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WINTER DAY

The board reconvened in executive session at 0830 hours, 18 June 1969. During this session the board reviewed and approved the prior day's transcript and made executive decisions as to future proceedings of the board. At the conclusion thereof, the board reconvened in open session at 1038 hours, 18 June 1969.

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

Counsel for the board. Let the record reflect that this is an open session of the board and that anyone who may be a witness should at this time withdraw from the board room.

Senior Member: At the conclusion of yesterday's hearing the board had before it a request from a witness, Lieutenant (junior grade) Ronald C. Ramsey, U. S. Navy, that he be excused from further attendance. LTJG Ramsey has asked, in effect, to be designated a party to the board's proceedings, an action which this board is not empowered to take.

However, having advised LTJG Ramsey that he is suspected of the offense of negligently hazarding a vessel of the armed services, the board recognizes his right to terminate his interview as to that matter at any time and for any reason.

This right is granted to LTJG Ramsey by the United States Uniform Code of Military Justice, interpretive court decisions, and the U. S. Navy Judge Advocate General Manual. The board will continue meticulously to comply with the mandates of that Code and the Manual in the protection of the rights of all persons who have an interest in these proceedings.

Should LTJG Ramsey later change his position and decide to testify, the board would be pleased to receive his testimony at any time before it completes its present assignment :

At this time the board will proceed to hear the testimony of other witnesses.

Lieutenant (junior grade) R. T. E. Bowler, III, U. S. Navy, was called as a witness for counsel for the board, was duly sworn and testified as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. LTJG Bowler, you have been called as a witness for the 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 that may assist the board in this 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 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 discuss 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 a 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 questions. Would you state your name, grade and present organization?

A. R. T. E. Bowler, III, Lieutenant (junior grade), U. S. Navy, USS FRANK E. EVANS (DD 754).

Q. Was that your organization on the third of June?

A. Yes, sir, it was.

Q. To what duties were you assigned on board USS FRANK E. EVANS on the night of 2 and 3 June?

A. I was the CIC Officer. That was my job on board, I was also the Officer of the Deck on the 20-24 watch on the night of 2 June.

Q. How long have you served as CIC Officer on board USS FRANK E. EVANS?

A. Approximately 13 months.

Q. How long have you been qualified as Officer of the Deck for fleet operations?

A. Approximately 8 months.

Q. Had you had any prior experience on other ships prior to coming to FRANK E. EVANS?

A. My only experience on other ships was on cruises while I was at the Naval Academy.

Q. Inviting your attention to the 2000 to 2400 watch on the second of June, could you state the weather conditions during that period?

A. The sea was calm and the sky was clear. The moon was not out. It was obscured by clouds.

Q. And was that the condition of the weather at the time you were relieved at about midnight?

A. Yes, sir, it was.

Q. Would you name the other officers who were on watch with you at that time?

A. Yes, sir, I was Officer of the Deck, the Junior Officer of the Deck was Ensign Gwae. The CIC Watch Officer was LTJG Murphy and the Assistant CIC Watch Officer was Ensign Pettee.

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Q. Without disclosing classified details, would you state the disposition of the formation at the time you went on watch?

A. When I assumed the watch, the screen was a two layer screen, three ship inner screen, two ship outer screen. However, when I assumed the watch we were proceeding to the astern station, one thousand yards behind MELBOURNE.

Q. Would you state the names of the other units in company at that time?

A. USS JAMES E. KYES, USS EVERETT F. LARSON, HMNZS BLACKPOOL, and HMS CLEOPATRA.

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

A. To my best recollection, it was 185 at 16 knots.

Q. Was the formation zigzagging?

A. At what time was this, sir?

Q. When you assumed the watch?

A. When I assumed the watch, the formation was not zigzagging.

Q. At any time during the watch, did the base course and speed of the formation change?

A. No, sir, to my knowledge it didn't.

Q. You indicated that at the time you were proceeding, at the time you relieved the watch, the ship was proceeding to formation One astern of MELBOURNE. Is that correct?

A. Yes, sir, that is correct.

Q. At approximately what time did EVANS reach its position in Formation One?

A. I would say between 2000 and 2015.

Q. At that time what did the remainder of the formation, the ships in company, do?

A. At approximately 2030, three ships, BLACKPOOL, CLEOPATRA and KYES were broken off. They were detached to proceed to engage exercise units in an exercise that was being conducted. We remained in the station astern of MELBOURNE, and the LARSON remained in formation, although not assigned a specific station.

Q. Was that the exercise we have heard referred to as the SAGEX?

A. Yes, sir, it was.

Q. You indicated that you stayed astern of MELBOURNE; for approximately what period of time?

A. We stayed astern of MELBOURNE, as I remember, quite awhile - during the whole SAGEX, which was a good hour to two hours, - and then, upon completion of the exercise, the other units were told to rejoin and a new screen was set up, and then we proceeded to a new screening station.

Q. Can you describe the new position you took in the new screen?

A. Yes, sir, we were on the starboard wing of a 3 ship inner screen, and there was also a 2 ship outer screen. We were on a bearing from 240 to 280 from the carrier, 3 to 5 thousand yards.

Q. At any time during your watch, did you return to the RESDES station or to Formation One?

A. Yes, sir.

Q. At approximately what time?

A. Again, to my recollection, it was approximately 2230. We were ordered to go to Formation One station a thousand yards astern of MELBOURNE.

Q. How was the signal received?

A. The signal was received via the RT circuit on the bridge.

Q. Was that the primary tactical circuit?

A. Yes, sir.

Q. At that time, do you recall the base course and speed of the formation?

A. To my knowledge we were taking station on his flight CORPEN, which was 180.

Q. At the time, was the formation zigzagging?

A. Yes, I should say immediately prior to our being ordered to station, the formation was zigzagging. However, the OTC came up with a signal which ceased zigzagging.

Q. Without identifying the exact number of the plan, can you give us the source of the plan?

A. Yes, sir, the source of the zigzag plan was OPORD PX 39.

Q. I show you exhibit one. Is that the OPORD?

A. Yes, sir.

Q. And on this occasion, when EVANS went to the rescue destroyer station, how long did it remain in that station?

A. I think approximately 45 minutes. I would say a half hour to 45 minutes.

Q. And on either of the two occasions you have mentioned, was the Captain on the bridge for either all or part of the time?

A. Yes, sir, the Captain was on the bridge but not for all of it. As I said on the first occasion, I assumed the watch while we were on the way there. The Captain was up there and I don't know when he came up to the bridge. However, on the instance when I took it to station the whole way. The Captain was up there for the end of the maneuver. However, I would like to say that I did not inform the Captain until we were well on the way to station because the signal given me was an immediate execute to Formation One, which precludes the opportunity to inform before you start to go to station.

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Q. Is that a normal way to receive the signal - the immediate execute?  
A. No, not for a Form One, it isn't, no, sir.

Q. When did you inform the Captain on the second occasion?  
A. Well, I turned, came around and as soon as I was abaft MELBOURNE's beam, and in my mind safely out of the way of the carrier, past CPA in other words. I called up the Captain and told him we were proceeding towards rescue destroyer station. He came up to the bridge shortly after that.

Q. Had you any prior notice as to the approximate times that you would be ordered to rescue destroyer station?  
A. The OTC, I should say CTF, CTG 472.1, put out a message, I think at least 12 hours prior, which stated the times that MELBOURNE expected to go to flight operations.

Q. Had you seen such a plan for the period of your watch?  
A. Yes, sir, I had.

Q. Do you recall the approximate times that flight operations were called for?  
A. No, sir, I don't. I think one was at approximately 2200, but I can't say with certainty at all.

Q. Do you recall the approximate position of EVANS in relation to the carrier at the time the first - I'm sorry - at the time the second order Form One was received?  
A. Yes, sir, as I remember we were in that screen station, 240 to 280. In other words, we were on the starboard bow of the carrier.

Q. Do you recall, specifically, based on the leg of the zigzag that you were on at the time, that you were on the carrier's starboard bow?  
A. No, sir. As I said earlier, before we were ordered to station, he came up and gave us a signal from ATP 1(A), Volume Two, which said to cease zigzagging and return to the base course, which I remember as 185. At that time we were on the starboard bow of MELBOURNE.

Q. And what maneuver did you use to assume your rescue destroyer station?  
A. I did a U-turn, I came right, away from the carrier, and kept coming right till I steadied on approximately the reciprocal of his course. When I was well abaft his beam and past CPA, I then came further right and slipped in astern of him.

Q. Was either you or the carrier using navigational lights at this time?  
A. The OTC had come up and darkened the ships. The screened ships navigation lights, however, had been left on, and during the maneuver we were at darken ship. However, when I got to station astern we went to a lighting measure which he used during flight operations.

Q. Do you recall where his red and green side lights are placed?  
A. As I remember they were forward of the island.

Q. Upon completion of the second rescue destroyer assignment, did you receive orders to return to the screen?  
A. Yes, sir, we did. I proceeded to the screen again on the starboard side of the carrier.

Q. Do you recall if the Captain was on the bridge at this time, or any part of it?  
A. Proceeding back to screen station?

Q. Yes.  
A. Again, as I remember, he came up towards the end of the maneuver.

Q. Did you call him when you received the signal?  
A. Yes, sir, I did.

Q. Where did you find him?  
A. I think he was in the wardroom, or in his inport cabin. I can't remember.

Q. Did you receive any recommendations from CIC as to courses and speeds to follow in any of the maneuvers you made, either going to or returning from rescue destroyer station?  
A. Yes, sir. I received them for all the maneuvers I made that night.

Q. Did you check the recommendations made by CIC yourself?  
A. Not in every case, but in one case I did, yes, sir. In the other case my JOOD did check the solution.

Q. And what system did you have between yourself, your JOOD and CIC in checking zigzag legs during the period of your watch?  
A. We had the operation order, which you have in front of you, open to the proper zigzag plan and I had my Junior Officer of the Deck, Mr Ogawa, write down on the part of a plastic maneuvering board we had on the bridge, that was permanently affixed to a table on the bridge, the upcoming zigzag plan and the expected courses for approximately the next half hour in advance. CIC would have the courses for the entire zigzag plan and approximately 2 to 3 minutes before an expected course change, CIC would come out with their recommendation as far as time and course. I would check with my Junior Officer of the Deck, Mr. Ogawa, for concurrence. If they didn't concur, then I would look into the problem. If they concurred, then I assumed they were correct.

Q. During the period that you were zigzagging did you have any trouble remaining in your sector?  
A. No, sir.

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Q. At anytime during the watch did you receive the Captain's Night Order Book?

A. Yes, sir, I received the Night Order Book at approximately 2100.

Q. The board understands that book consisted of 3 parts. The standing orders, details as to disposition and so forth, and third part for specific details for the night's operation. Is that a fair statement as to what it contained?

A. Yes, sir.

Q. Could you state for the board any particular recollection as to the features of the third part - the upcoming maneuvers, and the anticipated movements that night and any special instructions for that night?

A. Talking about the third part of the night orders, as you said, there was mention of the upcoming SAGEX and instructions to keep the Captain informed about this and anything that happened concerning the SAGEX. There were also instructions concerning the renewal of zigzag plans, the rules for zigzag plans, when to stop, when to continue zigzagging and so on. There was also a point insuring that you remain five hundred yards away from your screen boundaries so as not to get close to any other screening ships. I think there was a point in there about being prepared for going to rescue destroyer station.

Q. Is it your understanding that EVANS was designated for rescue destroyer during the night of 2 and 3 June?

A. Yes, sir.

Q. Do you recall how you reached that understanding?

A. I believe it was on a message that came out that gave the OTC's intentions for a certain specified period of time, and as I remember we were designated the rescue destroyer ship.

Q. You said, you believe. Is that firm knowledge?

A. No, sir. That's just I think.

Q. Did you discuss the subject with the Captain?

A. Yes, sir. I didn't read the message. On my watch, the Captain read the message boards, and he made some statements to me about that we were rescue destroyer ship again.

Q. Going back to the night order book, do you recall if there were any special instructions as to the Captain's desire to be called during the night?

A. You are talking about part 1?

Q. No, sir, part 3. Were there any special instructions about being called during that particular night?

A. As I remember, sir, the only special instructions about calling him was pertaining to keeping him well informed concerning the SAGEX on the 20-24 watch.

Q. Do I understand that there are standing night orders giving instructions for calling during the night?

A. Yes, sir. There is a 4 or 5 page typewritten instruction.

Q. I've handed you exhibit 13, and ask you if you recognize that as the standing instructions - standing orders covering night orders?

A. Yes, sir.

Q. You'll note that there are certain apparent pen and ink changes, do you attach any significance to those?

A. No, sir. The pen and ink changes didn't appear in the regular night order book. It was just simply the typewritten portion.

Q. Do you have any knowledge as to whether the typewritten portion of this had been modified in any way, by oral or other means, by the commanding officer?

A. I wouldn't say modified, but the rule such as staying 500 yards from your screen sector were pretty standard rules on the ship, although it didn't appear in the standing night orders. I wouldn't call them modifications but an addendum to that.

Q. Had there been any instructions as to...Let me correct that. Had there been any relaxation or changes in the occasions on which to the Captain wished to be called?

A. No, sir.

Q. Would you state your understanding as to the Captain's orders concerning a call in case the ship is called to rescue destroyer station?

A. Not only if the ship is ordered to rescue destroyer station, but, generally whenever the ship was to move from one position to another in any formation the Captain was to be informed.

Q. What method would you, as the Officer of the Deck, use to inform him?

A. Normally, I would call him on the interior phone circuit. He was normally in one of three places. His sea cabin, his inport cabin or the wardroom. That was the normal method.

Q. And what would be his action in such cases?

A. Well, it was dependent. His normal action?

Q. Yes.

A. I would say it depends upon several things, the complexity of the maneuver, the complexity of the formation, whether it was day or night and whether he felt that from what you told him, you knew exactly what you were doing up there.

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Q. Were you obliged to call the Captain for each change of course and speed you made while patrolling your sector?

A. No, sir.

Q. How did you receive that modification to the night orders?

A. As far as I know, it wasn't in the night orders not to call him. You were to call him every time you had a formation course change or for say flight CORPEN. However, the Captain wanted us to patrol station vigorously. It would be an almost impossible task to call him everytime you changed course while patrolling station, because you change course almost constantly.

Q. You indicated earlier that at the time you took rescue destroyer station, the carrier was displaying navigation lights?

A. As I remember, yes, sir, it was.

Q. Were there any other lights being shown by the carrier?

A. With carriers it is sometimes hard to tell whether the lights that are showing...whether they mean to show or not. They have a lot of spaces that light comes out of normally. The MELBOURNE had a large array of red lights on her stern which she showed most of the time at night. I have no idea what the purpose of these lights is. I know they weren't standard navigation lights, but the carriers certainly have different lighting requirements from the destroyers, so they show a lot of different lights at a lot of different times, and it is sometimes hard to tell what they are showing and why their showing.

Q. Did the lights shown by MELBOURNE, in any way, cause difficulty in recognizing the aspect that she might have?

A. No, sir. Well, again I should say it's certainly easier to look at a destroyer with her navigation lights on, and get an aspect, than it is to look at a carrier and, in this case the MELBOURNE, with her lights on. But if you used your binoculars and looked at the MELBOURNE, you didn't have any difficulty in obtaining her aspect.

Q. You are speaking specifically of the night of...

A. I'm speaking of the night of 2 June, yes, sir.

Q. At any time during the 20 to 24 watch, did you receive any time checks from anyone in the force?

A. No, sir, I didn't receive a time check per se. However, during one of the zigzag plans the OTC came out with a signal which means to synchronize all zigzag clocks, which in effect is a time check.

Q. How many times did this occur?

A. Once to my knowledge.

Q. You received certain messages containing numerals in coded form, is that correct?

A. Yes, sir.

Q. How did you handle the decoding of those messages between yourself, the JOOD and CIC?

A. Normally, at least during this exercise, I had the JOOD, Mr. Ogawa, guarding the communication circuits and also keeping the communication log on the bridge. When the signal would come over the numbers in code, he would write it down in the book. I would remove the code sheet from the rack underneath the table on the bridge and he would repeat back the code and then I would go down and break it. Meanwhile, CIC was doing much the same procedure in there, and they would pass it out via the sound powered phone circuit for concurrence with my solution.

Q. Did this procedure result in any discrepancies during this watch?

A. No, sir.

Q. Did you receive any signal by visual means from MELBOURNE during the period of your watch?

A. I don't recall, sir.

Q. In the event that such signals are received by the bridge, how are those signals passed to CIC?

A. On the bridge, and in CIC and on the signal bridge there is a voice box that is called the 29MC. The signal bridge would simultaneously pass it to the bridge and CIC, and the bridge and CIC would both receipt for the signal.

Q. You indicated that the Junior Officer of the Watch was guarding the primary tactical circuit. Was that the entire period of the watch?

A. Yes, sir.

Q. Were you also listening to the primary tactical circuit?

A. Yes, sir. Well, we have speakers on the bridge and when I saw guarding, he was doing the talking. He had the handset and was answering and receipting for any signals that came our way.

Q. But you were listening?

A. Well, we also had it on a speaker and I was listening, yes, sir.

Q. Did you note the quality of reception of the primary tactical network during your watch?

A. I would say that it was good.

Q. Were there any problems with it?

A. With the quality of reception?

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Q. Any problems, in any respect, with the operation of the primary tactical circuit?

A. In my mind there were no problems. However, two task groups were operating on the primary tactical net and when more than one task group gets on a net like that, it certainly has a potentiality for confusion.

Q. Did you have any trouble understanding any messages that were addressed to EVANS or the group as a whole?

A. No, sir, I didn't.

Q. Did you have any trouble having your messages received by the addressees of them?

A. Specifically on the 20-24 watch or in general?

Q. During the 20 - 24 watch?

A. No, sir.

Q. Do you recall whether the formation commenced zigzagging when you rejoined the screen after the second time that you had been to the rescue destroyer station?

A. When, or did it?

Q. Did it?

A. Yes, sir.

Q. Do you recall the approximate time?

A. It was shortly after 2300.

Q. I think you can answer this question in open session. Do you recall the zigzag plan designated?

A. Yes, 13 SIERRA.

Q. Can you recall a base course that was signaled?

A. Again, I believe the base course was 185, but I can't say with any degree of certainty.

Q. Have you had any chance to refresh your memory since the event - by any logs or other things of that nature?

A. No, I haven't.

Q. Do you know from your personal knowledge whether any logs were recovered?

A. No, as far as I know all the radio logs, quartermaster's and CIC Supervisor Log went down with the ship.

Q. Do you recall what the zero hour signal was?

A. Yes, sir, 2300.

Q. Mr. Bowler, please refresh my memory, how long have you been standing Officer of the Deck watches?

A. About 13 months, sir. Fleetwise, about 8 months, sir.

Q. During that 8 month period, have you been involved in either plan guarding or rescue destroyer duties frequently?

A. Quite frequently.

Q. Mainly with what carrier?

A. USS KEARSARGE (CVS 33).

Q. Were there any differences between the procedures used by KEARSARGE and those used by MELBOURNE which would, in any way, affect the safety of the maneuver required of a rescue destroyer?

A. Which would affect the safety, no, sir.

Q. Mr. Bowler, you indicated a familiarity with the SEA SPIRIT Operation Order 169. How did you obtain familiarity with that on board EVANS?

A. I read it.

Q. Were any other means used to familiarize officers of the deck and others with that publication?

A. Prior to the exercise, we had a tactical school in the wardroom, which all officers were required to attend, in which we discussed the exercise. The CO and XO were also there.

Q. Do you recall any other publications that were effective for this exercise?

A. Specifically for this exercise?

Q. Yes.

A. Yes, sir, ATP 1, volume 1 and volume 2, with a certain change number, were effective only for this exercise. There were also other operation orders.

Q. Do you recall a pamphlet called Maritime Operating Procedures?

A. Yes, sir.

Q. And do you recall having seen a small pamphlet called MELBOURNE Escort Handout?

A. Yes, sir.

Q. Do you recall whether that was used in this tactical school which you referred to?

A. As I remember, the MOP was. I don't think the handout was used, because I don't think it had been received on board yet.

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Q. Do you recall when it was received?

A. As I recall, it was either the day before, or the day prior to that - 2 days before the exercise started, which was in Manila.

Q. Did you have an opportunity to review it before you took duties as rescue destroyer?

A. Certainly, it was routed to everyone of the Officers of the Deck, who had to initial that they had read it.

Q. Was a copy on the bridge?

A. Yes, sir.

Q. Going back to the visibility question I raised earlier, you indicated that you could detect MELBOURNE's aspect, as I understand it. This was even though the moon was obscured by the clouds, is that correct?

A. Yes, sir.

Q. Could you give the board an approximate range that you were able to do this with and without binoculars?

A. No, I can't, because I never really attempted to do it without binoculars. In other words, in our station, which was between 3 to 5 thousand yards using binoculars, as I did each time, I had no problem. However, I didn't attempt to do it without binoculars, so I can't say at what range I could have done it.

Q. Do you recall at what time the Captain went to bed?

A. It was just prior to midnight - at about the same time I was being relieved.

Q. Could you state the officer's name who relieved you?

A. Yes, sir, LTJG Ramsey.

Q. Do you recall the particular information you passed on to him about the upcoming watch?

A. About the upcoming watch?

Q. Let me rephrase the question. Can you tell the board to the best of your recollection, the information you passed on to him at the time you were relieved?

A. Yes, sir, I think I can. I sort of gave him a brief rundown on what had transpired during my watch - the SAGEX, going to rescue destroyer station. I told him that we had just recently returned from rescue destroyer station, and that most likely during his watch he would be returning to rescue destroyer station. I then informed him that we were zigzagging. I then went over the operation order and showed him to where I had it opened. Informed him of the base course, base speed, the lighting measure in effect, the communications set up that we have, which was the same that we had used during the entire exercise, and the whereabouts of the CO. I informed him that we were patrolling and that we were patrolling at 2 knots over base speed. I showed him the screen set up, gave him the standard information, what boilers, generators were on the line, and any casualties that we had. I think that is about all I told him.

Q. Were there any aids on the bridge to refresh your recollection of base course, speed and so forth, which were available to you during your watch?

A. Yes, sir. There was a status board on the forward bulkhead of the pilot house on the outside bulkhead of the pilot house, which displayed information concerning your base course, base speed, the OTC, screen commander, bearing and range to the guide when on station.

Q. Did it have the zigzag plan on it?

A. No, sir, I don't think it did.

Q. Who had the conn during your watch?

A. I did, sir.

Q. The entire time?

A. Yes, sir.

Counsel for the board: Sir that is all the questions counsel has at this time on this subject. This witness has something to say as to the rescue operations but very briefly, I was wondering if it might not be appropriate to ask those questions now in order to avoid having to recall him. He is available to recall if the board desires.

Senior Member: The board has one or two unclassified questions.

#### EXAMINATION BY MEMBERS OF THE BOARD

Questions by Senior Member.

Q. Mr. Bowler, referring to your comment that the escort handout from HMAS MELBOURNE was routed to officers of the deck, was it also routed to those officers who were standing or might stand Junior Officer of the Deck watches?

A. No, sir, at least the copy that I saw and initialed was not routed to the Junior Officers of the Deck.

Q. Is it possible that more than one copy was routed to a group of people other than the one you saw?

A. Yes, sir. More than one copy was on board.

Q. You have stated that the Captain's Night Order Book instructed the Officer of the Deck to review zigzag rules or in some manner mentioned the zigzag rules?

A. Yes, sir.

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Q. Could you describe that in more detail?

A. As I remember, the note concerning zigzag rules said, review in your mind the rules for zigzagging. I can't recall whether it gave a reference for you to go to or not, but I'm sure you know there are certain rules concerning zigzagging about the automatic cessation of zigzagging or the continuance of zigzagging. If, say, you go to a new...

Q. The board is familiar with that. In general can you say in what publication or publications you have referred to, during this exercise, in order to review those rules?

Counsel for the board: Before the witness answers the question, I believe the answer he may have to give would be classified.

Senior Member: I think not, if he mentions only the short title of the publication.

Witness: Generally, the publication that would cover this would be ATP 3A. However, during this exercise the same rules were also covered in, I think, in the exercise SEA SPIRIT OPORD. I know they are in one publication, either that or Maritime Operating Procedures. However, it could have been your (COMASWGRUONE) OP ORDER also, sir. I know the zigzag rules were put down in one of the OP ORDERS we used during the exercise.

Q. Mr. Bowler, would you say again what the base speed for the formation was?

A. During my watch it was 16 knots, sir.

Q. During your watch, while zigzagging or while turning together in response to any signals that may have been received to turn together, did you observe any differences from normal or any difficulties in maintaining station on the guide, during or immediately, following the turn?

A. Difficulties in maintaining station?

Q. Yes.

A. No, sir, I had no difficulty in maintaining my screen station. However, I can't recall whether it was on the 20-24 watch. I think it was on my preceding watch. The ship did get out of station once but that was due to my helmsman going the wrong way for approximately 15 seconds. This was enough to get us out about a thousand yards out of station and the MELBOURNE came up and said, "Interrogative your movements". I simply replied that I was returning to station. I believe this was on the morning watch and on the 20-24 watch I had no problems at all.

Q. Mr. Bowler, you mentioned that, to the best of your recollection, some time not long after 2300, during your watch, there was a signal which required you to zigzag or required the information to zigzag?

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

Q. Can you provide any details of that signal in unclassified session?

A. Well, the signal given was a standard signal from the Allied Signal Book, which told you that you were going to zigzag, on what the plan number was and what the base course was for which you were going to zigzag on. This is all the information that is required.

Q. With respect to that signal Mr. Bowler could you give us, to the best of your recollection, what the base course as signaled was?

A. To best of my recollection, it was 185, but I can't say that with any degree of certainty at all.

Q. At the time the signal was received was it your practice to record the base course?

A. Certainly, we recorded the entire signal given in the RT log.

Q. Is there then some procedure to enter the details on the status board that you said was on the port side outboard bulkhead of the pilot house?

A. Normally, the Junior Officer of the Deck would. It was one of his jobs to keep the status board up, not only as far as base course and speed but as to casualties and other things on the status board. That was the normal procedure. But when you got a signal, what you had to do, when you get a thirty second break, was put what the base course was on the status board. However, I can't recall whether that was done prior to my getting off watch or not.

Q. Was the status board referred to when briefing your relief as to the details of the watch and other information?

A. Normally, the status board was referred to as far as the casualties that the ship might have. For instance, a mount being down or something, or some failure of communication equipment. When I relieve the watch I don't particular count on the status board.

Q. With regard to the signal directing the zigzag shortly after 2300, did you report to anyone the receipt of this signal?

A. You mean did I inform anyone on board the ship?

Q. Yes.

A. I don't recall that I did, sir. I know the Captain was on the bridge during this time, I told him we were zigzagging.

Q. Who is the navigator of USS FRANK E. EVANS?

A. LCDR MC MICHAEL.

Q. He is the Executive Officer also?

A. Yes, sir.



Q. Did he require a report on course and speed changes, zigzagging and the like?  
 A. Yes, sir, he did. He required base speed changes, formation course changes and anything that would certainly affect the navigational safety of the ship.

Q. Were these reports made during your watch?  
 A. As far as I know, sir. The normal procedure is to have the Quartermaster call the Navigator and the Officer of the Deck would call the captain. I told the quartermaster to call and I assume he did.

Q. Mr. Bowler, you have stated that you have noticed no particular problem in maintaining your screening station during your 20-24 watch. After you resumed screening station at approximately 2300, did you notice any tendency to drift to any particular part of your sector?

A. No, sir. I didn't notice a tendency to drift. As I remember, I was keeping closer to 3000 yards than I was 5000 yards, but there wasn't a tendency for the ship to drift without it being controlled by myself.

Q. In your ship, Mr. Bowler, were there any prescribed minimum CPA's, closest points of approach to the carrier, when you were moving from screen station to rescue station or from rescue destroyer to screening station?

A. In our orders the CPA to the carrier was to be a thousand yards on his beam and 2000 yards on his bow. In other words, for any reason at all, if you had to cut in front of a carrier, which was frowned upon, you had better be at least 2000 yards away. The normal route to rescue destroyer station, both coming away from him and coming in was a thousand yards. This was the closest you could get.

Q. How were you apprised of that minimum distance?

A. I can't recall whether it's in the Standing Night Orders or not. However, I've been told personally by the Captain before that that's the way it is.

Senior Member: The board has no further questions for the unclassified session.

Counsel for the board: LT Bowler, before the board goes into classified session, you are informed that you are privileged to make any further statement covering anything related to the subject matter of the inquiry that you think should be a matter of record in connection therewith, which has not been fully brought out by the previous questioning. Do you have any such statements?

Witness: No, sir, I do not.

Senior Member: We will recess until 1330.

Counsel for the board: May I advise the witness that he is directed not to discuss his testimony with anyone other than a member of the board or counsel. If any witness or prospective witness attempts to talk to you about his testimony you should advise counsel immediately of that fact.

The board recessed at 1148 hours, 18 June 1969.

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The board reconvened at 1330 hours, 18 June 1969 in executive session.

The board recessed at 1430 hours, 18 June 1969.

The board reconvened in closed session at 1440 hours, 18 June 1969.

All persons connected with the board, who were present when the board recessed were again present. The previous witness, Lieutenant (Junior Grade) R.T. Bowler, III, U.S. Naval Reserve, was recalled as a witness by counsel for the board and testified as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board.

Q. Mr. Bowler, although this is a classified session this room is cleared only up to Confidential. If you have to go above Confidential, will you let us know?

A. Yes, sir.

Q. You indicated Mr. Bowler, that at the time of the.... at the time you went to screening station that your ship was in a sector screen, I believe.

A. On the 2000 - 2400 watch you're talking about?

Q. On the 2000 - 2400 watch we're talking about.

A. Yes, sir, we were.

Q. Could you give the exact bearing and range limitations of that same screen...

A. You're talking about the one where I got off watch when Mr. Ramsey relieved me?

Q. That's correct, at the time you were relieved of the watch.

A. As I remember it was 240 to 280, 3000 to 5000 yards from MELBOURNE. It was oriented on a course of, or I shouldn't say course, but a bearing of 220.

Q. Oriented on 220, would that be ....

Senior Member: With respect to the latter part of the answer, the screen as a whole or EVANS sector was oriented ...?

A. No, sir, the screen was oriented on 220.

Questions by counsel for the board (continued).

Q. Do you recall any specific legs of the zigzag plan you were on, without referring to the zigzag plan, during that period?

A. No, sir.

Q. Between 2300 and 2400?

A. No, sir, I don't.

Q. You have indicated that the zigzag plan was 13 SIERRA, I believe?

A. To the best of my memory, yes, sir.

Q. I'd like to discuss shackle codes with you at this time. How did you handle shackle codes on the bridge? Did you have more than one day's schedule? How did you use them on the bridge?

A. We had the whole month's book out there on the bridge.

Q. How did you find the right day when you got a signal that required use of the shackle code?

A. Well, normally the day you were using - the book was open to that day.

Q. Was there anything marked on the page to indicate what day it was?

A. Oh, certainly. Not anything that the ship itself would put in there, but, as far as.... for instance if it was the third there would be a little "3" at the bottom of the page to tell you that that was the day you were supposed to be using.

Q. Do you recall from your own memory what the effective time of day for changing shackle codes was?

A. At the time of the collision it was 0700.

Q. So what day were you on when you had the watch?

A. When I had the watch we were on day two.

Q. And that would have continued until when?

A. 0700.

Q. 0700 Golf?

A. Yes, sir. We were in minus seven GOLF so ZULU time would be 0700.

Q. So you're saying that the time of change was what time - ZULU time?

A. Oh, well, 0000 ZULU. Excuse me, 2400 ZULU. Midnight.

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Q. With respect to zigzag plans, you have testified in open session as to the effective publications that might be used in determining doctrine. Could you amplify your answer utilizing such classified information that you would like to.

A. Really there is no more amplification. The ATP 3(A) - Allied Technical Publication is Anti-Submarine Evasive Steering. Among other things it contains zigzag plans, not only the basic plans, but the rules governing zigzag plans.

Q. If zigzag plan 13 SIERRA was prescribed, would you have gone to the OPORDER or to ATP-3(A) to obtain the plan?

A. Oh, for this exercise I would have gone to SEA SPIRIT OPORDER, 472's OPORDER and that's the one we used. And as I said this morning, I believe that the PX 39 OPORDER, the one which contained the zigzag plan, also contained the basic rules for zigzagging. In other words, it was pretty self sufficient.

Q. Assuming that it was not self sufficient, was there another publication other than ATP 3(A) that you would have gone to for doctrine?

A. Doctrine strictly pertinent to zigzag plans?

Q. Zigzagging.

A. No, sir, that's the one I would have gone to.

Q. Would you have used ATP 1(A) Vol. 1, under any circumstances?

A. For zigzagging?

Q. Yes, for zigzag doctrine.

A. I never used it before and I'd have to be given a question or a problem to find out. If I couldn't find it in ATP 3(A) then I probably would start looking around and end up with Vol 1. But, I have never run into anything that ATP 3(A) didn't cover for me.

Q. Do you know if, in the course of the instruction in preparation of the Operation, specific reference was made to ATP 3(A)?

A. You mean on the ship?

Q. On the ship.

A. No, sir, I don't believe it was. I can't remember that it was.

Q. You referred to instructions in the Night Order Book to brush up on zigzag procedure. Did it refer you to a publication?

A. I can't remember, sir. It said, review zigzag plans and I can't remember whether it said to go to ATP 3(A) or to the OPORDER of where to go, sorry.

#### EXAMINATION BY THE BOARD

Questions by the Senior Member:

Q. The board has one question, which is simply to clarify the version of ATP 3 that we are talking about. ATP 3(A) has been mentioned here, is that the one in effect? Do you know how long it's been in effect?

A. I'd say somewhat, somewhere in the vicinity of four or five months, if I recall.

Q. What was its predecessor?

A. ATP 3.

Q. In connection with the screen your.... you expressed a view that the screen in which you were formed after the rescue destroyer assignment, presumably about 2300....

A. Yes, sir.

Q. Was oriented on 220. What is the basis for that observation?

A. The basis is strictly, again, my recollection. It is the fact that our sector was from 240 to 280, and the ship next to us had from 240 to 200 and the other had 160 to 220 and I think the - two outer ships had 50 degree sectors also on 220.

Q. I see. With respect to the shackle code, was it the practice to mark on a page when it was no longer effective.

A. Yes, sir. We "X'ed" it out with pencil.

Q. Mr. Bowler, the board has been attempting to establish the base course of the formation with confidence and as you're well aware, sometimes memory doesn't serve 100%. We have acquired a log of the Primary Tactical Circuit which was maintained in MELBOURNE. It covers a series which includes your watch, the 2000 to 2400 watch on the evening of 2 June.

A. Yes, sir.

Q. I'd like to read you some signals from that log and provide you with the necessary documents and ask you to translate the signal into plain language. Now for these purposes we will not ask you to deal with the call sign, but solely with the text of the signal.

A. Yes, sir.

Counsel for the board: May I interrupt right here, sir, to state that Mr. Bowler has for his use ATP 1(A), Vol 1 and 2 through change 4, and the shackle code that the board had independently determined to its belief was in effect for that period.

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Q. Mr. Bowler, if there is any information or publication that you need to decipher these signals we would like you to ask for the information or publication rather than guessing.

A. Yes, sir, certainly.

Q. This entry is at 1559 and all times are in ZULU times. CHARLIE 6 this is MIKE 2 - EXECUTE TO FOLLOW - TURN SHACKLE INDIA HOTEL ALFA ZULU UNSHACKLE TACK SPEED ECHO ECHO UNSHACKLE TACK CALL SIGN JULIET SEVEN ZULU BRAVO 83 FOXTROT JULIET SEVEN OVER.

A. JULIET SEVEN ROGER OUT. Now you just simply want me to look this up and tell you....

Q. I would just like for you to give me a plain language meaning of that signal.

A. It means we have a signal in the air to base course, or turn right with the carrier, to course 220 and speed 18. And we are, I remember, to rejoin the screen. I'll look that up, sir, to be sure. ZULU BRAVO means join, and 83 FOXTROT means the screen.... So when the signal is executed the base course will become 220, base speed will become 18 knots, call sign JULIET SEVEN, which as I remember was our call sign that night. Again, I'm fairly certain of that. Call sign JULIET SEVEN is to rejoin the screen upon execution of the signal.

Q. Would you explain how you arrived at the conclusion that the base course is 220 and the base speed is 18 knots.

A. Well, if he comes - again I'm assuming that CHARLIE 6 is the OTC and MIKE 2 is some sort of collective call sign.....

Q. I believe you have those two reversed. The call up was CHARLIE 6 THIS IS MIKE 2.

A. Yes, sir. I'm sorry, maybe I'm making an assumption, something I shouldn't assume. If this, assuming CHARLIE 6 is collective and that MIKE 2, is an OTC then the group that he is ordering around, whatever the number of units that is, will turn together with the carrier or cruiser, or whatever you want to have it, to 220 and come up or come down to speed 18. Now base course and base speed, at least for the purpose of JULIET SEVEN and figuring out her course back to station, must be 220, speed 18.

Q. Very well, let's go to the next one. The next entry in the log is: CHARLIE 6 this is MIKE 2 - STANDBY EXECUTE - JULIET SEVEN OVER. Would you briefly say what your understanding is.

A. Well, that the preceding signal that you gave me, execute to follow turn couple INDIA HOTEL ALFA ZULU, correction, SHACKLE INDIA HOTEL ALFA ZULU UNSHACKLE TACK SPEED SHACKLE ECHO ECHO UNSHACKLE TACK CALL SIGN JULIET SEVEN ZULU BRAVO TACK 83 FOXTROT TACK JULIET SEVEN has been executed. Therefore, the units, in other words CHARLIE 6, however many units that includes, is to come right together and change speed to 18 knots with MIKE 2 and call sign JULIET SEVEN is to return to screen.

Q. Very well. The next entry KILO EIGHT INFORMATION ZULU FOUR THIS IS WHISKEY TWO. Now you needn't worry about the call signs in working this one out. CHARLIE BRAVO SIX KILO EIGHT OVER KILO EIGHT ROGER OUT.

A. Whiskey two has completed operating fixed wing aircraft.

Q. Very well. Now we come to the next entry. WHISKEY TWO INFORMATION ZULU FOUR THIS IS MIKE TWO. For these purposes you may assume that MIKE TWO is the OTC.

A. Yes, sir.

Q. EXECUTE TO FOLLOW. TURN ZULU SHACKLE JULIET HOTEL UNIFORM GOLF TACK INDIA HOTEL CHARLIE ALFA UNSHACKLE.

A. That was TACK SHACKLE INDIA HOTEL, sir.

Q. No I'll read the entire signal again. EXECUTE TO FOLLOW TURN ZULU SHACKLE JULIET HOTEL UNIFORM GOLF TACK INDIA HOTEL CHARLIE ALFA UNSHACKLE.

A. Sir, the signal means, WHISKEY TWO from the OTC MIKE TWO with a signal in the air, meaning zigzag, in accordance with plan number 13 SIERRA and the base course is 220. So upon execution of that signal you will commence zigzagging using plan 13 SIERRA on a base course of 220. The only....

Q. Does the signal itself carry any information concerning the zero hour for the zigzagging plan?

A. No, sir it doesn't. The time of the signal.... I can look at my watch and say ....

Q. Well, wait a minute. The signal was executed at 1610 ZULU time.

A. Yes, sir. I didn't get that information.

Q. I'm telling you that now.

A. Well, it was executed at 1610 ZULU.

Q. Yes.

A. Then the ZULU time would be, correction, zero time would be 1600 ZULU.

Member (Rear Admiral Stevenson: What was the local time?

A. 2300.

Questions by the senior member (cont'd):

Q. Mr. Bowler, the signals which we have just been discussing were in the log in the time which covered your watch, and as you have just indicated, they directed a zigzag with zero hour 2300, which was in your watch.

A. Yes, sir.

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Q. Do these assist you in refreshing your recollection as to what the base course may have been at that time?

A. Yes, sir, I - using this I would have to say, certainly, with some more certainty than I did before, that the base course was 220.

Q. Do you recall in connection with these signals, these specific ones, whether you received a signal decode from CIC on your watch?

A. Yes, sir. I am thoroughly certain that these signals did come over and I'm also fairly certain that CIC did send them out. On all my watches I always demand they do send them out. If for some reason some signal didn't come out of CIC then I would call in there and find out what the story is.

Q. In other words, by sending them out you mean provide them to the Officer of the Deck or send them out on some other circuit?

A. I'm sorry. I mean to send them out over the sound powered phones for the information of the Officer of the Deck, sir.

Q. Was this practice peculiar to your watch solely because of your own demands or because you were the CIC Officer, or was this standard practice?

A. No, sir, it was a very, very standard practice. Not only because I was the CIC Officer but on every watch that I stood either on the bridge or in the CIC and any watch that I happened to be up in CIC, which was a great deal of the time. Not only my watches, but in CIC because it was my space. The CIC would break, using volume II, any signals that came over and pass out the signals to the Officer of the Deck.

Q. Mr. Bowler, you mentioned in your earlier testimony that there was a restriction on approaching the boundaries of the sectors assigned to your ship.

A. Yes, sir.

Q. Could you say whether this restriction applied to each of the four boundaries or if not, just to which ones?

A. No, sir. As I recall it, it applied to just the bearing limits only. That would make it the sides, let's say, the rectangle instead of the - in other words it applied to the bearing and not range. The only reason I remember, I know the night before, on the bridge, or the night prior to that, they had a box set up, which you had to stay 500 yards from any boundaries. But on this particular night I'm certain it was just 500 yards from the bearing.

Q. Going back to the signals which we have just discussed, what was the practice on the bridge with respect to changing the status boards if the signals such as the last ones we just discussed were received?

A. Normally you wouldn't - say I was going to station like we were going to here. First thing, the most important thing, is to get your course to station, proceed to station and when you get to station and you're on station safely and doing as your doing the things you supposed to do, then worry about changing your status boards and getting your watch caught up. There is a certain priority involved and the changing of the status boards is not the most important thing.

Counsel for the board: Before the board leaves the question of base course, may I ask a couple of clarifying questions?

Senior Member: Yes, I have one more.

Questions by the senior member (continued):

Q. In the event a new base course or zigzag were established as in one of the signals we just discussed, would that result in an entry in any log such as the deck log or quartermaster note book, and if so, who would do it?

A. In other words, say a formation course was changed.... I don't quite understand that Admiral?

Q. Well, according to one of these signals, formation was ordered to carry out a zigzag on base course 220, which you just explained to me.

A. Yes, sir.

Q. Would this result in an entry in any log?

A. Certainly. Well you have got, of course, your RT Logs, both in CIC and on the bridge, which is recorded in this form as I have recorded in. The quartermaster would also enter it in his quartermaster log on the bridge after the officer of the deck would inform him to enter it. And it would also be entered in the supervisors log in CIC.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. Mr. Bowler, the process that the board just went through, of giving you these signals, was not meant to plant new ideas in your mind, but to help you refresh your recollection if possible.

A. Yes, sir.

Q. And I would like to ask you a question to clarify your previous testimony. Do you now have an independent recollection, based on the refreshing, that the base course was 220 or are you relying solely on the signals you have used here? I realize that's a hard question to sort out, but I think it's important for the board to know that so they can sort out in their own minds.

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A. A. Well, before I heard the signals I was .... It's difficult to remember what base course was because a great deal of the watch we were not out in the screen. We were behind the carrier and FLIGHT CORPEN was either 180 or 185, and this base course 220 on my watch I spent a very small portion of it on this course. But I do remember that the screen was oriented on 220 and it's logical that if the screen is oriented on that, the base course should be 220. But I can't and with - that I'm fairly certain that base course was 220. It's hard to say at what mental process I arrived at that conclusion.

Q. If you can't answer this next one, say so. Do you have an independent recollection of the course you passed - of the base course you passed on to your relief?

A. You mean whether I came up and passed that ....

Q. Passed to him either 185 or 220 or some other course. Do you recall specifically which course you passed to him?

A. No, I don't recall except that I know it was - well it was the correct course that I passed on because we went over the zigzag plan and everything. But, again I can't tell you what my exact words were to him.

Q. We're not asking for exact words ....

A. Well, yes, sir. If the base course was 220, I passed that on.

#### EXAMINATION BY THE BOARD

Questions by the senior member.

Q. Mr Bowler, you stated that you recall these signals that we have just gone over. Can you say whether you remember the actual letters used in shackling the numbers?

A. No, sir, I can't. I can't recall the - whether the shackle codes are the ones used. SPEED ECHO ECHO is very familiar, but the other ones are completely foreign as far as recollection if those are the ones we used on the night of 2 June or not.

Q. Going back to an earlier period in your watch, when you were ordered by a Formation ONE signal to leave your screen station and take station behind MELBOURNE, what rudder order did you give as your initial move?

A. As I remember, sir, I gave right 15 degrees rudder.

Q. Would you briefly describe the considerations which led you to this order.

A. Well a - I was going approximately 16 to 18 knots. I wanted to ensure that I didn't, say, whip around on - or come around too far on - MELBOURNE and end up heading towards her so I gave a smaller rudder angle than you would normally give in maneuvering. It's a situation where - if I'm here sir, and the MELBOURNE is here, the relative movement is getting abaft her beam which is what I want before I can really move into the stern of her. In my mind there is little reason to come around with a hard rudder and get around to her reciprocal just to stay here. By the time I get around normally, the MELBOURNE was - I was abaft her beam and it was a simple matter to come around.

Senior member: Understood.

Counsel for the Board: May I interrupt.

Witness: Plus the fact that we were streaming VDS, and if possible you don't like to use a heck of a lot of rudder with that.

Counsel for the board: May I interrupt to state for the record that the witness, with his hands, indicated the position of his own ship on the starboard bow of the MELBOURNE. Is that correct?

Witness: Yes, sir, that is correct.

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

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. What were the restriction in effect on the EVANS as far as use of rudder when the VDS was streaming.

A. There were none. You could use as much as you wanted except there was no real reason to use full rudder while you had it streamed and take the chance of something going wrong. But there were no restrictions. If you needed the rudder of the speed, then you could use them. It was just - they advise you not to back down with VDS streaming.

Q. Mr Bowler, before closing your testimony, you are given the opportunity at this time to state in closed session such additional matters that you think should be brought to the attention of the board in its investigation of this matter as have not been brought out in the questions of the board. Do you have any such statements.

A. No sir, I do not.

Counsel for the board: Very well, the board will recess for ten minutes.

The board recessed at 1525 hours, 18 June 1969.

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The board reconvened at 1546 hours, 18 June 1969.

All persons connected with the board, who were present when the board recessed, were again present. Lieutenant (junior grade) Bowler III resumed his seat as a witness, reminded that he was still under oath and was examined as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. Prior to going into the classified session, I indicated to you that the board would have several questions concerning the immediate events following the collision.

A. Yes, sir.

Q. Would you state where you were at the time of the collision?

A. Sir, I was in my stateroom, which is in the after part of the ship. I was sound asleep at the time of the collision.

Q. What is your first recollection of what happened?

A. My first recollection is hearing a loud ungodly noise and a lot of loose gear that I had in my room, my books and everything, flying around, I was almost thrown out of my rack.

Q. What did you do then?

A. Well, I was completely disorientated as to what had happened. I had thoughts of either running aground or being hit by a torpedo or something like that. I really didn't know. All the lights were out with the exception of our two battle lanterns in after officers. The first thing I did, of course, was get up. Mr. Murphy, who was in the stateroom next to me, was yelling, "Go to your Q station," and that seemed like a real good idea. The first thing I looked for was my trousers which weren't where I had left them. The only thing that I could remember was that if I ever had to go over board it would be a good idea to have my trousers to use as a life preserver. I finally secured a pair and went outside to the starboard side of the main deck. I went forward with the intention of going to my General Quarters Station, which was located in C1C, and turned forward and saw that the forward part of the ship wasn't there anymore, I also saw the MELBOURNE. At that time I was more or less awestruck, I really didn't know what had happened and I went back to the fantail.

Q. Who was in charge on the fantail?

A. Lieutenant Dunn, and Lieutenant (junior grade) Covert.

Q. Who was the senior?

A. Lieutenant Dunn.

Q. What measures did he take to organize the persons on the fantail?

A. Well, he cautioned us all against panicking, and told us the ship was not going to sink and that we were going to get off of it. He directed several people to do several different jobs. For instance, he told me to make certain the life rafts on the starboard side of the ship were cut loose and put into the water so that we would have a method of removing the injured. The few injured personnel that we did have were moved back on the fantail. That was our first worry. If the ship happened to go down, we wanted to make sure the injured people had a way of you know, staying afloat. I directed Gunner's Mate Second Class Lester to go and get those life rafts down and he gathered up about four or five people. He went and took the life rafts down and put them in the water. Also Lieutenant Dunn told people to make sure we checked through all the spaces, and make sure that no one was knocked unconscious during the collision and still down there. Which we did. He also directed the setting of Condition "Zebra" to ensure that the ship didn't sink.

Q. Did there appear to be any panic or confusion?

A. No, sir. Everyone - looking back on it it was amazing - everyone did their job very well. The enlisted personnel didn't try to use or usurp any authority. Didn't panic at all and did exactly as they were told to. The officers took charge, got the jobs that had to be done - the immediate jobs. For instance, getting the life rafts off, getting the injured people out in the open on the fantail and setting Condition "Zebra". The officers directed those jobs and they were done in a timely manner.

Q. What action was taken with respect to life jackets?

A. The majority of the life jackets were forward. However, there were some others back in Mount 53, the after mount. Someone went back and and threw them out on the main deck. Lieutenant (junior grade) Hiltz, the Weapons Officer, I believe, went up to the Dash hanger, which is located on the next deck up. There was some life jackets up there. He went up there and started throwing those down. I think that by the time we got off the majority of the people had life jackets.

Q. In your opinion, were the efforts well organized and effective?

A. Oh certainly, yes, sir. Very well organized, which surprised me.

Q. Was there any particularly outstanding performance by any individual?

A. That's difficult to say, sir. Everyone did their job in the finest sense of the word and I didn't note any heroism, at least to me that seemed heroism. In the after part of the ship the people were not panicky. They did exactly what they were told to do, took care of the injured, and we got off there very quickly. So in other words, I really believe that the best way to describe it is that everybody did their job.

Q. Were you injured?

A. No, sir, I wasn't. No injury at all.

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Q. How did you get off the stern section?  
A. I climbed up from a ladder from our main deck to MELBOURNE's quarterdeck, I think they refer to it as, which is not their flight deck, their main deck.

Q. Do you have any other observations with respect to post collision matters which you would like to bring to the attention of the board?  
A. No, sir, I don't.

Counsel for the board: No further questions here, sir.

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

Counsel for the board: Lieutenant Bowler, at this time you are again advised that you have the right to bring out any matters that have not been brought out pertaining to the investigation by previous questions. You have a privilege at this time to make a statement on those matters which you think should be in the record for the board and pertaining to the board's investigation. Do you have anything further to state?

A. Yes, sir, I do. With respect to my testimony concerning the base course of the formation when I was relieved by Lieutenant (junior grade) Ramsey at approximately 2400. During the closed session I went over some of the tactical signals that were given to the formation that night and I can say that I am almost certain when I was relieved by Lieutenant (jg) Ramsey, at approximately midnight, that the base course of the formation was 220 degrees true.

Counsel for the board: As a result of that statement, does the board have any further question?

Senior Member: No questions.

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

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

Counsel for the board: Lieutenant Murphy, you have been called as a witness for this investigation which is inquiring into the circumstances surrounding the collision of HMAS MELBOURNE and USS FRANK E. EVANS because it is understood that you may have evidence that will 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 that you are asked requires 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 such 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 later in closed session. Do you understand what I have said?

Witness: Yes, sir.

Counsel for the board: You are also advised that 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?

Witness: Yes, sir.

#### 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 Lieutenant (jg) Donald L. Murphy.

Q. And your grade?

A. Lieutenant (jg), sir.

Q. And your organization?

A. United States Naval Reserve.

Q. To what unit were you assigned on the night of 2 and 3 June?

A. USS FRANK E. EVANS (DD-734), sir.

Q. Is this your present organization?

A. Yes.

Q. What were your primary duties on board EVANS?

A. I was the prospective Communications Officer. I assisted the Communications Officer in all his duties.

Q. How long had you been on board EVANS?

A. I had been aboard FRANK E. EVANS since 28 April 1968.

Q. Have you had any previous duties in the Navy other than indoctrination, training and so forth?

A. No, sir.

Q. Were you assigned to a particular watch on the evening of 2 June?

A. Yes, sir.

Q. What watch was that?

A. I had the 20 to 24 watch in the Combat Information Center.



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Q. Who else was on watch with you in CIC?

A. I had one other officer, Ensign Dwight Scott Pattee and a watch of eight enlisted men.

Q. Would you state the present whereabouts of Ensign Pattee?

A. Mr. Pattee went down with the forward portion of the ship.

Q. Mr. Murphy, without disclosing classified details, could you state the basic situation of FRANK E. EVANS at the time you relieved the watch in terms of base course, speed, disposition and so forth?

A. Yes, sir. When I relieved the watch at approximately 1945, I believe the base course was 220, although I am not really quite sure. It was in that general vicinity. The base speed was, I would say, 16 knots. We were in a screening station ahead of MELBOURNE along with four other destroyers.

Q. In general terms, what was EVANS' screening station?

A. We had an area patrol station, I would say, on the starboard bow of MELBOURNE.

Q. At the time was the formation zigzagging?

A. Yes, sir, I believe it was.

Q. And your answer, "on the starboard bow of the MELBOURNE", do you tie that to the base course or a particular course?

A. I considered that to the base course.

Q. Do you recall the zigzag plan in use?

A. Yes, sir. Zigzag Plan 13 Sierra.

Q. From what document was that zigzag plan taken, if you can recall?

A. In general the zigzag plans are taken from ATP 3(A). However, it was also paralleled in the CTF 472 OpOrder.

Q. In this particular case on the night of 2 June where did you take the zigzag plan from?

A. In Combat I was using CTF 472 OpOrder.

Q. Do you recall whether EVANS was directed to take any particular position or station during your watch other than the station you just described?

A. Yes, sir. Shortly after I relieved the watch we were ordered to a station astern of MELBOURNE for rescue operations during flight operations.

Q. Do you recall approximately what time you arrived on station?

A. I can only give a guess, but I would estimate shortly after 2000, 2010 - in through there. That is a guess on my part. I don't recall exactly what time.

Q. Do I understand that all your testimony is solely from your recollection, that you have no documents before pertaining to this matter?

A. Yes, sir, that is correct.

Q. Was it your practice, when EVANS received a signal, such as that to take rescue destroyer station astern or "Formation One", for CIC to recommend courses and speed to the bridge?

A. Yes, sir.

Q. Do you recall whether that was done in this particular case or not?

A. Yes, sir, it was.

Q. Do you recall the particular maneuver that was used by FRANK E. EVANS to take station?

A. Yes, sir. We turned right and passed down the starboard side of MELBOURNE.

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

A. No, sir. I would assume that she was on base course at the time - base course and speed.

Q. Do you know whether zigzagging was stopped or not for that maneuver?

A. It was stopped.

Q. Would you state how long EVANS remained in the rescue destroyer position astern of the MELBOURNE during the event?

A. In that particular "Form ONE" we remained for a considerable length of time. I would estimate that it was in excess of an hour. I would say it was around an hour and a half.

Q. And during that time do you recall the courses and speeds steered by MELBOURNE?

A. No, sir. I believe she resumed the zigzag plan using the previous base course.

Q. Upon completion of your duties as rescue destroyer for that event, what action was EVANS directed to take?

A. EVANS was ordered by MELBOURNE to resume station ahead of MELBOURNE.

Q. And what station did EVANS take?

A. We took the station that we previously occupied.

Q. And, in doing that maneuver, did CIC recommend courses and speeds to the bridge?

A. Yes, sir, we did.

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Q. During your watch was EVANS directed to return to rescue destroyer stations?

A. Yes, sir. Later on in the watch. Again, I would estimate approximately 2230 or in through there we were ordered to take rescue destroyer astern of MELBOURNE.

Q. And how long did you remain there this time?

A. Approximately a half hour.

Q. And upon completion what were you directed to do?

A. We were again directed to resume our previous station ahead of MELBOURNE.

Q. The same screening station?

A. Yes, sir.

Q. And do you recall whether or not the base course and zigzag plan had changed during this period?

A. No, sir. During my entire watch I believe we used the "13 Sierra" and base course had remained the same. The only alteration in course other than the zigzag plan was the carrier turning to their flight course.

Q. Do you recall what that may have been?

A. I believe the flight course was in a southerly direction, 180 or 185, in through there.

Q. What was the procedure for controlling the Primary Tactical Net on board EVANS. Was it controlled on the bridge or in CIC?

A. The Primary Tactical Net was controlled on the bridge. CIC had a speaker and we copied everything that came over the Primary Tactical Net in CIC along with the bridge copying.

Q. In addition to copying, did you take any action on messages received?

A. Yes, sir. Every message that came over the Primary Tactical Circuit, Combat Information Center sent out an interpretation as to what the signal meant.

Q. In addition, did you give the bridge advice as to action it could take on such signals?

A. Yes, sir. Any signal that required action on the FRANK E. EVANS part we interpreted the signal and recommended an action.

Q. How did you communicate with the bridge?

A. We communicated with the bridge primarily using the sound powered phone, the JL phone. A radar man in Combat was on our end of the phone and a man on the bridge was on the other end.

Q. Are there any other stations manned on that circuit?

A. Yes, sir. The lookouts are also on that circuit.

Q. Would you state the procedure used in CIC for decoding messages in which the numerals are coded - tactical signals I am talking about?

A. Anytime a signal came over the primary tactical or any tactical net for that matter, we always broke them down in Combat and sent out their meaning to the bridge.

Q. In case there was a difference of opinion as to what it meant, what would you do?

A. Both the bridge and combat would check to see, double check, break it again, and if we still came out different, I would say that what we would do is make sure that we copied it right - that we came up with the right message.

Q. Do you recall whether such a disagreement occurred during your watch?

A. No, sir.

Q. By that you mean you don't recall or that no such disagreement occurred?

A. No, sir, no such disagreement occurred.

Q. Would you indicate the procedure for zigzagging....let me start over. Would you indicate the procedure in effect during your watch for determination of proper zigzag courses?

A. Well, when we were ordered to commence zigzagging we immediately broke out the proper publications. In my case, I used CTF 472 OpOrder at the proper page. We would make a listing of courses and times based on that particular order.

Q. What would you make that listing on? Was there a status board?

A. No, sir. I would, when I was on watch, just use the pad of paper, while one radar man on watch would sit right next to the JL talker with the publication with a clock handy, and he would make a list of courses at the particular times. Therefore, he was able to make recommendations to the bridge.

Q. How were the times checked with the bridge?

A. First of all, when a zigzag plan was commenced immediately, we had to tell them which course was the first course.

Q. Tell who?

A. Pass it over the JL circuit to the bridge.

Q. Yes.

A. What is the first course of the zigzag plan. Then, after that course has been executed or the carrier has turned to that course, the RD - radarman - in combat would pass out to the bridge the next course, at time such and such will be.

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Q. What I am referring to is synchronization of clocks. Was there any synchronization of clocks between, not only between MELBOURNE and EVANS, but between bridge and CIC?

A. Yes, sir. MELBOURNE came up with the tactical signal to synchronize the clocks when the zigzag commenced.

Q. Do you recall whether that was done on each occasion the force began zigzagging?

A. It seems to me that it was. Yes, sir.

Q. And would both bridge and CIC synchronize their clocks to your knowledge?

A. Yes, sir. I did it in CIC and I have to assume that the bridge also did it.

Q. What plots were being maintained in CIC during your watch?

A. We kept a plot or diagram of the screening situation. In other words, which ships were in which station, where the guide is and where our station is. Also, on that same plot we would have information, for example, base course, base speed and zigzag plan, in effect.

Q. Was that plot maintained on the face of the radar scope or on some other type of equipment?

A. No, sir. It was maintained on a plexiglass board.

Q. In addition, was anyone keeping a current status plot using the face of the radar?

A. Yes, sir.

Q. Who did that?

A. The radarman sitting at the scope used a grease pencil to plot ships on the scope.

Q. What did he do in case he saw a dangerous situation developing? Or what was the ship's practice I should say?

A. His instructions were upon seeing a dangerous situation developing to immediately notify CIC Watch Officer and call his attention to it.

Q. To your knowledge was that ships' doctrine or was that peculiar to only your watch?

A. As far as I know that was standard practice.

Q. Was the DRT in use?

A. Yes, sir, it was.

Q. What was being plotted there?

A. On the DRT we plotted the navigational picture plus various other information that would come in to Combat over our circuits in there. For example: possible simulated enemy attacks, direction, etc.

Q. By whom were you relieved at about 2400?

A. I was relieved by Ensign Allan Armstrong, approximately 2345.

Q. Do you recall the information you passed on to him as to base course, speed and zigzag plan?

A. Yes, sir. At 2345 we were again in station ahead of MELBOURNE. I described the limits of the situation to Mr. Armstrong, Base course and speed at the time, as I recall, was 220 at 16.

Q. Were there any status boards in CIC on which these items were recorded?

A. Yes, sir. That information is on that status board which I previously spoke of.

Q. And whose duty is it to maintain the status board?

A. Well, the responsibility is that of the CIC Watch Officer. However, he delegates it to the supervisor or RD on watch who keeps it up.

Q. Is it your belief that the information on the status boards was up to date at the time the watch was relieved by the 00 to 04 watch?

A. Yes, sir.

Q. Was it practice on board EVANS for the CIC Watch Officer to read the Night Order Book?

A. Yes, sir, it was.

Q. Do you recall any particular instructions for the night of 2 and 3 June in the Captain's Night Order Book?

A. In the Night Order Book we had the basic information down on the screening situation, base course and speed as of the time that they were written. I can't recall any particular comments other than the basic information screening stations manned, base courses, base speed and zigzag plan.

Q. Do you recall whether you had seen a message or any other directive which indicated that EVANS would be plane guard or rescue destroyer during the night of 2 and 3 June?

A. No, sir. I don't recall such a message.

Q. Were you under the impression that the EVANS had that duty for that night?

A. Since we were ordered to plane guard station twice and we were the only ship that was ordered, I was under that impression.

Q. To your knowledge, what is the procedure for the bridge to pass visual signals to CIC?

A. When a visual signal is received by the signal bridge, the signal bridge also informs combat of the signal.

Q. How do they inform combat?

A. They use the 21 MC unit.

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Q. Do they do it at the same time they inform the bridge or two separate messages?  
A. No, sir. They use the same message. They just call up both bridge and combat.

Q. Do you recall receiving any messages from the signal bridge during the course of your 20 to 2400 watch on 2 June?  
A. No, sir, not in particular.

Q. To your knowledge, were all tactical signals received over the primary tactical radio net?  
A. Yes, sir.

Q. Whose responsibility was it to set up the next day's encoded voice call signs and pass them on to the watch - to the relieving watch?

A. We had all the voice call signs that we would be involved with set up before we went out on the exercise and they wound up in a pad in combat.

Q. For everyday of the operation?  
A. Yes, sir.

Q. What happened to the ones for the days that had already past?  
A. They were torn off the pad and put in a burn bag I assume.

Q. At what time did the new day's call call signs come into effect?  
A. We were using Zulu time so it was, on that particular day it was 0700.

Q. But what time Zulu time?  
A. 0001 Zulu.

Q. Do you know who had prepared the call signs for the entire operation?  
A. Not in particular, but it was one of the RD's.

Q. Were each day's call signs on a separate sheet?  
A. Yes, sir.

Q. If you have answered this question, I apologize, but I'll ask it once more. Do you recall the base course and speed that you turned over to your relief at the time you were relieved?

A. I would say again, I am not absolutely sure of it. However, it's 220 at 16 knots. It seems right.

Q. During your watch did you have the effective flying schedule for MELBOURNE?  
A. I do not recall seeing it.

Q. Did you expect the flying operations at the time that they occurred during your watch?  
A. Not at the particular time, no, sir.

Q. Do you recall whether you had the effective OpGen Alfa message for the period 02 0800 to 03 0800?  
A. Yes, sir, I do.

Senior Member: I have a question:

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Did the OpGen Alfa designate the rescue destroyer for that period to your recollection?  
A. Not that I recall. No, sir.

#### EXAMINATION BY THE COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q. What flight information was passed by MELBOURNE over the CI net?  
A. Over the CI net?

Q. Yes.  
A. I don't recall MELBOURNE passing any flight information.

Q. Do you recall receiving any flight information on any net other than primary tactical?  
A. No, sir.

Counsel for the board: Counsel has no further questions in open session nor in closed.

Counsel for the board: Would the board like to examine this witness in a classified session?

Senior Member: The board has no further question as to this witness in either open or closed sessions at this time.

Counsel for the board: Mr. Murphy, you are informed that it is your privilege to make any further statement covering anything related to the subject matter of the investigation that should be a matter of record in connection therewith, but which has not fully brought out by previous questioning. Do you have anything to say at this time?

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Lieutenant Murphy: No, sir.

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

Counsel for the board: Sir, the board will recall that when Commander McLemore was excused earlier, there was no opportunity to conduct an examination of him in a classified session. Counsel felt that this is an appropriate time to do that. It logically follows the evidence the board has heard and it recommends the board go into closed session at this time for the purpose of hearing classified testimony from Commander McLemore.

Senior Member: Make it so, please, counsel.

The board closed at 1630 to go into a closed session.

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The hearing reconvened at 1632 hours, 18 June 1969.

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

Senior Member: The hearing is open.

Commander Albert S. McLemore, a witness for the counsel for the board entered, was reminded of his previous oath and of the classification of the hearing and testified as follows.

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board:

Q: CDR McLemore, it's been so long since we have seen you maybe we should set the stage a little bit again. On the evening of 2 - 3 June would you recall for the board your recollection of the basic situation in which MELBOURNE and her task group were at when you retired?

A: Yes. We were steaming on a generally southwesterly course in a normally called sector type screen, advanced type anti-submarine screen, with my station on the right wing of the inner screen, with BLACKPOOL and CLEOPATRA in that order to my left. The LARSON was in an advanced screen position, 8 to 10,000 yards I believe ahead of the guide, on the right wing, and KYES on the left wing. It was sort of a 2, 3, 1 defense if you would like to call it that.

Q: Do you recall the base course and speed?

A: As I recall the base course was 220, base speed 18.

Q: Speed what?

A: 18. Of course - -

Q: Was it - -

A: I was not on 220 very much because we were not only zigzagging but patrolling station, and I was at a speed other than base speed to patrol.

Q: Would you indicate the zigzag plan in which you believe was in effect?

A: 13 SIERRA, sir.

Q: And from what publication was that taken?

A: That was taken from the MOP, Maritime Operating Procedures, applicable to this exercise.

Q: Before you give a final answer to that question, would you like to briefly review the OPORDER and the MOP?

A: Yes, I would, and I would like to change my answer. If the board please, the publications which I had, I had to return to other ships so I am now at this point with my briefcase without any background information.

Senior Member: Fully understood, Commander.

A: The zigzag plan is contained in FOCAF's OPORDER 1-69 and if you would like me to refer to that portion, I will.

Q: Would you refresh your memory to insure that your information as to 13 SIERRA is correct?

A: 13 SIERRA is correct.

Q: Do you recall the zero hour?

A: No, sir, I don't. For that particular plan I don't recall it.

Q: Do you recall instructions in your Night Order Book as to familiarization, as to the duty of OOD's to familiarize themselves with the zigzag doctrine?

A: Well, this is... In the Standing Night Orders the OODs are required to familiarize themselves with the zigzag plan in effect.

Q: I'm referring specifically to doctrines from particular publications as to the meaning of zigzag signals, how to resume and stop zigzagging and so forth?

A: No, sir. I don't specifically recall if this was in the Night Orders for that night.

Q: Do you recall whether you had given any instructions at anytime to OODs and other watch standers on that subject?

A: I can't answer that. The senior watch officer in the ship is responsible for the conducting of instruction periods for OODs, along with our Executive Officer as Training Officer. I would like to say, yes, I know this was done but I can't answer it definitively.

Q: Had you issued any particular instructions to your OOD's as to the manner in which they should patrol their sectors?

A: As to the manner in which they should patrol?

Q: As to particular moves they should use or should not use, the vigor which they should patrol and so forth?

A: No. I don't... I can't recall if I had given specific directives on this subject. We had been doing such a patrol screen for a long time in preparation for this and also doing previous operations with KEARSARGE. And sector patrol screening is something that a great many of the Officers of the Deck had not been familiar with. And I spent a great many hours on the bridge with various OOD's showing them my thoughts on sector screening.

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EXAMINATION BY THE BOARD

Questions by the senior member:

Q: With respect to that last question, are you saying that it was unfamiliar to Officers of the Deck as they entered exercise Sea Spirit or at some prior time?

A: Some prior time, Admiral. I think when we entered Sea Spirit we fully understood sector screening and knew how to do it. The rules as to sector screening, as to what speeds to use, how much of a course variance to use or how much of a course offset to use, are not clearly written. They are dependent on many things, sea state, sonar conditions, base speed, and then it sometimes comes down to the fact that in a sector screen you simply don't patrol anymore.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: Do you recall the specific limiting boundaries of your sector?

A: If I may have a moment, sir. I believe my sector limits were NOVEMBER PAPA, which would make it 40 degree sector, 240, no, 220 to 260. I would have to refresh my memory from the book on that one.

Q: I show you a plotting board marked Exhibit 25. It does not come from your ship, I recognize that. Does it in general picture the screening disposition and specifically the position of EVANS?

A: Generally, yes, exactly, no. As I said, as I recall, my sector limits were NOVEMBER PAPA which would be, I'm sorry, 240 to 280. This does not show that exactly. These sectors can be divided into 5 degrees so a degree area is significant.

Q: CDR McLemore, there has been some indication that during the course of Sea Spirit, from the time from sortie from Manila, the screen disposition had been changed on several occasions. Do you recall such changes?

A: Well, I'm not sure I understand your question. Of course, anytime base course changes, the screen disposition is going to be changed. Are you talking about the screening - the relative position of ships or screening concept?

Q: I perhaps didn't make my question clear. I'm really referring to a basic change in the nature or type of screen in use, from say a single line to a screen in depth or something in that nature?

A: Yes. When Sea Spirit first started out, when we sortied from Manila, the initial screen was a four ship ahead bent line sector screen and one ship astern. This was in general the same type of screen which DESRON 23 had used with ASW Group ONE many times, primarily to - I should say particularly at night. The Captains and the Commodore had gotten together on many occasions to discuss screening from the standpoint of effectiveness, safety, basically the best way to screen in a wide range of situations. And there were certain factors which were taken into consideration as to the type of threat, for example, that we might encounter. As to whether or not a rescue destroyer might be required. And the Squadron Commander had developed a screening plan - I think I should say we, the Captains and the Squadron Commander had developed a screen concept for the squadron, which had been placed in effect at the outset of sortie from Manila. It was changed.

Q: And what was the change?

A: To greater depth. In other words, a two line screen and the rescue destroyer was taken out of the position in the rear and put into the screen forward or on the wing.

Q: In your opinion did this create any severe handicap for a ship which might be designated as rescue destroyer?

A: A severe handicap?

Q: Did it create any additional risks for a rescue destroyer?

A: Well, I think that - my personal reaction to it and this is a personal reaction, was not one of great concern. We had discussed the - or we had in detail discussed the assignment of rescue destroyers, particularly at night, and the squadron plan was to have a ship in a screening station astern detailed as a rescue destroyer so that he did not have to move from position ahead of the carrier to a position astern of the carrier. But this was a plan that was in effect, I think primarily in DESRON 23. I can't say that unilaterally, but I think it was - that we were the ones who were looking at it the hardest.

Q: Did it cause you any great concern?

A: No. No, I don't think it did. I think I would have been a great deal more at ease with a rescue destroyer in astern because in this way this ship always knows who he is and can plan for the rescue destroyer job a great deal better.

Q: Could you refresh the board's recollection as to whether you knew you were designated as rescue destroyer on 2 and 3 June?

A: To the best of my recollection I did not know.

Senior Member: That answer requires a little clarification. Surely you knew on the occasions when the ship was so stationed.

A: Well, I had, as previously testified, gone into rescue destroyer station.

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Senior Member: That's what I mean.

A: But there are many factors which might determine the ship to go into rescue destroyer station, and I don't believe that any preset plan necessarily need be followed, particularly if it puts the ship into a bad situation for going in. I wasn't necessarily surprised to go in earlier, because it looked like I was in a good position to go in.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: But, do I understand your answer to say that you had received no message designating you as rescue destroyer, to your knowledge?

A: To my knowledge, I had not received the message, although I know in retrospect that such a message did exist. I saw it after the fact.

Senior Member: For the record, counsel, that answer still doesn't seem to say really what the question intends to elicit. The difference I am concerned about is we should try to separate designation as rescue destroyer for a particular flying operation on the one hand, from the notification that for a particular period of time, a ship is so designated for any and all flying operations that may come up during that time. And I believe that latter...

Counsel for the board: That's correct. To correct any erroneous impression that may have been created.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: I understand your answer, sir, that you had not received a message designating you or notifying you that you would be designated as rescue destroyer for a particular period of time, say from 0800 to 0800, is that correct?

A: That's correct, sir.

Q: During that period between the replenishment at sea on the afternoon of the second of June and the time you retired, had you been specifically designated to take rescue destroyer station at that time?

A: Yes, sir.

Q: Do you recall how many times?

A: I think I testified previously that it was one, and that's what I recall.

Q: Did your Night Orders normally include base course and speed?

A: Yes, sir, they did.

Q: If known at the time you retired?

A: Yes, sir, they did.

Q: Is that in the part prepared by you or in the part prepared by the Executive Officer?

A: Well, I think that to clarify that, the Executive Officer, as Navigator, normally prepares the Night Orders including any remarks. And if I have additional remarks I add them on. But, normally, in the great many cases, I don't have additional remarks, and simply sign them and add the time I want to be called.

Q: Do you recall if you were on the bridge or in CIC of EVANS at about 1800 on the 2nd, 1800 GOLF?

A: No, I don't recall, 1730 was the normal meal hour. I simply can't say.

Q: When you testified earlier that you were aware of a message which indicated that someone had been designated for the rescue destroyer duty, that you had not to your recollection received that message. Was that an OPGEN ALFA message designating you or some other ship?

A: The - possibly I might go back, if I might on this.

Q: Maybe I am confused on this. Could you do that?

A: Yes. Of course in the loss of the forward section of the EVANS, all of our communications files were lost. The bridge ready reference files were lost. Essentially anything that would aid in reconstruction was lost. The one message board that was not lost was that maintained by the Operations Officer in his stateroom. And of course this board could have contained any and all of the messages which were received by the ship, but normally contained those of a lasting interest to him. Since an OPGEN ALFA was a 24 hour type message I wouldn't have logically expected him to hold that on that board. I then asked the Communications Officer - Assistant Communications Officer, I'm sorry, to see if he could round up for me any of the particular messages that were in effect for that night.

Q: This was after - -

A: Yes, sir. This was after we had got into Subic Bay, as a matter of fact. And he picked up a copy of the OPGEN ALFA from KEARSARGE.

Q: And what ship did that designate as RESEDES?

A: That designated BLACKPOOL as RESEDES.

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Q: Now, do you recall - do you have any information on a subsequent message, perhaps from the screen commander which designated you as RESEDES destroyer?

A: No, not to my recollection, sir, I don't.

Q: Either before or after?

A: No.

Q: You indicated that the Officer's message board was recovered. Is that among the documents which are available to the board?

A: To be perfectly frank, Captain, I don't know. We have been going through an awful lot of material, getting rid of classified material, which I think is an understandable resolution at this point. I honestly don't know.

Q: Counsel will make arrangements to try to preserve that record if it is still in existence. During the period you have been in either CIC or on the bridge during the afternoon of 2 June, afternoon - evening of 2 June, had the PRITAC communications with the MELBOURNE and CTU 472.1.2 been reliable?

A: Yes.

Q: Did you have any means for - would you like to amplify that answer at all?

A: Well, I know no occasion of which they weren't reliable. I had had exceptionally good luck during Sea Spirit in not having communication failures.

Q: Do you recall whether you were informed that EVANS was ordered to FORM 1 at approximately 1815 on the 2nd of June?

A: I don't recall the exact time. I think I previously gave a time frame which would encompass that.

Q: Did it in any way surprise you that your ship was being ordered to FORM 1 after not having been previously selected?

A: Certainly not.

Q: Did you have any means for receiving Primary Tactical Net traffic if you were not on the bridge?

A: No. Only if it ordered the ship to do something which I would normally be informed of, then I was informed of it by interior communications circuit.

Counsel for the board: Sir, that's all the questions I have on tactical matters. I have some on readiness which I would like to go into, but maybe the board would prefer to ask its questions on those matters first.

CDR McLemore: I would like to comment on one thing which hasn't been brought up, if I might and if you would like to hear my comments off the record and then decide whether or not to put them on the record.

Counsel for the board: No, sir. I think they would like to hear them on the record.

Senior Member: On the record.

CDR McLemore: One thing in Sea Spirit which concerned me and it became particularly a concern during replenishment operation of the morning before. This was that essentially 3 task groups, the replenishment group or the convoy group as it were, the inner screen group which was MELBOURNE and became KEARSARGE and the outer screen group which had been KEARSARGE and became MELBOURNE, were all communicating on the same primary tactical frequency. And there was no screen tactical frequency in use. This meant that an awful lot of people from time to time were on that circuit talking to an awful lot of different people. And it sometimes became a matter of some concern to break the appropriate call signs and really see who was being talked to. This is one of the areas that I had gone into quite deeply on tape, that afternoon. I say on tape, I should amplify that. I kept a tape recorder in my cabin and when something came up that I thought worthy of comment I put it on tape and then this was used for a basis of generation of post exercise reports. But there was just too much traffic and too many people on one radio telephone circuit, in my opinion.

Counsel for the board: Does the board have questions, sir?

Senior Member: No. I think not at this time. Proceed.

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

Questions by counsel for the board:

Q: CDR McLemore, what are the normal steps taken on board - what were the normal steps taken on EVANS to insure the setting of condition YOKE?

A: At approximately 15 minutes prior to sunset each day, the word is passed over the interior announcing system for damage control petty officers, and damage control petty officers are relatively senior petty officers, from each of the ship's divisions to check that Material Condition YOKE is set in their respective spaces, and to report this to the Officer of the Deck on the bridge. That's the basis on which it is done. After once being set, if this is of interest, the roving security watch is normally responsible for correcting any deficiencies that he might see in setting of YOKE that would have been caused by people going through a fitting and not reclosing it.

Q. And who constitutes that roving security watch?

A. This is normally a man from the repair division of the ship.

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Q: And to whom does he report?

A: He reports to the Officer of the Deck on the bridge.

Q: How often?

A: Every hour, I believe. It is every hour.

Q: Do you recall the status of the forward fuel tanks on the night of 2-3 June? Maybe I should give you a background of the question. The board is quite interested in the reason that the forward section sank so quickly and would like information on the loading and so forth. Do you have any information on the fuel tanks?

A: No, I don't specifically have that - I should recall what the fuel percentage on board that evening was, and I don't recall that. But we were - well, I refueled that morning during replenishment. I didn't refuel to 100 percent. The reason that I didn't was that the oiler that I was refueling from had a defective coupling on her after rig and it was taking me forever to get fueled. So I fueled to about 88 or 89 percent of capacity but I was topped off forward. So I would guess that my fuel status forward was about 90 percent.

Q: Do you recall the status of the ammunition loading forward?

A: Yes. I had just about a full war allowance on board. My forward guns were fully up to allowance because my after mount was inoperative at the time, so whenever I used bullets forward I shifted from the after mount to keep the forward magazines filled.

Q: Among the documents recovered following the collision, was there a copy of the Ship's Booklet of General Plans?

A: Yes, sir, there was.

Q: Do you have a copy with you?

A: Yes, sir, I do.

Q: I would ask you to produce it, please.

Counsel for the board: Could we have this marked as Exhibit 44 for identification.

The reporter did as directed.

Q: CDR, you have Exhibit 44 marked for identification in front of you and I would ask you to indicate to the board whether or not that Booklet of General Plans is to your knowledge up to date, as of 2 June?

A: This Booklet of General Plans reflects all changes to the ship through the overhaul of 1968.

Counsel for the board: Under those circumstances, we request the admission as Exhibit 44?

Senior Member: Permission granted.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: Captain, I would like to return again to tactics for a moment. You indicated that the Senior Watch Officer was responsible for training of ODs, but if you can answer these from your own knowledge we would appreciate it. What was the general content of the instructions given to the Officers of the Deck on zigzagging, do you recall? I'm referring specifically to the publications which were used in the instructions and in particular, instructions for exercise Sea Spirit.

A: Well, sir, I can't testify to that with any degree of certainty. I attended OD training sessions whenever I could, and a great many of them, the briefing particularly for Sea Spirit from the operation orders I attended. I don't recall that the mechanics of zigzagging per se were the subject of any of these. There was nothing different from the zigzag rules and that we had practiced from ATP-1 many times.

Q: What in your opinion would be the effective publication to go to for zigzag doctrine during Sea Spirit?

A: ATP-1.

Q: 1 or 1 ALFA?

A: I'd have to see it. It's a light brown manual. Possibly it was 1 ALFA.

Q: I'll show you -

A: I'm sorry. No, sir, that's not the doctrine. It's ATP-3.

Q: The board does not have an ATP-3 in its possession. It does have an ATP-3 ALFA. Is that the doctrine to which you are referring?

A: I would like to look at this if I might.

Q: Certainly.

A: I don't recall that the document that I had on my bridge looked exactly like this. However, that doesn't mean anything. It could have had a protective cover placed on it. ATP-1 was a mental slip on my part. I know well that ATP-3 is the book.

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

Senior Member: I would like to confer with counsel a moment.

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Counsel and the Senior Member had a brief discussion out of the hearing of the reporter.

EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board:

Q: CDR McLemore, I may have misled you and I certainly didn't intend to do that. I think ATP-3(A), if you will look at the date, is quite recent and may not have been distributed to all participants of Sea Spirit.

A: I would like if I might, to refresh my memory by going back through FOCAP's OPCODER 1-69 and even possibly going back to the basic planning document for this exercise and see what the list of references were, to see - -

Q: You are aware that there is a list of effective references?

A: There were a great many list of references, whether or not this particular one is - that's only the COMM Plan I believe, is it not? The other document is quite thick.

Q: I show you Annex GOLF and let you have a chance to review it.

A: Of course this is only a Communications Publication out of a Communications annex.

Senior Member: Counsel, may we review now, is there a pending question to which the witness is - -

Counsel for the board: Well, it might be better if I were to review the bidding and give him a chance to clarify. CDR McLemore, we realize that you are disadvantaged not having had a chance to see the OPCODERS since the collision, but the question of zigzag doctrine has come up as to the applicability of particular publications and if you would like a chance to review the OPCODER, you may certainly have that opportunity at this time. But the board is interested in your idea of what publication a watch officer would go to if he received a signal as to a zigzag going into effect or resuming or something in that nature, to determine what the meaning of the signal was, other than what is contained in the signal book.

A: I can recall with some clarity, coming on the bridge and finding that ATP-3 didn't seem to be there and getting rather disturbed, primarily to me, because that's always been a very good, very simple, one place document for being able to review very quickly the ground rules for zigzagging. They are also in ATP-1. The signal forms of course are in ATP-1A, Volume II. In retrospect now I knew that - well I knew even then that ATP-3 per se did not apply in Sea Spirit. Otherwise why would FOCAP have put all of the fancy plans into his OPCODER, that were excerpted out of ATP-3. But to me it was still a very handy place to go to a page that I knew very well and review the bidding with respect to the ground rules. I don't think these basic rules change. I would have to review this very carefully to see if there is a conflict, but I could be very surprised, almost unbelieving if there were.

Counsel for the board: That's all the questions we have, sir.

Senior Member: The board has no further questions.

Counsel for the board: CDR McLemore, as in the unclassified session, the board gives you the opportunity at this time to make any further statement covering anything related to the subject matter of the inquiry that you think should be a matter of record therewith, which has not been fully brought out by previous questions. Do you have anything that you would like to add?

CDR McLemore: Yes, sir. I have. In going through papers the other night, which I hadn't looked at since I transferred off KEARSARGE, I found some written notes and these were written down by me, as I recall, the afternoon of the day that I came aboard KEARSARGE, as my recollections at that time of what had occurred. And since I have already testified in some detail as to my recollections and my escape from the ship, I thought that going back and bringing these thoughts in, which may vary slightly to what I testified to before, would not be out of line.

Counsel for the board: Would you like to do that in open session, CDR McLemore? Since this is a closed session, the only reason for doing it now would be if it was classified.

CDR McLemore: It is not classified. It is of no immediate consequence. And it may be if I can hear the testimony that I gave before and compare these notes there would be no significant change. I really don't think there would be. But I think these are a more accurate representation of the events as recalled at the time than 10 days later. Or for that matter, I could transcribe these and turn them over to you.

Counsel for the board: It would appear appropriate to counsel that if it is unclassified and it clarifies CDR McLemore's statement in open session that it should be done in open session.

Senior Member: Counsel, is it feasible to ask CDR McLemore to submit these note so as to reinforce his testimony?

Counsel for the board: Do that and clarify? That is feasible, sir.

Member (Rear Admiral Stevenson): Perhaps counsel, if they can be taken by counsel, and if there is anything of substance there which differs from the testimony that CDR McLemore gave, then perhaps he can be examined again.

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Counsel for the board: That would be satisfactory, sir. I am sure that at some later time after hearing all witnesses, the board may have further questions for CDR McLemore.

Senior Member: Very possible.

Counsel for the board: He has not testified to the rescue and salvage operations and it might be appropriate at that time that we develop this information through questions.

Senior Member: May I ask if the notes address other than post collision matters?

CDR McLemore: No, sir, they do not.

Counsel for the board: I believe that would be the appropriate time to do it. CDR McLemore, do you have any statement in response to the invitation I gave as to basically classified pre-collision matters?

CDR McLemore: Another thing which was of some concern to me, one of the little irritating things more than anything else about Sea Spirit was the fact that we had to regress in many areas to the use of publications which we hadn't used for some time. As a specific example, we were using ATP-1A, Volume I and II, change 4, when we were very used to using change 6. And there were some significant differences. For one it was quite a challenge to get the signalman not to put up ZULU for helicopters again. But it means a very quick shift in thinking and anything that people may have learned in change 6 they have to unlearn very quickly and double check themselves. This in itself is probably not too bad, but for the officers I don't think it was any particular problem. Another area that I had continuing problem during the work up phase, this didn't hurt us during the transit phase, but it did bother me a great deal during the work up phase was that we were using a different set of books and doctrines for exercise than we use in the U.S. Navy. We were using AXP series publications during Sea Spirit where we normally use FXP series publications in the Navy. And there are some significant differences in the method of conducting exercises here. Basically it meant that everything had to be double checked, and I did an awful lot of researching. I understand why this was done in Sea Spirit, but I do question the real deep necessity for it. It seems that it would be very helpful if we could work out one set of rules.

Counsel for the board: Anything Further?

CDR McLemore: No, sir.

Counsel for the board: Does the board have any questions as the result of the statement?

Senior Member: No further questions.

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

The hearing adjourned at 1735 hours, 18 June 1969, until 0830, 19 June 1969.

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TENTH DAY

The board reconvened in executive session at 0830, 19 June 1969.

During the executive session the board review and approved the prior day's transcript and planned future proceedings of the board

The board's executive session adjourned at 0940 hours, 19 June 1969.

The board reconvened in open session at 0946 hours, 19 June 1969.

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

Counsel for the board (CDR Glass): The board is convened in open session and counsel point out that if there is any person present who knows himself to be a witness or feels that he may be called as a witness, he is not entitled to be present and he should withdraw

Captain John P. Stevenson, Royal Australian Navy, was recalled as a witness by counsel for the board, reminded that he was still under oath, and examined as follows:

EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. The purpose of the board in calling you to give evidence now is to deal with the post-collision rescue stage. Accordingly, I ask you what position you were in during the period immediately following the occurrence of the collision?

A. As the MELBOURNE hit the EVANS I was standing just to the port of the compass on the bridge. I issued the initial series of orders from there.

Q. What were the orders that were issued, in the order in which you gave them?

A. I wouldn't like to be specific on the order in which I gave them. "Stop both engines" and "them full astern" - this was roundabout the time of striking EVANS. The hands were already at collision stations or going to collision stations and I went to emergency stations roundabout the same time or just before the collision. Also, the highest damage control state, "One Zulu," was ordered.

Q. What was the damage control position immediately before that order?

A. Three XRAY. The normal seagoing condition. Right after the collision I ordered, "Away all boats, out life rafts and life buoys".

Q. I'll stop you there, Captain. Were all boats brought into operation? How many boats and what type?

A. It brought into operation three boats. One of which suffered damage in Manila and wasn't particularly effective - One boat on the port side, a 25-foot motor cutter - the Admiral's barge on the starboard side aft and the sea-boat, the utility boat, starboard side forward, which was ineffective for about thirty minutes.

Q. How long was it before those boats were in the water?

A. A matter of minutes, the port motor cutter was in the water in three or four minutes. The barge had to wait until the EVANS was sufficiently far out for it to be lowered and was in the water in ten minutes, I should think.

Q. How were those boats manned?

A. By the nearest people that got to them, and the port motor cutter by the sea-boat's crew.

Q. How many are there in the crew?

A. Normally four.

Q. Well, that was the order, "Away all boats," and I interrupted you when you were going to speak about life rafts and life buoys.

A. At the same time I sent out life rafts and life buoys and pushed the buzzer myself that releases the actual life buoys, which are right aft on the quarterdeck for emergency use. The order to, "Out life rafts and life buoys" was really not a normal order, but was to indicate to my officers to get the emergency life rafts over the side.

Q. How many life rafts and life buoys were in this way brought into use?

A. I think eight went over the port side that we used and only one went the starboard side and was not inflated - just lay in the water. We didn't pull it to inflate it as it was obvious that we weren't going to need it. About six life buoys went over the side and in addition people were throwing life jackets over from the flight deck.

Q. What was the size of the life rafts that you had on board?

A. They are the 25-man life raft.

Q. What was the next order given?

A. I sent a signal to the screening ships to close me to pick up survivors from the water in the vicinity of MELBOURNE and I told the flying control position to bring the helos back to us. These were the ones that were on the screen. There were two airborne at the time.

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Q. How many ships were there in the screen which closed on you?  
 A. There were four ships in the screen which closed.

Q. And you were about to say how many helicopters you had in the air?  
 A. I had two helicopters in the air which came back. I told the flying control position to bring up as many more as they could as quickly as possible.

Q. Did you, yourself, observe the helos in action or not?  
 A. Yes, I could see them flying around with their spot-lights on.

Q. What else happened?  
 A. I then went to the. This happened very quickly...I then went to the starboard wing of the bridge.

Q. I think perhaps there was an airborne fixed-wing.  
 A. Yes, I think so. We had one fixed-wing airborne and this was diverted to KEARSARGE, but it really wasn't diverted at this stage. I knew that it was airborne and it was diverted a little later to KEARSARGE.

Q. What about the flight deck, was anything done in relation to it, to clear things away for action?  
 A. Well, this statement to bring up the helos was an automatic order and flying control got on with the job of clearing fixed-wing away and bringing up helos.

Q. You were saying that you went to the starboard wing of the bridge.  
 A. I went straight out to the starboard wing. I still had "full astern" on and observed the after half of EVANS passing down my ship's side.

Q. At what distance from your ship's side?  
 A. Very close.

Q. Very close?  
 A. Starting to move out a bit as it got further down.

Q. Could I just stop you there? What about the forward section of EVANS?  
 A. I couldn't see a great deal of the forward section of EVANS, but I had presumed that it had capsized. There was nothing visible of the mast or funnels, nothing further that I could see on the port side.

Q. What did you do, directing your attention to the after half of the EVANS, on the starboard side?

A. Well, as the ship stopped, I stopped the engines so that the ship was dead in the water and then kicked the stern around a little closed to EVANS with a touch astern on the port engine which bumped her in against EVANS. I could then see that the team on the flight deck and the team on the quarterdeck were taking action themselves to secure the two ships together.

Q. How were they doing that?  
 A. By berthing lines. Actually the quarterdeck staff was very prompt in getting berthing wires out and they had wires ready before EVANS got aft. They secured it that way and the flight deck crew threw over scrambling nets.

Q. Were you able to see at that stage what was being done on MELBOURNE with respect to the people in EVANS?

A. I could see. We put the signal lamps on her to light her up to see what was happening. I couldn't see clearly except that people were going over from MELBOURNE.

Q. Do you know in what manner they were boarding EVANS from MELBOURNE?

A. Well, I saw a couple jump. I think there was a scrambling net from the quarterdeck.

Q. What would be the vertical distance, approximately, down from the deck of the MELBOURNE to the deck of EVANS?

A. Oh, I couldn't guess. It's quite a long way. I wouldn't like to jump it myself.

Q. What was the next event, in sequence?

A. The Executive Officer rang me on the bridge at about 3:20 and gave me a run down on the action he was taking - the people were being brought in from the after half, the boats were going away for survivors and that he would keep me informed as things developed.

Q. Does it seem to you that the efforts were being sufficiently organized at that stage?

A. I was completely satisfied with what he was going. I didn't have to give any further instructions to him, but to agree with what he was doing. Then I rang the sickbay and Supply Officer to see if their organization was getting moving as well.

Q. And did you give them any particular instructions, that is to say to the sickbay and the Supply Officer, or did you leave it to their discretion?

A. No, I told them to prepare for survivors. They said that everything was in hand and they were quite happy. They would be ready for survivors in any condition they came on board.

Q. What medical facilities and medical personnel did you have on board MELBOURNE?

A. I had a medical staff of one Commander and one Lieutenant assisted by a Chief Petty Officer and about eight corporals.

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Q. And the sickbay and the sickbay facilities, could you give us a general account of them?  
A. It is about a fourteen bed sickbay with a good operating area, good surgery, capable of handling most casualties.

Q. What was the next part of the ship that reported to you?  
A. Damage Control Headquarters reported in that, the initial reports were that there was no serious flooding beyond the collision bulkhead and they would give me a further report after they had carried out a closer examination.

Q. What was the position with respect to the collision bulkheads?  
A. They held. There was no leakage beyond the collision bulkheads.

Q. What do you recall is the next step you took?  
A. I then went down to the Operations Room to see the Admiral and discuss the situation with him. He was very busy in contact with the rest of the force and taking action to prepare coordinated search and rescue activities in the area.

Q. What people did he have in the Ops Room assisting him in this task?  
A. I think the major one was the Fleet Operations Officer, the Duty Staff Officer and Flag Lieutenant. In fact, the majority of his staff was there at that time.

Q. Did he give you any instructions as to the division of the functions between yourself and him?

A. Yes, he told me to carry on with the rescue of survivors in the immediate vicinity of MELBOURNE and he would handle the rest of the situation.

Q. In so far as you could see, was the rest of the situation being adequately handled from the Ops Room?

A. Most adequately, yes.

Q. What do you next recall happening?  
A. The Executive Officer of the EVANS, Lieutenant Commander McMichael, was brought to me on the bridge. I think he was one of the first men picked up - picked up by helo. He came up to see me. I asked him to take action as quickly as possible to record the survivors as they came aboard - to get a list of the survivors together.

Q. Did you offer him any assistance in regard to that?

A. Yes, he was given assistance by my own officers.

Q. And the next event?

A. I think the next one was the Captain of the EVANS, who was brought up to the bridge to see me. I sent him below to the sickbay to be attended to. He was obviously hurt and was bleeding quite badly. I asked him as soon as he had been patched up to move around his men to see that they were being cared for as he'd wish.

Q. What did you observe as to the condition of the EVANS Executive Officer?

A. He was in good shape.

Q. Can you recall when it was that you next received a report?

A. It was about 3:30. I would be fairly hazy as to the time, but the Executive Officer reported that all survivors were off the after end of EVANS. I think it was my Executive Officer who reported that. They asked permission to let go, cast off the after end of EVANS from the ship, as they were concerned that the settling in the water might cause damage, if it went down.

Q. Damage to what?

A. Screws.

Q. What did you decide in relation to that request?

A. I told them not to cast off at that stage but to told my Executive Officer himself to conduct a very thorough search of the after half, of all compartments in the after half. I wanted to be sure that everybody was off that before I let it go.

Q. Your Executive Officer was?

A. Commander Stevens.

Q. When did you next hear from him?

A. At about ten minutes later - ten or fifteen minutes later. He reported that he had conducted a really thorough search. He was absolutely certain there was nobody left on the after half of EVANS.

Q. What did you then do?

A. I then called up the Admiral in the Operations Room and told him that, and asked permission to let go the after half of EVANS and move clear. He gave me that permission.

Q. How did you go about it?

A. We let go all lines and I just put a slow ahead on the port engine for a few minutes and moved about five cables clear. Then we stopped again.

Q. Did you observe what happened to the after section of EVANS when she was cast off?

A. Well, it stayed afloat.

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Q. What did you next recall happening, sir?

A. The next action really was with the damage to the ship. The reports came in that, of the damage up forward, we were making water in the trimming tanks; that the collision bulkheads were holding, and there was no leakage past them, and action was being taken to shore-up those bulkheads which they expected would be fully shored-up by five or six hours. The estimate then was that we would be able to steam at 4 knots.

Q. Do you recall what happened after that?

A. The Engineering Officer and the Executive Officer of the EVANS came up to the bridge and asked permission to return to their ship. They believed that with their knowledge they would be able to save her if they could get the assistance of some of their fellow officers in the other ships. They believed their knowledge would be valuable in salvaging the after half.

Q. Did you have any discussion with them of this problem of salvage?

A. A very brief discussion. They assured me that they felt they would be valuable back there and they both seemed uninjured, so I arranged a boat for them to go back and send them back.

Q. And who went back with them?

A. Just the boat's crew took them back, to my knowledge. I just gave the two of them permission. Whether they took anybody else with them I couldn't be sure.

Q. Was the same subject matter raised by the commanding officer?

A. Yes, the Captain of EVANS, about ten minutes later came up with a similar request but I didn't consider he would help a great deal. He was very shocked and in a fair amount of pain and I asked him to deter that, as I thought his Executive Officer and Engineering Officer would be able to handle it. I asked him to continue to keep an eye on his men on board, which he agreed to do.

Q. Where was he at the stage he spoke to you?

A. On the bridge, again.

Q. Where had most of the men from EVANS - the EVANS survivors been mustered?

A. They mustered in sickbay and the wardroom. The emergency medical center is the wardroom in addition to the sickbay.

Q. What was the next thing you recall happening?

A. I think about 4:00 o'clock, or a little earlier than 4:00 o'clock, I got the first estimate of the number of survivors and I signaled that to the Admiral.

Q. Do you remember what the estimate was at that stage?

A. It was an optimistic one of about two hundred and thirteen.

Q. Your next recollection, sir?

A. About 5:30 I secured the hands from emergency stations, and they went back to their normal activities. I maintained a high damage control condition.

Q. What action continued from 5:30 on?

A. We continued to search the area for survivors and wreckage by boats and helos.

Q. At that stage was your force of boats and helos augmented from any other source?

A. Augmented by the rest of the escorts with us, by KEARSARGE helos, and by all the other ships which were closing from the other force. There was a very large number of ships and boats in the area at that time.

Q. Are you able to give any reliable estimate as to the number of boats in the water and helos in the air looking for survivors?

A. There were four helos in the air. We kept it to that number, divided the air into sectors of four with one helo in each. I think the number of boats were 6 or 7.

Q. What was the reason for limiting helos in the air to four?

A. Safety of the helos. They could cover the area quite satisfactorily, in fact more than satisfactorily, we thought.

Q. Would there have been any advantage in having more than the four that you had?

A. No, I don't think so.

Q. And in your opinion, what would you state as to the thoroughness in recovering survivors of efforts made by boats and helos?

A. I think that it was absolutely thorough. I think that there was no possibility that anyone was missed. Although I would qualify that by saying that obviously some people were lost in the initial collision. We obviously didn't manage to pick up everybody in the water immediately that needed to be picked up.

Q. Why do you say that, sir.

A. Because of the time.

Q. By what hour did light first appear?

A. I wouldn't like to say. I think it was around 5:00 o'clock.

Q. And by 5:30 the conditions of light - how would you describe them?

A. Again, I would be a little hazy on this. I think quite light.



Q. And by 5:30, what was the state of the weather?

A. Just the same, flat calm, clear sky.

Q. Well, at that same time, 5:30, what was being done so far as you knew for the survivors on board?

A. They were being cared for very well, as far as I could see. They had been fitted out with clothing, they had been given food, hot drink. Those that had been damaged were looked after in sickbay and my ship's company were doing their best to mix with them and try to take their mind off what had occurred.

Q. When was it that you were first able to leave the bridge and visit the survivors in the wardroom and sickbay?

A. I went to them at about 9:30 in the morning.

Q. And did you give any instructions for any particular amenities - food to be provided?

A. I asked - told them to give them a beer issue. To give them a can of beer apiece and the band turned out to play for them. A little incongruous, but it seemed to lighten the situation a little bit.

Q. Was anything done to send any of the survivors away?

A. Yes, they were sent to the KEARSARGE, on the instructions of Admiral King, at about - shortly before midday.

Q. Does that mean all of them?

A. All of them. The serious casualties were sent across by helos earlier. The ones that remained on board were all sent across.

Q. Where was KEARSARGE by that time?

A. Within about a mile.

Q. Returning to the time of the impact, can you tell us what effect it had on the MELBOURNE's forward motion?

A. No, I can't. It didn't seem to. I can't recall being thrown forward at all by the ship being pulled up. The fact that we actually pulled up with EVANS close to my stern, I think it must have taken a couple of knots or more off the speed of the ship.

Q. Are you able to give us any observation as to the relative speed of MELBOURNE and EVANS as the EVANS's stern section passed the MELBOURNE's bridge?

A. Yes, not more than 4 to 6 knots. 4 knots I would guess.

Q. Up til what time did ....I withdraw that. Was some service held during that day?

A. Yes, we held a voluntary memorial service on the flight deck at about 1700 that afternoon.

Q. What form did the service take?

A. It was a combined service held by Roman Catholic and the Protestant chaplains. It was voluntary, but as far as I could see, every member of the ship was there. It lasted about twenty or twenty-five minutes. We had the last post and hymns. The normal memorial service.

Q. And when did the ship leave the area?

A. We left at 1830 for Singapore.

Q. Bound for Singapore at what speed?

A. We started out with the engines just turning over to see how the collision bulkhead would hold and built up the speed gradually to - in steps until we were doing 12 knots. Everything was quite secure at that speed.

Q. In your opinion could any greater success have been achieved if additional resources had been available for the rescue operation?

A. No.

Q. In your opinion with what degree of efficiency were the rescue operations conducted?

A. Most efficient.

Q. Did you, yourself, observe any particular acts of heroism that you would wish to commend?

A. Not myself, other than the steadiness of the men in the after half of EVANS. I would certainly commend them. I could see them in the lights. They seemed to be very steady.

Q. Captain, a few questions by way of amplification on what you have said. When you formed your initial estimate of two hundred and thirteen survivors, upon what was that base?

A. That was a report from Lieutenant Commander McMichael and a Lieutenant Commander O'Donnel whom I had detailed out to get the list of survivors. It seemed that there had been some duplication which was shown up later on.

Q. Can you tell us when it was that this estimate was revised as far as you knew?

A. I feel that it was about 4:00. It would show in the signal log, because the signal was logged in.

Q. And who was it that gave you the revised figure?

A. Lieutenant Commander O'Donnel, whom I had told to compile the list. They went around very closely. The initial one was made out more by a count of heads. After that they all made out next of kin forms. They filled out a form and when they finished this, which took quite some time, then the revised numbers were clear.

Q. And so far as that relates to matters within your knowledge, it is true?  
A. Yes.

Q. And so far as it relates to matters outside your personal observation, do you believe the report to be true?  
A. Yes, I do.

Counsel for the board (CDR Glass): Counsel offers that report in evidence as Exhibit 45.

Senior member: This may be admitted.

Counsel for the board (CDR Glass): Does the board give permission for the document to read at this time?

Senior member: If you think it desirable.

Counsel for the board (CDR Glass): Yes.

Senior member: Very well.

At this time counsel for the board (CDR Glass) read Exhibit 45 to the board.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. Further to the helo participation, Captain. This refers to six helos searching, one in each sixty degree sector. You recall you mentioned four before, would you like to elaborate on the position?

A. Yes, I didn't pick that mistake up. It started off at six. I'm just trying to recall when it reduced to four. It started at six and reduced to four during the day. I believe it was down to four at a fairly reasonable hour during the day. Around ten or twelve o'clock. I would like to check on that one.

Q. Do you remember if the question of reducing the number was submitted to you for approval or what?

A. No, this would be the Admiral's decision at this stage. This was an over all search.

Q. Admiral Crabb. He was deciding how many helicopters were needed to obtain maximum coverage?

A. He had control of the over all search effort. But I think Lieutenant Commander Rogers, who you have here to call, is the CO of the helo squadron. He will be able to clarify this.

Q. Further to your earlier statement that in the initial moments it wasn't possible to pick up everybody, are you able to elaborate on that?

A. I remember the complete anguish of two of the boat crew who couldn't pick up one chap who was drowning. They had, each one had - were recovering one man from the water and couldn't get across to this other chap. They needed a little sedation when they got back on board. I imagine there would have been other similar cases.

Q. You know of one from the report to you. Do you have any reliable information that there were others or is it pure speculation?

A. There is a report of two men going down in the suction of the ship. They were standing on the keel of the ship as she went, the port side. There were people standing on the upper deck. We didn't see them again.

Q. From your knowledge of reports made to you, you can speak only of three men who were lost in that way?

A. Yes.

Q. Are you able to tell us from your observation whether any of EVANS' inflatable life rafts from the forward section of the ship were released from EVANS and became inflated?

A. Not from my observation, no.

Q. From any report to you, do you know?

A. No.

Q. With respect to damage control training in your ship, do you have any comment to make on its effectiveness in the events which happened?

A. It was most effective. We had conducted a very concentrated series of damage control exercises and I believe it was in a high state of efficiency and it worked very well indeed.

Q. Can you tell us whether the port boat was turned out before the impact?

A. Yes, sir.

Q. How much before?

A. It was the sea-boat and was turned out.

Counsel for the board: Counsel asks if this would be a convenient time to break in proceedings.

Senior member: Yes, it would. We will have a brief recess.

The board recessed at 1037 hours, 19 June 1969.

The board reconvened at 1105 hours, 19 June 1969.

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

Counsel for the board (CDR Glass): The board being in open session again, counsel would like to point out that any person who may be a witness before the board should withdraw. Captain Stevenson is to be recalled.

# EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. Captain Stevenson, returning to a question, which has been raised before, do we understand correctly that you know of only one man who was in the water and accessible to be picked up by boat or helicopter, but who was not reached in time?

A. That is the only one I know of personally.

Q. Are you in position to give us any reliable assessment of the damage done to MELBOURNE?

A. Not reliable, no. I'd prefer to leave it to ....

Q. Is there some person who is preparing an accurate survey of damage?

A. Admiral Crabb's Chief of Staff Technical, who is Captain Elliot.

Q. Did you call for a report from your supply officer with respect to the provisions he had made available, and other action he had taken, for the relief of the survivors?

A. Yes, I did.

Q. What is his name?

A. Commander Kemp.

Q. Would you look at this document. Is that the report which he prepared in obedience to your requirement? (showing the witness a paper or papers).

A. Yes, it is.

Q. And are there matters in that report which are true within your own knowledge?

A. Yes, there are.

Q. And, so far as they aren't within your own knowledge, do you believe them to be true?

A. Yes, I do.

Counsel for the board (CDR Glass): Counsel asks that this report be received into evidence as Exhibit 46. (Handing the exhibit to the Senior Member)

Senior Member: Yes, that will be received into evidence.

Counsel for the board (CDR Glass): Counsel does not deem it is necessary to read this document. It relates to various provisions supplied and amenities furnished to the EVANS survivors.

Q. Captain, did you also call for a report from your Medical Officer, relating to the treatment given to EVANS survivors on board MELBOURNE?

A. Yes, I did.

Q. What is his name?

A. Commander Parsons.

Q. And is this document the report which he furnished in answer to your instruction?

A. Yes, it is.

Q. And are there matters contained therein which are true to your own knowledge?

A. Yes.

Q. So far as regards those outside your knowledge, do you believe them to be true?

A. Yes, I do.

Counsel for the board (CDR Glass): Counsel offers into evidence this document as Exhibit 47. (Handing the exhibit to the senior member)

Senior Member: Commander, one of these names is misspelled in the exhibit as indicated.

Counsel for the board (CDR Glass): So corrected.

Senior Member: It may be admitted.

Counsel for the board (CDR Glass): Likewise, with respect to this document, counsel cannot see any purpose to be served by reading it.

Q. Captain, were there any communications passed to the men in the water or those on board the after section of EVANS by means of the top side speakers of MELBOURNE which may have originated from the bridge?

A. No, the topside speakers of the MELBOURNE are the flight deck speaker system and that would have been somewhat confusing to the helicopter operations.

Q. And they weren't used for that purpose?

A. They were not.

Q. At this stage, Captain Stevenson, you are informed in relation to post collision matters that you are privileged to make a further statement covering anything relating to the subject matter of the inquiry you think should be a matter of record and which has not been fully brought out by previous questions.

A. I would like to state that we recognize this collision as a disaster. Nevertheless, the courageous behavior of the sailors of both the EVANS and the MELBOURNE highlights the great qualities of these young men of America and Australia. This was a time when men thought not of themselves, but in the normal tradition of the sea, risked their lives to help others. When the crisis was over and the survivors were resting, the sense of loss was tempered by one of comradeship which was exemplified by Commander McLemore leading his men in three cheers for MELBOURNE as they left by boat for the KEARSARGE. Finally, I would like to read the signal that I received the day after the collision. It is from Admiral T. H. Moorer, the Chief of Naval Operations, United States Navy. "At a time of sorrow for sailors everywhere, be assured that we stand with MELBOURNE and the rest of the great Royal Australian Navy. Please know our grateful appreciation for your prompt, effective rescue operation, without which the loss would have surely been greater." The MELBOURNE assures Admiral Moorer of her continued strongest admiration of the men, the ships and the organization of the United States Navy. Thank you.

Counsel for the board (CDR Glass): Captain Stevenson, sir, I believe I am correctly stating the board's views in this matter when I say that although you are excused from further attendance, it is very likely that you will be asked to come back when all the evidence on the pre-collision aspect has been received. You are now excused subject to that recall, which will be communicated in due course. And the board thanks you for your attendance.

Senior Member: Thank you, very much, Captain.

Witness: Thank you, sir.

Leading Tactical Operator Christopher Stevens was called as a witness by counsel, was duly sworn and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. Leading Tactical Operator Stevens, 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 that 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 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 case you will later be given the opportunity to testify as to the classified information in closed session. However, if you can answer the question either in part or in general terms without disclosing specific classified details, you should do so, advising the board of your desire to amplify in later closed session. Is that clear?

A. Yes, sir.

Q. I also tell you that 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 whether you must answer the question or not. Do you understand that?

A. Yes, sir.

Q. Finally, I ask you on behalf of the reporter, to speak slowly and loudly, and yet, not too close to the microphone. Would you please state your full name and your rank.

A. Christopher Stevens, Leading Tactical Operator, sir.

Q. And on the night of 2nd - 3rd of June, were you a member of the ships company of MELBOURNE?

A. That is correct, sir.

Q. And what watch did you keep that night?

A. Starting from two A.M., sir. - the watch completed at eight o'clock in the morning.

Q. When you came on watch at two o'clock, this was to carry out the duties, was it Leading Tactical Operator?

A. Well, yes, sir. Actually the duty I was performing was Yeoman of the Watch, sir.

Q. Yeoman of the Watch?

A. Yes, sir.

Q. But among the duties of Yeoman of the Watch was included that of the Leading Tactical Operator?

A. That is right, sir.

Q. And working together with you on the bridge, was there a Tactical Operator?

A. That is correct, sir.

Q. And what was his name?

A. Tactical Operator Jacobs, sir.

Q. Now, we're going to ask you, Leading Tactical Operator Stevens, to explain to us the normal way in which the Leading Tactical Operator and the Tactical Operator work the Primary Tactical Circuit. Do you understand that?

A. Yes, sir.

Q. But, perhaps first I should ask you whether the normal system of working was observed that night?

A. The normal system was observed that night, yes, sir.

Q. From the time you came on watch until the collision, the normal practices were observed, were they?

A. That is correct, sir.

Q. Now, what is the location of the Primary Tactical receiver and transmitter?

A. Well, the location is at the rear of the bridge, manned by TO Jacobs on the headset and also on a loud speaker to the right of him.

Senior Member: We can't hear that.

Witness: Well, the circuit is manned by the operator on a headset and also we have the circuit on the loudspeaker as well. So I could hear it as well.

Q. How loudly does the circuit come over the loud speaker. So as to be within hearing of everyone on the bridge or not?

A. Audible for a couple of feet, sir.

Q. I take it you would station yourself within that range so you could hear it?

A. Yes, sir.

Q. Now, if the Captain wished to send a message out on the Primary Tactical Net, how was it done?

A. Well, the Captain.... Well, I normally stand by the Captain, sir. He tells me what he wants passed out on the net. Then I would go over and do a grouping of necessary - group it up, write it down for the operator on a piece of perspex with a Chinagraph pencil. He would then look at this and pass out the signal from there. Then I would go back and report it, sir.

Q. Now just take it slowly.

Senior Member: Wrote it down on a piece of what?

Counsel for the board (CDR Glass): Piece of perspex with a chinagraph pencil.

Witness: Or we had scribble pads....

Q. Well, do you remember what sort of material was being used on this particular night?

A. Well, I was using the chinagraph, sir.

Q. Chinagraph on perspex?

A. Yes, sir.

Q. Is this what you said. That the Captain would tell you what message he wanted sent on the Primary Net?

A. Yes, sir.

Q. And you would provide the necessary call signs and do any necessary coding that was called for?

A. That is correct, sir.

Q. And you would write down in this way the call signs and the encoded message on a piece of perspex?

A. That is right, sir.

Q. And you would place this in the hands of Tactical Operator Jacobs?

A. Yes, sir.

Q. And he would then transmit through a speaker of some kind, the message that you had given to him?

A. That's right, sir.

Q. And was that the manner in which he and you were operating during that watch?

A. Yes, sir.

Q. Whose responsibility was it that night, and generally, to log the outward messages of that kind?

A. The Tactical Operator, sir.

Q. And at what time would he normally enter the outward messages in the log?

A. Usually as he was passing the signal out, sir.

Q. Where did he keep the log in relation to where he was stationed?

A. Well, he had the log directly in front of him, sir.

Q. Was he sitting or standing?

A. Sitting, sir.

Q. Did he have any desk in front of him, where he could write?

A. A bench, sir.

Q. And did you observe him during the watch logging outward messages, using the ordinary log and the bench provided?

A. Yes, sir.

Q. Now, I want to ask you about the procedure in relation to inward messages. What would the Tactical Operator do when he received an inward message?

A. He would just call out "ITO", sir. I would go up to the log and witness the logging in and again if there was any coding....

Q. Just a minute. You would go over to him and look at the log?

A. Yes, sir.

Q. Does that mean that you would look at what he was then entering in the log?

A. That is correct, sir.

Q. And would he enter it in the log exactly as he received it or after certain decoding had been done?

A. As he received it, sir.

Q. As you observed the message as he logged it exactly as received, what did you do?

A. Then, if there was any decoding, I would then go to the book....

Q. If there was any decoding, yes?

A. I would go to the book and find what it meant in plain language. Then report to the Officer of the Watch, sir.

Q. Did you write down any translation to hand to the Officer of the Watch? Or did you deliver it by word of mouth?

A. It would all depend on the length of the signal, sir. If it were one of the common ones, then it would be just translated verbally.

Q. Did you tell him what translated version to enter into the log or did he translate it himself?

A. Sorry, sir, I don't understand.

Q. OK. Just to clarify some of the earlier answers you've given, ITO Stevens. What was the distance from the position of the Tactical Operator to the position where the Captain normally stood?

A. I'd say about ten feet, sir.

Q. And was that the distance which existed that night during that watch?

A. The Captain was on the front of the bridge, sir. So the distance would have been a bit greater.

Q. Well, how much greater?

A. Oh, four feet, sir.

Q. If you were standing next to the Captain, about 14 feet from the Tactical Operator, were you able to hear the amplifier?

A. Negative, sir.

Q. You couldn't hear?

A. Not if I was standing with the Captain, sir.

Q. Because, as I think you said, you could only hear it within a range of a few feet. Was the speaker itself near where the Tactical Operator was sitting?

A. Yes, sir. Just to the right of the Tactical Operator, sir.

Q. Well, now we've got these two positions, that of the Tactical Operator and that of the Captain, and I understand you to say that there was about 14 feet between them. In what manner did you move about between these two positions?

A. Well, I just walked.

Q. Yes, you walked. I'm sorry. When the Captain wanted a message sent, you would go over to where he was, I take it?

A. That's right, sir.

Q. And what would you then do with the message he gave you?  
A. I'd go straight back over to where the operator was, sir.

Q. Yes, and then translate anything that needed to be translated?  
A. That's right, sir.

Q. Would you stay there within range of the speaker while he was transmitting the message?  
A. Yes, sir. I always made it a habit of staying there while he transmitted a few feet away, half ready to go as soon as it was passed out and receipted for. Then I would go tell the Officer of the Watch straight away, sir.

Q. After you had reported that the message had been sent and receipted for, where did you take up your position?  
A. Back next to the Captain again, sir.

Q. By that stage you would have been out of hearing of the speaker?  
A. That is right, sir.

Q. Well, now I want to ask you what messages you recall having been sent or received in MELBOURNE during the time you were on watch that night. Do you remember the message from MELBOURNE to EVANS "Take Formation ONE"?  
A. Affirmative, sir.

Q. Do you recollect whether you heard a "roger" for that signal?  
A. I couldn't say that I heard a "roger", sir.

Q. What was the next message that you remember passing between the two ship's, inward or outward?  
A. After the "Formation ONE", sir?

Q. Yes.  
A. Well, the next one after that was executed, sir, was, "You are on a collision course". That was from MELBOURNE to EVANS.

Q. What did you do about that?  
A. Correction, sir.

Q. Yes?  
A. The next one after that was, "My course 260", sir.

Q. In relation to that message, where were you when the Captain gave it to you?  
A. I was up by the Captain, sir.

Q. What did you do when he told you to send that message?  
A. I went over to write it down on the perspex, and then encoded it in the numeral code, sir....

Q. Shackle code?  
A. Yes, yes. It was passed out and recorded.

Q. In a little more detail, what did you do with it after you encoded it on the perspex?  
A. Well, the Tactical Operator then passed it out, sir.

Q. Were you there when he passed it out?  
A. Affirmative, sir.

Q. What did you hear on the speaker? Not the exact words, but did you on the speaker, hear him pass the message?  
A. You can't hear messages going out on the speaker, only incoming messages.

Q. Can you hear him, not through the speaker, but as he talks into the transmitter?  
A. Yes, sir.

Q. And did you hear him transmit through the apparatus in front of him?  
A. Affirmative, sir.

Q. And did he do it in accordance with your signal?  
A. Yes, sir.

Q. Do you recall hearing any "roger" for that?  
A. I can't say, sir. I don't recall.

Q. What was the next message that you know of between the two ships?  
A. Well, then it was, "You are on a collision course", sir.

Q. Who originated that?  
A. That was MELBOURNE, sir.

Q. Who gave it to you?  
A. The Captain, sir.

Q. And did that require to be written down by you?  
A. Negative, sir. I passed that verbally to the Tactical Operator, sir.

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Q. And were you able to hear him transmit that?  
A. Yes, sir.

Q. Did you hear any "roger" from EVANS for that signal?  
A. No, sir. At this stage, I just reported right back to the Captain that the message had been passed out, sir. I didn't stay at my usual place waiting for the "roger".

Q. What was the next message that you heard between the two ships?  
A. Well, the next message was "My rudder hard left" from MELBOURNE, sir.

Q. Was that written down by you or not?  
A. Negative, sir. Passed verbally too, sir.

Q. Passed verbally to whom?  
A. The Tactical Operator, sir.

Q. Did you hear him transmit that?  
A. Yes, sir.

Q. Did you hear any "Roger" from EVANS for that?  
A. Yes, sir. We passed it, "My rudder hard left". EVANS came back, "Roger, my rudder hare right".

Q. What was the interval of time between that message from MELBOURNE, the "roger" and the message from EVANS.  
A. Immediately, sir.

Q. Immediately?  
A. (Witness nods his head in the affirmative).

Q. Going back to the message you mentioned earlier in which MELBOURNE gave her course. Can you tell us what the Captain's instructions to you were?  
A. "Tell EVANS my course is 260", sir.

Q. Did he give you any instructions as to whether you should encode it or not?  
A. Negative, sir.

Q. Who's decision was it to encode it?  
A. Mine, sir.

Q. And was it the normal practice for signals giving course to be encoded on this operation?  
A. Yes, sir. The security policy in force calls for all courses and speeds to be given in "shackle", sir.

Q. Who gave you those instructions?  
A. These are laid down, sir. I got them from the watch before me.

Q. Laid down - passed over by the watch before you. Do you suggest that you were given this instruction by the man you relieved every time, or was this a standing instruction?  
A. Well, all the information, - it is all written up on another piece of perspex and I only glanced down there to know what was going on, sir.

Q. And what does that piece of perspex have written on it with respect to encoding courses in PRITAC messages?  
A. Is it all right to speak about this, sir?

Q. Well, not if it's classified.  
A. Well, it is communications, sir.

Q. All right. Now ITO Stevens, have you ever said anywhere that the order of those last two signals between MELBOURNE and EVANS was different from the order you gave here today?  
A. Affirmative, sir.

Q. Where was it that you put them in a different order? In what manner?  
A. In my statement, sir.

Q. Would you explain to the board why you say now that the order in your statement was wrong?  
A. Well, last night, sir, I was reading the paper and one of the officers off the EVANS said something about, "Roger, my rudder hard right". It suddenly just clicked in my head that what I have just told you happened. That's the only reason for it. It hit me last night.

Q. Now, according to the best of your recollection now, which of the two signals came on the air first?  
A. As I said before, sir, we put "My rudder is hard left" and he came straight back with "Roger, my rudder hard right", sir.

Q. Now is this - this is Exhibit 11 - the Tactical Log that was being kept on the bridge that night?  
A. Yes, sir.

Q. And do you recognize the writing that appears in it?  
A. Yes, sir.

Q. Who's writing is it?  
A. FO Jacobs, sir.

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Q. Are you able to recollect at what point of time he made the entries in this log in relation to those two signals?

A. After he came back from shaking the Chief Yeoman, sir.

Q. When did he do that?

A. I can't remember, sir.

Q. Was it before or after the collision?

A. I think it must have been after the collision, sir.

Q. Give us an estimate how long after?

A. No, I can't, sir.

Q. Were you there when he made those entries?

A. Yes, sir.

Q. Do you see in the log, entries of signals, before the last two, that you have been asked about?

A. Yes, sir.

Q. When were they, according to your recollection, entered in the log?

A. As they were sent, sir.

Q. Do you remember anything else happening after those two messages went on the air?

A. Communications wise?

Q. On the ship.

A. Well, there was the two blasts sounded on the ship's siren, sir.

Q. Two blasts sounded on the ship's siren, yes?

A. And piped hands to collision station, sir.

Q. Can you recollect what interval of time there was after the signal, "You are on a collision course", and the first of these last two signals?

A. I can't really say, sir.

Q. Now is it possible that "Roger, my rudder hard right" could have followed immediately after the signal, "You are on a collision course"?

A. No, sir, no.

Q. Why is that not possible?

A. Well, it was at the time that it was....

Q. Well then, can you give us an estimate of the time between "You are on a collision course" signal and the next signal between the ships?

A. The only way that I can tell you, sir, is by the relative position of the EVANS at the time the signal was passed.

Q. Yes?

A. She must have been 1500 yards away.

Q. What stage?

A. Well, when the signal was passed, "You are on a collision course" at least.... I'm sorry. It's probably a rough estimate, but it will give you some indication on....

Q. Yes, and at the time of the last two signals, whatever their order, how far away was the EVANS?

A. Oh, far away enough, sir, so that when the last signal was passed, the collision just about immediately followed.

Q. Well, I ask you again, can you give us any estimate of the time interval between the signal, "You are on a collision course", and the signal that followed it - approximately?

A. Well, I still wouldn't like to say, sir, because....

Q. Very well. After you heard Jacobs pass the message, "You are on a collision course", and before the Captain told you to pass, "My rudder hard left", where were you standing?

A. I was by the Captain again, by his chair, sir.

Q. And that puts you out of hearing of the loud speaker, doesn't it?

A. Just about, sir.

Q. When the message was sent, "You are on a collision course", did you see EVANS?

A. Affirmative, sir.

Q. Where was EVANS at that time?

A. She was on a course heading straight towards MELBOURNE, sir. I'm not a great judge of distances, sir, but it was a reasonable length away, sir.

Q. A reasonable length is not very exact. Can you do a bit better? Could you say not less than so far and not more than so far?

A. Well, I'd say between 1500 and 2000 yards, sir.

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Q. And her relative bearing from MELBOURNE at that time?  
A. Oh, I'd say about ten degrees off the port bow, sir.

Q. And was she showing any navigation lights?  
A. Negative, sir.

Senior Member: Commander, may we review the moment of time that this position....

Counsel for the board (CDR Glass): Yes.

Q. At the time you saw EVANS, as you say, about 1500 to 2000 yards away, and on the MELBOURNE port bow, when was that in relation to these messages we have discussed?

A. That was about, "You are on a collision course" was passed, sir.

Q. Now you remember that moment of time when that message was passed by JACOBS, do you remember?

A. I don't understand, sir.

Q. When that message was passed by Jacobs, where were you standing?  
A. The, "You are on a collision course"?

Q. Yes.

A. I was sort of halfway between Jacobs and the Captain's chair, sir.

Q. Did you hear it passed?

A. Yes, sir.

Q. You were halfway between the two, going in which direction?

A. Well, I was ready to report it to the Captain as having been passed, so I was looking towards him.

Q. Now I wonder if you would help us by retracing your movements from that point of time. If I can help you, you have heard Jacobs pass, "You are on a collision course" and are halfway back to the Captain. What did you do from that point in time and space?

A. Well, I went to the Captain's chair, sir, and told the Captain the message had been passed. He was on the forward part of the bridge and then just waited a few moments, then told me to pass, "My rudder hard left," which I did, sir.

Q. Now could you be a little more exact as to those few moments between telling him, "You are on a collision course" was passed and his saying to you, tell them "My rudder hard left."

A. Well, I think there were a few seconds when nothing was happening, there was just silence....

Q. Nothing happened? Silence, yes?

A. Then the Captain ordered, I don't know whether it was before or after he told me to pass the signal, but he ordered the wheel over to port.

Q. Yes. Well, it's the estimate from you that we want.... The estimate from you that we want is the time that intervened between your going back to him and reporting the collision course message passed and his saying to you, "Tell them my rudder hard left." Can you give us your best estimate of that interval of time?

A. Do you actually want it in seconds. Honestly, things were happening just so fast that I can't put it into seconds.

Q. Not in exact number of seconds, but approximately how many?

A. Well, it could be anything from thirty seconds, I suppose, sir, to a minute.

Q. Thirty seconds to a minute. Well, after he had said that to you, how long was it before you got back to Jacobs and heard him transmit that signal, "My rudder hard left."

A. Could you say that again sir?

Q. Yes, you have just estimated that it was thirty seconds to a minute from the time that you reported to the Captain that the collision course message was passed and the time he said to you, "Tell them my rudder hard left." From the time he told you that, how long was it before that message got on the air?

A. About two seconds, sir. Just enough time for me to take a couple of steps.

Q. Two seconds, just enough time for you to take a couple of steps?

A. A couple of steps, to get to the position of the TO, sir.

Q. Did he transmit it as soon as you got to him?

A. Affirmative, sir.

Senior Member: We will recess until 1330.

The board recessed at 1200 hours, 19 June 1969.

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The board reconvened at 1347 hours, 19 June 1969.

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

Counsel for the board (CDR Glass): The board is convened again in open session. If there are witnesses or persons who may be witnesses they are reminded that they are not entitled to be present and should withdraw.

Leading Tactical Operator Stevens, was recalled as a witness by counsel for the board, was reminded that he was still under oath and testified as follows:

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. You mentioned during the last session, that there was a speaker which on this night could be heard within a range of a few feet. Remember that?

A. Yes, sir.

Q. Was it possible to increase the range within which it could be heard?

A. It is possible, sir, but by increasing the volume of it, it usually brings in more distortion.

Q. And what was the usual practice as to the level of the volume of the speaker?

A. Well, just that it could be heard from a few feet, sir.

Q. Were there any other speakers beside that particular one, on the bridge?

A. There were, but the fact is that they were not activated, sir.

Q. You said, I think, that the last two entries in the log, "Rudder hard left," and, "Rudder hard right," were made sometime after the signals were passed and received. Remember that?

A. The signals what, sir?

Q. The signal, "My rudder" - you can look at the log if you wish - "My rudder hard left", and, "My rudder hard right", were entered in the log sometime after they were sent and received.

A. That is correct, sir.

Q. What was the position as to time of logging in regard to the other signals?

A. All the other signals, sir, were logged as they were being transmitted, sir.

Q. And what is the usual practice as regards the time of logging signals?

A. The time, sir?

Q. Yes.

A. On my watch, sir, I make the Tactical Operator log the signals as he is transmitting them, sir.

Q. And in relation to signals received, what is the practice?

A. Usually, they are being logged as received, sir.

Q. You mentioned earlier that you heard a wheel order given by the Captain. Do you remember what that was?

A. Yes, sir.

Q. Would you mind repeating it?

A. "Port 30" and "Port 35", sir, immediately after.

Q. I see. What was the interval of time between the two orders?

A. It was immediately after, sir. There was no interval.

Q. We didn't entirely hear what you said. Did you add anything after the words, "immediately after" just a moment ago?

A. I can't remember, sir.

Q. I see. Well, I'll ask you the question again so you can fully answer it. What time interval was there between the two wheel orders, "Port 30, Port 35"?

A. There wasn't any, sir, it was immediately after.

Q. Will you look at the log in front of you? Do you see that the shackle groups for the signal giving MELBOURNE's course 260 are written in?

A. Yes, sir.

Q. Now, without mentioning them, do those groups appear to you to be the groups that were transmitted that night?

A. No, I wouldn't know, sir. I can't remember.

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Counsel for the board (CDR Glass): The board has no further questions of you LTD Stevens in open session, but at this time you have an opportunity to add any matter that has not been brought out in questions and to state what you think should be placed on record before the board. Is there anything that you wish to add, of an unclassified nature?

A. No, sir.

Counsel for the board (CDR Glass): That being so, the board will now convene in closed session with this witness and the members of the public are asked to withdraw.

The members of the public withdrew from the board room.

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EXAMINATION BY COUNSEL FOR THE BOARD (Cont'd)

Questions by counsel for the board (CDR Glass):

Q. LTO Stevens, you were going to tell the board in open session what instructions you were given about the circumstances in which shackle code should and should not be used in passing messages. Would you develop that matter, please?

A. Well, the signal security policy in force is was two, sir, and....

Senior Member: I'm sorry, I could not hear that.

A. Sorry, sir. The signal security policy in force at the time code signals which could be valuable information to the enemy, had to be shackled up, sir, - courses and speeds.

Q. And was it the practice then, at this time, invariably to shackle a message as far as it gave course and speed?

A. Yes, sir. If the message sounded of an urgent nature it would be passed out in plain language, sir. But in this instance it was not urgent, sir, because it was after the EVANS started to turn, I think, and the Captain said, "Pass out my course 260", sir.

Q. And can you tell us in what language you instructed the TO pass in plain language words, "My course"?

A. MIKE CORPEN, sir.

Q. I think you have already said that you have no recollection of what the shackle code groups were that were used.

A. That's correct, sir.

Q. In what manner did you determine what was the appropriate shackle group to be used for this message?

A. By looking at the numeral code, sir, and picking out the group from there, sir.

Q. Where was that kept?

A. We keep our copy under the perspex, sir. It would just be one effective page sticking through the perspex and the others covered by white sheet, sir. I would pick out the group and write it down in brackets for the Tactical Operator, sir, and then check it as the group is being passed out, sir.

Q. And this being some time after 0300 on the 3rd, what day did you use for the shackle group?

A. All the days were written on the pages themselves, sir, in big red letters, sir. We were using the day in force, sir.

Q. At what time did you change.... According to what zone time or time zones did you change from one shackle page to another?

A. With a new day in ZULU time, sir. GMT.

Q. Do you recall whether you checked not only that you were giving the correct shackle groups, but that the shackle groups entered by the TO in the log were the ones you had given him?

A. I listen out as he is passing the message, sir. Therefore, I would be listening out to be sure he passed out the group I had written down for him, sir.

Q. And did he, in relation to this signal, pass the correct group?

A. Affirmative, sir.

Q. You mentioned in open session that the previous watch passed on instructions to you by writing them on the perspex board. Do you remember that?

A. Yes, sir.

Q. What were the instructions which were recorded in that way when you took over at 0200?

A. Well, actually, sir, the board had already been made up with all the information like flying courses, replenishment courses, zigzag plans and all that on the board actually before. So, if there was anything, course changes, they were changed on the board accordingly, so it is kept up to date, sir.

Q. Whose responsibility is it to keep the board up to date?

A. The yeoman of the watch, sir.

Q. And was that you that night?

A. On that watch? Yes, sir.

Q. You were the yeoman on that watch?

A. Yes, sir.

Q. Any other information besides the base course, speed and type of zigzag?

A. Screening plans in use, sir. The ship's stations on the screen.

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Q. What is the normal practice as regards the entry opposite the signal in the log of the time when it is sent or received?

A. Well, the normal practice, sir, is on completion of a send is the time that is logged in the log, sir.

Q. And would this practice normally be followed?

A. Yes, sir.

Q. You will note that it was not followed in relation to some of the signals about this time. How do you account for this?

A. With the times actually being omitted, sir?

Q. Yes.

A. If I can say here, well it wasn't - was logged in after it happened, sir. Therefore, he wouldn't have a time to put in, sir.

Q. Is it or is it not the normal practice to report to the Captain or the Officer of the Watch that a message has been passed before the action addressee has given a "Roger"?

A. It's not normal practice, sir. I usually wait for a "Roger" and then report to the Officer of the Watch.

Q. And how do you account for the fact that that didn't happen this night?

A. Well, it did happen right up until the last two signals, sir.

Q. Yes.

A. And with the urgency of the factor, I just reported to the Captain that it had gone out on the circuit, sir.

#### EXAMINATION BY THE BOARD

Questions by the senior member:

Q. Stevens, when you.... In one part of your most recent answer, there you said reporting to the Officer of the Watch.

A. Yes, sir.

Q. And in the other one you reported to the Captain. What is the practice in this regard?

A. To speak in a loud and clear voice to the Officer of the Watch so the Captain knows that the signal was interpreted correctly.

Q. And is this the practice regardless of whose direction you were following in transmitting the message?

A. Yes, sir. Well, I'm responsible to the Officer of the Watch, as Yeoman of the Watch, sir, and the Chief Yeoman is responsible to the Captain. So as the Officer of the Watch makes commands on the bridge, I have to report to him in a loud and clear voice so that the Captain can also know as well, sir.

Q. And you would do this even though the Captain may have been the one to issue the instructions for transmission of the signal?

A. Yes, sir. Because they are in close proximity you say, sir, and they both hear. They both acknowledge by a nod of the head or say "Roger", or something, sir.

Q. And is it the practice to repeat back the message which you have transmitted?

A. Well, I have to repeat it, sir, so the Officer of the Watch knows exactly what he has to do, sir.

Q. But you don't use phrases such as, "Message transmitted, sir".

A. No, sir.

Q. You repeat the entire text of that which you transmitted. Is that correct?

A. That's correct, sir. Excuse me, sir. There is one thing. If it's a delayed executive signal like the Formation ONE and it was fully explained to the Officer of the Watch in the delayed executive part of it and the Captain said execute it, I told the TO to execute and then I made a report of the executive signal for Formation ONE without explaining it all.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the board (CDR Glass):

Q. And could I ask - was the practice that you just described being followed by you that night from the time of Formation ONE?

A. Affirmative, sir.

Q. I want you to assume a situation, LTO Stevens, where a tactical signal has been encoded by you because it says to commence zigzag on a certain base course. Now what person, if any, checks the correctness of your translation before it is transmitted?

A. Well, I usually repeat back what the Captain says or when the Officer of the Watch tells me what to pass - I repeat it back to him. Then go over and group it

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up and if my signals are delayed executive, therefore, they are passed over - they are not executed until I have reported back, and report back exactly what's been transmitted. And if the Captain is happy he will say, "Execute", at the right time. Otherwise, if there has been a mistake, he will query it and the signal will be cancelled.

Q. But when you report back, do you report back your translation or just the plain language signal?

A. Well, the most commonly used signals are the ones used all the time, sir. I think I would just use the groups, the groups going out.

Q. Well, in this particular case where you have got a course to encode in shackle would you report back to the Captain that you sent something using the shackle groups or not?

A. Negative, sir. Just the course, sir.

Q. Well, then the question is, is there any person who checks your translation of the course into shackle code before or after it goes out?

A. Myself and the TO. He usually checks it too, sir.

Q. And does he have access to the shackle code sheets so that he can check what you have done?

A. Affirmative, sir. It's right alongside to the right of him.

Senior Member: Commander, the answer included the phrase, usually. Could we examine that?

Counsel for the board (CDR Glass): Right, sir.

Q. And with respect to the matters you have just discussed, about the TO checking your shackle groups and so on, was that done on this night?

A. Well, he doesn't have to check me, sir. All he is is the operator who has to push out whatever we are going to put out, sir. Is just on my watch that he's used to check as well.

Q. And did he, on this night, check your translation in the shackle code, as far as you recall?

A. During the whole watch, sir, or just.....

Q. This particular time from Formation ONE down to collision.

A. Well, the only one he would have is the course.

Q. Yes.

A. And I can't say for sure whether he did check it or not, sir.

Q. What was the position as regards the signalese, the call signs and things of that nature? Who checked them?

A. The Chief Yeoman, the other yeoman and myself had got together, sir, and because of the confusion there is with call signs in an exercise of this nature we had all the commonly used signals like rescue destroyers taking station and addressing the screen. They were all prewritten out, sir, and kept under the sheet of perspex, sir.

Q. There on the perspex board as well.

A. On a sheet of paper underneath the perspex, sir.

Q. What about the call signs of ships in company?

A. They are all displayed on a large board just to the right of the operator, sir.

Q. Well, at the time you were giving call signs and using signalese symbols, was there anyone checking that you used the correct ones?

A. Negative, sir. During the daytime the Chief Yeoman would normally do what I do, to shackle the call signs in the signals, and all I would do is report to the Officer of the Watch, sir. But during the nighttime hours the Chief is on the bridge quite a bit of the time, and we would..... completing it would be our responsibility.

Q. Did this perspex board have on it the name and call sign of the rescue destroyer?

A. Yes, sir.

Q. And what name did it have on that night?

A. EVANS, sir.

Q. Do you recollect what was, at the time for Formation ONE to collision, the base course and speed of the formation?

A. I think it was 220, 18 knots, sir.

Q. Do you remember what the zigzag number was?

A. It could have been 13 SIERRA, sir, but I wouldn't swear to it.

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Q. What is the practice of the Chief Communication Yeoman as regards being on the bridge when the Captain is there?

A. Well, he normally takes all the orders from the Captain, the signals from the Captain and he encodes them and passes them to the TO, sir. I stand on the other side of the TO and pass the information to the Officer of the Watch.

Q. When the chief is there, the Chief Yeoman, what action do you take to check his translations into shackle and call signs and so on of that nature?

A. Well, I do check all the shackle transmissions that the chief puts out, sir.

Q. When were you on watch before 0200 on the night of the 2nd and 3rd?

A. During the dog watches, sir. Both dog watches.

Q. Both dog watches?

A. Affirmative, sir.

Q. Do you recollect any message designating the rescue destroyer for the evening and night?

A. I think there was a signal, sir, to the screen commander telling him from us to detail off the rescue destroyer, sir.

Q. And do you remember any signal being passed following that?

A. I can't remember it off hand, sir, but I should imagine there would have been one, sir.

Q. Well, we are particularly interested to know if you remember any thing from the screen commander and whether it was rogered for?

A. No. I can't actually remember, sir.

Q. Is the Chief Yeoman usually on the bridge when the Captain is there?

A. Usually, yes, sir.

Q. Where was the Chief Yeoman that night? Where did the TO have to go to shake him?

A. In an office on the 277 platform, sir. It is one deck above the bridge, sir.

Q. When did the TO go for him?

A. I can't remember sir.

Q. When you transmit a message with a collective call, and it's a message of a delay executive kind, what steps do you take to make sure that all ships have received the signal?

A. Well, we usually ask for 1 or 2 ships to receipt for the signals, sir.

Q. And does this apply both to the execution to follow signal and the execution signal?

A. Affirmative, sir.

Q. Could you explain that a little further? Which ships do you ask to roger on behalf of all?

A. Well, if it's a signal addressed to all ships, sir, concerning one or two, then we get those to receipt for the signal. If it's a signal to all ships concerning the whole lot of them, sir, we just pick two ships-one or two ships at random to roger for the signal, sir.

Q. And how do you pick them? How do you let them know that they have been picked?

A. At the end of the signal you give their call sign and say, "Over".

Q. And do you choose during a given period the same ships for this purpose or do you vary?

A. Well, we try and vary it, sir, but it's hard to remember which ships you had used before, sir. As I said, you just pick them at random, sir.

Q. And was that the practice not to regard the signal as being received by all until the designated ships had receipted for it?

A. That's right, sir.

Q. In relation to the FORMATION 1 signal, was that passed to be immediately executed or to be delayed in execution?

A. Delayed in execution.

Q. And was the execution signal passed?

A. Affirmative, sir.

Q. How long afterwards - do you remember?

A. No, I don't remember.

Q. When you are picking representative ships to receipt for signals, and you have an execute signal, and a delayed signal, do you choose the same ships for each one of the two . . . or different ships?

A. Well, I can't really remember, sir. It's just sort of something that you do every day and you can't remember if you did it to the same ships for the delayed executive and the executive signal, sir.

Q. Assuming that you had 5 ships or so in company, would it ever happen that you would only ask one ship to receipt for a collective message?

A. It could happen that you ask one ship, yes, sir.



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Q. Would it ever happen that the one ship that you asked to receipt on behalf of all of them was your own ship?

A. It shouldn't happen, sir, but I suppose you could point to a call sign, and seeing, you know, a ship like ours had so many call signs and we would answer for it. I think I can recollect that happening once, sir.

Q. When can you recollect it happening?

A. It wasn't on this night, sir. It could be a few nights before, sir.

Q. And what was the reason for it happening in that way?

A. I asked the operator to ask one ship to receipt, sir, and he just saw the first ship's call sign not realizing that it was ours, sir.

Q. Did you get a receipt for it?

A. Yes, sir.

Q. If MELBOURNE is asked to receipt for a signal, where is the receipt given?

A. From the bridge, sir.

Q. By the same man that sends out the signal?

A. That's right, sir.

Q. Would it ever happen that the man that sends out the signal would ask for a receipt from MELBOURNE and give one?

A. In this instance it did happen, sir.

Senior Member: I believe the Board has no further questions, the answers to which may be classified. I know of only one in the unclassified area, so I think we should proceed with that one in open session.

Counsel for the Board: Yes, sir. As in the case of the open session we now give you an opportunity to add anything that you believe should be placed on record of a classified nature which has not been brought out by the questions so far. Is there anything of a classified nature that you wish to add?

LTO STEVENS: No, sir.

Counsel for the Board: The Board is convened again in open session. You are bound by the oath you took previously, LTO STEVENS. We have this question to ask of you.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the Board (CDR GLASS):

Q. You have said in your earlier testimony that at some stage the TO left his station to shake someone? Who was it that he went to shake?

A. The Communications Chief Yeoman.

Q. Can you tell us when he left in relation to the time of the various signals we have been discussing?

A. Well, I don't know the exact time he left, sir, but it must have been, it was after the last two signals concerning the rudder, sir.

Q. You recollect that do you?

A. Yes, sir. He was there to pass those, sir, and to receive. I don't remember him going, sir.

Q. Was he absent at any time from FORMATION 1 signal to the passage of those last two signals?

A. Negative, sir.

Q. And when was it when he logged the signals in the book which were not logged as soon as they were received?

A. I beg your pardon, sir?

Q. I think you said earlier that he logged certain signals otherwise than at the moment they were received and sent. When did he do that?

A. Well, he did that as soon as he came back on the bridge again, sir. That's when the Chief Yeoman was present, sir.

Q. And how long was he away?

A. Well, I don't know the time he left, sir, so I can't say. It didn't appear - I didn't know that he was gone so I didn't know.

Q. How far did he have to go to get to the Chief Yeoman?

A. The deck above, sir.

Q. How long would that normally take?

A. Well, if he walked it, I suppose it would take 30 seconds or so.

Q. And you could do better if you were running?

A. Yes, sir.

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

Counsel for the Board (CDR GLASS): Is there anything that you wish to say in open session additional to what you have already said. You have this invitation before but it is being extended again.

LTO STEVENS: No, sir.

The witness was warned and excused and withdrew from the Board room.

Counsel for the Board (CDR GLASS): The Board now calls Tactical Operator Rodney Jacobs.

Tactical Operator Rodney Jacobs, Royal Australian Navy, was called as a witness for counsel for the Board, was sworn and testified as follows:

Counsel for the Board (CDR GLASS): I neglected to point out that in accordance with usual practice, persons who are witnesses or who may be witnesses are required to leave the Board room.

#### EXAMINATION BY COUNSEL FOR THE BOARD

Questions by counsel for the Board (CDR GLASS):

Q. TO Jacobs, you've 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 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. If the answer to any question which you are asked requires you to disclose classified information you are requested not to answer, but to advise the Board that the answer would so require you to disclose classified information. In such case you will be given a later opportunity to testify as to the classified information in closed session. However, if you can answer the question either in part or in general terms without disclosing specific classified details you should do so and advise the Board of your desire to amplify the answer in later closed session. Do you understand that?

A. Yes, sir.

Q. 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 whether you must answer the question or not. Is that also understood?

A. (The witness nodded in the affirmative).

Q. Would you please state your name and rank?

A. Rodney L. Jacobs.

Q. Your rank is?

A. Tactical Operator.

Q. And are you the member of the ship's company of HMAS MELBOURNE?

A. Yes, sir.

Q. And were you a member of that ship's company on the night of the 2nd and 3rd of June last?

A. Yes, sir.

Q. And did you stand a watch on the night on which the collision occurred?

A. Yes, sir.

Q. When did you arrive on the bridge for that purpose?

A. At 0150, sir.

Q. 0150, to take over watch at what time?

A. 0150, sir.

Q. And with what other communication rating were you standing that watch?

A. LTO STEVENS.

Q. And did you and he constitute the communications staff until the time of the collision?

A. Yes, sir.

Q. In order to do your work, where were you stationed?

A. I was at the desk where the Tactical Operator sits, sir.

Q. You were at the desk where the Tactical Operator sits?

A. Yes, sir.

Q. And what apparatus did you have for the purpose of receiving and sending signals?

A. A microphone and a headset, sir.

Q. And if a message was to be sent from the ship which originated with the Captain what happened before it got to you?

A. It would be passed to the LTO, sir. He would encode it into a coded signal to be put out on the circuit to all ships, sir.

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