

Recross-examined by Lieutenant *B. B.*, a party:

41. Q. *B. B.*, when you talked to me about this prior to the convening of this court, prior to the time there was any comment concerning testimony in the newspapers, did you at that time make any reference to 060?

A. No, sir. Sir, you are slightly getting me confused. I am trying to stick to what I have said before. I have stated in the written statement that to the best of my knowledge the ship's head at the time the captain called for it was either 060 or 090, sir. From what I have heard in court and what I have read it has been more or less derived that the ship's head was 090, sir.

Re-examined by counsel representing Lieutenant Commander Tierney

42. Q. Do you know what you said the heading was in your first testimony before this court?

A. It was either 060 or 090, sir.

Cross-examined by Captain *B. B.*, a party:

43. Q. You said, *B. B.*, you had been thinking over your testimony and what had happened since you were previously on the stand. Who have you discussed it with?

A. I haven't discussed my testimony with anybody, sir.

44. Q. What papers or other information did you use to gain these subsequent impressions?

A. I read the News Day, the Daily News, Daily Mirror, the Hearst paper, and the World Telegram and Sun.

45. Q. So these new impressions are a result of what you gained after considering all the various accounts that you had read?

A. Yes, sir.

Recross-examined by Lieutenant *B. B.*, a party:

46. Q. *B. B.*, I am not trying to confuse you at all. I am asking you a very serious question. Did you report to Captain Tierney that the ship's heading was 060?

A. No, sir. I did not.

47. Q. Did you report anything to him?

A. No, sir. I wasn't the helmsman.

Neither the counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he again was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

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The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

B-6, seaman, U. S. Navy, was recalled as a witness by the counsel representing Lieutenant Commander Tierney, was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. You are the same **B-6** who has previously testified in this case?

A. Yes, sir.

Examined by counsel representing Lieutenant Commander Tierney:

2. Q. , you have previously testified that the commanding officer gave a series of rudder orders somewhat as follows--
RIGHT FULL RUDDER, LEFT FULL RUDDER, RIGHT FULL RUDDER, LEFT FULL RUDDER--Is that substantially correct?

A. Yes, sir.

3. Q. I wonder if at this time you could tell us approximately how long it takes the rudder to go from left full to right full, from 25° left to 25° right according to your best estimate.

A. I would say no more than ten seconds.

4. Q. Ten seconds?

A. Yes, sir.

5. Q. Now when the commanding officer gave his first order RIGHT FULL RUDDER, approximately how long did you have your rudder at RIGHT FULL?

A. Thirty-five or forty seconds, approximately.

6. Q. Did you ever get an order to steady on a course that you recall?

A. No, sir.

7. Q. Now the next order, as you recall it, was LEFT FULL RUDDER?

A. Yes, sir.

8. Q. And can you tell us approximately how long you had LEFT FULL RUDDER on?

A. Approximately the same time I would say, sir.

9. Q. About thirty-five seconds?

A. Yes, sir.

10. Q. And then the commanding officer gave a right rudder command, is that correct?

A. Yes, sir.

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11. Q. And how long was the right rudder on?
A. I just told the captain, "rudder answers right full," when I got the order for LEFT FULL RUDDER.

12. Q. Just as soon as the rudder hit the stop--it was right 25°?
A. Yes, sir.

13. Q. You said LEFT RUDDER?
A. Yes, sir; that is as best I can remember. I told the captain, "rudder answers right full," and I got the order for LEFT FULL RUDDER.

14. Q. Were any other orders given prior to collision?
A. No, sir.

Cross-examined by Captain *W. C.*, a party:

15. Q. Was there any pause between the first order for RIGHT FULL RUDDER and the next order LEFT FULL RUDDER?
A. Yes, sir; there was a few seconds.

16. Q. And how many seconds?
A. I would say the ship swung approximately 40 to 50° when I got the order.

17. Q. Was there any pause between the next order to return to LEFT FULL RUDDER and the next RIGHT FULL RUDDER order in period of seconds, if you know?
A. I would say it was about the same period of time.

18. Q. What period of time is that?
A. Fifteen-twenty seconds I imagine is what it would take the ship to swing.

19. Q. How many degrees would that be?
A. Forty-forty-five-fifty degrees.

20. Q. And there was no pause at all between that order and the last one?
A. Between the last RIGHT FULL and the LAST LEFT FULL there was no pause at all.

21. Q. Isn't it a fact that in that last turn to left, the first order was LEFT STANDARD RUDDER?
A. The first order that the captain gave me, as well as I can remember, was RIGHT FULL, sir.

22. Q. I am referring to the last left turn. The last turn you made was to the left into the course of the WASP?
A. Yes, sir.

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23. Q. Wasn't that last left turn order LEFT STANDARD RUDDER rather than FULL?

A. I remember it LEFT FULL RUDDER.

24. Q. You don't recall that the first order was LEFT STANDARD RUDDER?

A. No, sir.

25. Q. An appreciable pause, then LEFT FULL RUDDER, then HARD LEFT RUDDER?

A. No.

26. Q. You don't have any recollection of that?

A. No, sir.

Cross-examined by Lieutenant *B-6*, a party:

27. Q. At any time during this maneuver do you remember the ship's heading?

A. No, sir, I can't say that I do.

28. Q. Do you know what it was at the time of the collision?

A. No, sir.

29. Q. At any time did you receive an order RUDDER AMIDSHIPS?

A. I don't remember ever getting an order RUDDER AMIDSHIPS.

Cross-examined by Lieutenant *B-6*, a party:

30. Q. *B-6* the first order that you got after the execution was RIGHT FULL RUDDER, is that correct?

A. Yes, sir.

31. Q. Did Captain Tierney customarily execute maneuvers with FULL RUDDER?

A. I can't say sir. Captain Tierney hadn't been aboard too long and I hadn't stood many watches on the wheel under him when he had the conn. I can't say he customarily put FULL RUDDER every time.

32. Q. But you were positive that first order was FULL RUDDER, RIGHT FULL RUDDER, is that correct?

A. That is the best I can remember, sir.

Recross-examined by Captain *B-6*, a party:

33. Q. How many degrees was FULL RUDDER on that ship?

A. 25°.

34. Q. How many was STANDARD?

A. 16- $\frac{1}{2}$.

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35. Q. During these various turns prior to the actual collision was there any MAN OVERBOARD signal given there on that ship?

A. No, sir.

36. Q. Do you know whether in these various evolutions the ship ever made a complete circle?

A. No, sir, I don't.

Re-examined by counsel representing Lieutenant Commander Tierney:

37. Q. How long did you say you had been a helmsman?

A. Approximately a year, sir.

Neither counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he again was privileged to make any further statement covering anything relating to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

B. G. quartermaster, first class, U.S. Navy, was recalled as a witness by the counsel representing Lieutenant Commander Tierney, ^{AND} was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same *B. G.*, quartermaster, first class, who previously testified in this matter?

A. Yes, sir.

2. Q. You were the navigating quartermaster, is that correct?

A. Yes, sir.

Examined by the counsel representing Lieutenant Commander Tierney:

3. Q. *B. G.*, are you aware of any defects in the repeaters, peloruses, or alidades on the bridge of the HOBSON shortly prior to collision?

A. We had a faulty repeater on the starboard side.

4. Q. What was the matter with the repeater on the starboard side?

A. The rim around the repeater. It wasn't a circle. It was out of shape. We couldn't use a telescopic alidade on it. The majority of the time we used a bearing circle instead of a telescopic alidade.

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5. Q. And how long had that condition existed?

A. To my knowledge 16 months. I had been on there 16 months.

6. Q. The result was you couldn't use a telescope on it.

A. It could be used but you couldn't take a good bearing.

7. Q. Do you know how far you can see across the port bow of the HOBSON from the starboard pelorus in degrees roughly?

A. I would say a minimum of 12°. I am not sure. It is a minimum I know of 12°.

8. Q. You think it is probably more?

A. Yes, sir.

COUNSEL REPRESENTING LCDR TIERNEY: Strike that last question and answer.

Cross-examined by Lieutenant B-6, a party:

9. Q. B-6, did you hear the signal to commence a turn to 260?

A. Yes, sir, I did.

10. Q. Did you hear the Captain give any order following that signal?

A. He gave the order RIGHT STANDARD RUDDER while I was on the bridge.

11. Q. Is that all he said?

A. Our new course was 130 at the time.

Neither counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he again was privileged to make any further statement covering anything relating to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

Lieutenant Commander B-6, U.S. Navy, was recalled as a witness by the counsel representing Lieutenant Commander Tierney, was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. You are the same Lieutenant Commander B-6 who previously testified in this matter?

A. I am.

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Examined by the counsel representing Lieutenant Commander Tierney:

2. Q. Do you know how far across the port bow of the RODMAN you can see the starboard pelorus?

The question was withdrawn.

3. Q. Is the RODMAN a sister ship of the HOBSON?

A. She is.

4. Q. Do you know whether or not the peloruses on the RODMAN are located in approximately the same position as those on the HOBSON?

A. I believe they are.

5. Q. Do you know how far across the port bow of the RODMAN you can look from the starboard pelorus?

A. From dead ahead to where the line of sight strikes the forward part of the bridge, 40°.

6. Q. Do you know whether the rudder installations on board the RODMAN and HOBSON were the same - - steering installations?

A. I am not sure but being sister ships I think they were.

7. Q. Are you the custodian of the General Information Book of the U.S.S. RODMAN?

A. I am.

8. Q. Do you have it with you?

A. I do.

9. Q. Does the book contain steering specifications?

A. Yes, sir.

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COUNSEL FOR THE COURT: Is this a classified document, sir?

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: It may be.

WITNESS: Confidential, sir.

At this point the court sat with closed doors. The members of the press and spectators withdrew from the courtroom.

Examined by counsel representing Lieutenant Commander Tierney (continued):

10. Q. Will you turn to the steering specifications, and if you find there any information on the length of time it takes to move the rudder, will you please read it.

A. "The steering gear when using the main source of power is capable of moving the rudder between the angles at which the limit stops come into action at an average rate of not less than $2\text{-}1/3^{\circ}$ per second with the vessel going ahead at full speed, and through the same range at an average speed of $1\text{-}1/6^{\circ}$ per second with the vessel going astern at a speed not in excess of $17\frac{1}{2}$ knots."

11. Q. On your ship does the rudder angle indicator move more rapidly than the rudder?

A. Affirmative. May I ask that--I am not sure exactly what you asked. What do you mean?

12. Q. Does the rudder order angle indicator move more rapidly than the rudder?

A. Yes, sir.

Cross-examined by counsel for the court:

13. Q. During the turn, commander, did you hear any message from the WASP on either the primary or secondary tactical circuit mentioning a MIKE CORPEN course?

A. No, sir.

Cross-examined by Lieutenant *36*, a party:

14. Q. Do you know if full speed as used in these specifications refers to maximum speed?

A. No, sir; I assume it is 20 knots.

15. Q. 20 knots?

A. Yes, sir.

COURT: For the purpose of clarification the court would like it to be clear to what you referred when you spoke of rudder order indicator.

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WITNESS: I infer, sir, as the wheel is turned by the helmsman indicating what he is putting on the rudder, that leads the indicators showing what the rudder is doing, sir.

At this point the court sat with open doors.

Reexamined by counsel representing Lieutenant Commander Tierney:

16. Q. Do you know, of your own experience, whether or not the Commanding Officer of the HOBSON, Lieutenant Commander Tierney, frequently himself, received and transmitted messages over the tactical voice circuits?

A. I would say that many times I recognized his voice.

Neither counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he again was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

Captain *B. G.*, U. S. Navy, a party, was called as a witness by the counsel representing Lieutenant Commander Tierney, was warned that the oath previously taken by him was still binding, and his attention was again invited to his rights as a party, his rights as a witness, and his rights against self-incrimination.

Examined by counsel for the court:

1. Q. Are you the same Captain *B. G.* that has previously testified in this matter?

A. Yes.

Examined by counsel representing Lieutenant Commander Tierney:

2. Q. Captain *B. G.*, were you ever of the opinion that the MIKE CORPEN --

At this point the court sat with closed doors. The members of the press and the spectators withdrew from the courtroom.

Examined by counsel representing Lieutenant Commander Tierney (continued):

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3. Q. Captain ~~RB~~, were you ever of the opinion that the MIKE CORPEN 250 signal was ever acknowledged?

A. No, I did not receive any report.

4. Q. Did you ever at any time report that an acknowledgment was received?

A. No.

5. Q. You are certain, sir?

A. May I repeat the question? Did I ever report --

6. Q. --That an acknowledgment was received?

A. No.

7. Q. I show you this partial message, sir. It is difficult to make out but does that refresh you memory?

COUNSEL FOR THE COURT: May I ask for the record to what you refer?

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: I am showing him the voice log of the USS RODMAN.

A. I can't quite read it. I can't make out the words. Do you know what the words are?

8. Q. I think so. "At the time he crossed the bow" -- I can't make it out either.

A. Have you the person who wrote this?

9. Q. He won't be in until Monday.

A. I can't testify to the word and without identifying the word there, two or three words here --

COUNSEL FOR THE COURT: For the purposes of the record counsel for the court wishes to repeat the question. The question asked this witness is: Can he refresh his recollection from this document. The answer to that can be yes or no.

WITNESS: My memory is refreshed, but I don't know what this says so that I cannot confirm it.

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All redactions
are B-6.

Examined by counsel representing Lieutenant Commander Tierney (continued):

10. Q. Having looked at the voice log, do you recall having reported the message was acknowledge?
A. No.

Cross-examined by Captain [redacted], a party:

11. Q. Did you make any report at a subsequent time, a subsequent day after the collision had occurred, to Admiral [redacted]?
A. I did.

12. Q. Do you have a copy of that report with you?
A. I have not - - not with me now. It may be in the file of the ship.

CAPTAIN [redacted], A PARTY: I would like to ask the court for a short recess in order to obtain the dispatch referred to, inasmuch as the matter has been brought up at this time, if there is one.

The court then, at 1145, took a recess until 1300, at which time it reconvened.

[redacted], yeoman, first class, U. S. Navy, entered as reporter.

Present: All the members, counsel for the court, all the parties and their counsel, and the reporter.

No witnesses not otherwise connected with the inquiry were present.

The court continued sitting with closed doors.

Captain [redacted], a party, resumed his seat as a witness and was warned that this oath was still binding.

CAPTAIN [redacted], A PARTY: Admiral, I asked for time to see if we could locate a copy of the conversation that took place between Captain [redacted] and Admiral [redacted]. As nearly as we could determine there was a conversation on the 28th of April. It was not, however, in the nature of an official dispatch and we, at this point, are unable to locate even a copy. I am not sure that even a copy was made.

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Cross-examined by Captain

a party.

All redactions
are B-6

13. Q. Captain, ^{did} you have a conversation with Admiral on or about 28 April?

A. I did.

14. Q. Will you relate the nature and circumstances of that conversation?

A. Admiral and two destroyers arrived on the scene of the collision on the night of the 26th, and assumed command of the ships which were there. On the morning of the 27th we got underway and a great number of transmissions took place between the Admiral and I over the primary tactical circuit, such as "How are you coming?" In one of them he said "Okay, with me if you get underway whenever you are ready." That is--I am trying to give you a picture of the conversation back and forth. If I happened not to be on the bridge I would send word back to the captain or if I asked something--I might ask to speak to the Admiral. On the morning of the 28th or when we were ready to head more or less into the sea, he told me that I would take charge of the RODMAN and proceed back to New York and he asked me "Have you any information whatever that I can take to the boys in the 'Med'?" and I told him in the same vein in which he had asked me--a brief summary of the events. While this copy of the dispatch or of the conversation is somewhat garbled, it is in its essential, what I said. My conversation with him was in no way an official one and is the story as I saw it. I have refreshed my mind through the officers who were on the bridge and those who heard the conversation in CIC at that time and it is my belief that I did probably state that the message "MIKE CORPEN" had been acknowledged for. I had not made any check at that time. It was not my intention to mislead him. There was no written report made of it in preparation for a summary because of the information nature and quickness in which he asked me "What did it look like?" I would like to emphasize again that this was a conversation between and and was not from the Commanding Officer of the USS WASP to the Commander Destroyer Flotilla FOUR.

15. Q. And, of course, that was shortly after the collision when you and the other personnel aboard ship were primarily concerned with the safety of the vessel and provisions for the survivors you had on board. What I am getting at, it was your best recollection at the moment before you had had an opportunity to check with the other officers on watch and other personnel to determine whether the message had actually gotten out and had been acknowledged for; was it not?

A. That is essentially correct.

16. Q. Upon subsequently making such a check of the personnel have you now determined whether or not such a message was actually acknowledged for or receipted for by either the RODMAN or the HOBSON?

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A. There has been no evidence and I have no information that either of the ships ever received the message.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness. He resumed his seat as a party.

At this point the court sat with open doors.

Commander ~~W. B. B.~~ B-6 junior, U. S. Navy, was called as a witness by the counsel representing Lieutenant Commander Tierney, entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, rank, serial number, branch of service, and present duty station.

A. ~~W. B. B.~~ B-6, junior, Commander, U. S. Navy, B-6, Commanding Officer, USS BEATTY (DD-756).

Examined by counsel representing Lieutenant Commander Tierney:

2. Q. Will you state your naval and marine experience.

A. I graduated from the Naval Academy in 1939, June 1, 1939. I went to the OKLAHOMA for one year, participating as a junior officer. I was rotated 3 months in gunnery, 3 months in communications, and 6 months in engineering. Then I went to the USS BORIE, four-stack destroyer. From there I was on duty for 15 months in almost every job on board the ship except executive officer and commanding officer. From the BORIE I went to the USS ATLANTA which was then being built in Camden, but prior to her commissioning the war started and I was ordered immediately to Washington as Executive Officer of the Bomb Disposal School which was to be organized. It didn't actually exist at the time. I remained there about a year and I went to the USS BRADY (DE-235). I was given command of the BRADY. Total time on board that ship: 15 months, approximately. Then I placed in commission the USS HAMMER, another DE, as commanding officer. I remained in command about 14 or 15 months. Placed in command of the USS ALFRED, then being decommissioned. That job only lasted six weeks. Then I was ordered to the USS FRANK E. EVANS, another destroyer. Remained in command about eight months at which time I was ordered to shore duty in Washington. In Washington, I was in the Senate Navy Liaison Office in the Senate Office Building, attached to the Bureau of Naval Personnel for about one year. Then I was ordered as Aide to Chief of Naval Personnel and remained in that job about fourteen months, at which time I entered the Judge Advocate General's Office for about one year. Then I was ordered to take command of the USS BEATTY and I have had that ship for a little over one year at the present time.

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COUNSEL FOR LIEUTENANT COMMANDER TIERNEY: I wish to offer for identification, at this time, these man~~eu~~vering boards labeled situations ONE, TWO, and THREE, respectively. I do not at this time offer them in evidence.

I may state for the court and the counsel that these situations do not purport to be an exact reproduction of any data presently in evidence or not presently in evidence. The situations are offered for identification at this time merely as a means for providing the witness with the picture of a hypothetical question which I am about to ask.

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Examination by counsel representing Lieutenant Commander Tierney continued:

3. Q. Commander, what is the status of your ship?

A. At the present time, my ship is in Newport for leave and upkeep.

4. Q. From the summary given of your naval experience, could you tell the court how many years you have operated aboard destroyer-type vessels?

A. Five years plus.

5. Q. And how long as commanding officer?

A. Approximately four years.

6. Q. Have you had considerable experience operating with carriers?

A. Yes.

7. Q. In the light of this experience, is it your opinion that the angles on the bow of the aircraft carrier can be accurately estimated at night?

A. The angles on the bow of the carrier are very difficult to determine and it would depend on the angle on the bow as to how easy it would be to estimate. For example, assume the angle on the bow is ZERO -- I don't think there would be any immediate trouble in estimating it, roughly - say, within approximately 20 degrees.

8. Q. Are you aware that a collision occurred between the HOBSON and WASP?

A. Yes.

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: I shall now ask you some questions wherein I will specify certain conditions and wish that you would answer the question in the light of your experience as a destroyer officer.

9. Q. Assuming the conditions are as follows: The night is dark; the sea is calm; the wind 10 knots from the southwest; an aircraft carrier and two destroyer mine sweepers are steaming in formation on course 102 degrees true; at speed 25 knots; boiler power is available for 28 knots; the ships are darkened except for red aircraft warning truck lights; one destroyer minesweeper is in plane launching station number 2 bearing 245 degrees True from the carrier, who's guide range is 3,000 yards. The commanding officer of the destroyer minesweeper who is participating in night carrier operations for the first time as a commanding officer and who on the day before has received a message, which I now show you, (passing Exhibit number 59 to witness) has received signals to come to plane recovery course 260 degrees True and to increase speed to 27 knots. I show you a diagram of situation ONE marked for identification -- we never did mark it.

Situations ONE, TWO, and THREE were marked Exhibits 103, 104, and 105 for identification respectively.

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Q. (Continuing) I show you Exhibit 103 for identification, situation ONE, which shows the navigational data as stated --

COUNSEL FOR THE COURT: May I interrupt here?

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: Approximatel

COUNSEL FOR THE COURT: I am not objecting. May I suggest to counsel, unless these exhibits are offered in evidence, just a reference to situation ONE will have no meaning in the record.

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: I intend to offer them into evidence later when I have completed the question.

Q. (Continuing) After the signal to change course was executed and if the commanding officer of the destroyer minesweeper received permission to ~~proceed to~~ ^{proceed to} night recovery station number 2 and accordingly he changed his course to 130 degrees True and increased speed to 27 knots to take plane recovery station 2, in your opinion, would this initial course and speed be reasonable or unreasonable, considering all the conditions existing at the time the signal was executed?

COUNSEL FOR THE COURT: May I ask the reporter to read back that rather involved - long and rather involved question.

The reporter read as directed.

A. Reasonable.

10. Q. Would that course and speed be tactically sound from a theoretical viewpoint?

A. Yes.

11. Q. I show you situation TWO on exhibit marked for identification number 104. Assuming the commanding officer proceeded on 130 degrees until he reached a position when the guide bore 059 degrees true, range 3,180 yards and that the guide had partially completed her right turn from course 102 degrees True to 260 degree True so that the target angle was approximately 100 degrees starboard. If, under these circumstances, the commanding officer of the destroyer minesweeper ordered the rudder put "FULL LEFT" and when he had reached a heading about 100 degrees True, then ordered his rudder put "FULL RIGHT" intending to continue to the right location approximately 160 degrees to course 260 degrees True in order to parallel the guide on her new course and so taking night recovery station number 2, in your opinion would these rudder orders be reasonable or unreasonable considering all the conditions existing at the time the orders were given?

COUNSEL FOR THE COURT: Will the reporter read back the question

The reporter read as directed.

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COUNSEL FOR CAPTAIN B-6 I would like to object on the grounds it appears there are several points in the question just stated on which there has been no evidence introduced at this trial. One of such points was, any intention to proceed on course 130 until the guide bore 059; the only evidence on that point was that the intention was to proceed until the guide bore 010. There was no evidence in these proceedings as to what range was to be achieved before turning from 130. There has been no evidence in the proceedings regarding the target angle of 100 degrees starboard. And there has been no evidence that the HOBSON, at any point, proceeded on a average course of 100 degrees True.

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: I reply to the objection by stating that I think counsel has mis-stated some of the facts. I desire the reporter to read back the objection. It is going to be tedious but I can rebut the points one by one.

The reporter read as directed.

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: In answer to that objection, I reply that the diagram (indicating Exhibit 66) shows that the HOBSON changed course - put her rudder right at this point (indicating) and drew (demonstrating) its relative position to here (indicating) where the guide bore 059 True and it seems to me that the intention is proven by a given act and I think that the HOBSON put her rudder full left at 059 True. I think the evidence shows intention.

COUNSEL FOR CAPTAIN B-6 There has been talk of the direct intention of the Commanding Officer of the HOBSON working out the maneuvering board problem which was stated to be that of making a left turn when the guide bore 010 and I might also point out that the angle indicated by counsel a moment ago is certainly (indicating) not in accordance with the expressed intention of the Commanding Officer of the HOBSON when the maneuvering problem was worked out.

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: I grant you are correct on that. However, I still believe that what he did was the best evidence of his intention when he started to do it.

COURT: Now that reply was to one particular point. - Do you wish to cover the others?

COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: Yes, sir. No statement was made that the HOBSON proceeded on an average course of 100 degrees True. The statement is made that about 100 degrees True he intended to change his rudder from LEFT FULL to RIGHT FULL. I submit that if the testimony of the helmsman and the quartermaster are given credence, that that statement as to his intention is again borne out by the facts as they actually have been brought out in the record.

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COUNSEL FOR THE COURT: Counsel for the court will advise the court that it is his understanding that an expert witness may be asked a hypothetical question provided the hypothesis is based on the evidence or on reasonable inferences to be drawn from the evidence.

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The court was cleared. The court was opened, and all parties to the inquiry entered.

B-6, chief yeoman, U. S. Navy, entered as reporter.

The court announced that the objection was not sustained.

The question was repeated.

A. The answer is: reasonable.

12. Q. Were the orders tactically sound from a theoretical viewpoint?

A. Yes, under those circumstances.

13. Q. Assuming that the commanding officer has just given the order "RIGHT FULL RUDDER" then observes through his binoculars that he is about twenty degrees on the starboard bow of the carrier and simultaneously he receives a signal from the carrier meaning "My course is 250 degrees True," would you from your knowledge of destroyer operations be of the opinion that such a signal would cause momentary uncertainty and confusion in the mind of the commanding officer?

A. Yes.

14. Q. Assuming the commanding officer to be momentarily confuse under these circumstances and that he observed that he was on the carrier's starboard bow and that the carrier was 20 degrees to 30 degrees on his port bow at a range of 2200 yards and that the commanding officer gave the order "RUDDER AMIDSHIPS" with the intention of leaving it there momentarily and then coming left or right as the situation developed, would you consider such action reasonable or unreasonable?

A. Under those circumstances, reasonable.

15. Q. Assuming the rudder had moved to amidships and that the ship's head was nearly steady and the commanding officer observed through his binoculars that he was still on the starboard bow of the carrier and the carrier was 30 degrees on his port bow at a range of 1700 yards and supposedly steady on her course, would you consider the order "LEFT STANDARD RUDDER" and then "LEFT HARD RUDDER," reasonable or unreasonable under those circumstances?

LIEUTENANT *B-6*, A PARTY: I object to this question on the ground that it erroneously states the evidence. It appears from the diagram (Indicating Exhibit 66) and from all the evidence that the HOBSON was never on the carrier's starboard bow when this order "LEFT STANDARD" and "LEFT FULL RUDDER" was given and only at the commencement of the turn was it on the carrier's starboard bow. I think the question is entirely misleading in that respect when he says the HOBSON was on the starboard bow of the carrier.

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COUNSEL REPRESENTING LIEUTENANT COMMANDER TIERNEY: This diagram being an approximation of events as they occurred in the opinion of the Commanding Officer of the WASP is not conclusively binding on the parties, but even so I think that if you carefully measure the relative positions from the point marked "X" commencement of turns and a point somewhere back in here, I think you will see he is still somewhere sharp on the bow.

LIEUTENANT ~~W~~, A PARTY: I think that his explanation just speaks for itself and I can't see how the HOBSON was on the carrier's starboard bow at the commencement of the last left turn.

The court was cleared. The court was opened, and all parties to the inquiry entered.

The court announced: The court wishes to point out that a court of inquiry is not bound by the strict rules governing objections which prevail in the case of courts-martial. It is the desire of the court to afford the widest possible latitude of examination. The counsel representing Lieutenant Commander Tierney has been asking hypothetical questions. The court does not sustain the objection.

The question was repeated.

A. The answer is: reasonable.

16. Q. You have just answered a series of hypothetical questions. Do you wish to comment or elaborate on the answers you have given?

A. Well, I would like to point out for the court that I am answering these questions under all the circumstances given under the hypotheses. I am not answering a question on what I would have done from the beginning to the end in any manner whatsoever. That is the only comment I have.

17. Q. I refer to Exhibit 59. I ask you if a fair reading of that dispatch would indicate to you that its provisions are applicable to destroyers when plane guarding and shifting stations?

A. Yes.

18. Q. Would that dispatch in any way have affected your course of action under the conditions of the hypothetical questions you have just answered?

A. In order to answer that question, I will have to take myself back four years and try to give what I think I would have done. I think if I had command of a ship only one month and was making my first plane guard maneuver, it possibly would have affected my course of action.

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19. Q. Would it do so now?

A. No.

20. Q. Do you have anything further to state?

A. Well, I would like to state that there is a lot of difference from those first few months you have command and later on.

Cross-examined by the counsel for the court:

21. Q. Captain, do you think that if the commanding officer of the destroyer minesweeper in the situations we have just described was confused at any point in the maneuver, should he, in your opinion, have given any signals such as whistle signals, or should he have taken any action such as lighting ship, or should he have asked for information of the carrier's intention, or should he have given any information to the carrier of his own course and speed?

A. Assuming that this is the point where he became confused, affirmative.

22. Q. What, in your opinion, should he have done at the point he became confused?

A. Well, he should have gotten on the radio immediately and stated what he was doing. Running lights should have been turned on. That is, inform the other ship what you are doing and turn on your running lights.

23. Q. If you were in a DMS bearing 245 degrees True from a carrier and the commanding officer of the carrier was OTC and you knew that you were to take plane guard station Number Two for night recovery and the commanding officer of the carrier had executed a signal "Turn 260" what would you have done on the execution of that signal?

A. Well, I would have headed out about 140, possibly maintained present speed for a short while with the intent of coming around to the right and slowing to drop back into station. May I explain at this point that when I make such a maneuver as this that no one course would be my answer for the following reasons. If I had the conn, I would be standing at the pelorus in order to have continuous bearings. Further, I would have a combat talker giving me ranges constantly and I would have the Officer-of-the-Deck watch the radar repeater in the pilot house and I would maneuver by ear, so to speak. My courses would possibly be constantly changing, depending on ranges and bearings that I obtained.

24. Q. Would your final turn have been to the right or to the left, or would that depend on the information you received as the situation developed?

A. My original plan would be for the final turn to be to the right.

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B-6, yeoman, first class, U. S. Navy, entered as reporter.

Cross-examined by Captain B-6, a party:

25. Q. You have mentioned several actions you would have taken at the point in the hypothetical question where the commanding officer became confused, certain precautionary measures, turning on running lights, et cetera. Up until that time, if none of those precautionary measures were taken by you, would there have been anything in your actions of your ship which might have led the WASP to think that anything was wrong?

A. May I have that read back to me?

The reporter read the question.

A. Negative.

26. Q. In your maneuvering you mentioned that you would have taken constant bearings and constant ranges, would you have made any of your course changes with full rudder?

A. Any of my course changes?

27. Q. Up to get into position.

A. This is up to the point of confusion? - Negative.

28. Q. Your answer was no?

A. Negative. May I amplify that answer? - No course change to the left up to that point with full rudder. I might have made that last one to the right with full rudder.

29. Q. On a night similar to the night described in the hypothetical question is it true that it would be difficult, if not impossible, to determine the target angle of the carrier any closer than 20 degrees?

A. That would vary with the range to the carrier - vary with the carrier's course - carrier's target angle, I mean.

30. Q. At a time when the range was 2300 - 2200 yards, the carrier's relative bearing was 20 to 30 degrees port and true bearing was approximately 059 degrees at the time and at the time when the range was 1700 yards and the relative bearing was 30 degrees true to port and the true bearing was approximately 056, comparing these two situations, in what direction was the true bearing changing?

A. It is my understanding that the original bearing was 065, the bearing is now 059, so it was moving to the left.

31. Q. All right, with the true bearing changing left and - in the above situation, would you turn left?

A. In the above situation, no, if I understand the question right.

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32. Q. Did you know Lieutenant Commander Tierney?

A. No.

33. Q. Do you know of your own knowledge actually if this was his first command?

A. I don't know. I don't know for a fact.

Cross-examined by Lieutenant *B-6*, a party:

34. Q. In your opinion, Commander, based on that diagram (indicating Exhibit 66) on the blackboard, was the last left turn indicated there of the HOBSON in violation of the Rules of the Road?

A. You're asking me if going left, if that is in violation - that is all the question is, that diagram?

35. Q. Yes.

A. The answer is yes.

Recross-examined by Captain *B-6*, a party:

36. Q. Are you familiar with the Emergency Ship Handling Doctrine?

A. I don't know what you mean - I think I am.

37. Q. What case situation under the Emergency Ship Handling Doctrine do you recognize in this situation and I refer to Exhibit 66; the HOBSON is at the point where she just commenced her - now just about to commence her left turn, the WASP is at the similar point, by this plot approximately there, the points are marked on the Exhibit as point Fox or "F" and point Easy.

COUNSEL REPRESENTING LCDR TIERNEY: I object to that question, not because it is improper but because the data given is not as given on the diagram. Counsel picked out improper points.

CAPTAIN *B-6*, A PARTY: I withdraw the question. I will restate the question.

38. Q. Assume the HOBSON to be at point X-ray on Exhibit 66, the WASP to be at Easy, what case situation under the Emergency Ship Handling Doctrine do you recognize?

A. I don't understand what you mean, what case situation?

39. Q. Is this Case One, or Case Two situation under the Emergency Ship Handling rules?

A. I have no idea.

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40. Q. You do not understand the Emergency Ship Handling Doctrine then?

A. I don't know what - I think I know how to handle a ship in emergency - -. I don't understand the Case one, Case Two, or Case Three or any numeral designation.

41. Q. Have you been to Emergency Ship Handling School recently?

A. Negative - never.

The court then, at 1450, took a recess until 1500, at which time it reconvened.

Present: All the members, counsel for the court, assistant counsel for the court, advisor to the counsel for the court, all the parties and their counsel, and the reporter.

Commander ^{B-6}, the witness under examination at the time the court recessed, resumed the witness stand, and was warned that his oath was still binding.

At this point the court sat with closed doors.

Examined by the court:

42. Q. Commander, as a result of what you may have learned about this collision, do you have any suggestions or recommendations as to changes in tactical instructions or doctrine?

A. Well, sir, I would recommend that at night especially and periods of reduced visibility that the doctrine be made mandatory to put the plane guards on station whenever it is going to necessitate a relative speed greater than the signal speed prior to executing the turn. That is done many times and sometimes it is not. I consider that maneuver can be very dangerous when both ships are maneuvering. At the same time you also have the possibility of steering casualty, a loss of power, and I would recommend, except in cases of emergency, that the plane guard ships be stationed prior to executing the turn into the wind and that that be made mandatory rather than desirable.

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43. Q. Then in this instance, you would recommend that the plane guard be brought into its position, which is a thousand yards on the port beam of the carrier, before the turn is accomplished rather than accomplish the turn with the carrier three thousand yards, bearing 340 relative? Do you understand that?

A. Yes, sir. I would take the true bearing, take position plane guard station number two, then execute the turn. In other words, get the carrier bearing 355 True, distance 1000 yards.

44. Q. The court wasn't quite clear, I said the port beam, I meant the port beam or the launching course which, of course, is number two position; in this case and prior to the turn putting the plane guard destroyer a thousand yards on the starboard beam of the carrier?

A. Yes, sir.

Neither counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

At this point the court sat with open doors.

A witness called by counsel representing Lieutenant Commander Tierney entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, rank, and serial number, branch of service, and present duty station.

A. Name: ³⁶ [redacted], Commander, USN, Commanding Officer U.S.S. HYMAN (DD-732).

2. Q. Will you state your naval and marine experience?

A. I have been commissioned over 11 years. My first tour of sea duty was in the OKLAHOMA; following that I went to the USS WARDEN, a destroyer in the Pacific Fleet.

3. Q. In what capacity, sir?

A. First lieutenant and junior deck officer. Eventually became officer of the deck at general quarters, aboard that ship. Following that duty, which lasted approximately one year, I was ordered to the USS HALL, another destroyer, as gunnery officer. I remained in that ship approximately 20 months, and eventually became executive officer. From the USS HALL, I went to the USS AULICK for approximately three months. From the AULICK I was ordered to the USS ROBERT FRAZER, a destroyer escort, which I commanded for approximately three months. From this duty I went to the USS [redacted], another destroyer, as executive officer--commander for 16 months.

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A. (continued) My next sea duty is my present command, U. S. S. Hyman, which I have had for approximately 10 months.

Examined by counsel representing LCDR TIERNEY:

4. Q. What is the status of your ship?

A. My ship is assigned to - Destroyer Force, U.S. Atlantic Fleet. And at the present is in upkeep status at Newport, Rhode Island.

5. Q. How many years have you spent on destroyer type ships?

A. Approximately five years.

6. Q. Have you had considerable experience operating with carriers?

A. I have.

7. Q. Are you aware that a collision occurred between the WASP and the HOBSON?

A. I am aware of that fact.

8. Q. I am about to ask you some questions which ask you to assume certain conditions, then give your answer. The first question is: Assume that conditions are as follows: The night is dark and clear, the sea is calm, the wind ten knots from the Southwest. An aircraft carrier, and two destroyer minesweepers are steaming in formation on course 102 degrees true, speed 25 knots, boiler power for 28 knots, the ships are darkened except for red aircraft warning truck lights. One of the destroyer minesweepers, for plane launching, is station number two, 245 degrees true from the carrier which is at range three thousand yards. The commanding officer of the destroyer minesweeper has participated in no night carrier operations as commanding officer, and on the day before has received that message - will you read the message, that is, Exhibit 59?

A. (The witness read the message.)

9. Q. I continue. And who on the day before received the message you have just been shown, also has received the signal to come to plane recovery station on a base course of 260 degrees true, and to increase speed to 27 knots. I show you Exhibit number 103, for identification, which summarizes the navigation data I have stated. If the signal to change course was executed, that is course change to 260°, and if the commanding officer of the destroyer minesweeper received permission to proceed to night recovery station number two and accordingly he changes to course 130°, on the course, increased speed to 27 knots, to take plane guard station two; in your opinion would this initial course and speed be reasonable or unreasonable considering all the conditions existing at the time the signal was executed?

A. I would say I can see reason for his actions; therefore, the answer would be, his actions were reasonable.

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10. Q. Would that course and speed be technically sound from a theoretical view point?

A. Yes, it would, in my opinion.

11. Q. I show you Exhibit 104 for identification. Assuming that the commanding officer proceeded on 130 degrees until he reached the position when the guide bore 059 degrees true, range 3180 yards and that the guide had made a partial right turn from course 102 degrees true to 260 degrees true so that the target angle was approximately 100 degrees starboard; if, under these circumstances the commanding officer of the destroyer minesweeper orders his rudder put full left and when he had reached 100 degrees true, orders his rudder put full right, intending to go - to continue to the right approximately 160 degrees to course 260 degrees, a course parallel with the new course, and so take night recovery station number two; do you have those facts - would you wish me to repeat any of them?

A. He has put the rudder left full and after no appreciable time he shifts it to right.

12. Q. No, heading 100 degrees true, he is 103.

A. Yes.

13. Q. He gets over to 100 degrees true?

A. At that time he shifts.

14. Q. He shifts to full right.

A. Yes, sir, I see his reasons in my mind for doing that. If you would like me to elaborate I will.

15. Q. No, I don't think so.

A. I can. That to me is reasonable.

16. Q. Would those orders be technically sound from a theoretical view point?

A. I would say they were, sir, technically sound.

17. Q. Would you consider such a maneuver a modified Williamson turn?

A. Yes, I would.

18. Q. Assuming that the commanding officer has just given the order right full rudder and that he observes through his binocular he is about 20 degrees to starboard of the carrier, simultaneously he receives a signal from the carrier meaning my course is 250 degrees true; would you, from your knowledge of destroyer operations be of the opinion that such a signal would cause momentary uncertainty - confusion in the mind of the commanding officer?

A. Any time in my mind you are making a maneuver where relative speeds are that great and in which the original picture solution must work out, where tolerances or distances are that close I would certainly be disturbed if I received a tactical maneuver signal in the midst of my maneuver.

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19. Q. Assuming this commanding officer to be momentarily confused under the circumstances and that he observed that he was off the carrier's starboard bow and the carrier was 20 to 30 degrees on his port bow at a range of 2200 yards and that the commanding officer gave the order "rudder amidships" with the intention of leaving it there momentarily and then coming left or right as the situation developed, would you consider such action reasonable or unreasonable?

A. I would consider it reasonable.

20. Q. Assuming the rudder had been moved to amidships and that the ship's head was nearly steady and the commanding officer observed through the binoculars that he was still on the starboard bow of the carrier, the carrier 30 degrees off the port bow at a range of 1700 yards and supposedly steady on her course, would you consider the order left standard rudder by the commanding officer of the destroyer, followed by left full rudder, and then left hard rudder, reasonable or unreasonable under those circumstances?

A. I would consider it reasonable.

21. Q. Would you consider the orders tactically sound from a theoretical view point?

A. I would say they are, yes, sir.

22. Q. You have just answered a series of hypothetical questions; would you wish to comment or elaborate on the answers you have given?

A. I would like to emphasize that I might say for my own reputation, if you want to call it that, I have eliminated or attempted to eliminate any other facts or any other factor, I would say, that might enter into that picture. I have tried to eliminate any facts which might enter in this picture which I may at the time have had or may not have had. I cannot say, but I would like to say that these opinions I expressed are purely and simply from the hypothetical case with all other factors eliminated.

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7,6, yeoman, second class, U. S. Navy, entered as reporter.

23. Q. I show you again Exhibit 59 and ask you if, in your opinion, a fair reading of that message would lead you to the conclusion that its provisions are applicable to destroyers on plane guard duty when changing station?

A. I would say that it does apply to ships when maneuvering, either changing station or movement in the screen or moving from the station in the screen to plane guard station because of the statement "Changing station assignment should be performed in the most expeditious manner," and I would assume that this means all station assignments.

24. Q. As a commanding officer of your present experience, would that message influence the maneuvering of your ship?

A. Yes, it would influence me. I would like to say this: That in looking back on some of my experience, I think that in first taking command it might have made me feel that I should do things that at the present time I wouldn't do. In other words, I would find a way, or through my experience, I would have learned a way, I hope, depending upon the circumstances of the stations, to expedite there, but at the same time expedite it in a manner in which the maneuver, you might say, would be safer or maybe not quite as hot a maneuver. I can't say that I would always do that naturally, but that is a reflection on it at this time. That is reaction I would have to such a message after having had command for a while.

Cross-examined by the counsel for the court:

25. Q. If the commanding officer was confused at any point in the assumed maneuvers in the hypothetical questions that have been asked you, should he, in your opinion, have given any signals such as whistle signals or should he have taken any action such as lighting ship or should he have given any information to the carrier on his own course and speed, if he was confused?

A. The answer to that question is, I think, there is no other answer to it but, yes, as we sit here. I would like to elaborate on it if I may.

26. Q. Then, in your opinion, what action should he have taken on what signal should he have given?

A. Well, he could have turned on running lights. He could have called the carrier and said "I am doing such and such," so that from that the commanding officer of the carrier would realize that the ship was in doubt or in extremis or that the situation had changed. But I think that for everything a commanding officer goes through and I have gone through it myself, and that is, to try to determine the situation the best you can. If you feel that you have a pretty good estimate of the situation, although the situation may be - let us say the maneuver is developed very rapidly and possibly at instances you may lose the picture and then you regain it, there is a reluctance on the part of the commanding officer to be premature

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in flashing on running light^{ts} and calling on the radio unnecessary when after all, they are in training for that sort of thing under war conditions. And I think that situation exists that the thought is even more in the mind of a new commanding officer than it is in one who has had a little more experience. I think that it is rather obvious, that as one gains experience, they gain more confidence, and know certainly when a situation is out of hand, then that is the time to turn on the lights and tell the other ship, no matter what size or seniority, "I have lost the picture and therefore, I am carrying out emergency action." But as to the answer, when he was confused should he do something, I think there is only one answer to that, yes.

27. Q. If you were in a DMS, bearing 245 degrees true, 3000 yards from a carrier and both you and the carrier were on a course 102 degrees true, speed 25 knots, and the commanding officer of the carrier was OTC, and you knew that you should take plane guard night recovery station number 2, and the commanding officer of the carrier put in the air and executed the signal to turn 260, speed 27, what action would you have taken?

A. Assuming that I had not known before that signal was executed that I was to take this station?

28. Q. My question is: Assuming that you knew prior to the execution of that signal that you were ordered to take night recovery station.

A. May I ask how long before the signal was executed did I know?

29. Q. Assuming that you knew 5 minutes before.

A. If I had known 5 minutes before the execution of the signal I would have come to the maximum speed with boiler power available and I would have steered the course necessary to move from my original relative position to the new desired relative position which would have been bearing 170, 1000 yards from the guide. I would have steered in that direction. When the signal was executed, I would have started a slow turn - that, is, I would have put a lesser amount of right rudder around to start turning with the carrier but making a wider turn than that which I would make in order to come around with the carrier, and the object there would be to close the distance but at the same time come around and turn in the same direction that the carrier was turning. As I cross his track or when I reached a position where the range would begin to open, then I would slow to a speed that would expedite the maneuver, I think probably 15 knots would have dropped me in to the base course and dropped back in to my base maneuver. That maneuver that I have given is based on the fact that I had the experience that I have now had.

30. Q. Assuming that in the execution of the signal of the turn 260, you were still 3000 yards, bearing 245 degrees true from the carrier, what would you have done on the execution of the signal "Turn 260"?

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A. It would have been approximately the same. I might feel it entirely safe to proceed on approximately 102 just for a short time which would delay my slow turn to the right, keeping bearings and ranges in mind constantly so that I could get the relative position so that I would not get caught inside of the carrier.

31. Q. But in any event, you would have executed the maneuver with a right turn rather than a left turn?

A. I think ^{with} my present experience, I would. But I would like to add that when I had command of my ship about 2 weeks, I suppose after approximately 4 years out of destroyers, I found myself very much with that same decision to make, but it was daytime and I could see exactly how she was turning by the list on her. From my experience I learned to tell by the fact that she was turning and consequently changed my entire maneuver, went around and came up on the other side.

Cross-examined by Captain *B-V*, party:

32. Q. Did you know Lieutenant Commander Tierney personally?

A. No, sir.

33. Q. Do you know of your own knowledge that that was his first command?

A. It seems to me that I have either read in the paper - -

34. Q. Of your own knowledge?

A. In other words, since I never knew him personally, I would have no way of knowing that of my own knowledge so I think the answer is obviously no.

35. Q. Do you know what his experience was in destroyer type operations?

A. No, I don't personally.

36. Q. What previous experience he had had in plane guard operations?

A. No, sir.

37. Q. Commander, in a situation described that on a dark night, how accurately could you estimate the carrier's angle on the bow or target angle?

A. It is very difficult to do. I think I could do it within 10 degrees, something of that nature.

38. Q. I refer to Exhibit 66. At the time the carrier's angle on the bow is approximately 20 degrees, which is the time in the situation, - and you had received a message, a signal, from the carrier stating: "My course is 250." Now, at the time - or, when the carrier's angle on the bow was 20 degrees, what would be the carrier's approximate course?

A. I have heard no bearings given here.

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39. Q. You heard a bearing on the initial station of 065 degrees true?

A. Yes. He bears 065 and I am 20 degrees on his starboard bow, and the question is?

40. Q. And the question is: What would be the carrier's approximate course?

A. It would be about 225.

41. Q. Approximately 225. Why then would you be confused by his stating that he was on 250 when your best accuracy of the estimate of the angle on the bow would be 10 degrees? Would that not appear to be normal with that attitude of the carrier not being the normal attitude of the carrier in that turn?

A. The picture that was given to me and that I made my decision on was that I was on the starboard bow of the carrier and he was on my port bow and also that he had sent out a message that he was steady on course.

42. Q. But the situation given you was the angle on the bow that you read on the carrier which was 20 degrees?

A. Yes, that's right. In other words, I am on his starboard bow, on his starboard hand, and he is on my port bow. Now, that is why I wanted to emphasize that other factors were not introduced. They were not discussed. I did not introduce any that I might have had at my finger tips under those circumstances when I said what I would do. In other words, there is confusion there. There is an inconsistency and the point -- I am not trying to do this to come out with any particular answer, but the thing I am trying to point out is, in that split second when that range rate is closing that rapidly and you know the ship on your bow is on a steady course - I don't say that you know that, but that factor is suddenly thrown at you when you have another solution in your mind, it is likely to do most anything to your mathematics.

43. Q. If you look at it from your ship and heard the message from the carrier, saying "I am now on 250", and you are looking out from your ship and reading the angle on her bow which would put her approximately on 250 as you visualize it, would that not be reassuring to you rather than confusing?

A. If I am 20 degrees on your starboard bow and you are on my port bow and he gives a course to confirm that mathematically, yes. If he is on a certain course and I looked at him and said, yes, that's right. If all that information jibed, yes, that would be very reassuring.

Cross-examined by Lieutenant B-6, party:

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44. Q. Commander, although a carrier may not have the right of way simply by virtue of being a carrier, isn't it your opinion that smaller ships have a responsibility to keep out of the way of a carrier which is turning into the wind to recover aircraft in order not to embarrass the carrier and in order not to close ahead of her bow?

A. Yes, I feel that they have that responsibility. I have always operated on that basis, that you are to keep out of the way of big ships in order to keep from embarrassing them. That is based on an assumption mainly that you are more maneuverable than they are. I don't think that is always the case, but we always operate on the basis that you don't embarrass the larger ships if you can help it. You do what you can to avoid the emergency.

Re-examined by counsel representing LCDR Tierney:

45. Q. If you had no compass to take a bearing in a situation in which counsel has just questioned you, would you have any means of determining what course the carrier was on if he said, "My course is something or other.", would you assume it?

A. I can think of no other way you could check that as to what course it would be.

Examined by the court:

46. Q. One question, and if the witness wishes to answer this affirmatively I will have to clear the court. Do you have any recommendations or changes in instructions or doctrine?

A. Yes, I do.

At this point the court sat with closed doors.

The press and spectators withdrew from the courtroom.

A. (continued) I think the doctrine in formation, course and/or axis or anything - maneuver which requires the maneuvering of other ships in the formation, should not be accomplished by plane guard ships when they are proceeding to their station or returning to their station in the screen. Also that whenever there are tactical maneuvers, that all plane guard ships should always be included among those ships in the formation who are to acknowledge for the transmission unless, of course, the maneuver is an emergency one in which time would not permit such a procedure. But where time will permit I believe that the plane guard ships should be included in those who are to acknowledge.

46(a) Q. Do you mean included in the transmission by the OTC, assuming you are in a large group of ships which the carrier commanded?

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A. Well, either one, sir. When the OTC or any other officer in the formation who was authorized to send out a tactical signal, to do so he should be required to include all plane guard ships in the acknowledgement when he requires the ships in the formation - - certain ones chosen to acknowledge, I feel that it would be well for all the plane guard ships to always be included in that acknowledgement. Before going on, sir, may I add one thing? In Korea that was generally done with Task Force 77, and it gives you a very comfortable feeling to know that they knew you were out there, and knowing they would make certain, as far as tactical maneuvers were concerned, that you knew what the carrier was going to do before they did it.

Cross-examined by counsel for the court:

47. Q. Commander, would any of the answers you have given here in response to hypothetical questions you have answered or to any of the court's questions, be different if you knew that the only ships present were the carrier and her two plane guards? In other words, have your answers to the various questions you have been asked, been based on the assumption that there was a formation of ships other than a carrier and her two plane guards?

A. I think that probably the answer to that question, as to what I would have done in this situation - - I am afraid that I was influenced by the fact that there was no one to my starboard hand. In other words, I had plenty of room out there. If the problem was that there might have been a cruiser stationed in there somewhere, it would have been considerably different.

48. Q. In answering the question then, you have assumed that the only ships that were there were the carrier and the two plane guards?

A. That's right.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

NOTE: Exhibits 103, 104 and 105 were used by witnesses Commander ^{B-6} and Commander ^{B-6} as visual aids and were not offered in evidence. Said exhibits are, however, appended for the convenience of the convening and reviewing authorities, marked Exhibits 103, 104 and 105 for identification.

At this point the court sat with open doors.

Commander ^{B-6}, U. S. Navy, was recalled as a witness by counsel representing Lieutenant Commander Tierney and was warned that the oath previously taken by him was still binding.

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Examined by the counsel for the court:

1. Q. Are you the same Commander *B-6* who has testified previously in this case?

A. *I am.*

Examined by counsel representing Lieutenant Commander Tierney:

2. Q. Commander, have you ever had occasion to observe the ship handling ability of Lieutenant Commander Tierney?

A. Yes.

3. Q. What is your opinion of him as a ship handler?

A. During my period of observation of Lieutenant Commander Tierney, I considered him, or formed the opinion that he was a completely capable ship handler.

Neither the counsel for the court, the parties nor the court desired further to examine this witness.

The witness was informed by the court that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by counsel representing Lieutenant Commander Tierney entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, occupation and permanent address.

A. *B-6*, supervisor of motor vehicles, 1911 Result Street, Philadelphia.

2. Q. Mr. *B-6*, will you please inform the court of the experience, nautical experience, of your son other than that performed in the naval service?

A. On October 23, 1939 he graduated from the Pennsylvania State Nautical School, Annapolis. On date October 27, 1939, he secured his Third Officer certificate. Immediately after that he took several weeks in Gyro School. On date November 9, 1939, he signed on the steamship Otho of the Barbar Line as Third Officer, on a trip to the West Coast of Africa from Dakar to Matadi - Congo River. He left that ship on March 1st, 1940. On April 12, 1940 he became Third Officer of the Steamship Newport News of the United States Lines. He made one complete round trip from New York to San Francisco, Manila, Singapore, Penang and Yokohama. Another trip I believe he made on that ship, he returned to, I believe, San Francisco, at which time the ship was taken over by the United

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States Maritime Service--Maritime Commission. The United States Lines then had him as Third Officer on several different ships. One trip to the Far East; one to Spain and West Africa. He left that vessel on October 23, 1941. On October 28, 1941 was the end of his service with the United States Lines, at which time he too active duty in the United States Navy. On January 18, 1942, he was assigned to the USS PASTORES as navigator. He was then assigned - but I have no date - to the USS ALSHAIN (AKA55) as navigator. He finally became executive officer and commanding officer the commanding officer period I don't know just for how long. Upon return of this ship to the United States, he was flown to the Far East where he took command of the USS CROSLY (APD87). He brought this ship back to the East Coast and then checked out of the U. S. Naval Reserve. At this time he sat for examination for his Master's Ticket. He secured this ticket and I believe in the latter part of 1946. For about 10 months to a year, he spent as relief mate for the Sun Oil Company in Marcus Hook, Pennsylvania. I don't know the date on which he was accepted into the United States Navy. It was sometime around the latter part of 1946 or 1947. As Navy experience, he was first sent to school in Lincoln, Nebraska, and during that particular time secured a Private Pilot's License. From there he attended Line School in Newport. He was then assigned as executive officer on the USS FURSE. Now, I don't have the dates of those, but just about 6 weeks ago or thereabouts he was assigned commanding officer of the USS HOBSON. That is about all I have.

3. Q. One other question. Do you know whether your son could swim?

A. He could not.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

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B-6, yeoman, second class, U. S. Navy,
entered as reporter.

A witness called by counsel representing LCDR Tierney was sworn and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, rank, file number, branch of service, and present duty station.

A. B-6, 1, Commander, USN, B-6, on duty in the Office of the Judge Advocate General, and counsel representing the interests of Lieutenant Commander Tierney at this inquiry.

2. Q. Will you state your marine and naval experience.

A. I graduated from the Naval Academy in 1938; served for two years on the battleship California; for eight months on the USS Early. I went into the submarine service after that duty until 1945; went to law school from 1945 to 1948; and was in command of the USS Argonaut from 1948 until 1950; and then I was ordered to duty in Washington.

Examined by the counsel representing LCDR Tierney:

3. Q. Are you the custodian of two diagrams purporting to be your opinion as to the tracks and other data pertinent to the collision between the HOBSON and the WASP?

A. I am.

4. Q. Do you have them with you?

A. I do.

5. Q. Would you produce them?

A. Here they are.

At this point the charts representing counsel's opinion of the tracks of the two ships were marked Exhibits 106 and 107 respectively for identification.

The charts expressing the opinion of counsel representing LCDR Tierney were submitted to the counsel for the court, the parties, and to the court, and by the counsel representing LCDR Tierney offered in evidence.

There being no objection, they were received and are appended marked Exhibit 106 and 107, respectively.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The witness resumed his seat at the counsel table.

The court then, at 1615, adjourned until 1300 Monday, at which time it reconvened.

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EIGHTH DAY

U. S. Naval Supply Depot,
Bayonne Annex,
U. S. Naval Base,
New York, New York,
Monday, 19 May 1952.

The court met at 1310.

Present:

Rear Admiral [redacted] U. S. Navy,
Rear Admiral [redacted] U. S. Navy, and
Rear Admiral [redacted] U. S. Navy, members, and

*All redactions
are B-6*

Lieutenant Commander [redacted] U. S. Naval Reserve, counsel for the court.

Commander [redacted] U. S. Navy, advisor to the counsel for the court.

Lieutenant [redacted] U. S. Naval Reserve, assistant to counsel for the court.

Captain [redacted] U. S. Navy, party to the inquiry and his counsel.

Commander [redacted] U. S. Navy, counsel representing Lieutenant Commander William J. Tierney, U. S. Navy.

Counsel for Lieutenant [redacted] U. S. Naval Reserve, party to the inquiry, stated that Lieutenant Hoefler waived his right to be present at this session.

Lieutenant [redacted] U. S. Naval Reserve, party to the inquiry and his counsel.

[redacted], yeoman, second class, U. S. Navy, reporter.

No witnesses not otherwise connected with the inquiry were present.

The counsel for the court was recalled as a witness by the counsel for the court and was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Lieutenant Commander who has previously testified in this matter?

A. I am.

2. Q. Are you the legal custodian of a dispatch from BuShips showing the cost of construction and the date of commissioning of the U.S.S. HOBSON?

A. I am, here it is.

At this point the dispatch from BuShips was marked Exhibit 108 for identification.

The dispatch was submitted to the parties and to the court, and by the counsel for the court offered in evidence as Exhibit 108.

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There being no objection, it was so received and is appended marked Exhibit 108.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness; the witness resumed his seat as counsel for the court.

A witness called by the counsel for the court entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, rank, file number, branch of service, and present duty station.

A. B. C. Commander, Medical Corps. File number 76

2. Q. U. S. Navy?

A. U. S. Navy, Medical officer of the WASP.

3. Q. Commander, you are a graduate of an accredited medical school?

A. I am.

4. Q. What school?

A. Hahnemann Medical College, Philadelphia, Pennsylvania.

5. Q. Are you licensed to practice medicine?

A. I am licensed in the District of Columbia and Maryland.

6. Q. And would you state your medical experience?

A. Thirty-five years. I was in the medical corps of the Navy from 1917 to 1922. I resigned and was out of the Navy first in general practice and then as an eye and nose specialist, and when the war started I returned to the Medical Corps in 1942, and I have been in the Navy since then in aviation medicine and in the general medical corps doing surgery.

7. Q. Are you the official custodian of a copy of the official death certificate of Chief Boatswain's Mate Hubert D. Hopkins?

A. I am.

8. Q. Would you produce it, sir?

A. Here it is.

9. Q. And that is a true copy of the original death certificate?

A. It is.

At this point the copy of the death certificate was marked Exhibit 109 for identification.

The copy of the death certificate was submitted to the parties and to the court and by the counsel for the court offered in evidence as Exhibit 109.

There being no objection, it was so received and is appended marked Exhibit 109.

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Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he felt should be made a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement: The only statement I would make would be as to this body. He was recovered from the water by one of the WASP's boats on which boat the medical officer was able to find the body floating below the surface and had to be brought in on a line, because, obviously, the medical officer thought the body was that of a dead man; nevertheless, they used artificial respiration for about two hours to no avail before he was transferred to a destroyer and returned to the WASP later.

Re-examined by the counsel for the court:

10. Q. And he died from drowning?

A. Died from drowning.

The witness was duly warned and withdrew.

Commander ³⁻⁶, U. S. Navy, was recalled as a witness and was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Would you describe to the court the state of any tidal or ocean currents or any set and drift at the time and place of collision between the WASP and the HOBSON?

A. I had determined that the set and drift of the current was about four-tenths of a knot - in the direction of 075.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be made a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

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A witness was called by the counsel for the court, entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, rank, file number, branch of service, and present duty station.

A. *Bb*, Lieutenant Commander, *Bb* CIC Officer, USS WASP.

2. Q. U. S. Navy?

A. U. S. Navy.

3. Q. And was that your duty on the 26th of April 1952?

A. That is correct.

4. Q. Will you state your naval and marine experience.

A. My original commission was April 16th, 1942, as a naval aviator at that particular time. I have had almost seven years ^{WSP} experience in CIC and qualified as a deck watch officer underway ^{WSP} and duty officer.

5. Q. Directing your attention to the night of 26 April 1952, was there any log kept of transmissions sent or messages received over the secondary tactical radio circuit?

A. No.

Neither the counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he felt should be made a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

Lieutenant *Bb*, U. S. Navy, was recalled as a witness by the counsel for the court and was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Lieutenant *Bb* who previously testified in this matter?

A. Yes, sir.

2. Q. Mister *Bb*, how long would it take to decelerate the shafts of the WASP which were going ahead 208 RPM's by an order "All Engines Back Emergency Full" down to 50 RPM's ahead?

A. Approximately 30 seconds.

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3. Q. That is from the time the throttle in the engineroom was actually manipulated?

A. Yes, sir, got the bell and answered it and 30 seconds later down to about 50 RPM's.

Cross-examined by the counsel representing LCDR Tierney:

4. Q. Do you know if the shafts were actually turning astern at the time of collision?

A. They were not at the impact. They had slowed to 50, a few seconds later, they were going astern. Now, I can only speak for one shaft. I was in the after engineroom. That is speaking only for number two shaft. Each of the other enginerooms control other shafts. The number four shaft can't be seen - - I mean, number three shaft cannot be seen from number four in the after engineroom, but the control board has all shafts on it.

5. Q. From your observations of the control board, did you observe whether or not the shafts were going astern at the time of collision except for the shaft which you testified was making 50 RPM's ahead?

A. No, sir, not in that engineroom. The control board is in number one engineroom and number one throttle.

Examined by the Court:

6. Q. Lieutenant ⁵⁶, as the court understands your testimony, it concerned the time which would be required from the commencement of the execution by the individual on watch to the time when the engines would be making 50 revolutions. That was not for a particular engine, but in general what would be required for any engine, is that correct?

A. They can all be backed down that fast providing you have boiler power to supply the steam.

7. Q. In other words, regardless of the engine, it would have taken, I believe you said, about 30 seconds from the start of execution to drop down to 50 revolutions ahead?

A. Yes, sir.

8. Q. Assuming you were going at 208 revolutions?

A. Yes, sir.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be made a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

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Captain ^{B-6}, U. S. Navy, a party, was recalled as a witness by the counsel for the court, was again informed of his rights and was warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Captain ^{B-6} who has previously testified in this matter?

A. I am.

2. Q. Would you state to the court the general overall dimensions and tonnage of the USS WASP?

A. The figures which I have are classified and are taken from a classified document.

At this point the court sat with closed doors. The press and spectators withdrew from the courtroom.

A. (continued) The length over-all is ⁸⁹⁸~~800~~ feet, 1½ inches. The length at the water line is 819 feet and 1 inch. The maximum over-all beam which is not to opposite parts of the ship is 145 feet, 4¾ inches. The beam at the water line is 117 feet 4¾ inches. On the 26th of April, the draft forward was 28 feet; the draft aft was 28 feet, 9 inches; the mean draft 28 feet 4½ inches. The total displacement on the 26th of April was 38,400 tons. The displacement on departure from Norfolk was 41,600 tons.

Examined by the court:

3. Q. Captain, I believe, as I recall from your testimony, the statement to the effect that part of the HOBSON's shaft was found on the bow of the WASP, is that correct?

A. We believe so, sir. It fell out, but we believe that it was a propeller shaft because the couplings stuck out on the Starboard bow about 40 feet, I would say.

4. Q. Captain, was there anyone on the WASP who saw or has any knowledge of what happened to the after section of the HOBSON following the collision?

A. No, sir, not to the best of my knowledge. I have asked that question of people on the ship and no one apparently saw it.

5. Q. You feel that the matter has been investigated thoroughly and that no one knows?

A. Yes, sir, I do.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness; he resumed his seat as a party.

At this point the court sat with open doors.

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All redactions
are B-6.

, yeoman, third class, U. S. Naval Reserve, entered as reporter.

Lieutenant . . ., U.S. Naval Reserve, a party, was recalled as a witness by the counsel for the court, was again informed of his rights and warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Lieutenant that previously testified in this matter?

A. I am.

2. Q. Mr. . . ., on your first day's testimony you spoke of a rumor of heroic efforts made by a member of the crew of the HOBSON in saving the lives of others on your ship and said you would make an effort to trace down the source of that rumor. Have you made such an effort?

A. I have tried to determine from the personnel who are still here. I have not been able to accurately determine this at the present time. Lieutenant Commander . . . who is at BuPers now is writing some of the personnel who came out of that particular compartment to see if any further information can be obtained on this matter.

3. Q. And you have no definite information on it?

A. I do not, sir. I talked to him about an hour ago and he still had no information on it.

4. Q. Mr. . . ., this court has testimony to the effect that the WASP struck the HOBSON about at the drill loading machine. Can you locate that machine as to frame number of the HOBSON?

A. Yes, sir, I can -- the center line of the loading machine is between frames 123 and 124.

Examined by counsel representing Lieutenant Commander Tierney:

5. Q. Approximately how far forward of the stern?

A. 70 frames forward. I believe the frame spacing through that section of the ship -- I don't know if I am getting into confidential matter or not on frame spacing -- 112 to 115 feet, sir -- possibly maybe 125 feet.

Examined by the court:

6. Q. Referring to your testimony concerning meritorious acts by individuals, it is your intention to pursue this matter further and take appropriate steps to assure his receiving proper recognition, is that right?

A. Yes, sir.

Neither the counsel for the court, the court, nor the parties desired to further examine this witness.

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The court again informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned ^{RM} and withdrew. Q-22

The court then, at 1340, took a recess until 1400, at which time it reconvened.

Present: All the members, counsel for the court, all the parties and their counsel, and the reporter.

No witnesses not otherwise connected with the inquiry were present.

At this point the court sat with closed doors.

Captain ^{B-6} U. S. Navy, a party, was recalled as a witness by the counsel for the court, was again informed of his rights and warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Captain ^{B-6} who previously testified in this matter?

A. I am.

2. Q. Captain ^{B-6} the other day you testified you had sent a dispatch to the Commander Cruiser Division FOUR asking him whether, prior to this collision, he had definitely ordered publications known as ATP-1 and ACP-175 in effect. Did you receive an answer to that dispatch?

A. I did.

3. Q. And what was that answer?

A. Affirmative effective --

4. Q. Would you paraphrase the dispatch rather than introducing that dispatch in evidence.

A. ACP-118G, ACP-175 and ATP made effective at 261200 Peter by plain language signal to the Task Group on primary tactical.

Cross-examined by counsel representing LCDR Tierney: 43

5. Q. What was the date time group of the dispatch?

A. 121334Z from ComCruDivFOUR.

6. Q. May 12?

A. May, that's right.

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Examined by the court:

7. Q. Captain, would you mind reading that signal, the parts you did read, over again.

A. I tried to paraphrase it, Admiral

8. Q. At what time does that signal indicate that the two publications referred to were placed in effect?

A. 1200 local time, that is, Peter time on the 26th of April.

9. Q. What time did your unit leave the formation?

A. About 0700 Peter time that same morning.

10. Q. Do you think that you had word that the destroyers had received those messages placing those publications into effect?

A. We did, sir. There is a great deal of other verbiage in which we ask for a correction on the original dispatch which gave the time as 1600 Peter. It was changed to 1200 Peter and also the number of ACP 175 was garbled. It was given as 145, so we asked for a correction.

11. Q. Do you know whether or not the destroyer^s received it? *ns*

A. I do not know, sir, but I do know that all of the publications were in effect and were understood to be in effect for our operations.

12. Q. How do you know that?

A. Because of the testimony which has been given in this court. I would like to amplify that also by saying that because of the procedures which were used throughout the afternoon and the launching exercises in conjunction it was further obvious to the entire unit what publications were in use.

Neither counsel for the court, the court, nor the parties desired to further examine this witness.

The court again informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness resumed his seat as a party.

At this point the court sat with open doors.

Lieutenant _____, U.S. Naval Reserve, a party, was recalled as a witness by the counsel for the court, was again informed of his rights as a party, and warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Lieutenant _____ are you the same Lieutenant who has previously testified in this matter?

A. I am.

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2. Q. Mr. 30, at any time since the original commissioning of the HOBSON had she been decommissioned or put in a so-called moth-ball fleet?

A. No, sir. The HOBSON was commissioned the 22nd of January 1942 and had been in commission ever since.

Examined by the court:

3. Q. Lieutenant 56, can you give the court your opinion as to what happened to the after section of the HOBSON immediately following the collision?

A. I don't know of my own knowledge. I didn't see the after section. However, I have talked to quite a few of the men in a group discussing the collision, the way the ship went down, and so forth. All persons who were in the after section of the ship seemed to be in complete agreement that she went down, the forward end of that section first and on her starboard side.

4. Q. On her starboard side?

A. On her starboard side. The port quarter section was apparently the last part of the after section which went under.

5. Q. Do you know approximately the time required for this section to sink following the collision?

A. No, sir, I don't.

6. Q. Can you give an estimate?

A. It would be a guess, sir.

Neither counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness resumed his seat as a party.

The court then, at 1414, adjourned until 0830 the next day, 20 May 1952.

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NINTH DAY

U. S. Naval Supply Depot
Bayonne Annex
U. S. Naval Base
New York, New York

Tuesday, 20 May 1952

The court met at 0835.

Present:

Rear Admiral U. S. Navy,
Rear Admiral U. S. Navy, and
Rear Admiral U. S. Navy, members.

*All redaction
a/c TS-6*

Lieutenant Commander U. S. Naval Reserve, counsel for the court.

Lieutenant U. S. Naval Reserve, assistant counsel for the court.

Commander U. S. Navy, advisor to the counsel for the court.

Captain U. S. Navy, party to the inquiry and his counsel.

Commander U. S. Navy, counsel representing Lieutenant Commander William J. Tierney, U. S. Navy.

Lieutenant U. S. Naval Reserve, party to the inquiry and his counsel.

Lieutenant U. S. Naval Reserve, party to the inquiry and his counsel.

Yeoman, third class, U. S. Naval Reserve, report.

No witnesses not otherwise connected with the inquiry were present.

The counsel for the court read a dispatch designating the assistant to counsel for the court, copy prefixed, marked "F".

Lieutenant U. S. Naval Reserve, a party, was recalled as a witness by the counsel for the court, was again informed of his rights as a party, and warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Lieutenant who has previously testified in this matter?
A. I am, sir.

2. Q. Mr. [redacted], had you at any time previous to the night of 26 April 1952 stood as member of the deck watch during night carrier operation as plane guard in company?
A. Are you referring specifically to flight operations or night maneuvering?

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3. Q. Night flight operations.

A. I have not as officer of the deck conducted night flight operations. However, I have been officer of the deck while we were in the company of two or more destroyers and have maneuvered the whole formation considerably, kept station, and so forth.

4. Q. During night flight operations?

A. Not during night flight operations.

5. Q. Then, if I understand your testimony correctly, you have stood officer of the deck watches on a carrier at night in which the formation was maneuvered.

A. Yes, sir.

6. Q. But have never previously stood an officer of the deck watch on a carrier during night flight operations, is that correct?

A. I have never had the deck when we were conducting night flight operations prior to the 26th of April 1952.

Cross-examined by Captain ^{B-6} a party:

7. Q. Did you have the deck when they launched the planes in this night operation?

A. I said prior to the 26th of April. On the 26th of April I conducted a launch.

8. Q. And were you the officer of the deck during the maneuvers preparatory to those launching operations that night of April 26?

A. I was, sir.

Neither counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness resumed his seat as a party.

Captain ^{B-6}, U.S. Navy, a party, was recalled as a witness by the counsel for the court, was again informed of his rights as a party and warned that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. Are you the same Captain ^{D-6} who previously testified in this matter?

A. I am.

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2. Q. Captain, how many peloruses are on the bridge of the WASP?
A. Two.

3. Q. And on the night of April 26, 1952 and just prior to the collision between the WASP and the HOBSON were either of those peloruses manned?

A. I was manning the port one, which is at my right elbow, and the officer of the deck was over by the starboard one.

At this point the court sat with closed doors. The members of the press and the spectators withdrew from the court room.

4. Q. Captain, on the night of 26 April 1952 had you, as officer in tactical command of the unit consisting of the WASP, RODMAN, and HOBSON, ordered conditions of readiness as prescribed in chapter 17 of ATP-1?

A. I don't know. I would have to see the reference. (Reading from the reference) There was no order as regard the readiness of armament. The damage control condition was that set by the OTC in his operation order which was put into effect at dusk. I did not reaffirm that condition. The engineering condition of readiness was that permitted under a previous information signal, which I had sent, that speeds in excess of 27 knots, that is, two boiler operation, would not be required. The aircraft condition of readiness was established. I believe that answers the question.

Examined by the court:

5. Q. Besides the peloruses are there any repeaters on which bearings can be taken on the open bridge of the WASP?

A. Yes, sir. I am thinking in terms of radar. No, there are not.

6. Q. Captain, can you amplify your answer? Give us a more complete answer.

A. There are two gyro-repeaters on the open bridge. There are also two gyro-repeaters on the wings of the bridge aft of the open bridge and outboard of the pilothouse.

7. Q. The question was, on which bearings can be taken, is that correct?

A. Yes, sir, on which bearings can be taken.

8. Q. And these are in excess of such repeaters as are in the peloruses?

A. No, sir, these are the repeaters in the peloruses.

9. Q. You have testified you had two peloruses on the wings of the bridge besides those other repeaters. You have stated there are two peloruses with repeaters in each. Besides that, tell the court what other repeaters are on the bridge, open or closed, on which bearings can be taken.

A. Perhaps I may clarify my answer by saying that I have included a pelorus as a repeater. They are, to me, one and the same thing.

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10. Q. That may be, but let us not count twice.

A. On the open bridge there are two peloruses, repeaters, on which bearings can be taken. There are two more gyro-repeaters aft of the pilot house on the wing, one on each wing of the bridge, on which bearings can also be taken.

11. Q. As the court understands it then, there are actually, over and above the peloruses, four various repeaters on which bearings can be taken on the bridge.

A. I am afraid the word "pelorus" is a little bit -- we are not talking about the same thing.

12. Q. What do you think a pelorus is?

A. A pelorus to me is a gyro repeater on which bearings can be taken by using a bearing circle or an alidade.

13. Q. Why did you say you only had two?

A. Because I was restricting my remarks to the open bridge.

14. Q. For the purposes of this question, consider that a pelorus refers to a fixed pedestal or arrangement on the wing of each bridge for taking bearings -- usually placed on the wing of the bridge for taking bearings, but in order that the record may be clear will you repeat again your answer and explain which or how each one is mounted.

A. The two gyro repeaters, one on each wing of the bridge, are mounted on pedestals. The two gyro repeaters on the open bridge are suspended from frames on the forward bulkhead of the open bridge. All four, the two pedestal and the two horizontally suspended, repeaters can be used to take bearings at any time. Bearing circles can be fitted, an alidade can be fitted on all four of the gyro repeaters.

15. Q. Which of those four were manned?

A. I was beside the port one on the open bridge. The officer of the deck was beside the starboard one on the open bridge. The actual time at which he was over there or he left there and came to the position as shown here, I don't know. He would have to testify to that.

16. Q. Captain, what was the speed used during the launching of aircraft which took place shortly after 2000 on the evening of the 26th?

A. I haven't that information available, but from memory it was 20 knots.

Re-examined by the counsel for the court:

17. Q. On the night launching on the 26th of April 1952, Captain, what was the condition as to lighting, daylight or dark?

A. It was dark but the horizon was still quite distinct.

CAPTAIN ^{B-6} A PARTY: I have one exhibit I would like to offer. I don't believe it is of a confidential nature. It is not strictly connected with the direct examination. I could bring it in at this time or recall Captain ^{B-6} for that purpose.

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All redactions
are B-6.

COUNSEL FOR THE COURT: As I understand it, counsel representing Captain [redacted] would like to ask this witness a question that is not germane to the direct examination at this time for the purpose of introducing the document. Counsel for the court has no objection to that.

None of the parties objected.

At this point the letter dated 2 May 1952 from Commander Destroyer Flotilla FOUR to Captain [redacted] with first endorsement thereto from Commander Carrier Division SIX dated 6 May 1952 was marked Exhibit 110 for identification.

At this point the court sat with open doors.

Cross-examined by Captain [redacted], a party:

18. Q. Captain, I have here Exhibit 110 for identification consisting of two pages and ask you if you recognize that letter.
A. I do.

19. Q. Would you give the date and from whom it is sent and to whom it is sent.
A. It is dated 2 May. It is from Commander Destroyer Flotilla FOUR and it is addressed to me.

20. Q. Does it bear an endorsement?
A. It has thereon from Commander Carrier Division SIX to me dated 6 May.

21. Q. When did you receive this letter, Captain?
A. Last night.

Exhibit 110 for identification was submitted to the parties and to the court, and by the party Captain [redacted] offered in evidence.

There being no objection, it was so received and permission was granted to substitute a true copy therefor at the conclusion of the inquiry. Such true copy is appended marked Exhibit 110.

The counsel for Captain [redacted], a party, read the said letter copy appended marked Exhibit 110. W

Cross-examined by Lieutenant [redacted] a party:

22. Q. Captain, do you recall whether or not Lieutenant [redacted] was officer of the deck during one of the watches on 23 April when you launched and recovered aircraft and then received the dispatch from Admiral Wood saying that you had done that in fine style and so on? Do you recall if Lieutenant [redacted] was officer of the deck during that day?
A. I can't remember.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

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The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness resumed his seat as a party.

A witness called by the counsel for the court entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the counsel for the court:

1. Q. State your name, rank, serial number, branch of service and present duty station.

A. My name is ^{B-6} Lieutenant Commander, B-6, U.S. Navy, U.S.S. RODMAN, executive officer and navigator.

2. Q. State your naval and marine experience.

A. My naval experience to date is a little over ten years. I started out in the Naval Aviation Cadet Program in 1942, did not finish flight training, became a flight navigator and was a flight navigator until 1946, at which time I reverted to general line. Since 1946 I have been general line serving aboard transports as navigator, destroyer type as operations officer, and present minesweeper as executive officer.

3. Q. And were you aboard the RODMAN on the night of 26 April 1952 when the HOBSON and the WASP collided?

A. Yes, sir, I was aboard, sir.

4. Q. Would you give the time of moonrise and moonset on the 26th of April 1952, at that time and place.

A. At that time and place, yes, sir. Moonrise 0545 on the 26th of April Peter time plus three and moonset at 2149 for the particular latitude and longitude.

5. Q. And what was the phase of the moon?

A. Phase of the moon at that time, I am not sure. The moon was up all day long. I am not sure. It might have been at one of the quarters.

Neither counsel for the court, the court, nor the parties desired to further examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

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B 6 yeoman, first class, U. S. Navy entered as reporter.

Lieutenant B 6 .., U. S. Naval Reserve, a party was recalled as a witness by the counsel for the court and was again advised of his rights and was reminded that the oath previously taken by him was still binding.

Examined by the counsel for the court:

1. Q. At the request of counsel for the court have you prepared a list showing the whereabouts of the survivors of the HOBSON at the time of the collision?

A. I have, sir. There are three persons whose whereabouts are not definitely known. The balance of the survivors are on the li:

2. Q. (Presenting a list) Is this that list?

A. This is that list.

The list of survivors, showing their whereabouts on board the HOBSON at the time of the collision, was marked Exhibit lll for identification.

Exhibit lll for identification was submitted to the court and to the parties and by the counsel for the court offered in evidence.

There being no objection, the list was so received and is appended marked Exhibit lll.

Neither the counsel for the court, the court, nor the parties desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything related to the subject matter of the inquiry that he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness resumed his seat as a party.

The court then, at 0917, took a recess until 0932, at which time it reconvened.

Present: All the members, counsel for the court and assistant counsel for the court, parties and their counsel, and the reporter.

No witnesses not otherwise connected with the inquiry were present.

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Neither the counsel for the court, the court, nor any party to the inquiry desired to call any more witnesses or to present any additional evidence.

COUNSEL FOR THE COURT: Do any of the parties desire to exercise his rights under Section 0308h, Naval Supplement to the Manual for Courts-Martial and make a statement; oral or written?

None of the parties desired to exercise his rights under Section 0308h, Naval Supplement to the Manual for Courts-Martial.

COURT: The court is ready to proceed with the arguments.

COUNSEL FOR THE COURT: I conceive that it is the duty of the counsel for the court to present evidence of every fact and circumstance which has any bearing on the incident under investigation. I feel that I have fairly, fully and impartially performed that duty. The court is in possession of all the facts leading up to and surrounding the collision between the WASP and HOBSON.

Therefore, counsel for the court does not desire to make an opening argument.

Captain *Bo*, a party, made the following oral argument:

As a preface to my remarks regarding the evidence presented at this court of inquiry, I want to emphasize the status of the WASP in the maneuver which preceded the collision. The WASP was not engaged in active flight operations. Therefore, she had no special right of way. However, she was a major naval ship, with the Officer in Tactical Command embarked. And, as such, she was the guide in a maneuver with two smaller ships of the same tactical unit. The basic turn maneuver which was being performed might equally have been that of a battleship or cruiser and two screening vessels. The standard naval doctrines governing good seamanship and sea manners were in absolute effect, as were Standard Tactical Publications and Cruising Instructions.

I now refer to Exhibit 66. This exhibit was introduced into evidence as my estimate of the tracks of the WASP and HOBSON from the commencement of the last tactical maneuver to the point of the fatal collision. The initial position of the HOBSON from the WASP has been well established as 245° True, distant 3,000 yards. In this maneuver, the HOBSON was supposed to close the range from 3,000 yards, to 1,000 yards and to change her True Bearing from 245° True to 170° True. Other evidence adduced, both before and after the introduction of Exhibit 66, serves to make this plot far more than an estimate.

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The testimony of Lieutenant ⁶ ~~7~~, the Officer of the Deck of the USS HOBSON, and other HOBSON witnesses, confirms the course of 130° True, and 090° True. Similarly, the left turn of the HOBSON has been established as a fact by the testimony of the same individuals. The track of the WASP has also been established as a fact. There has been no question but that it conformed to the 1500 yard tactical diameter then prescribed. All available evidence indicates that the collision angle was about 090°. The time of the collision was approximately 2225 PETER. The heading of the WASP at the point of collision was 258° True.

The times of the HOBSON course changes and therefore the distances run on these courses has not been definitely established. However, there has been little or no disagreement among any parties, but that the track of the HOBSON as depicted in Exhibit 86 is the closest possible approximation. Only one conclusion can be drawn from this picture, and that is, that there would have been no collision if the HOBSON had not made her fatal left turn.

It is in evidence that the Commanding Officer of the HOBSON prepared a mooring board solution of the maneuver about thirty minutes prior to its execution. This solution called for the HOBSON to turn right on signal from course 102° to 130°, steam at 27 knots, cross the bow of the WASP and when the bearing of the WASP was about 010°T, make a left turn toward the WASP and end up exactly on station. Relative speeds in excess of 50 knots, and split second timing of the turn were essential to its success. Lieutenant ⁶ ~~7~~ has testified that he disagreed with that solution on the basis that a night maneuver, which placed ships on bow to bow courses and at high relative speeds was not justified. He offered, as an alternative, one which he considered safer and in accordance with proven tactics and doctrine. This alternate plan entailed a wide right turn with slowing to drop back into the new position.

However, the Commanding Officer of the HOBSON, after a discussion, did not accept the alternate plan but reaffirmed his intention to use a left turn into position.

The maneuver, as signalled, was tactically and basically sound and possible of simple and safe execution, as evidenced by the expert testimony of two experienced and well qualified destroyer ship handlers. With a signalled speed of 27 knots and boiler power for 28 knots available, a turn to the right, with slowing and a gradual decrease in the rate of change of range would have permitted a much better assumption of the new position than the split second timing required in the execution of the maneuver as worked on the mooring board on the HOBSON. Any error in the execution of this latter method, even if pronounced "reasonable", would have resulted in the HOBSON being much further out of position than the safer right turn with appropriate slowing. There has been no question that the signals used for the maneuver were anything but proper. The turn signal was sent, receipted for, executed and receipted for. These are common signals. There is no question but that they were understood. Similar series of signals were used twice previously that day.

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It has been clearly brought out that the night was dark but clear with an estimated 20,000 yard visibility. The HOBSON could clearly see the WASP's red truck lights at 3,000 yards. Since the entire task group was simulating wartime cruising conditions, darken ship was in effect, and Lighting Measure Green (red truck lights) prescribed. While it was entirely within my province as OTC to prescribe any additional lighting, the fact that the visibility was so good, and the changes in the formation so simple and basic, led to my decision that no more than the prescribed lighting was necessary. The signalled maneuver could have been made without undue haste or any element of risk.

Regarding my signal of a course adjustment to 250° True, which I personally transmitted at the end of the turn to course 260°, there is no evidence that this signal ever went out and there is no evidence that it was heard on either the RODMAN or HOBSON. I personally sent this message over the primary voice tactical circuit, the transmitter for which is immediately available at my elbow in my normal conning station on the open bridge. The secondary tactical circuit is located across the bridge on the starboard side. There was no particular significance in my sending the message. I insist on a quiet bridge, the primary speakers are located just behind me, and I can hear receipts for messages sent on this circuit without having to ask someone to relay such information. When I did not receive a receipt for my signal, I directed that the signal be sent over the secondary circuit. I also gave orders to the Officer of the Deck to come left slowly to 250° True. This order was not given until after the HOBSON had crossed our projected track of 260° and was drawing left toward his new position. The signal did not get out on the secondary tactical circuit nor did we swing further left than heading 258° True at time of collision. This signal therefore could not have in any way contributed to the collision.

The movement of the HOBSON's red truck light was the only indication of his movements, even through our binoculars. His hull merged with the dark water. It was very apparent he had crossed our bow to the port side where his new plane guard position was. And the red truck light drew aft giving every appearance of passing down our port side. The first indication I had that there was anything wrong was what seemed to be an instantaneous brightening of that light.

This must have occurred just after the HOBSON started her fatal left turn and at a time when we were less than 1500 yards distant. The change from the dullish red color of the truck light to a sudden glare was almost as though the light had been turned from dim to bright.

And I immediately gave "All Engines Back Emergency".

But even with the brightening of the light there was no indication of what the HOBSON was doing.

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I did not attempt to sound any whistle signals, even though backing, because I believed it would be impossible to sound the standard three blasts for backing before he cleared. And any fewer signals than that would have misled him as to my actions. The HOBSON knew what I was doing, I could assist him most by taking no action which would be based on a guess as to what he was going to do.

Therefore, I conclude that (1) the direct and immediate cause of the collision was the fatal left turn on the part of the HOBSON. This is true regardless of any extenuating circumstances which may have influenced the turn; (2) the collision was not induced by any action taken by the WASP; and (3) there was no action by the WASP possible in the circumstances which could have prevented the collision.

At numerous times in this inquiry, and particularly during the questioning of the officers called as experts in the handling of destroyer type ships, it has been implied that a momentary confusion in the mind of the conning officer on the HOBSON at the time of making his last turn caused him to make that fatal decision to TURN LEFT. On cross-examination, the experts agreed that he should have turned right and that the only action on his part that could have caused a collision was a turn to the left. The latter opinion seems to be shared by all who have given testimony on that point before this court.

However, in view of the command experience of Lieutenant Commander Tierney--both naval and merchant marine, it would seem that a more logical explanation than a deliberate mistake as a result of a confused state of mind must exist.

I am convinced that Lieutenant Commander Tierney would not and did not consciously order "Left standard Rudder" at that crucial moment. Yet the evidence of both the other officers on the bridge--Lieutenant ^{Bb} and Lieutenant (junior grade) ^{Bb} is clear that he did give such an order. I believe that mistake was the result of a trick of his sub-conscious mind. The background for that sub-conscious mistake is revealed by a consideration of the events occurring on the HOBSON immediately prior to that turn, when viewed in the light of the discussion of the proposed maneuver between Lieutenant Commander Tierney and Lieutenant ^{Bb} before the night recovery operations commenced.

It has been clearly brought out in evidence, that in the discussion of his maneuvering board solution with Lieutenant ^{Bb}, Lieutenant Commander Tierney planned to turn right to course 130°, and then to subsequently turn left toward the WASP to arrive on station.

I believe that the discussion and disagreement in regard to finally turning left to arrive on station firmly fixed that final left turn in Lieutenant Commander Tierney's mind--sub-conscious as well as conscious.

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In any event, it is apparent that when the order to execute the turn maneuver was received, he did start out according to his plan by coming right to 130°.

It is equally clear, however, that after proceeding on course 130° until he had crossed the proposed new track of the Guide, he abandoned his maneuvering board solution and turned left to course 090°. It is probable that he had mulled over in his mind a possible reconciliation between his own plan and that of his OOD. All witnesses seem to agree--and it is the only logical conclusion, that in abandoning his previous solution and turning left to 090°, his new plan contemplated a right turn away from the Guide at the proper moment to arrive on station. This conclusion is borne out by the fact that had he turned right at the moment he actually turned left, he would have arrived on his proper station.

What occurred in the next few moments which so occupied his conscious thoughts, that at the critical moment he sub-consciously reverted to his original plan, and said "Left Standard rudder" when he consciously intended to say "Right"?

The evidence shows that after he came to course 090°, the relative speed between ships became great.

With each 12-13 second sweep of the radar, as he proceeded on that course, he heard "range 1760 yards", "range 1240 yards, closing rapidly"! He was taking constant bearings during that time and at that relative speed knew that his hope of arriving properly on station would require split second timing of the turn. A consideration of the time at which he gave the last turn signal indicates that he did successfully estimate the "time" at which the turn should be made. Unfortunately, the very concentration which resulted in that perfect timing gave his sub-conscious mind--reverting to the original plan which had been so firmly fixed in that sub-conscious--a chance to take over and control the words he actually uttered----"Left Standard Rudder" instead of right.

The same sub-conscious mind has played that sort of trick on all of us. In this very inquiry, witnesses, and even experienced counsel have often said HOBSON when they were thinking WASP--RODMAN when they were thinking HOBSON. Fortunately, in most cases there is time to correct the mistake. Unfortunately, there was not time in the case of the HOBSON.

The lack of any evidence of any urgency in giving a left standard rudder order tends to confirm this belief. And I think that the first indication Lieutenant Commander Tierney had that there was anything wrong was the swining of his bow left instead of right as he expected. *not*

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Evidence is that he was on or near the starboard pelorus, where the change of the ship's heading would not be as readily apparent as if he were behind the wheel. The first thing he knew he was wound up in a left turn and at that moment got a range of 750 yards. He could see the carrier bearing down, he couldn't tell the angle on the bow even at that close range, and he had to do something and quick. He made the instant decision not to try to reverse the rudder with the probable danger of plowing into the WASP broadside, but did use quick and decisive action in an attempt to tighten his turn and get out fast. The moment he discovered the ship swinging in the wrong direction he gave the quick orders in rapid succession -- (and there has been no evidence of panic or indecision) "Full Left, Hard Left, All Engines Emergency Plank." In other words he gave all he had.

It is a tragedy it wasn't enough.

The counsel representing Lieutenant Commander Tierney, a party, made the following oral argument:

The narrative of the collision which follows hinges on the fact that the signal which meant that the WASP was on course 250° True was transmitted by the WASP and received by the HOBSON approximately one minute, forty-five seconds prior to collision.

First, was the signal actually transmitted?

The record shows that an officer and an enlisted man in the CIC of the WASP heard a message transmitted on the primary tactical circuit shortly before collision. The signal relating to 250° True is the only tactical message known to have been transmitted over the primary circuit in the half hour before collision.

Conclusion: The signal was transmitted over the primary tactical circuit.

Second, was the signal transmitted one minute, forty-five seconds before collision?

The test tactical data for the WASP, which allows a minimum of dead time for throttlemen to respond to orders from the bridge, show that the WASP required two minutes, fifteen seconds to come to dead in the water from 27 knots with all engines backing emergency. This does not take into account the resistance offered by the impaled hull of the HOBSON to the forward motion of the WASP.

The hull of the HOBSON in fact retarded the WASP after collision for a total period of about forty-five seconds and so shortened the period to bring the WASP dead in the water. The

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(continued.) precise amount of resistance offered by the HOBSON is not known. It is believed reasonable to presume that the hull of the HOBSON while impaled on the WASP during the forty-five seconds of her forward motion, reduced the total period of time to bring the WASP dead in the water by at most, thirty seconds.

There is one other factor bearing on the question of how long it took the WASP to decelerate. That is the fact that the "All Back Emergency" bell was answered on but three shafts. The fourth shaft continued to turn ahead at 50 rpm. This would increase the time required to bring the WASP dead in the water.

Conclusion: Taking into account all of these factors, it is likely that it required at least two minutes to bring the WASP dead in the water from the time "All Back Emergency" was given.

Topside survivors from the HOBSON have testified that they were thrown or jumped into the water almost immediately after the collision. When they came to the surface, they were on the starboard bow of the WASP and she was dead in the water. If the WASP had held her way for an appreciable period after the collision, these men would not have been on her starboard bow, nor would the WASP have been dead in the water. Furthermore, witnesses have testified that the bow of the WASP penetrated but two-thirds of the width of the HOBSON's hull and no more.

Conclusion: In view of the failure of the bow of the WASP to penetrate the hull of the HOBSON and in view of the fact that survivors who jumped into the water on collision found the WASP dead in the water when they came to the surface, the WASP had considerably reduced her way before striking the HOBSON and so was dead in the water not later than 45 seconds after collision.

The commanding officer has testified that the red lights suddenly increased in intensity and so he ordered "All Back Emergency". This sudden increase in intensity can most logically be explained by the coming into alignment of the red truck lights of the HOBSON.

Conclusion: The Commanding Officer of the WASP observed the red truck lights of the HOBSON increase in intensity--that is, come into line--about one minute, twenty seconds before collision. The approximate positions of the two ships on their respective tracks at this time are indicated by points E and F on Exhibit 107.

The commanding officer has testified that he estimates that 20 or 30 seconds elapsed between the time he transmitted the signal meaning that his course was 250° True and his observation of the increase in intensity of the HOBSON's truck lights.

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Conclusion: The signal meaning that the WASP's course was 250° True was transmitted about one minute and forty-five seconds before collision. This conclusion is inevitable from a careful analysis of the commanding officer's own testimony.

Third, was the signal received by the HOBSON?

Two ships might have received the signal, the RODMAN and the HOBSON. The primary tactical transmitter of the RODMAN was out of order. For this reason, the secondary tactical circuit was the prescribed channel for tactical communications in the WASP Group at the time of the collision. The primary tactical circuit log of the WASP shows that communications between the WASP and HOBSON were tested at 2127, approximately one hour before the collision. The HOBSON acknowledged this test. No test was conducted with the RODMAN.

Conclusion: The primary tactical circuit was being guarded by the HOBSON one hour before collision.

Witnesses from the RODMAN have testified that they do not recall any message over this circuit between 2000 and the time of collision, although the log of the WASP shows that the communication test, the signal relating to 250° and one or two other messages had been sent over this circuit during this period. Technicians on the RODMAN were working on the transmitter. There is no evidence that the receiver was operating properly.

Conclusion: The evidence indicates that the RODMAN was not guarding the primary tactical circuit and the only ship that could have received the message relating to course 250° True was the HOBSON which is known to have been guarding the circuit one hour before collision.

The Officer of the Deck of the HOBSON has testified that he had turned down the volume of the primary tactical bridge receiver so that it was barely audible. The receiver was located on the starboard side of the bridge on the after bulkhead. As has been shown, the message would have been received about one minute and forty-five seconds before collision. At this time, the Officer of the Deck was on the port wing of the bridge and had observed the heading of the HOBSON to be 082° True on the pelorus. The quartermaster of the watch has testified that the commanding officer was standing directly in front of the bridge receiver at this time. The relative wind was on the starboard bow, approximate velocity 20 knots, at this time.

Conclusion: The commanding officer was the most likely person to hear the signal relating to course 250° True, and probably, considering the reduced volume of the receiver and the relative wind, he was the only person who could hear it. The testimony of survivors that they did not hear the signal is of little practical significance.

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At one minute and forty-five seconds before the collision, measurements taken from exhibit 107 will show that the bearing and range from the HOBSON to WASP was $059\frac{1}{2}^{\circ}$ True, range 2300 yards. The heading of the WASP was then such that she actually was showing about a 19° starboard target angle. The evidence of the quartermaster and the helmsman is to the effect the Commanding Officer of the HOBSON had ordered full right rudder at about this time but that the rudder had no more than reached the full right position when the Commanding Officer ordered it amidships, as indicated on exhibit 107. It was during this period when the message relating to course 250° True was transmitted by the WASP. Expert witnesses, with long years of destroyer experience, have testified that if a carrier was on the bearing and heading and at the range the WASP was at this time as shown on exhibit 107, an order "rudder amidships" would have been a reasonable one on receipt of a signal from the carrier that her course was 250° True. The purpose would be to observe momentarily the motion of the carrier. The order "rudder amidships" after the rudder had already been put over full right so as to have brought the HOBSON to course 260° True, parallel to the carrier's new course is reasonable only if the Commanding Officer had actually received the signal meaning that the WASP's course was 250° True.

In the absence of any evidence to the contrary and in view of his general competency as witnessed by his fitness reports and the testimony of his Division Commander, the Commanding Officer of the HOBSON must be presumed to have acted as a reasonable and prudent navigator would.

Conclusion: If the only apparent valid reason for ordering the rudder amidships was the receipt of the signal relating to 250° True, and if in fact this signal was transmitted at this time by the WASP over a circuit known to be guarded by the HOBSON, this court cannot but conclude that the Commanding Officer did receive such a signal.

Was the signal acknowledged by the HOBSON?

There is evidence that not only did the Commanding Officer of the HOBSON receive the signal in question but that he acknowledged it as well.

At about 1000 on the day following the collision, the Commanding Officer of the WASP, informed the Screen Commander that the WASP had changed course to 250° True, shortly before the collision and that both ships had acknowledged his signal to that effect. He now states that neither he nor anyone on board the WASP received an acknowledgment from either the RODMAN or the HOBSON.

When the report was made, the WASP had been conducting rescue and damage control operations for twelve hours. The Commanding Officer had had no opportunity to review the events leading up to the collision.

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It is now known that the HOBSON's survivors were not aware of this signal and that the RODMAN was not guarding the circuit over which the message was sent. CIC personnel on the WASP state that they heard the signal transmitted but they did not hear the HOBSON's acknowledgement. The circuit was noisy. The outgoing signal was almost unreadable. At the time the message was sent, if the Commanding Officer of the HOBSON tried to acknowledge the message from his position at the starboard door of the bridge with the wind whistling by at twenty knots, his acknowledgement signal might have been completely covered by the circuit and wind noise in the CIC primary tactical receiver.

In spite of all this, the Commanding Officer of the WASP stated that the HOBSON and RODMAN had acknowledged the signal. At the time it appeared that it made little difference if the RODMAN had done so or not. She was not involved in the collision in any way. Events have since proved that she could not have acknowledged the message for she never received it. But there is evidence that the HOBSON had acknowledged when he so reported to the Screen Commander. He certainly had not received this knowledge or impression from his CIC personnel or from the HOBSON's survivors. If he had any basis whatsoever for his statement that both ships acknowledged his signal, that information could have come only from the Commanding Officer of the HOBSON, the person who actually received the message.

Conclusion: The signal was acknowledged by the Commanding Officer of the HOBSON.

Briefly, the record in this inquiry establishes beyond all reasonable doubt that the signal which meant that the WASP was on 250° True was sent at least one minute and forty-five seconds before the collision and that the signal was received and acknowledged by the Commanding Officer of the HOBSON.

With these facts in mind it is a relatively easy task to trace the chain of events which lead to the collision between the U.S.S. WASP and the U.S.S. HOBSON the night of April 26, 1952.

The narrative begins with the discussion between the OOD of the HOBSON and the Commanding Officer. The Captain had sketched out a mooring board solution of the maneuver he would make if the WASP changed course to 265° True, the intended recovery course, and if he was instructed to change station from plane launching to plane recovery station number 2 on the port beam of the WASP at a distance of 1000 yards. His sketch indicated an intention to steam on course 130° True until the WASP bore 010° True, and then a turn to the left and into position on the WASP's port beam.

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The Officer of the Deck objected to this man^{eu}ver because he felt that the final turn to the left would result in a situation in which the WASP and HOBSON would be approximately head and head at short range considering the 27 knot speed prescribed for the recovery of aircraft. The captain replied that it was necessary to expedite the man^{eu}ver in view of the message from the Screen Commander the day before in which he had stated that destroyers were to change station expeditiously even at the expense of an occasional mistake. This concluded the discussion.

No one will ever know what effect the Officer of the Deck's opinion had on the commanding officer. It is bound to have had some effect. In the intervening moments between this discussion and the execution of the WASP's signal to change course to 260° True, course 5° to the left of the intended course, and to increase speed to 27 knots, it is reasonable to presume that the commanding officer re-examined his decision. As he did so, he probably realized that the Officer of the Deck's opinion had some merit.

Moreover, as he reviewed his intention to turn left to parallel the WASP, it must have been apparent that he would almost certainly conclude the man^{eu}ver in a position abaft the carrier's port beam. If he ever fell behind in position, he could never regain station because he had boiler power available for only 28 knots and the recovery speed was 27 knots. Probably he decided to come to course 130° True as planned and when he had about crossed the predicted track of the carrier, to come right to course 260° True and then to slow, thereby dropping into position in plane recovery station 2 on the carrier's port beam. Expert witnesses have testified that this would have been a reasonable decision under the circumstances. The record shows that he did come right to course 130° True and increased speed to 27 knots on the execution of the carrier's turn to 260° True.

As he steamed on course 130° True, the range of the WASP increased slightly from 3,000 yards to 3,100 yards because of the WASP's greater advance in a turn, and the bearing drew aft slightly from 065° True to 061° True. Ranges were coming in continuously as they should have been. At his point, about one minute, forty-five seconds after the signal of execution, the Commanding Officer of the HOBSON may have considered turning right to 260° True. However, it was apparent that if he did so at this time, he would complete his turn well ahead of the WASP. This would delay his arrival on station until the carrier could reach a position on his beam because the HOBSON had to maintain a speed of at least 10 knots to hold the superheat. This delay would not be in accordance with the Screen Commander's directive to expedite changes of station.

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He knew that the best means of making a turn so as to return to an initial point was a maneuver known as the Williamson Turn whereby, for a turn to the right, the rudder is first put over Full Left, and after the ship's head has swung about 40° from its course, the rudder is shifted to Full Right, and the turn is completed to the right. Such a maneuver at this point seemed ideal. By putting his rudder left for a short swing to about 090° True he would still be ahead of the WASP when he completed his final course change to the right to 260° True. Expert witnesses have verified his reasoning and have stated that this is a theoretically sound maneuver.

The helmsman and quartermaster have both testified that the commanding officer ordered the rudder Full Left at this time and ordered no course to be steered and after a brief interval ordered the rudder Full Right. They were in a position to hear the orders of the commanding officer. The Officer of the Deck, who had been relieved of the conn by the commanding officer, has testified that the order was given to steer course 090° and that the ship swung past this heading to 082° True, and then back to 090° True. The Officer of the Deck was on the port wing of the bridge by the pelorus. The captain was on the starboard side of the bridge, standing just inside the pilot house. The quartermaster has testified the helmsman reported his heading to be 090° True as the ship swung left. The conflicting testimony of the helmsman and quartermaster as compared with that of the Officer of the Deck is easily explained.

When the helmsman reported his heading to be 090° True, the commanding officer had already ordered the rudder put Full Right. From hearing the reported heading, 090° True, the Officer of the Deck inferred that this was the course to be steered. He glanced at the port repeater and observed the ship's head at 082° True and starting to swing slowly to the right. He was unaware that the rudder was then Full Right. At about this instant, the captain heard the signal from the WASP which meant that the WASP was on course 250° True.

Momentarily confused by this unexpected signal and knowing that the WASP was showing a starboard target angle, the captain ordered the rudder from Full Right to Amidships, as the HOBSON was just beginning to swing slowly to the right after reaching heading 082° True. This slow swing back toward 090° True, perhaps a little beyond that heading, only verified the Officer of the Deck's conclusion that course 090° True had been ordered by the Commanding Officer. He could hardly think otherwise.

Now the Commanding Officer of the HOBSON had to act. The range was closing rapidly, the True bearing was steady at 059½° True, the WASP still showed a starboard angle on the bow. It was difficult to estimate it exactly. A bearing was unobtainable from the starboard pelorus because the WASP had just passed relative bearing 325°, the limit of bearings across the bow from the star-

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(continued.) board pelorus. The port alidade was fogged. The rudder of the HOBSON was amidships. The ship's head was still swinging very slowly to the right because of the effect of putting the rudder Right Full prior to the signal from the WASP. The Commanding Officer recalled that the turn originally executed had been 5° to the left of the course the Commanding Officer of the HOBSON had anticipated. Now the WASP said that she was an additional ten degrees to the left. There was little doubt now in the HOBSON's Commanding Officer's mind that the HOBSON had not yet crossed the predicted track of the WASP. Astern of the carrier and to its right he could see the truck lights of the RODMAN. Apparently, he was directly between the RODMAN and the WASP. He had but one choice; that was to turn left to get out of the way and not embarrass the carrier by crossing its bow. He ordered Left Standard Rudder. "Range 1750," said the bridge talker.

A few seconds later, to his horror, he observed the WASP still swinging and she was now showing him a port track angle. The HOBSON was swinging rapidly to port. It was too late to go right. "Range 1250," said the bridge talker. "~~Right~~ ^{Left} Full Rudder, Right-Less Hard Rudder, All Ahead Emergency." "Range 740" said the bridge talker.

The rudder was put Hard Left, but there was no steam available to answer the emergency bell effectively. So the HOBSON shot across the bow of the WASP, which even yet was not on course 250° True. The HOBSON almost made it. If she had travelled one hundred feet more, she would have successfully crossed ahead of the WASP, but the emergency speed was not available to give her that additional speed that she needed to get safely across the bow of the WASP. There was a collision and the HOBSON went down.

Every fact related in this narrative is in the record, either in the testimony or on the diagrams. The immediate cause of this collision was the signal meaning my course is 250° True. It was received at precisely the time the Commanding Officer of the HOBSON was about to come to the right to a safe course of 260° True. It caused him to hesitate and so placed his ship in extremis. On the basis of what he saw and what he heard when in extremis, his course change to the left was reasonable and completely justified under the circumstances.

It is also a fact, as the diagrams will show, that if the WASP had actually steadied on 250° True instead of 260° True, the collision would not have occurred. The signal in question was simply an information signal, a statement of present fact, not a future intention, informing the other ships what the heading of the WASP actually was. Such a signal does not even require an acknowledgment, although there is every reason to believe that the HOBSON did acknowledge it.

Expert witnesses have testified that each of the decisions made by the Commanding Officer of the HOBSON was reasonable under the circumstances. If that is so, if his ship handling and his orders to the wheel and engines correctly executed these decisions, this court should not question the competency or ability of the Commanding Officer of the USS HOBSON.

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It is true that the Commanding Officer of the HOBSON did not inform the WASP of his intentions nor did he turn on his running lights prior to collision. Should he have done so? Expert witnesses have testified that such action would have been proper. It can only be said that his one thought was to extricate his ship from peril. He himself had no time to inform the WASP of what he was doing. To have done so would have taken him from his principal duty of conning his ship. Nor was the Officer-of-the-Deck alarmed until that fatal left turn began. By the time he might have come in from the bridge to the radio transmitter and relayed a message to the WASP, dictated by the Captain, it would have been too late. As it was, the WASP did take prompt action. For the HOBSON had only swung a few degrees to the left to heading about 060° True when the Commanding Officer of the WASP observed the truck lights suddenly increase in intensity and then ordered his engines backed emergency.

The running lights might also have been turned on. Again, I doubt if the Commanding Officer of the WASP would have taken any different action. The time was too short.

Technically the HOBSON may be held at fault for failure to turn on her running lights and for failure to inform the WASP of her movements. But it is doubtful if either of these omissions caused, or could have prevented, the collision.

The primary cause of the collision was the misleading signal relating to course 250° True. Until that signal was made the possibility of collision was remote indeed. However, there were secondary causes which it is believed that this court should consider in its deliberations.

First of all is the question of boiler power available. Boiler power for 28 knots was insufficient if the base speed was to be 27 knots. The Officer in Tactical Command had informed the plane guards that boiler power for speeds in excess of 27 knots would not be required. It is of course within the province of the Commanding Officer of each ship to have as many boilers ready or on the line as he sees fit. Experienced destroyer Commanding Officers often disregard signalled boiler requirements. This is also a responsibility of the Officer in Tactical Command. If the HOBSON had four boilers on the line at the time of collision, the collision would in all probability never have occurred.

Secondly, there is no apparent reason why the plane guards should not have been stationed prior to 2200. The WASP knew well beforehand that aircraft would be recovered at 2230. They also knew that a large change of course, almost a countermarch, at high speed would be necessary to recover aircraft. If, at any time after launching aircraft, the WASP had slowed to 20 knots on course 102° True and ordered the plane guards to recovery station 2, so as to arrive prior to 2200, the large course change could have been easily, safely, and expeditiously accomplished by two simultaneous turns to the right, one of 90 degrees, and the other of whatever magnitude was necessary to bring the carrier into the wind. This is ~~in~~ ^{his} ~~mind~~ ^{mind}.

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Thirdly, the record shows that neither the Commanding Officer, the Executive Officer, Operations Officer, nor the Navigator have had duty on board a destroyer since the beginning of World War II. None of them have ever served in destroyers during modern air group operations.

Fourthly, there is evidence that the WASP paid but the most cursory attention to the HOBSON after the turn had commenced.

Fifthly, the Commanding Officer of the HOBSON was called on to perform like an expert on the first night that he had ever participated in night aircraft recovery operations as a Commanding Officer.

These are the secondary or indirect causes to this collision. It is not always possible to have in command of each destroyer an officer with broad command experience. A commanding officer must begin command duty sometime. The Commanding Officer of the HOBSON cannot be held responsible for his lack of experience. Nor can the Commanding Officer of the WASP and his officers be held responsible for their lack of experience in destroyers. Nevertheless, when officers in Tactical Command and their advisors are not familiar with state of training and operational problems of the ships under their command, disaster is virtually inevitable.

The Commanding Officers of the WASP and HOBSON performed this maneuver as it had been done many times before. One can't help but wonder how often a collision such as this one has been narrowly averted. But on the night of 26 April 1952, the conditions were right. The Commanding Officers of both ships performed an evolution as they had been taught and trained to perform it. Unfortunately, each was inexperienced in the operational characteristics of the other ship so there was a collision.

If it had not been the HOBSON, it might have been the BEATTY, the BRISTOL, or the HYMAN. If it had not been the WASP, it might have been the MIDWAY or the CORAL SEA. The court is respectfully asked to bear in mind the five indirect causes of this collision when formulating their opinion on where the responsibility for this collision lies. I know, that in so doing, the Commanding Officer of the HOBSON, in the light of all the facts presented to this court, will be found to have performed his duty ably, competently and in the highest traditions of the naval service.

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Lieutenant made the following oral argument:

Admiral and members of the court; the able counsel for the court, together with the wholehearted cooperation of parties and their counsel has, in my opinion, presented to you every detail that could have been presented concerning the collision which occurred between the USS WASP and the USS HOBSON. It would be boring for me to attempt to rehash the details. It would be presumptuous for me to tell you what your findings should be as a result of that collision. That is your function. You can apply to your conclusions your experience in the Navy.

I do want to remind you that Mr. as a lieutenant in the Navy, has had active duty for a period of 13 months in the Navy, and prior experience as engineer. I think that you, in the past 10 days, have had an opportunity to observe this officer under the most trying circumstances. He has recently lost his ship and his friends. Since that time every minute of his time has been concerned with details of this court of inquiry, and with the details of seeing the men of the HOBSON. Without the use of records or documents or memoranda that went down with his ship, he, in direct and cross-examination, has given you straight-forward answers to questions that have been put to him.

We are concerned primarily here with his performance of duty as officer of the deck on the HOBSON in a period of some 4 minutes, trying to reconstruct what he did during that time. I think that you and each of you, in arriving at your conclusions, that if you were going to sea as a commanding officer that you would be well satisfied to have Lieutenant as an officer of the deck, and could rely with complete confidence upon his ability to meet an emergency that came up with deliberate, calm but decisive and seamanlike action. I think he has proved that to you by his own manner of testifying and by that of the other witnesses.

Lieutenant made the following oral argument:

May it please the court; it is not our intention to recite in detail the evidence which has been presented to this court or to submit an explanation of why the HOBSON maneuvered as it did. Counsel for the other parties have already done this. Also, there is little dispute over the essential facts surrounding the collision. Therefore, we shall simply and briefly discuss the meaning of certain facts in evidence.

The most important conclusion to be drawn from all the facts presented is this: The HOBSON caused the collision. That conclusion is inescapable. Our chief authority was Exhibit 66 for saying this, which summarizes the testimony presented to the court and the facts involved in that exhibit have not been refuted in any significant respect. It would be a tragic mistake for this court to find otherwise

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It is realized that this court is going further than simply deciding where the basic fault lies. It is realized that the WASP personnel did certain things and have said certain things in this court which have been under discussion. It is realized that the court wants to know why the HOBSON made two successive left turns from its original course of 130 degrees. However, inquiry into these questions is a collateral duty of all of us, and does not mean to refute the evidence of what the HOBSON actually did to cause the collision. In trying to discover what motivated Lieutenant Commander Tierney, we must not lose sight of the fact that he did do certain things which were contrary to the Rules of the Nautical Road, contrary to the principles of good seamanship, and contrary to good judgment; regardless of why he did them, these actions were wrong because they were in violation of the section on sea manners in a certain tactical publication which counsel for Lieutenant Commander Tierney himself read in closed court. The expert witnesses before this court supported this conclusion that the HOBSON maneuvers were wrong when they said, in essence, that they would not have done the same thing themselves. Therefore, we repeat, the HOBSON caused the collision

Now, let us examine what the WASP was doing to prevent the collision with particular reference to Lieutenant the WASP's officer of the deck. Before going further, I would like to make two points perfectly clear to this court. First, as officer of the deck of the WASP on 26 April 1952, he never assumed - he never thought that an aircraft carrier has the right of way over any other ship simply by virtue of the fact that it is an aircraft carrier. His understanding at that time and at the present time is that unless the carrier is actually launching or recovering aircraft and has a signal in the air to that effect, it has no privileges other than those normally afforded a large ship. Secondly, Lieutenant as officer of the deck of the WASP on 26 April 1952, realized a definite and affirmative responsibility to be completely cognizant of the activities of every surface vessel in the vicinity of the WASP through the use of every device available to him regardless of whether or not the WASP was launching or recovering aircraft.

Lieutenant came on the bridge at 1920 and assumed the watch at 1945. He spent most of the watch prior to the collision on the port side of the bridge. Lieutenant was stationed on the starboard side of the bridge. Ensign was assigned training duties in the pilot house. All enlisted men on the bridge and in the pilot house were properly stationed. Aircraft were launched at 2000 as scheduled.

At 2210 the intention signal to recover aircraft on course 265, speed 27 knots went out on the secondary tactical circuit. RODMAN and HOBSON receipted for that signal. Somewhere around this time Captain came up on the bridge. The HOBSON was approximately 5200 yards at a true bearing of 245 degrees from the WASP. At 2221 a signal for a simultaneous turn to the right to course 260, speed 27 knots was executed on the secondary tactical circuit and was receipted for by the RODMAN and the HOBSON. Simultaneously with the execution of that signal, Lieutenant ordered RIGHT STANDARD RUDDER, ALL ENGINES AHEAD PLANK INDICATE 208 TURNS, new course 260. He personally

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saw that those orders were properly carried out. Shortly thereafter, the HOBSON inquired over the secondary tactical circuit if they were to assume plane guard station 2 and Captain sent back affirmative.

If the court please, that takes us to the first minute - to somewhere in the first minute in the turn. Up to that time this was a perfectly normal routine turning movement of a carrier coming around into the wind to recover aircraft with plane guards preparing to take station on her as a guide.

Visibility was unlimited. Lieutenant was able to observe the truck lights of the HOBSON and he did observe them from the very commencement of the turn. Later he was able to perceive the HOBSON's movements through his glasses because he could see the outline of her hull and superstructure. Lieutenant junior officer of the deck, still on the starboard side of the bridge of the WASP had been told by Lieutenant at the commencement of the turn to keep his eye on the HOBSON. He observed her as the WASP was coming around in her turn, still at a distance of 3000 yards. CIC on the WASP knew of the turn. The CIC watch officer, Ensign, had positive instructions to notify the bridge if any dangerous situation was perceived to be developing. In accordance with standard practice on the WASP, and on other ships where Lieutenant has been stationed, and when the maneuver was a simple one involving only the WASP and her plane guards, continuous ranges and bearings were not being called to the bridge from CIC unless a dangerous situation developed and bearings were not being taken at specific intervals from the bridge.

At 2223, while the WASP was still coming around, her surfaces search radar lost radiation and the WASP was without means of observing the range of the HOBSON. Ensign did not report that fact to the bridge and devoted his attention to getting the equipment back into operation. It became impossible for CIC to detect the dangerous situation which shortly thereafter came into being.

However, from the execution of the turn signal until 2223, and until the time of the collision Lieutenant was almost constantly watching the movements of the HOBSON. The surface search radar had no effect on the situation because it is believed that the unexpected last left turn of the HOBSON was perceived visually on the bridge by Captain and Lieutenant long before such movement could have been detected by CIC, interpreted by them, communicated to their talker, communicated to the bridge talker and communicated to Captain and Lieutenant

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At approximately 2224 the WASP swung past 250 to 260, and it was observed that 250 would be a better recovery course than 260. The WASP's heading swung to 261 and Captain [redacted] sent out a signal over the primary tactical circuit indicating that the WASP was assuming a course of 250. No witness on the RODMAN or the HOBSON has appeared before this court of inquiry and testified that he heard this signal. There is no record in any log by either the RODMAN or the HOBSON, of the receipt of that signal. The WASP never received an acknowledgement by either the HOBSON or the RODMAN. It appears beyond doubt that the signal as sent out on the primary tactical circuit which hadn't been used before during these maneuvers was not received by the HOBSON or the RODMAN. Captain [redacted] at the time, not later, but at the time assumed as much and for that reason directed Lieutenant [redacted] to send the signal out on the secondary tactical circuit. I think his action at that time establishes beyond doubt that he realized the other ships had not received the 250 signal. Lieutenant [redacted] ordered the steersman to come left to 250 when the heading of the WASP was still 260. Lieutenant [redacted], who had been ordered to send out that signal, never sent it because of events which followed almost immediately thereafter.

Some seconds before 2225, Lieutenant [redacted] observed the HOBSON, which was less than 1000 yards off the port bow of the WASP, appear to be coming left and coming to the heading which was off the port bow of the WASP. At the same time Captain [redacted] noticed the same thing. Two officers noticed the same thing at the same time. I think that that is an indication that the movement of the HOBSON was perceived as soon as it possibly could have been. Lieutenant [redacted] turned to Captain [redacted] saying, "Captain, we are in trouble," Captain [redacted] was ordering ALL ENGINES BACK EMERGENCY and assumed the conn of the WASP. Approximately 30 seconds later and some seconds after 2225 the collision occurred with the WASP on course 257 or 258, which was only 2 or 3 degrees left of 260, and could not have possibly caused confusion or have even been distinguished by anyone on the HOBSON. Lieutenant [redacted] assisted Captain [redacted] in the rescue operations and in taking necessary action for the WASP after the collision until he was relieved at 0015.

On behalf of Lieutenant [redacted] I respectfully request the court, with all the sincerity which I possess, to find Lieutenant [redacted] free from any blame for this collision between the HOBSON and the WASP and innocent of any misconduct whatsoever in regard to that collision.

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The court then, at 1045, took a recess until 1055, at which time it reconvened.

Present: All the members, the counsel for the court, and all the parties and their counsel.

B. b. yeoman, second class, U. S. Navy, entered as reporter.

No witnesses not otherwise connected with the inquiry were present.

The counsel for the court made the following closing argument:

In reply to the arguments of parties and counsel, the counsel for the court will state that the court will base its findings on evidence that has been produced in court and which is in the record, and not on theory or conjecture or hypotheses which are not evidence.

In his closing argument, counsel for the court in addition merely desires to call the court's attention to, and ask the court to take judicial notice of, certain sections and articles in tactical publications which are of a confidential nature. I will ask, therefore, that at this point the court sit with closed doors.

At this point the court sat with closed doors.

The press and all spectators withdrew from the courtroom.

COUNSEL FOR THE COURT: (continuing) I call the court's attention to, and ask the court to take judicial notice of, Articles 476, 477, 478, and 1273 ABLE of General Tactical Instructions, USF-2; Articles 513, 532, 533, 576 577, 581, 1506, 1508, and 1522, Allied Naval Maneuvering Instructions, ATP-1; Articles 923, 924, 951, 952, and 1191 of Carrier Task Force Tactical Instructions, USF-4; Chapter 1 and articles 122 and 123, Tactical and Operational Instructions for Aircraft Carriers and Tenders, USF-72; CinCLant Instructions 3530.2, dated 15 August 1951; also the International Rules of the Nautical Road, and U. S. Navy Regulations as they pertain to the duties and responsibilities of officers of the deck and commanding officers.

At this point the court decided to sit with open doors.

The inquiry was finished.

The court was cleared.

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ATTORNEY GENERAL OF THE NAVY

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The court having thoroughly inquired into all the facts and circumstances connected with the incident which occasioned the inquiry and having considered the evidence adduced finds as follows: (Note: All times are Zone Plus Three times on 26 April 1952, unless otherwise stated.)

FINDING OF FACTS

1. That at or about 2225, on 26 April 1952, in position Latitude 42°-21' North Longitude 44°-15' West, the U.S.S. WASP (CV-13) and the U.S.S. HOBSON (DMS-26) collided.
2. That meteorological and sea conditions at the time of collision were:
 - (a) Clear but dark night, with no moon and high overcast at about 25,000 feet, middle broken at 8,000 feet, low broken at 2,500 feet.
 - (b) Visibility good, about ten miles.
 - (c) Sunset 1854; Moonset 2149; moon in first quarter.
 - (d) Wind 7 to 10 knots from approximately 240°.
 - (e) Sea slight, waves 3 feet; wave period 6 seconds, direction 270°.
 - (f) Temperature of air 58.5° F.
 - (g) Temperature of sea water 64° F.
 - (h) Current set and drift 0.4 knot toward 075° T.
 - (i) Depth of water approximately 2700 fathoms.
3. That the WASP, the HOBSON, and the U.S.S. RODMAN (DMS-21) were operating as Carrier Unit 88.1.1 with Captain ^{B-6} 60445, USN, the Commanding Officer of the WASP, as Officer in Tactical Command (OTC).
4. That when the collision occurred, the WASP was adjusting her course after completing a signaled turn into the wind to recover aircraft and had FOX flag at the dip.
5. That the HOBSON had been assigned to plane guard station number two (2) and the RODMAN to plane guard station number one (1), for both day and night flight operations.
6. That the HOBSON and the RODMAN sailed from Charleston, S.C. on 21 April 1952 under the command of Commander ^{B-6} Jr., ^{B-6}, USN, Commander Mine Division 62, and subsequently rendezvoused at sea with Task Group 88.1 on 23 April 1952.
7. That the WASP sailed from Norfolk, Va., on 22 April 1952, and rendezvoused at sea with Task Group 88.1 on 23 April 1952.
8. That after rendezvous, all three vessels were proceeding as a part of Task Group 88.1 under the command of Rear Admiral ^{B-6} USN, as OTC, embarked in the U.S.S. WORCESTER (CL-144), to report to the operational control of Commander SIXTH Fleet in the Mediterranean area.

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9. That pursuant to instructions of CTG 88.1, at about 0700 on 26 April 1952, Carrier Unit 88.1.1 left the remainder of Task Group 88.1 and proceeded in a Northeasterly direction, the WASP fueling en route, preparatory to conducting air operations involving night attacks by aircraft from the WASP on the remainder of the Task Group.

10. That after leaving the Task Group on 26 April, Carrier Unit 88.1.1 conducted the following air operations prior to recovery maneuvers, in the execution of which the collision occurred:

- (a) Nine plane daylight launch and recovery.
- (b) Ten plane night launch, commencing 2001 to attack the remainder of the Task Group, which bore South distant about 50 miles.

In both the above operations, the RODMAN and HOBSON acted as plane guards, occupying plane guard stations 1 and 2, respectively.

11. That all of the foregoing operations and those in which the collision occurred, were conducted with proper authority and under the following operational directives:

- (a) Commander SECOND Fleet Operation Order 2-52. (Exhibit 64)
- (b) Commander Cruiser Division FOUR, Commander Task Group 88.1, Operation Order 1-52. (Exhibit 65)
- (c) Commander Task Force 88, Commander Cruiser Division FOUR Operation Plan 1-51, except Annex "B" thereof. (Exhibit 63)

12. That Captain _____, who had been on the bridge intermittently throughout the evening, was on the bridge of the WASP at the time of the collision and had been for about 15 minutes immediately preceding it.

13. That Captain _____, when he observed the HOBSON turning left just prior to the collision, assumed the conn of the WASP, and had the conn at the time of the collision.

14. That other personnel attached to, and on the bridge of, the WASP immediately prior to and at the collision were:

Commander	,	USN, Executive Officer;
Lieutenant	,	USNR, Officer of the
Deck (OOD);		
Lieutenant	,	USNR, Junior Officer
of the Deck (JOOD):		
Ensign	,	USNR, Junior Officer
of the Watch (JOOW);		
er.	,	SN, USN, engine order telegraph;
	,	SN, USN, quartermaster of the watch;

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watch: M3, USN, boatswain's mate of the

SA, USNR, messenger;
SN, USN, lee helmsman;
SN, USNR, JK circuit talker; and
RDSN, USN, IJS circuit talker.

15. That Lieutenant Commander William J. Tierney, USN, the Commanding Officer of the HOBSON, was on the bridge at the time of the collision, and had been there since prior to 2000.

16. That Lieutenant Commander Tierney took over the conn of the HOBSON when the turn signal for coming into the wind to recover aircraft was executed, approximately four minutes before the collision, and retained it until the collision.

17. That other personnel attached to, and on the bridge of the HOBSON, included:

Lieutenant USNR, OOD;
Lieutenant (junior grade) USNR,
JOOD;

SA, USN, messenger;
3, QM1, USNR, navigating quarter-
master;
QMSN, USN, quartermaster of the
watch;

SN, USN, bridge talker;
BM3, USN, boatswain's mate of
the watch;

SN, USN, helmsman;
SN, USN, engine order telegraph;
8, QM1, USN, and
MN3, USN.

18. That following completion of the night launch which commenced at 2001, the course of Carrier Unit 88.1.1 was changed to 102° T by simultaneous turn signal, and that the HOBSON and RODMAN remained at the same true bearing and range from the WASP, that is, in the same positions they were occupying as plane guards at the time of night launch. Thus, at 2200 when the WASP, RODMAN and HOBSON were on course 102° T, speed 25 knots, the HOBSON was on a true bearing of 245° distant 3000 yards from the WASP and the RODMAN was on a true bearing 090° distant 1200 yards from the WASP.

19. That the above course, speed and disposition were maintained until a turn and speed signal was executed at approximately 2221.

20. That at about 2210, the information signal FOX CORPEN 265 TACKLINE FOX SPEED 27 was sent by the WASP, and receipted for by both plane guards.

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21. That at about 2220 the signal TURN 260 TACKLINE SPEED 27 was sent by the WASP, and receipted for by both HOBSON and RODMAN, and that about 2221 this signal was executed, and the execute was receipted for by both HOBSON and RODMAN.
22. That at the execution of the above signal, the WASP turned right with standard rudder and increased speed to 27 knots.
23. That in executing the turn the WASP used a tactical diameter of 1500 yards as prescribed by ATP 1 which was in effect.
24. That as the WASP completed her turn to about 258° T adjustment to course 250° T was ordered by the Commanding Officer of the WASP who also at that time personally transmitted the signal MIKE CORPEN 250 on the primary tactical circuit microphone.
25. That the MIKE CORPEN 250 signal was not heard by any personnel on the RODMAN bridge, nor by any survivors of the HOBSON, nor was it receipted for.
26. That the Commanding Officer of the HOBSON elected not to turn right to 260° T with the other two ships at the execution of the signal TURN 260, but commenced a maneuver which he thought would put HOBSON in position more expeditiously.
27. That the HOBSON, after receipting for the execution of the turn and speed signal, at about 2221, made a right turn to 130° T and increased speed to 27 knots.
28. That after a short period of time the Commanding Officer of the HOBSON ordered left rudder, and then maneuvered his ship on various easterly courses, averaging about 090° T, until the HOBSON and the WASP had closed to approximately 1240 yards.
29. That at about that time, the Commanding Officer of the HOBSON changed course to the left by using left standard rudder, followed by increase to left full, followed by increase to hard left.
30. That a few seconds later, the Commanding Officer of the HOBSON ordered all engines ahead emergency flank.
31. That the bow of the WASP struck the starboard side of the HOBSON near Frame #125, and at an angle of approximately 90 degrees.
32. That the forward section of the HOBSON remained afloat about four minutes after the collision.
33. That the stern section of the HOBSON disappeared under water immediately after the collision.

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34. That the Commanding Officer of the WASP, as soon as he noted the HOBSON in a left turn, just prior to the collision, ordered all engines BACK EMERGENCY FULL, that this order was properly and promptly transmitted, and that execution started promptly.

35. That at time of collision, the WASP had slowed her shaft revolutions from 208 RPM ahead, (revolutions for 27 knots) to approximately 50 RPM ahead.

36. That at time of collision, the WASP was adjusting course from 261° T to 250° T with seven degrees left rudder, and was on an approximate heading of 258° T, speed approximately 22 knots through the water.

37. That at time of collision, the HOBSON was in a left turn with hard left rudder, heading approximately 348° T, speed approximately 22 knots through the water.

38. That as a result of this collision, the bow of the WASP penetrated at least two-thirds through the HOBSON.

39. That at and immediately after the collision, the following emergency orders were given by the Commanding Officer of the WASP:

1. Collision Quarters
2. Turn on all lights
3. Man overboard
4. Away Fire and Rescue Party
5. Lower all boats

40. That the following emergency orders were given in the HOBSON prior to or at the time of the collision, but were made ineffective due to the immediacy of the collision:

1. STAND BY FOR COLLISION was shouted by LT ^{D-6}, OOD.
2. The general alarm switch was thrown by Parks, navigating quartermaster, but was not heard.
3. ^{B-6} boatswain's mate of the watch, attempted to pass the word over the public address system to ABANDON SHIP.

41. That the resistance offered by the hull of the HOBSON, combined with the emergency backing of the WASP's engines, brought the WASP dead in the water while the forward section of the HOBSON was still close to the starboard bow of the WASP.

42. That when it appeared the WASP was dead in the water, all propeller shafts were stopped on orders of the Commanding Officer by use of emergency engine stop procedure.

43. That following the collision, the bow section of the HOBSON swung around against the starboard bow of the WASP, fell away, and finally sank stern first, just off the starboard bow of the WASP, about four minutes after the collision.

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44. That the WASP at this time was in close proximity to the survivors in the water.

45. That rescue operations were commenced by the WASP immediately after the collision and included:

- (a) Lighting ship.
- (b) Turning on of searchlights.
- (c) Dropping overboard of rafts, life jackets and other flotation gear.
- (d) Lowering of all eight (8) boats.
- (e) Manning deck edge fire stations.
- (f) Lowering of lines from the flight deck, and lowering deck edge elevator.

46. That the RODMAN closed the collision scene expeditiously, and lowered her only boat which assisted in rescue operations.

47. That the JOOD of the WASP kept visual watch of the HOBSON as her relative bearing from the WASP changed from starboard to port, after which he could no longer follow her from his position at the secondary tactical circuit on the starboard side of the bridge.

48. That the Commanding Officer of the WASP visually checked the bearing of the HOBSON through his glasses as it changed from starboard to port and noted a continuing change of that bearing to the left as the WASP completed her turn and steadied on course about 260° T.

49. That during the turn to course 260° T no alidade or bearing circle was used on the bridge of the WASP to take bearings of the HOBSON.

50. That no means other than visual observation, were employed by Lieutenant ³⁶, OOD in WASP, to determine whether ranges to HOBSON were closing.

51. That Lieutenant ³⁶ did not observe the HOBSON through binoculars from the time he gave the order to come right to 260° T until after he had ordered the steersman to come left to 250° T from heading of about 260° T.

52. That just after the execution of the turn signal the HOBSON asked the WASP if she were to take night plane guard recovery station number two, and was answered in the affirmative. Night plane guard recovery station two was on relative bearing 270° to 280°, distant 1000 yards from the WASP.

53. That prior to receiving the signal to turn into the wind, the Commanding Officer of the HOBSON discussed such a turn with the OOD, Lieutenant ³⁶, and indicated his intention to arrive on his plane guard station by first changing course to 150° T and then when the WASP bore about 010° T, to make a left turn to the recovery course.

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54. That Lieutenant ³⁶, who had previously proposed a right turn and a slowing down to 15 knots to fall into position, objected to the Commanding Officer's plan on the basis that a left turn to the recovery course was dangerous, and was then advised the maneuver had to be expedited, and that the Commanding Officer would conn the HOBSON for the maneuver.

55. That no whistle signals were used during the maneuver by either ship.

56. That both ships were operating under Lighting Measure GREEN which requires that ships be darkened except for two red aircraft warning all-round truck lights, and certain carrier deck lighting visible from the air, and that no running lights were shown prior to the collision by either ship.

57. That the red aircraft warning lights were clearly visible on all three ships.

58. That ATP 1 and ACP 175 were considered to be in effect, and were in use by Carrier Unit 88.1.1 prior to and at the time of the collision.

59. That the lookouts on both ships were properly posted, and were instructed, in addition to their regular duties, to be particularly alert for returning aircraft.

60. That reports by lookouts in the WASP and HOBSON were not made on other vessels within the tactical formation, with the exception that "collision" was passed by a lookout in the WASP, immediately prior to the collision.

61. That during the maneuver in which the HOBSON was attempting to adjust her position on the WASP, radar ranges were regularly transmitted from the HOBSON's CIC to conn and relayed by the bridge talker to the Commanding Officer, and the Commanding Officer of the HOBSON was observed personally to take frequent visual bearings on the WASP, using a pelorus. Ranges of 1760, 1240, and 750 yards, and "closing fast," were furnished by the HOBSON's CIC, but exact times are not known.

62. That the OOD of the HOBSON took a bearing on the WASP when the HOBSON reached a heading of 130° T at which time it appeared to bear 045° T to 048° T; however, the alidade in use was fogged and he was not sure of this bearing.

63. That a short time later, when the HOBSON was brought to an approximate heading of 090° T, the OOD estimated that the distance of closest point of approach to the WASP would be about 800 yards.

64. That the foregoing estimate was based on an assumed tactical diameter of 1200 yards from WASP.

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65. That at the time the range between the HOBSON and WASP was approximately 1240 yards, as determined in CIC of the HOBSON, the CIC officer on watch called through the voice tube to the bridge: "What the hell is going on?"
66. That the JOOD of the HOBSON heard the foregoing question, and answered that the Captain had the conn and was in the process of making a turn.
67. That Lieutenant ^{B-6} warned the Commanding Officer of the HOBSON just after her left turn and prior to collision, that ranges to the WASP were closing "too darn fast."
68. That during the maneuvers prior to and after collision, no confusion was apparent on the bridge of the WASP.
69. That during the maneuvers prior to collision no confusion was apparent on the bridge of the HOBSON.
70. That at 2300 on 26 April, on orders of Commander Task Group 88.1, Rear Admiral ^{B-6} USN, Commander Screen Unit 88.1.4, in the U.S.S. STRIBLING (DD-867), in company with the U.S.S. O'HARE (DD-889) and the U.S.S. CORRY (DD-817), proceeded toward the collision scene, arriving at the scene at about 0015, 27 April 1952.
71. That on the imminent approach of Rear Admiral ^{B-6} the WASP left the collision scene, leaving her boats to continue the search for survivors, and proceeded to recover her aircraft, which were low on fuel, using the RODMAN and CORRY as plane guards.
72. That at about 0015, 27 April 1952, Rear Admiral ^{B-6} took charge of search and rescue operations at the scene of the collision, using the STRIBLING and O'HARE, and the eight WASP boats which remained at the scene on the departure of the WASP, RODMAN and CORRY.
73. That the WASP was able to make 10 knots, and between 0030 and 0050, 27 April 1952, recovered her aircraft without mishap, with approximately 20 knots of wind over the deck.
74. That after recovery of the aircraft, the WASP, CORRY and RODMAN returned to the collision scene, and the latter two vessels assisted in further search and rescue operations.
75. That search and rescue operations continued until 0730, 27 April 1952, at which time, Commander Screen Unit 88.1.4 considered that there was virtually no possibility of finding additional survivors.
76. That all known HOBSON survivors were transferred to the WASP prior to her arrival at Gravesend Bay, New Jersey, on 6 May 1952.

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77. That the HOBSON was a total loss, including all log books, publications, records, equipment and other material aboard her.
78. That the cost of the HOBSON less armament and recent conversion costs, was \$6,055,893.67.
79. That the HOBSON was a 1630-ton destroyer minesweeper of the BRISTOL class, with overall dimensions as follows: length, 348 feet; beam, 36 feet.
80. That the WASP is a 38,000-ton carrier of the ESSEX class, with overall dimensions as follows: length, 898 feet; beam, 145 feet.
81. That as a result of the collision, the WASP suffered damage as shown in Exhibits 84 and 85.
82. That the cost of repairs to the WASP amounted to approximately \$1,005,234.
83. That the WASP was commissioned from a reserve status on 10 September 1951.
84. That the HOBSON was commissioned on 22 January 1942, and had been in commission since that date.
85. That Captain *B6* assumed command of the WASP on 10 September 1951.
86. That the total experience of Captain *B6* in carrier-type vessels is approximately seven years, during 11 months of which he was in command of a CVE, and 8 months in command of a CV.
87. That Lieutenant Commander Tierney assumed command of the HOBSON on 17 March 1952.
88. That the total experience of Lieutenant Commander Tierney in destroyer-type vessels was approximately two years, during about six months of which he was in command of an APD, and five weeks in command of the HOBSON, during which time the HOBSON was at sea only about 7 days, and with a Task Group only about $3\frac{1}{2}$ days.
89. That Lieutenant Commander Tierney, in executing the "Turn 260 - Speed 27" signal that preceded the collision, was carrying out an evolution to proceed to night recovery plane guard station number TWO for the first time since he had been Commanding Officer of the HOBSON.
90. That the draft of the WASP before collision was: forward, 28' 0"; aft, 28' 9"; after collision (estimated): forward, 34' 6"; aft, 26' 6"; after correction by trimming: forward, 27' 6"; aft, 28' 3".

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91. That the draft of the HOBSON before collision was approximately: forward, 14' 2^{1/2}"; aft 13' 8^{1/2}".

92. That the general distribution and amounts of variable weights in the WASP prior to collision were as shown in Exhibit 92.

93. That no records exist of the general distribution and amount of variable weights in the HOBSON prior to collision.

94. That compartments of the WASP flooded (rapidity unknown) and the cause of flooding are as shown in Exhibit 92.

95. That material condition of readiness YOKE was set in the WASP at the time of collision.

96. That material condition of readiness BAKER was set in the HOBSON at the time of collision.

97. That steps taken in the WASP to correct list and trim and to control damage are described in Exhibit 92.

98. That in the WASP there was no failure, or especially effective performance, of damage control material installation.

99. That preceding the recovery, the commanding officer of the WASP had signalled that speeds in excess of 27 knots would not be required.

100. That preceding and at time of collision, the WASP had six boilers on the line, giving an available speed of 27 knots.

101. That preceding and at time of collision, the HOBSON had two boilers on the line, giving an estimated available speed of 28^{1/2} knots.

102. That the transmitter of the primary tactical maneuvering and warning circuit in the RODMAN was defective, and for that reason the secondary tactical circuit was being used for tactical signals and messages by Carrier Unit 88.1.1 at the time of the collision and had been tested satisfactorily at about 2209.

103. That at 2126 there had been a radio check of the primary tactical circuit by WASP and HOBSON, with indifferent results.

104. That the port alidade of the HOBSON was fogged, and that the non-telescopic bearing circle was used on the starboard pelorus, due to binding of the telescopic alidade on that pelorus.

105. That due to loss of radiation, the SG-6 radar in use for surface search in the WASP, failed after the ship had commenced her turn to the recovery course, and was being made operative again about the time of the collision.

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106. That except for Finding Numbers 104 and 105 above, the material condition of the WASP and HOBSON was good, and both ships were ready for sea.

107. That the WASP is a unit of Air Force, U. S. Atlantic Fleet, assigned to Carrier Division Six, Second Fleet.

108. That the HOBSON was a unit of Mine Force, U. S. Atlantic Fleet, assigned to Mine Division Sixty Two, Second Fleet.

109. That the tactical organization of Task Group 88.1 at the time of the collision was as indicated in Exhibit 65.

110. That at the time of the sailing from Charleston on 21 April 1952, there were on board the HOBSON 237 officers and men.

111. That on 23 April 1952, Oscar L. Burchett, ^{b6} ET2, USN, from Mine Division Sixty Two was transferred at sea from the RODMAN to the HOBSON.

112. That on 25 April 1952, while HOBSON was fueling, John Joseph O'Leary, ^{b6} SA, USNR, lost his life in an accident, and that his body had been taken on board the oiler, U.S.S. PAWCATUCK (AO-108).

113. That of the 237 officers and men of the HOBSON on board her at the time of collision, 176 lost their lives as a result of the collision, and 61 survived the disaster.

114. That all of the surviving personnel of the HOBSON were examined after the collision and the nature and extent of their injuries, and the place and extent of their hospitalization are as set forth in Exhibit 62.

115. That the following named naval personnel on board the HOBSON died by drowning, or from undeterminable injuries, on 26 April 1952, at or about 2225 or immediately thereafter, as a result of the collision between the WASP and the HOBSON.

<u>NAME</u>	<u>SERVICE NO.</u>	<u>RATE</u>
William Erby Allen		SA
Michael (n) Amico		FA
Lawrence Allen Antley		SA
George (n) Arayaes		SN
David Henry Baker		SA
Harold K. Baker		FN
Sam Robert Baker		SN
Andrew J. Balzer		MM3
Arthur Joseph Bass		SN
Efracio Luciano Becker		FN
Gary Richard Behnke		SN
"J" "C" Bells		TN
William Jearld Berry		YNT
Willie Ray Blackburn		SN

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<u>NAME</u>	<u>SERVICE NO.</u>	<u>RATE</u>
Louis Ellis Bloomfield		SN
Alvin Carl Bond		FA
Leroy (n) Boney		SD2
Julian Richmond Booker Jr.		FT2
Wallace J. Braunschweig		ET3
John Joseph Brennan		RMSA
Buell Calvin Breuer		FCS2
James Henry Brobst Jr.		CS3
Joseph T. Brooks Jr.		MMC
Robert Allen Brooks		FA
Clayton Eddie Bryant		SA
Ernest Boyd Buckner		PN
Oscar Lee Burchett		ET2
Dwight Lincoln Burr		MM
William Thomas Callahan		BTC
Harold Raymond Carlson		SA
Patrick Eugene Carr		SN
Casimir Martin Chrobak		SN
John Joseph Clements Jr.		SN
John Monroe Cofer		BMC
Paul L. Cole		FN
John Peter Comins		Ensign
Richard Davis Cornell		SN
William Henry Costello		SN
Samuel Darwin Craver		QM1
Richard Leies Cropsey		ET3
Porter Lovelace Crotts Jr.		GM3
Merrill Marshal Culham		ETSN
Donald Lawrence Cutler		BMSN
Basil Davis		SN
Jerry Purdin Davis		SN
James Donald Degaglia		SN
Norman James Deuel		SA
Frank Anthony Dingman		FN
Herman James Duke		FA
Joseph (n) Dunst		FN
Samuel Paul Earnst		BT2
Harry Young Eisenbrey		SA
Robert Otto Eisenach		SKSN
Roland Trenton Ellis		SA
Cluey (n) Enfinger		FA
Edward Miles Erwin		MMFN
James Richard Fey		SA
James Alois Flannery		EM3
Boyd F. Floyd		SH2
James Douglas Gleason		FN
Theodore Gould III		Ensign
Adron Francis Grammer Jr.		SR
Roy Silas Griffin Jr.		DRSN
Charles William Hannigan		SA
Dow Franklin Hardy		FN
Harley John Haugen		SN

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<u>NAME</u>	<u>SERVICE NO.</u>	<u>RATE</u>
Clifford Edgar Havens		FN
William Otis Henry		BMC
Hugo Clearonce Herman		FA
Ned William Hess		FA
William James Hogan		TA
Gary Nester Hoitola		FN
Hubert Denning Hopkins		BMC
Trenton Albert Hummel		GMI
Homer F. Jones		SN
Otis W. Jones		SN
Frank W. Klimauskas		SN
Loring B. Kline		MM1
John M. Kotzman		FA
Joseph R. Kovack		MM1
Robert D. Kreger		LTJG
Kazan P. Kruichak		SA
Charles F. Kuney		BT3
Raymond C. Kunz		FN
Harold L. Kupper		SA
Frank Lacio		SA
George DuPlaine Lambert		SN
Jack E. Lamison		BT3
William R. Laverty		FN
Byrn B. Lea		Ensign
Morris Lebert		MM3
Obie A. Lee		CS1
Joseph A. Leonard		SA
Karl E. Lewis		FA
Lawrence C. Lindsay		SN
Edward Liska		MM2
Clarence H. Lowe		SA
William S. Mansfield		MMC
Alfred W. Martin		FA
Cecil R. Mauzy		EN3
Charles Wayne McCAnulty		SN
James Thomas McBride		SN
Zack Hagan McCord		LTJG
Robert Dwain Millington		GM3
William Preston McCrory		SN
James Harold McFarlane		SN
Stanley McManus		BT1
Francis J. Merdzinski		SA
Carl C. Milton		GMC
Robert A. Moceika		BT3
Harold David Morgan		HM3
James Richard Moss Jr.		SK3
Kenneth LeRoy Mullin		FA
James Nave Jr.		SA
Thomas Michael Noonan		FN
Casimer A. Norlock Jr.		CSSN
Richard Lee Norman		SA
Robert Guy Oliveira		SA
Edward John O'Neill		SA

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<u>NAME</u>	<u>SERVICE NO.</u>	<u>RATE</u>
Robert Jarred Ortlip		FN
Proctor Philip Paine		EM3
Grady (n) Patterson		SDC
Irvin Leroy Phillips		SN
Roland Henry Pothier		SN
Robert Jackson Potts		FA
Joseph Noel Praul		FA
Boleslaw Racinowski		SN
Edmund Lee Read		CSSN
Eddie Jay Reeves		SN
Reginold Rhodes		MM3
Donald Franklin Roth		FA
Richard Allen Royce		SN
Thomas Charles Sawyer		SA
Arthur Hopkins Seel		SA
George Edward Swan Jr.		MM3
Richard Dale Sherrill		FN
Jack Wendell Shore		SK3
Richard Perry Sites		YN3
John Braxton Slater		BT1
Charles David Smith Jr.		QM2
David Howeth Smith		LTJG
Robert William Sterling		SA
Montie Rea Southworth		EM3
James Grayson Story Jr.		RD3
Paul North Sweeny		FN
Homer Dean Tanner		FA
Joseph Albert Torrisi		HMC
William Joseph Tierney		LCDR
David Arthur Turner		MM3
James Lewis Turner		FA
William Michael Ushock		EN
Robert Eugene Vincent		FA
Richard Marcell Vogtman		SA
Elmer Houston Wagner		FA
Horst Hugo Wagner		EM3
Nelson E. Wessel		SA
Benjamin (n) White		FA
Ervin Scott White		FA
Robert Paul White		SN
Chester Julian Wilks Jr.		MM3
Joseph M. Walton		MM3
William Joseph Warhol		SN
Walter Erich Wassertheurer		MML
Malvin Smith Wallace		FA
James Lester Webb		BML
Warren Albert Washington		CS3
Robert Creighton Williams		SN
Bobby Charles Willis		SA
Richard Elvin Willis		SN
Robert Edward Willis		GM3
Joe David Willms		SA
Francis Kenneth Wolfe Jr.		LT

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B

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All refactions are B6

<u>NAME</u>	<u>SERVICE NO.</u>	<u>RATE</u>
James Lee Woods		TN
Jodie Junior Wright	B6	TA
James Thomas Yates		GM3
Frank Chester Zwingman Jr.		FA

116. That there was but one body recovered after the collision, viz: the body of Hubert D. Hopkins, B6, BMC, USN, who died of drowning.

117. That the following named naval personnel on board the HOBSON survived the collision between the WASP and the HOBSON, and as a result thereof sustained injuries requiring hospitalization, the nature and extent of which injuries and the place and extent of such hospitalization are set out after their respective names.

Submersion, nonfatal with minor lacerations, abrasion and contusions. PPFN USN
USS WASP (CV-18) 10 days.

Submersion, nonfatal with minor lacerations, abrasions and contusions. FA USN
USS WASP (CV-18) 3 days.

laceration and abrasions SA USN
USS WASP (CV-18) 7 days.

Submersion, nonfatal with minor lacerations, abrasions and contusions. ENS USNR
USS WASP (CV-18) 3 days.

submersion, nonfatal with minor lacerations and abrasions. BMC USN
USS WASP (CV-18) 3 days.

submersion, nonfatal with minor abrasions and contusions. RD2 USN
USS WASP (CV-18) 3 days.

Submersion, nonfatal with minor lacerations, abrasions and contusions. YN2 USN
USS WASP (CV-18) 7 days.

with minor lacerations and abrasions. DC3 USN
USS WASP (CV-18) 3 days.

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All reductions
are B-6

CS3 USN
Lacerations (3) left leg, submersion nonfatal with
minor abrasions and lacerations ^{B6}
Readmitted to sick list on 2 May 1952
USS WASP (CV-18) 10 days.

USN USN
Submersion, nonfatal with minor laceration and abrasions
^{B6}
USS WASP (CV-18) 10 days.

RDSN USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 10 days.

MML USN
^{B6} USS WASP (CV-18) 10 days. ^{B6}

EA USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 10 days.

BT1 USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

QMS USN
^{B6} submersion, nonfatal with minor
abrasions.
USS WASP (CV-18) 3 days.

SA USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

QMSA USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

SA USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

BME USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

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All redactions
are B6

Submersion, nonfatal with minor lacerations, abrasions and
contusions. SA USN
USS WASP (CV-18) 10 days.

Submersion, nonfatal with minor lacerations, abrasions and
contusions. SN USN
USS WASP (CV-18) 7 days.

Submersion, nonfatal with minor lacerations, abrasions,
contusions. SA USN
USS WASP (CV-18) 3 days. b6

MEFN USN

b6

USS WASP (CV-18) 7 days.

Submersion, nonfatal with minor lacerations, abrasions and
contusions. n RMSN USN
USS WASP (CV-18) 3 days.

RDSN USN

USS WASP (CV-18) 3 days. b6

Submersion, nonfatal with minor lacerations, abrasions and
contusions. QM3 USN
USS WASP (CV-18) 3 days.

S03 USN

Submersion, nonfatal with minor lacerations, abrasions and
contusions. S03 USN
USS WASP (CV-18) 3 days.

Submersion, nonfatal with minor lacerations, contusions and
abrasions. SA USN
USS WASP (CV-18) 3 days.

FT2 USN

USS WASP (CV-18) 3 days. b6

Submersion, nonfatal, No other injuries. b6
USS WASP (CV-18) 3 days.

RMSN USN

Submersion, nonfatal with minor lacerations, abrasions, and
contusions. IC3 USN
USS WASP (CV-18) 3 days.

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All redactions
are TS-6.

RM3 USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

b6
FA USN
nonfatal with minor contusions and abrasions.
USS WASP (CV-18) 7 days.

FPFN USN
Submersion, nonfatal with minor lacerations, contusions and
abrasions.
USS WASP (CV-18) 3 days.

b6
RMSN USN
submersion nonfatal with minor contusions and abrasions.
USS WASP (CV-18) 10 days. b6

RMSA USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 1 day.

b6
CSC USN
Submersion, nonfatal with minor lacerations,
contusion and abrasions.
USS WASP (CV-18) 10 days. b6

FA USN
Submersion, nonfatal. Multiple moderately severe lacerations
with minor abrasions and contusions.
USS WASP (CV-18) 10 days.

FN USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 7 days.

RD2 USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 3 days.

MM1 USN
Submersion, nonfatal with minor lacerations, abrasions and
contusions.
USS WASP (CV-18) 10 days.

118. That the following named naval personnel aboard the HOBSON,
not requiring hospitalization, survived the collision between
the WASP and the HOBSON and suffered submersion, minor lacerations
abrasions, and contusions, and were admitted to the sick list
of the WASP for examination for record purposes only.

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All redactions
are TBG

LTJG	USNR
SA	USN
BMS	USN
LTJG	USNR
LT	USNR
BMSN	USN
ENS	USN
ICFN	USN
RMN1	USNR
ENS	USNR
RD2	USN
LTJG	USNR
BTF	USN
SA	USN
QML	USNR
YNSN	USN
SA	USN
QMSN	USN
BMSN	USN
SA	USNR

119. That there were no deaths or injuries to any personnel of the WASP, as a result of the collision.

120. That following the collision Lieutenant Commander Tierney went into the water from the port bridge windshield, and after three or four seconds was not seen again.

121. That the collision occurred in water where International Rules of the Road are applicable.

122. That on the day preceding the collision, Commander Task Unit 88.1.4, Rear Admiral *Bl* had sent out a message, Exhibit 59, to the ships of the screen unit, which then included the HOBSON, urging expeditious maneuvering.

123. That the WASP was the guide during the maneuvers in which Carrier Unit 88.1.1 was engaged, prior to and at the time of collision, and that with respect to the naval maneuver in which the ships were engaged, the WASP as guide of the formation, had the right of way.

124. That Article 533 of ATP 1 directs that a small ship must not hamper the movements of a large ship; that ships which are not in station are not to hamper those in station; however, ships in station should not stubbornly maintain their course and speed if danger of collision exists.

125. That Article 478 (a and c) of USF 2 directs that smaller more maneuverable ships shall avoid hampering the movements of large ships within a formation, and that particularly they should not attempt to cross the bow of a large ship unless ample sea room is available, the maneuver is required and is obviously safe for all concerned; that, if any doubt exists, it is incumbent upon the smaller vessel to cross astern; that a clear situation should not be changed into an awkward one, either through lack of timely indication to others of the smaller ship's intent, or from an impatient haste in accomplishing the movement.

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126. That Article 924 of USF 4 directs that station units required to perform an evolution within a formation, or when changing from one formation to another in obedience to a maneuvering signal will avoid courses which cross close ahead of their ships, and states that turns should be made away rather than towards other ships.

127. That with reference to Articles 131 and 533 of ATP 1, the WASP is a large ship and the HOBSON a small ship; with reference to Article 478(a) of USF 2, the HOBSON is a smaller, more maneuverable ship.

128. That the Commanding Officer of the HOBSON did not, during the maneuver in which the collision occurred, plot or cause to be plotted the track of his ship in relation to the WASP.

129. That the Commanding Officer of the WASP did not, during the maneuver in which the collision occurred, plot or cause to be plotted the track of his ship in relation to the HOBSON.

130. That during the turn preceding the collision the track of the WASP was normal for a ship of her characteristics, using standard rudder angle.

131. That the WASP and RODEAN were using a tactical diameter of 1500 yards as prescribed in ATP 1, whereas the Commanding Officer of the HOBSON based his estimate of the WASP's track on the assumption that the WASP was using a tactical diameter of 1200 yards.

132. That Lieutenant *B-6* had qualified in HOBSON as OOD, underway, about six weeks prior to 26 April 1952, and was standing his first watch as OOD during night plane guard operations on that date.

133. That Lieutenant *B-6* had qualified in WASP as OOD, underway, about seven months prior to 26 April 1952 and was standing his first watch as OOD during night plane guard operations on that date.

134. That ATP 1 provides for only one plane guard station, and that USF 4 was used by Carrier Unit 88.1.1 for stationing of more than one plane guard.

135. That during the watch in which the collision occurred, Lieutenant *B-6* reduced the volume of the primary tactical receiver on the bridge of the HOBSON because of some interference noises, but that he considered the receiver was still audible.

136. That the Commanding Officer of the WASP, after personally transmitting "MIKE CORPEN 250" over the primary tactical circuit microphone, directed that the same signal be transmitted over the secondary tactical circuit, but that this was not done.

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137. That the daylight flight operations, and the night launch operation of Carrier Unit 88.1.1, on 26 April 1952, were conducted at 20 knots, and the day launch and recovery, and the night launch plane guard station number two, occupied by the HOBSON during those operations, differ in position from the night plane guard recovery station number two.

138. That at the commencement of day flight operations on 26 April 1952, the OTC in the WASP stationed his plane guards, the HOBSON and WASP, in their plane guard stations prior to turning the formation to the launching course.

139. That the WASP proceeded under her own power on 28 April 1952, and arrived on 6 May 1952, in Gravesend Bay, New York.

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OPINIONS

1. That the chronological sequence of events leading up to the collision between the U.S.S. WASP (CV-18) and the U.S.S. HOBSON (DMS-26) was as follows:

(a) A right turn by Carrier Unit 88.1.1 to 260° T from 102° T, and speed increase from 25 to 27 knots, were properly ordered by the OTC in WASP, and receipted for by the HOBSON and the U.S.S. RODMAN (DMS-21) at approximately 2220, and the execution was properly sent and receipted for at 2221.

(b) This turn was not appreciably different from that indicated in a previous information signal, sent at about 2210, which gave estimated recovery course of 265° T, and speed 27 knots; so that ample time was available for the HOBSON to plan the change of plane guard position required of her.

(c) The original plan of the Commanding Officer of the HOBSON in the execution of the turn signal was to go to 27 knots, and to make an initial right turn from 102° T to 130° T, followed by a left turn to recovery course when WASP bore about 010° T.

(d) The above plan was abandoned by the Commanding Officer of the HOBSON after steadying for a short time on 130° T, at which time he executed a series of brief course alterations, on an average course of about 090° T, prior to making a final sharp left turn to about 348°, which turn placed the HOBSON squarely across the bow of the WASP, which was then heading about 258° T.

(e) The WASP commenced a standard right turn to 260° T at 2221, in accordance with signal, executed it properly, came to course 261° T, then was coming left using about seven degrees rudder to adjust course to 250° T, and was on heading about 258° T when the collision occurred.

(f) The order to adjust course to 250° T was given by the Commanding Officer of the WASP during the original turn to 261° T, at the time WASP had reached a heading of about 258° T, and this order was passed personally by the Commanding Officer over the primary tactical circuit microphone as MIKE CORPEN 250.

(g) The primary tactical circuit was not in use during the night maneuvers, due to a faulty primary transmitter in RODMAN, and the MIKE CORPEN signal was not passed over the secondary tactical circuit, which was in use; and since no one in the RODMAN nor any survivors of the HOBSON heard MIKE CORPEN 250, it is not believed that the Commanding Officer of the HOBSON heard the MIKE CORPEN signal.

(h) The HOBSON had already entered her final left turn about the time the Commanding Officer of the WASP spoke the MIKE CORPEN signal into the primary tactical circuit microphone, and it is believed that even if the signal had been received by the Commanding Officer of the HOBSON it would not, at that time, have affected his maneuvering the evolution.

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2. That the sequence of events, the simultaneous tracks, headings and times of the two ships were as shown on the following attached diagram marked "X".

3. That the maneuver into the wind for the Carrier Unit was a normal maneuver, properly ordered, and could have been safely executed.

4. That the left turn of the HOBSON across the bow of the WASP was the direct cause of the collision.

5. That in making his final left turn, the Commanding Officer of the HOBSON committed a grave error in judgment.

6. That the ships during this maneuver were governed, as they approached positions where a risk of collision might become a possibility, by Article 27, International Rules of the Road, which states:

"General Prudential Rule, Article 27: In obeying these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger."

This case is not considered to be an "end on, or nearly end on," situation, Article 18, or a "crossing" situation, Article 19, due to the short ranges, and to the speeds and course changes required in the signalled maneuver.

The sudden left turn of the HOBSON, at about 2224, placed both ships in extremis.

7. That the evolution originally planned by the Commanding Officer of the HOBSON to reach his new station during the maneuver of the formation to recovery course, involved unnecessary and considerable risk, and was in violation of governing directives, as set forth hereinafter in paragraph 12.

8. That the HOBSON was not turning with any definite tactical diameter during her evolution leading up to the collision.

9. That in this case, the Commanding Officer of the HOBSON could have predicted the position of the WASP throughout her turn with a good degree of accuracy.

10. That in this case, the Commanding Officer of the WASP could not predict the course and speed of the HOBSON in proceeding to her assigned plane guard station.

11. That the message from Commander Screen Unit 88.1.4 (Commander Destroyer Flotilla FOUR) influenced the Commanding Officer of the HOBSON to endeavor to expedite his evolution.

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12. That Lieutenant Commander Tierney, Commanding Officer of the HOBSON, was derelict in his duties in that he failed to comply with U. S. Navy Regulations, Articles 0701 and 0751, which assign the commanding officer responsibility for the safety of his ship and for the observance of every precaution prescribed by law (including naval instructions) to prevent collision on the high seas, in the following respects:

(a) Violation of Article 27, International Rules of the Road (General Prudential Rule).

(b) Violation of Article 22, International Rules of the Road. The HOBSON, though directed by the Rules of the Road to keep out of the way of the other vessel did not do so, but crossed ahead.

(c) Violation of Article 23, International Rules of the Road. The HOBSON did not slacken her speed, stop or reverse.

(d) Violation of ATP 1, Article 533. The HOBSON, a small ship, hampered the movements of the WASP, a large ship.

(e) Violation of USF 2, Article 478(a) and (c). The HOBSON hampered the movements of WASP; crossed the bow of the WASP when it was not safe; changed a clear situation into an awkward one by lack of timely indication to others of her intent, and through an impatient haste to accomplish her evolution.

(f) Violation of USF 4, Article 924. The HOBSON attempted to cross ahead of, and turned towards instead of away from the WASP.

13. That the above derelictions of duty by Lieutenant Commander Tierney were due to poor judgment, which in turn was due principally to:

(a) His inexperience in command of DD type vessels, and in particular his lack of experience in the HOBSON, command of which he had held only about five weeks, during which time she had been at sea only about 7 days, of which only $3\frac{1}{2}$ days were spent with a Task Group.

(b) His confusion at a critical time, when he changed left from course 130° T, and his complete loss of grasp of the rapidly moving tactical situation, as a result of the following factors:

- (1) Night, with ships darkened, except for visible red truck lights.
- (2) High closing rate of the two ships brought about by high speeds and by HOBSON's generally 090° headings.
- (3) His desire to effect a rapid change in station.
- (4) His incorrect assumption of a tactical diameter of 1200 yards for WASP, instead of the 1500 she was using.

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14. That the derelictions of duty on the part of Lieutenant Commander Tierney were the direct cause of the collision.

15. That the reason for the final left turn of the HOBSON, which led to the collision, is difficult of explanation; however, these three possible explanations are offered for this action on the part of Lieutenant Commander Tierney:

(a) That becoming completely confused, and having lost the tactical picture, he mistakenly continued to believe that he could turn left into position, and so ordered "left rudder".

(b) That after starting this evolution, he decided against his planned final left turn, without informing any one, and really intended to turn right instead, which in fact would have placed him near his intended position; but that he inadvertently ordered "left rudder", intending to order "right rudder". That he only became conscious of his error when, from the wing of the bridge, he observed his ship's head swinging left and he then felt it was too late to avoid a collision except by accelerating his left turn and speed, for which he gave the proper orders.

(c) That he made, through inexperience, an error in his estimate of the target angle or course, or both, of the WASP, turned left to clear her, and thereby placed his ship in extremis.

16. The maneuver in which the collision occurred involved, for the HOBSON, one of the more difficult evolutions that is required of a plane guard destroyer; namely, one that involved a change on the guide from one station to another station, closer to the guide, during a countermarch maneuver, at the beginning of which the ship is astern of the guide, and which, in this case, required of the HOBSON changes of course and speed on a dark night, with ships darkened except for visible red truck lights, and at high formation speed with no reserve speed immediately available.

17. That there was no dereliction or negligence in duty in this collision on the part of Lieutenant ^{B-6} _{B-6} U. S. Naval Reserve, officer of the deck of the U.S.S. ^{B-6} HOBSON (DMS-26).

18. That Captain ^{B-6} Commanding Officer of the WASP, was negligent in his duties, in that he failed to comply with U. S. Navy Regulations, Articles 0611 and 0701, which assign him, respectively, responsibility, as senior officer present, for the safety of ships in company; and responsibility, as commanding officer, for the safety of his entire command. This opinion as to negligence is based on the following factors, in that he:

(a) As senior officer present, in planning and in executing the maneuver which led to the collision:

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(1) Ordered a maneuver at high speed at night, with ships darkened except for red truck lights, which maneuver had not been rehearsed in daylight by ships who were in company for the first time that day, and which required an evolution by HOBSON that involved risk of collision;

(2) Prescribed a speed for the maneuver that left no immediately available reserve speed for HOBSON above the maximum speed required for the night;

(3) In view of the foregoing, might well have been more prudent, by ordering HOBSON (and RODMAN) to recovery stations in advance of executing the turn to recovery course, and as an extra precaution, by prescribing the use of running lights until he saw that evolutions involved in a turn maneuver of this magnitude and speed were being safely executed; and

(4) Failed to comply with International Rules of the Road by not having due regard to all risks of collision (Article 27).

(b) As commanding officer:

(1) Assumed the HOBSON had turned right initially at the execution of "Turn 260° T/Speed 27", and therefore that everything was proceeding normally in execution of the signalled maneuver.

(2) Was not alert, as WASP was turning to course 260° T, to the risk of collision inherent in the position of HOBSON, which approximately 1 minute prior to collision, bore about 350° relative, and was: on a course unknown to him, but actually about 090° T; at a range unknown to him, but actually about 1300 yards; and at a closing relative speed unknown to him, but actually about 50 knots. True bearings and ranges, if taken in the WASP, would have given him an indication of the HOBSON's movements.

(3) Commenced executing an adjustment of course of ten degrees to the left, toward the HOBSON, without ascertaining the position of the HOBSON, which then bore about 345° relative from the WASP, distant about 1250 yards, and on an opposite course at high speed. True bearings and ranges, if taken in WASP, should have indicated a delay in this adjustment of course.

(4) Failed to comply with International Rules of the Road, by not: having due regard to all risks of collision (Article 27); carefully watching compass bearings of an approaching vessel (Preliminary - Part IV); and not keeping his course (Article 21).

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19. That Captain B-6 when he sighted the HOBSON in her final left turn just prior to the collision, took quick and correct action, in conformity with his responsibilities under Article 27, International Rules of the Road.

20. That Captain B-6 seamanship after the collision in carrying out search and rescue, in recovery of planes with comparatively low wind conditions across the flight deck, and in bringing his damaged ship safely into port, was of the highest order.

21. That Lieutenant B-6, Officer of the Deck of the WASP, was negligent in his duties, in that he failed to comply with U. S. Navy Regulations, Articles 1008 and 1010, which assign the officer of the deck responsibility for the safety of the ship, for taking immediate action to minimize any damage that might occur when there is danger of collision, and for thoroughly familiarizing himself with the laws to prevent collision and strictly complying with them. This opinion as to negligence is based on the following factors, in that he:

(a) Expected the HOBSON would get on the port side of the WASP (the guide in the maneuver) and then turn (right) to get into plane guard station number two, and had the impression the HOBSON had carried out the signalled maneuver by simply slowing and turning (to 260° T); and, based on these beliefs, had not:

(1) Observed the HOBSON through binoculars from about the time of execute "Turn 260° T/Speed 27" (about 4 minutes prior to collision), until after he had given orders to come left to 250° T from a heading of about 260° T, at which time the HOBSON was in a left turn towards the WASP, which resulted, approximately 50 seconds thereafter, in the collision.

(2) Taken, or caused to be taken, true bearings of, or ranges to, the HOBSON, which approximately 1 minute prior to collision, as WASP was completing a turn to course 260° T; bore about 350° relative from the WASP; was on a course unknown to him, but actually about 090° T; was at a range unknown to him, but actually about 1300 yards; and was at a closing relative speed, unknown to him, but actually about 50 knots. True bearings and ranges, if taken in the WASP, would have given him an indication of the HOBSON's movements.

(b) Through inexperience with night recovery operations, was not alert to the danger of collision that existed in the actual circumstances; was somewhat influenced in this state of mind by the presence of the commanding officer in a position where the latter customarily took the conn for recovery operations, which were pending, and therefore was belatedly aware, in circumstances wherein seconds were vital, of the HOBSON's fatal left turn; and became aware of this left turn at a time when WASP was in extremis and just before the commanding officer assumed the conn by ordering emergency backing.

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(c) Failed to comply with International Rules of the Road by not:

(1) Having due regard to all dangers of navigation and collision (Article 27).

(2) Carefully watching the compass bearing of an approaching vessel (Preliminary - Part IV).

22. That the deaths and injuries, resulting from the collision between the WASP and HOBSON, were not due to the intent of any person in the naval service.

23. That no persons other than Lieutenant Commander Tierney, whose actions were the direct cause of the collision, and Captain ~~3-6~~ and Lieutenant ~~5-6~~, both of whom were negligent in some degree, are in any way responsible for the collision.

24. That all deaths suffered, and all injuries sustained, by naval personnel as a result of the collision between the WASP and the HOBSON occurred in the line of duty and not as the result of their own misconduct.

25. That there is confusion as to the exact meaning of "MIKE CORPEN" i.e., whether it is to be used as a signal meaning, "It is necessary to adjust course to" as indicated in ATP 1, Art. 1522(c), or whether it means "My course is," as indicated in ACP 175 page 7-8.

26. That there is room for confusion as to the meaning of the FOX flag "at the dip," when the FOX flag is "close up," and the time that the FOX flag should be "close up" from "at the dip." ATP 1, Article 532(a) states that a carrier has the right of way when showing a signal to indicate that she is launching or recovering aircraft, while Article 1506(a) states the same right of way without mentioning a signal, but refers to Article 532(a). Article 1508(a), which gives the FOX flag signals, does not have one meaning "I am launching or recovering aircraft," but gives the meaning of "FOX close up" as, "Am operating aircraft."

27. That search and rescue operations were prompt and adequate.

28. That all persons afloat and on flotation gear, after the HOBSON sank, were picked up during search and rescue operations.

29. That there were no cases, in firm evidence, of exceptionally meritorious conduct of personnel in WASP or HOBSON during the collision, but that the senior surviving officer of the HOBSON is investigating through the Bureau of Personnel the possibility of heroism on the part of one member of the HOBSON's crew who was lost in the collision.

30. That the condition of combat readiness of the WASP was good.

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31. That the condition of combat readiness of the HOBSON was satisfactory, giving consideration to the fact that about one-half her crew had recently come aboard, and most of these had served only a short time in the Navy.

32. That the conditions of material readiness of the WASP and HOBSON were good.

33. That no material, mechanical or electronic failures in the WASP, or in the HOBSON, contributed to, or caused the collision.

34. That there were no errors in the master gyro compass or bridge repeaters of the WASP and HOBSON.

35. That there were no errors in the bridge clocks of the WASP and HOBSON, or other clocks on board those ships that might have affected maneuvering.

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RECOMMENDATIONS

1. That in view of the death of Lieutenant Commander William J. Tierney, whose dereliction of duty was the direct cause of the collision, no disciplinary action be taken in his case.

2. _____ By _____

3. That Lieutenant _____ B-6 , B-6 , U. S. Naval _____ By _____

4. _____ By _____

5. That in order to minimize the possibility of a recurrence of this type of collision, the following action be taken:

a. Revise Orders, Instructions, Tactical Publications and Doctrine to provide:

(1) An indication that operational commanders be cognizant that, with an expanding Navy, the commanding officers, officers and crews of ships are not automatically experienced and thoroughly competent, and that before high speed maneuvers are conducted, particularly under darkened ship conditions, due consideration be given to the actual experience and state of training of the officers and crews, and, as an incidental factor, to the possibility of material failures.

(2) That during night air operations, with ships darkened, the OTC, unless other considerations prevent, station plane guards in advance of turning to the launching or recovery course.

(3) That in cases where plane guards are not stationed in advance of turning to the launching or recovery course, specific indication be made whether immediate execution of signalled simultaneous turns into the wind for air operations by plane guards is mandatory, or whether it is permissible, when a change of position is required, for the plane guards to proceed directly to new positions.

(4) That plane guard ships, unless other considerations prevent, be included among those ships in formation who are to acknowledge for maneuvering signals.

(5) That a special signal be provided for use by carriers while operating aircraft, indicating "I am adjusting my course to _____," to replace the signal "MIKE CORPEN _____," presently used for this purpose.

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(6) That the method of adjusting a carrier's course into the wind, in obedience to the foregoing special signal, be standardized.

(7) That Article 1569a, ATP 1, be modified to conform to USF tactical publications with respect to numbers and stationing of plane guards.

(8) That it be brought to the attention of personnel concerned that carriers, fast battleships, light and heavy cruisers are not greatly different from destroyers in respect to speeds and turning circles, and that in maneuvers due consideration must be given this fact.

(9) That the differences in a carrier's right of way, when she has FOX at the dip and when FOX is two-blocked, be made more specific in both ATP 1 and USF's, and that specifically in USF 4 an article defining this be placed next to the one describing the use of the FOX flag. (Article 919 (a) (4) (b), Recommendation (10) (b), hereafter, attempts to bring the wording of the articles of ATP 1 and USF's into agreement.

(10) That publications be brought into agreement in the following specific respects:

(a) In CSP (734A) the FOX CORPEN signal has no meaning in connection with carrier aircraft operations, and there is no TURN FOX signal provided. The one letter FOX signal should be brought out into the main part of the book and not hidden away in Table 8. In ACP 175, the FOX CORPEN and TURN FOX signals concern carrier aircraft operations and tie in with the use of the FOX flag alone, as should be the case.

(b) In ATP 1, Article 1508(a), (1), "FOX close up," the meaning should read "am launching or recovering aircraft" in order to be in agreement with the wording in ATP 1, Article 1506 (a) and Article 532(a), or vice versa. USF 4, Article 919 should be brought into agreement with ATP 1, Article 1508. In USF 4, Article 923, in the second sentence, delete words "Operating Aircraft."

(c) ATP 1, Article 533(a) states that a "Small ship must not hamper," etc; and USF 2, Article 478(a) states that "Smaller more maneuverable ships shall avoid hampering," etc. In USF 2, Article 478(a) "Smaller more maneuverable" should be deleted and the word "Small" substituted. As USF 2 now reads a CV, BB, and CA could expect a CL to give way.

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b. That renewed emphasis be placed on thorough familiarity of officers with Rules of the Road and governing tactical publications prior to their qualifications as OOD underway.

BC

Rear Admiral, U. S. Navy,
Member.

B6 /

Rear Admiral, U. S. Navy,
Member.

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I agree with the findings, opinions, and recommendations of the court except in the following respects:

FACTS

I disagree with paragraph 51 of the court's findings only because I think it is superfluous. A similar statement, based on his testimony can be made with respect to Lieutenant B-G, OOD of the HOBSON, and various other officers on the bridge of WASP and HOBSON.

OPINION

1. I disagree with paragraph 4 of the court's opinions because I believe the left turn of the HOBSON across the bow of the WASP was not only the "direct", but the sole cause of the collision. The word "direct" should be deleted.

2. I disagree with paragraph 6 of the court's opinions for the following reasons:

(a) The ships during the maneuver were governed by all applicable rules of the road, not solely Article 27.

(b) When the HOBSON changed her course to the left she was not "in extremis" and she did develop a "crossing situation", which, of course, passed quickly into a condition of "extremis."

3. I disagree with paragraph 12 of the court's opinions because it omits reference to Article 19, International Rules of the Road, which I consider Lieutenant Commander Tierney likewise violated. In agreeing to paragraph 7 of the court's opinions, my agreement assumed paragraph 12 to be amended to include violation of Article 19, International Rules of the Road.

4. I disagree with paragraph 14 of the court's opinions because I believe the derelictions of duty on the part of Lieutenant Commander Tierney were not only the "direct", but the sole cause of the collision. The word "direct" should be deleted.

5. I disagree with paragraph 16 of the court's opinions because I think the maneuver ordered was a routine one, used frequently, and not difficult if performed properly. I agree the maneuver became difficult when Lieutenant Commander Tierney decided to perform his evolution in a hazardous and intricate manner. Had he turned right and dropped back, using any one of several ways to lose distance, it would have been simple. There was no requirement that the HOBSON change station at any particular time, before or during the turn, nor was any counter-march ordered. The signal "TURN 260 SPEED 27" called only for a simple simultaneous right turn of 158°.

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6. I disagree with paragraph 17 of the court's opinions because I consider it unnecessary. As stated in paragraph 4 above, I do not consider anyone except Lieutenant Commander Tierney responsible for the collision.

7. I disagree, in general, with paragraph 18 of the court's opinions because:

Negligence on the part of Captain B-6 is not supported by any finding of fact, nor by the evidence.

There is no causal connection between the collision and any of the so-called acts of negligence charged by the majority of the court against Captain B-6, nor does the opinion of the majority allege any such causal connection.

Specifically I disagree with paragraph 18 of the court's opinions in the following respects: (Note: For easy reference the following paragraphs carry the same numbers as do the paragraphs in the court's opinions to which they refer.)

(a) (1) The maneuver ordered was a simple turn into the wind, with only one plane guard required to shift station, and only the carrier and the two plane guards present. Air operations had been successfully conducted in the afternoon preceding the collision, and during the night launch. The same signals and procedures were used in all cases, and the only difference in the night recovery maneuvers was the fact that HOBSON was required to change her station for the recovery. This change of station could have been executed simply and easily, with no risk of collision whatsoever. The maneuver is performed repeatedly with no rehearsal. No particular risk of collision was involved, other than that inherent in any simple maneuver. Admittedly, almost any maneuver can be made dangerous if a ship, contrary to reason and regulations, abruptly and at close range, turns across the bow of another.

(a) (2) Far from introducing a hazard, the fact that no speed margin was available should have emphasized, and indicated clearly to the HOBSON, the necessity of turning right and dropping back gradually, and not risking falling behind by some difficult and hazardous maneuver.

(a) (3) Possibly Captain B-6 might well have stationed the HOBSON in her recovery station in advance of the turn, but this is not made mandatory by any tactical publication, nor is it always necessary or advisable. On a clear night, with the red truck lights, and with only three ships participating in a simple maneuver, the use of running lights is not considered to have been necessary.

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SECURITY DEGRADATION

(a) (4) No details are specified, and it is not known what Captain B-6, as OTC or as Commanding Officer, could have done under Article 27, International Rules of the Road, and under the circumstances existing, other than to perform the signalled maneuver properly, and when placed "in extremis" by the HOBSON to hold his course and to back with full power, all of which he did. He did have due regard for all dangers of collision.

(b) (1) Captain B-6 did not "assume" the HOBSON had turned right initially, if by that carelessness is implied. He stated he felt such a turn the proper one, as did everyone else, including the two destroyer experts called by counsel for Lieutenant Commander Tierney, and in fact at the execution of the signal "TURN 260° SPEED 27" the HOBSON did turn right to 130°T. There was no reason for him not to suppose that everything was proceeding normally in the execution of the signalled maneuver, until the HOBSON's final left turn.

(b) (2) At one minute prior to the collision the HOBSON was just starting her left turn, distant about 1250 yards from the WASP which ship was on course about 251° still coming right to the signalled course 260°. As can be seen from paragraph 9(b) following, Captain B-6 and Lieutenant B-6 noted this turn quickly and promptly. True bearings and ranges, even if time had permitted their being taken, at this point would have done nothing but show the situation was one of "extremis", a fact already known. If taken earlier they would have shown a normal port to port passing condition. It is well to emphasize this point, a survey of the evidence, and an inspection of the tracks in the diagram submitted by the court as its opinion of the tracks of the two vessels, all show that prior to the HOBSON's left turn, bearings and ranges would have revealed nothing alarming. Only when the HOBSON made its left turn did the situation become dangerous. The evidence shows this turn was detected and the danger recognized promptly and as soon as could be expected.

(b) (3) The WASP actually changed exactly two, or two and one-half degrees, from her 260 degree course. Such change was not received by the HOBSON, could not have been detected by watching the WASP, and had the HOBSON detected it, would have had no effect on her evolution. True bearings and ranges of the HOBSON were not required by Captain B-6; to decide when to adjust his course more nearly into the wind. It was obvious there was no danger until the HOBSON's left turn created it.

(b) (4) The first part of paragraph 18 (b) (4) of the court's opinions has been discussed in paragraph (a) (4) preceding, no further comment is necessary. With respect to the matter of "not keeping his course under Article 21," the opinion of the court is not understood. Prior to being placed "in extremis", the WASP was adjusting its course to the left, she was 2° off the signalled course of 260° at the collision. How this minute change, of which probably only about 1° was made after WASP was "in extremis", could effect the HOBSON is not known. The matter of true compass bearings is discussed hereinafter in paragraph 9(a) (2) and will not be discussed here.

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All redactions
are B-6.

8. I disagree with paragraph 19 of the court's opinions because I do not believe it states accurately the action of Captain [redacted], and does not refer to responsibilities under Article 21, International Rules of the Road.

The following opinion represents my view:

"That following the final left turn of the HOBSON, which started less than one minute prior to the collision, and considering the time required under darkened ship conditions to determine this unexpected change of course, Captain [redacted] took prompt and effective action, in conformity with his responsibilities under Article 21 and 27, International Rules of the Road."

9. I disagree, in general, with paragraph 21 of the court's opinions because:

Negligence on the part of Lieutenant [redacted] is not supported by any finding of fact, nor by the evidence.

There is no causal connection between the collision and any of the so-called acts of negligence charged by the majority of the court against Lieutenant [redacted], nor does the opinion of the majority allege any such causal connection.

Specifically I disagree with paragraph 21 of the court's opinions in the following respects: (Note: For ease of reference the following paragraphs carry the same numbers as the paragraphs of the court's opinions to which they refer.)

(a) Lieutenant [redacted], when asked if he thought that the HOBSON would turn right, replied that such was his expectation. The belief that the right turn was the proper evolution was supported by every witness, including the destroyer experts called by counsel for Lieutenant Commander Tierney. Thus, it is difficult to see how Lieutenant Herbst could have had any other expectation. (The HOBSON did turn right initially to 130°T.) Likewise, he was on very firm ground, and similarly supported, when he said he thought the HOBSON would slow down and fall back into position. To imply from this logical opinion any undue or improper relaxation of caution has no basis in evidence or fact.

(a) (1) Lieutenant [redacted] testified he could see the HOBSON without the binoculars. He also stated he observed her through binoculars when she made her left turn. There is no evidence he could have detected her turn earlier by use of binoculars. Bearing on this point, Lieutenant [redacted], OOD of the HOBSON, testified he could see the outline, hull, and flight deck of the WASP at 3800 yards without binoculars, and that he did not use binoculars during the maneuvers leading up to the collision.

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All redactions
are B6.

(a) (2) Captain [redacted] was standing at the port pelorus watching the HOBSON carefully, a fact known to Lieutenant [redacted] and taken into account. Lieutenant [redacted] himself observed the HOBSON but his duties as officer of the deck would not have permitted concentration on this ship alone. While not taking bearings with an alidade, Captain [redacted] was taking these by, as he expressed it, "seaman's eye", which meant that by combining the ship's heading and the relative bearing of the HOBSON he was in effect also getting true bearings. These bearings, call them relative or call them true, were sufficiently accurate to show the HOBSON's bearing changing to the left, and by freeing his eye from an alidade, permitted Captain [redacted] to give full attention to the situation. An exact true bearing would not have given him either course or range. Nor, considering the courses open to the HOBSON to follow in taking her new position, and regardless of ranges or bearings, would he have been able to learn anything whatsoever not already known to him, namely, that the HOBSON was approaching, and if her course were continued, would pass him reasonably close aboard, at a range of about 500 yards. The statement that the HOBSON bore 350 degrees relative from the WASP, could be more accurately stated by saying that as the WASP passed through 251°T while coming to her new heading, the HOBSON bore 350° relative. There was no particular reason to know the exact course or range of the HOBSON so long as it did not threaten the WASP. There were many alternatives for the HOBSON to pursue in taking her new station, such as turning right with a small rudder angle, and slowing her speed by zig-zag, plus a reduction in engine revolutions, or she could continue a course of 090°T for an interval, then make her right turn. Thus she could have been on various courses and executed various movements without causing any alarm until she abruptly turned left when it was too late.

(b) There is no evidence to support this view of the court; quite the contrary. The HOBSON's fatal left turn was ordered about 1^m-10^s before the collision and it would require about 30 seconds from that time to become noticeable. Until this turn was made the WASP was not "in extremis." Lieutenant [redacted] gave uncontradicted testimony he observed the HOBSON through binoculars, noted her turn, and shouted, "Captain, we are in trouble." Immediately the Captain took action. There is no evidence that by any means he could have become aware earlier of the HOBSON's left turn. The essence of the matter is, did Lieutenant [redacted] detect the turn of the HOBSON as soon as could be expected? A time analysis will show this. Such an analysis has already partially been made, inasmuch as the position of the HOBSON at the time she gave the left order, and as shown on Diagram "X" of the court's opinions (approximate tracks of the WASP and HOBSON), was fixed by assuming it took 1^m-0^s for the HOBSON to turn through 90°, at which point the collision occurred. Then a figure of 3^m-10^s was added as representing the time between the giving of the order and the

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All reductions
are TS-61

start of the turn, giving a total of 1^m-10^s from time order was given for HOBSON's left turn to collision. The analysis continues

(1) Time from start of turn to collision: 0^m-60^s.

(2) Time from commencement of turn until it became perceptible: 0^m-20^s.

Note: Proved on data showing angle of turn of HOBSON.

(3) Time from moment WASP engine room commenced execution of order emergency astern until collision: 0^m-30^s.

(4) Time left for Captain to perceive, appraise, and transmit his order to engine room: 0^m-10^s.

(5) Time remaining for Lieutenant to perceive, appraise, and shout his warning "Captain, we are in trouble," slightly less than 0^m-10^s, as he gave his warning before the Captain gave his order to engines: 0^m-10^s(-).

Conclusion: It is difficult to see how he or Captain could have detected the HOBSON's turn any more quickly and acted any more promptly than they did.

(c) No details are specified, but nothing was required under Article 27 other than what was done. When the situation became one of "extremis", an order for the engines to back emergency speed was given, and the course was held. Had the WASP taken any other action it would have been in violation of the Article. The matter of compass bearings is covered in paragraph (a) (2) preceding.

10. I disagree with paragraph 23 of the opinions of the court because I believe the sole responsibility for the collision rests with Lieutenant Commander Tierney. My reasons for this belief have been set forth in detail elsewhere in my minority report on opinions, particularly in paragraphs 7 and 9 thereof. Nevertheless, my views are summarized here.

(a) The acts charged by the majority of the court against Captain and Lieutenant in paragraphs 18 and 21 of the court's opinions, even were they substantiated, did not cause, and would not have prevented the collision. There was no causal connection, nor was any alleged.

(b) My views as to the non-substantiation of these so-called "acts of negligence" are given at length in my paragraphs 7 and 9 preceding. But even had any of them been substantiated, for the reasons indicated in (a) above, they would have constituted simply criticisms of Captain's performance of duty as Officer in Tactical Command and Commanding Officer, and of Lieutenant as officer of the deck, the proper remedy for which, is appropriate action by their Type Commander.

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My views as to the proper opinion here is: "That no person or persons, other than Lieutenant Commander Tierney, whose actions were the cause of the collision, are responsible for the collision."

RECOMMENDATIONS

1. I disagree with paragraph 1 of the court's recommendations because I believe Lieutenant Commander Tierney's dereliction of duty was the sole cause of the collision and that the word "direct" should be deleted.

2.

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3. I disagree with paragraph 5a(1) of the court's recommendations because I think it is liable to misconstruction, and does not phrase accurately my views in this respect, specifically:

(a) From it an inference might be drawn that a low state of training, and/or inexperience, of the two ships' companies as a whole, was a cause of the accident. Such was not the case. The fault lay with the judgment or competency of the commanding officer of the HOBSON. He was reasonably experienced, had been recommended for command of destroyers while serving as executive officer of one, and was considered competent and qualified by his division commander. The Operational Commander in this case had every right to consider him competent and qualified.

(b) The following is my recommendation as a substitute for that of the court:

"That emphasis be placed by operating and type, including local type, commanders, on the state of training of units in scheduling and conduct of operations. That operational and type commanders take cognizance of the fact that, with an expanding Navy, the commanding officers and crews of ships are not automatically experienced and thoroughly competent, and that before advanced maneuvers are conducted, due consideration be given to the actual experience and state of training of the officers and crews. For example, when destroyers are detailed to plane guard duty, particularly duty involving operations at night with ships darkened, the officer detailing them should, if any doubt exists in his mind as to their readiness, advise the prospective officer in tactical command of the operations, as to the state of training and readiness for such duty, of the destroyers so detailed."

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Rear Admiral, U. S. Navy,
President.

FINAL ENTRY

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Rear Admiral, U. S. Navy,
President.

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Lieutenant Commander,
U. S. Naval Reserve,
Counsel for the Court.

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