

RECORD OF PROCEEDINGS OF A  
COURT OF INQUIRY  
CONVENED AT  
TRIAL SERVICE OFFICE PACIFIC  
BY ORDER OF  
COMMANDER IN CHIEF  
UNITED STATES PACIFIC FLEET  
TO INQUIRE INTO A COLLISION  
BETWEEN USS GREENEVILLE (SSN 772) AND  
JAPANESE M/V EHIME MARU THAT OCCURRED  
OFF THE COAST OF OAHU, HAWAII  
ON 9 FEBRUARY 2001  
ORDERED ON 17 FEBRUARY 2001  
AS AMENDED ON 22 FEBRUARY 2001;  
26 FEBRUARY 2001;  
1 MARCH 2001; AND  
9 MARCH 2001

At Trial Service Office Pacific  
Naval Station, Pearl Harbor, Hawaii  
Monday, 19 March 2001

The court opened at 0800 hours.

PRES: This court is now in session. Counsel for the Court?

CC: Let the record reflect that all members, parties, and counsel are again present.

PRES: Any procedural matters?

CC: Yes, sir. At this time, we have a number of evidentiary and one procedural exhibit to enter into the record. Copies of which have been provided to the parties.

The first is the U.S. Coast Guard search and rescue materials that were referenced by CAPT Angert on--during his testimony last week. The second exhibit--and that's Court of Inquiry Evidentiary Exhibit 60. The second is U.S. Navy Regulations, Chapters 8, and--8 through 10, and that's Court of Inquiry Evidentiary Exhibit 61. The third is the Fleet Operating Area Chart, a copy of that has not been provided to the parties, but is available for review from the court reporter, that's Court of Inquiry Exhibit 62. The fourth is the Qualifications Status of Seaman Rhodes and ET3 Bruner, that's Court of Inquiry Exhibit 63. The fifth is the National Transportation and Safety Board interviews of Mr. and Mrs. Jack Clary, Court of Inquiry Exhibit 64. The sixth is National Transportation and Safety Board interview of Mr. John Hall, that's Court of Inquiry Evidentiary Exhibit 65.

The procedural exhibit is FT1 Patrick Seacrest's immunity documents, as entered as the next procedural exhibit, I believe that's letter "N". Sir, that's all we have for now.

PRES: Okay. Counsel for the Parties, procedural matters?

Counsel for CDR Waddle, party (Mr. Gittins): No, sir.

Counsel for LCDR Pfeifer, party (LCDR Stone): No, sir.

Counsel for LTJG Coen, party (LCDR Filbert): No, sir.

PRES: Counsel, proceed.

CC: Sir, at this time the court calls FT1 Patrick Seacrest to the stand.

Patrick T. Seacrest, Fire Control Technician First Class, U.S. Navy, was called as a witness for the court, was sworn, and examined as follows:

#### DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. Petty Officer Seacrest, before we begin, there should be a laser pointer up at the table for you to use, as we put various exhibits up for you to refer to during the course of your testimony.

A. Yes, sir.

Q. Would you begin by stating your full name and spelling your last name for the record please?

A. Yes, sir. Patrick Thomas Seacrest. S-E-A-C-R-E-S-T.

Q. And what is your rate?

A. FT, sir.

Q. You're a First Class FT?

A. Yes, sir.

Q. And how long have you been on active duty in the United States Navy?

A. Approximately 14 years.

Q. What's your current duty station?

A. USS GREENEVILLE.

Q. And how long have you been assigned to USS GREENEVILLE?

A. Approximately 1 year.

Q. And what division do you work in onboard the GREENEVILLE?

A. The FT Division, sir.

Q. And is that part of the Weapons Department?

A. Yes, sir.

Q. Are you the Leading FT in that division?

A. Yes, sir, I am.

Q. Would you please describe your general duties and responsibilities as the Leading FT?

A. Yes, sir. Run the day-to-day routine for the FT Division, assigning various tasks, jobs, take care of administration, training.

Q. Okay. What kind of jobs and tasks do you assign?

A. Maintenance related items, equipment needs to get fixed, parts need to get ordered, that kind of thing.

Q. Who's your supervisor?

A. Chief Thomas, sir.

Q. And that's FTC Thomas?

A. Yes, sir.

Q. Would you also describe the various underway watches you're qualified to stand?

A. Yes, sir. Fire Control Technician of the Watch and Chief of the Watch.

Q. Okay. How long have you been qualified as Chief of the Watch, let's take onboard GREENEVILLE first?

A. Aboard GREENEVILLE, approximately a year.

Q. Okay. Were you qualified as Chief of the Watch on any other boats?

A. Yes, sir.

Q. Would you describe those for the court?

A. Just USS BUFFALO, for about 4 months.

Q. Four months. How about Fire Control Technician of the Watch, how long have you been qualified on GREENEVILLE?

A. Approximately 1 year.

Q. And qualified on any other boats before that?

A. Yes, sir.

Q. Which boats?

A. USS BUFFALO, USS OMAHA, USS TINOSA.

Q. How many total years then would you say that--or total time that you've been qualified as FTOW?

A. Approximately 12 years.

Q. Now how often do you stand the FTOW Watch underway?

A. Usually rotate about every other way. Long deployments, about every other port call, I'll rotate out of the two.

Q. When you say rotate, are you talking FTOW and Chief of the Watch?

A. Yes, sir.

Q. So in a--in a given underway period of time, you'll stand FTOW for that underway, then your next underway you may stand Chief of the Watch?

A. Correct, sir.

Q. Other than actually standing the FTOW Watch, how do you maintain your proficiency as a watchstander in that position?

A. Onboard training, outside training in training building we have here on SUBASE.

Q. Okay.

A. And up at NSTCP in the attack trainers.

Q. Let's talk about onboard training, how often do you train onboard GREENEVILLE?

A. Weekly, sir.

Q. Okay. Could you describe what the training entails?

A. Various topics about fire control tactics, casualties, those types of things.

Q. Is that run by the Chief, or do you run the training?

A. Him and I trade off training, giving the training.

Q. Okay. Actually, how many--how many people do you have in the FT Division?

A. There is a total of 9 of us.

Q. Nine. You also mentioned off boat training. Where do you conduct that?

A. I'm not sure the name of the building, but it's the training building over on SUBASE.

Q. Okay. How would you characterize the training program that you have in the FT Division onboard GREENEVILLE?

A. I'd say it's pretty good training program. You focus a lot on FT of the Watch and tactics.

Q. I'd like to talk now about the 9th of February.

A. Yes, sir.

Q. Did you have the FTOW Watch on the 9th?

A. Yes, sir, I did.

Q. What watch did you have?

A. 1130, sir.

Q. You started at 1130?

A. Yes, sir, FTOW.

Q. Were you originally scheduled to have that watch?

A. No, sir.

Q. What watch were you originally scheduled to have?

A. Originally, I wasn't scheduled to go underway.

Q. Okay. Why weren't you scheduled to go underway?

A. I was due--I was suppose to be let in to got to training up at NSTCP.

Q. Okay, and what happened to cancel that?

A. One of the members of my division had some family problems he needed to take care of, and I took his place.

Q. Okay. Did you review the watchbill for the 9th of February?

A. Yes, sir, I did.

Q. Were you originally scheduled to have the morning watch?

A. I--I don't believe so, sir.

Q. Okay. What watch did you actually stand, if any, in the morning when you got underway?

A. In the morning when we got underway, I had--my maneuvering watch was topside.

Q. Okay. After you got off the maneuvering watch, what did you do that morning?

A. Just kind of walked around the boat, made my way up to the Attack Center, made sure everything was going on--going okay up there.

Q. When you say Attack Center, is that in Control Room?

A. Yes, sir, in the Control Room.

Q. Is that part of your job as the Leading FT, to make sure that those stations are set up?

A. Yes, sir, I think it is.

Q. So you stated that you assumed the watch, the FTOW Watch, at 1130?

A. Yes, sir.

Q. Who did you assume it from?

A. Petty Officer Benkovic.

Q. Petty Officer Pincherton?

A. Benkovic.

Q. Benkovic?

A. Yes, sir.

Q. Did FT3 Brown relieve you at any time during your watch for a smoke break?

A. Yes, he did.

Q. When did he do that?

A. Between 1200 and 1230 he did it.

Q. Okay, and how long were you gone from the FTOW Watch?

A. About 10 minutes.

Q. When you returned, did Petty Officer Brown pass down to you that the Officer of the Deck, Mr. Coen, wants his fire control to forcefully report all contacts?

A. No, sir.

Q. He never told you that?

A. No, sir.

Q. Petty Officer Seacrest, were you well rested for your watch?

A. Yes, sir.

Q. How much sleep had you had the night before?

A. About 10 hours.

Q. Okay. What consoles in--at your watchstation, do you monitor?

A. The----

Q. We're going to put up the chart to--of the Control Room to help you out here [placing exhibit on wall].

A. Okay.

Q. If you would start, Petty Officer Seacrest, and again, use your laser pointer, but if you would point out where--where you stand your watch onboard GREENEVILLE.

A. Okay [pointing laser at exhibit], right in that vicinity, right in there.

Q. Okay. So you're--you're pointing to the starboard side of the Control Room----

A. Yes, sir.

Q. At the section that says FTOW?

A. Yes, sir.

Q. Okay. Could you describe the various consoles that you monitor?

A. Yes, sir. These three [pointing laser at exhibit], this console here, the one there after it, and that one. Those are MK-81 consoles.

Q. What do they do?

A. The one next to it--they all--that's the fire control system.

Q. Okay.

A. All our displays are on those three, right there.

Q. Okay.

A. And [pointing laser at exhibit] here is a MK-81, it's a different mod though, but it does the same thing. So in essence we have four consoles that do the exact same thing.

Q. So as FTOW, your responsibilities include monitoring all of those consoles?

A. Not all of them, just the ones I choose to monitor, since I can use them all for the same thing.

Q. Okay. On the 9th of February, which ones did you choose to monitor?

A. This one right here [pointing laser at exhibit] and that one right there.

Q. Okay. How did you set those up for your watch? How do you go about setting up your consoles?

A. It was a standard set up we have.

Q. Would you describe, for the court, what a standard set up is?

A. Sure. This console here [pointing laser at exhibit] we normally set up in the line of sight. The next console aft will be set up in time bearing, [pointing laser at exhibit] this console we'll set up in FLIT MATE.

Q. Would you stop here and let's go back out. We need to perfect this for the record, Petty Officer Seacrest. Starting with forward on the starboard side, the console closest to the right hand side, the lower right-hand-side in the Control Room. What's that console used for?

A. Line of sight.

Q. Line of sight, okay. And moving aft from that?

A. Moving aft, this is time bearing.

Q. Okay.

A. The next one, that's FLIT MATE, and that one was set up in Ops Summary.

Q. On the 9th of February, were all of those consoles, to the best of your knowledge, working properly?

A. Yes, sir.

Q. Okay. Was the AVSDU out of commission that day?

A. Yes, sir, it was.

Q. How did you find out the AVSDU was out of commission?

A. When I turned to look up at it, it wasn't on.

Q. Okay. Were you aware of any compensation that the ship had put in place for the loss of the AVSDU on the 9th?

A. No, sir, I wasn't aware.

Q. Would you have expected there to be any compensation, as FTOW, is that something that you would look for?

A. No, sir, not really.

Q. Okay. Now you stated that you assumed the watch at 1130. Do you recall how many contacts you held on fire control when you assumed the watch?

A. I believe it was 2 to 3, sir.

Q. Do you recall their designations?

A. I think it was Sierra 9, 10, and 11.

Q. Okay, and what information--do recall the information that you held on each of these contacts----

A. No, sir.

Q. When you assumed the watch? You don't?

A. No, sir.

Q. Okay. Now between 1130 when you first assumed the watch and 1316, which is the time that the ship commenced angles and dangles, did you have a discussion with sonar concerning contact, Sierra 10?

A. Yes, sir, I did.

Q. Would you describe for the court the--that conversation?

A. Yes, sir. Petty Officer Reyes came out to the Control Room, and he came up to me and he said that they thought Sierra 10 was a close contact. So I did some adjustments on the fire control system, to try and make him a close contact, and it wouldn't fit. So I disagreed with him.

Q. When you say make adjustments on your system, what are you physically doing?

A. Physically adjusting the range and course and speed of the contact to make him closer, and the bearings wouldn't fit.

Q. Did you feel pretty comfortable with what you had done, your solution?

A. Yes, sir.

Q. Okay, did you convey that to Sonar?

A. Yes, I did.

Q. What did Sonar do?

A. Actually I don't remember. I think he--he just said keep an eye on him, and I said, "okay."

Q. Okay.

A. And that was it.

Q. When you assume the watch anytime between your assumption of the watch at 1130 and angles and dangles at 1316, did you report any bearing and range information from the FTOW position to the Officer of the Deck or the Commanding Officer?

A. No, sir.

Q. Are you required to?

A. No, sir.

Q. Why not?

A. We're only required to if the contact is within four--is going to pass within 4,000 yards, or any warships within 10,000 yards.

Q. Okay, so you had satisfied yourself that none of these contacts were going to pass within 4,000 yards?

A. Yes, sir.

Q. And I'm assuming that you had classified them, or they had been classified as surface merchants?

A. Surface contacts.

Q. So you didn't know if they were warships or merchants?

A. Yes, sir.

Q. You did or did not?

A. Did I know if they were----

Q. Right.

A. No, sir.

Q. Well, if you didn't know, how could you know not to report them? I mean you just told me that 10,000 yards you had to report if a warship was going to close within 10,000 yards.

A. We would know if there was a warship out there.

Q. So do you recall, or you just don't recall what the classification was?

A. Well I know we didn't have any warships out there.

Q. Okay. So you were operating off the 4,000 yard----

A. Yes, sir.

Q. Requirement. Where is that stated?

A. In the CO's standing orders.

Q. Now during this time, and again I'm talking about 1130 to 1316, do know whether the OOD or the CO ever came over to fire control and looked at the contacts that you held?

A. No, sir, I'm not aware if they came over or not, cause I had my back turned to----

Q. Okay let me ask you this. Did they ever come and sit down in the consoles or stand over the consoles and manipulate them themselves?

A. No, sir.

Q. Did they ever ask you any questions---

A. No, sir.

Q. Concerning the contacts?

A. No, sir.

Q. Okay, but you're saying they could have looked over your shoulder and you not know it?

A. Yes, sir, they could have.

Q. Okay, at this time could you describe, again during 1130 to 1316, where were the civilian guests in Control, if any?

A. Basically they were coming in and out of the Control Room and just visiting Sonar and then coming over into the Attack Center, and asking me a couple of questions about fire control, and then they would move on.

Q. Okay, and how many Petty Officer Seacrest?

A. Usually about two or three at a time.

Q. Okay. At this time, did you feel that they were any barrier to communication between you and the Conn?

A. No, sir, they were not.

Q. Okay. Do you believe that they formed any barrier that prevented the OOD or the Captain from looking from the periscope stand down to the fire control displays?

A. No, sir, they didn't.

Q. You wouldn't know that because your back was turned to them, correct?

A. Right, sir.

Q. Okay. Could they have seen your displays from the periscope stand? Given the size of your displays, can they be physically seen from the periscope stand, do you know?

A. They could be seen, but very hard to read.

Q. Okay and that's because of the size of the screens, in your view?

A. Yes, sir.

Q. Petty Officer Seacrest, is one of your responsibilities to maintain the CEP plot during your watch?

A. Yes, sir, it is?

Q. It wasn't maintained during the watch, was it?

A. No, sir, it wasn't.

Q. In fact, you've only had--you plotted, I believe, ships course and speed perhaps?

A. Yes, sir.

Q. But there was no contact information on it was there?

A. There was some contact information it.

Q. Okay, but it wasn't complete, correct?

A. No, sir, it was not complete.

Q. Certainly not up to FT standards, right?

A. Correct, sir.

Q. Now, you mentioned your Chief--Chief Thomas, Chief Thomas requires that display to be kept up doesn't he?

A. Yes sir, he does?

Q. In fact, you require that it be kept up by your own FT's that work for you don't you?

A. Yes sir, I do.

Q. But, on the 9th of February, you decided you weren't going to keep it up, isn't that right?

A. Ah, yes sir.

Q. Why did you decide that, Petty Officer Seacrest?

A. I made the decision based on the importance of fire control and the CEP at the time going into angles and dangles. And, then the nature of angles and dangles itself doing 20 to 30 degree angles on a submarine makes it hard to do anything. So, I based--I took all that into consideration and I made my decision on that.

Q. Ok, where is it stated that in the Commanding Officer's Standing Orders that's your decision to make?

A. It doesn't.

Q. Where is it stated in any guidance that, that's your decision to make?

A. It doesn't.

Q. Did you notify the Commanding Officer?

A. No, sir.

Q. Did you notify the Officer of the Deck?

A. No, sir.

Q. Did you notify your Chief?

A. No, sir.

Q. You didn't notify anybody did you?

A. No sir, I did not.

Q. You made that decision completely on your own?

A. Yes sir, I did.

Q. In fact, isn't the--doesn't the Commanding Officer standing orders require that it be maintained?

A. Yes sir, it does.

Q. Where was FT3 Brown during this time?

A. Back in the Control Room.

Q. So, he was in Control?

A. Yes, sir.

Q. This is the Petty Officer that you requested to come and to relieve you for a smoke break, correct?

A. Yes, sir.

Q. So, you knew he was back in Control, would you point out where in Control he was?

A. Ah, he was back here.

Q. What was he doing back there, do you know?

A. Ah, I think he had a book in his hand.

PRES: May I ask, back "here" is where?

CC: In the starboard aft section of the Control Room.

PRES: Thank you.

Q. So, how far was Petty Officer Brown away from you Petty Officer Seacrest?

A. A few feet.

Q. A few feet?

A. Yes, sir.

Q. So, did you ask him to help you maintain the CEP?

A. No sir, I did not.

Q. Could you have asked him to help you maintain the CEP?

A. In hindsight, yes, I could've.

Q. Well, when do you choose to maintain the CEP, please describe for the court under what conditions you think that plot is important. Since it's obvious that you didn't think it was important on the 9th. When do you think it's important to maintain that plot?

A. I think it's important all the time sir.

Q. Well, when do you normally do it?

A. Normally, all the time sir.

Q. I want to ask you a couple of more questions along this line. Ah, you said you had 2 to 3 contacts?

A. Yes, sir.

Q. Is that a large contact density picture for you to maintain?

A. No, sir.

Q. Okay, so it would've been easy for you to maintain the fire control panels, review those and do the CEP with not much problem, correct?

A. Yes, sir.

Q. I mean, that's not a very challenging contact picture, isn't that right? Two to three contacts?

A. Correct, sir.

Q. And, yet you chose not to maintain the CEP?

A. Yes, sir.

Q. This was a distinguished visitors cruise you were going out on--on the 9th, wasn't it?

A. Yes sir, it was.

Q. Was only going to be a 6 hour--6 hour cruise, correct?

A. Correct, sir.

Q. Isn't that one of the reasons why you didn't maintain the CEP because this was just going to be a little jaunt out into the Pearl Harbor OPAREAS?

A. No, sir.

Q. You got lazy, didn't you Petty Officer Seacrest?

A. Yes sir, a little bit.

Q. I mean--a little bit. Petty Officer Seacrest, you said that angles and dangles as you're moving--as the ship is moving up and down, you said that, that was an impediment to you getting to the CEP. Don't you do that routinely?

A. No sir, we don't.

Q. Okay, so it's your testimony that as a boat moves up and down through the water column, that, that's an impediment to your maintaining the CEP. Is that what you're telling us?

A. I'm saying, doing--between doing 20 to 30 degree angles, yes. We normally don't change depth at 20 to 30 degree angles.

Q. Okay, did you ever--since that seems to be difficult to do. Did you ever mention that to the Commanding Officer----

A. No.

Q. That, that was difficult to do?

A. No.

Q. How about the Officer of the Deck?

A. No, sir.

Q. Again, how about Chief Thomas?

A. No, sir.

Q. You didn't mention it again to anybody onboard GREENEVILLE, did you?

A. No, sir.

Q. Did anybody come over to you, to your station on the afternoon of the 9th and correct you on maintaining that CEP?

A. Ah, no sir.

Q. So, nobody came over and said anything to you?

A. No, sir.

Q. The Chief didn't say anything?

A. Chief Thomas wasn't onboard at the time.

Q. Okay, any other FT?

A. No, sir.

Q. Officer of the Deck?

A. No, sir.

Q. XO?

A. No, sir.

Q. Commanding Officer?

A. No, sir.

Q. I'd like to talk about angles and dangles that started at 1316. What contacts were you tracking at 1316 when you started angles and dangles?

A. Sierra's, 10, 12 and 13.

Q. Did you make any reports to the Officer of the Deck about these contacts?

A. No, sir.

Q. Why was that?

A. I didn't need to at that time sir.

Q. And, again that would be because your solutions did not have them closing within 4000 yards?

A. Correct, sir.

Q. That's your testimony?

A. Yes, sir.

Q. Where were these civilian guests during angles and dangles?

A. They were from this general area here and right up here on the Conn.

Q. Okay, how many were--were up forward by the CEP that you're indicating on the chart?

A. Up forward here, there was 6 to 7 people right in here and there was about--it was approximately 4 people standing right up here.

Q. Okay, when you're saying right about here, you're talking about the starboard side of the periscope stand?

A. Yes, sir.

Q. So, they were standing on the periscope stand or--or off of it?

A. On the periscope stand.

Q. They were on the stand?

A. Yes.

Q. Ok, did you believe that their positions were an impediment to your communication with the Officer of the Deck?

A. No, sir.

Q. Okay, if you would have had a contact report you needed to make you felt comfortable making it?

A. Yes, sir.

Q. Okay, do you believe that the distinguished visitors forward in the Control Room on the starboard side next to the CEP prevented you from getting to the CEP?

A. No sir, they didn't prevent me from getting to the CEP.

Q. You could've asked them to move, correct?

A. Correct, sir.

Q. If you had wanted to maintain that plot, correct?

A. Correct, sir.

Q. Lets talk about the high-speed rudder turns that occurred next. Did you continue to track these contacts that you mentioned before, I believe you said Sierra 10 and 12 at this time? Did you have 13 at this time?

A. Yes sir, we had 13.

Q. Okay, did you continue to track those contacts through the high-speed rudder turns?

A. We had lost Sierra 10 shortly after the angles and dangles.

Q. Okay, so you had Sierra's 12 and 13 at this time?

A. Yes sir, just Sierra 12 and 13.

Q. Okay, were you able to track them?

A. Intermittently, sir.

Q. How well could you track them?

A. Well, when we had them in ATF, fairly well.

Q. Okay. Any contact report to the Officer of the Deck at this time?

A. No, sir.

Q. Any contact reports to the Commanding Officer?

A. No, sir.

Q. During angles and dangles and the high-speed rudder turns, did the Officer of the Deck ever come over to fire control to take a look at your contact picture?

A. Umm, not that I'm aware of, sir.

Q. Okay, lets break this down again. Did the Officer of the Deck come over and talk to you personally about the contact picture?

A. No, sir.

Q. Did you see the Officer of the Deck manipulate any of the consoles himself to trying to determine the contact picture?

A. No, sir.

Q. But, as far as you know, the Officer of the Deck may have been looking over your shoulder from off of the starboard side of the periscope stand onto your displays. Is that right?

A. Yes, sir.

Q. And, that's because your back was to him, correct?

A. Correct, sir.

Q. Because your focus was on your displays, is that right?

A. Correct, sir.

Q. Okay, so he could have, he could've been looking over your shoulder and getting that contact information?

A. He could have, sir.

Q. But, your testimony is that those displays are difficult to see, perhaps?

A. Perhaps.

Q. But, you're not sure of that?

A. Ah, no sir.

Q. He could've seen it?

A. He could've.

Q. Alright, lets talk about the Commanding Officer? Did the Commanding Officer come over and speak to you during angles and dangles or high-speed rudder turns about the contact picture you had?

A. No, sir.

Q. So, he didn't speak to you personally?

A. No, sir.

Q. Did you see him sit down or stand up behind any of the consoles and look at the picture?

A. No, sir.

Q. Okay, but again, he could've been looking off the periscope stand over your shoulder and looking at those displays?

A. Yes, sir, he could have.

Q. Given the density of the civilian visitors that you had on that side, do you think the either the Officer of the Deck or the CO could have seen through them and taken a look at those consoles? Do you know?

A. No sir, I don't know.

Q. What course did GREENEVILLE come to when you finished the high-speed rudder turns?

A. I believe it was three-four-zero.

Q. And, did you still hold contact on Sierra's 12 and 13?

A. Yes, sir.

Q. How well were you tracking those contacts?

A. Fairly well.

Q. Can you define fairly well for the court, what does that mean?

A. We were getting good sonar bearings.

Q. Again, at this time, did you make any contact reports to the Officer of the Deck?

A. No, sir.

Q. To the Commanding Officer?

A. No, sir.

Q. And, I'm assuming, the reason you didn't is again, you didn't have any solutions that had these contacts closing the ship within 4000 yards, is that your testimony?

A. Yes, sir.

Q. Did anyone else talk to you at this time about your contact picture, for example, Sonar, anybody from Sonar?

A. No, sir.

Q. The XO?

A. No, sir.

Q. Was the XO--did you see the XO in Control?

A. No, sir, I did not.

Q. Is your testimony, you didn't see him in Control at all that afternoon?

A. That is my testimony, yes sir.

Q. Okay, did you ever see him in Sonar?

A. No, sir, I did not.

Q. Did you ever see him peer his head out from behind the curtain in Sonar?

A. No, sir, I did not.

Q. So, your recollection or your testimony is that you never saw the Executive Officer at all that afternoon.

A. Correct, sir.

Q. Okay. After the three-four-zero leg, could we have the chart up please, the reconstruction chart? Okay, Petty Officer Seacrest, turning your attention to Exhibit 4, this is a reconstruction of the track of the GREENEVILLE and the EHIME MARU on the 9th of February. These are the high-speed rudder turns that GREENEVILLE executed and you mentioned that she came to, I believe this is course three-four-zero here in that general section when--when she came off of course three-four-zero, what course did she come to? Do you know?

A. Umm----

Q. Off the three-four-zero leg?

A. Off the three-four-zero leg, we came to one-two-zero.

Q. Do you know why GREENEVILLE came to one-two-zero?

A. To clear baffles, sir.

Q. Okay, why would she be clearing baffles at that point?

A. Getting ready to go to periscope depth.

Q. Now, during the course change from three-four-zero to one-two-zero, did you maintain contact on Sierra's 12 and 13?

A. Yes, sir.

Q. So, you said you were--you came to one-two-zero to clear baffles and getting ready to come to periscope

depth. Prior to coming to periscope depth, what preparations were made for that evolution to do that?  
A. Just the baffle clear, sir.

Q. Okay. Was a pre-brief done by the Officer of the Deck?

A. No, sir.

Q. Is that normally done?

A. Yes, sir.

Q. Do you know why that brief wasn't done that day?

A. No, sir, I can only make an assumption.

Q. What's your assumption?

A. That we were just coming up to check our visual surface picture and then proceed deep.

Q. Is that brief important to you as the FTOW?

A. Not really, sir.

Q. It's not?

A. Not really, sir.

Q. Okay, tell us about the brief, what's discussed during the brief then?

A. Most of the brief is discussed why we're going to periscope depth. Communications, housekeeping, evolutions, that type of thing.

Q. Okay, is the contact picture discussed at all?

A. Between me and Sonar and the Officer of the Deck.

Q. During the brief?

A. Sometimes during, sometimes after.

Q. Okay, is that not standardized this part of the brief?

A. No, sir, I don't think so.

Q. Does the CO's Standing Order require a brief?

A. Yes, sir, it does.

Q. To your knowledge is the FTOW position part of that brief?

A. No, sir, it's not.

Q. Can you tell us who is?

A. Yes, sir. Sonar Supervisor, ESM Watch, the RMOW, AEF, the AUX of the Watch and the Ship's Control Party.

Q. Any reason why the FTOW isn't part of that brief?

A. Can only assume because I'm standing in Control all the time and interacting with the Officer of the Deck.

Q. Wouldn't you think that, that would be a good time for you to get together with the Sonar team and the other sensor operators to discuss the picture that you got?

A. Ahh, yes sir.

Q. So, you think you should be a part of that brief?

A. Yes, sir. And, normally I do make myself a part of that brief.

Q. Had you ever proceeded to periscope depth before without such a brief on GREENEVILLE?

A. Yes, sir.

Q. Is that the exception or the norm for the ship?

A. The exception.

Q. And, again I assume that your testimony would be that it's the exception and that if you're only going up for a short period of time, you don't conduct that brief?

A. Yes, sir.

Q. Is that the reason why you haven't done it in the past?

A. Yes, sir.

Q. Did you pickup any new contacts on course 120?

A. Yes, sir, we did.

Q. What contact was that?

A. Sierra 14.

Q. Who reported new contact Sierra 14?

A. Sonar Supervisor.

Q. And, who was the Sonar Supervisor?

A. Petty Officer McGiboney.

Q. Did you specifically hear him report new contact Sierra 14?

A. Yes, sir, I did.

Q. How did you hear that, how did he do that?

A. Over the 27MC.

Q. And, the 27MC is audible in the Control Room?

A. Yes, sir.

Q. So, it's your testimony, you specifically remember McGiboney making that report?

A. Yes, sir.

Q. Was this a--just a new contact report or was this part of the post baffle clear all contact report that Sonar routinely does?

A. It was the--it was part of the post baffle clear.

Q. The all contact report.

A. The all contact report.

Q. Could you describe for the court what an all contact report is?

A. Yes, sir. We clear the baffles, we steady course and speed. The Officer of the Deck will say Sonar report all contacts----

Q. Alright, let me stop you there. Did the Officer of the Deck make that statement?

A. I believe he did, sir.

Q. Okay, you're not sure, but you believe he did?

A. Yes, sir.

Q. Alright, would you continue please?

A. Soon as he says that, Sonar will do their search it takes a minute or so and he reported gain Sierra 14 bearing such and such they rattle off the bearing D/E angle, SNR and then it follow on still hold Sierra 13, 12 no bearings.

Q. Okay. That's a lot of information in that report. I need to find out how much of that you remember. Now, you specifically remember McGiboney making that report. Do you specifically remember him talking about each of those contacts?

A. Yes, sir.

Q. So, is it your testimony that he said new contact Sierra 14?

A. Yes, sir.

Q. Do you recall the bearing and range for the bearing information he gave off?

A. No, sir, I don't.

Q. Okay. What did he say next?

A. He reported Sierra 13 and then he reported Sierra 12.

Q. Do you recall what information he provided on those two contacts?

A. No, sir.

Q. Okay, after he made that report was it acknowledged by anyone in the Control Room?

A. Not that I know of, sir.

Q. Were you tracking Sierra 14 at this time on fire control?

A. Yes, sir.

Q. What was your confidence in your track?

A. Very low.

Q. Why was it low?

A. Single leg solution.

Q. And, that's because you had just come out of--out of the turn to course one-two-zero and this was a new contact?

A. Yes, sir.

Q. Now, prior to coming to periscope depth at this time, did the Commanding Officer indicate he was comfortable with the contact picture?

A. Yes, sir, he did.

Q. How did he do that? How did he indicate that?

A. He said that I have a good feel for the contact picture.

Q. So, your testimony is you specifically recall the Commanding Officer saying "I'm comfortable with the contact picture"?

Counsel for CDR Waddle, party (Mr. Gittins): Objection. Misstated the witness' last answer.

CC: Petty Officer Seacrest, tell us exactly what the Commanding Officer said?

WIT: He said "I have a good feel for the contact picture."

Q. After he said "I have a good feel for the contact picture", what happened next?

A. He ordered the Officer of the Deck to proceed to periscope depth.

Q. Who did he make that contact to, do you know? Excuse me, that statement to?

A. I believe to the Officer of the Deck.

Q. What did you interpret his statement to mean?

A. That he had a good feel for the contact picture.

Q. Which contacts?

A. All of them.

Q. Including Sierra 14?

A. Yes, sir.

Q. Now at this time, did you go up to the Commanding Officer and say, "Captain, are you talking about Sierras 12, 13, and 14?"

A. No, sir.

Q. So you just assumed that he had--that he was talking about all three of those contacts, correct?

A. Yes, sir, that was my assumption.

Q. Now, you testified just a few minutes ago that you were not satisfied or not comfortable with your fire control picture on Sierra 14. Is that right?

A. Yes, sir.

Q. And that's because you only had one leg, one good leg, correct?

A. Yes, sir.

Q. Well, why didn't you raise that to the Officer of the Deck? Isn't that your responsibility to let the Officer of the Deck know that?

A. Yes, sir.

Q. Isn't that your responsibility to let the Commanding Officer know that?

A. It's my responsibility to back him up, yes, sir.

Q. That's not very good backup is it Petty Officer Seacrest?

A. No, sir, it's not.

Q. I mean for all you know, the Commanding Officer was talking about Sierras 12 and 13, and not 14, correct?

A. Correct, sir.

Q. You don't know if he didn't hear the contact report--the new contact report about 14, isn't that right?

A. That's right, sir.

Q. And the same applies to the Officer of the Deck, doesn't it?

A. Yes, it does, sir.

Q. But, in your mind, you knew that you didn't have confidence in Sierra 14, isn't that correct?

A. Yes, sir.

Q. And that's because you only had one leg, right?

A. Yes, sir.

Q. Okay, after the Commanding Officer made this--the comment, did the Officer of the Deck acknowledge that order in anyway?

A. Not verbally, sir.

Q. Did he acknowledge it in any other way?

A. Just by his actions.

Q. And what were his actions?

A. Getting ready to go to periscope depth.

Q. Okay, would you describe your contact picture now at fire control as the ship came to periscope depth?

A. I'd had Sierras 12, 13, and 14. I was updating them as we were proceeding to periscope depth----

Q. Okay, would you describe for the court how you update your contacts?

A. Basically, just do fine adjustments with the course and range encoder knobs and then entering system.

Q. Okay, as you're doing this, you're cycling through these various contacts then?

A. Yes, sir.

Q. So--I want to get this straight. You start with one contact, you update it; then you move to the next contact, update; to the next, update; and then do you repeat the cycle?

A. No, no, sir. I focused my attention on Sierra 14 at that time.

Q. Well, why was your attention focused on Sierra 14?

A. Because he was a single leg contact.

Q. Okay, so--let me just recap a little bit. You're focused on 14 and you're coming to periscope depth?

A. Yes, sir.

Q. Alright, how were you focused on 14? What were you doing physically at fire control to focus on Sierra 14?

A. Had the time/bearing screen displayed at All Contacts and I had PERIVIS on, and I was watching the bearing rates to make sure none of them started breaking to the right or to the left rapidly.

Q. Okay, when you say the time/bearing screen, is that the screen that Sonar uses?

A. No, sir.

Q. No, that's your--a particular screen to the FT position?

A. Yes, sir, it is.

Q. Okay, what information do you get off that screen, is that bearing rate change?

A. Just bearing rate change.

Q. Okay, so why were you focused on that screen at that particular time?

A. That would be my first indication if we have a close contact, is looking at that bearing rate screen.

Q. And why were you focused on that screen, because you only had the one leg?

A. Yes, because we only had the one leg on Sierra 14.

Q. So, you were trying to determine if you had a close contact and you would see a bearing rate change if you had a close one?

A. Yes, sir.

Q. Alright, so you're focused on that screen. What was the screen telling you about your contacts?

A. That his bearing rate wasn't changing significantly.

Q. Sierra 14?

A. All of them.

Q. All of them?

A. Yes, sir.

Q. Okay, so you had on this--the time/bearing screen, you had 12 displayed, 13 displayed, and 14 displayed, correct?

A. Yes, sir.

Q. So, on that one screen, you could see the bearing rate change for all three of those contacts?

A. Yes, sir.

Q. Were any of the bearing rates changing?

A. No, sir.

Q. None of them changed at all?

A. No, sir.

Q. Okay, what were you thinking at this time? You had Sierra 14, which you only had one good leg on, and now you look at the bearing-time/bearing screen and you see there's no bearing rate change, what was going on in your mind at that time?

A. That he wasn't close.

Q. Okay, that you had a distant contact?

A. Yes.

Q. Okay, what happened after that? You said you looked at the PERIVIS?

A. Yes, we have a PERIVIS monitor right over fire control and I was setting the OSDS display up to the Number 1--Number 2 periscope.

Q. Okay, what's the OSDS display?

A. It's the Own Ship's Data display.

Q. Is that part of your job to monitor that display?

A. When we're at PD, yes, sir.

Q. Okay, what does it tell you?

A. It tells me the number--the bearing that the Number 2 scope is pointing in--the direction the Number 2 scope is pointing in.

Q. Okay, so you're looking at the PERIVIS and you're getting a visual picture of the periscope search, correct?

A. Yes, sir.

Q. And, you're also looking at the OSDS display?

A. Yes, sir.

Q. Why are you doing that again? What bearings are you checking on that?

A. To ensure that they're looking down the bearings of the contacts.

Q. When you say "they", who are you talking about?

A. Whoever is on the periscope.

Q. Okay, so let's break this down a little bit. Let's talk about the initial search at periscope conducted by Mr. Coen.

A. Yes, sir.

Q. Were you focused on the PERIVIS and your OSDS display during Mr. Coen's search?

A. Yes, sir, I was.

Q. Okay, would you describe how Mr. Coen did the search?

A. I can't really describe how he did it because my screen--my back would be to Mr. Coen when he was doing his search, so all I could really see is the rapid movements on the screen----

Q. And that would be on the PERIVIS?

A. Yes, sir.

Q. Okay, did you see those rapid movements on the PERIVIS?

A. Yes, sir.

Q. How many did you see, do you recall?

A. That's hard to tell because I don't have a point of reference to north--or the front of the ship on the PERIVIS, so I just saw the picture moving around.

Q. And was he doing complete searches as far as you know?

A. As far as I know----

Q. A total 360 degree search?

A. Yes, sir, as far as I know.

Q. Any reason to look at your OSDS Display during this portion of his search?

A. No, sir.

Q. And that's because he wasn't focused on any bearings, correct?

A. Correct, sir.

Q. That's not the purpose of the initial periscope search, correct?

A. That is correct, sir.

Q. Okay, I'd like you to describe for the court, did--when you were looking at PERIVIS, did you see any contacts on the PERIVIS?

A. No, sir, I did not.

Q. What was the weather like?

A. The--cloudy, cloudy day.

Q. Sea state?

A. 2 to 3, 4 to 6 foot swells.

Q. Okay, 2 to 3 foot seas?

A. Sea state was 2 to 3.

Q. 2 to 3 sea state, okay. Now, after Mr. Coen completed his initial periscope search, did he say anything?

A. He said, "No close contacts."

Q. Okay, as you were looking at the PERIVIS, did the head window on the periscope take any wave hits?

A. It took some.

Q. What does that mean to you? What does the head window taking a wave hit mean?

A. Just a wave is washing over the top of the periscope.

Q. Okay, what did the Commanding Officer do at this time?

A. He came over and took the scope from Mr. Coen.

Q. As far as you know, had Mr. Coen completed his search?

A. The initial surface close contact search, yes, he completed that. He hadn't completed the complete search.

Q. What is the complete search?

A. Doing an aerial search.

Q. Do you know if he was intending to do the aerial search?

A. I saw that he had elevated the head window and went into the aerial search and that's when the CO took the scope from him.

Q. Okay, when you go into the aerial search, are you required to do another 360 degree?

A. Yes, sir.

Q. Okay, did he complete that?

A. No, sir.

Q. At that time, the Commanding Officer took the scope?

A. Yes, sir.

Q. Alright, how did the Commanding Officer conduct his search?

A. He did a quick 360 degree look, started looking down the general direction where the contacts were at and then he ordered the ship to come up for a high look.

Q. Okay, before he ordered the high look, you're saying that he searched down some bearings?

A. He looked in that general area. He was looking and stopping, looking and stopping.

Q. Okay, you may have just done this and I may have missed it, but can you describe what bearings he was looking down?

A. It's between zero-four-zero and three-four-zero, he was looking in that--down that area.

Q. Okay, do you know why he would be looking down those bearings?

A. Well, that's where the contacts were at.

Q. All three of the contacts?

A. Yes, they were generally in that direction, yes, sir.

Q. So, 14 was in that general direction as well?

A. Yes, sir.

Q. Do you know if he looked specifically down zero-two-zero, that bearing?

A. I believe he stopped on zero-one-eight, that was one of the bearings that he stopped on.

Q. Okay, and I'm assuming you know all this because you were watching this--or you had the OSDS display?

A. Yes, sir.

Q. So, you were checking the bearings, is that correct?

A. Yes, sir.

Q. Do you monitor that in order to backup the Officer of the Deck and the Commanding Officer?

A. Yes, sir.

Q. Okay, what did you think when you saw the Commanding Officer look down those bearings, in terms of the contact picture?

A. Oh----

Q. I mean you had 12, 13, and 14. When you saw the Commanding Officer check down into those bearings, what did you think?

A. I thought all the contacts were distant.

Q. Why did you think that, because you didn't see them visually?

A. Yes, because we didn't see them visually.

Q. What did you think about--did you think the Commanding Officer had the complete contact picture at that point?

A. Yes, sir.

Q. And why is that?

A. Because he didn't see anything visually.

Q. Okay, on the Commanding Officer's--when he first took over on the periscope before the higher look, as you were watching on PERIVIS, did the head window on the periscope that any wave hits then?

A. Not that I recall. At 58 or when we came up for the high look?

Q. No, before the high look.

A. Yes, I think we were still taking a few.

Q. Okay. After--do you know what depth he ordered for the higher look?

A. Yes, sir.

Q. And what was that depth?

A. 58 feet, sir.

Q. Okay, when he got the higher look, what bearings was he looking down?

A. The same bearings.

Q. The same bearings?

A. Yes, sir.

CC: I'd like to focus a little bit on contact Sierra 13. Could we have the fire control chart up, please?

[LCDR Harrison did as directed.]

Q. I'd like to focus your attention, Petty Officer Seacrest, on Exhibit 7, specifically on the right hand side, this time range display [pointing laser at Exhibit 7]. This is reconstruction of the fire control range to contact Sierra 13. Have you seen this before?

A. Yes, sir, I have.

Q. Do you see this display on your fire control consoles?

A. No, sir.

Q. So, you don't see anything that looks like this?

A. Not exactly like that, no, sir.

Q. Okay, can you describe on your display when you have a good solution on a contact? What is it that you physically do on your console?

A. What I see are bearings--dots that come into the fire control system.

Q. Okay----

A. And it's an average bearing, so it's not a raw bearing like what you're seeing right there [pointing laser at exhibit.] Minus 20 seconds of that data and I get one dot.

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Q. So, it's 20 seconds averaged?

A. Yes, sir.

Q. Over 20 seconds?

A. Over a 20 second period of time, it becomes one dot on my system. Those dots stack up on a vertical line and when I manipulate the range, course, and speed knobs, I stack those dots on that vertical line, and that's how we come up with a solution.

Q. Okay, I'd like to draw your attention to this point in time in here [pointing laser at exhibit].

A. Yes, sir.

Q. I think on the display, those are 10-minute increments, it's about time 1315--1316 or so. This indicates that you had contacts Sierra 13 at about 15,000 yards, is that right?

A. Yes, sir.

Q. In order to get one of these black dots, do you have to physically do something on the console--the fire control console?

A. To get it to move like it did right there, yes, sir.

Q. What do you have to do?

A. Enter system.

Q. So you physically have to with your finger hit "enter system"?

A. Yes, sir.

Q. When would you do that? What are the criteria that you'd use before you'll hit the "Enter System" button? What's going on in your mind?

A. You're looking at the dot stack. Is it as straight as you can get it? Other indications, you could match bearing rate to see if the two bearing rates match.

Q. Okay. So at this point in time you physically had a system solution on Sierra 13 that had her at 15,000 yards?

A. Yes, sir.

Q. So, you would have had to physically hit the button to do that?

A. Yes, sir.

Q. Alright. What----

A. The very first time.

Q. The first time?

A. Yes, sir.

Q. I want to talk about this drop from 15,000 yards to about 4,000 yards here [pointing laser at exhibit]. Again, would you physically had--would you physically have to enter system--hit the "Enter System" button in order to get this range?

A. Yes, sir.

Q. Did you do that on the 9th? Do you recall doing that?

A. I don't recall doing it, but looking at the data I had to have done it.

Q. I'm sorry.

A. Looking at the data I had to have done it.

Q. Okay. So, at some time on your fire control display, and this is while you're at periscope depth, correct?

A. Correct.

Q. You had to physically hit the "Enter System" data on your fire control display?

A. That wasn't at periscope depth. That was----

Q. When was it?

A. That was going to periscope depth.

Q. Okay. Going to periscope depth?

A. Yes, sir.

Q. So as you're rising to periscope depth you had a system solution of 4,000 yards on Sierra 13, correct?

A. That's when I would have had to have entered that system solution, yes, sir.

Q. Does that update automatically? I mean, would you see that as soon as you hit it? Are you going to see that on your displays? The new course speed, bearing range information, is all that going to come up automatically?

A. That's going to come up in the system solution block, yes, sir.

Q. Okay. But there's no time delay, correct? You hit the "Enter System" solution and all of that is displayed on your console, correct?

A. Yes, sir.

Q. No time delay?

A. No, sir.

Q. Okay. So as you were coming to periscope depth you had Sierra 13 at 4,000 yards?

A. Yes, sir.

Q. So it's your testimony you didn't see that?

A. No, sir--yes, sir, it is. That is my testimony. I did not see that 4,000-yard range.

Q. Okay. Any explanation why you didn't see that?

A. Yes, sir. We were proceeding to periscope depth. I was updating all of the contacts. Trying to focus my attention on Sierra 14, which was a single leg contact, and the contact of my concern at that time. And setting up PERIVIS and the OSDS display before we got to periscope depth.

Q. Okay.

A. And so----

Q. Well----

A. I understand----

Q. It looks to me like the system continued to track Sierra 13 at that range all the way through your time at periscope depth.

A. Yes, sir.

Q. Don't you cycle back through all of your contacts? I mean, you arrived at periscope depth.

A. Yes, sir.

Q. You saw the visual search?

A. Yes, sir.

Q. There wasn't--there weren't any close contacts as far as you knew, correct?

A. Correct, sir.

Q. You had every opportunity in the world to cycle back through all three of your contacts. Did you do that?

A. No, sir.

Q. Why not?

A. Well, we weren't at periscope depth for very long. And what I was doing was focusing my attention on OSDS to ensure that whoever's on the periscope were looking down the bearings of the contacts.

Q. Okay. So, it's your testimony you missed 13 because you were focused on 14?

A. Yes, sir.

Q. Who's responsibility was it to tell the Officer of the Deck that Sierra 13 was at 4,000 yards?

A. It is my responsibility.

Q. And that's, despite the fact that you were interested in contact Sierra 14, isn't it?

A. Yes, sir.

Q. I mean, that's because it's your job to report all contacts, isn't that right?

A. Yes, sir.

Q. And we just--you just testified that it wasn't a high-density contact picture, didn't you?

A. Correct, sir.

Q. Okay. As--as GREENEVILLE was coming to periscope depth, did the Officer of the Deck ever come over and talk to you personally about your contact picture?

A. No, sir.

Q. Did he ever come over and work at the consoles himself to determine the contact picture?

A. No, sir.

Q. Okay. Do you know if he was able to look over your shoulder on the periscope stand and determine the contact picture for himself?

A. He could've done that.

Q. Do you know if he did?

A. I don't know if he did or not.

Q. Okay. Let's talk to you about the Commanding Officer. Do you know--did the Commanding Officer come over and talk to you about the contact picture at that time?

A. No, sir.

Q. Did he come over and take a look at the consoles himself?

A. No, sir.

Q. Do you know whether or not he looked over your shoulder and took a look at the consoles?

A. No, sir, I don't.

Q. Let me ask you this question. Would you have expected either the OOD or the Commanding Officer to do this given what they were doing at the time?

A. Yes, sir.

Q. You would have expected them to leave the periscope stand to come over and check the fire control display?

A. I would have expected the Officer of the Deck to come over and say something to me or ask me.

Q. Or ask you the question?

A. Yes.

Q. Alright. Has that happened in the past?

A. Yes, sir.

Q. During these evolutions--these types of evolutions?

A. This is the first one I've done with the GREENEVILLE.

Q. Well, okay, let's--let's talk about your past boats. I mean--was this out of the norm that you were not having these conversations with either the Officer of the Deck or the Commanding Officer?

A. First, I want to say that I normally don't have conversations with the Commanding Officer.

Q. Okay.

A. My conversations are always with the Officer of the Deck unless the Commanding Officer specifically asks me a question. If I report anything, it's to the Officer of the Deck. And, as far as the question you asked me about my other past boats. I can't say it's normal. I've had it happen and I haven't had it happen. So, I don't know how to answer that question correctly, sir.

Q. I guess what we're struggling with here Petty Officer Seacrest is there--there should've been some communication going on----

A. Yes, sir.

Q. Between your station and the OOD--the Conn during this evolution. Is that a fair statement?

A. Yes, sir, it is a very fair statement.

Q. And everything you've testified to to date is that there was no communication going on. Is that right?

A. Correct, sir.

Q. Now we have established that it was your responsibility to report contact Sierra 13 at 4,000 yards. Correct?

A. Correct, sir.

Q. I mean, after all you hit the tripwire, didn't you?

A. Yes, sir.

Q. The tripwire of 4,000 yards in the Commanding Officer's Standing Orders that say, "If a contact is

gonna close within 4,000 yards you are to report it," right?

A. Yes, sir.

Q. And I think we've established that the contact picture was sufficiently sparse that you could have done that if you wanted to. Correct?

A. I could have done that if I'd known the contact was at 4,000 yards.

Q. Okay. Petty Officer Seacrest, are you used to handling higher-density contact pictures than you had on the afternoon of 9 February?

A. Yes, sir.

Q. Are you used to handling those alone?

A. Yes, sir.

Q. And if you weren't you would've asked for assistance that day wouldn't you?

A. Correct, sir.

Q. So you were comfortable handling all those contacts weren't you?

A. Yes, sir.

Q. Okay. At this time where were the--

CC: Can we have the Control Room chart up again?

[LCDR Harrison did as directed.]

Q. I'd like you to describe on the Control Room chart where--where the--this civilian visitors were as you were coming to PD and while you were at PD. And again would you use your laser pointer and point out to the court where they were?

A. Yes, sir. They were basically still in the same locations. Right up here in the forward end of Control--forward starboard end [pointing laser at exhibit.]

Q. Okay. So you're--you're pointing to the area of the CEP?

A. Yes.

Q. How many were there?

A. There's still about six to seven. They hadn't moved since they had initially come in the Control Room.

Q. Okay. Were there any by the periscope stand on the starboard side?

A. I believe they were just standing right here [pointing laser at exhibit] at that time.

Q. How many were there?

A. There was about--probably about 3.

Q. Okay.

A. I think the others had moved off the periscope stand when we went to periscope depth.

Q. Okay. I want you to think hard about this question--the answer to this question.

A. Yes, sir.

Q. Do you believe that the civilians were an impediment to your communication with the Officer of the Deck?

A. I don't think so, sir.

Q. If you did, you would've moved them wouldn't you?

A. Yes, sir.

Q. You would have asked them to move, correct?

A. Correct, sir.

Q. It's your job to do that isn't it?

A. Yes it is.

Q. Because it's your job to report all contacts to the Officer of the Deck, isn't that right, that are within 4,000 yards?

A. That is correct, sir.

Q. Petty Officer Seacrest, what happened after the ship left periscope depth?

A. We did an emergency deep.

Q. What depth did you come to?

A. 400 feet.

Q. What happened after the emergency deep?

A. Quickly they got people on station and we did the emergency blow.

Q. Okay. Would you describe the collision that occurred between GREENEVILLE and the EHIME MARU as you came up in the emergency blow?

A. Yes, sir. We did the emergency blow. The CO was calling out depths over the LMC--what depth we were at. And I guess it was about 90 feet--shortly after the 90 foot depth call out is when we heard--when you would normally feel the up and down movement of the submarine breaking the surface instead there was a loud noise in the aft port corner of the Control Room and then a few seconds later a second not so loud noise. It sounded like it come from back aft.

Q. During emergency deep and emergency surface, did you continue to track your contacts?

A. Yes, sir.

Q. Describe how you did that.

A. I updated it based on the visual picture we had and I pushed the ranges out.

Q. Pushed all the ranges out?

A. Well, if they didn't need to be pushed out I didn't do anything to them.

CC: Okay. Could we have the Time Range plot up one more time?

[LCDR Harrison did as directed.]

Q. Okay. I want to make sure that we're clear on this, Petty Officer Seacrest. You said that after the ship left periscope depth and was going down and executing the emergency deep, is it your testimony that that was the time that you out-spotted your contacts based on the "no close contacts" reports that you had heard from the Officer of the Deck?

A. Yes, sir.

Q. Tell me how you physically did that.

A. I just took the range encoders and dialed the ranges out.

Q. And that was before the collision? That's your testimony?

A. Yes, sir.

Q. Okay. Petty Officer Seacrest, the sonar logger data indicates that the fire control system solution for contact Sierra 13 was out-spotted from 2,000 yards to about 9,000 yards, 15 to 30 seconds after the collision. How do you explain that?

A. I can't explain that, sir.

Q. But it's still your testimony that you conducted the out-spotting before the collision took place?

A. Yes, sir, it is.

Q. Do you believe the sonar logger data is incorrect?

A. I really don't know anything about the sonar logger data and how it works. This is the first time I've been exposed to it. The first time I ever knew it did it. So, I can't say for sure. I don't know if it's correct or not.

Q. But--but you agreed earlier that as soon as you hit that "enter system" button--system solution button it's instantaneously updated, correct?

A. In my system.

Q. And it shows the bearing and the range data at that point, correct?

A. The SLOGGER data isn't part of my system. It is outside of my system. So----

Q. So you don't know if the--if your system is cued in to the SLOGGER data, is that correct?

A. I don't know the timing between the two.

Q. Okay. It also appears from the reconstruction using the Sonar Logger data that you entered a speed of 99 knots for Sierra 13 based on your out-spot to 9,000 yards. How do you explain that?

A. I can't explain that either, sir.

Q. Now again, wouldn't you have had to--wouldn't you have physically seen 99 knots on your fire control displays?

A. Yes, I would've.

Q. And you just accepted that?

A. I didn't say, "I saw it." I--you would've seen 99 knots.

Q. Okay. So you weren't--you weren't paying attention to it when you out-spotted it, is that your testimony?

A. I don't believe there was a 99 knot solution for Sierra 13 when I out-spotted it.

Q. But you don't know?

A. Not 100 percent sure, no, sir.

Q. Because you didn't look at it on your screen?

A. I was just looking at the range, yes, sir.

Q. Okay. And you didn't check--you didn't catch the 4,000 yard range before on Sierra 13, isn't that right?

A. That's right, sir.

Q. That's what you had testified to, wasn't it?

A. Yes, sir, it is.

Q. Petty Officer Seacrest, do you think you were backing up the OOD that afternoon?

A. No, sir, I was not.

Q. Do you think you were backing up your command?

A. No, sir.

CC: Mr. President, I have a classified portion of the direct examination that I'd like to conduct now. I'd like to ask that we close the court.

PRES: Commander, let's go ahead and prepare the court for classified information. I think we'll recess in place while we prepare the court for this testimony.

The court recessed in place at 0908 hours, 19 March 2001.

The court was opened at 0912 hours, 19 March 2001.

PRES: Counsel for the Court, Counsel for the Parties, I think this is how we're going to do this. I'm not so sure how long this will take, but what I'd like to do is have the Counsel for the Court go through his questions and then the members will go through any follow-up questions on the classified portion. And then, I'd like to go to cross just on this--just on this portion alone, and then what we're going to do is we'll go to recess after we finish cross on just this classified portion, the most specific

areas--I'm going to recess. We'll go ahead and set it back and then we'll go back into any general questions. We'll come back--we'll do it like we did before because the members will ask and then I'll go back to cross then you can cover all the issues that we covered this morning. So, I just--to be efficient on this area, because I don't think it'll take but about 5 or 6 minutes for Counsel for the Court to cover. Okay, Counsel for the Court?

CC: Sir, let the record reflect that the court is now in closed session to hear some classified testimony and that Counsel for the Parties and the members are again present.

PRES: Okay.

CC: Sir, at this time----

PRES: Just let me--let me make one more thing clear. Petty Officer Seacrest, did you hear what I said? Do you understand what we're going to do?

WIT: Yes, sir.

PRES: We're going to have the counsel go through his questions. You are going to get some questions from us, the members. And then, we're going to go to cross from the--for the parties. Okay?

WIT: Yes.

PRES: Alright. Counsel, go ahead.

CC: Sir, at this time we've had marked Exhibit 66, consisting of 2 pages. The first page being the time/bearing display and example from NWP 3-21, and Page 2 of Exhibit 66 is an example of a FLIT MATE display. Again, from the same NWP.

PRES: Okay.

CC: Let's put up first the FLIT MATE display.

DIRECT EXAMINATION

Questions by the court:

Q. Now it--it--this is very hard to read, Petty Officer Seacrest. I've got copies here that we can give you for you to take a look at in the witness box. And copies have been provided to the members and the parties.

Would you describe for the court--what is this display?

A. This is the display we use to track contacts.

Q. When you say "track contacts", is this a Fire Control display?

A. Yes, this is a Fire Control display.

Q. Okay. How often would you be focused on this display? How important is this in your job?

A. This display we use all the time. So, it is very important in tracking contacts.

Q. Okay. What does it give you?

A. It gives us all these bearings on this line here, [pointing at Exhibit 66], which are very hard to see right now, but they are bearing--it was bearing data on these lines right here.

Q. Okay. And you're--you're talking about the vertical lines in the center of the exhibit?

A. Yes, sir.

Q. Okay. What do you get from those?

A. By manipulating the encoders, which are down here on the base of the Fire Control system [pointing to Exhibit 66].

Q. Okay.

[

(b)(1)

]

Q. Alright. Would you point specifically for the court where on that display you would get the range data?

A. Right there [pointing at Exhibit 66].

Q. Okay, is that the only place on that display?

[

(b)(1)

]

Q. Okay, is this the display you were working on with respect to contact Sierra 13 on the 9th of February?

A. Yes, sir.

Q. So, would you physically kind of take us through that process what you would have been doing with Sierra 13.

A. I would have been at--from--is there a certain time period or the entire time?

Q. No, take us to the--walk us through the 15,000 yard solution that you had on Sierra 13 right before you were coming to periscope depth.

A. Okay.

Q. How would you have done that?

[

(b)(1)

]

[

(b)(1)

]

A. Yes. The data that was here [pointing] gets displayed over here [pointing].

[

(b)(1)

]

A. Yes, sir.

Q. How would that have happened using the dials and the buttons that you just described? How would that have happened?

[ (b)(1) ]

Q. So the dot stack had to have moved off?

A. Yes, sir.

Q. [ (b)(1) ]

A. Yes, sir.

Q. And then it would have displayed the 4,000 yard range to Sierra 13 in what box?

A. Right over here [pointing]. It would have been in both of them actually.

Q. So you're talking about the upper right hand corner?

A. Yes, sir.

Q. Okay. So it would have been in both boxes?

A. Yes, sir. The system would have been here [pointing] and the display, which is what the system is updated off of, would have been there [pointing].

Q. And those are the boxes that you should have checked after you hit enter system?

A. Yes, sir.

Q. All right. And it's your testimony that you didn't do that because you then moved on to Sierra 14?

A. Yes, sir.

[ (b)(1) ]

Q. But you didn't know he was that close at that time, is that your testimony?

A. I didn't know he was that close, no, sir.

Q. So, I just want to--I want to get this straight. So you manipulate the dials and you stack the dots, correct?

A. Correct, sir.

[ (b)(1) ]

A. Yes, sir.

Q. You didn't look at the range data for Sierra 13, correct?

A. Correct, sir.

Q. But you didn't think that your dialing in would have brought him in that close? Is that your testimony?

A. That is my testimony.

Q. So your testimony, Petty Officer Seacrest--you said earlier I believe that you're cycling through these contacts, correct?

A. Yes, sir.

Q. So, you updated 13, did you then move on to 14?

A. I can't remember if it was 12 or 14 I moved on to.

Q. Okay, but at some point you said you were focussed on 14?

A. Yes, sir.

Q. Would you describe what this display is? [looking at exhibit.] This is Page 2 of the exhibit.

[ (b)(1)

]

[ (b)(1)

]

[ (b)(1) ]

[ (b)(1) ]

[ (b)(1) ]

Q. And the one your pointing to is the example that they have on this particular page from the NWP?

A. Correct, sir.

PRES: Can I ask a technical question here?

EXAMINATION BY THE COURT

Questions by the President:

[ (b)(1) ]  
[ (b)(1) ]

DIRECT EXAMINATION

Questions by the court:

[ (b)(1) ]  
[ (b)(1) ]

Q. Let's take them in sequence. Do you recall what you had for Sierra 12?

A. I don't recall the exact bearing rate, but I know they were all on the left slightly drawing to the left.

Q. So all there contacts?

A. Yes, sir.

Q. What did that tell you?

A. That they were distant except for Sierra 14. All it told me about Sierra 14 is that he wasn't close based on not having a high bearing rate going across the screen.

Q. How could that tell you with only one leg that he wasn't close?

A. Because even with one leg if the bearing rate starts running across the screen rapidly he is close.

Q. Once you finished looking at this screen, what did you do?

A. After I finished looking at this screen, I focussed my attention on the PERIVIS and the OSDS display.

Q. So you never went back to the screen that we just talked about previous to this one? You never went back and looked?

A. I had them right next to each other, so----

Q. When you say right next to each other, were they on separate consoles?

A. Yes, sir.

Q. So you actually had the first screen up all that time?

A. Yes, sir.

Q. So you never saw the 4,000 yard lane----

A. That was on----

Q. On Sierra 13?

A. That was on Sierra 14? At the time I had my FLIT MATE screen on the way to PD after I had updated all the contacts, was on Sierra 14. And I had [pointing laser at exhibit] this display up next to it on the console forward--the next forward console displaying all targets.

CC: I have no further questions, sir.

Questions by a court member (RADM Sullivan):

Q. During the open testimony, you said you had no displays similar to the time range display right here [pointing to display with laser.]

A. Yes I said it didn't look exactly----

Q. You still say that based on what I'm looking at right here?

A. No, I mean--well if you talking about the FLIT MATE, yes, that time range, yes, sir.

Q. So you don't----

A. I don't----

Q. Go ahead.

A. I know there is a time range scale right there, yes, sir.

Q. When you update a solution--I'm having a hard time with--you look at the solution to see if it passes a sanity check, right? You just don't stack dots and update it.

A. Normally, yes, sir.

Q. That leads me to, what's different about this situation? I don't understand.

A. I was in a hurry at that point in time going to periscope depth trying to get everything done.

Questions by a court member (RADM Stone):

Q. I am trying to understand this. You said--okay, put the first one up for me [changing Elmo display to EE-6, page 1 of 2.] This fire control solution--is the most aft console--is it the one that is directly on your right that you have--these are--this display was which console?

A. [Pointing laser at exhibit] this display here?

Q. Yes.

A. If I am facing the fire control system----

Q. Yes.

A. It would have been the one on my left.

Q. On the left. And you said you had all three contacts up there?

A. Yes, sir.

Q. And all three were fairly stacked vertically and draw--to the left drawing to the left?

A. Yes, sir. Yes, sir, slight left bearing.

Q. Now you said you had 14 up most of the time?

A. Yes, sir.

Q. On this one [pointing laser at exhibit]--on your FLIT MATE, but you had to bring 13 up to make the system entry.

A. Yes, sir.

Q. And when you made it you just made it in a hurry?

A. Basically, yes, sir.

Q. I'm trying to understand. You had it up there just of--in other words, you went to 13 and you were just doing an update? You looked at it, you went to system entry, you just made and then----

A. I moved on.

Q. But when you made it you had to physically look--no correlate before you could make it, right?

A. Basically I just stacked the dots and entered system.

Q. So you didn't actually look at the data?

A. No, sir.

Q. You didn't look at the boxes?

A. No, I didn't look at the boxes.

Q. And you did that--why didn't you do that?

A. Because I knew initially I had the guy out at 10,000 yards. And I didn't have any indication that he was closer than that based on bearing rates--didn't indicate that he would be any closer than that, or significantly closer than that. So when I made the adjustments to it I just assumed that he was still distant and entered system and moved on.

Q. So procedurally you didn't actually correlate the boxes up on the top?

A. No, sir, I didn't.

Q. And you did that because you were in a hurry and/or--I don't want to put words in your mouth, or you just felt the guy couldn't be close?

A. I felt he couldn't be close.

PRES: Counsel for CDR Waddle?

#### CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (Mr. Gittins):

Q. This is the FLIT MATE display, correct, Petty Officer Seacrest?

A. Yes, sir.

Q. When you were working solutions on 13 and 14, updating them, you only had one target on the system each time?

A. Yes, you can only call up one at a time on this system.

Q. So, for some period of time you would have been updating Sierra 13 and then Sierra 14? Tell me--tell me, when your going to periscope depth you would--from the time you were at 400 feet rising to periscope depth what you recall the order of--let me start over. From 150 feet to periscope depth to emergency deep, take me through your recollection of which targets you updated in which order please?

A. I can't remember that, sir.

Q. Let me see if this refreshes your recollection, and I'm speaking from the FTOW solution and analysis that came from SLOGGER data, sir. At 13:14:02, and I realize that you don't necessarily agree that---

PRES: Counsel, I don't want to interrupt your logic here, but, you know, it sounds to me like this is the kind of stuff we might want to do in open court session. You know, if it deals specifically with this chart, if you want to go through that--you know what I'm saying. You have the opportunity to do it in open. Would it be better for you to do it in open or do you want to go to this line of questioning in closed?

Counsel for CDR Waddle, party (Mr. Gittins): I think you're right, sir, I think this is probably stuff that's not classified---

PRES: Because I think we just want to deal specifically with this chart. Now we understand, so I think we can talk about it. Actually, I think the reason why it's classified is because of this display, is that correct?

CC: Yes, sir.

PRES: Okay.

Counsel for CDR Waddle, party (Mr. Gittins): I'll try to limit my questions just to the very--what may be displayed up there, sir?

Q. In FLIT MATE, you're trying to stack the dots, correct?

A. Correct, sir.

Q. And would it not help you--doesn't it help you stack the dots by pressing "enter"?

A. The enter button, yes, sir.

Q. If you hit enter in FLIT MATE, that would help you stack the dots, correct?

A. Depends on what mode you're in. If you're in the end point, yes.

Q. Would that be where you--what mode you were in?

A. Yes, we track in end point.

Q. Track in end point. So, its not--you don't have to do it manually so much as you can use that enter button?

A. Yes, sir.

Q. And the purpose of stacking the dots is to get a solution, correct?

A. Correct.

Q. The importance of the solution is to identify range bearing and whether or not the target is closing or opening, correct?

A. Yes, sir.

Q. And you did everything except--I want to make sure that it's your testimony--you did everything to obtain a solution, but you didn't look at it?

A. Yes, sir.

Counsel for CDR Waddle, party (Mr. Gittins): That's all I have, sir.

PRES: Counsel for Mr. Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): No questions, sir.

PRES: Counsel for Mr. Coen?

Counsel for LTJG Coen, party (LCDR Filbert): No questions, sir.

PRES: Okay, we're going to recess than until--let's recess until 0950.

Counsel for CDR Waddle, party (Mr. Gittins): Sir, before we shut down--the exhibits--the classified exhibits, what should we do with those? Are we going to collect them back up?

CC: Or you could keep them with your classified materials----

Counsel for CDR Waddle, party (Mr. Gittins): With our other classified materials, okay, very good.

CC: Yes, you bet.

PRES: Okay.

The court recessed at 0930 hours, 19 March 2001.

The court opened at 0950 hours, 19 March 2001.

PRES: This court is now in session.

CC: Let the record reflect that all members, parties, and counsel are again present. Petty Officer Seacrest, I remind you that you're still under oath. Sir, that completes my direct examination.

PRES: Okay. RADM Sullivan?

MBR (RADM SULLIVAN): Good morning, Petty Officer Seacrest.

WIT: Good morning, sir.

Questions by a court member (RADM Sullivan):

Q. I want to walk you back through some of the issues that counsel talked to you the last hour or so. When you assumed the watch at 1130, what--how did you do that? What did you look at? What pre-watch routine do you have prior to taking the watch?

A. I use OD 44979, which is a technical document for fire control weapons handling--weapons themselves, but has a watch-to-watch turnover procedure in it.

Q. What does it tell you to do? What do you do?

A. You check things like the status boards, presets and fire control, weapons presets, contact picture, the environment. Basically, that's it.

Q. How about equipment status?

A. It doesn't have check equipment status, but that is something we have created on our own.

Q. During your testimony, you mentioned that you knew the AVSDU was out of commission?

A. Yes, sir.

Q. When did you find that out?

A. After I relieved the watch.

Q. Right after you left the watch?

A. Probably about 15 minutes after I relieved watch.

Q. Was that a pass down from your predecessor?

A. No, sir.

Q. You also mentioned in your testimony that you don't consider that relevant to your watchstation. Is that true?

A. Not necessarily relevant to my watchstation. But the positioning of the AVSDU on a 688 I class submarine is not in position where the FT can easily use it because it's back behind me and in the overhead. So it's more for the Officer of the Deck's use than it is mine.

Q. Okay. The position of the FTOW is, in my experience, is a very important position to understand contact situation. Do you agree?

A. Yes, sir, I do agree.

Q. Effectively you work very closely with the Officer of the Deck?

A. Yes, sir, I do.

Q. In fact, the Officer of the Deck could actually do all your functions, correct?

A. That is correct, sir.

Q. Can you do all his functions, in the area of contact management?

A. I think so, sir.

Q. It's a team effort. The two of you work together to solve solutions?

A. Yes, sir.

Q. When I look at the track of your afternoon watch, particularly the first part here [pointing laser at exhibit], it's pretty much a closing to the north--traveling to the north?

A. Yes, sir.

CR: Excuse me, sir, can we make a note that we are pointing at Exhibit 4?

MBR (RADM SULLIVAN): Yes, sorry.

Q. And you testified your contacts were up to the--basically north, northwest at the time, correct?

A. Yes, sir.

Q. Can you tell me how this helps you solve TMA on those kinds of contacts--this track?

A. Where we made that turn at 1242, sir?

Q. Just the fact--aren't you basically putting all your speed in the line of sight? What kind of information is--does that give you as the FTOW to help solve your solutions? If your contacts are basically to the north?

A. Actually that would have put him--that maneuver would have put him in the baffles.

Q. No, not that particular--I'm talking about this whole leg from where it starts at the bottom of the chart, all the way up to here [pointing laser at exhibit], and we start increasing speed to do angles [pointing laser at exhibit]. When basically--what I understand, the noon meal was still being served and you were waiting on the afternoon events. In your opinion does this help solve any solution of any contacts up in this area?

A. No, sir, it doesn't.

Q. And why is that?

A. Cause you're not--we didn't make any course changes to try and generate bearing rate and like you were saying, sir, increase that speed across the line of sight in either direction.

Q. Did you make any recommendations to the Officer of the Deck to help them drive the ship, he is a fairly junior officer----

A. No, sir, I did not.

Q. And why not?

A. Can't answer that question, sir, I don't know.

Q. You discussed the CO's Standing Orders of contact reporting of any contact in sight of 10,000 yards if it's a warship, 4,000 yards if it's a surface merchant or other contact?

A. Yes, sir.

Q. Should watching the way this developed and listening to your testimony this morning is that the only time you reported contacts?

A. I report contacts if they maneuver. I report if I felt that they might be a threat to own ship in anyway.

Q. What about the solution that you had set in your system that you assumed or felt comfortable with, the Officer of the Deck feels comfortable with and understands, has a significant change, down spot of range, go from opening to closing course solution. Didn't you discuss those with the Officer of the Deck that you had a radical change here?

A. Yes, sir, and no, sir. I'd have to answer that both ways. It depends on the certainty of the solution at the time. If it's initial solution I'm still trying to work the problem I'm changing it so much that, no, I wouldn't. If I had been tracking the contact for a period of time, and if there was a significant change in any of that, than yes, sir, I would.

Q. But is it fair to characterize that you are not limited to reports that you made to Officer of the Deck----

A. No, sir, not limited----

Q. Once you testify to him the minimal reports----

A. Yes, sir----

Q. You're free to make any report that you feel that he needs to do--knows to do his job?

A. Yes, sir, that is true.

Q. The solution you had on Sierra 13, which was from what I could see, an opening solution and again, based on what we've discussed it probably wasn't--the information that it was based on was not very good. To have this go from a 15,000 yards to a 4,000 yards--this was on Exhibit 7.

A. Yes, sir.

Q. You mentioned--you testified that when you changed that solution that you didn't notice the range, correct?

A. Correct, sir.

Q. But in hindsight, and this with this red line here on seven [pointing laser at exhibit], is the actual range of Sierra 13, it was pretty close, correct?

A. Correct, sir.

Q. It was pretty close up here too [pointing laser at exhibit]?

A. Yes, sir.

Q. Why do you think this large down spot from here 15,000 to 4,000 occurred? What causes your computer system to be able to lock that solution up so rapidly?

A. Looking at the chart and what I know now, probably bearing rate.

Q. And that's on this other side here [pointing laser at exhibit]. You see this bearing right here [pointing laser at exhibit]?

A. Correct, sir.

Q. What does your computer do with a large bearing rate like that closing in on a correct solution?

A. It loves it. It tracks right on.

Q. You testified in your time bearing displayed, which you displayed all your contacts, that you didn't see this large bearing rate, correct?

A. Correct, sir.

Q. Just for your information about 6 degrees per minute.

A. Yes, sir.

Q. What was your scale on your display. Was it 360 degrees cross the bearing scale or was it sectorized to some smaller number of degrees?

A. I don't remember, sir.

Q. The way you operate your system, you typically run it across the entire 360 degrees?

A. No, sir. Typically, it's not across the whole 360 just to--just so we can see all the contacts on the same screen.

Q. But you tried--again, I'm going to put these words in your mouth--try to maximize your scale to allow you to see changes in your bearing rate?

A. Yes, sir.

Q. You don't recall what it was on the 9th?

A. No, sir. I would like to add, sir, that it's my understanding too, that this graph that's right here [pointing laser at exhibit], it was explained to me that those are raw bearings straight from Sonar that are plotted on there. So I wouldn't actually see that on my fire control system.

Q. I know and I appreciate that, but you have a similar display----

A. Yes, sir, I do.

Q. The time/bearing display?

A. Yes, sir, I do.

CR: Excuse me, sir, I'd like to just point out he was pointing at Exhibit 7.

Q. During your analysis of Sierra 13 there's a note on the fire control system called a flip course. Did you use that analysis tool?

A. Not that I recall.

Q. As an FT when would you use that to help the solution?

A. Whenever you gain a contact after you acquired data to--you always solve initially for closing and then as you are developing your solution you always want to try and resolve the flip course or whatever your on. Whatever it's stacking at as well, sir.

Q. But its not the--it's just another technique right for you to try to quickly sense a closing or opening?

A. Yes, sir.

Q. While maintaining the same speed in the line of sight?

A. Yes, sir.

Q. Or cross the line of sight, sir.

A. Excuse me, yes, sir, across the line of sight.

Q. Now if you look back at the Time Range plot on Exhibit 7, you in fact had this Sierra 13 walking in--coming in--closing. Do you recall why at sometime around 1300 you decided that it was an opening solution?

A. I don't recall, sir.

Q. During your watch, did the Officer of the Deck ever work one of your consoles?

A. No, sir.

Q. Did the XO ever work one of your consoles?

A. No, sir.

Q. Did the Commanding Officer work one of your consoles?

A. No, sir.

Q. Is that unnecessarily--or should I say that it's typical that the Officer of the Deck doesn't walk over there and work some of your consoles?

A. Once again, sir, I guess it depends on the Officer of the Deck. Some do, some don't.

Q. In Mr. Cohen's case?

A. He usually just came over and asked. Once in awhile he would.

Q. Now that you testified that when it comes to the contact evaluation plot that you basically, on your own, decided not to keep it updated?

A. Yes, sir, I did.

Q. I want to make it clear in my mind that was because of the ships angles or was it because of interference of the visitors?

A. It was a combination of the two, not wanting to knock the visitors over and due to the ship's angles.

Q. Have you ever done that before--decided on your own not to keep a CEP plot?

A. I don't remember, sir, but I'd say I did it this time so probably in the past I probably did it before.

Q. In the four ships you've been to sea on, you're not maintaining plot based on your decision, what would you expect one of your senior officers to do, either the Officer of the Deck, XO, CO, when they saw that?

A. Get upset.

Q. Did any of those individuals on the 9th get upset with you about not maintaining the CEP plot?

A. No, sir.

Q. On the preparation of periscope depth after the baffle cleared what report did you or if you did hear any report that the Officer of the Deck made to the Captain on his preparations to proceed to periscope depth?

A. I didn't hear any reports, sir.

Q. Did he make the typical contact report--reporting all his contacts to the Commanding Officer?

A. I didn't hear that report, sir.

Question by the President:

Q. Petty Officer Seacrest, how would the Officer of the Deck typically make that report? If he doesn't have an AVSDU and you're not maintaining the CEP how can an Officer of the Deck make that contact report?

A. He would come over to fire control, get the information that he needed and then contact the Captain and make his report to the Captain.

Questions by a court member (RADM Sullivan):

Q. So, you didn't hear him ask permission to go to periscope--make his report and then ask permission to go to periscope depth?

A. No, sir.

Q. So how did the GREENEVILLE end up going to periscope depth? Can you refresh me on how that happened, what you heard?

A. I heard the CO say he had a good feel for the contact picture and ordered Mr. Coen to proceed to periscope depth.

Q. And you testified that you didn't know who he was talking to, but it was behind you?

A. Yes, sir, it was taking place behind me.

Q. To the best of your recollection was that after Sonar reported new contact Sierra 14?

A. It was after the Sonar report.

Q. How did you feel about your con--you said your Skipper said he was comfortable, how did you feel about it?

A. I felt a little uncomfortable about it--Sierra 14 being a single leg contact, which was why I was keeping a closer eye on that contact than the rest of them.

Q. You testified that on the way to periscope depth is when you updated your contacts, your solutions, including Sierra 13, correct?

A. Yes, sir.

Q. I want to make sure I understand this. You took a contact that was 15,000 yards away and you solved the solution based on very good information, as far as bearing rate was concerned from Sonar. That generated a solution that brought the range into 4,000 yards and when you updated the solutions in your fire control system, you didn't read that range?

A. No, sir, I didn't.

Q. But isn't that part of the evaluation process that you were getting asked to do your duty as the FTOW? Not just sit there and stack dots, but to take the solution and see if it makes sense?

A. Yes, sir. Normally it would be but I was--like I said before, we were on our way to periscope depth and I was trying to get everything done before we got there. So I failed to catch that 4,000 yard range.

Q. Let me drop you back just a lit--normal periscope depth operation.

A. Yes, sir.

Q. When you feel you're ready--you feel comfortable about a periscope depth as the FTOW, what was the status of your contacts on a typical approach to periscope depth?

A. Typically, I've had good ranging maneuvers. I feel very comfortable with the ranges, they're all stacking and tracking, and they're all either on the left drawing left or on the right drawing right.

Q. When you say good ranging maneuvers, what is a good ranging maneuver?

A. To put as much speed across the line of sight as possible in each one of the contacts.

Q. Is there any duration on the legs?

A. At least 3 minutes at a minimum.

Q. What happened on the afternoon of the 9<sup>th</sup>? How long were the legs on the baffle blip?

A. They were short but I can't--I don't recall exactly how long they were on the 9th. I know how long they are now just by reconstructed data, but on the 9<sup>th</sup>-- that day, I couldn't tell that I knew.

Q. Do you typically update your solutions on the way to periscope depth?

A. Not typically.

Q. Aren't you supposed to have the solutions the best they can be prior to leaving 150 feet in proceeding to periscope depth?

A. Yes, sir.

Q. And why didn't that happen on the 9th?

A. Because the CO had ordered us to go to periscope depth.

Q. Well, we made it to periscope depth safely--the GREENEVILLE did. You walked through the fact that the Officer of the Deck--you believed he did his initial search and the CO took the scope, correct?

A. Yes, sir.

Q. During the Skipper's search did you hear any conversation from him? What he saw? What he didn't see?  
A. No, sir, I did not.

Q. Did he ask--you were there seeing what the periscope is looking at, based on the bearing?  
A. Yes, sir.

Q. Did he ask--did anybody ask for any help to have you look down the bearings of your sonar contacts?  
A. No, sir.

Q. Is that your job to do that though, if asked?  
A. It is my job to do that.

Q. When you updated the solution to Sierra 13 for the plot of time--moved the solution out to 9,000 yards and 99 knots, again, did you do an evaluation before you updated the solution?  
A. I dialed the range out.

Q. But--walk me through this again. You've got a solution that came right in from wherever it was, 15,000 to 4,000----  
A. 4,000.

Q. Okay, you say you didn't look at it but you--I'm sure you looked at your FLIT MATE display and saw that the bearing difference display was stacking, correct?  
A. Correct.

Q. Otherwise you wouldn't have updated the solution, I assume?  
A. Yes, correct, sir.

Q. Yes, sir, right?  
A. Yes, sir.

Q. Not--yes. When you move--why did you move that solution out to 9,000 yards?  
A. Based on holding no visual contacts.

Q. And how did you know you didn't have any visual contacts?  
A. Well, Mr. Coen initially called out "no close contacts" and then the CO took the scope and he didn't report contacts. And I was looking out at the PERIVIS

monitor, and I didn't see any contacts. So that's what I based it on, sir.

Q. Just a final question, I look at the--you know you're a First Class FT, lot of experience, you've been an instructor I believe?

A. Yes, sir.

Q. On four ships, you've done a lot of operations, and I look in the cold light of the day over a month later what you did on that watch. How do you feel you did if you were a person watching the way you performed on that watch?

A. Poorly.

Q. Would it be fair to say that not only poorly, but you didn't do even the basic requisites that would have helped solve the solution of these contacts?

A. Yes, sir.

Q. Now, you've said--what is your battle station's position?

A. I'm the Weapons Control.

Q. That's a pretty important position, right?

A. Yes, sir.

Q. You've been on GREENEVILLE for about a year?

A. Yes, sir.

Q. Was the watch that we just discussed on the 9th of February, is that typical, the performance that you've performed?

A. No, sir.

Q. What happened?

A. I don't know, sir.

MBR (RADM SULLIVAN): Okay.

PRES: RADM Stone?

MBR (RADM STONE): I have a few questions here. If we could post the watchbill for the 9th of February, I just have one brief question on that for Petty Officer Seacrest.

[LCDR Harrison did as directed.]

Questions by a court member (RADM Stone):

Q. You mentioned--and we're looking at the watchbill here, your name originally wasn't on there and you mentioned that a shipmate stayed behind. How does that work on GREENEVILLE? Do you get formally notified that what's in writing here is changed and give verbal tasking? Tell us a little bit about how you found out you had the watch.

A. Well, my Chief told me that I was taking Petty Officer Brennen's spot, so I just went to the watchbill to see where Petty Officer Brennen might be at, and looked and my name was----

Q. Was there?

A. Right there [pointing laser at exhibit].

Q. Okay, so you got verbal tasking?

A. Yes, sir.

CC: In fact, now on your questions concerning how you differentiate between a warship and a merchant, which also tells you whether you're going to follow the 10,000 yard rule or the 4,000 yard rule. How did you classify on the 9th of February which contacts were non-warships, so that you could make your 4,000 yard criteria? What did you use to make that criteria classification?

A. I rely on Sonar to make that classification.

Q. So, Sonar told you that those contacts were on a warship, and so therefore, you went to the 4,000 yard rule, is that your testimony?

A. Yes, sir.

Q. Now, I want to ask a few questions about the Contact Management Team or the overall team that you've got onboard GREENEVILLE to sort out the contact picture--to reduce ambiguity. Members of those teams are Sonar obviously, FTOW----

A. Yes, sir.

Q. And then when you're at periscope depth, obviously, ESM plays a big role in that----

A. Yes, sir.

Q. That team is orchestrated by the Officer of the Deck when the Captain is not in Control, is that fair to say?

A. Yes, sir.

Q. And then when the Captain comes into Control and the Captain is driving, the problem of that team is-- orchestrated and marches to the beat of the Commanding Officer, would you say that's fair?

A. Yes, sir, I'd say that's fair.

Q. So, during this lunch period where RADM Sullivan was talking about the fact that GREENEVILLE was proceeding along without adjusting its course and speed and turning in order to resolve ambiguity for these contacts to the north, that was under the orchestration of the Officer of the Deck at the time, is that correct?

A. Yes, sir, that is correct.

Q. And then when the Captain came back in and assumed his position in control of that team is being orchestrated by the Commanding Officer?

A. Yes, sir.

Q. As I've been learning more about contact management and what you do onboard a submarine and particularly your job as the FTOW, there is some key ingredients that go into what you do. It's sort of the garbage in, garbage out type of approach in many respects as I see it. I don't know if you agree with that statement. If in fact for instance, you don't get enough time--time is a factor for you, it's an ingredient. The ship's course and speed as we mentioned earlier. If there is not changes there in the ship's course and speed to allow you to generate bearing rate. If the sonar information is not good when you're doing angles and dangles. These are all ingredients that go in for the FTOW to compute solutions, is that not true?

A. That is true, sir.

Q. And so--what I'm hoping in my line questioning here is to get an idea from you since you're a member of that team being orchestrated by the Officer of the Deck and the Captain when he is physically present in Control. As a team member, what your role is to speak up when these ingredients such as not spending enough time, not changing course and speed, not getting information from Sonar because of how the ship is maneuvering. What do you see as your role as FTOW when those ingredients are not allowing you to generate accurate solutions? What are you supposed to do as the FTOW?

A. To backup the Officer of the Deck and make recommendations to help drive the problem.

Q. So during this lunch period when nothing was really done other than GREENEVILLE is headed north to do anything, you didn't say anything, is that correct?

A. That is correct, sir.

Q. And then when the Captain came in at lunch, you go from a situation on GREENEVILLE where there was not much done to resolve contact ambiguity and now your into angles and dangles with sonar input obviously being affected by that. You're doing a number of evolutions very quickly; you're going up to periscope depth rapidly, so time is being reduced for you and you don't really get much opportunity except near the very end before the collision you get some legs in. What did you say to the Commanding Officer who is orchestrating this or to the OOD as representative about the fact that these ingredients are not allowing you to really get the type of solutions you need to properly do your job?

A. I didn't say anything, sir.

Q. Do you have any idea why on such a routine operation of this type with three contacts, very low density area, why the ship was being driven in such a manner that the only opportunity that you get to weigh in is at the last minute or last second before going down to emergency deep. Do you have any idea why the ship is being driven in this way, so you get like shot to speak up and do backup and that is when you get some information known to you from a generation, and so it's--you've turned a very routine operation into where--because all the ingredients are flawed, you get a one shot only at identifying this contact. Do you know why the ship was driven that way?

A. No, sir, other than time issue of getting back into port I think.

MBR (RADM STONE): I have no further questions, thank you.

PRES: Petty Officer Seacrest, I have a few questions for you.

WIT: Yes, sir.

Questions by the President:

Q. You mentioned that on the CEP, you testified just a few minutes earlier, that you felt the angles and dangles and the DV's kind of got interfered with your opportunity to update the CEP?

A. Yes, sir.

Q. It is my understanding that no contacts were plotted on the CEP after 1230.

A. I haven't been able to look at the CEP, but I would tend to agree with around that time, sir.

Q. Well the point is the angles and dangles didn't start until much later in the--the DV's didn't come into Control until after lunch which was basically 1245 or to almost 1300, so you had 30 minutes or an unencumbered opportunity to update the CEP.

A. Yes sir, but I believe when I looked at it, I missed the last one, maybe two, updates. I would agree with that, sir.

Q. Why was there no engagement on this poor quality of the CEP? Could he see it?

A. I don't think he could have seen it.

Q. Would you expect the Commanding Officer when he walked into the Control, would you expect him to look at like AVSDU was OOC, would you expect him to look at CEP? How does the Commanding Officer get his assay when he walks into Control? How does he understand where his ship is? Does he look the NAVPLOT? Does he kind of go to the fire control solutions? Does he make a lap of the sensors in that Control before he starts working with the OOD?

A. Sometimes he does, sir.

Q. But his expectations are that the OOD will maintain that for him?

A. Yes, sir.

Q. Keep him appraised?

A. Yes, sir.

Q. If the XO walked through Control, would you expect him to look at the CEP on the way to Sonar?

A. Probably since he will walk right by it, sir.

Q. If the CEP was poorly maintained, would you expect the XO to comment on it if it wasn't maintained properly?

A. Yes, sir.

Q. So you didn't get any feedback that he CEP was all screwed up did you?

A. No, sir.

Q. How do you normally exchange information on the fire control? You talked about typically the OOD would either look over your shoulder or in this case the Commanding Officer might look over your shoulder; is there typically--I'm just talking about on your normal--the way things are done. Is there is an exchange of information? In other words, is that exchange just pure someone looking over your shoulder; there is no inter exchange with the watchstander?

A. No, sir. Typically the Officer of the Deck will come over to my side of Control and talk to me about the contacts.

Q. Talk to you about it?

A. Yes, sir.

Q. Okay. That didn't occur?

A. No, sir.

Q. Did it occur with you, the Officer of the Deck, or with the CO?

A. No, sir.

Q. You talked about the legs for--you thought the--I think you said earlier just when you thought the TMA legs were too short, but what really concerned you was Sierra 14 that was a single leg solution?

A. Yes, sir.

Q. Now, Sonar in your view reported Sierra 14 before the ship proceeded to periscope depth?

A. Yes, sir.

Q. Sonar reported Sierra 14 as a new contact before the CO, I believe he was quoted, as he was comfortable or, excuse me, he had a good feel for the contact picture?

A. Yes, sir.

Q. That was the quote?

A. Yes, sir.

Q. So the contact report was made before that comment by the CO?

A. Yes, sir.

Q. Was there any engagement by the Officer of the Deck or the Commanding Officer on the Sierra 14 report. By that I mean, was there any activity, questions, or comments about Sierra 14?

A. Not that I recall, sir.

Q. Does the ship typically go to periscope with a one-leg solution on a contact?

A. Not typically, sir.

Q. Would you do it for tactical reasons?

A. Yes, sir.

Q. Would you expect to do it on a DV embark?

A. No, sir.

Q. You have no reasons why the Commanding Officer or the OOD accepted then a single leg solution for Sierra 14?

A. No, sir.

Q. You assumed the CO was speaking about all contacts when he said, "I have a good feel for the contact picture."

A. Yes sir, that was my assumption.

Q. Because it was clear to you that Sierra 14 was a clear contact report made by Sonar?

A. Yes, sir.

Q. It's something you would expect the Officer of the Deck or an officer of the Conn not to miss?

A. Yes, sir.

Q. Lets go to periscope depth. At periscope depth, I think RADM Sullivan asked you about the search for a--down contact lines. In my view, that is kind of a cued search. My understanding is that the officer on the periscope will use a cued search from the Fire Control Watch?

A. Yes, sir.

Q. Is that typically done?

A. Yes sir, it is typically done.

Q. Was the search done by the Commanding Officer a cued search or an uncued search?

A. Uncued, sir.

Q. Why do you call it an uncued search?

A. He didn't ask me to put him down the contacts of the bearings and I didn't.

Q. And you had, at that time, Sierra 12, 13, and 14. Is that right?

A. Correct, sir.

Q. And none of those were a cued search by the Commanding Officer?

A. No, sir.

Q. What does, "no close contacts" do to the team in your view? When you have a report, "no close contacts", is there--after you arrive at periscope depth, any comment about how the team views then their other information or how they feel about their fire control solution or sonar solution?

A. It allows them to evaluate their ranges based on the, "no close contacts."

Q. You mentioned, specifically, the Officer of the Deck in your view did not do a complete search. He did his initial sweeps, you said you couldn't measure how many sweeps because you don't have any debarkation or marks for the ship's heading on the PERIVIS, is that correct?

A. That is correct, sir.

Q. And then you thought he saw him going to his high look, excuse me not his high look, but his--where he was looking for aerial contacts?

A. Yes, sir.

Q. And then he is required then to do another search?

A. Yes, sir.

Q. Why was that not completed?

A. I only assumed that we weren't worried about airborne threats.

Q. Okay, but after that he is supposed to go back and do another--I understand another search?

A. Yes, he is.

Q. Why was that not completed?

A. I don't know, sir.

Q. Okay, did the Commanding Officer take the periscope before that was completed?

A. Yes sir, he did.

Q. You talked specifically about making reports on contacts at 4,000 yards. Warships were 10,000, surface contacts were 4,000 yards that were non-military contacts, but is there some variance--going back to RADM Sullivan's question, if it's 4,000 yards and closing, should you typically make that report?

A. Yes, sir.

Q. So it' not--so if you'd gotten some at 4,100 yards and it was closing, would you have typically made that report?

A. If he was 4,100 yards and he was closing, and he would pass with a own ships of 4,000 yards, yes, I would make that report.

Q. So it's a CPA. So once you have the 4,000 yard solution on Sierra 13, whether it was evaluated as closing or not, you should have made that report?

A. Yes, sir.

PRES: Counsel for the--excuse me, counsel, do you have a question, a follow-up question?

CC: Yes, sir.

Questions by Counsel for the Court:

Q. Petty Officer Seacrest, you mentioned that, in answer to RADM Stone's question, that you needed to get back into port. What did you mean by that?

A. I believe we had a "Papa Hotel" time of 1300.

Q. Okay. Did you hear from anybody in the Control Room that you needed to be back in port by a certain time?

A. No, sir, not verbally from anybody.

Q. Okay, so is it your testimony that you simply assumed that the ship was in a hurry to get to "Papa Hotel"?

A. Yes, sir, that is my assumption.

CC: Okay, that's all I have, sir.

PRES: Counsel for CDR Waddle?

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir. Petty Officer Seacrest, how are you doing today?

WIT: Good, sir.

CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (Mr. Gittins):

Q. Before you gave your testimony, you were granted testimonial immunity, correct?

A. Correct, sir.

Q. That was part of a request from your counsel?

A. [Negative response.]

Q. Or do you know?

A. I don't know, sir.

Q. Your grant of testimonial immunity requires you to--required you to be interviewed by Counsel for the Investigation, correct?

A. Correct, sir.

Q. Did--were you interviewed by Counsel for the Investigation party prior to your testimony today?

A. Yes, sir.

Q. Which Counsel of the Investigation interviewed you?

A. I think CAPT MacDonald.

Q. When did that occur?

A. Yesterday, sir.

Q. For how long?

A. About an hour.

Q. Did you review the testimony you gave here today?

A. Some of it, sir.

Q. Okay. The things about why you didn't make reports and things like that?

A. Yes, sir.

Q. Okay. So--so you made it clear to CAPT MacDonald, prior to today, what you failed to do and why you failed to do it, correct?

A. Yes, sir.

Q. A little bit of background first about you. Before you came to--you were sent to GREENEVILLE as a "by name" assignment to improve the GREENEVILLE's Fire Control Division, correct?

A. Yes, sir.

Q. And, to your knowledge, that was because of your professional reputation as a Fire Control Technician, correct?

A. Yes, sir, to my knowledge.

Q. And your demonstrated performance?

A. Yes, sir.

Q. And you've been on GREENEVILLE for about a year?

A. Yes, sir, about a year.

Q. And while you've been on GREENEVILLE you were appointed by the Commanding Officer as the Command Career Counselor, correct?

A. Correct.

Q. What's that job?

A. To help the rest of the crew, especially the junior guys, with career decisions?

Q. Is that important in retention of sailors onboard GREENEVILLE?

A. Oh, yes.

Q. In what way?

A. We want to try and keep in, especially the highly trained, technical guys. Our nuclear personnel, guys who have gone through "C" School. The guys that the Navy has put a lot of time and money to train them.

Q. So you would agree with me, that your job as Command Career Counselor, trying to retain these highly qualified technically proficient individuals onboard GREENEVILLE, was an important job from the perspective of readiness of GREENEVILLE?

A. Oh, yes, sir.

Q. And that would be a job that would be called--that calls for responsibility?

A. Yes, sir.

Q. Did you have interactions with the Captain about those kind of decisions?

A. Oh yes, sir.

Q. Were those discussions frequent?

A. Yes, sir. Very frequent.

Q. And--and you would agree with me, the Captain imposed in you a certain degree of trust?

A. Yes.

Q. You've been operating GREENEVILLE at sea for about a year, correct?

A. Yes, sir.

Q. Okay, and you've seen CDR Waddle in the performance of his duties as the Captain of the ship, correct?

A. Yes, I have.

Q. And you would agree, would you not, that CDR Waddle was an extremely confident Commanding Officer?

A. Very confident.

Q. And he was one who was very concerned about safety, correct?

A. Oh, yes, sir. Very, very concerned.

Q. And he appeared to be a Captain who was--who was able to assimilate a lot of information very quickly, correct?

A. Yes, sir, one of the best CO's I've ever been with.

Q. On--on GREENEVILLE, I want to ask you about the climate. If you were operating the vessel, CDR Waddle was on the--on the--in the Control Room, and you saw an unsafe situation, would you have any reason not to bring that to the attention of CDR Waddle?

A. No.

Q. It be fair to say that CDR Waddle wanted backup when it was appropriate, correct?

A. Demanded backup.

Q. And he preached that to all the crew members, correct?

A. Daily.

Q. And as a FT1 with substantial experience in the Navy, you would have been the kind of guy to provide that backup if you thought it was necessary, correct?

A. Correct.

Q. And based on your observations of the crew, CDR Waddle--the crew wouldn't have been fearful about bringing a safety of the ship issue to CDR Waddle, would they?

A. No.

Q. He didn't punish people for bringing things to his attention, even if he may have been mistaken about it, correct?

A. Correct.

Q. You were the Leading Fire Control Technician in the FT Division?

A. Yes, sir.

Q. And that--that's also a pretty responsible position, isn't it?

A. Yes, sir.

Q. You're responsible for training the people in your division?

A. Yes, sir, I am.

Q. And you performed those duties under the supervision of Chief Thomas, correct?

A. That's correct.

Q. He's also a pretty competent Fire Controlman, correct?

A. Yes, good Chief.

Q. You stood the maneuvering watch before assuming the Fire Control Technician of the Watch, correct?

A. Yes, sir.

Q. And that was a topside watch?

A. Yes, sir.

Q. And after you clear the pier, the topside maneuvering watch is secured, correct?

A. That's correct, sir.

Q. Okay, so you weren't up on deck handling lines all morning or anything like that, correct?

A. Not all morning, sir, no.

Q. You were--you had some down time before you had to assume the watch, correct? Had an opportunity to do other things before you assumed the watch?

A. Oh, yes, sir.

Q. And you assumed the watch at about 1130?

A. Yes, sir.

Q. Okay. The CEP indicates that from your assumption of the watch, about 1130 to about 1256, the CEP plot was maintained in the sonar contact. Is that--is that about your recollection?

A. That's my recollection, yes, sir.

Q. And the sonar data that you would have put on there would have been data that was taken from your Fire Control console, correct?

A. Yes, sir, that is correct.

Q. And when I say sonar data, I meant the contact data, correct?

A. Yes, sir.

Q. And your--I believe your testimony on direct examination was, you stopped maintaining the CEP about the time the civilians came on, up on the--into the Control Room, correct?

A. Correct, sir.

Q. Okay. The CEP reflects past data, correct?

A. Yes, sir, that's----

Q. It's--it's what's happened behind you, correct?

A. Yes, sir.

Q. And it's--so even--except for the time that you actually put, and even at the time, you actually put the data up on the CEP plot itself, the information is not accurate?

A. It's time late, sir.

Q. It's time late?

A. Yes, sir.

Q. When you're at--when you're not at periscope depth, the CEP should be updated every 10 minutes, correct?

A. Correct, sir.

Q. And if you're at periscope depth, every 5 minutes, correct?

A. Yes, sir.

Q. And on the 9th of February, you didn't maintain it because there was civilian--

Counsel for CDR Waddle, party (Mr. Gittins): Could I have instead of Exhibit 41 and Exhibit 4, the two Exhibits--the time/bearing exhibit that has two graphs on it and the Control Room?

ASST CC (LCDR HARRISON): Yes, sir [placing Exhibit 41 and 6 on the wall].

Counsel for CDR Waddle, party (Mr. Gittins): Thank you, LCDR Harrison.

ASST CC (LCDR HARRISON): Yes, sir.

Q. I'm going to be referring now to Exhibit 6, which is the Control Room diagram. You indicated--this is the CEP, correct?

A. Yes, sir.

Q. And it's on the forward bulkhead adjacent to the Sonar Room entrance, correct?

A. Yes, sir.

Q. And then you were seated at the third console from--from the forward end of Control Room?

A. Yes, sir.

Q. And there was DVs in this area, between where you were sitting and the CEP, correct?

A. Yes, sir.

Q. And it was those--it was the presence of those DVs and then later the angles, dangles, and the high-speed--high rudder angles maneuvers that prevented you from maintaining the CEP, correct?

A. Yes, sir.

Q. And as you said on direct examination, you could have maintained the CEP, you just chose, under those circumstances, not to do it, correct?

A. That is correct, sir.

Q. All the information that's displayed on the CEP here [pointing laser at exhibit] is also displayed on the one of--at least one of these consoles, correct?

A. As far as the bearings go, yes, sir.

Q. Bear--and range as well, correct?

A. Yes, sir.

Q. So the OOD and the Commanding Officer, if they chose, could look over your shoulder and see the same information that's apparent from the CEP, correct?

A. Correct, sir.

Q. And you do--you face outboard when you're sitting at your consoles, correct?

A. Yes, sir.

Q. And--and at all times while you were on watch, the Commanding Officer and the OOD would have been to your rear, correct?

A. That is correct, sir.

Q. On the--there's no diagram for this, on your fire control console, if you have a non-warship contact----

A. Yes, sir.

Q. There's a small symbol, NTDS symbol, correct?

A. Yes, sir.

Q. He's helping me out [referring to CDR Waddle]. The NTDS symbol indicates whether are warship contact or non-warship contact, correct?

A. Yes, sir.

Q. And you didn't have any warship contacts, to your knowledge, that day, correct?

A. That is correct, sir.

Q. And Sonar inputs that information, correct?

A. Yes, they do, sir.

Q. During the time before the collision, I believe it was your testimony under direct examination, you don't know whether the Commanding Officer may have come up behind you and looked at your consoles, correct?

A. Yes, sir, that is correct.

Q. That would not have been unusual for him to do that would it?

A. No, it wouldn't have been.

Q. In fact, CDR Waddle didn't always engage you about your duties when he was reviewing what was--the contact picture onboard your ship, correct?

A. Yes, that is true, it's not his style.

Q. Not his style, correct?

A. Right.

Q. And as you indicated, this was not a particularly a complex contact picture, correct?

A. Yes, sir, that is correct.

Q. You were able to understand it, correct?

A. Yes, sir.

Q. And you would have assumed that CDR Waddle would have been able to understand it, given his experience, correct?

A. Oh, yes, sir.

Q. Would you agree with me that if the Commanding Officer had noted--had seen that you were not maintaining the CEP, that he probably would have corrected you?

A. I know he would have corrected it.

Q. Would you also agree that if the XO had observed that you were not maintaining the CEP, that he probably would have corrected you?

A. I know he would have corrected it.

Q. And wouldn't you agree with me, that had LTJG Coen noted that you were not maintaining the CEP, he probably would have corrected you?

A. And I know he would have corrected it too?

Q. So you would agree that all three of those officers, CDR Waddle, the XO, and LTJG Coen, maintained high standards onboard GREENEVILLE, correct?

A. Yes, they do.

Q. And for whatever reason that day you chose not to maintain that standard?

A. That is correct.

Q. And just to be clear, there were civilians that have been standing in this area [pointing laser at exhibit] that's the area between your consoles and the passageway where the Bridge access would be, correct? On Exhibit 6.

A. That is correct, sir.

Q. So about how high up off the floor is the CEP?

A. 5 1/2 feet--5 1/2 to 6 feet.

Q. Okay, and the civilians were all standing, correct?

A. Yes, sir.

Q. Okay. So that would have been--they would have presented a physical barrier in line of sight between, for example, where the CO is depicted and OOD depicted in there viewing of the CEP on Exhibit 6, correct?

A. Yes, sir, that's correct.

Q. The--you would agree with me, would you not, with respect to Exhibit 7, that--and this is SLOGGER data, I understand that you don't really--you don't deal in SLOGGER data, you deal in what is in your fire control system, but basically this is like a FLIT MATE display, would you agree?

A. Yes, sir, basically.

Q. It's basically dots at some time interval on bearing, correct?

A. Correct, sir.

Q. And you would agree with me that for Sierra 13 it appears you have pretty good tracking data for Sierra 13 over a relatively long period of time?

A. Yes, sir.

Q. And you were--you were working that contact on your fire control system, correct?

A. Yes, sir.

Q. And in fact, at 13:14:02, that's around this time right here [pointing laser at exhibit], according to SLOGGER, you had a fire control solution for Sierra 13, correct?

A. Yes, sir.

Q. And that was a 15,000 yard solution?

A. Yes, sir.

Q. And do you remember what depth you were at when you had--when you obtained that solution?

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

Q. Okay. Sonar Logger logs ships information at every 1 second--at every 1 second intervals, and it indicates that you updated the system at time 13:14:02 for this fire control solution on Exhibit 7 while you were at 650 feet. Does that sound about right?

A. That sounds about right, sir.

Q. And at the time you had--that your solution was arraigned 15,000 yards, a course of 024, and a speed of 11, okay?

A. Okay, yes, sir.

Q. But the course is an opening course, correct?

A. That would be an opening course, yes, sir.

Q. You indicated that normal procedures were--would be to solve for a closing solution, correct?

A. Always initially, yes, sir.

Q. Okay. Do you have any recollection why you solved this particular contact, Sierra 13, at this time 13:14:02, as a opening solution vice a closing solution?

A. I can only assume, based on time, that as the bearings were generating, that an opening, at that time, would fit better than a closing solution.

Q. Okay. The opening solution that you computed indicated a speed of 11, that would be consistent with a surface contact, correct?

A. Yes, sir.

Q. If you got a speed of 99, you would have clearly understood that was a--that would have been a wrong solution, correct?

A. Yes, sir.

Q. But you don't recall what the closing solution may have been, if in fact, you even looked at it, correct?

A. Correct, sir.

Q. Okay, but 15,000 yards on a course of 024 and a speed of 11, fit as a--an appropriate solution for Sierra 13, correct?

A. Yes, sir.

Q. After you updated the system at 1314, the ship was maneuvered--there was some high-speed maneuvering in here [pointing laser at exhibit] on Exhibit 7 in that green area, and then the baffle clear maneuver was initiated a little bit after 1330, and you see the course 340 where I've marked--where I've indicated on the Exhibit 7?

A. Yes, sir.

Q. Okay. Now at that time, during the baffle clear maneuvers, we know from SLOGGER, that Sierra 14 was identified, was detected, okay? Do you have a recollection after Sierra 14 was detected, of working that contact in your system?

A. Yes, sir.

Q. Okay. Do you remember--take me through, to the best of your recollection, what you recall about working contact Sierra 14 after it was detected.

A. Other than just initially putting in the initial system parameters solution, and then trying to stack the dots, work the bearings, match bearing rate, get the best solution I can for a single leg.

Q. It appears that from Sonar Logger again, between the time 1334 and time 1335, that 1 minute period, you obtained an initial solution of 8,000 yards, course one-nine-five, speed 12, while the ship was at 155 feet. Does that sound about right?

A. It sounds about right, sir.

Q. And then, at time 1334, about a half a minute later you up dated the system and obtained an 11,000 yard solution with a course three-three-seven, speed 12, again at about 158 feet. Does that sound about right?

A. That sounds about right, sir.

Q. And at 1335, in that minute time frame, you--did a flip course solution for the same contact and obtained a range of 10,000 yards, course 197, speed 12, and the ship was still at about 155 feet. Does that sound about alright?

A. That sounds about right.

Q. Would that be the normal sequence of events you would through to obtain a system solution for a target--a search contact?

A. Yes, Sir.

Q. I believe in your statement right after the accident, when you got back port the next day, you indicated that before the collision, in your mind Sierra 14 was the contact of interest, correct?

A. That is correct, sir.

Q. And so--the Sierra 14 appearance, on your system, basically directed your attention for some period of time. At least for that 1 minute in which you were obtaining an updating solutions, correct?

A. Yes, Sir.

Q. You do that on the FLIT MATE, correct?

A. Correct, sir.

Q. That where you stack the dots and try to obtain a system solution, correct?

A. Yes, sir.

Q. And the FLIT MATE screen is the screen that only displays one contact at a time, correct?

A. Yes, sir.

Q. So, while you are working Sierra 14, you can't--view the data for Sierra 13, correct?

A. That is correct, sir.

Q. On that screen?

A. On that screen, sir.

Q. And that is where your attention is directed prior to the accident in this case, correct?

A. Yes, sir.

Q. You would agree with me and I think you've already testified on direct examination that, if you would have obtained--if you knew you had a 4,000 yard system solution for a contact that was closing, that--that would be a safety of ship issue, correct?

A. Yes, it would be.

Q. Particularly is the ship coming to periscope depth, correct?

A. Yes, sir.

Q. And the reason for that is at 150 feet, there's a possibility that you could be hit by that vessel, correct?

A. Yes, sir.

Q. Deep draft vessel or even a ship on the surface could hit your periscope, correct?

A. Yes, sir.

Q. So you understood very well, as an experienced Fire Control Technician of the Watch, Fire Control Technician, the importance of bringing to the attention of the OOD when the Commanding Officer--if he's on deck, a 4,000 yard contact with closing solution, correct?

A. Yes, sir.

Q. The--the layout of Control on Exhibit 6 where the DVs were--even though there were DV's standing in this area [pointing laser at exhibit] between your console, the Conn and the CEP, you would have not had any difficulty making an appropriate call to the Commanding Officer or the OOD about a closing contact that poses safety ship issue, correct?

A. Correct.

Q. In the normal course, what would your report be to the Conning Officer when you've had such a situation. Just give me an example?

A. If I had a situation.

Q. Yes, give me an example of that?  
A. I would have yelled out, "Officer of the Deck I hold a contact at this range closing" and then I would have reported the bearing rate along with it.

Q. Okay, and would you have identified the contact?  
A. Yes, Sierra whatever number it would have been.

Q. So--and you would have said that in a voice loud enough to be clearly heard by the Officer of the Deck, correct?  
A. Everybody would have been able to hear me.

Q. And you have done that in the past, right?  
A. Yes, I have.

Q. With respect to the--the legs that generate bearing rate, 340 and then a 120 turn, right here on Exhibit 7. You indicated that normally you want 3 minute--at least 3 minute legs, correct?  
A. Yes, sir.

Q. In this case, you did have sufficient information to obtain prior control solutions, correct?  
A. Yes, sir, I think so.

Q. And that's the purpose of the--the of performing that evolution is to obtain--to assist you in obtaining a solution so that this--the Officer of the Deck knows not only the bearing, but also the range of a contact, correct?  
A. Yes, sir.

Q. You would agree that you had a--appears you had a good solution for Sierra 13 at time of 1335 or so, correct?  
A. Yes, sir.

Q. At the time--at the time you were working this problem with Sierra 13 and Sierra 14, you didn't have any concerns about the time of the legs that were 1, did you?  
A. No, sir. At the time I didn't.

Q. Your concerns now are based on the fact that there was a collision and you are looking back in hind sight, correct?  
A. That is correct, sir.

Q. At the time if you had a concern as a very experienced Fire Technician--Fire Control Technician, if that would have been an issue you would have raised to the Officer of the Deck, correct?

A. Yes, sir. To the Officer of the Deck.

Q. And the reason you didn't have that concern at the time under those circumstances was because you were getting good data, correct?

A. Yes, sir.

Q. The system seemed to be working for you, correct?

A. Yes, sir. It did.

Q. And in fact, it appears it worked--exactly right at least the time about 1335, correct?

A. Yes, sir.

Q. You indicated earlier that--that the periscope depth prior to taking the ship to periscope depth--is a brief that you are normally not included in, correct?

A. That is correct sir.

Q. Would it be helpful in the future given what you know about this accident--do you think to have the Fire Control Technician of the Watch, included in such as brief as a matter of procedure?

A. I know onboard GREENEVILLE we are always a part of it. Even though its not written down, we are still a part of it. So, would it help to have it in writing? Probably, but.

Q. You never felt left out of that brief?

A. No, never.

Q. The normal course that brief is a brief to discuss what is going to be done at periscope depth to maximize efficiency--efficiency at periscope depth, correct?

A. That is correct.

Q. Going to dump garbage or we're going to do some radio--radio mast antenna, correct?

A. Yes, sir.

Q. And on this day, the 9th of February, the only purpose of going to periscope depth, to your knowledge was to take a look around, make sure there was no surface ships in the area so that a safe surfacing maneuver could be conducted, correct?

A. That's correct, sir.

Q. Is--was that the understanding you had?

A. That was the understanding I had that the reason we were going up.

Q. Do you think that was clear to the other watchstanders who would have been in the Control Room at the time?

A. I don't know.

Q. I certainly occurred to you though, correct?

A. Yes.

Q. You indicated that after the baffle clear maneuver-- the OOD asked Sonar to report all contacts, correct?

A. Yes, Sir.

Q. Do you remember specifically what Petty Officer McGiboney may have said?

A. Specifically, no.

Q. Other than this contact reported in response to Sonar report all contacts, did Petty Officer McGiboney ever give you a report, specific report on Sierra 14 as a new contact?

A. Yes, sir. He did.

Q. He gave a separate specific report?

A. I don't think it was separate. It was with in that post report.

Q. So, there was never a separate report to the Conn that there was a new contact, Sierra 14?

A. No, sir.

Q. And it was only reported after the OOD had requested Sonar report all contacts as a part of the normal procedure following a baffle clear maneuver, correct?

A. Yes, sir.

Q. You don't specifically recall what was said by Sonar, correct?

A. That is correct, sir.

Q. Following that report the Commanding Officer indicated he had a good feel for the contact picture or words to that effect, correct?

A. Yes, sir.

Q. He actually said those words out loud?

A. Loud enough so I could hear him, yes, sir.

Q. Ship went to periscope depth and got there safely, correct?

A. Yes, sir.

Q. And when--the ship--you actually observed PERI VIS while the ship was in transit to periscope depth, correct?

A. Yes, sir.

Q. And also during the transit from 150 feet to periscope depth, you were working the solution for Sierra 13 up--to update that solution, correct?

A. Yes, sir.

Q. The Sonar Logger again--and recognizing that the time ticks may not be exactly the same as you observed, indicates that about 1337, 38--almost 1338, that you did a system update, actually hit the button and obtained a system solution of 4,000 yards, course one-four-one, speed 8, and that happened while the ship was at 103 feet. Does that sounds about right?

A. That sounds about right.

Q. So, you were working the Sierra 13 system update while the ship was in transit to periscope depth?

A. Yes, sir.

Q. And I believe it was your testimony that you were busy with trying to update all the solutions, correct?

A. Yes, sir.

Q. And that you didn't note that the solution was a 4,000 yard closing solution, correct?

A. That is correct, sir.

Q. And a 4,000 yard, closing solution would have been a solution that would have needed to be reported to the Commanding Officer by standing orders and common sense, correct?

A. Yes, sir.

Q. Now, when the ship arrived at periscope depth--on the way to periscope depth, normal procedure required is the OOD visualizing the scope right up to when the scope breaks the surface, correct?

A. Yes, sir.

Q. You made note of the OOD's initial visual search, correct?

A. Yes, sir.

Q. And although there was no frame of reference for to identify how many times he would have gone around, it was clear to you that he was performing initial visual search according to the book, correct?

A. Yes, sir.

Q. Because after he did the initial search for surface contacts, he actually switched the head window of the periscope for an air search, correct?

A. Yes, he did.

Q. To your knowledge, you weren't really concerned about hitting a helicopter or anything like that, correct?

A. No, sir.

Q. So that would have been a standard tactical situation periscope search by the OOD, correct?

A. Yes, that would have been.

Q. Then the CO took the scope, correct?

A. Yes, he did.

Q. And you saw the CO do an initial 360, correct?

A. Yes.

Q. And the CO looked--looked at the range bearings, correct?

A. Yes sir, he did.

Q. From about 020 to 330--do you remember what--what was it you testified to earlier?

A. It was about 040 all the way over to about 340--330, right in there [pointing with laser.]

Q. That would have been the sector in which you held all contacts, is that correct?

A. Yes, sir.

Q. And although you did not put the Commanding Officer on the sonar--the bearings of the sonar contacts, you personally observed on the shifts--what is the nomenclature, the data display?

A. The OSDS.

Q. The ship's data display----

A. The ship's data display, yes.

Q. that the Commanding Officer was looking at the--looking down the bearings where the contacts were located, correct?

A. Yes, sir.

Q. You made that correlation between what you held in your system and what the Commanding Officer was doing at the time, correct?

A. Correct, sir.

Q. Had he not been looking down the bearings, that would have been an appropriate time for you put him on the bearings, correct?

A. Yes, sir.

Q. But because the Commanding Officer was looking down the bearings, you did not say anything, correct?

A. That is correct, sir.

Q. So in your mind, the Commanding Officer was doing exactly what you thought he should be doing. Looking at the bearing of contacts that were held by sonar and the fire control systems, correct?

A. Yes, sir.

Q. And having been on GREENEVILLE for a year, you had high confidence in the Commanding Officer's ability to do an adequate periscope search, correct?

A. Yes, sir.

Q. While the Commanding Officer was on the scope, he actually also raised the ship a couple of feet, correct?

A. Yes, he did.

Q. And you heard the order given to make the depth 58 feet, correct?

A. Yes, I did.

Q. Do you remember if it was the OOD or the CO that gave the order? Who actually gave the order to make the depth--to the Diving Officer of the Watch to make the depth 58 feet? Do you remember who gave that order?

A. I believe Mr. Coen gave that order.

Q. So the CO must have said something to the OOD that resulted in the OOD giving that perfectly proper order, make you depth 58 feet, correct?

A. Yes, sir.

Q. And that indicated the Commanding Officer wanted to take a high look, correct?

A. Yes, sir.

Q. And that would have been, based on your experience, an appropriate thing to do, correct?

A. Yes, sir.

Q. You saw the scope take a couple of hits from waves, correct?

A. Yes, sir, I did.

Q. And that was at 60 feet, correct?

A. That was at 60 feet, sir.

Q. And you were watching the Commanding Officer perform his search at 58 feet, correct?

A. Yes, sir.

Q. And you didn't see the scope take any hits at that depth?

A. No, sir, I didn't.

Q. And while the Commanding Officer was on the scope, you actually were able to see that he performed a high-power search, correct?

A. Yes, sir.

Q. He changed the power of the scope to high-power, correct?

A. Yes, sir.

Q. Did you hear the double click?

A. No, sir. I didn't hear anything.

Q. But you did see that he went to high-power.

A. I could see on the video display that----

Q. Did you also observe that the PERIVIS went off for a period of time

A. Yes, sir.

Q. Do you know why the Commanding Officer would do that?

A. Light--

Q. Light in the scope, correct?

A. Yes.

Q. To give him a better view?

A. Yes, sir.

Q. When the Commanding Officer asked for the higher look--had the ship brought up to 58 feet and the scope stopped taking the hits, could you see the horizon at that time?

A. Yes sir, I could see the horizon.

Q. And the Commanding Officer continued to search those bearings in which the sonar contacts that were reported were observed, correct?

A. Yes, sir.

Q. And the Commanding Officer reported that he had no visual contacts, correct?

A. Correct, sir.

Q. And that was done at a high-powered search, correct?

A. Yes, sir.

Q. Did the Commanding Officer actually say, "I have no visual contacts in high-power" or do you remember?

A. I don't remember the high-power part.

Q. But you observed him doing the high-power search, correct?

A. Yes, I did.

Q. And you were satisfied as Fire Control Technician of the Watch, the Commanding Officer looked at each of the bearings for the contacts, correct?

A. Yes, sir.

Q. Looked at each of the bearings for the contacts, correct?

A. Yes, sir.

Q. In both high-power and low-power?

A. Yes, sir.

Q. And at 60 feet and at a higher look, correct?

A. Correct, sir.

Q. I believe you testified that after the Commanding Officer reported no visual contacts then you dialed out the range for Sierra 13, correct?

A. Yes, sir.

Q. If you didn't know that the contact was reported at 4,000--that was your testimony, correct, that you did not know that you had a contact range of 4,000 yards?

A. Yes, that's correct.

Q. If you didn't know that you had a range of 4,000 yards, why would you have dialed that contact power?

A. I just went through and I checked them all and dialed them outside to make sure they were all outside the visual horizon.

Q. So, that was just----

A. So, when I got to that contact, I just randomly out spotted them all.

Q. Okay, that's not a proper procedure, is it?

A. The out-spotting of a contact, no, it's not written down anywhere.

Q. And if you're going to out-spot, you would agree with me that the solution that you come up with needs to make sense, correct?

A. Correct, it does need to make sense.

Q. You're not going to buy what your system is telling you and you're going to change it? You need to make sure that what you changed it to has some degree of reliability, correct?

A. Yes, sir.

Q. And you would agree with me that a contact at 9,000 yards with a course of 240 and a speed of 99 would not be a rational conclusion, correct?

A. No, would not.

Q. The three contact picture was not a complex situation was it?

A. No, sir.

Q. In fact, these three particular contacts were not particularly difficult to track because they weren't maneuvering, correct?

A. Correct, sir.

Q. Then you will agree with me that it was your responsibility to report 4,000 yard closing contacts with the CO and the OOD?

A. Yes, it is my responsibility to do that.

Q. And that--but you didn't identify the 4,000 yard closing solution when you obtained it at time 13:37:48, correct?

A. That's correct, sir.

Q. And; therefore, you did not report it?

A. Yes, sir.

Q. The important thing to you in performing your duties as Fire Control Technician of the Watch was to keep the contacts outside of 4,000 yards--to ensure that they were outside of 4,000 yards, correct?

A. Yes, sir.

Q. And you saw no significant bearing rates on any of the contacts prior to the collision, correct?

A. Correct, sir.

Q. They were all less than 1 degree per minute and drawing less, correct?

A. Yes, sir.

Q. And you never felt that you needed to say anything to the Commanding Officer or to the OOD about safety of the ship, correct?

A. That is correct, sir.

Q. And in fact, until you were presented with the reconstruction data, you never believed you had any contact inside of 6,000 yards, isn't that true?

A. That is true, sir.

Q. Based on your knowledge of CDR Waddle, having served with him for a year and stood a lot of watches with him--in fact, on your knowledge of LTJG Coen, do you think that there is anyway that they would have performed the Emergency Ballast Tank Blow with knowledge that they had a contact inside of 4,000 yards?

A. There's no way they would have done that.

Q. Prior to the collision in this case, you felt pretty confident in your--that Sierra 13 was a distant contact, correct?

A. Correct.

Q. While you had some concerns about Sierra 14?

A. Right.

Q. You didn't have those concerns about Sierra 13?

A. No I did not.

Counsel for CDR Waddle, party (Mr. Gittins): That's all I have, sir.

PRES: Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): Sir, we don't have any questions.

PRES: Counsel for Mr. Coen?

Counsel for LTJG Coen, party (LT Fulton): Thank you, sir. I'd like to begin by actually dealing with the CEP. I know the Counsel for the Court has a copy--two copies of the CEP, one of them is the shorter copy and the court would like to have that in front them, that might be useful. And, I'd like to ask the bailiff to show a copy of the CEP to Petty Officer Seacrest, Exhibit 22.

[The bailiff did as directed.]

Questions by counsel for LTJG Coen, party (LT Fulton):

Q. Petty Officer Seacrest, the CEP is in Zulu time?

A. Yes, sir.

Q. You'd agree that 2300 on the CEP corresponds to 1300 local time?

A. Yes, sir.

Q. Now, the CEP indicates that the last time you updated the contact picture on the CEP was actually at 1257 local time, is that correct?

A. That is correct, sir.

Q. And then in fact, you updated the CEP again after 1257 at 1310, would that be correct?

A. That is correct, sir.

Q. Can you tell the court what that update was?

A. The one at 1310, course change.

Q. That's in your handwriting?

A. Yes, that is my handwriting.

Q. Would you have written that in contemporaneously with the current--I mean you didn't back date this or anything like that?

A. No, sir.

Q. You had written that at about 1310 local time?

A. Yes, sir.

Q. And then there was 6 minutes after that that the ship commenced angles?

A. Approximately, yes, sir.

Counsel for LTJG Coen, party (LT Fulton): Okay, I don't need the CEP for any purposes then [CEP removed].

Q. So, it's actually about 6 minutes after your last CEP update that the ship commenced angles?

A. Yes, sir.

Q. Has it ever been your practice to walk across Control to update the CEP if--when the ship is taking 30 degree angles?

A. No, it's not.

Q. Are you aware of--whether fire control petty officers do that? Does anybody do that?

A. Not that I'm aware of, no, sir.

Q. And then the angles were followed by the fast turns?

A. Yes, sir.

Q. Is the same situation for the fast turns?

A. Same situation for the fast turns.

Q. And the CO came into Control at about 1300?

A. I believe so, sir, about that time.

Q. Now when the ship is doing angles and fast turns, could you see where LTJG Coen was?

A. I just knew he was on the Conn behind me.

Q. Typically, when the ship is doing maneuvers that involve a lot of interaction between the Officer of the Deck and the Control Party, does LTJG Coen, or the Officer of the Deck, typically stand right about where this tape says, "CO" on Exhibit 6 [pointing laser at exhibit]?

A. Yes, correct, right in that area.

Q. And would LTJG Coen's line of sight to the CEP be obstructed at that time on the 9th of February?

A. Yes, it would have been.

Q. By the DVs?

A. Yes.

Q. I want to turn again to the--briefly to the time before the ship started doing angles when you were transiting north and before the CO was in Control. Do you remember speaking to me yesterday about that time?

A. Yes, sir, I believe so.

Q. You held two to three contacts during that time--at any given time?

A. Yes, sir.

Q. And you testified today that you don't particularly remember Mr. Coen coming over to fire control to speak to you about the contact situation?

A. Correct, sir, I don't remember it.

Q. Would it be fair to say that you typically have those kinds of conversations with Mr. Coen when the two of you stand watch?

A. Yes, typically we do.

Q. And you wouldn't necessarily remember those conversations?

A. Not necessarily.

Q. Is it possible you could have had these conversations on the 9th of February and just not remember them?

A. It is possible.

Q. Because they're kind of commonplace conversations?

A. Yes, sir.

Q. You're aware that the DVs were eating lunch before the ship started doing angles?

A. Yes, sir.

Q. And some of them would come through Control from time to time?

A. Yes, sir.

Q. Did Mr. Coen have any interaction with the DVs during that time? Did any of them, for instance, take a position at Planes or Helms or anything like that?

A. I know we were cycling through the Helm.

Q. Cycling DVs through the Helm?

A. Yes, sir.

Q. And was Mr. Coen playing a role in that?

A. He was ordering slow course changes to the right, to the left.

Q. And are you aware of any guidance that Mr. Coen had about what kind of course changes he was to make or rudder angles while people were still eating lunch?

A. No, sir, I'm not aware of any guidance he had.

Q. But, he did have DVs that were cycling through Control?

A. Yes, sir.

Q. Was Mr. Coen tending to stay near the DVs and guide that evolution?

A. Yes, sir, he was.

Counsel for LTJG Coen, party (LT Fulton): No further questions.

PRES: Any redirect?

CC: No redirect, sir. Sir, Petty Officer Seacrest has asked that the court to consider his most recent performance evaluation and in addition, that the court consider some awards that he's received. We've marked those as Exhibit 67. I'll ask Assistant Counsel to hand those out to the parties.

[LCDR Harrison did as directed.]

CC: Petty Officer Seacrest, you are directed not to discuss your testimony in this case with anyone other than a member of the court, parties or counsel. You will not allow any witness in this case to talk to you about the testimony he has given or which he intends to give. If anyone other than counsel of the parties attempt to talk to you about your testimony, you should make the circumstances known to me. Would you do that please?

WIT: Yes, sir.

CC: Thank you very much. You are excused.

[The witness withdrew from the courtroom.]

PRES: Do you have time, counsel--or recess to----

CC: Sir, we could take our noon recess now and then we'll call CDR Gudewicz after lunch.

PRES: Okay. The court will recess until 1300.

The court recessed at 1122 hours, 19 March 2001.

The court opened at 1300 hours, 19 March 2001.

PRES: This court is now in session. Counsel?

CC: Let the record reflect that all members, parties, and counsel are again present. The court has procedural matters, sir.

PRES: Very well.

CC: First, we would offer next Court Evidentiary Exhibit in order 68, it's a copy of Annex Charlie to COMSUBPAC OPORDER 205, operations specifically talking about the OPAREA that GREENEVILLE was operating in on the 9th. Copies provided to Counsel for the Parties. One other matter, sir, as you know, over the lunch hour, Counsel for the Court sent over to ADM Fargo the court's recommendation that CDR Waddle's request for immunity be denied. I have been informed by ADM Fargo's staff that he has in fact verbally denied the request. I expect the written denial signed by ADM Fargo to be delivered to the court sometime later today.

PRES: Very well.

CC: Sir, that's all the procedural matters that we have.

PRES: Very well. Counsel for the Parties, procedural matters?

Counsel for CDR Waddle, party (Mr. Gittins): No, sir.

Counsel for LCDR Pfeifer, party (LCDR Stone): No, sir.

Counsel for LTJG Coen, party (LT Fulton): No, sir.

CC: The court calls CDR Gudewicz to the stand.

Thomas M. Gudewicz, Commander, Medical Corps, U.S. Navy, was called as a witness for the court, was sworn, and examined as follows:

#### DIRECT EXAMINATION

Q. Commander, would you begin by stating your full name, spelling your last name for the record, please?

A. My full name is Thomas Michael Gudewicz,  
G-U-D-E-W-I-C-Z.

Q. What is your rank and branch of service?

A. Commander, Medical Corps, United States Navy.

Q. And where are you currently assigned.

A. I'm assigned to the Commander Submarine Force, U.S. Pacific Fleet.

Q. And what's your position?

A. I'm the Force Medical Officer.

Q. How long have you been the Force Medical Officer from COMSUBPAC?

A. Just over 7 months now.

Q. What are your primary duties and responsibilities in that job?

A. I have cognizance over all professional, technical and administrative matters that relate to medical health, sanitation, and human factors for the Pacific Fleet--Submarine Force. This also includes oversight of 35 submarines, one tender and one floating dry dock.

Q. As part of your duties and responsibilities as necessary, do your duties include having an understanding of submarine periscope diopter capabilities?

A. Yes.

Q. And how do your duties relate to that?

A. If--I have to be able to understand what the periscope diopter capabilities are in relation to the submariner's visual acuity, whether or not they would be qualified to serve onboard submarines in that capacity.

Q. So that's part of the qualification process, the screening process?

A. Correct.

Q. In that regard, Commander, have you had an opportunity to review reference material for the Type 18B periscope that's installed on the 688 I class submarines in Pearl Harbor?

A. Yes, I have.

Q. Do you feel that you've got an adequate understanding of that material?

A. Yes, I do.

Q. Now I'd like to talk to you about LTJG Coen, who was the Officer of the Deck onboard GREENEVILLE on the afternoon of the collision and CDR Waddle, who's the Commanding Officer. Have you had an opportunity to review their medical records?

A. Yes, I have.

Q. What I'd like you to do, without talking about what's in their medical record, based on that review and on your understanding of the diopter capabilities of the periscopes onboard GREENEVILLE, do you have an opinion as to whether or not those diopter settings on the GREENEVILLE's periscopes are adequate to correct the vision of CDR Waddle?

A. Those per--those diopter settings are more than adequate to correct for any visual problems.

Q. Okay, would that be without his glasses?

A. Without his glasses, correct.

Q. Did you have an opportunity to review LTJG Coen's Medical Record?

A. I have.

Q. And what's your opinion of whether or not LTJG Coen could see adequately through the periscope.

A. Again, the diopter settings on the periscope are adequate for his vision too.

CC: Okay. Sir, I have no further questions.

PRES: Counsel for the Parties?

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir.

#### CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (Mr. Gittins):

Q. Sir, the most recent indication of CDR Waddle's visual acuity contained in his medical record is a 1995 examination. Isn't that true?

A. 1997.

Q. 1997?

A. Correct. He had a--what we call the periodical physical examination where it was documented.

Q. Okay, and since then, there's no further information about his visual acuity, correct?

A. Correct.

Q. And the--immediately preceding examination of CDR Waddle's eyesight would have been in 1995, correct?

A. The formal ophthalmologic examination was 1995, correct.

Q. Okay, and--and the examination performed in 1997 was not a formal ophthalmological examination, correct?

A. Correct. It was an examination to document his visual acuity at that point. It's a simple 20/20 vision looking at the standard eye chart.

Q. In 1997?

A. Correct.

Q. Had his vision, uncorrected, improved or decreased since 1995 complete ophthalmological examination?

A. It--it has--fairly stable. It may have been slightly, maybe a quarter of a diopter different.

Q. Okay, diopter did change, didn't it?

A. Actually, I have to refer to my notes.

Q. Okay.

A. Between 1997 and 199--well 1995 and 1997, there's no formal, what we call manifest of the eyes. His corrective visual acuity was 20/20 at that time.

Q. So that was an examination performed with eye glasses?

A. Correct.

Q. To determine whether or not his eye glasses corrected his vision at 20/20?

A. Correct.

Q. Not an examination of uncorrected visual view?

A. No.

Q. And other than what you've read in that Medical Record, you have no knowledge of CDR Waddle's present acuity, correct?

A. Correct.

Q. And you have no knowledge of when, if at all, CDR Waddle has had prescription for corrective lenses updated, correct?

A. Correct.

Q. What is near field myopia, sir?

A. I do not know.

Counsel for CDR Waddle, party (Mr. Gittins): That's all I have, sir.

PRES: Okay. Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): No, questions, sir.

PRES: Counsel for Mr. Coen?

Counsel for LTJG Coen, party (LCDR Filbert): No questions, sir.

CC: I have one follow-up, sir.

#### REDIRECT EXAMINATION

Questions by Counsel for the Court:

Q. Is it possible, Doctor, that since his last check-up, his vision could have deteriorated to the point where the diopter settings on the periscope couldn't correct it?

A. It is possible, but--but it would be--it is--it is unlikely given the fact that it would require about a six diopter change, which means he would be unable to drive a car during the daylight hours. It would be very difficult to function with that sort of a change, and you would probably have sought some sort of medical treatment at that time.

CC: I have no further questions, sir.

PRES: Any re-cross?

RECROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (Mr. Gittins):

Q. Again, you don't have any idea what the word--or the term near field myopia means?

A. I have heard the term empty-field myopia.

Q. Okay, empty-field myopia.

A. Okay.

Q. What's that?

A. That is where in a--it's a--where the individual who is looking into a--into the distance at an empty field, the celeria muscle of the eye relaxes, and when the celeria muscle of the eyes relaxes, it changes the focal length of the eye, such that the person would become essentially myopic or nearsighted.

Q. Are you aware that the FAA's examined that as a cause of mid-air collisions?

A. I'm aware that the concept exists, yes.

Q. And that it's under study by the FAA?

A. Yes.

Counsel for CDR Waddle, party (Mr. Gittins): That's all I have, sir.

PRES: Okay. Counsel.

CC: Commander, you're directed not to discuss your testimony in this case with anyone other than a member of the court, parties, or counsel. You will not allow any witness in this case to talk to you about the testimony he has given or which he intends to give. If anyone other than counsel of the parties attempt to talk to you about your testimony in this case, would you please let me know?

WIT: I will.

CC: Thank you, Commander, you're excused.

[The witness withdrew from the courtroom.]

CC: Mr. President, we have no further witnesses to call.

PRES: Very well. Let me explain how we intend to proceed. I will now give each party the opportunity to present their evidence, starting with Mr. Coen, then LCDR Pfeifer, then finally with CDR Waddle. Mr. Coen, you may proceed.

Counsel for LTJG Coen, party (LCDR Filbert): Thank you, sir. At this time we offer two exhibits, and I believe there's sufficient copies here for the court, for counsel, and all the court members.

PRES: Okay. Counsel, if I may, let me run through a list of--kind of a warning here to make sure we have the right ground covered here.

Counsel for LTJG Coen, party (LCDR Filbert): Yes, sir.

PRES: I'll remind, Mr. Coen, that you have the right--the following rights. The right to introduce documents and call witnesses. The right to testify in your own behalf, if you choose to do so. If you choose to make a statement, it may be sworn or unsworn, oral or in writing. Counsel, you may now proceed.

Counsel for LTJG Coen, party (LCDR Filbert): Thank you, sir. As I said, we have two exhibits to introduce. One is LTJG Coen's Fitness Reports, and the second one--second set of documents, are his submarine qualifications [handing exhibits to court reporter].

[Court reporter handing back an extra set of exhibits.]

Counsel for LTJG Coen, party (LCDR Filbert): Is that an extra set, thank you.

CR: For the record, the Fitness Report will be marked as Exhibit 69 and qualifications in submarines will be marked as Exhibit 70.

Counsel for LTJG Coen, party (LCDR Filbert): Sir, that's all the documentary evidence that we have. We do not intend to introduce any testimony from any witnesses, but LTJG Coen would like to make an unsworn statement.

PRES: Very well. Counsel for the Court, before Mr. Coen makes any statement, he has been appropriately informed

of his rights under Article 31 of the UCMJ and the Privacy Act.

CC: Yes, sir, he has. We did so over lunch hour. At this time, I'd like to have entered into the record Exhibits Q and R, which is Mr. Coen's Suspect Rights and Acknowledgement Form and also a Privacy Act Statement executed by him.

PRES: Okay. Very well, Counsel for Mr. Coen, you may now proceed.

Counsel for LTJG Coen, party (LCDR Filbert): Sir, in order to facilitate the translation, I'd ask that LTJG Coen be allowed to be seated during his unsworn statement.

PRES: Certainly.

Counsel for LTJG Coen, party (LCDR Filbert): Thank you.

#### UNSWORN STATEMENT OF LTJG COEN

I want to begin by making it clear that I accept full responsibility as Officer of the Deck for the part I played in the tragic events on 9 February. On that day, I only had one intention, to do my best as Officer of the Deck onboard USS GREENEVILLE. I never thought that I would play a role in the tragedy that unfolded. I'm ready and willing to accept the consequences of my actions, whatever they may be. To the families of those who perished and to the crew of the EHIME MARU, I offer my deepest apologies and I--I offer my deepest apologies and I humbly apologize. While I cannot comprehend the imaginable grief you must feel, I want you to know that you are in my thoughts and prayers at all times, and you will be for the rest of my life. I know my words are little to ease the pain you must feel, I am truly sorry.

Members of the court, it is clear that my name will be associated with this event for the rest of my life. I cannot change that and I accept that. Nevertheless, I would like the court and ADM Fargo to see fit to continue my service as a submarine officer. The day I put on my Dolphins was one of my proudest days and most memorable days, and my service onboard USS GREENEVILLE has been as rewarding an experience as any man could hope for. I'm

not saying that I have the right to continue to serve, or that I deserve such an opportunity, that decision will be made by those with much more experience and wisdom than I have. I only want the court to know that it is my desire to continue to wear this uniform and serve onboard submarines in the United States Navy. Thank you.

Counsel for LTJG Coen, party (LCDR Filbert): Sir, that's all the evidence that LTJG Coen will present.

PRES: Okay, very well. Counsel, do you have a comment?

CC: Sir, just to remind the members of the court that there is no cross-examination allowed on an unsworn statement.

PRES: Very well. We'll now proceed to LCDR Pfeifer.

Counsel for LCDR Pfeifer, party (LCDR Stone): Yes, sir. We've previously provided to the court reporter a list of documents, I'll retrieve them now and pass them out to the court.

PRES: Counsel, before we do that, LCDR Pfeifer, I want to remind you that you have the following rights. You have the right to introduce documents and call witnesses. You have the right to testify in your own behalf, if you choose to do so. If you choose to make a statement, it may be sworn or unsworn, oral or in writing. Counsel, you can now introduce evidence.

Counsel for LCDR Pfeifer, party (LCDR Stone): Thank you, sir. Sir, what I'm first handing out is a voluntary statement from Chief Kross who is the Sonar Technician.

CR: This will be marked as Exhibit 71.

Counsel for LCDR Pfeifer, party (LCDR Stone): The next is a set of Fitness Reports [handing exhibits to counsel and members].

CR: For the record, the fitness reports of LCDR Pfeifer will be marked as Exhibit 72.

Counsel for LCDR Pfeifer, party (LCDR Stone): Next one, sir, is Commodore Byus' notes from--original 10 February.

CR: Which will be marked as Exhibit 73.

Counsel for LCDR Pfeifer, party (LCDR Stone): [Handing exhibit to court reporter.]

CR: What's this?

Counsel for LCDR Pfeifer, party (LCDR Stone): This is LCDR Harrison's notes.

CR: LCDR Harrison's notes will be marked as Exhibit 74.

Counsel for LCDR Pfeifer, party (LCDR Stone): Next, sir, is LCDR Pfeifer's unsworn statement.

CR: And his unsworn statement will be marked as Exhibit 75.

CC: Mr. President, at this time I'd like to offer Exhibit O and Exhibit P. Exhibit O is a Suspect' Rights Acknowledgement Statement executed by LCDR Pfeifer, over the noon hour, and Exhibit P is the Privacy Act Statement completed by LCDR Pfeifer.

Counsel for LCDR Pfeifer, party (LCDR Stone): Sir, these are notes that were taken, the next exhibit, that were taken by LCDR Pfeifer.

CR: Which, for the record, will be marked as Exhibit 76.

CC: Counsel, notes taken when by LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): They were taken shortly after the collision.

Counsel for LCDR Pfeifer, party (LCDR Stone): Sir, the last documents--shortly after CAPT Brandhuber testified on cross-exam, he did actually call our office in which he provided the cards that we cross-examined him on, said that he did actually remember receiving them, so that's--just that those were retrieved by the court.

CR: For the record, that will be marked as Exhibit 77.

Counsel for LCDR Pfeifer, party (LCDR Stone): That, sir, is all of the documents or witnesses we're going to call.

PRES: Okay, you have nothing further?

Counsel for LCDR Pfeifer, party (LCDR Stone): Nothing further, sir.

PRES: Okay. Very well, now we'll proceed with CDR Waddle.

Counsel for CDR Waddle, party (Mr. Gittins): Sir, could we have about a half an hour recess. We didn't think we were going to be moving quite this quick today.

PRES: How about 1350?

Counsel for CDR Waddle, party (Mr. Gittins): That's fine, sir.

PRES: Okay. This court will be in recess until 1350.

The court recessed at 1323 hours, 19 March 2001.

The court opened at 1420 hours, 19 March 2001.

PRES: This court is not in session. Counsel for the Court?

CC: Let the record reflect that all members, parties and counsel are again present. Mr. President, we have one procedural matter and that is to introduce Exhibit 78, copies of which have been provided to counsel. This is a CD, which has the communications between SUBPAC and the U.S. Coast Guard on the afternoon of 9 February, which outlines the series of our radio messages that were sent back and forth. Sir, that's all the procedural matters the Court has.

PRES: Counsel for the Parties, any procedural matters?

Counsel for CDR Waddle, party (Mr. Gittins): No, sir.

Counsel for LCDR Pfeifer, party (LCDR Stone): No, sir.

Counsel for LTJG Coen, party (LCDR Filbert): No, sir.

PRES: Alright. Let's proceed now to CDR Waddle.

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir.

PRES: Counsel, before you get start let me just go through the--my comments here. CDR Waddle, I remind you that you have the following rights. The right to introduce documents and call witnesses; the right to testify in your behalf if you choose to do so; if you choose to make a statement, it may be sworn or unsworn, oral or in writing. Counsel for CDR Waddle, do you have evidence to introduce at this time?

Counsel for CDR Waddle, party (Mr. Gittins): Sir, we have documentary evidence. Next exhibit in order, please?

CR: Sir, this will be marked as Exhibit 78--excuse me, 79.

PRES: Counsel, are you ready to proceed?

Counsel for CDR Waddle, party (Mr. Gittins): Sir, at this time we would request a recess until tomorrow morning. We were a little bit taken back by the brevity of----

PRES: Pace----

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir, by the pace of today's proceedings and would request to have some time to prepare and decide what we're going to do with regard to CDR Waddle.

PRES: Counsel for the Court, comments?

CC: Sir, just one point. Does CDR Waddle intend to call any other witnesses?

Counsel for CDR Waddle, party (Mr. Gittins): No.

CC: Sir, I would recommend that we grant the recess and allow CDR Waddle to prepare.

PRES: Okay, before I grant the recess, I want to remind all the parties and the Counsels for the Parties that after CDR Waddle's opportunity, and when that completes we're intending to go into closing arguments. So, I'd like to have the counsel and the parties prepared for that, so with that warning we will then----

CC: Recess, sir, until 0800 tomorrow----

Counsel for CDR Waddle, party (Mr. Gittins): Sir, will arguments be in the same order that presentation of evidence was done?

PRES: Yes, we intend to have the same way.

Counsel for CDR Waddle, party (Mr. Gittins): Thank you, sir.

PRES: So we'll go with counsel for Mr. Coen, then Mr. Pfeifer, and then CDR Waddle. Okay?

Counsel for CDR Waddle, party (Mr. Gittins): Thank you, sir.

PRES: So, we will recess then until 0800 tomorrow morning.

The court recessed at 1423 hours, 19 March 2001.