Commander, Medical Corps, U.S. Navy, Medical Officer, USS KEARSARGE.

Q. Do you have additional duties, in addition to your duties on board?

A. I have additional duties as Medical Officer to Commander Anti-Submarine Warfare Group ONE.

Q. Do you recall a collision between the EVANS and MELBOURNE on 3 June?

A. Yes, sir, I do.

Q. Did you have any connection with that disaster?

A. Yes, sir, I did.

Counsel for the board: I have one statement that I should have made at the beginning Doctor Cordes. Since it is not likely that you will be in the area of classified information, I will limit the warning solely to the matter, under United States law, no United States 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. Do you understand that?

Witness: Yes sir.

Q. Going back again, did you have any duties in connection with that disaster?

A. Yes, sir, I did.

Q. Have you at my request, prepared a summary of the medical activities in connection with that disaster?

A. Yes, sir, I have prepared a statement, concerned with the logistics of the bringing of the injured to the KEARSARGE and their treatment and disposition from KEARSARGE.

Q. Does it indicate those patients who received serious injuries sufficient to require that they be hospitalized.

A. Yes, it does, sir.

Q. Does it indicate personnel who may suffer permanent injuries?

A. Yes, it does, sir.

Q. I show you a piece of paper marked exhibit 33 for identification and ask you if that is the paper you have prepared?

A. Yes, sir, it is.

Q. And the information in there is true and correct?

A. Yes, sir.

Q. In order to save the time of the board, we request that this document be entered as exhibit 33 and entered in the board's record.

Senior Member: I would like to know the date that this was prepared.

Counsel for the board: Doctor, could you indicate the date that this was prepared?

Witness: Yes, sir, this was prepared on the 16th of June, today.

Senior Member: Yes, this may be entered as exhibit 33.

#### EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board.

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Q. Doctor, in addition, did you take any action with respect to persons who lost their lives?

A. Yes, sir, I have. As Medical Officer of the ship receiving the survivors, I initiated both the Death Certificates which have to be prepared for the Bureau of Medicine and Surgery and I also prepared death reports which might be applicable to be forwarded to the Judge Advocate General in certain cases.

Q. Would you produce the latter documents?

A. Yes, sir.

Counsel for the board: Counsel would like to point out to the board, we have not yet introduced into evidence as to the specific individuals who have lost their lives in this collision. However, this is a case of calling a witness out of order, and we ask that these documents be admitted into evidence subject to connecting testimony by a later witness.

Q. Can you produce them at this time, sir?

A. Yes, sir, I have them, I also have the one injury report.

Counsel for the board: At this time we ask the reporter to mark this as Exhibit 34.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Q. To your knowledge is this a complete set of death reports applicable to the personnel on board EVANS?

A. Yes, sir, it is, there is one death report, the man G\_LINES, who was received dead on arrival on board KEARSARGE, the remainder are those of the missing who were declared dead and all are identical. One different and 73 identical.

Counsel for the board: Counsel offers this as exhibit 34 and ask that it be admitted into evidence subject to the substitution of other copies identical to the ones here. And of course subject to the identity or confirmation of the identity of the ones involved.

Senior Member: Very well, these will be admitted in evidence as Exhibit 34.

Counsel for the board: In addition you have one other document, Doctor, would you identify it please?

Witness: Yes, sir, it is a NAVJAG 5800/15, it is an injury report to be sent to the Judge Advocate General in cases of personnel who may suffer permanent disability due to an injury in which no question of their misconduct or in line of duty arises.

Counsel for the board: What is the name of the man identified there?

Witness: The name of the man is Rodriguez, Marcos.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Q. Are there any other members who in your opinion are likely to suffer permanently disability?

A. No, sir, there are not.

Counsel for the board: Very well. We will ask that document be marked Exhibit 35. We request that it be admitted.

Senior Member: It will be admitted as Exhibit 35.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by Senior Member.

Q. Do we have a report that is up to date concerning BTC Macayan?

A. No sir, the most recent report we have are two messages from Naval Air Facility, Cam Ranh Bay, dated the 4th and the 5th respectively. I did send a message on the 6th or the 7th asking for a little more detail to what was done, and I have not received an answer to that, but the messages at this time indicated the prognosis was good, and I would assume that the nature of the injury to Chief Macayan was approximately the same as the four patients we have here. He should be doing approximately the same. We did receive a message saying there was no additional injuries.

Counsel for the board: Doctor there are no further questions from counsel for the board. However before you are excused you are advised that at this time you have an opportunity to state any further matter that you think should be placed in the record of this investigation which has not been brought out by questions previously asked you.

Witness: I understand what you said and I have nothing to add.

Counsel for the board: Therefore before excusing you, you are advised that you should not discuss your testimony with any other witness or allow any other witness to discuss his testimony with you. Should anyone attempt to discuss your testimony with you or his testimony with you, you should report to counsel or the board. You are excused.

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Lieutenant (Jg) Gerald Kenneth Payne, U. S. Naval Reserve, was called as a witness by counsel for the board, was sworn and testified as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Counsel for the board (Commander GLASS): LT Payne, you have been called as a witness in this board of investigation that is inquiring into the circumstances, which surround the collision of HMAS MELBOURNE and USS FRANK E. EVANS, because it is understood that you have evidence that may assist the board in its investigation, you are advised that the evidence is being received in open session of the board and the disclosure of classified information is not authorized during open session. Should the answer to any question that you are asked require you to disclose classified information, you are required not to answer the question, but to advise the board that the answer would require you to disclose classified information. In such cases, you may presume the opportunity to testify as to such classified information in closed session. If however, you can answer the question, either in part or in general terms without disclosing specified 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, therefore, refuse to answer any such question. Is that understood?

Witness: Yes, sir.

Questions by counsel for the board (CDR Glass):

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

A. Lieutenant (junior grade) Gerald Kenneth Payne, United States Naval Reserve.

Q. And on the morning of the 2nd and 3rd of June last, what was your appointment, to what ship were you attached?

A. USS EVERETT F. LARSON (DD 820).

Q. On the night of the collision between HMAS MELBOURNE and USS FRANK E. EVANS, to what ship were you attached?

A. The MELBOURNE, do you mean what ship was I on, or what group were we a part of?

Q. What ship were you on?  
A. USS EVERETT F. LARSON.

Q. And what was your position in that ship?  
A. Junior Officer of the Deck.

Q. And did you stand a watch that night?  
A. Yes, sir.

Q. When did you arrive on the bridge to stand that watch?  
A. Approximately 0350 Hotel.

Q. Hotel time?  
A. Yes, sir.

Q. Now, what would that be in Golf time?  
A. It would be 0250, one hour earlier.

Q. Well, if you wouldn't mind, would you keep it in Golf time for the sake of uniformity?  
A. Yes, sir.

Q. At that time, was the ship in company with other ships?  
A. Yes, sir.

Q. What were they?  
A. MELBOURNE, KYES, EVANS, and I think the BLACKPOOL and CLEOPATRA, I'm not sure.

Q. And, was that force zig zagging or not?  
A. Yes, sir, it was.

Q. What was the base course to which the zig zag was applied?  
A. 220.

Q. And, do you recall that a signal Formation ONE was transmitted by MELBOURNE to FRANK E. EVANS?  
A. Yes, sir.

Q. Can you recollect what time that was heard by you?  
A. I would say approximately 0309 or 0308 Golf.

Q. And, at the time that message was transmitted, what was the course, when the zig zag had been applied to it?  
A. At that time, we were on course 260.

Q. What was the course being actually steered by your ship?  
A. At that time, I was on 280.

DECLASSIFIED

Q. For purposes of?

A. Just patrolling my sector.

Q. Can you recollect when the next alteration of course was due?

A. Not clearly, it was probably about 4 or 5 minutes. Usually the zig zags came within that time frame.

Q. At that time, when the signal Formation ONE was received, where was MELBOURNE in relation to LARSON?

A. She was 9300 yards off our starboard quarter.

Q. And EVANS?

A. She was almost abeam, I can't remember.

Q. Could you judge the course that MELBOURNE was steering at that time?

A. Yes sir, it appeared to be 260, because I could see her bow.

Q. With binoculars, did you have difficulty in observing the direction in which she was heading?

A. No, sir.

Q. Where were you stationed at this particular time?

A. I was on the starboard wing of the bridge.

Q. And in that position were you able to hear transmissions on the primary tactical circuit?

A. Yes, sir.

Q. What was the next one that you heard?

A. Well, after she gave Formation ONE, she passed her course which broke as 260.

Q. You just said she passed her course as 260, could you just elaborate on that she passed her course?

A. Yes, sir, as being 260.

Q. And, was that transmission distinct or indistinct?

A. I think it was pretty distinct. I could hear the, what she passed and what it broke to, which I got from combat, plus I broke it myself.

Q. From?

A. CIC.

Q. They communicated with you on the circuit is that right?

A. Yes, sir.

Q. By what means?

A. Over the 21MC.

Q. 21MC. That's called familiarly the "squawk box?"

A. Yes, sir.

Q. Did you hear any acknowledgement of that signal?

A. I can't remember if I did or not.

Q. At this stage did you have any visual observation of the two ships?

A. Yes, sir.

Q. What did you see?

A. I could see the MELBOURNE on what appeared to be 260 and the EVANS seemingly turning but I couldn't tell which way she was turning, I could tell she wasn't abeam of me, I wasn't looking at her broadside.

Q. Did you hear another message on the primary tactical circuit?

A. Yes, sir, approximately 3 or 4 minutes later, I heard the MELBOURNE pass to the EVANS, I can't remember what the exact message was, but it was to the effect that I hold you on a collision course.

Q. And were you able to see anything at that stage?

A. I could see the EVANS starboard side and the MELBOURNE's bow still, she still appeared to be on a course of 260.

Q. Could you observe the relative bearing of EVANS to MELBOURNE?

A. No, sir.

Q. Was there any reply that you heard to that last signal?

A. Yes, sir, I heard EVANS say, "Roger, my rudder is right full, out."

Q. And what time intervened between the signal and the reply?

A. I would say that not more than 10 to 15 seconds.

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Q. What other transmissions did you hear?

A. Well I think about 30 seconds after that, MELBOURNE passed back to the EVANS, I am coming hard to port, or, I am coming hard left, I can't remember which.

Q. At this stage could you see any more clearly the relative positions of the two ships?

A. Yes, sir. At this time about a couple of minutes before or right then, MELBOURNE turned on her masthead, rangehead lights on her island, two white lights and I could see her and I could see the EVANS coming across from left to right.

Q. And would you identify again the location of the lights which you saw?

A. They seemed to be on her island.

Q. And in relation to each other how were they placed?

A. The second light was above and behind the first light.

Q. What was the next thing that you observed?

A. I saw the EVANS cross in front of the MELBOURNE, it was cut in half, and the stern section swung around, well I couldn't see it, it looked like it swung around parallel to MELBOURNE. The bow section seemed to tumble and there was a big cloud of steam and the MELBOURNE had a search light come on either on the flight deck or somewhere on the island. I couldn't tell where, and then it was all obscured. I couldn't see anything.

Q. Did you see any lights on MELBOURNE apart from the ones you mentioned?

A. No, sir, I couldn't.

Q. Well, of these two lights, one of which you said was higher than the other and behind it could you see whether the higher rear light was to the left or to the right of the lower?

A. It was to the right.

Q. And you said that EVANS was seen by you to come across from left to right?

A. Yes, sir.

Q. Could you describe that motion in little more detail?

A. MELBOURNE looked to be like this with the EVANS coming this way.

Q. Would you care to use the pencil and the chart?

A. Yes.

Q. Draw two arrows, one labeled M and one labeled E representing the headings of the two ships?

A. Yes, sir. (Witness drew sketch indicating the directions of the MELBOURNE and EVANS)

Q. What was the range from you to the point of collision approximately?

A. 9300 yards.

Q. Would you put that in on your drawing, draw a line and label it?

A. Yes, sir.

Counsel for the board: Counsel offers that chart marked for identification exhibit 36.

Q. And could you mark where true north is on your diagram?

A. (Witness indicated north on the chart by marking a direction with an arrow)

Senior Member: This is admitted as exhibit 36 to this investigation.

Counsel for the board: Counsel have no further questions of this witness.

EXAMINATION BY MEMBERS OF THE BOARD

Questions by Senior Member:

Q. Mr. Payne, with relation to the navigation lights which you testified you saw, could you assist us in establishing more definitely the time at which these were first seen by you?

A. I think I first saw them when MELBOURNE passed to EVANS that she was on a collision course. It was near there, I'm not quite sure when they came on.

Q. Prior to that moment, did you see any lights at all on MELBOURNE?

A. No, sir.

Q. At the time that you first saw lights, you reported that you first saw two white lights, did you see any colored lights?

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

Q. Did you look through your binoculars at that time?

A. Yes, sir.

Q. So that at range 9300 yards, you saw two white lights but no colored lights?

A. No, sir.

Q. And no other lights?

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A. No, sir.

Q. Did you during the watch for which you arrived on the bridge at 0255 Golf time, at any time have the conn?

A. Yes, sir.

Q. During what period?

A. From 0303 Golf to approximately 0318, when the Captain came on the bridge and we went to general quarters, at which time the Officer of the Deck took the conn and two minutes later gave it to the Captain, and the Captain took the conn.

Q. What was the relative bearing of MELBOURNE from LARSON?

A. Approximately 160, 165 degrees relative. She was on our starboard quarter.

Q. And you testified that at about this time you saw MELBOURNE's bow?

A. Yes, sir.

Q. Could you describe in more detail what you saw in regard to MELBOURNE?

A. Well I could see her bow approximately like this (indicating direction by movement of hand)

Counsel for the board: Sir, may we ask the witness to draw again, the record will not reflect his hand.

Senior Member: There is a way we can get at this.

Q. Are you familiar with the term target angle?

A. Yes, sir.

Q. What was MELBOURNE's target angle?

A. About 330, 340 approximately.

Senior Member: The board has no further questions.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (Commander GLASS)

Q. One final question, sir. During the period that you were on the bridge, was the zig zagging at any time discontinued and resumed?

A. No, sir.

Counsel for the board: You have the privilege at this time, if you wish to make a further statement about any matter relevant to this inquiry, which you feel has not been brought out by the questioning to date. Is there anything additional you wish to state?

Witness: No, sir.

Counsel for the board: You are requested not to discuss your evidence with anyone other than the board or counsel for the board, and you are not to allow any witness to talk to you about his testimony, and if anyone wishes to talk to you about his testimony or yours, you are to inform the board, is that understood?

Witness: Yes, sir.

Counsel for the board: You are excused then.

Ensign Thomas Churchill Kuehn, United States Naval Reserve, was called as a witness by counsel for the board, was sworn, and testified as follows:

Counsel for the Board: Ensign KUEHN, you have been called as a witness in this board of investigation, which is inquiring into the circumstances which surround the collision of HMAS MELBOURNE and USS FRANK E. EVANS, because it is understood that you have evidence that may assist the board in its investigation. You are advised that the evidence is being received in open session of the board and the disclosure of classified information is not authorized during open session. Should the answer to any question that you are asked require you to disclose classified information, you are required 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 be given the opportunity to testify as to such classified information in closed session. If, however, you can answer the question, either in part or in general terms without disclosing specified 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, therefore, refuse to answer any such question. Is that understood?

Witness: Yes sir.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (Commander GLASS)

*DECLASSIFIED*

Q. Would you state your full name, rank and organization?  
A. Thomas Churchill Kuehn, Ensign, U. S. Naval Reserve, service number 745221, designator 1105.

Q. And on the night of the 2nd and 3rd of June, what ship were you serving in?  
A. USS EVERETT F. LARSON (DD 820)

Q. Did you stand a watch that night?  
A. Yes, sir, I stood the 0400 to 0800 watch in combat.

Q. That's Hotel time, is it?  
A. Yes, sir.

Q. So, in Golf time, when did you arrive on the bridge?  
A. In golf time, I would have arrived in Combat Information Center around 0255.

Q. And you took over the watch in CIC at that time, did you?  
A. Yes, sir.

Q. And did you remain there, from that time, until the time the collision occurred of which you later heard?  
A. Yes, sir.

Q. And on that watch, was a log kept of the messages received on the PRITAC circuit?  
A. Yes, sir.

Counsel for the board: May this book be marked exhibit 37 for identification.

EXAMINATION BY THE COUNSEL FOR THE BOARD (Cont'd)

Q. Would you look at this log, and say if it was the log that was kept in CIC that night?  
A. This is the log from our ship, I don't know where the proper pages are.

Q. Could I help you?  
A. Yes, sir.

Q. Can you say, by looking at that record, that it contains all the messages that were received in the CIC Room aboard USS LARSON that night?  
A. Yes, sir, although there is one exception. When we were going on I think that my recorder missed one that night. My other watchstander did hear the message and interpreted it as such.

Senior Member: Mr. Kuehn, would you please speak loudly and clearly so we can hear your testimony, it is of great interest to us.

Witness: Yes, sir.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Q. Please continue?  
A. During the watch one of the messages, I believe, it was passed over the PRITAC, was not logged.

Q. Are you able to tell us what that message was?  
A. No, sir, but the other men in the watch section did hear it and remember it, but they didn't record it. I was at the time quite interested in what was happening, and I didn't quite understand all the messages. I can't repeat them actually what they were.

Q. Other than that one message, it is your belief that all messages were logged that night.  
A. Yes, sir.

Counsel for the board: Counsel offers that book in evidence as Exhibit 37.

Senior Member: Are the time entries in this log in ZULU, GOLF or HOTEL time, Mr. Kuehn?

Witness: ZULU time, sir.

Senior Member: Mr. Kuehn, would you review again this particular page, and give me your view as to what time zone is in effect?

A. Hotel time, sir.

Senior Member: It may be admitted into evidence as exhibit 37.

EXAMINATION BY MEMBERS OF THE BOARD (Cont'd)

Q. According to your understanding, what was the message received about the time of the collision, and what log was made of the record?

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A. Well, first off, the message that I distinctly remember, and know it's logged, is the MELBOURNE coming up, and saying what course she was on. MELBOURNE said what course she was on, and then that was logged in there, and then MELBOURNE said to EVANS, "You are on a collision course," or something to that effect. That was logged in there, and then, as I understand, EVANS later on said, "I am coming right" or "I have hard right rudder on" and I don't believe that was logged in there.

Q. Did you hear that message?  
A. I didn't hear it.

Counsel for the board: The counsel has no more questions for this witness.

EXAMINATION BY MEMBERS OF THE BOARD

Questions by the Senior Member:

Q. Mr. Kuehn, during the watch that we've been discussing in CIC of USS EVERETT F. LARSON, how many total people were on watch on this occasion?

A. There were five personnel other than myself.

Q. Were there any other officers other than you?  
A. Not in combat, I was the only officer in combat.

Q. You've testified that you heard a message from MELBOURNE to EVANS, saying that EVANS was on a collision course?

A. Yes, sir.

Q. Can you tell us what was the range between MELBOURNE and EVANS at that time?  
A. I cannot say, sir.

Q. During the watch that we've been discussing, was there any time check to synchronize the clocks, either internally within the ship or given over radio circuits externally from the ship?

A. No, sir, not while I was on watch.

Senior Member: The board has no further questions.

Counsel for the board: You have an opportunity at this time, if you wish, to make a further statement about any matter relevant to this inquiry, which you feel has not been brought out by the questioning to date. Is there anything additional you wish to state?

Witness: No, sir.

Counsel for the board: You are requested then not to discuss your evidence with anyone other than the board or counsel for the board, and you are not to allow any witness to talk to you about his testimony, and if anyone wishes to talk to you about his testimony or yours, you are to inform the board, is that understood?

Witness: Yes, sir.

Counsel for the board: You are excused.

Senior Member: We will have a brief recess now.

The board recessed at 1543, 16 June 1969.

The board opened at 1600, 16 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. Anyone who may be expected to be called as a witness is asked to withdraw from the board room at this time.

Lieutenant Russell David Lamb, Royal Australian 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 (CDR Glass):

Counsel for the Board: LT Lamb, you have been called as a witness in this board of investigation which is inquiring into the circumstances which surround the collision of HMAS MELBOURNE and USS FRANK E. EVANS because it is understood that you have evidence that may assist the board in its investigation. You are advised that the evidence is being received in open session of the board and the disclosure of classified information is not authorized during open session. Should the answer to any question that you are asked require you to disclose classified information, you are required not to answer the question but to advise the board that the answer would require you to disclose classified information. In such cases you may presume the opportunity to testify as to such classified information in closed session. If however, you can answer the question, either in part or in general terms, without disclosing specified classified details, you should do so, advising the board of your desire to amplify in later closed session. Under Australian law it is necessary to warn you that you may refuse to answer any question, the answer to which may tend to expose you to any penalty or forfeiture. It will be for you to raise the objection, and for the board to decide whether you must answer the question or not. Is that understood?

Witness: Yes, sir.

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Q. Would you state your name, grade and present appointment?  
A. Russell David Lamb, Lieutenant, Royal Australian Navy. My present appointment is gunnery officer, HMAS MELBOURNE.

Q. And did you hold that appointment on the night of the 2nd, 3rd June 1969?  
A. Yes, sir.

Q. And on that night, did you keep a watch on the bridge?  
A. I did, sir, from midnight until about 0300 on the morning of the 3rd of June.

Q. Would you please tell us the experience and training you have had as a bridge watch keeping officer?

A. From the time I graduated from the Naval College at the end of 1960, I served about 18 months as the second officer of the watch of various ships, as a cadet, as a midshipmen and then as an acting sub-lieutenant. I received my watch keeping certificate from the Captain of HMAS VENDETTA in February of 1964. Subsequently I served about five days, having received my certificate in that ship watch keeping, and then I joined HMAS BANKS for 18 months. There was nothing further until I joined MELBOURNE in September of last year.

Q. During the 18 months you spent in BANKS, what part of that time was spent at sea?  
A. Overall, I expect it was about 12 months total at sea, sir.

Q. And during that period, did you keep watches?  
A. I did, sir.

Q. Now, you have said that you came to the bridge about midnight that night, did you see any night orders there from the captain?

A. Yes, sir.

Q. And did you read them?  
A. Yes, sir.

Q. Can you recollect, in general terms, to what they referred?

A. Yes, sir, they referred ... do you want me to detail what I actually saw in the way of courses and speeds.

Q. Yes, if you would?

A. The night orders stated that the base course of the force was 220 with a speed of 18 knots. The force in which there were five, six ships including MELBOURNE, was doing a short leg zig zag, which was 13 SIERRA, the base course of which was 220 and the zero time was 2300. As well in the night orders, it warned me to keep a close watch on all the ships in company, and to inform the Captain immediately if any ship was getting out of station or looked to be getting near other ships. Also, it stated to call the Captain as usual, and for 20 minutes before flying, and at my recollection about five o'clock.

Q. What persons were manning the bridge during that watch?

A. There was the second officer of the watch, Sub-Lieutenant Vorobieff. There were two tactical operators. There was one leading tactical operator and one tactical operator manning the tactical primary circuit. There was also a boatswain's mate, who is an ordinary seaman, and a bridge messenger, who is also an ordinary seaman.

Q. How did the leading tactical operator and the tactical operator share, between them, the duties of manning the primary tactical operator?

A. To the best of my knowledge, sir, the tactical operator himself stayed on the circuit the whole time, the leading tactical operator was available to ask questions and to receive and transmit orders as given by either myself, or the Captain if he was on the bridge.

Q. What was the state of readiness of the ship during this watch?

A. What do you mean, sir?

Q. Well for the purposes of ship operations, flying operations, damage control purposes?

A. The damage control state was 3 X-RAY. The ship was fully darkened. This was for night operations. We were not burning any navigation lights at all, and there should have not been any other lights showing onboard. All other ships in the force were similarly darkened. We were expecting submarine attack at the time, and, in fact, that was also in the Captain's Night Orders, that the submarine was expected sometime during that period. That was in general the state of the ship's readiness.

Q. When was it that the Captain appeared on the bridge?

A. The Captain appeared. Well, during that watch he was called twice, earlier for two submarine contacts each about 15, 20 minutes apart. When it appeared that both contacts were not submarines, he went back to his bed.

Q. Approximately when were those two calls made and responded to?

A. The first one was at about 2 o'clock to the best of my recollection, sir. Subsequently I informed him each time helicopters were being flown on and off the ship. At that time, I informed him that the helicopters were about to be launched to go out to take their place on the screen. He came onto the bridge and watched their launch, then went back to his bed again. At about 2:30 the helicopters were due to be returned to be refuelled and to go back again after refuelling. I shook him at about 2:30 when they were on their way back. He came onto the bridge, watched the helicopters landing, and watched them refuel for some five minutes. Subsequently he told me he was going down to the Operations Room where he stayed for about half an hour to 45 minutes, and he came back onto the bridge at about 5 past three.

Q. During the period up to three o'clock, had the zig zag continued uninterrupted or not?

A. It had, sir, yes.



Q. It had been set there how long before you observed EVANS position by it?  
A. It had been set about 10 minutes, sir.

Q. Is it possible or not possible that it might have been moved by someone else during that ten minutes?  
A. It is possible, sir, yes.

Q. Well, at the time when you observed EVANS position visually and judged her range from the radar display, were you able visually to judge her course?  
A. Yes, sir.

Q. What did you judge it to be?  
A. I judged it to be roughly parallel to ours, in other words about 260.

Q. When was "Formation ONE" signalled to EVANS?  
A. About 0310, sir, or shortly after.

Q. When that happened, where was the Captain?  
A. The Captain was on the bridge, next to me, sir.

Q. When in your opinion, if ever, did he relieve you of the conn of the ship?  
A. At a later stage, sir, when he gave me an order, port 30.

Q. Well, we'll come to that later. When Formation ONE was ordered, was anything directed by the Captain to be done?  
A. Yes, sir. He told me first of all to switch on navigation lights at full brilliance.

Q. And what did you do in performance of that order?

A. The master switch for these lights is just forward of the pelorus on the bridge. I switched on these lights, checked them. In fact, they were dim, so I told the second Officer of the watch to turn the brilliance control up. The brilliance control is situated at the back of the bridge. He turned it the wrong way first which put them off and subsequently some seconds later turned them up to full brilliance.

Q. And what lights did you satisfy yourself were at full brilliance as from that time?

A. I checked myself. You can see one light, the forward steaming light, from the bridge itself. I checked that one, it was burning brightly. I told the second officer of the watch to go and check the second masthead steaming light to see if it was burning and also the port and starboard navigation light.

Q. Did you receive a report from him?  
A. I did, sir.

Q. What was his report?  
A. He told me they were burning brightly.

Q. Are all those lights controlled by one switch or different switches?  
A. By one switch, sir.

Q. And who switched it on?  
A. I did, sir.

Q. What was the state of lighting in the ship up 'till that moment?  
A. We had been completely darkened, sir.

Q. Had there been lighting displayed earlier?

A. Yes, there had been on our flight deck, on the MELBOURNE's flight deck, the moonlighting which they use for moving aircraft around the deck. That had been on and was subsequently switched off.

Q. What lights are provided on MELBOURNE's flight deck?

A. There are a series of ... it's called moonlighting, which is switched on and controlled from the flying position and they shine on from the mast on the bridge superstructure area onto the flight deck.

Q. How many are there and in what positions are they located?

A. I do not know the full answer to that, sir. The exact positions of them, I know that there are two, one of which shines forward of the island, another set which shine on midships section of the flight deck, and I assume that there is also a third light which shines aft of the island.

Q. Up till what time were those lights burning on the flight deck?

A. Up to about 1:30 till 2:00 sir. I cannot recall exactly when.

Q. In what circumstances had they been switched off?

A. When I first went onto the bridge at midnight, the lights were on then. It was beginning to worry me a little about the movements of the other ships. I could not see them exactly as I had wished because of the reflections coming from aircraft on the flight deck. So I asked them to be switched off. They said they still had some more aircraft to move, and in about an half an hour after I asked them at about one o'clock they went off.

Q. Do you know whether at any time before the collision those flight deck lights were switched on again?  
A. To the best of my knowledge sir, they did not. I did not see them switched on.

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Q. If the ones abaft the bridge, the island, were switched on, would you have been aware of it?  
A. Possibly not, sir, no.

Q. If the ones forward of the bridge had been switched on, would you have been aware of it.  
A. Yes, I would have, sir.

Q. Who is the person who has the authority to control those lights on the flight deck?  
A. The Commander Air of the ship sir, delegated to his Lieutenant Commander Flying, or to the duty air officer of the deck.

Q. Up till the time of the collision, did you hear anyone give orders for the flight deck lights to be switched on or off?  
A. No, sir.

Q. Coming back to the Formation ONE signal which you thought was given about 0310, in what way did EVANS respond to that signal?  
A. She turned to starboard, sir.

Q. Yes? Around.  
A. And came ~~around~~ through about 160 degrees so that she was steering almost directly at MELBOURNE.

Q. And what was her course?  
A. Her course?

Q. I'm sorry. What was her bearing, her relative bearing?  
A. When she had steadied on a course coming directly for us, I took a bearing which made her 15 degrees on MELBOURNE's port bow.

Q. Where did you take that bearing?  
A. I took it from the bridge pelorus, sir.

Q. Was any message originated around this time.  
A. Yes, sir. There were two messages around this time. The first one, about when she had commenced her turn, the Captain told the signalman to tell her we were steering a course of 260.

Q. Where was this in relation to the time you read off her bearing on the pelorus?  
A. It was some minutes before, sir.

Q. And was the message sent in plain language or code?  
A. I understand it was sent in plain language, sir, but have since learned that it was sent in code.

Q. What did you hear the Captain say to the tactical operator?  
A. I heard him say tell EVANS my course is 260.

Q. And at that time what was EVANS doing?  
A. EVANS had just started her turn, sir, her turn to starboard.

Q. And did you hear any reaction from the tactical operator?  
A. My recollection is that he repeated that, that we were steering 260. He passed the message and I heard him come back and say "message passed, sir".

Q. You say you saw the EVANS steady?  
A. Yes, sir.

Q. How long was that, so far as you can recollect, after the Captain ordered that message to be sent?  
A. Times I cannot remember exactly, sir. I could try to reconstruct, but I prefer not to.

Q. When the EVANS steadied on the course you read as 245 what was MELBOURNE's course?  
A. MELBOURNE's course was 260, sir.

Q. Bearing 245, I'm sorry, MELBOURNE's course was 260.  
A. Yes, sir.

Q. What was the next message you heard?  
A. The next message. I heard the Captain turn to the signalman and say, "Tell EVANS that she is on a collision course".

Q. When did you hear that order given in relation to the time when EVANS steadied?  
A. Some 15 to 30 seconds later, sir.

Q. What were you doing at the time the Captain ordered that signal to be passed?  
A. I was watching EVANS through my binoculars, sir.

Q. Did the tactical operator say anything later about that message?  
A. I cannot remember. I think he came back and said message passed. I cannot ~~remember~~ whether he did ~~or~~ not.

Q. After EVANS had steadied on a bearing of 245, did you notice any later change.  
A. I did, sir. As I was watching through my binoculars, her aspect when she first steadied her masts were almost directly in line and her bow was very close to coming almost straight at us. Subsequently as I watched she appeared to come around to port, altered course to port some 10 to 20 degrees. I could see this quite clearly. The mast came from being in line. The mast opened and I saw her starboard bow. The moon shone on her starboard bow and I could just faintly see her pennant numbers shining in the moonlight.

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Q. What was the angle between the heading of the two ships when they collided?  
A. My estimate is that we were at right angles at collision, sir.

Q. And where on the EVANS did the collision occur?  
A. It was just abaft her bridge superstructure, sir. Right about midships.

Q. And what part of MELBOURNE was initially involved?  
A. The bow, sir.

Q. What was the approximate time that this occurred?  
A. It was about 3:15, sir. I didn't look at a clock at that stage, I can't tell you the exact time.

Q. At the time of the collision, what do you estimate as the heading of MELBOURNE?  
A. I did not look to see what the heading was, my estimate is between 200 and 220, sir, anywhere between those two numbers.

Q. What did you observe so far as lighting was concerned in relation to EVANS during this period?

A. Except for that one red light which I saw initially when, after she had first turned, I did not see any other lights at all until after we had hit her, sir.

Q. Did you hear from her, any sound signals?  
A. No, sir.

Q. If both ships had continued on their course without alteration, what, in your opinion, would probably have happened?  
A. Which course was this, sir?

Q. Before MELBOURNE went port or EVANS went starboard?  
A. She was on a steady bearing, sir, and the ships would have hit if neither ship would have altered course.

Q. If MELBOURNE would have made the alteration she did and EVANS had not altered course, what, in your opinion, would have happened?  
A. I estimate we would have cleared her, sir.

Q. If MELBOURNE would have remained on course and not altered and EVANS had turned as she did, what do you estimate would have happened?

A. I wouldn't like to comment on that, sir, she may have hit, she may not have. I don't know. It would have been close.

Q. Have you been able to testify today from your unaided recollection or using notes which you made?  
A. Using notes that I made very shortly after the collision, sir.

Q. What time was that?

A. I first commenced making notes at about 3:30. I was relieved very quickly as Officer of the Watch. I made notes then, between 3:30 and 4:00, and then at 4:00 from the rough notes that I had made another copy.

Q. Could you tell us the reason that you were relieved at that time?

A. Shortly after the collision, the Captain gave the order, "Sound hands to emergency stations." When hands go to emergency stations, another officer has station as officer of the watch and that is the reason why I was relieved.

Q. Did you observe what was being done by way of rescue operations?

A. Not really, sir. I only have a very vague idea. I didn't go down to see what was going on because the subsequent half hour I was writing up these notes as I had been ordered to do by the navigating officer.

Q. I asked you in relation to your evidence, about engine orders, you said, I think, that you first went to stop engines and then to full astern, is that the emergency procedure or not?

A. To go full astern, sir?

Q. To do it in two operations or in one?

A. I have never been on the bridge before, sir, where we had to go full astern. Sir, I really do not know. I think it probably varies from ship to ship. That is my experience, although that was the first time I actually ever had to give the order, sir.

Q. And at what stage were the two orders given in relation to the collision?

A. The stop both engines was given about 15 seconds before we hit, and the full astern both engines was given just at the time we hit.

Q. You mentioned that you took a bearing on EVANS on the pelorus at one stage. Did you take any others in addition to that?

A. I took her bearing 3 times as I remember, at each stage very close together, and this was in between her steadyng on her course and coming towards us and the Captain giving the order, "Port thirty."

Q. And what were the other bearings you obtained?

A. The three bearings were all the same, sir, 245.

Q. Did you take a range at the time on the radar display?

A. I did not, sir, no.

Q. Where were you stationed on the bridge during this period from Formation ONE to collision?  
A. I was behind the pelorus in the conning position the whole time, sir, except for one occasion when the Captain said sound two short blasts. I went over to make sure that somebody else was going for it, and when I saw that somebody else had gone for the handle, I resumed my position.

Q. Where is that handle located on the bridge?

A. Well there are two handles, sir, one on either wing of the bridge. The one that was eventually sounded was the one on the starboard side aft of the bridge.

Q. And where was the Captain standing during this period?

A. He was standing to my left and slightly ahead of me, sir, just in front of the Captain's Chair on the bridge.

Q. And did you see the navigator there at any time?

A. I did, sir. He arrived on the bridge as I was giving the order to the wheel house to port 30 and port 35.

Q. And where did he take his position?

A. Initially he was to my left on the same level as me. Subsequently he moved over to my right.

Q. Where was the Junior Officer of the Watch during this period?

A. When the signal was sent telling EVANS to take Formation ONE, I sent the second officer of the watch to shake the navigating officer. He then came back and arrived at about the same time as the Captain said switch on navigation lights. He then checked that, and his position throughout most of the subsequent action was to the right and slightly behind me in about the vicinity of the radar screen on the bridge.

Q. And the leading tactical operator and the tactical operator, where were they?

A. The tactical operator is sitting down, behind the chart house. The leading tactical operator went from that position working the circuit to my left. He went backwards and forwards passing the messages.

Q. Where is the circuit actually located?

A. It is located on the after end of the bridge, amidships.

Counsel for the board: Counsel have no more questions at this stage.

Senior Member: We will have a short recess. 1642 hours, 16 June 1969.

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The board opened at 1700 hours, 16 June 1969.

All persons connected with the board who were present when the open session of the board recessed are again present. Lieutenant Lamb resumed his seat in the witness chair.

Counsel for the board (CDR Glass): Any person who thinks he may be a witness or has been told that he is a witness is asked to withdraw.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by the Counsel for the board (CDR Glass):

Q. Lieutenant Lamb, is it the practice, or was it the practice, at the time on the MELBOURNE for the Officer of the Watch to keep a notebook?

A. Yes, sir.

Q. And from that notebook what other record did he make up?  
A. The log, sir, the Master Log.

Q. Also known as the Deck Log?

A. Yes, sir.

Counsel for the board (CDR Glass): Counsel offers this document labeled "Officer of the Watch Night Book" as marked for identification Exhibit 38.

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Q. Is that the document, MFI 38, the Officer of the Watch Notebook that you kept that night?  
A. Yes, sir. I should explain here that I did not actually keep it myself. The Second Officer of the Watch wrote it out as these events occurred.

Q. And did you have a chance from this notebook to make up the Deck Log in the ship for that night?

A. Yes, sir.

Counsel for the board (CDR Glass): Could this be marked for identification as Exhibit 39?

Q. Is MFI 39 the Bridge Log?

A. Yes, sir.

Counsel for the board (CDR Glass): Counsel suggests to the board that these documents speak for themselves and be admitted into evidence as Exhibits 38 and 39, it being understood that only those parts relating to the night in question are offered into evidence.

Senior Member: Very well, Commander.

Counsel for the board (CDR Glass): Counsel also offer this photograph to be marked Exhibit 40 for identification.

Q. Is that a photo of an "side memoire" which is kept on the bridge in relation to zigzag courses?

A. That is, sir.

Counsel for the board (CDR Glass): Counsel offer that in evidence as Exhibit 40.

Q. I should establish that this was the condition of the "side memoire" during the time immediately before the collision?

A. To the best of my recollection, sir, it was, yes.

Q. Is there a loudspeaker on the bridge by means of which PRITAC messages can be amplified to a person there?

A. Yes, there is, sir.

Q. Was it switched on that night?

A. It may have been switched on but it was not loud. It was not switched up loud enough so that I could hear it, sir.

Q. Did you hear any "Roger" from EVANS for your signal "My course 260"?

A. I personally did not hear a "Roger", sir, on that.

Q. I ask you with respect to the engine orders this question. If the engines had been stopped or reversed, at an earlier time, would that have prevented a collision?

A. In my opinion, no, sir.

Q. What reason do you give for holding that view?

A. Because in a large ship such as the MELBOURNE, it takes some considerable time for the way of the ship to be...correction, the ship to be actually stopped or any effect of going astern to be felt in the forward motion of that. My estimation is two to three minutes perhaps before any perceptible motion could have been felt in stopping before the movement.

Senior Member: The board has a question.

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EXAMINATION BY THE BOARD

Questions by the senior member:

Q. What was the length of time between the time EVANS was told she was on collision course and the collision itself?  
A. To the best of my recollection, sir, about two minutes.

Q. Could there have been any alteration in MELBOURNE's speed if the engines had been stopped or reversed at that time?  
A. May have just been started, sir, yes.

Q. If MELBOURNE's engines had been put full astern at the time it was determined that EVANS was on a collision course, if I understand you, she may have just been stopped or just started to slow?  
A. Just started to slow, sir.

Q. A few minutes later?  
A. Yes, sir.

Counsel for the board (CDR Glass): On that might I follow it up, sir?

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by the Counsel for the board (CDR Glass):

Q. Two minutes later, what do you estimate would have been the extent to which this speed would have been reduced?  
A. Difficult to estimate, sir, perhaps one knot, perhaps two. I do not know exactly.

Q. Did you give consideration at the time to stopping the engines or reversing them?  
A. I did not, sir.

Q. In your opinion, would an earlier change of course in MELBOURNE have prevented the collision?  
A. No, sir.

Q. What reason do you advance for holding that view?

A. Taking into consideration the subsequent movements of EVANS, I do not think that even if we had turned earlier, we would still have collided with EVANS. We may not have collided at right angles but certainly the collision would still have occurred.

Q. You said in your testimony that you heard no sound signals. I ask you to specify, no sound signals from what source?

A. No sound signals from her siren apparatus which she should make the sound signals for when she is turning.

Q. Would you have expected to hear them if she had sounded her siren?  
A. I would, sir.

Q. Did you see any visual evidence of such a signal, for example, a plume of steam?  
A. No, sir.

Q. You have already said that you took EVANS' bearing on the pelorus three times. Did you report any of these to the Captain?

A. The first bearing I did report to the Captain, sir, yes.

Q. And had the other two changed?  
A. No, sir.

Q. You said earlier that you had the conn until the Captain ordered "full astern" and you said subsequently that you gave the order to "Stop both engines". Is it to be deduced from that that you resumed the conn or not?

A. No, sir.

Q. What significance do you attach to the fact that you gave the "Stop engine" order?  
A. The only significance I attach to that, sir, is the fact that I cannot remember whether the Captain told me to "Stop engines". I knew at that stage that we were going to collide; therefore, some action had to be taken. Just as I thought the ships were going to hit I gave the order, "Stop engines," and I was just about to give the order, "Full astern," when I heard the Captain say, "Full astern, both engines". I did not hear him say, "Stop both engines".

Q. And who, to be perfectly clear on the matter, had the conn at the time of the collision?  
A. The Captain.

Q. How many sets of running lights does MELBOURNE have?  
A. She has two different systems, sir.

Q. Yes. Which one was in use?  
A. The island set, sir.

Q. The island set?  
A. Yes.

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Counsel for the board: May I have the board's permission to inquire if there's any need for a closed session with this witness.

Senior member: The board will have to consider that.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by the Counsel for the board (CDR Glass):

Q. Before we terminate your evidence in open session, Lieutenant Lamb, can you tell us whether you have any information of a classified nature that you would wish to place before the board relating to the circumstances leading up to the collision?

A. Very little, sir, of which I am not certain how much bearing it has on the, on what happened, the reactions leading up to what happened.

Q. But you think there may be something?

A. There may be, sir, yes.

Q. Very well. So far as your evidence in open session is concerned, you are informed that you have the privilege to make a further statement of an unclassified nature covering anything relating to the subject matter of the inquiry that you think should be a matter of record and which has not yet been brought out by questions. Now do you wish to say anything in response to that invitation?

A. No, sir.

Senior member: I have one further question.

EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Mr. Lamb, at the moment of collision exactly what lights were showing <sup>from</sup> MELBOURNE?

A. Ones that I knew about, sir, were the two masthead steaming lights, the port and starboard navigation lights and the overtaking lights, sir. And also, I have learned since, but I did not know at the time, one group of lights shining onto the flight deck aft of the island.

Q. At what time were the latter group of lights shining onto the flight deck turned on?

A. I believe it was after the "Formation One" had been passed, sir. I do not know for certain. At about the same time.

Q. You have testified that these are controlled from the flight control station?  
A. That's correct, sir, yes.

Q. Is the Officer of the Watch informed at such time as these lights are turned on?  
A. Normally he is, sir.

Q. Was he on this occasion?  
A. I was not informed, sir.

Q. Is it a matter of informing him or requesting his permission before they are turned on?  
A. Informing him, sir.

Q. In the situation that has been described, leading up to the collision, what do you understand was the MELBOURNE's duty in relation to the International Regulations for the prevention of collision at sea?

A. At the time to which it was coming on a collision course?

Q. Yes.

A. Under the International Regulations we should have given way. I'm sorry. She should have given way to us, sir. I'm sorry, sir. Can I withdraw that and think about that more?

Q. Yes, I would like for you to consider your answer carefully. I will restate the question. In the situation which has been described, what do you understand was MELBOURNE's duty in relation to the International Regulations for the prevention of collision at sea? And you may take as long as you wish to consider your answer.

A. It was our duty, sir, to keep a straight course.

Q. Did you have any particular duties under those rules with respect to MELBOURNE's speed?

A. The rules state that when a dangerous situation is developing, the ship which is to keep a straight course to ensure that she does not,... is to ensure that she takes action as necessary to avoid a collision if it appears to be developing and if necessary to slack or to reduce her speed.

Q. Would you say that a dangerous situation was developing at the time when it was reported to EVANS that she was on a collision course?

A. Yes, sir.

Q. But MELBOURNE did not at that time slacken her speed?

A. No, we did not, sir, because reducing speed at that stage would not necessarily have averted a collision.

Q. Does that effect the duty of MELBOURNE?

A. No, sir.

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Q. So that, if I understand you correctly, you are stating that on the one hand there was the duty to slacken speed on the part of MELBOURNE and on the hand she did not do so?

A. I'm sorry, sir, I may have put a.... I do not think there was any duty in this case for us to slacken speed, in the particular situation where she was on a collision course, initially.

Q. The collision course represented a dangerous situation or not?

A. Yes, sir.

Q. It did represent a dangerous situation?

A. Yes, sir.

Q. And your understanding of the International Rules for the prevention of collision at sea is that in a dangerous situation a ship should slacken her speed?

A. I'm sorry, sir, that is not my full understanding of it. It is the duty of the ship that has the right-of-way in a situation such as this to take such action she considers to avoid a collision which may involve changes of speed and changes of course.

Q. Did MELBOURNE have the right-of-way?

A. MELBOURNE had the right-of-way, sir.

Q. So that it was her duty to avoid collision by changes of speed and changes of course, if I understand you correctly?

A. Under the regulations, sir, it.... I'm sorry, let me think. It is the duty of both ships if a danger situation develops for both ships to take such action they may consider it necessary to avoid a collision.

Q. Was a danger situation developing at the time that MELBOURNE reported to EVANS that she was on a collision course?

A. Yes, sir.

Q. And in your opinion, did MELBOURNE do her duty?

A. We did, sir. Yes we did.

Q. But you made no alteration of course or speed until some later time?

A. It was very quickly, sir, it was not long.

Q. What was the period of time between the report to EVANS that she was on a collision course and the time of the collision?

A. I stated before, sir, that I am very hazy on the exact time that elapsed between particular occurrences on this night. I can not really estimate. It may have been two minutes. It may have been a minute and a half, it may have been three minutes. I cannot recollect.

Q. If MELBOURNE had put her engines full astern and applied 30 degrees rudder at the time that it was detected that EVANS was on a collision course, would this have placed MELBOURNE in some different place than she was in fact when the collision occurred?

A. Not very much different, sir.

Q. Would it have been in a different place?

A. Yes, sir.

Q. Mr. Lamb, you have stated that at the time of collision a group of lights, known as moonlights were shining upon the flight deck?

A. I understand this to be so, sir. I have been told that they were switched on about this time.

Q. I take if then you did not detect them at that time?

A. I did not see them, sir, no. Pure hearsay.

Q. Could you tell us who would be able to provide reliable information as to when they were turned on and exactly which lights were on?

A. I believe the Flight Deck Officer, Lieutenant Commander Patterson, may have some information on that, sir.

Senior member: Counsel develop that point further, please.

Q. Since you did not detect the fact that these lights were on, can you say whether or not on occasions when you have known they were on in the past you had been able to detect the fact that they were on?

A. No, sir. I have to actually go, physically, to the port wing of the bridge and look aft before I know if they are on. In my normal position standing where I am behind the pelorus, I cannot see them, see if they are on.

Q. And you cannot see reflections on them on aircraft on deck or other sources?

A. No, sir.

Senior member: There are no further questions at the moment.

Counsel for the board (CDR Glass): There is just one small matter.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

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Q. Between the time that MELBOURNE informed EVANS that she was on collision course and the time that MELBOURNE altered course to port, did EVANS, in your opinion, have an opportunity to avoid collision?

A. She did, sir.

Q. What was the approximate time during which this opportunity presented itself?

A. Between thirty seconds and one minute, sir.

Q. In your opinion, what would have been the proper action to have taken by the destroyer during that period?

A. At this stage we had not commenced our turn. Therefore, she could have gone one of two ways. She could have turned to port, which wouldn't still have embarrassed us or she could have turned to starboard which would have passed her well clear down our port side. Therefore, I consider that if she had turned to starboard when she was told she was on a collision course she would have cleared us comfortably, sir.

Counsel for the board (CDR Glass): This open session of the board is brought to an end and the persons present are asked to leave so that the closed session may begin. (All spectators who were present in open session have withdrawn from the hearing room. Only members, counsel, witness, and the court reporter are present.)

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Counsel for the board (CDR Glass): The board now stands convened in closed session.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: Lieutenant Lamb, you said in open session that you thought you might have some classified material to offer bearing on the circumstances of the collision.

A: It concern the zigzag, sir. I noticed when I read the operation order for the Exercise Sea Spirit that in the OpOrder itself there were extracts from the classified publication on Anti-submarine Evasive Steering. These extracts consisted purely of pages of zigzags. To my recollection about five pages. There were no explanations in the OpOrder of how the zigzag were to be carried out, the doctrine behind them, when to stop the zigzag, when to resume it and other information such as this. My immediate reaction on seeing this was that it could be dangerous for any ship of any other nations that does not operate with ATP 3, which is the book on Anti-submarine Evasive Steering. If it does not operate with this normally, they could be aware at looking at the OpOrder, could be unaware of the correct procedures to use when carrying out zigzags. My immediate reaction was it could be dangerous.

Q: Did you hold the view that ATP 3 applied to this particular operation?

A: I did, sir. I checked the zigzags that were in the OpOrder and they are the same as the zigzags that were in ATP 3.

Q: Apart from the fact that they had been drawn from that source, was there anything in the OpOrder, that you knew of, that brought ATP 3 into operation for purposes of Sea Spirit?

A: Not that I saw, sir, no.

Q: In what manner are you suggesting that this uncertainty of that zigzag document may have had something to do with what took place?

A: I do not know, sir, what extent other Navies operate using ATP 3, using zigzags. I know that in our own Navy we use it quite extensively. It is possible, my thought on this having observed ships on the screen that night and on previous nights, that some of them did not know the courses which MELBOURNE was steering as laid down on the declared zigzag for that night.

Q: On what do you base this belief that they do not know MELBOURNE's courses being steered?

A: Ships went out of their sectors very easily when MELBOURNE turned. They had a certain sector in which they had to remain. When MELBOURNE turn anything more than about 40 to 50 degrees, there were some zigzags which we turned 90 degrees at a time, some ships went out of station very easily instead of doing what I would have expected them to do, turn roughly with us. Instead it appeared that they were doing the opposite thing and still trying to stay in station on their previous course.

Q: Did you think that the tactical doctrine in ATP 1(A), Volume I and II was sufficient for the ships in the operation?

A: I am uncertain at this time exactly how much there is in ATP 1(A), sir. My personal way of checking things was to go straight to ATP 3. If I wasn't sure whether the zigzag should be stopped if the course was to be altered, I would go and check if from ATP 3 rather than ATP 1(A).

Q: Did you see any indication of any time the ships in company with MELBOURNE were using their wrong base course?

A: Not the wrong base course, sir, no. Not that night.

EXAMINATION BY THE COURT

Questions by the senior member:

Q: My Lamb, if I understand correctly, you stated that your own reference to guide you as to zigzag doctrine and rules of procedures was ATP 3?

A: That is correct, sir.

Q: Are you now speaking of periods of time during exercise Sea Spirit when the FOCAP OpOrder 1-69 was in effect?

A: That's correct, sir. In fact during the exercise I did not have occasion to go to look at that ATP 3, because I had previous experience of zigzags and I had already checked the rules prior to the exercise.

Q: But with respect to your own actions during exercise Sea Spirit your zigzag terms of reference so to speak were ATP 3?

A: I believe that was the correct reference to use, sir, during exercise Sea Spirit.

Q: At the same time, if I understood you correctly, you testified that it was not prescribed for use in exercise Sea Spirit?

A: To the best of my knowledge it was not prescribed, sir, no.

Q: But you continued to use those rules yourself?

A: That's correct, sir.

Q: Is it then correct to say that while you, on the times when you were guiding MELBOURNE's actions, were using ATP 3 rules other ships may not have been?

A: I do not know of the existence of any conflicting rules, sir. If there are differing rules to what are laid down in ATP 3, I do not know them, sir.

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Q: But you have already said that you didn't know what was said about zigzag in ATP 1 Alfa?  
A: I know that what is said in ATP 1 Alfa is the same as in ATP 3, sir.

Q: To me that does not sound consistent with your statement that on the one hand you didn't know what was said in ATP 1 Alfa about zigzags and on the other hand you noticed that there might be a possible hazard in the fact that the zigzag rules are not in the OpOrder. I'm not certain that I understand your point. Could you explain it again, please?

A: Yes, sir. I thought that there was danger in putting extracts of zigzags in the operation order instead of saying zigzags... instead of saying in the operations order that zigzags would be carried out in accordance with ATP 3 of ATP 1 Alfa or any other publication which they cared to name. Instead of drawing attention to the correct publication to use, in the OpOrder, they just put extracts from the ATP 3 into the OpOrder. I don't know if that explains it well enough for you, sir, but that is what I felt.

Q: Is the version of ATP 1 Alfa which was in use during exercise Sea Spirit the same version which you had been using in prior operations before the exercise?

A: It was, sir, yes.

Q: Do you happen to know what changes were in ATP 1 Alfa in exercise Sea Spirit?  
A: I believe it was change four, sir.

Q: Is that the latest change in ATP 1 Alfa to your knowledge?

A: To my knowledge, sir, there is another change, it may be two changes which came into effect in MELBOURNE after exercise Sea Spirit was completed.

Q: And not before?

A: Not before, sir, no. To my knowledge.

Q: So that your understanding is that the ATP 3 zigzag rule and those in ATP 1 Alfa, with change four inserted, are the same?

A: Yes, sir.

Q: And you have personally checked those?  
A: I had not personally checked, sir, no.

Q: Then what makes you believe that they are the same?

A: Because based mainly on the, on my interpretation of the rules in ATP 3. I have been asked questions about them by the Captain and the Navigating Officer of the MELBOURNE, and I have not been corrected on my answer which I gave. So therefore I assumed they were correct. And I got my answers from ATP 3. Therefore there was no reason for me to suspect that the rules in ATP 3 had not been changed or had been changed.

Q: Then how do you account for the difficulty which you mentioned you have observed with some ships maintaining station while MELBOURNE turned?

A: I cannot account for it at all, sir.

Q: Did you take any action as a result of this observation?

A: I did not take action, sir, no. They never developed into a danger situation. I noticed a tendency for them to drift out of station and be slow in conforming to our zigzag.

Q: You brought this up in relation to your apprehension about the danger of not including the zigzag rules in the OpOrder. Do you see a connection between the two?

A: There could be a connection, sir. I do not know how the bridges on other navies operate. I do not know whether they have the books available to them on the bridge and whether they would refer to them. If they looked at the zigzag plans in ATP 1 Alfa correction, the FOCAP OpOrder, they may have just looked at them and not taken any further action relying instead to watch MELBOURNE. I don't know in fact whether they did either. Whether they watch the zigzag as laid down or whether they watch MELBOURNE, but my observations they were slow in recovering from MELBOURNE alteration of course during the zigzag.

Q: Would you say that there is anything dangerous in using zigzag rules from a publication not made effective for the exercise instead of using the zigzag rules from the publication which was in effect for the exercise?

A: I'm sorry, sir, could you repeat that?

Q: Yes. Would you say that there is anything dangerous in using zigzag rules from a publication not in effect for the exercise rather than using zigzag rules from a publication which was in effect for the exercise?

A: Yes, I would say that it would be dangerous, sir, yes.

Q: Why would it be dangerous?

A: ATP 3, sir, is a NATO publication. I do not know whether it has been released to the Thai and Philippine navies taking part in the, in order words the SEATO Nations. Therefore, it would be dangerous to operate in an exercise such as this with some ships which may not have it.

Q: My question was why would there be a danger in this?

A: It will be dangerous because they may not necessarily follow the same doctrine as we do.

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Q: With relation to the difficulty which you observed some ships had in maintaining station while MELBOURNE turned, can you state whether to your knowledge any tactical data relating to MELBOURNE, such as tactical diameter, acceleration, deceleration, and other facts had been provided to the screen ships?

A: I do not know whether they have been provided or not, sir.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: In relation to difficulties that you observed some ships having in maintaining station, were you able to tell whether this was due on the one hand to unfamiliarity with tactical doctrine or on the other hand to lack of experience to maneuvering or is either possible as an explanation?

A: No, I could not say either, sir.

Q: Will you look at MFL Exhibit 41, do you recognize that ship?  
A: That's the EVANS, sir.

Q: Are you able to explain to the board making use of that photograph, your perception of the starboard aspect of EVANS opening as the masts separated. Can you described that?  
A: Yes, sir.

Q: Can you tell us then in using this photograph what you saw before the change and what you saw as the change occurred?

A: Before the change I could see the forward mast and what appeared to be her after stack and her after mast, almost in line. As her aspect changed, as I watched her through the binoculars, the line between the two masts opened and I could see more of his starboard bow as she turned as the moon shone on it more than it had been. I don't know whether the moon had come out of the cloud more or whether it was the aspect as she changed, but certainly I could see her starboard bow more clearly and I could just make out the outlines of her pennant numbers showing in the moon light.

Q: What did you observe as to the relationship between the two points, the fore mast and the after stack which had previously, been in line?

A: I saw them opening, sir.

Q: To what angle approximately?

A: I judged my alteration at course of, the EVANS alteration course of 10 to 20 degrees on how much her masthead opened, sir.

EXAMINATION BY THE BOARD

Questions by the senior member:

Q: Mr. Lamb, returning to the zigzag rules. Did you mention your unease about the fact that the rules were not included in the OpOrd to anyone prior to the collision?

A: I remember discussing it with two other deck officers or officers who kept officer of the watch. I can't remember who they were, sir. I may have mentioned it to the navigating officer. I cannot remember, but I certainly remember discussing it with two other officers of the same rank as I. I've forgotten, in fact, whether I mentioned it to the navigating officer. I can't remember.

Q: When MELBOURNE was being screened with only her own task group present, was she normally the guide?

A: She was normally the guide, sir, yes.

Q: Does the guide have any obligation to adhere to zigzag rules and doctrines?  
A: The guide does, sir, yes.

Q: Were there any means in effect in MELBOURNE to ensure uniformity of understanding of these rules as between one watch officer and the next and his successor and so on?

A: The only means...corrections, not the only means, the means by which we passed on information about the zigzag from Officer of the Watch to Officer of the Watch was by means of the little board of which you have photograph there, the Captain's night orders which stated the zigzag plan in use, and from a verbal passover or handover from the Officer of the Watch to the Officer of the Watch and several times I made it my practice to check the tactical operators log to ensure that we were using the correct zigzag with using the correct zero hour.

Q: Do any of those items which you have mentioned include detailed description of the zigzag rules and doctrine such as in contained in the first few pages of ATP 3?

A: No, sir.

Q: Is it then possible that one officer of the watch might have used as his reference for zigzag rules the material in ATP 3 while another one standing watch immediately before or after him might have been using ATP 1 Alfa material?

A: I do not think it is possible, sir. Because the Captain and the Navigating Officer making it a correction, asking questions of Officers of the Watch and I know that questions were asked of other officers about their interpretation of what happens if a course alteration is ordered while a zigzag is in force. And I am sure that if they had given incorrect answers, then we all would have been asked to explain where you got your ideas from or told we were incorrect. Therefore, I had to assume that everybody used the same rules, from ATP 3.

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DECLASSIFIED

- EIGHTH DAY -

The board reconvened in executive session at 0830 hours, 17 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 0928 hours, 17 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 (CDR Glass): The board now being in open session, it is necessary to point out that any person who has been told he is a witness, or who may be a witness is asked to withdraw from the board room. The board calls as its next witness, Commander Horton.

Commander Anthony R. Horton, Royal Australian 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 (CDR Glass):

Q. Commander Horton it is my duty as counsel to advise you that 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 U.S.S. FRANK E. EVANS, because it is believed that you have evidence which may assist the board in its 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 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 case you will later be given an opportunity to testify as to classified information in closed session. However, if you can answer the question in part or in general terms without disclosing specific classified information you should do so, you should also advise the board of your desire to amplify any classified information in a later closed session. Under Australian law, it is necessary to warn you that you may refuse to answer any question, the answer to which may tend to expose you to a penalty or forfeiture. It will be for you to raise the objection, and for the board to decide if you must answer the question or not. Do you understand those matters?

A. Yes, sir.

Q. Will you please state, Commander, your full name, rank and present appointment?

A. Anthony Rockley Horton, Commander, RAN, Fleet Navigating Officer.

Q. And as Fleet Navigating Officer, are you a member of the Staff of FOCAF?

A. Yes, I am.

Q. And did you hold that appointment on the night of 2nd and 3rd June last?

A. Yes, I did.

Q. Would you tell us, sir, in general terms, the details of your experience and training as a Navigating Officer.

A. As a Navigating Officer, I went to England in 1960 to undergo the Specialist ~~air~~ Navigating course for nine months.

Q. Could I interrupt you to ask what you had been doing the years before that?

A. I got my watchkeeping certificate in 1956, and then for the subsequent four years I was an air observer.

Q. An air observer. And how long did that special navigation course in England last?

A. Nine months, sir.

Q. And where did you go upon its completion.

A. Upon completion, I did two years at sea with the Royal Navy, and in a period of about five months was the Second Navigator of the carrier HERMES and the remaining time in two frigates of the Royal Navy.

Q. And thereafter?

A. I then returned to Australia and did a short period as Executive Officer and First Lieutenant of a survey ship, and then went to VENDETTA for one year as Navigating Officer. I then did the advanced navigational course, lasting nine weeks, in England. On return I did almost two years in HMAS SYDNEY as Navigating Officer.

Q. What kind of ship is HMAS SYDNEY.

A. Aircraft carrier.

Q. And where were you posted after that?

A. Upon completion of my time in HMAS SYDNEY, I went to HMAS DERWENT as Executive Officer. This was the year 1967. In 1968 I undertook the Army Staff course in Australia.

Q. Yes.

A. I then joined HMAS MELBOURNE as Fleet Navigating Officer and ship Navigating Officer, from the 16th of December 1968.

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Q. So you have, at the time in question, that dual capacity as Navigating Officer on FOCASF's Staff and Navigating Officer of MELBOURNE?

A. That is correct.

Q. Now, during the period of time between replenishment of the force and midnight of the 2nd of June, did you observe operations involving a rescue destroyer?

A. Yes, I did.

Q. On how many occasions did you see a rescue destroyer take up her position?

A. I only saw the rescue destroyer actually taking up her position on one occasion. By taking up her position, I mean moving from the screen into astern, rather than astern to any particular rescue station as such.

Q. Yes. And what ship did you see executing that maneuver?

A. I saw the USS EVANS.

Q. And did you observe anything else in relation to the EVANS and the rescue destroyer station during that period? Apart from what you mentioned.

A. My only observation is - commenting at the time - the method of moving in astern - it was keeping well clear of the ship in a curve of pursuit but I observed nothing else at the particular time.

Q. Could you please repeat that last answer you gave?

A. My only observation at the time, I did comment to somebody standing with me, was that EVANS was coming in astern in a very safe in fact roundabout manner, and I did comment on it as she was proceeding in astern. I had no other comments concerning the maneuver.

Q. What did you understand was the position, regarding the use of a rescue destroyer, during that period from replenishment until midnight?

A. During the day there was no requirement for a rescue destroyer. I understood at night that EVANS, being the starboard wing ship of the inner screen, would carry out the duties of rescue destroyer for the night.

Q. What was your understanding of the number of occasions upon which a rescue destroyer would be needed?

A. On that night a rescue destroyer would have been needed on each occasion of launching or landing and, depending on the time interval between the various launches and land-ons, he may or may not have gone back to the screen between each period.

Q. Very well, Commander. Now, around about midnight, had you turned in or were you about to turn in?

A. I turned in at about midnight.

Q. And did you record any instructions in the Navigating Officer's Night Order Book?

A. Yes, I did.

Q. Counsel asks that this book be marked for identification as Exhibit 42. Is that the book that was used by you, as your Night Order Book, on the night of the 2nd and 3rd of June.

A. Yes, it is.

Q. And would you be good enough to read out what instructions you recorded that night in your Night Order Book?

A. My instructions for the night were. "Call me as for the Captain, and at 0440 for morning stars". I had further put a note in the Night Order Book about the cleaning responsibilities for the morning watch, as I reminded the Officer of the Watch. I do have standing instructions inside the cover, which is the normal procedure.

Counsel offers that Night Order Book in evidence as Exhibit 42, with the proviso that the tender is limited to the standing instructions and entries for the night of 2nd and 3rd of June.

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Senior Member: Commander Glass this may be introduced as evidence. Would you develop testimony to indicate to whom these instructions are intended to apply?

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board (CDR Glass).

Q. Yes, sir. Can you tell us what persons are required to read the Navigators Night Order Book?

A. The Officer of the Watch is required to read the Night Order Book when he takes over his watch, or as soon as he can do it. At the time of taking over his watch, at the same time he would be reading in the Captain's Night Order Book.

Q. Is it limited to the Officer of the Watch, or is the requirement also extended to the Junior Officer of the Watch?

A. The Junior Officer of Watch would also read it.

Q. At the time you turned in about midnight, between the 2nd and 3rd of June, what was the base course of the formation.

A. The base course, as from sometime after 2300, was 220 and speed of 18.

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Q. And was a zigzag plan being used or not?  
A. Yes, it was.

Q. Was it short leg, or long leg zigzag  
A. Short leg zigzag.

Q. At that same time, when you turned in, we have been told the weather was clear and no wind and so on. What was the position of the moon?

A. At the time I turned in?

Q. Yes. When had the moon risen?

A. The exact time I wouldn't state, but around 2100. I had, in fact, taken evening stars using the moon at about 2130.

Q. And what were the general conditions of visibility when you turned in?

A. The visibility was good, medium cloud cover, which was moving fairly clearing and clouding over, but fairly swiftly, but good visibility, little wind.

Q. And what was the state of the lighting of the ships in the force?

A. The ships were darkened. My recollection is that ships burning dim stern lights, but I might be wrong on that point. Certainly, normal navigational lights, side lights and steaming lights were not being burnt.

Q. Returning to the question of rescue destroyer, can you tell us how it came about that EVANS was designated as rescue destroyer for the night's operation?

A. Only from hearsay, sir. The Captain informed me that EVANS would be the rescue destroyer during his discussions earlier in the day.

Q. And did he tell you who was the person who actually designated EVANS for that position?

A. I don't think the Captain told me. I assumed the screen commander.

Q. Who was he?

A. COMDESRON 23.

Q. What was your understanding as to the persons who would direct the rescue destroyer to return from her station astern and back to the screen?

A. I understand that the Captain of the MELBOURNE, being the commander of the task unit, would direct rescue destroyers to move from the screen as he required.

Q. And was it the practice to have the rescue destroyer return to the screen after the operational period of each fight was concluded?

A. Yes, sir. It was the practice, provided the time between landings and launches was sufficient to make it worth while.

Q. And I assume that if the period or time interval was short the destroyer would be left there?

A. The destroyer would be left in the wake.

Q. Yes. Well, what period of time would seem to be sufficient to direct her to return to the screen? What period of time and over led her to be sent back to the screen?

A. I wouldn't like to answer that at the particular time. I think it depended on the circumstances.

Q. What was the normal position? Would she be redirected to the screen or kept astern?

A. Once again, I think this varies with the time interval between flying operations. With a flight of four hours or something in that line, and I would say that she would go back to the screen.

Q. I think that you have said you only observed the rescue destroyer operation being performed on one occasion.

A. I said I only observed it going from the screen on one occasion.

Q. Yes. When was that?

A. At about 2045, I would say.

Q. And on that occasion what was done when flying operations were over, so far as the rescue destroyer was concerned?

A. To the best of my knowledge she was left with us, and moved in astern of us again into the wake. At the time I was taking stars, so I am not positive.

Q. So you don't know if she stayed there for another operation, or was sent back to the screen?

A. No.

Q. Were you called between the time you retired and the time you were last called before the collision?

A. Yes, I was, sir.

Q. On how many occasions?

A. I was called three times.

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Q. Can you tell us what the reports made to you were?

A. The first occasion was about 0145, when I was informed that a screening ship had a sonar contact. I turned out. The second occasion was some 20 or 30 minutes later, about 2:15, for a radar contact from a screening ship. I turned out again. The third occasion was about 2:45, when I was called prior to helicopter operations.

Q. What did you do on that occasion?

A. On that occasion I informed the Officer of the Watch that I would not be coming up to the bridge, as the Captain was on the bridge.

Q. Well, when were you next in receipt of a call?

A. I didn't look at my watch at the time, but it was about 3:10, which was the time I had asked to be shaken for flight operations.

Q. And who called you?

A. The Assistant Officer of the watch, Sub-Lieutenant Vorobieff.

Q. You dressed, no doubt?

A. Yes, sir.

Q. Are you able to fix the time when you got to the bridge or not?

A. Not as a minute, no, sir. Just based on the time that I think it took me to put on shorts and shirt.

Q. Well, how long do you think that took you?

A. I would say probably about a minute and a half from the time I was shaken.

Q. And where is your sea cabin located in relation to the bridge?

A. It is located on the port side aft of the bridge. I had two routes to get to the bridge. One around past the Captain's cabin, or a direct route from my cabin through the port wing of the bridge, on to the bridge itself.

Q. Which route did you take that night?

A. I went out through the port wing.

Q. Well, where were you when you first heard something being said on the bridge?

A. Just leaving my cabin. Just stepping on to the port wing of the bridge.

Q. Yes. What was it that you heard when you were there?

A. I heard the order, "Port 30."

Q. And whose voice gave that order, as you recognized?

A. I feel the Officer of the Watch gave the order.

Q. And to whom did the Officer of the Watch give his orders?

A. To the quartermaster or helmsman in the wheelhouse.

Q. Where is the wheelhouse located in relation to the bridge?

A. Three decks below and slightly forward.

Q. How are the orders communicated down those three decks?

A. Either by intercom or by voice pipe.

Q. Well, that order that you heard the Officer of the Watch give, "Port 30," I think you said. A. "Port 30."

Q. Was there any change made?

A. Yes, he followed it immediately by, "Port 35."

Q. Where were you when you next heard something said by an officer on the bridge?

A. I had just stepped on to the bridge, and the Captain said to the Leading Tactical Operator, "Pass to EVANS, I am coming hard left," or words of that nature.

Q. Yes. Can you help us with the time interval between when you heard the Officer of the Watch give orders to the wheelhouse, and when you heard the Captain give instructions to the Leading Tactical Operator?

A. I'd say a very short time interval, inasmuch as it takes me 2 or 3 seconds, and I have the impression that I was just on the bridge when he gave the order to the Leading Tactical Operator.

Q. When you got to the bridge, where did you take your position?

A. Just behind and to one side of the Captain, who was on the port side forward of the bridge. In other words, more or less next to the Officer of the Watch.

Q. And you were between the Captain and Officer of the Watch?

A. Not really between, just behind both of them really, but able to look between them.

Q. Well, as the three of you stood there, and reading from left to right, how were you placed in relation to each other?

A. The Captain was on the port side forward of the bridge, I was some 3 feet behind and slightly to one side - -

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Q. Which side?

A. Well, I moved, of course, behind him so I was able to see.

Q. Yes.

A. The Officer of the Watch was standing at the pelorus, which is the outer line of the bridge.

Q. And, therefore, to the right of you and the Captain?

A. Yes.

Q. Well, what was the first thing that you observed from that position?

A. I observed a ship, that I assumed to be EVANS, about 10 degrees on the port bow.

Q. And at what range did you estimate?

A. I didn't estimate a range until I reached past the Captain, picked up binoculars, and had a look through the binoculars at EVANS, and at a very quick instant appreciation thought about 1500, perhaps a little more, yards.

Q. And when you used the binoculars, did you revise or confirm your estimate of her relative bearing?

A. The relative bearing, I only did it visually, about 10 degrees on the port bow. The binoculars did not help me in that regard at all.

Q. What was the state of EVANS illumination?

A. Fully darkened. She may have had a truck light or a red mast obstruction light, but she certainly had no other lights that I saw.

Q. And what was your judgement, as to the effect of the courses of the two ships at that point?

A. I don't think I came to any immediate judgment, inasmuch as we were starting to swing and I had no prior indication of what EVANS was doing. She was pointing towards.

Q. She was pointing towards?

A. Towards MELBOURNE.

Q. Now, at that same time, when you made that observation of EVANS, that she was 10 degrees to port, 1500 yards or so, what was MELBOURNE doing. Was she steady or moving?

A. She was moving.

Q. In what direction?

A. To port.

Q. What did you estimate that her heading was at that point of time?

A. I did look at a gyro strip repeater just as I got to the bridge which was two-five something degrees, and moving which indicated to me that we had probably come from something like 260, or thereabouts, and were swinging to port.

Q. And when you say moving, you mean moving in which direction?

A. The ship was moving to port, turning port.

Q. What was the condition of MELBOURNE's illumination at that point of time?

A. MELBOURNE was darkened. My only indication of the state of the navigation light was that the overtaking light indicator was on. From this I assumed that all navigation lights were on, as was the common master switch.

Q. Where is the overtaking light indicator situated?

A. On the port side, forward on the bridge.

Q. Were you able, from where you stood, to check whether other navigation lights were burning?

A. No, I wasn't.

Q. Where is the switch which you say is common to all the navigation lights and the overtaking light?

A. Port side, forward on the bridge. On the forward screen.

Q. At this point of time, did you hear any sound signals?

A. At about this time the Captain ordered to sound two short blasts. I moved around behind the Officer of the Watch and saw the Second Officer of the Watch make the two short blasts, from the starboard siren.

Q. Now this movement of MELBOURNE to port that you described, did that have any effect on the relative bearing of EVANS from MELBOURNE?

A. Yes, it did.

Q. What effect did you observe it to have?

A. I observed EVANS to move from about 10 degrees on the port bow to about 10 degrees on the starboard bow.

Q. Did you see her moving through ahead to the starboard bow?

A. Yes.

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Q. What was the next thing that you observed about EVANS' relative bearing from MELBOURNE?  
A. I have no particular recollections of any observations as regards relative bearing. EVANS moved to the starboard bow. It may have been 10 or 15 degrees.

Q. 10 or 15 degrees?  
A. Out on MELBOURNE's starboard bow.

Q. Yes. And then?  
A. Then the Leading Tactical Operator reported to the Captain from the EVANS, "I am coming hard right," or "I have right full rudder." I'm not sure of the exact words. And, at the same time, I observed visually that EVANS was starting to swing to starboard.

Q. Can you give us an idea of the time that intervened between the Captain giving the Leading Tactical Operator a message to EVANS about his course, and the Leading Tactical Operator coming back and giving him a message from EVANS?

A. I estimated the time to be, the time it took me to - between the two orders or the two statements - to move across the bridge, watch the Second Officer of the Watch sound two short blasts, and then move back to the port side again.

Q. And your estimate of that time interval would be what?  
A. 10 seconds. 12 seconds.

Q. Did you continue to observe EVANS' course?  
A. I continued to observe that she was swinging to starboard.

Q. Yes. And with what degree of helm, as far as you could see?  
A. As far as I could see, maximum rudder was being used, inasmuch as the turn was tightening, until the moment of impact.

Q. Before the moment of impact, were any pipes sounded in MELBOURNE?  
A. Before the impact we - I sounded collision stations.

Q. Before the moment of collision, were any engine orders given in MELBOURNE?  
A. I think I heard, "Stop both engines." I certainly heard, "Full astern both engines." passed from the Captain to the Officer of the Watch and down to the wheelhouse.

Q. With what officer did those two orders originate?  
A. "Stop both engines," I don't know. "Full astern both engines," I heard the Captain give the order.

Q. What is your estimate of the time when the collision between the two ships occurred?  
A. It is only an estimate. About 3:15.

Q. And did you observe, from the compass, the heading of MELBOURNE at the time of collision?  
A. No, I didn't.

Q. Are you able to give us an estimate of MELBOURNE's heading at the time of the collision?  
A. I did observe the strip repeater on 235, some short time before the collision. I wouldn't like to say how long before. Some seconds, in my impression.

Q. And are you able to give an estimate from that?  
A. Purely an estimate. I thought about 230.

Q. At the time of the collision, what was the angle between the headings of the two ships?  
A. About 100 or 110 degrees. In other words, EVANS was not - had not reached the point at being at right angle to MELBOURNE's course.

Q. And where was the impact principally taken by EVANS?  
A. In the vicinity of the forward funnel, just a little aft of the forward funnel.

Q. And by MELBOURNE?  
A. On the bow, virtually right ahead, full bow.

Q. Was there any noise associated with the impact?  
A. Yes, some noise. Not as much noise as I would have expected.

Q. If EVANS had not altered course to starboard, after the MELBOURNE had altered course to port, would the collision in your opinion have occurred?  
A. In my opinion, no.

Q. If the MELBOURNE had remained steady and the EVANS had altered course to starboard as she did, would the collision have occurred?  
A. I don't know, inasmuch as MELBOURNE was swinging at the time I got on the bridge.

Q. According to your understanding of the position, who had the conn of the ship at the time you arrived on the bridge?  
A. The captain.

Q. From that time, until the time of collision, to what extent was there collaboration between you and him?  
A. There was no collaboration from the time I arrived on the bridge. He knew I was there but he did not discuss actions.

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Q. Did you make any reports to him during that period?  
A. No, I did not.

Q. I've ask you about the ships navigating lights. Are you able to tell us anything about lights on the flight deck of MELBOURNE?

A. My impression, on coming out of my sea cabin was that there were no noticeable lighting on the flight deck at that time.

Q. As you come out of your sea cabin, do you have a view or not of the whole of the flight deck?  
A. I have a view of the whole of the flight deck, but I did not in fact look aft. I would see the middle and the forward section of the flight deck by just walking out of the cabin.

Q. And in those sections, did you have any observation of lights?  
A. I wasn't conscious of any bright lighting, or moon lighting, on the flight deck.

Q. Where are the lights on the flight deck located? Can you tell us, Commander?

A. There are outline lights on the flight deck, small white, sometimes red lights, on the deck itself. There is also the moon lighting system, which consists of lights above the bridge and the mast which can illuminate the flight deck in three different groups.

Q. Where are those three groups situated?  
A. The control switches . . .

Q. No. The groups of lights, the three groups, where are they situated?

A. They are all on the island forward of the mast, pointing to the forward section, amidships section and after section.

Q. And are they trained to illuminate different parts of the flight deck?

A. Inasmuch as the three groups illuminate either the forward, amidships or after section or any combination.

Q. I think you said earlier in your testimony that only. . . Before we come to that, what color do the "moon lights" show?

A. They are a whitish color. I haven't seen them from outboard.

Q. But inboard they are white? Where is the overtaking light situated?

A. The overtaking light itself is on the walkway right at the stern of the ship, some 3 feet below flight deck level.

Q. Now, is the switch for that light independent of, or connected with, the switch for the navigation light?

A. All the lights can be operated independently, but the normal procedure is, if running without lights the independent switches would be made, so it could be controlled by the officer of the watch with the one common master switch, some 3 feet in front of the center line compass.

Q. It is desired then, to burn the overtaking light and no other lights, this can be done?  
A. This can be done, yes.

Q. You said, that you haven't observed the precise color of the moon lighting from outboard, but can you tell us the extent to which they are visible to ships in company?

A. Only from the reports from ships in company, that we have asked on occasions, if they can see them, or whether they are bright or not.

Q. Yes.

A. And the report is that they can be seen quite noticeably, and the ships themselves haven't had any difficulty because of it.

Q. What are the duties of the Navigating Officer, with respect to the ship's lighting?

A. My responsibility is to ensure that the lighting is operating satisfactorily, in a correct operating state, although it may not necessarily be on. When they are burning, I am responsible for the correct lighting in accordance with the normal regulations or for the requirements for the particular period concerned. The Officer of the Watch is in fact responsible for switching them on and off as required.

Q. Do you have control of any lights other than the navigating lights?

A. Only signal projectors, chart table lights. Generally, internal lights in the bridge area.

Q. Who has the prime responsibility for the lights on the flight deck?

A. The Flying Control Position.

Q. Can you tell us who was the officer in that position on the night in question?

A. LCDR Payne. He informed me that he was the officer in the Flying Control Position at the time.

Q. You have told us that at the time you first saw EVANS what was her bearing relative to MELBOURNE's. Are you able to tell us what would have been the MELBOURNE's bearing relative to EVANS?

A. My immediate impression, which was just a glance through, or one look through the binoculars, was that we were ahead of EVANS. I don't know the appreciable inclination.

Q. Could you elaborate on that a little? Seen from EVANS, where would you have expected MELBOURNE to be?

A. From my first glance, right ahead.

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Q. If the situation is that only the overtaking light was burning, what would be the position with regard to the master switch, and with the individual switches for the main navigation lights?

A. The master switch would be on, and the remaining navigation lights would be required to be switched off individually on the switchboard, which is at the back of the bridge.

Q. So if only the navigation and the overtaking light is burning, the master switch is on, then the individual switches to the steaming lights and the running lights would be?

A. Would need to be made.

Q. They would be in what situation?

A. They would be off.

Q. Is there a responsibility to see that the ship doesn't show lights which might be confused with navigation lights and if so, whose responsibility is that?

A. Well, sir, I would say there is a responsibility to see that we don't burn lights that could be confusing. The initial responsibility, I don't think, rests with the ship, inasmuch as the lights are - should be fitted with these lights which are required for various operations.

Q. These lights on the flight deck are required to be switched on for the purpose of what operation?

A. Normally, switched on for the starting of propeller driven aircraft. Then the sections changed for the actual light groups, change for the launch and then once again change for the land-on and then switched off again.

Q. Is it your opinion that these lights, when in use, could be confused with ship's navigation lights?

A. Not having seen them from outboard, I don't know. They are fitted in all carriers, I gather.

Q. Are you familiar with a publication called the, "MELBOURNE Escort Handout," which is exhibited in evidence here as Exhibit 17?

A. Yes, I am.

Q. Examine it, if you wish. Can you tell us if that contains any information with respect to MELBOURNE's lights, what they - where they are located?

A. Yes, it does contain information regarding lights.

Q. Can you tell us what it says?

A. For which lights, sir?

Q. What information has it with respect to MELBOURNE's lights?

A. It indicates the type of lighting that would normally be used, which would be laid down in the tactical doctrine for the operational exercise. And it indicates which lights we would be burning for flying operations.

Q. What does it say with respect to that matter?

A. For all lights, sir?

Q. Yes.

A. Dimmed forward side lights, flying lights, which are red, white, red lights to conform with the International Regulations, an additional red light visible from the air for the benefit of the pilots, drop lights over the stern, once again for the benefit of the air crew and visible from the stern, the truck lights which I mentioned earlier, and moon lighting, which are of course, are in addition to the flight deck illumination lights.

Q. Do you know if the carrier was burning red truck lights before the collision?

A. I assumed she was, but I don't know. Helicopters were airborne and it would be normal to burn them.

Q. What is the usual practice about switching on red truck lights before flight operations?

A. Red truck lights will be switched on if helicopters are in the vicinity of the ship, and also immediately before launch and land-on. And they will be switched on at the time the flying lights are switched on.

Q. Is this fact transmitted to the task group by any signals?

A. We will transmit to the task group, a group signal that we are about to commence flying operations. At the same time, we will change our navigational lighting to the lighting required for - by the regulations, which will include truck lighting.

Q. Are you able to say from when the helicopters had been in the air before collision?

A. No. I wasn't there when they were airborne. There had been a running turnaround and sometime before, they had taken off again.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Commander, are there certain legal requirements with the respect to the navigation lights of a ship?

A. Navigation lights are to be burnt in accordance with International Regulations, yes, sir.

Q. Does the ship itself or anyone in the ship have the responsibility to insure that those legal requirements are met by the ship's lights?

A. The Captain ultimately has the responsibility to insure that he shows the correct lights necessary.

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Q. Does the Captain charge anyone under his command with responsibility for dealing with these matters on his behalf?

A. He would charge by his Night Orders, sir. He would require to be called at a particular time for - in event a ship approaching a ship in the formation. He would also require the Officer of the Watch to display the correct lighting, if necessary.

Q. Do the legal requirements you have referred to, include anything concerning the placement of the lights, their color and the bearing from which they may be seen?

A. The navigation lights, yes, sir.

Q. Does the Captain have responsibility for compliance with those aspects of law?

A. He has responsibility to insure that the lights, the navigation lights he is burning, is in accordance with these regulations, yes.

Q. And does he charge anyone within the ship with the responsibility of dealing with these matters on his behalf?

A. I wouldn't like to say that he specifically charges anybody. He would expect...I consider it the Navigator's responsibility to insure that those lights are in accordance to the regulation.

Q. Would you describe - let me start over. You have described a stern light or overtaking light indicator, which is visible on the forward bulkhead of the bridge.

A. Yes, sir.

Q. Which is illuminated when the overtaking light is on.

A. Yes, sir.

Q. Are there similar indicators for any other navigational lights?

A. Yes, sir. There are indicators for all the navigational lights.

Q. Individually?

A. Yes, sir.

Q. So that there is, if I understand you correctly, an indicator for the red port running light, the green starboard running light, the mast head light and the range light? Is that correct?

A. Yes, sir.

Q. Where are they located?

A. They are located on the starboard after bulkhead of the bridge.

Q. Are they visible so there is an unobstructed view of those indicators from the position which you were occupying just prior to collision?

A. From the position that I said that I was at, was on the port side. I could not see them. The Second Officer of the Watch, by turning and looking aft could see them.

Q. Did you happen to notice those indicators just prior to collision?

A. Not consciously noticing them, no, sir.

Q. Was it the practice in MELBOURNE to check those indicators on each occasion when the navigation lights were switched on or off?

A. Yes, it was, sir.

Q. Who would do that?

A. The Officer of the Watch.

Q. Was it also the practice to go to whatever position is necessary, so that one could actually view the light in question to determine whether it was on or off?

A. The actual light itself? It was the practice of the lookouts reporting every change in steaming and running lights - side lights.

Q. The lookouts?

A. Yes, sir.

Q. In addition to the visual check of the indicator light?

A. Visually, the Officer of the Watch would check the indicator light, sir. He could also check of the lights visually. He could see two of them from the bridge.

Q. Which ones?

A. He could see a glow from the forward steaming light to indicate that it was on.

Q. A white light?

A. White light, yes, sir.

Q. And what is the other?

A. And he could see a glow from both the port and starboard lights, if they were in the bridge position.

Q. That is to say, if the ones closer to the bridge were being used?

A. Yes, sir.

Q. Which ones were being used on the night we are talking about?

A. For normal running, we would use the bridge lights.

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Q. Were those the ones in use?

A. I'm not - I didn't check them myself to see if they were in fact the ones on at the time. The others would only be put on for switched across at the time we operated aircraft, and on completion would be switched back to the island position. It's part of the normal drill for changing lights.

Q. Would you say again how long you have been aboard MELBOURNE?

A. Since the 16th of December, last year.

Q. Have you ever been conscious of an occasion during that period, when the indicator light was on, but the corresponding running light was off or vice versa? Where the indicator light was off due to some defect, but the corresponding navigation light was on?

A. Not to my knowledge, no, sir.

Senior Member: We will take a brief recess.

The board recessed at 1032 hours, 17 June 1969.

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The board opened at 1055, 17 June 1969.

All persons connected with the board, who were present when the board recessed, were again present. Commander Horton resumed his seat as a witness.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: Could you tell us, Commander, whether a Navigational Data Book is kept in MELBOURNE? If so, where it is now?

A: Yes, it is kept. It is in my briefcase.

Counsel for the board (CDR Glass): Could we trouble you to open it, sir. Counsel now offer this to be marked for identification as Exhibit 43

Q: That document now marked for identification Exhibit 43 is the MELBOURNE Navigational Data Book, and does it correctly record the navigational data pertinent to that ship?

A: I correctly recorded the data that I had to begin with. There is data regarding turning trials that I had not got, that Captain Stevenson was given.

Q: Yes, I think you might accept, Commander, that we have that information in a separate publication. Apart from that, is it complete and accurate?

A: As far as I know it is accurate, and navigationally, it is complete.

Counsel for the board (CAPT Robertson): I'm sorry, sir, but they are not getting the answer.

Q: Would you repeat that last?

A: As far as I know, it is accurate and complete on navigational matters.

Counsel for the board (CDR Glass): Counsel then offers in evidence as Exhibit 43, this record, on the understanding that at a later stage, it will be determined by the board what parts are relevant and only those parts will be part of the record.

Senior member: That is entirely suitable, Commander.

EXAMINATION BY THE BOARD

Questions by the senior member:

Q: Commander, you have stated that in the period prior to the collision, that you had come to the bridge, but that you had no collaboration with the Captain. I believe you said that you did not discuss anything, and that you made no reports to him. Did you make any recommendations to him concerning engine orders or wheel orders?

A: No, I didn't, sir.

Q: Commander, you have stated that you were called, as planned, at about 0310 in anticipation of flying operations?

A: Yes, sir.

Q: Which, I believe, were scheduled for about 0330?

A: That's correct, sir.

Q: If I recall correctly, you stated that it may have taken you a minute and a half to dress and proceed to the bridge?

A: An estimation, sir, yes.

Q: Could you estimate the time between the time you arrived close enough to the bridge to hear the first thing that you reported hearing, namely, "Port 30", and the collision?

A: I would have thought about a minute and a half, sir. This is purely an estimation, sir.

Q: From the time that you were awakened, to the time you arrived on the bridge, where you had a view of EVANS, were your eyes exposed to any white light?

A: No, sir. My cabin, with the door open, the lighting circuits are automatically cut out, and my door had been open all night.

Q: Would you say that your eyes were dark adapted?  
A: Yes, sir.

Q: At the time you arrived on the bridge?  
A: Yes, sir.

Q: You estimated that the range to EVANS from MELBOURNE, at the time you first saw EVANS, may have been 1,500 yards or more?

A: That's correct, sir.

Q: Did you see the entire ship down to the waterline, or was part of the ship obscured by MELBOURNE's flight deck?

A: No, I saw the entire ship, sir.

Q: Commander, are you familiar with the term "extremis", as applied to shiphandling situations?  
A: It's not familiar to me, no, sir.

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Senior member: The board has no further questions for this witness.

Counsel for the board (CDR Glass): Commander Horton, the rules now provide that you have a privilege to make any further statement covering anything relating to the subject matter of the inquiry, that you think should be brought out as a matter of record, that has not been solicited by previous questions. Do you have anything to say in accordance with that invitation?

A: No, I don't, sir.

Senior member: The board has a further question.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q: Commander, is it the responsibility of the navigating officer to ensure that the clocks in the ship are accurate and synchronised?

A: Those clocks that have to do with the operational aspects, yes, sir.

Q: Could you describe the procedure for ensuring that clocks are operational, or navigational related clocks kept accurate and in synchronization?

A: Yes, sir. I have a yeoman. His task is to personally check and line up the clocks. Each morning at about 7:40, in that area, at the same time, he makes a general time check throughout the whole ship. He also holds time checks for the clocks concerned. That's the Signal Department, Operations, Flying, the bridge, and before any particular evolution as such. He also does it at the end of the day before the night flying or evening's commence. So, I would expect to do it at least twice and possibly three times a day, personally check all the clocks.

Q: And against what standard does he check the clocks?

A: He takes a time check daily. For chronometer and deck watches, he keeps a constant log on gain and loss. But before he does a time check, he will do it by checking his own clock by radio time signal, and from the deck watch check the other clocks.

Q: And would you get the time signal by radio on the one occasion per day, or would he be on each of the two or three occasions get such a time check?

A: He would normally do it on each occasion, sir. But if he doesn't get it, he can refer back to the chronometer or the deck watches, on which he is running a daily time check and daily gain and loss of time. This way he can interpolate for any small discrepancies.

Q: Looking back from the time of collision, is the record of the latest time check obtained by radio in MELBOURNE?

A: The record of the latest time check, that's the records, it was 0800 the previous morning, but he had in fact checked all the clocks at about sunset on the evening of the collision. I, in fact, saw him there turning the bridge clocks myself.

Q: Did he get a time check by radio at that time in the evening?

A: I don't know, sir. He was using the deck watch to check them. I didn't know whether he had actually had a time check, or had taken it from his chronometer. The clocks were all subsequently checked after the collision.

Q: Is it desirable to check the synchronization of clocks in the task group when the task group plans to zigzag?

A: During the zigzag, the time checks will be passed during stages, sir. I cannot say when the last time check had been passed.

Q: Whose responsibility is it to accomplish that, within the task group?

A: The Officer of the Watch will, when the zigzag is executed, unless otherwise directed by the Captain, then he will do a time check at the next turning point.

Q: Commander, are you familiar with the International Regulations for the Prevention of Collision at Sea?

A: Yes, sir.

Q: Are you familiar with Rule 21, thereof?

A: Yes, sir.

Q: Rule 21, I believe, prescribes certain obligations of a vessel which is required by the rules to keep out of the way of the other. It goes on to say something about what the other vessel, namely the one who is normally referred to as the privileged vessel. Do you recall what is stated therein?

A: Yes, sir. It states that if the privileged vessel considers that the action being taken by the giving way vessel is not sufficient, or in sufficient time, to avoid a collision, then the privileged vessel must take necessary action herself to endeavor to avoid a collision.

Q: With respect to this rule, what is your opinion as to the moment that obligation of the privileged vessel became operative in the case of MELBOURNE?

A: It is my opinion, sir, inasmuch as I was not there in the initial stages, but the stages the Captain considered, that action being taken by EVANS was not sufficient, or would not be sufficient to avoid a collision. He, by Rule 21, was required to take steps himself.

Q: Was that before or after your arrival at the bridge?

A: I don't think I can go into that one, sir, inasmuch as we were taking avoiding action when I arrived on the bridge.

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Q: I asked for your opinion, Commander, as to when this moment arrived?

Counsel for the board (CDR Glass): With respect, sir, perhaps the witness could be told that if the facts which existed before he arrived are not known to him, it might be difficult for him to express an opinion.

Senior member: Let me put it this way.

Q: Given the situation, which you saw at the time you arrived on the bridge, is it your view, then, that it was then at or past the time at which the privileged vessel should take action on her own to avoid collision?

A: I still don't feel, sir, that I can give an opinion inasmuch I don't know what EVAN's movements were nor ours, for that matter, up until the time I arrived on the bridge and this would of necessity, influence my thinking one way or the other.

Q: Commander, were the clocks related to operations and navigation checked after the collision?

A: Yes, sir.

Q: At what time?

A: About ten, fifteen minutes. I wouldn't like to give an exact time. My yeoman checked all the clocks that were relevant at the time.

Q: Against what standard did he check them?

A: He checked them, certainly, against the chronometer, and perhaps against a radio time check, but I would say a chronometer inasmuch as we had a constant record of the chronometer and it could be got at immediately. He checked all the operations, bridge and flying control clocks.

Q: Was there any indication of any error in any of them?

A: I did see the results which were immediately afterwards given to the people collecting the records. I saw nothing more than seconds between the various clocks.

Q: Can you tell us where that record of results may be found at this time?

A: It was handed in with all the other documents, which were considered to be handed in.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q: Could you tell us, please, the name of the yeoman who made the checks at the various times?

A: Leading Airman McIntosh.

Senior member: The board has no further questions.

The witness was duly warned, excused and withdrew from the hearing room.

Counsel for the board (CAPT Robertson): Counsel for the board at this time will call Lieutenant (junior grade) Ramsey.

Senior member: Very well.

Counsel for the board: Lieutenant Ramsey, you recall the oath which was administered to you at the prior session?

LT Ramsey: Yes, sir.

Counsel for the board: You are reminded that your oath is still binding.

LT Ramsey: Yes, sir.

Counsel for the board: Because of the proceedings which took place at that time, I did not have the opportunity to give you the preliminary statement which we are giving to each witness. You recall the specific advice you were given at that time as to your rights. I will give you the additional advice at this time as to the subject matter of the hearing and the nature of the proceedings. Lieutenant (junior grade) Ramsey, 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 its investigation, you are advised that the evidence is being received in open session and the disclosure of classified information is not authorized during open sessions. 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 detail, you should do so advising the board of your desire to amplify in later closed session. Do you understand that?

Lt Ramsey: Yes, sir.

Counsel for LT Ramsey (LT Tilton): Yes, sir. Gentlemen, prior to proceeding I have a request for inquiry if you please. Regarding any testimony Mr. Ramsey may give I would anticipate this testimony would take several sessions. And in view of this as Mr. Ramsey's counsel, I would ask that following each session perhaps we would be entitled to a copy of the testimony for our own review. Would this be possible?

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Senior member: The board will consider this request during its closed session.

Counsel for the board: Is that the only request that counsel intends to make at this time?

Counsel for LT Ramsey (LT Tilton): The only request, yes.

Counsel for the board: Are there any other matters the board should take up in closed session before it closes with respect to Lieutenant Ramsey's testimony, to your knowledge that you wish to bring to the board's attention?

Counsel for LT Ramsey (LT Tilton): I would prefer to have the matter which I just brought up taken care of first.

Senior member: I want to have it understood that I would like to have a closed executive session.

Counsel for the board: At this time the board will be closed. All persons except board members and counsel will leave the room.

The board closed for executive session at 1125 hours, 17 June 1969.

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The board opened at 1330, 17 June 1969.

Counsel for the board: All persons connected with the board who were present when the board recessed, were again present. Let the record reflect that this is an open session and anyone who has been called as a witness or may be called as a witness should withdraw from the board room.

Senior Member: LTG Ramsey, your counsel has requested to review your testimony daily. A prior witness has made an essentially identical request. In both cases we are to some extent limited by mechanics of the production of the written record of proceedings. In both cases the board rules that it will make the written transcript of his testimony available for the review by the respective witness and his counsel at the completion of the witnesses' unclassified and classified testimony so that he may determine if he wishes to add anything. Following this review, each such witness will be given an opportunity to add anything related to the subject matter of the investigation.

LT Tilton: Captain Robertson, at this time as Mr. Ramsey's counsel I would like to make a statement, if I might.

Counsel for the board: With permission of the board, sir?

Senior Member: Granted.

LT Tilton: Gentlemen of the board, Mr. Ramsey and I recognize and appreciate the grave responsibility and extremely difficult task which you have been called here to perform. We also fully recognize and understand the limitations of this board and certainly we appreciate the courtesy and understanding you have extended to Mr. Ramsey, within and consonant with these limitations. Furthermore, it is Mr. Ramsey's very sincere desire to bring forth all the true facts concerning this tragic naval disaster in which so many of his personal friends and fellow shipmates lost their lives, in the hope that such an event might never happen again. Both Mr. Ramsey and I are certain this board recognizes that the truth will prevail and that the true facts will be known and will be made available to the Navies of all free nations of the world. Our own history tells us, however, that the truth can best be reached in an environment in which all the constitutional rights and guarantees of the individual are fully and completely safeguarded. This board on Saturday of the past week, after carefully considering our request and reviewing its own authority, concluded that it was without authority to make testimony of prior witnesses available to me as Mr. Ramsey's counsel and that it was without authority to grant the right to recall prior witnesses, and that it was without authority to grant the right to confront and cross-examine all witnesses. Earlier, this board prohibited the presence of counsel during testimony presented by other witnesses though in fact the public, quite properly, were permitted to attend such sessions. You have also advised Mr. Ramsey that he has been suspected of a military offense of negligently hazarding a vessel. In view of the complex nature of this offense and the total inability of counsel to effectively advise Mr. Ramsey without a complete and thorough knowledge of all the facts, I have accordingly advised Mr. Ramsey that he should not under these present circumstances waive his constitutional rights by making any statement to this board. Mr. Ramsey, after careful consideration and with this advice, declines to make a statement at this time, reserving of course the right to testify before any board or formal body, hereinafter convened which has the authority to grant him his full constitutional rights. We are confident in making this decision that our Australian friends as well as all Americans will understand and appreciate that this decision is fully consistent with both reason and honor, and signifies nothing more nor anything less. This decision is based not on what we know, gentlemen, but rather simply, on what we do not know, but what we in fact must know if we are to intelligently waive any of these rights we all hold so dearly. Therefore, gentlemen, it is respectfully requested that Mr. Ramsey be excused from further attendance of the hearings of this board.

Senior Member: The board will wish to confer with counsel on this request that Mr. Ramsey be excused from attendance in this board and therefore we will adjourn to close executive session.

Counsel to the board: The board will recess.

The board having deliberated in executive session, adjourned at 1800, 17 June, until 0830, 18 June 1969.

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