

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

Trial Service Office Pacific  
Naval Station, Pearl Harbor, Hawaii  
Tuesday, 13 March 2001

The court met at 0800.

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

CC: Let the record reflect that the members, the parties, and counsel are again present. Legalman Senior Chief Sayers, the court reporter yesterday afternoon is absent. Legalman Second Class Wright is again present along with Legalman First Class Leather as court reporters.

PRES: Counsel for the Court, any procedural matters?

CC: Yes, sir, we have one. At this time, we've had the court reporter mark Court Evidentiary Exhibit 47, which is that portion of the TACNOTE that was referred to by Mr. Gittins yesterday concerning periscope contact obstruction by sea state. If you could just distribute copies?

[LCDR Harrison did as directed.]

CC: Sir, those are all the procedural matters that the court has.

PRES: Procedural matters from Counsel for the Parties.

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

PRES: Mr. Stone?

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

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

CC: Sir, at this time, we would recall CAPT Robert Brandhuber to the stand. CAPT Brandhuber, if you would retake your seat in the witness box and I would remind you, sir, that you are still under oath.

[The witness resumed seat in witness box.]

WIT: Yes, sir.

Robert Brandhuber, Captain, U.S. Navy, was recalled as a witness for the court, was reminded of his oath, and examined as follows:

EXAMINATION BY THE COURT

Questions by the President:

Q. Captain, I want to--yesterday we had some--we didn't quite finish our conversation. I want to try and understand a little bit better your relationship with the CO that day and one of the things I was sensing yesterday was--even though you have a memo and you have a description of your role, there's a certain informality that you seem to come onboard with in relationship to the ship. Did you seek out the Commanding Officer that morning?

A. No, sir.

Q. You didn't?

A. No, sir.

Q. Did the Commanding Officer seek you out?

A. No, sir.

Q. Did you have any--when you met each other, did you do any type of briefings? Did he request you observe any event? Did he talk to you at all about the schedule?

A. No, sir.

Q. Did you insist, when you met, on a briefing on specific areas of your memo?

A. No, sir, I did not.

Q. Did you meet with any officer individually on GREENEVILLE?

A. I believed I talked--this was before the time of the accident, sir, or any time before----

Q. I meant from the time you prepared to embark either on the pier or inside the skin of the boat. Did you meet individually with any officer?

A. I talked with the XO on the pier briefly.

Q. What did you talk to the XO about?

A. Just--greetings, sir, and nothing particular that I remember about the course of the day's event other than to say, "Hi, glad to be here," and it was close to the time to get underway. I talked with the Navigator briefly at sometime during the course of the day.

Q. Where did you meet with the Navigator?

A. It was inside the ship, sir--I don't honestly remember where we talked, sir.

Q. What time was it? Early in the morning? It was onboard?

A. It was onboard the ship at sometime in the morning, sir.

Q. Before you got underway or after?

A. No, sir, after we got underway.

Q. What was the nature of the conversation with the Navigator?

A. The Navigator and I asked how--as what I want to do--almost anyone I encounter asks how things were going and how he was and any and how things were on the ship and that type of discussion, sir. It was through my perspective just that a general type of discussion on how things were.

Q. Did the Navigator raise any issues with you that you considered an issue?

A. The Navigator I talked about--no, sir, he said that he was--I don't remember anything. He may have said some words about how the ship was--I think I said something to the effect of how are we coming along with preparing for deployment if my memory serves me correctly and he said that I think we are working in that direction and that the ship's people were training and working in that direction. I don't remember anything that strikes me as being particularly unusual in that type of conversation, sir.

Q. So, you don't remember like an issue--something that you would seem--if something was critical of the ship's performance you would take then as an issue? Am I correct?

A. Yes, sir.

Q. Okay, so I take it by your answers then that you saw nothing in that conversation other than we are getting ready and we have things to do. Why did you meet him privately or did he seek that out?

A. I don't remember that I sought it out, sir, and I----

Q. Did you do it in a Stateroom or did you do it in a compartment or did you do it in a passageway, or did you have this meeting?

A. I don't remember where we talked, Admiral--I honestly don't. I don't remember where that was. I know I talked to the Navigator and he was probably--I'm thinking the only one that I can remember that I talked to privately before the incident that I talked to at all--whether it was in the Stateroom, passageway or whether it was in--I don't know, sir.

Q. He was the only officer that you know that you met with privately?

A. I can't remember anybody else talking to privately, sir.

Q. Let me go back to your role as observer and some of these events. So you weren't asked to actually--by the Captain, by the XO, by the Engineering Officer, you weren't asked to observe any event, you know, often what you're asked to do is as a senior observer, you're asked to do. Did you take it then and that the ship's response to your response is that you had a very informal role onboard?

A. Yes, sir.

Q. Let's go back to your observations again. I think RADM Sullivan is going to have some specific questions, but were you surprised--I mean you're a senior qualified submariner, in fact, you're probably the senior qualified submariner on the waterfront that morning, I assume?

A. Yes, sir.

Q. Were you surprised by events--any event on the ship that morning, or that day?

A. I was surprised that we were at test depth. I was surprised at that and----

Q. Do you recollect guidance on going to test depth? Is there guidance in the submarine community on that? I want to make sure I'm clear on this one?

A. The guidance that is from a releasable stand point, what the maximum operating depths of the ship is--and that's what--not the maximum operating depths of the ship is--not the maximum operating depth, but the maximum operating depth that we're able to promulgate we're allowed to promulgate in public----

Q. To demonstrate. What are you allowed to demonstrate? Is there guidance on demonstration----

A. I don't know that there is guidance on that, sir. I know there is a maximum allowable depth that's promulgated and that is where I thought we would be max.

Q. If you don't know what your limits are for demonstration, would you expect a Commanding Officer to know?

A. Not in that way, sir, no. I would expect the Commanding Officer to know what the maximum unclassified depth is that we talk about our depth capability to the submarine, sir.

Q. I'm trying to make sure I understand, it seems to me like either this is a rule or it's not a rule. If there is a limit for unclassified data release there's--speed--I thought there was a speed limit and I thought there was a depth limit that you couldn't go beyond and that was common knowledge or there was some guidance on it. Can you help me with that?

A. Sir, its 25 knots and 800 feet.

Q. Okay, so when the ship--did the ship exceed those limits?

A. They exceeded the 800 feet, sir.

Q. Did they exceed the speed limit?

A. I'm not as sure of that as I am the 800 feet, sir.

Q. Okay, so you got surprised on that?

A. Yes, sir.

Q. Did you get surprised on anything else?

A. By the emergency deep.

Q. Why did you get surprised by the emergency deep?

A. Because I didn't know that was going to occur.

Q. Did you know the emergency blow was going to occur?

A. Yes, sir. That was promulgated.

Q. How was it promulgated?

A. I believe it was in the Plan of the Day, sir. I believe it was, sir.

Q. The emergency dive surprised you because it's a casualty maneuver? Is it typical----

A. I was surprised because I didn't know it was going to happen. The Captain was on the scope and said emergency deep. It surprised me, sir.

Q. I asked you that question because is it typical for a submarine to execute a casualty or emergency procedure without informing the senior rider. I mean wouldn't you expect that as a courtesy again? Were you surprised that, in other words, that in your role as a senior observer onboard that you weren't being informed of these things? You weren't informed of the speed and you weren't informed of the casualty maneuver?

A. Yes, sir, I was.

Q. What other events surprised you?

A. I think those were the two, sir, that surprised me.

Q. How about when you walked in Control and you see a major sensor for--or the display for the Officer of the Deck? Would that surprise you?

A. Yes, sir, that was a piece of equipment I didn't think of it as an event----

MBR (RADM SULLIVAN): Sir, RADM Stone has a quick question.

Questions by a court member (RADM Stone):

Q. Captain, on your memo that you signed 6 months ago, you talked about that yesterday ADM Nathman did--and I think I also mentioned it to you. Looking for some clarification here, when you signed that 6 months ago, the first sentence reads responsibility set forth in U.S. Navy Regulations require that I be provided information when I am embarked. What are the responsibilities set forth in reference (a) that when you signed this that you know that you are responsible for?

A. Sir, I felt that as the senior officer riding ships that it was important that information be conveyed that would allow me to ensure that I understood in a big picture what was going on, so that maybe I wouldn't be surprised by events or worry that events that were going on were whether they were really a casualty or not, that type of thing, sir. If I may, in context I think I wrote that more with the eye towards my experience as Squadron Commander and riding ships for a period of time, not necessary for a short underway. In the context, it was written more in my mind about if I'm out there for a couple of days during certification and those types of things that those are the types of events that I would like to have presented to me.

Q. But, Navy Regulations make no stipulations concerning how long you're embarked, in other words----

A. Aye, sir----

Q. There are inherent responsibilities that you have while embarked. Do you agree?

A. I don't know of any, sir. No, you're right.

Q. You don't know of any----

A. Any stipulations about time, yes, sir.

Q. But you do know you have responsibilities or otherwise, you wouldn't have signed a document that says have them when you're embarked.

A. Yes, sir, I understand what you're saying, yes, sir.

Q. That's all I have, thank you.

MBR (RADM SULLIVAN): Good morning, Captain.

WIT: Good morning, sir.

Questions by a court member (RADM Sullivan):

Q. As you know, we are a fact-finding body and really we're trying to find with these probing questions all the facts we can from everyone's point of view and clearly you were an eyewitness, and so that's why we are asking these detailed questions.

A. Yes, sir.

Q. I ask you to try to just work through these things. I, myself, as a senior submariner have been in the same position as a senior rider on a submarine many times senior to the Commanding Officer and certainly ride orders are a guide. Certainly you can tailor those any way you want, but when I thought through your testimony last night, a couple things bothered me. I'd like you to kind of help me through this and VADM Nathman has already alluded to some of these issues. I picture myself walking aboard a ship like GREENEVILLE, has a very good reputation, and as you mentioned yesterday, you had not physically--or had not gone to sea with her, saying, "Hey, I'm expecting to see some pretty good things here." So, you kind of come in with that mindset. Is that fair to say?

A. Yes, sir.

Q. After I've been underway for an hour and half, I walk into the Control Room where somehow--well, I should ask you. How did you find out that the piece of equipment known as the AVSDU was out of commission?

A. I believe it was my observation myself. I don't think anyone reported----

Q. Walking into Control----

A. Yes, sir, I walked in Sonar earlier in the morning and I can't remember exactly if I knew the AVSDU was out of commission before I went into Sonar or after I went into Sonar, but I don't remember--I don't remember anyone reporting it to me at all.

Q. As ADM Nathman was talking about, that would be at least an indicator, "Hey, how come I didn't know about that?" Fairly significant piece of equipment in your experience?

A. Yes, sir.

Q. This is broken, I've got a handle on it.

A. Yes, sir.

Q. You talked about sitting in the Wardroom for lunch and seeing that the ship was at test depth, but before we got there, did you recall hearing any LMC public address announcement rigging ship for deep submergence.

A. I don't remember that and I've thought about that, sir.

Q. But, is it fair to say that that was the second time you were surprised? And the third one, of course, we already talked a bit about, the emergency deep.

A. Yes, sir.

Q. My point of this--is at this point, if I was in your position and I have been in your position, my antennas would be up right now saying, "Okay, these guys have a great reputation but I'm--there's some things here that I'm not seeing reported to me or that make me concerned that I need to start paying a little more attention." Did any of those thoughts go through your head?

A. I was concerned at the pace of the operation and I thought about that I alluded to yesterday--I spent time thinking about that and observing that and I spent some time thinking--if I may, sir, that the difference between the way I approach things or what I'm--or how I would go about doing that versus how another particular Commanding Officer would do that from my experience, is two different things and I felt that this Commanding Officer had a very good reputation and a very good presence and his crew seemed to respect his desires and wishes, and I, obviously, chose not to step in at that time.

Q. Well, I certainly appreciate how hard it is because Commanding Officers are given latitude--as we've discussed many times in the last week and a half or so. It is that fine line when you decide to pay attention--when you just take the CO aside and say, "Hey, you need to slow down," or whatever.

A. Yes, sir.

Q. I look at this and I'm sure you thought through this yourself as--you know--could your presence have made a difference?

A. Absolutely.

Q. Yes?

A. Yes, sir.

Q. The fact that you are there or aren't there, I mean the ship should be able to do these sort of things safely without the presence of someone like yourself. Right?

A. Yes, sir.

Q. With that mind-set, I'd like to just kind of walk you back through the events that you did witness and see if we can just glean any bit of knowledge that we can use as a fact-finding body. And I'd like you to think about what you heard, both communications--verbal communications among watchstanders with that ship, especially of the Officer of the Deck, Commanding Officer, chain of command, if you will, of the ship, the body language, the LMC public address announcements. Things that didn't go as you expected--just as we're walking through this, see if you can do this in chronological order so you can maybe give us at least some indicators that we need to ask some other members, eyewitnesses later on in the week. With that, I would like to use both Exhibit 4 and Exhibit 6 here [bailiff handing Exhibits 4 and 6 to witness] and have you use those as references. One is the, of course the reconstructed track and the other is the layout of the GREENEVILLE's control spaces. And first let's start with the evolution of angles and dangles.

A. Yes, sir.

Q. Can you begin by pointing out to the court where you work in the Control Room at the start of this evolution?

A. For the angles in this vicinity, right here, sir [pointing laser at exhibit].

Q. Did you remain in that position throughout this evolution?

A. The angles and high-speed turns? Yes, sir, I was in this vicinity right in here [pointing laser at exhibit].

Q. Where was the Officer of the Deck?

A. I believe the Officer of the Deck was right in this area right here [pointing to laser at exhibit], sir.

Q. Where was the Commanding Officer?

A. Right next to the Officer of the Deck, right here [pointing laser at exhibit], sir.

Q. Where was the Executive Officer?

A. The Executive Officer was over in this area [pointing laser at exhibit], sir. This happened over time, sir, I don't--the Executive Officer, I saw in this area, but didn't see all the time and the Officer of the Deck in that area.

Q. Again, I know you discussed this yesterday, but try again to paint this picture as we go here. Where were the civilian guests during this evolution?

A. In this area here, sir. Also, in this area here and they were in this area here after time.

CC: Can I just stop here, I'd like to perfect the record and say that, Captain, you were pointing at your location. Could you just describe that in terms of where the Control Room is--port or starboard side?

WIT: Yes, sir.

Questions by Counsel for the Court:

Q. Go ahead and tell us where you were, sir.

A. Port side, adjacent to the radar repeater.

Q. And where was the Officer of the Deck?

A. Officer of the Deck was here on the port side [pointing at laser at exhibit], slightly aft of where the Diving Officer chair is a little bit inboard.

Q. And the Commanding Officer?

A. Commanding Officer was in the area of--on the periscope stand. A little bit forward of Number 2 scope in this area right in here by the desk [pointing laser at exhibit].

Q. And the Executive Officer?

A. I believe the Executive Officer was in this area [pointing laser at exhibit] on the starboard side in the vicinity of the forward of the periscope stand and in the vicinity here by the Sonar Room. A little bit to the inboard side of that.

Q. And, that's by the CEP?

A. Yes, sir.

Q. Okay and you mentioned the distinguished visitors.

A. The distinguished visitors were on the starboard side of the Control Room and also in the vicinity of the--between after the periscope stand and between the plotting tables and came into this area as we got ready to do the emergency blow.

Q. And that area that you were referring to----

A. That area, I'm sorry--it's forward of the radar repeater on the port side.

CC: In your future descriptions, sir, if you would--if you could be that specific when you are referring to this diagram?

WIT: Thank you, okay.

CC: Admiral.

MBR (RADM SULLIVAN): Thank you.

Questions by a court member (RADM Sullivan):

Q. Could you please describe what the noise level in the Control Room was during this evolution of angles and dangles?

A: Professional. It didn't strike me at all as being noisy or unusually complex.

Q. Of the three principals, the CO, XO, and Officer of the Deck, did they remain in the positions that you just described throughout this----

A. I'm not sure about the Executive Officer, but the Commanding Officer and the Officer of the Deck were in the vicinity of the periscope stand--the Dive Stand right in this area [pointing laser at exhibit] by the Diving Officer of the Watch and on the periscope stand for the Number 2 periscope for the times I observed.

Q. Okay, would you please describe how the orders were given to both the Diving Officer of the Watch and the Helm during these maneuvers?

A. To the best of my recollection the Commanding Officer gave the orders to the Diving--or the Officer of the Deck and the Officer of the Deck relayed them to the Helm and the Dive.

Q. Were the orders that the Commanding Officer--were the orders that he gave the Officer of the Deck--were they passed on exactly as he gave them to the Ship's Control Party?

A. I can't be sure of that, Admiral. I didn't--I can't remember or listen to that that closely. I can't tell you that for 100 percent sure, sir.

Questions by the President:

Q. Question to follow-up. Was it directive in a sense that it came to this heading or put this amount of rudder on or was it let's do angles and dangles?

A: No, sir, it wasn't that vague at all. It was the amount of rudder or the amount of planes to--in the case of the angles and dangles to certain depths with a certain amount of planes angles. What I can't tell you for sure is what those planes angles were and what the depths were, nor can I tell you a hundred percent sure that the Officer of the Deck--that the Captain told the Officer of the Deck and the Officer of the Deck told the Helmsman and the Planesman or the Diving Officer because I was back a little bit and I wasn't paying exact attention to every word that they said, sir. I'm not trying to be vague, I just can't tell you a hundred percent that I remember what they exactly said.

Questions by a court member (RADM Sullivan):

Q. You were back in the area of the fathometer----

A. Yes, sir, right in this time frame here [pointing laser at exhibit], sir, by the radar.

Q. Were soundings taken and reported for large depth changes?

A. Not that I remember, sir.

Q. Is that expected?

A. No, sir, the water depth in the area that we were in I thought was ample--I didn't remember a report, sir, I don't remember a report and didn't look for a report.

Q. Was anybody on the ship describing this evolution to the guests that were observing it?

A. I remember that the Captain on occasion was describing to the guests what was going on and what the

reason for that was, but not--I don't think with every turn or every time that we changed.

Q. Was this done--how was this done? Was it using the public address system or was it done----

A. No, sir, it was done using--he was--the time that I specifically remember was after the completion of the high-speed turns where the ship had maintained depth very well and the Captain was standing here [pointing laser at exhibit] and made a statement that--I would say that the ship performed this as well as any ship in the-- challenge, I think the words were challenge--any other ship that would be able to perform this as well by maintaining the depth, and that was just done verbally from the periscope stand.

Q: Effective fathometer soundings--why do you station the Fathometer Watch? Is it always full time on a submarine?

A. Not an independent separate watchstander, there are people who are part of the Quartermaster of the Watch that at times does fathometer readings, yes, sir.

Q. But in this case was there--

A. I'm not sure, sir. I'm not sure.

Q. Alright, I'd like to move on to the next event and that's the high-speed turns. Again, I'd like to kind of walk through the same sequence of questions. Will you please describe where you were in the Control Room at the start of the turns?

A. In the vicinity of the radar repeater and fathometer here on the port side aft [pointing laser at exhibit].

Q. Did you remain in that position throughout this evolution?

A. Yes, sir, give or take walking forward a foot or 2 or back in that area, yes, sir.

Q. Where was the Officer of the Deck?

A. Officer of the Deck was by the Diving Officer's stand in this area right here, forward of the periscope stand. [pointing laser at exhibit]

Q. Where was the Commanding Officer?

A. The Commanding Officer was in the vicinity of the periscope stand here [pointing laser at exhibit] by the desk or by that area right in that area there, port side.

Q. Where was the Executive Officer?

A. I'm not exactly 100 percent sure, sir.

Q. Okay. Where were the civilian guests?

A. The civilian guests were, again, on the starboard side and in front of the periscope stand, here at starboard side by Sonar and FTOW here, [pointing laser at exhibit], and also in the area between the Navigation Plotter and the Tactical Plotting Table, here on the starboard in this area, and one or two in this area here, forward of the radar.

Q. Will you describe the noise level that existed in the Control Room during this evolution?

A. I thought the noise level again was not inappropriate.

Q. Did the three principals remain in their positions throughout the maneuver or if they did change, where did they go to?

A. I saw the Commanding Officer and the Officer of the Deck stay in this vicinity of the Control Room [pointing laser at exhibit] by the Diving Officer stand and by the periscope stand here.

Q. Will you please describe how the orders were given to the Helm?

A. The orders were given to the Helm by the Officer of the Deck, and I think they were at the request of the Commanding Officer telling the Officer of the Deck--you know, we started at smaller rudder turn--in smaller speed and then increase speed and increase the rudder turns as we went through the maneuvers.

Questions by the President:

Q. Again, were those speed increases and rudder increases or decreases, as a--did it sound like this? Increase your rudder to right 15, increase your rudder to right 20, was that---

A. No, sir, it was done in a right so many degrees rudder come, you know, and come this to a course.

Q. That was given by the CO to the OOD? In other words, was he directive in his----

A. Yes, sir, I understand----

Q. Guidance on speed and rudder changes?

A. Yes, sir. He told the OOD that he wanted to turn this way and come to a course and turn this way and come to a course, but the OOD----

Q. Now I want to make sure I'm clear on this one, because was it--there's a difference between let's come to 20 knots and let's come left at three-six-zero, and then let the Officer of the Deck figure out what graduations of speed and rudder that you put on that boat, until you get to those parameters, instead of, was it graduations that were directly from the CO to the Officer of the Deck, in other words, increase your rudder 5 degrees to 15 degrees----

A. Yes, sir, I can't say that, I don't know.

CC: Captain, if you could wait until the question is put to you and then answer, that would help our translation and the transcription. Appreciate it.

WIT: Thank you.

Questions by a court member (RADM Sullivan):

Q. Captain, at the end of the high-speed turns evolution, I believe looking at the reconstruction here [points at EE-6] the ship was at approximately 400 feet, course one-two-zero, can you describe what happened next?

A. As I recollect, sir, they--the ship became shallower to 150 feet and made preparations for coming to periscope depth. The Commanding Officer and the Officer of the Deck were still in the vicinity and had moved from the Diving Officer area to the area around the periscope stand, and made preparations to come to periscope depths. What I did was I moved back from this area back to here [pointing laser to exhibit], because I wanted to check where we were with the navigation chart to make sure with the turns and everything that we hadn't left the Navigation area, and I looked at that and we hadn't. I was really concerned that we--had I just checked it, I remember that and the ship was making preparations to come to periscope depths.

CC: Captain, you mentioned here, is that port side of the navigation plot?

WIT: Yes, a little bit aft of the radar port side navigation plotting table.

CC: Thank you, sir.

Q. In your recollection, how did you determine the ship was preparing to come to periscope depth? Did you hear an announcement by the Officer of the Deck or the Commanding Officer--all stations to make reports in preparation to come to periscope depth, that sort of thing?

A. I believe the Officer of the Deck announced that the ship was making preparations to come to periscope depth, that's right, I think I remember that. But, I remember the ship coming shallower, sir, and I knew that we were going to be coming to periscope depth in preparation for it--well-----

Q. Do you recall him making that announcement on one of the MC circuits or just a----

A. I don't recall, sir.

Q. We talked yesterday about this, that you had backed away from the forward part of the Control Room, but again I just need you to rethink this through as best you can to help us. Did you observe the Officer of the Deck conduct the standard watchstander brief as required by the CO's Standard Order on the GREENEVILLE, Number 6, Section 0605, in other words, the standard brief that's expected prior to going to periscope depth?

A. I did not observe him do that, sir.

Q. Did you hear the Sonar Control--or Sonar Supervisor report estimated sea state to Ship's Control?

A. No, sir.

Q. Would you have expected that?

A. Yes, sir, but the other thing I'd like to add here, sir, I don't know that I can hear everything that was going on. I don't know for sure if it was or was not done, whether it was done or whether I just didn't hear it, because of the location that I was at, sir, I don't know that part of it----

Q. No, I understand that, I'm just trying to----

A. Okay, sir----

Q. To ferret out what you did hear and observe.

A. Yes, sir. Yes, sir.

Q. Did the Diving Officer of the Watch properly trim the ship in accordance with the CO's Standing Orders, prior to proceeding to periscope depth? Did you see any other trimming evolutions?

A. No, sir.

Counsel for CDR Waddle, party (Mr. Gittins): I'm going to object, that was a compound question. I'm not sure which answer we got, whether it happened or whether he saw it.

PRES: RADM Sullivan, just ask the question again, so it's clear what the answer was, please?

Counsel for CDR Waddle, party (Mr. Gittins): Thank you, sir.

Question by a court member (RADM Sullivan):

Q. Did you observe the Diving Officer of the Watch properly trim the ship in accordance with the CO's Standing Order Number 6----

A. No, sir.

Q. Did you observe any trimming evolutions by the Diving Officer?

A. No, sir. Admiral, if I may though, the location of where I am, as compared to what the person needs to do to trim and do that, is not something that--I don't want to imply that he did or he didn't do it. I just didn't observe it, that's what I'm answering, sir.

Q. I understand that, again, I'm trying to ferret--learn what you observed and clearly you didn't observe everything----

PRES: Captain, you can make that clearer to us. You can say, you didn't observe it. You're giving yes or no answers and we don't necessarily want yes or no answers, so you can tell us----

CC: Sir, if your answer is I don't know or I was not in position to see that or hear that, that's the answer that we need to hear.

WIT: Yes, sir.

Q. Where was the Officer of the Deck during this evolution?

A. The Officer of the Deck was on the periscope stand in the vicinity of Number 1 and Number 2 scopes.

Q. Where was the Commanding Officer during this evolution?

A. The Commanding Officer was in Control and in and around this area of the periscope stands [pointing laser at exhibit]

Q. Did you ever see him leave Control?

A. No, sir.

Q. Where was the XO?

A. During this time frame I'm not sure, sir.

Q. Where were the civilian guests?

A. The civilian guests were still in around on the starboard side and forward of the desk here [pointing laser at exhibit] on the starboard side of the Control Room, and I believe there was one or two between the Navigation plotting table and the tactical plotting table but I but don't—because checked this—I don't recall or remember seeing any civilian guests on the periscope because I knew regarding getting ready for periscope depth that that was critical.

Q. What was the noise level in the Control Room, particularly relative to what you had said previously during the other executed evolutions you observed?

A. In the preparation phase, I didn't notice any change that made me concerned.

Q. Did any of the principals OOD, Commanding Officer, XO, I guess you said you didn't see the XO, but of those two, did they move or change positions during this evolution?

A. No, sir, not that I observed.

Q. Can you describe how words were given to the Helm and Diving Officers?

A. No, sir.

Q. What was the surface contact picture like at this time?

A. At the time, I wasn't aware of the surface contacts that were there. I just didn't know for sure what the surface contact picture was, sir.

Q. Did you hear any 27MC or open mike contact reports from Sonar?

A. No, sir?

Q. Did you hear any contact reports from fire control?

A. No, sir.

Q. Did you ever see the Commanding Officer, Executive Officer, or Officer of the Deck review the fire control consoles?

A. No, sir.

Q. Can you determine if the CO, XO, or OOD went into Sonar during this evolution?

A. I saw the Commanding Officer go from this area in that direction [pointing laser at exhibit]----

Q. What area----

A. From, I'm sorry again, sir, from the periscope stand, forward starboard in the direction of the starboard side of the Control Room.

Q. Were you able to evaluate the target motion analysis techniques employed by the GREENEVILLE crew, prior to proceeding to periscope depth?

A. I knew that they had been on a leg in one direction and I knew the ship had turned in another direction, sir, and that's--so I knew they had at least conducted two maneuvers to expose their baffles and I knew that had happened.

Q. Did you hear the Officer of the Deck make his ready to proceed to periscope depth report to the Commanding Officer?

A. No, sir, I did not.

Q. Did you hear him request permission to proceed to periscope depth?

A. No, sir, I did not.

Questions by a court member (RADM Stone):

Q. RADM Sullivan was--one of his questions here was about whether or not the CO or XO, or OOD reviewed the fire control console?

A. Yes, sir.

Q. I'd like your assessment on how difficult in your opinion with the layout that you gave of maybe one or two DV'S here and three or four on the port side, and then a couple more forward of the Conning Station area. It sounds to me like there's about eight people on the starboard side right on the bank of--where the FTOW is, right in this area on the starboard side. I'm getting a visual picture that that area is a very difficult area to get access to from the CEP all the way where these banks and consoles are is filled with distinguished visitors. Do I have the right picture as you remember and what's your assessment as to the degree of ability to get access in here?

A. Yes, sir, you have the right picture. The majority of the DV'S from my recollection are from midship starboard and back on the starboard side. And the second question was the access?

Q. Yes, what's your assessment of how difficult it would have been to get access into that area on the starboard side?

A. I didn't think it would be difficult, sir, because as I alluded to yesterday, I think that people are used to operating in a compact environment and it didn't strike me at the time that anybody would have difficulty getting around and doing their job. They'd just have to step around some people to do that.

Questions by a court member (RADM Sullivan):

Q. Captain, I'd like to move along the timeline and we'll shift to the actual ascent to periscope depth. After receiving permission to proceed to periscope depth did you observe the Officer of the Deck test the early warning receiver on the periscope?

A. No, sir. I can't remember, is the answer, sir. I can't remember.

Q. Where you were stationed could you observe a periscope television monitor--PERIVIS monitor?

A. No, sir.

Q. What depth was ordered?

A. I thought it was 62 feet, sir.

Q. Who ordered the depth?

A. The Diving Officer--excuse me, the Officer of the Deck.

Q. And was the report "All stations proceed to periscope depth" made in accordance with the Commanding Officer's Standing Order Number 6 as the ship commenced its descent?

A. I don't remember, sir. I can't--I don't know.

Q. In your position in the Control Room did you remain in that position throughout the ascent?

A. Yes, sir [pointing laser at exhibit].

CC: Again, you're pointing to the----

WIT: Navigation plotting table port side fathometer, in between those two areas. Yes, sir.

CC: Thank you.

Questions by a court member (RADM Sullivan):

Q. Where was the Officer of the Deck?

A. Officer of the Deck was on the periscope--Number 2 scope.

Q. Where was the Commanding Officer?

A. Exactly? I don't know, sir. He was in the Control Room. He was in the vicinity of the periscope stand, but exactly I don't know, sir.

Q. Where was the Executive Officer?

A. During that time I don't know, sir.

Q. For the--the civilian guests did they change positions or any----

A. No, sir.

Q. Were they moved to allow any other access?

A. Not that I observed, sir.

Q. Will you describe the noise level at this time in the Control Room?

A. Appropriately quiet, sir.

Q. Will you describe the orders--how the orders were given to the Helm and Diving Officer?

A. Admiral, I can't tell you. I don't know.

Q. Alright. Okay, now you're at periscope depth--and I've got a lot of these and if you don't know the answer than that's the answer.

A. Yes, sir.

Q. What depth did the ship come to when it came to periscope depth?

A. I'm not sure, sir. I don't know.

Q. Did you hear any ESM contacts on the early warning receiver?

A. No, sir.

Q. Can you describe how the Officer of the Deck conducted his initial search at periscope depth?

A. The Officer of the Deck made at least two, I think three, complete revolutions with the periscope and said, "No close contacts."

Q. In your estimate, how long were each of these evolutions--revolutions?

A. They didn't appear--they appeared appropriately quick--I can't tell you exact time, sir, it didn't strike

me as being too fast. It just--like maybe three revolutions and a report of "no close contacts."

Q. Did you observe the Officer of the Deck wearing glasses or any other vision correction?

A. No, sir.

Q. Did you--were you able to observe the event on a PERIVIS monitor?

A. No, sir.

Q. When did the Commanding Officer relieve the Officer of the Deck on the scope?

A. Very shortly after the "no close contacts"--the three revolutions. The Captain said, "I'm going to take the scope."

Q. Will you describe how the Commanding Officer conducted the remainder of his visual search at periscope depth? How many rotations? What he did with ship's depth? Any of those type of things?

A. The Commanding Officer took the scope and ordered ship's depth to be raised. I thought it was 56, and when he took the scope he looked around, I would say at least two times and--excuse me, the other thing that I noted which struck me was that he was facing for a period of time in the direction in the aft port corner from about abeam to astern and looked a longer period of time in that direction. It struck me because I wasn't sure why he was looking in that direction.

Q. So, the ship on a course of, I believe it's one-two-zero?

A. Yes, sir.

Q. What area would he be searching then?

A. Three-four-zero, three-six-zero, three--zero-one-zero in that area from one-two-zero. So, it would be from off his port beam to his stern is where he was looking at.

Q. Was the PERIVIS on during his searches?

A. I don't know, sir. I didn't see it.

Q. Did you observe the Commanding Officer searching down a line of bearing or a sector or was it just a sector search?

A. Just a sector search that I saw was in that sector, sir.

Q. Was he wearing any vision correction? Was he wearing glasses?

A. No, sir.

Q. Did you observe either the Sonar Supervisor or the Fire Control Officer--or the Tech report bearings to any contacts during the CO's search?

A. No, sir.

Q. Did ESM make the no close contact report----

A. No, sir.

Q. Required by the Standing Orders?

A. I heard no close contact, yes, sir.

CC: Excuse me, sir, your answer is you did hear----

WIT: I heard----

CC: ESM report, "No close----

WIT: No--no--no threat contact should be the report.

CC: No threat contact?

WIT: Yes, sir.

CC: Thank you.

Q. During this evolution did you remain in the position that you described?

A. Yes, sir.

Q. After the Officer of the Deck was relieved of the scope where did he go?

A. I don't know, sir.

Q. Did you observe the location of the XO?

A. No, sir.

Q. For the civilian guests did any of them reposition?  
Did any of them look through the scope?

A. No, sir. No, no, sir.

Q. What was the noise level in the Control Room at the time?

A. Appropriately quiet.

Q. Okay. I'd like to go to the emergency deep.

A. Yes, sir.

Q. How was the order emergency deep given?

A. The Commanding Officer said, emergency deep.

Q. You've testified that you were unaware that this was going to happen as a training drill?

A. Yes, sir.

Q. In your later discussions with the crew--with the Commanding Officer was--did you get a sense that this was a planned event?

A. No, sir, I did not get a sense it was a planned event.

Q. What depth was ordered on the emergency deep?

A. I don't remember a depth being ordered, sir.

Q. Did either Sonar or fire control report any contact information during the emergency deep?

A. I don't know, sir.

Q. When the ship left periscope depth in the execution of Emergency deep did you change any--your position in the Control Room?

A. No, sir.

Q. Where was the Officer of the Deck?

A. I'm not sure, sir.

Q. Where was the Commanding Officer?

A. The Commanding Officer was on the periscope stand in the vicinity of Number 2 scope having lowered the scope in that area.

Q. Where was the Executive Officer?

A. I don't know, sir.

Q. Civilian guests. Did they change any positions?

A. Not that I'm aware of, sir. No.

Q. What was the noise level in the Control Room?

A. I didn't notice any change that would distract me, sir.

Q. I'm going to proceed to the final event here, the Emergency Surface.

A. Yes, sir.

Q. How was the order given to Emergency Surface?

A. I can't remember if the OOD--Commanding Officer or the Officer of the Deck initiated it. I don't know, sir.

Q. Did either Sonar or fire control report any contact information during this period?

A. I don't know, sir.

Q. During the emergency surface will you describe where you were in that Control Room?

A. Outboard the navigation plotter table in the vicinity of the fathometer and radar on the port side.

Q. Did you remain in that position throughout this evolution?

A. Yes, sir.

Q. Where was the Officer of the Deck?

A. The Officer of the Deck was on the periscope stand in the vicinity of the Number 2 scope here. Right there [pointing laser at exhibit].

Q. Where was the Commanding Officer?

A. In the vicinity of the periscope stand here [pointing laser at exhibit] by the--on the periscope stand by the desk.

Q. Where was the Executive Officer?

A. I'm not sure, sir.

Q. Civilian guests repositioned?

A. Repositioned that the--the two people that I saw repositioned were the person who was doing the emergency blow and the person who did the diving alarm.

Q. Will you describe the noise level in the Control Room during the evolution?

A. I'm----

Q. Leading up to it I guess obviously----

A. Yes, sir. It was appropriate. Yes, sir, it was appropriate.

Q. Do any--did any of the principals--did they remain in their positions during this evolution?

A. The best I can remember, yes, sir. That----

Q. Go ahead----

A. No, sir, that's the answer. I didn't notice them moving around the Control Room to any other location either than the vicinity where they were, yes, sir.

MBR (RADM SULLIVAN): Okay, Mr. President, that's the end of the questions.

PRES: Alright.

MBR (RADM STONE): I have a couple of follow-ons.

Questions by a court member (RADM Stone):

Q. We had the opportunity as the court to go down to GREENEVILLE into the Control Room. As we stated earlier, it's a fairly confined space and you've testified that the noise level was rather professional and low.

A. Yes, sir.

Q. And that your position was in this area right in here on the port side [pointing]. There's no--as I recall there's not a whole lot of things to keep one's interest in this area here as you're standing and the boat is going through these various evolutions. You had stated earlier that you did go over and check the chart to see that the boat was within its assigned OPAREA. Since it was a very low noise level, what exactly were you doing during the time you were standing there? Were you talking to someone, reading something, or just listening to the various reports going out and trying to get a feel for that?

A. Yes, sir. I was spending the--most of my time thinking about the pace of evolutions and whether or not I thought the pace of the evolutions was appropriate and

deciding whether or not I thought we were going a little bit too fast or not.

Q. So you had a degree of uneasiness? That's why you were focused on the pace? Something alerted you that you thought the----

A. I was--yes, sir, I--as I've told other people in discussions, I was concerned that it might have been going a little bit faster than I would go, but I was having a debate with myself that this professional crew with a two year served CO, the CO has got a good reputation and he obviously knows what he's doing and his team seems to be able and supporting him. And----

Q. Did you have any conversations with anyone concerning your concern that it might be going too fast?

A. At that time?

Q. While you were on the boat, did you turn to anyone and say, "Is there any contacts?" Did you have any discussions to try to relieve yourself of that concern or was it internal?

A. It was internal, sir.

MBR (RADM STONE): Thank you.

CC: Mr. President, I have a couple of follow-up questions.

Questions by Counsel for the Court:

Q. Captain, do you know who gave the order to come left during the emergency deep?

A. I believe the Commanding Officer did to the Officer of the Deck.

Q. Do you recall any other conversations that occurred in the Control Room during these evolutions between the CO, the OOD, the XO, or the civilian guests?

A. No, sir.

Q. Alright. I'd like to go back to the conversation you said you had with the Navigator, LT Sloan.

A. Yes, sir.

Q. Do you recall whether LT Sloan specifically talked to you about the Commanding Officer over-directing the junior officers?

A. No, sir. There was a general discussion of how things were on GREENEVILLE and that the GREENEVILLE was a good ship and the CO was aggressive. I don't recall any specific thing that said the CO was telling people more or not telling people what to do. There was a discussion of how the officers and how the crew respond to the Commanding Officer. I don't recall anything specific that says he is directing the OODs what to do.

Q. Tell me a little bit more about what you recall about the Commanding Officer's conversation--excuse me, LT Sloan's conversation about how the CO interacted with the crew.

A. I think that--my--it checked with what I had heard from ashore. It was that the Commanding Officer was a strong presence and he was a strong leader and he knew how he wanted his ship run.

Q. In what context did this kind of conversation take place? I mean I find it a little unusual that a Lieutenant, Department Head, would have that kind of a conversation with the Chief of Staff of SUBPAC.

A. Sir, as I ride submarines, I walk around and talk to anyone and listen to what they have to say. And I--that's why I think it doesn't strike me as much as maybe it apparently does someone else because I talk to a lot of people that day. And I--that's what I did. I just walked around and asked people questions and how things were. I just talked to him.

CC: That's all I have, sir.

Questions by the President:

Q. Captain, you talked about some sense of, in your own mind, that you internalized about things moving--these are my words, moving along more rapidly than you thought----

A. Yes, sir.

Q. And you can change those words to make sure I understand. But those seem to occur--those thoughts seem to occur to you as you prepared--you saw the ship prepare for periscope depth?

A. Yes, sir. That started the chain of events in my mind that things were going quickly. And as I did--if I may sir?

Q. Uh-huh.

A. As I did say, they did perform the evolutions before that very, very well and that also couched my judgment at the time to say, "Okay, we're moving along a little quickly for no apparent reason." But they had done that very well and I thought with their reputation and everything that's why I was having the internalized debate, sir.

Q. Alright. I'm trying to get a sense of what this--this--I'm not sure what they called it, but it was kind of the performance of the team. It's what RADM Konetzni talked a lot about. And what I'm getting a strong impression of right here--but I want to understand, is that you kind of went along for the ride. When they went to periscope depth and they went there quickly. You said that they went there quickly, they did a search. ADM Konetzni talked at length about, "Hey this is not a tactical situation. You need to make that high look there, Captain." When you--did--was there a threshold for you there at all? Did that seem to be rushing?

A. Yes, sir. The threshold was that he went to periscope depth and he did look and the Captain was on the scope and he looked.

Q. Okay.

A. The Captain looked.

Q. Yes----

A. And you know--especially as I alluded to, sir, when he looked in the--what I thought was the corridor and when the ship changed directions that also was a threshold.

Q. Yes----

A. I felt like, okay he looked and he looked in this area most of all, I'm not sure why he was looking in that area, but then when the ship turned to go in that direction to conduct the emergency blow it didn't

cognitively go through my mind to say, "That's why he looked there."

Q. Okay. And then you went from there rapidly into emergency dive?

A. Yes, sir. And the time difference between the time that the ship went deep to the time they conducted the emergency blow was not, again, a threshold that was beyond where I thought was a reasonable thing to go ahead and conduct the Emergency blow.

Q. Okay, alright. We've heard a lot of comment about in very positive ways about the ship's conduct of the SAR. Do you want to comment? I'd like to hear your--any description you want to give to make sure the Court understands--because I will tell you that so far the Court has received only very positive things----

A. Yes, sir.

Q. About the conduct of the ship--the boat for SAR--the conduct of the Bridge Team and the OOD and the Commanding Officer, etc., the team in their performance during the SAR--anything you want to make sure the Court understands about the SAR from your standpoint?

A. From my standpoint, sir, once the event occurred, and I looked out the periscope right after CDR Waddle looked, aft and I saw the ship and I honestly thought that it was a--I didn't understand how it had happened--and I honestly thought it was--the first thing that went through my mind was that it was a whale watching ship that had been out there because it looked a little smaller than what it turned out to be and there was a young person that I saw.

There was, I guess, two young people on the aft--starboard side of the ship that--and it just wasn't something that I ever wanted to see or ever wanted to see again, but I immediately took my eye off the scope and focused and I looked at the CO and said, "We need to breathe deep, relax, and execute search and rescue. Period. Now. Do that. Now." And from that point on, I think through a combination of a well-trained team, a very concerned ship, and some help and more direct guidance from a senior rider, we executed the search and rescue as the best we could, sir. And the other thing I think is very important, there was never, ever that I ever saw or reported or heard that there was any person

in the water not in a life raft. And I think the outcome of events would have been discussed and altered had we actually seen someone in the water who needed some assistance who was not in the life raft, sir.

Q. And you described a role change for you when SAR started. What do you think your role change was? What did you become?

A. Sir, I felt I was much more involved as what is in the wording of a senior officer present. I really did. I felt that, if you would, sir, in the--where my instructions say--you know, I'd be--things involved--be involved--I really felt that there was a more active role. The ship did a wonder--what I think of a very good job, sir. A very good job. And I don't think my role was that I had to direct a lot. I did check on the well-being of the principals involved over time through the course of the night. I did work with the dependents--the visitors, excuse me, to make sure that they understood. And I think that the ship performed very well with regards to getting everything ready that they could inside the ship and the ladder and the people to the Bridge and everything like that--and the messages and everything like that. We worked on that, I think, together, sir. And--but the ship did a very nice job.

Q. Final question, you and RADM Konetzni have a role as the Commander and the Chief of Staff of Submarine Forces Pacific, to understand where the boats are in terms of their overall capability to deploy.

A. Yes, sir.

Q. And part of that is to understand where the command is and how that's being run. Did you and RADM Konetzni ever discuss the leadership style or the performance of CDR Waddle?

A. Yes, sir. Prior to the time--prior to that time you mean?

Q. Yes.

A. Yes, sir. Yes, sir.

Q. Well, what did you discuss?

A. That--sometimes I had trouble understanding CDR Waddle and the Admiral, and I because of CDR Waddle's image and persona and gregarious outgoing nature and capabilities, I sometimes wondered if it was more show

than it was go, Admiral, if you know what I mean. Without ever having been on the ship or ever having seen it underway, and the Admiral had been underway with him and we talked about that. I didn't understand all the time with regards to CDR Waddle and I was interested to see that and we had talked about that. And one thing that comes clear, sir, is that I didn't understand that the Captain had been a cheerleader at the Naval Academy and we talked even about that, you know, that Scott was outgoing and gregarious and caring. And that's his leadership style. And that's the way he does things, a very magnanimous and very strong personality. And very--  
--

Q. Well it sounds to me like there's some tension in your view then of what you just told me. You had a certain view of the ship and the Admiral had a slightly different view and you reconciled that. Is that what you're telling me?

A. Tension I think, sir, if I may, is a little stronger term than I would use. There was professional discussion and trying to understand--that wasn't--be advised mine was founded solely on never having been underway with them, just based on persona shore side and reputation, and reading reports, and that type of thing, not from actual observation. He had--had been underway with CDR Waddle and I think he had the advantage of seeing that underway. And as I said--or as I alluded to, I think I gave him in the cold, light of day some berth based on the fact that he had a very, very strong professional reputation and a very--and initially the things that I saw was a well run ship. So, we did have that discussion, yes, sir.

Q. Okay. You said, "reading reports." Did you read reports that made you come to conclusions that differed from RADM Konetzni?

A. No. As a matter of fact what made me come more to RADM Konetzni's viewpoint, CAPT Huelle of the N4 Shop, just recently before the time that I rode the ship had just been out on the ship with him coming back from San Francisco and was very impressed with the ship's performance. And I had read that before I had gotten underway--I had read that before I had gotten underway.

PRES: Counsel, I think we're done. Counsel for CDR Waddle?

Counsel for CDR Waddle, party: Yes, sir.

Counsel for CDR Waddle, party (CDR Herold): Captain, good morning, sir.

WIT: Good morning, Commander. How are you?

#### CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (CDR Herold):

Q. I'm doing well, thank you. I'm going to go through some general items and then I kind of want to work back through--and then I kind of want to work back through your testimony. Now, after the collision occurred and you all pulled back into port the next day, did you talk with CAPT Byus and LCDR Harrison that day?

A. Not that day.

Q. Okay, and when was it you talked----

A. Excuse me. I did talk with CAPT Byus that day and asked him, to say that, I would prefer if all things were equal that I talked with him, RADM Griffiths, and LCDR Harrison the next day if that was okay with him. So, I did have a conversation with CAPT Byus, but not about the particulars of the event.

Q. Okay, and so in terms of the interview of the events, that occurred the next day?

A. Yes, ma'am.

Q. On the 11th?

A. Yes, ma'am.

Q. As opposed to on the 10th. Now when you did that one on the 11<sup>th</sup>, did that also include RADM Griffiths that day?

A. Yes, it did.

Q. Okay, so did you end up talking to both RADM Griffiths, CAPT Byus, and LCDR Harrison two separate times then?

A. The first time was in my office on the day after we returned to port.

Q. Yes.

A. And then the second time was in Commodore Byus' office a couple of days later. I'm not sure of the exact date.

Q. Okay, and did you know that RADM Griffiths and CAPT Byus prepared a summary of your interviews as a statement?

A. Yes.

Q. Okay, did you get a chance to review that before that became part of the Preliminary Investigation?

A. Yes.

Q. Now, from what I understand, you were the Commanding Officer of the USS SAN JUAN?

A. Yes.

Q. Which is a 688 Class?

A. Yes.

Q. 688 I similar to the GREENEVILLE. Did you do any of the DV embarks that were dependent's cruises?

A. Yes, we did.

Q. And, do you remember how many people usually rode when you did those?

A. Dependent's cruise would be higher than the number I've been on DV embarks and it varied to as small as four or five to upwards of 30--30 in that area.

Q. And, did a-did you do a lot of shore-side tours also when the ship was pulled up at the pier?

A. Yes, yes, the ship was the first of the class and we-  
---

CC: Excuse me, again, Captain, if we could wait for counsel to ask the question and then--and then you respond, it would be much better for all of us.

WIT: Okay, sir.

Q. Alright, thanks sir--now, did you do the same kind of maneuvers with your ship when you would take DV cruises or dependent's day cruises that you saw on GREENEVILLE that day?

A. I can't honestly remember whether I've ever done an emergency blow with the DV's or dependent's. I just don't remember, it's been a long time.

Q. Okay----

A. But, other than that, high-speed turns, angles, people in the chairs under supervision driving and those types of things, yes.

Q. Very well. Did you usually--when you had DV's onboard or dependents, did you usually try to bring all those folks into Control for say, the high-speed turns, the angles and dangles?

A. I would do it in two sessions if necessary depending upon the number, but yes, we'd bring people into the Control.

Q. Okay, so the condition of the Control Room on the 9th was not any greater than what you had seen while you were riding as the CO.

A. No, I--I had seen that many people in an SSN.

Q. Very well, and when you would do your shore-side tours, from what I understand, one of the issues that have come up is the depth, going to test depth, and the flank speed of the ship. Now, when you were ashore, when you're sitting at the pier from what I understand, you probably got the depth gauges in some of the Control panels and those things covered over, so people wouldn't necessarily see classified information?

A. Yes.

Q. And, but once you take a group of folks to sea, you're going to have to pull those covers off all of those displays, so that you can actually operate the ship, isn't that correct?

A. Yes.

Q. And don't those--doesn't the depth gauge, say the fire control display, the sonar displays, don't all of those things show what would otherwise be classified information?

A. Yes.

Q. So, that's something that we routinely end up displaying to guests when they're actually embarked on DV rides--underway rides for us.

A. Yes.

Q. Now, you also mentioned yesterday when you were going through the ships--the different jobs you've had--you had also been a Squadron Commander--Squadron Commodore and you would ride those ships for inspections, certifications etc.

A. Yes.

Q. Now, I'm assuming that in that job--and how long did you do that, sir?

A. For about a year.

Q. Okay, you got pretty attuned to what was going on in the Control Room when you were riding for those kinds of inspections or evaluations?

A. Yes.

Q. Okay, so you would specifically station yourself in a particular position, whether you were looking forward, in the forward section of the ship, in the Control Room, whether you were aft or in Engineering to be able to conduct the necessary evaluations for the--the POM certifications or other exercises?

A. Yes, and that would be done with a team of people also, but, yes.

Q. Okay, and how long would those rides usually be?

A. Vary from a couple of days to upwards of four maybe.

Q. So, usually not anything as short as 6 hours?

A. Not for a certification or an inspection type of a ride, absolutely.

Q. Okay, so while you were riding GREENEVILLE that day, you didn't see yourself in that role any longer?

A. I didn't see myself as a detailed inspector certifying a ship ready to conduct any particular evolution.

Q. So, you wouldn't necessarily be keeping your antennas up the same way that you would have been while you were riding for a more involved certification process?

A. I think that's a fair assessment, if I may use the example. Normally when you're conducting those type of things, you'll take a book or something, you'll jot down events that you've seen and observed or you're specifically doing that and you'll correlate that information with the other team members and formulate an overall assessment of how a particular evolution was conducted, and I did not do anything like that on that 6 hour period with USS GREENEVILLE.

Q. Alright, sir. So, you have intended when you drafted that Chief of Staff policy member--memo, had you intended that to be more for the rides of a few days that you would take that would be more in that previous role as an evaluator?

A. That is a fair assessment of what I--I don't think when I drafted that and signed that, I consciously thought about the 6 hours underway, I just didn't.

Q. Did you ever feel like you needed to formally waive those requirements of that--of that memo, for a 6 hour underway?

A. It didn't cross my mind.

Q. Now, back through some of the--I'm going to start at the very back of your testimony and go forward. You mentioned that you had talked with or that you read through a trip report that CAPT Huelle had drafted on a trip that he took with GREENEVILLE?

A. Yes.

Q. And, what was your view of that--of his summarization of the trip report?

A. It struck me as a positive assessment of the performance of the ship GREENEVILLE. CAPT Huelle is an experienced submariner and had been with them for four or five--maybe a longer period of time. I think it was from San Francisco back to here----

Q. Yes----

A. And, it was a concise report that he felt--that he left me with the impression that he seemed to be impressed with the performance of GREENEVILLE.

Q. And, CAPT Huelle's position on the staff is the-is head for maintenance and logistics?

A. Yes.

Q. And, so now, it's his--part of his job dealing with ships that are in an overhaul or SRA?

A. Yes.

Q. Okay and do you know what his assessment of how well GREENEVILLE did during its SRA was?

A. The assessment of GREENEVILLE SRA was good. It performed well, prepared and the ship came out very clean and materially fit and it was done in a professional manner.

Q. And, do you know if--did you know that CAPT Huelle has served as a Squadron Commodore?

A. No, he has not.

Q. What other positions, if he hadn't served as a Squadron Commodore, what other positions has CAPT Huelle served in, that would give him--that would provide him the same kind of evaluation oversight that you had--you had performed previously or that he would have been performing on GREENEVILLE during his underway?

A. CAPT Huelle is an experienced submariner who--he has a very strong material background. He ran a prototype and he ran a--the nuclear prototype for training the young Sailors, which required material things and he also ran a maintenance facility in the PAC Northwest. But, he's an experienced submariner from that perspective.

Q. And, he was the Commanding Officer of the Trident Refit Facility?

A. Yes.

Q. And, CAPT Huelle's trip report included information like he saw in GREENEVILLE as the cleanest, best preserved ship on the waterfront?

A. I think that was in there, yes.

Q. And, that he seemed--that he viewed the crew and Wardroom morale as very high?

A. Yes.

Q. Okay, the crew seemed proud of what they did?

A. Yes. It was a positive trip report.

Q. And, so all of those things--that was along with your discussions with RADM Konetzni, basically has helped you form your opinion of what GREENEVILLE was going to be like when you walked onboard?

A. So to speak to set the stage, yes. With other things also.

Q. And, what was some of those other things.

A. I would tell you that I have a lot of respect for what Scott Waddle does with his team. It's a little different than the way I would do things, but I can't tell you how much in the psyche of the things when I found out that Scott was a cheerleader at the Naval Academy. It made me think differently about--I understood a lot better. I thought he was more out there than I personally would be, but that's okay, we have Skipper's that do--different types of ways of doing business, that's accepted.

Q. Alright, and then your view of what you saw on GREENEVILLE once you walked onboard and started seeing some of their evolutions that day just confirmed the views, the stage that had already been set in your mind.

A. Until the time that we completed the high-speed turns and angles, there was nothing that I saw throughout the course of the day that caused me to believe--with the exception that I kind of was curious as I alluded to, I didn't understand why we were sitting at test depth, but other than that I--no, it didn't strike me that there was anything particularly that would cause me to doubt what other people had told me particularly about the ship in a very short period of time.

Q. Okay, now the court went through a number of--RADM Sullivan went through with you the different evolutions that occurred starting with the angles and dangles on the ship. And, went through some of those in specifics and what you recall hearing and what you didn't recall hearing and what I'm just wondering is with this stage that had been set for you in terms of seeing GREENEVILLE as a well-run ship, well-trained command, if, instead of--you would--you would have expected to hear all the normal reports anyway. I guess what I'm trying to say, is it possible that a lot of these reports did happen, but you just didn't happen to hear them?

A. That certainly is possible. The combination of verbal reports, distance to the people, private conversations that are not privy, coupled with my thought process of thinking about some other things--that doesn't mean it didn't occur, it just means that I didn't hear or recall.

Q. Would it be a fair assessment to say it would be more--to be more likely to notice if specific reports didn't happen than if they did. Aren't--let me ask it this way, aren't providing the sonar reports and fire control reports and the OOD's specific reports that have to be made in going to periscope depth, aren't those just a part of instinct almost bred into all of those watchstanders as they're making preparations to go to periscope depth, going through these evolutions?

A. I believe that the ship certainly attempts to train the people to do that and instinct is too strong from the standpoint that whether you're junior or senior reinforces what your instincts are, so I don't know that I would say instinct, but people--that's part of the process and I have no reason to believe that the XO and the team here didn't try hard to train their team to do it well.

Q. And, so with a well-trained crew, well-trained ship, you would expect those--what do you call it, instincts or maybe habits to occur, to automatically occur?

A. I would expect their trained people to--if given adequate notification and time, to carry out their duties well.

Q. Now, you mentioned you didn't recall hearing the Commanding Officer make any announcements, would you--isn't it reasonable that the Commanding Officer probably did brief--make an announcement and did brief the civilian guests that the Control Room should be treated like a church and for all in Control, that they should maintain silence when they're proceeding to periscope depth?

A. Anything is possible or reasonable, I got a lot of respect for the Commanding Officer of the ship and I'm sure that--that if it's a follow-on to--was the thing quiet or were they quiet in Control. I did not see any conditions in Control during the time that I was in there that led me to believe that there was anything other than appropriate degree of--or quietness and concern for the significance of the evolutions that were going on. There certainly was no--from a perspective of things there was certainly no pupu's and parties and things like that. It was a very quiet, professional organization trying to do their business.

Q. Now you mentioned that you didn't recall the Fathometer Operator manning the fathometer. Did you--did you recognize that the Commanding Officer had set a modified piloting party that included a Fathometer Watch during that entire evolution?

A. I--there was--that's a good point. There was people in addition to the--because the ANAV was stationed--I remem--that's a good point. Now whether the fathometer was--should have been part of that or is part of that--that's a good point. I--the ANAV and the modified piloting party was stationed during that time frame. I don't recall whether the actual fathometer--I didn't bump into him, I didn't talk to him, I didn't check his work so I--that's probably the reason I didn't recall that.

Q. And, sir, is it reasonable that if a Fathometer Watch was standing, that he would have made soundings whenever the ship increased depth?

A. Yes.

Q. Okay, and you mentioned that the CO was describing during the angles and dangles--you mentioned that the CO was describing what was going on for the guests. Did you happen to remember that the CO was, in fact, using the LMC to explain those maneuvers?

A. No, I didn't. And--no, I didn't.

PRES: Counsel, while you're looking through your notes another 10 minutes or 15 minutes, you think? Just give me an idea.

Counsel for CDR Waddle, party (CDR Herold): Probably 15 to 20.

PRES: Okay, 15 to 20.

Counsel for CDR Waddle, party (CDR Herold): Yes, sir.

PRES: Go ahead.

Counsel for CDR Waddle, party (CDR Herold): Yes, sir.

Q. Now on the angles and dangles and rudder turns--the high-speed maneuvers you mentioned, I believe in your testimony yesterday that it's actually tough to handle the ship well during these maneuvers.

A. Yes.

Q. And what you saw was the ship performing very well?

A. Yes.

Q. Didn't you make your--in your statement to RADM Griffiths--say that the CO was doing a good job of working with the team?

A. The thing that struck me most importantly was when Mike was behind the dive stand and he went to walk away a little bit during one of the evolutions that I remember vividly that the Captain put his hand on his shoulder and said, "No, you kind of need to be right here." And it seemed to me as a good--again where the Skipper is kind of teaching and showing and encouraging. So I--as I said, the process of doing high-speed turns and angles on the ship left me feeling, well there's a solid check that they did that well.

CC: Captain, in your response you referred to Mike----

WIT: I'm sorry, excuse me, LTJG Coen.

CC: Thank you.

Q. So, you just mentioned that the CO brought the OOD back toward the Diving Officer of the Watch. Would you consider this good backup by the CO?

A. I did. I think that for the--what they were doing at the moment--I don't know what was in the Lieutenant's mind with regards to where he thought he was going or what he was going to check on, but I thought that the skipper's actions to tell him that this is important at the moment was a--it was a good action.

Q. Alright, and did that impress you as the CO making sure he was training his less experienced junior officers in the proper way to conduct the OOD during these kind of maneuvers?

A. Yes.

Q. Okay. And so what you saw in watching those maneuvers confirmed what you had already heard and knew and read about GREENEVILLE's reputation?

A. That coupled with walking through the ship and talking to a couple people in a short time, 6 hours is-- or 4 hour--5 hours in to that time is a lot different than a couple of days. But yes, I didn't see anything other than I didn't understand why we were at test depth that caused me to say, "Hmm."

Q. Okay. And you mentioned that you had read a number of reports about GREENEVILLE. Had you reviewed their examinations and determined how well they had done on previous examinations?

A. I was aware of their engineering examination results and I was aware of their tactical weapons results. They had good solid performance.

Q. Okay, did you recall that GREENEVILLE had won the Tactical "T" 3 years in a row?

A. I didn't know, but----

Q. You didn't know that. Okay. Now you mentioned that they developed--that GREENEVILLE had developed that shore-side reputation that they were a good ship. I believe when you and I talked that you mentioned that generally you know the extra ships that need--the ships that need extra scrutiny on the waterfront.

A. Yes.

Q. And GREENEVILLE was never one of these?

A. Not by reputation, no.

Q. Now RADM Konetzni mentioned yesterday in his testimony that he felt confident that had you seen anything you needed to you would have--anything grievously wrong--anything you thought needed action you would have taken action.

A. There's no question.

Q. So then in going through all of the evolutions--going to periscope depth--while they're at periscope depth you'd still say you didn't see anything wrong that needed your action?

A. I've tried to establish that they did things quicker than I would do them. And that is still what I think is the center core to this. But did I see something that said, "Stop! This is unsafe. You need to stop this?" No. It's almost what is reasonable versus unreasonable. What is--and I'm giving a lot of credit to a 2 year served Commanding Officer that has a good reputation and a good ship that he's running.

Q. Very well.

A. If I may--if I may--I'm sure that both he and I both agree--I won't speak for him but if I could change it I sure as hell would.

Q. Yes, sir. Now your statement to RADM Griffiths says that you thought the CO was very confident in his abilities and may have been pushing the OOD.

A. The CO is confident in his abilities, no question. As to whether he was pushing the OOD or not is a matter of observation and perception. I'm sure the Captain remembers when he was a young OOD and the skipper was talking to him. That was pretty--"Oh, that's the skipper. He's talking and I'm listening." And I'm sure from the young OOD's perspective that--"Well, that was my Captain talking to me. I sure should be listening to what the Captain's told me." And by the way, the Captain qualified LTJG Coen, and so he knows the Captain pretty well. Your first Skipper that gives you your dolphins is somebody that you remember. So, I'm not trying to be vague or evasive or long-winded, but pushing is a term that I used, but I don't know if pushing is excessive or unexcessive. I just know that it left me with the impression that because the Captain to a JO relationship

in a situation where you're moving along that--the perception of the OOD and the perception of the Captain about what they're doing with regards to pushing may be something that each one of them has to think about.

Q. But you did say that you still viewed the OOD as actively involved in the high-speed maneuvers and going to periscope depth?

A. Yes, yes. I didn't think that the OOD--he left me with the impression that he was cognizant of what was going on. He wasn't--he wasn't out of the loop.

Q. And he never actually abrogated his responsibilities as OOD to the CO?

A. Not that I am aware of at all. There was conversations that were--that I didn't hear but--not that I'm aware of.

Q. Now from what I understand that you're saying, it would actually be pretty realistic for a CO to be giving this kind of guidance to a junior Officer of the Deck?

A. I would expect the Commanding Officer always to be encouraging, helping, pointing out to any of his crew members, not just an Officer of the Deck. That's part of his responsibility and he's the ultimate teacher. He's the ultimate leader. He's the old man. He knows.

Q. Do you have--you mentioned that you had the impression that the Commanding Officer had done a deliberate search on the periscope. He had gone around and then he had done a specific sector search.

A. The Captain looked himself. And the Captain also ordered the ship's depth raised to look. And the Captain looked in a specific area. I felt very comfortable that the fact that the Captain was looking is--was what was needed to be done. How deliberate that is is a fact that can be debated. But the fact that the Captain looked made me say, "Okay. The Captain looked."

Q. And from the position you were standing in Control on the aft port side you could not necessarily see whether or not the Captain turned around and looked at the fire control display panels before he took the scope or not?

A. No.

Q. So the Commanding Officer would need to be able to testify to tell us whether he looked at those fire control displays to get a good feel for the contact situation?

A. Yes. But I think the idea that to get the whole thing out is--there's a lot of things that go in people's minds. Just from the questions I was asked here--they're very good and obvious questions, but what you see in a large situation and what goes through your mind and what you're thinking about is different than what other people are thinking about. And I think it's very important that that be understood. That people see things differently.

Q. And as they were going to periscope depth, you just mentioned that you couldn't--that you would not have been able to see whether the CO looked at the fire control screens. Would you have been able to observe whether the CO asked the civilians on that same aft starboard side to move out of the way so that he could get an unobstructed view of either both the PERIVIS there or the fire control panels?

A. I'm sorry, say that again please, Commander. The----

Q. Yes, that was a little much. The civilians you mentioned earlier--that there were actually civilians standing starboard aft around the fire control panels.

A. In the vicinity of there [pointing laser at exhibit]. Yes.

Q. Now at about that same time that the ship was going to periscope depth you would not have been able to observe the CO moving the civilians around in that area either, would you?

A. No.

Q. Okay. So if he had to move those civilians to afford him an unobstructed view of either the PERIVIS or the fire control displays you wouldn't have seen that occur?

A. No.

Q. Now did you have an unobstructed view of the PERIVIS?

A. No.

Q. You did not from where you were standing. And do you know where the PERIVIS displays in Control are on GREENEVILLE?

A. No. Not completely. Not all of them.

Q. Okay. Do you realize there was one on the forward port side also near the Chief of the Watch?

A. No.

Q. Okay. Did you have any reason to consider at the time that the ship was making preparations to go to periscope depth that they might not have a good contact picture?

A. It didn't cross my mind at that time per se that the ship would not know what contact picture they had. I had been in Sonar earlier in the day and I had felt that in my spot check of the people in Sonar that they knew what they had. It's important from my perspective to walk you through this because it's part of the problem. In my mind is they did do the operations very well and with a lot of reflection on this that I'd become somewhat not as attentive as I did in the high-speed turns because I thought that the Captain and his team could get the ship safely to periscope depth because they had done it hundreds of time without me being there before. And that--it just--and it didn't occur to me and it did get the ship safely to periscope depth. Independent of what the contact situation was. The ship did get safely to periscope depth. So that whole issue is something that still bothers me a little bit.

Q. You may have let your antenna down a little bit? Or you just--and I guess my question would be, did you feel you had any basis to keep your antenna up?

A. Not until we started--between the time I stopped watching the high-speed turns and evolutions until after we got started into the periscope depth evolutions going a little quicker than I thought, I wasn't thinking about what the contact situation was.

Q. Okay. Thank you, sir. Now you just mentioned and you mentioned in your statement to RADM Griffiths that you did go through Sonar earlier that day. What time was that? Do you recall?

A. I don't know what exact time it was. It was ear--the ship was submerged and it was after we had gotten underway. I don't know the exact time.

Q. Okay. You can't remember whether it was before or after lunch?

A. It was before lunch.

Q. Okay. Now when you went into Control before you started witnessing the high-speed maneuvers, did you go back over to the port side--to the starboard side, excuse me, to see what the fire control displays looked like?

A. No.

Q. Okay. Sir, have you read through the Preliminary Investigation that RADM Griffiths has done?

A. Yes, I did.

Q. And did you read the summaries of the statements that the individuals made?

A. Not in detail. Not all of them. I read mine because I was very interested in it. And I read the overall preliminary. And I glanced through, but I don't--I would never say I studied it as if I was going to take a test or anything like that. I just--I just--I glanced through. Some I read quicker than others.

Q. Did you know--do you remember if you read CDR Waddle's statement?

A. Yes. It was in there.

Q. Do you recall whether you read that statement in any depth? You mentioned that you breezed through the enclosures but your own. Do you recall whether you read his statement specifically?

A. I--if I may for the record I want to make sure I understand this. I never looked at the PI. I was kept out of it other than my discussions when I was interviewed two times until a couple of weeks after it occurred when there was a lot of it in the press. And I asked a lawyer, Jack McDonald, on the SUBPAC staff, to say, "It's kind of frustrating to me that I was there and everybody else can have access to it--read it--it's being distributed everywhere and I don't--I haven't seen it." So I asked if I could read it. They checked and they gave it to me to read. I didn't read it initially at all until about a week later because I was busy doing other things. And then when I finally got to it I paged through it quickly and I looked at. So that's how I came to look and see that.

Q. Okay.

A. And I didn't study it at all. I just--I glanced through it.

Q. Yes, sir. But you did read CDR Waddle's?

A. Yes.

Q. Very well. Now did--during any of the evolutions that you witnessed while you were in the Control Room do you recall the Diving Officer of the Watch, the Helmsman, or the Chief of the Watch stating that they were having any trouble with the ship's trim or needed time to get the ship trimmed to get to PD?

A. I didn't. I never heard that or observed it.

Q. And, sir, I think you mentioned that you had not heard the LMC announcement to make the ship--to rig the ship for deep submergence?

A. No, I didn't. I did not. I don't recall that.

Q. Is--and do you recall if you heard any subsequent announcements about the ship changing depth?

A. I----

Q. Those that might have come in over the LMC during lunch?

A. I understand, but now that you mention that, yes there probably was. And the other thing that I want to say about lunch is that during the time at lunch that Scott was--I mean CDR Waddle, excuse me, was receiving phone calls from--like a normal Captain does. There were phones underneath there and he was talking and he was working with the people on doing that. Those conversations, again, I wasn't eavesdropping, he was having conversations with his OODs and whoever. I don't even know if it was his OOD. But he was having conversations with the people that were there the lunch was going on. Those things did occur.

Q. Okay.

A. What the particular topic or my memory of those are I----

Q. So you could have very well--there could have very well been a LMC announcement on rigging the ship for deep submergence?

A. I would like to think I would have remembered that, but there could have been.

Q. Very well----

PRES: Counsel?

Counsel for CDR Waddle, party (CDR Herold): Yes, sir.

PRES: I don't want to rush you. I want you to go through this in detail, but I want to recess as well. Do you want a few more minutes to finish or do you want to come back after a recess?

Counsel for CDR Waddle, party (CDR Herold): I'll just come back after the recess.

PRES: Okay. This court will be in recess until 1010.

The court recessed at 0950 hours, 13 March 2001.

The court was called to order at 1010 hours, 13 March 2001.

CC: Let the record reflect that the members, parties, and counsel are again present. Could we recall CAPT Brandhuber to the stand, please.

CAPT Brandhuber, if you would take your seat in the witness box and again I remind you that you're still under oath.

[The witness resumed seat in witness box.]

WIT: Yes, sir.

CC: CDR Herold.

Counsel for CDR Waddle, party (CDR Herold): Thank you, sir.

Questions by counsel for CDR Waddle, party (CDR Herold):

Q. Captain, just a few more questions before I finish here. I want to talk about the fact that you said that you remembered while you were sitting in the Wardroom for lunch that there were some LMC announcements being made, just couldn't remember what those were. Would you have been surprised as a career submariner and a former Commodore--would you have been surprised if the ship had proceeded to periscope depth without first announcing all stations to the Conn, proceeding to periscope depth?

A. Would I have been surprised had that not been announced?

Q. Had that not been announced, yes, sir.

A. Yes.

Q. And how about if the OOD had not conducted a standard check of the periscope after raising it?

A. Yes.

Q. Including the early warning receiver?

A. Yes.

Q. Wouldn't you have been surprised if the ship would have been gross out of trim at the time it went to periscope depth?

A. Yes.

Q. And if the CO felt the need to direct each step of the periscope routine?

A. I'm sorry, you're asking me if I would be surprised if the CO needed to----

Q. Needed to direct----

A. Each----

Q. Step----

A. Of the periscope routine? Yes, I would have been surprised had he had to do that.

Q. And you, I believe, you mentioned that CDR Waddle and his crew had probably taken the ship to periscope depth hundreds of times without you, and he'd been able to do that confidently and safely?

A. Yes.

Q. And would you be surprised if sonar had not reported the status of sonar contacts after clearing baffles?

A. Yes.

Q. Okay, that's a pretty standard report that they make?

A. That would be, yes.

Q. Now, I'm gonna move into the DV's for just a couple of questions. I believe you mentioned yesterday afternoon, when you went onboard that morning you didn't know that the ship was going to be underway for the entire weekend. You thought it was going to be underway?

A. Okay.

Q. And had you planned on disembarking with the personnel transfer of the DV'S that afternoon?

A. Absolutely, yes.

Q. So you had never planned on being underway for any more than 6 hours, anyway?

A. Absolutely.

Q. Is that one of the reasons you considered yourself just their escort vice in that more formal role?

A. Yes.

Q. Do you remember mentioning to the court yesterday that the DV'S were briefed when they came onboard the ship?

A. Yes.

Q. Did you sit in on that briefing, sir?

A. I was in the mess decks for portions of it, yes.

Q. Do you recall what was briefed?

A. Pretty standard things with regards to here's what we're going to be doing for the day, here's some safety things that type of thing. I don't recall the specifics with the safety things in that type of thing was covered. It appeared to me as being a pretty standard----

Q. Standard inboard brief for folks who were not familiar----

A. It talked about medical people-I'm sorry.

Q. Sorry, Sir.

A. It talked about medical concerns if you got seasick, that type of discussion. Where you would be--you know a general overview brief of what was going on, given by a young First Class Petty Officer, if I remember correctly.

Q. Yes, sir, thank you, sir, and was that Petty Officer Finley?

A. I don't know.

Q. You don't know, sir? Would that normally be done by someone who's named as the ship's collateral duty Public Affairs Officer?

A. I wouldn't say it's normally done by anyone. I've seen it done by various people at various times over my career.

Q. Very well. Now when they talked about the medical issues, seasickness and those issues, do you recall if the ship's medical corpsman was also there?

A. I think he was.

Q. Very well. Alright, sir, thank you. Now you mentioned that you were not concerned about the fact that the embark seemed to be running a little bit behind schedule. Do you know if the XO had talked to the CO about the timing of the schedule of events?

A. At the time, no.

Q. Do you know now?

A. I remember from glancing through as I alluded to I think there was a subject of conversation in the XO's thing there about being concerned about timing.

Q. In the XO's statement?

A. Yes.

Q. Alright, and just to--a little bit about after the collision. Do you know why GREENEVILLE was kept on station for the search and rescue overnight?

A. In order to--my understanding was in order to have--ensure that the Navy presence was there to conduct--continue to search for any possible survivors.

Q. Even though the submarine is pretty limited in what it can do search and rescue wise?

A. The submarine is capable of looking and maintaining a look and being out there and putting eyes through the periscope and eyes on the bridge, and using that so, if that's limited, then okay. Yes, but we were kept out for that reason I think.

Q. I think what I was referring to was limited in comparison to the Coast Guard vessels and the helicopters actually, some of the search and rescue teams that were already on----

A. It's not our primary mission, yes.

Q. Now you mentioned during the search and rescue efforts, while GREENEVILLE was on station overnight that--and I think you mentioned this in your statement to RADM Griffiths, that you made the cognitive decision that CDR Waddle was capable of handling--of still commanding the ship?

A. Yes.

Q. And what was that based on?

A. CDR Waddle and I had--I wouldn't want to be quoted the exact number of conversations but to my mind, several through the course of the night, a couple in the Stateroom, a couple in other locations, about the course of events and things and during the course of those times I always watched to see how the Captain looks, and a very tough time, very tough time, one of the toughest times in my life.

Q. CDR Waddle managed to perform well under those circumstances?

A. Yes.

Q. And his team, his crew performed very well under those circumstances?

A. Considering that they were some of the toughest circumstances they've ever been exposed to, yes they did.

Q. Okay, just to kind of recap, leading up to the collision although you said you--standing in the aft part of Control, you were thinking about the speed at which things were proceeding. You didn't actually see anything you considered unsafe, did you, Sir?

A. That's what I said.

Q. You didn't see anything to raise any kind of red flag in your mind?

A. I believe I've discussed in reiterating that there were things that I was thinking about regarding the speed and the conduct of the evolution that caused me to have caution about that. I didn't stop the evolution because I didn't think it was unsafe.

Q. Yes, sir. And isn't submarining generally considered as much of an art as it is science?

A. I wouldn't say as much as, there is a significant portion of experience, intuition, training, understanding the environment, and art involved in professional submarining, but the technical requirements and the understanding of the material conditions, the training required in the understanding of the surroundings are critical to the evolution.

Q. The training you're going to expect an individual who's been screened for Commanding Officer to have had all of the training necessary?

A. Absolutely.

Q. Yes, sir. And the art side of it is going to involve his judgment, using his best judgment under the circumstances?

A. Based on the experience and the training of the people that he has received over the years, and his own persona and his own leadership skills, and his own capabilities, yes.

Counsel for CDR Waddle, party (CDR Herold): Thank you, sir. That's all I have.

PRES: Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): Thank you, sir.

Questions by counsel for LCDR Pfeifer, party (LCDR Stone):

Q. Sir, I'm going to start with the time that you embarked on GREENEVILLE that morning, and discuss your standing orders, then to talk a little bit about the Control Room issues there, okay, so that's sort of where I'm going to go in terms of this cross. Okay?

A. Thank you.

Q. You did notify--the GREENEVILLE was aware that you were embarking that morning, correct?

A. Yes.

Q. And that they did in fact and the Executive Officer and the COB did meet you at the pier?

A. Yes.

Q. And when they met you at the pier didn't LCDR Pfeifer provide you with three 3X5 cards to detail what was happening that day? Specifically, didn't he provide you a 3 X 5 card that had the Plan of the Day on it?

A. I don't remember that at that time, and I don't know where those cards are even to this time.

Q. Do you remember him providing you a visitor's--a card with the DV'S names on them?

A. I did get a GREENEVILLE Welcome Aboard pamphlet that had some information in it. I don't remember when exactly I got that, but I don't remember three cards on the pier.

Q. So, you do not remember him also providing you a card with the Wardroom--the Wardroom officers names on one side and the CPO'S----

A. I think that was in the----

Q. In was in the list of information----

A. Pamphlet----

CC: Excuse me, once again we need to wait for the attorney to put the question to you, Captain, before you answer the question.

Q. Sir, when you were also on the pier, the Executive Officer was ready to discuss with you his--your standing orders. Is that also true? He had gone over with you the potential to--told you that the Navigator was ready and he was ready to discuss navigation tracks for the 6 hour evolution?

CC: Counsel, there are two questions in there. You asked about the standing orders and you asked about the Navigation track. Can we ask one question and get a response from the witness, please.

Q. With regard to your standing orders, sir, there is a section in there that discusses navigational tracks and plans, correct?

A. Yes.

Q. On the pier that morning, the Executive Officer was willing to make it known to you that he had the Navigator standing by and he was ready to discuss this information with you? Do you remember that?

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

Q. Could this just have slipped your mind or did this not happen at all?

A. I would never imply that LCDR Pfeifer--no, it could have, but my recollection that morning was pretty quick. I said "hi" to him and people were there at the same time and I said some opening comments to the visitors. The Captain came up and we moved on. I don't remember that, but it could have happened.

Q. Do you also remember then, sir, that you did receive a tour from the COB later that morning, correct?

A. I walked around the ship and talked to people. I don't think the COB personally escorted me around the ship.

Q. Do you remember testifying yesterday, sir, that the COB and the EDMC approached you and offered to give you a tour of the ship?

A. Yes.

Q. At that time they showed you around a couple of spaces and then you went on your own?

A. I don't believe they showed me anything around the ship. I think I told them "thank you" for the offer and

I walked around on my own. I don't remember either person walking with me, doing the type of thing I would normally do in that situation, no, sir.

Q. But then also, a tour of the ship is contained within your standing order?

A. Yes, it is.

Q. And so from these various things--let me rephrase the question. Also at this time you testified that you were under the impression that this standing order really didn't apply since this was only a 6 hour underway period. Is that correct?

A. I said I think I wrote--when I wrote it and signed it I didn't consider it a short duration underway period to be what it was intended for.

Q. So, going in that morning you also were not necessarily expecting the GREENEVILLE to be providing you all of this information?

A. That's fair, yes, sir.

Q. And by your own admission then by your moving through the events quickly it would have been clear to the GREENEVILLE that, or at least those people trying to do that that this was not an evolution that you were particularly interested in doing that morning. Would that also be fair?

A. Which evolution, sir?

Q. Ah--specifically briefing you on the pier or at various times with regards to some of your standing orders?

A. I didn't make it known to them that I expected that to happen.

Q. They also--were you--from some of the things that happened that have happened that morning, specifically, the Executive Officer greeting you at the pier and the COB and the EDMC offering you to give you a tour on some of those. Does it appear to you now in retrospect that the GREENEVILLE was ready or prepared to execute with those standing orders had you been prepared to do so?

A. Yes, I think that GREENEVILLE is a professional ship. They were aware of it and if they wanted to do that I think they would have made that known to me.

Q. I would also like to turn your attention, sir, to the time you were in Control. It's about a 10 minute period that was discussed this morning in great detail. You had testified that you were standing roughly in this area near the radar section and near the Fathometer Watch during the angles and dangles period. Now, at various times in this--I want to attract your attention from that time you had stated that the Executive Officer was somewhere in the Control Room.

A. Yes, portions of the time. I didn't state that I saw the Executive Officer all the time for the time I was there.

Q. Now, would you agree with me that from the conclusions of angles and dangles to the time that there was called an emergency deep. We're talking about a 10 minute period, is that about right?

A. Yes, Sir.

Q. Now, during this time you had testified that at one point that you had recognized and remembered the Executive Officer somewhere in this area over here [pointing laser at exhibit].

CC: Counsel, would you please indicate where you're pointing on Exhibit 6?

Counsel for LCDR Pfeifer, party (LCDR Stone): Yes, sir.

Q. Just outside of the Sonar Room--somewhat adjacent to where the CEP plot is. Is that an accurate depiction of where you remember the Executive Officer, somewhere in there?

A. Yes.

Q. Now, is it safe to say, sir, that also during this time of angles and dangles and shortly thereafter that you were not particularly paying attention to where the Executive Officer is?

A. Absolutely.

Q. And, so you can't say with a definitive time when during this 10 or 15 minute period that you saw the Executive Officer in this area? It could have been on the way to PD or after PD or?

A. Could have been--that's a fair assessment, sir. I didn't have what I alluded to earlier a wheel book that

was writing down what the XO or anyone else's actions were at any given point in time, keeping track of the minutes and time and that type of thing. I didn't do that.

Q. I think as you testified to that one of your main issues or one of the things you were doing you were concentrating on other members of the Ship's Control Party throughout angles and dangles as well as----

A. Absolutely.

Q. And since the XO is not a watchstander, you wouldn't even be expected to even notice him is that--or pay attention to him--not necessarily noted to him----

A. Pay attention, yes, sir.

Q. I think yesterday you also said that the reason you could identify the Executive Officer in this area right over here by the CEP plot and the Sonar Room is because of his red hair?

A. He's a little taller than other people and he has red hair, yes, sir.

Q. Do you remember anytime previous to or during the angles and dangles period of time where you were standing next to the Executive Officer in the area that you previously described by the Radar Room?

A. During what time?

Q. During angles and dangles periods of time?

A. No, sir.

Q. Do you remember the Executive Officer handing you a camera in this time--in this period to take a picture of the distinguished visitors? Do you remember that at all?

A. I remember a camera being handed to me.

Q. But you just don't know necessarily who was the person who handed it to you?

A. I can tell you who I took the picture of, but I'm not sure who handed it to me----

Q. Do you----

A. Go ahead.

Q. Do you know who you took a picture of, sir?

A. There was a--one of the--female riders was in this area here and the picture was taken diagonally across from there.

Q. When you say----

A. I'm sorry, I would say in the aft starboard side of scope 1 and the picture was taken diagonally across the Control Room from where I was port side of the Control Room.

Q. Thank you, Captain, sir, I don't have very many more questions. You do not remember any conversations between the--overhearing any conversations between the Commanding Officer and the Executive Officer or between-- do you remember the Executive Officer or the OOD saying anything at anytime during this entire period?

A. No.

Q. Yes, sir. I want to switch gears a little bit and just talk a little bit about how well you know LCDR Pfeifer as well as his professional reputation he has gained on the waterfront. How long have you known LCDR Pfeifer?

A. I think I've known the XO a little bit over a year if my memory serves me correctly.

Q. And, so what types of professional dealings have you had with him?

A. Limited.

Q. Now, through your job as Chief of Staff of SUBPAC have you learned of a reputation of the XO of the GREENEVILLE and LCDR Pfeifer?

A. Yes, the ship has a good reputation and the Executive Officer has a good reputation as being a part of that ship's good reputation.

Q. When you went onboard that morning and you looked at the spaces and you--how much--is it evident to you that RADM Konetzni may have said that the XO's footprints were all over the ship?

A. I think that LCDR Pfeifer has had an impact, a positive impact on USS GREENEVILLE, no question in my mind.

Questions by counsel for LTJG Coen, party (LCDR Filbert):

Q. CAPT Brandhuber, I want to ask you some questions the--what was going on between the CO and the Officer of the Deck when you were in Control? You testified earlier that when the ship was doing angles and high-speed maneuvers, that essentially the CO would tell the OOD--would relay that order to the watchstanders? Is that right?

A. Yes, from the best of my recollection. There was several orders there. I can't tell you 100 percent that every one of those orders were handled that way. The best of my recollection appears that that was the way it was being done.

Q. I understand and just based upon what you observed and what you were able to see. Now, based upon your observations and what you were able to see during these evolutions when the ship ended the high-speed maneuvers and moved into the preparations for going to periscope depth, did you see any change in the way that the orders were being originated and then carried out by the Officer of the Deck and that the CO would tell the OOD do this and the OOD would then relay the order?

A. Yes, sir.

Q. It continued on?

A. I felt that there was this continued assistance to the Officer of the Deck--or aboard--guidance from the Commanding Officer to do some things.

Q. Okay, and that continued on all the way until the ship began the emergency procedure?

A. The Captain was actively involved with the conduct of those evolutions, yes, sir.

Q. Now, as far as orders that were originated by the Officer of the Deck and by that I mean on his own gave an order. Did you ever observe the Officer of the Deck give an order like that where he on his own gave an order to a watchstander?

A. Not that I observed.

Q. Now, you've been asked a lot of questions about the speed at which things happened and the ship coming to periscope depth. I wanted to ask you looking back on what happened and I have the pointer here on Exhibit 4 and this is a reconstruction of what happened with regard to GREENEVILLE and the Japanese vessel. And CAPT Brandhuber, I'm pointing to a box here [pointing laser at exhibit], which says 1331 slows to 10 knots and essentially it's describing beginning maneuvers for coming to periscope depth and then above here [pointing at laser at exhibit], there's a box that says 1337 proceeds to periscope depth and what that tells us is that the ship began preparation and went to periscope depth within 6 minutes.

A. Yes, sir.

Q. Now we've heard testimony from RADM Griffiths, CAPT Kyle, and RADM Konetzni who all stated that that's too fast. Looking back at what happened, do you agree that's too fast to come to periscope depth given the situation GREENEVILLE was in?

A. It's quick, but not something a submarine shouldn't be able to execute safely and they did.

Q. Do you agree that there wasn't any reason to go to periscope depth within 6 minutes? There wasn't a tactical situation or anything like that.

A. It was faster from that perspective, yes.

Q. Now, you described earlier in your observations with regard to the speed at which the ship came to periscope depth and that you had this internal--sort of internal debate about whether or not it was going too quick and whether or not you should say something. Is that fair?

A. Yes, sir.

Q. And you decided not to step in at that time in part because, and this is what you said yesterday, because you didn't want to say anything in front of the DV's to the Commanding Officer, that was part of your decision?

A. And also to his crew.

Q. And to his crew?

A. The Captain has a very unique position and responsibility and I have personal experience in my junior officer days watching a Commanding Officer who as a junior officer or as a LPO--or Leading Petty Officer

has to watch someone from the outside who you're going to go to sea with for 6 months in the next year and go do the nations work and have the outside rider observer senior person tell that person that he's not doing it very well. It has an impact on the rest of the crew. It's not lost on me.

Q. And that was part of your equation?

A. Yes, sir.

Q. Now, was it your intention then given what you saw and your position onboard that at some later time you would sit down with the CO and discuss your concerns or ask questions about what happened?

A. Yes.

Q. And you would have done that maybe later in the day or sometime back in port?

A. Yes. I have a history of doing that. I do that all the time. If I ride a ship I always give--Senior always gives the observations to the Commanding Officer and other people after--before leaving provides them feedback and I do that.

Q. This would have been one of those topics that you would have raised with the Commanding Officer?

A. Absolutely.

Counsel for LTJG Coen, party: Thank you. I don't have any further questions.

CC: CAPT Brandhuber, you are directed not to discuss your testimony in this case with anyone other than a member of the court, parties thereto, 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 or the parties thereto attempts to talk to you about your testimony in this case, you should make the circumstances known to the counsel originally calling you as a witness.

[The witness withdrew from the courtroom.]

Richard L. Snead, Captain, 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. Commodore, would you tell us your full name, spelling your last name for the record?

A. My name is Richard L. Snead, spelled S-N-E-A-D.

Q. And what is your rank?

A. I'm a Captain in the United States Navy.

Q. Sir, what is your current duty station and your duties and responsibilities?

A. I am Commander, Submarine Squadron ONE here in Pearl Harbor. I am the principal administrative Commander for the--in Submarine Squadron ONE. My responsibilities also include the evaluation and enhancement of the training of those submarines and the certification of those submarines for deployed operations, as well as--I also have the collateral responsibility as the lead agent for Submarine Special Operations in the--Special Warfare in the Pacific and until recently, I was the Submarine Assistance Team guy for Battle Force SEVENTH Fleet.

Q. How long have you served as the Commodore of Submarine Squadron ONE?

A. Since August of last year.

Q. That would be the year 2000?

A. Right.

Q. You mentioned that you were--the GREENEVILLE was in-- I believe you said she's in your operation--or your administrative chain of command, is that correct?

A. Right.

Q. What is GREENEVILLE's operational chain of command?

A. When GREENEVILLE is at sea operating, the Operational Commander is the Submarine Operating Authority, which is COMSUBPAC, when she's in local waters. Even the case of deployed operations in the Western Pacific, she would be under the Operational Commander, Submarine Group SEVEN for instance.

Q. Captain, what have your duty assignments been prior to your current assignment as the Commodore of Squadron ONE?

A. Well, my first tour was as a junior officer aboard a ballistic missile submarine, USS NATHAN HALE, making patrols out of Holy Loch, Scotland and Charleston, South Carolina. I then served as Engineer Officer on USS CINCINNATI, a 688 class submarine out of Norfolk, Virginia. I had a shore tour at the Naval Sea Systems Command in Washington, D.C., following that. Then, I was Executive Officer on the attack submarine, USS BALTIMORE, again out of Norfolk. Following that, I served on the staff of the CNO and N801 in the Pentagon. And then, attended the National War College at Fort McNair in Washington, D.C. for a year prior to assuming command of the attack submarine, USS OKLAHOMA CITY, again homeported in Norfolk, Virginia. After command, I went to the U.S. Naval Academy where I was a Battalion Officer and the Deputy Commandant among midshipman, and then back to OPNAV where I served on the staff of CNO, ADM Johnson, as N801 Director for Navy Program Planning.

Q. How many years have you been qualified in submarines?

A. 20, 21 years. I qualified in 1980.

Q. And how many years in your career have you spent at sea or in an operational environment?

A. About 10 years.

Q. Commodore, obviously you're aware of the collision that took place on 9 February.

A. I am.

Q. And that was between the EHIME MARU and one of the ships in your squadron, the GREENEVILLE?

A. That is correct.

Q. Sir, are you aware that a Preliminary Inquiry was completed by RADM Griffiths in the case?

A. I am.

Q. Have you read that report?

A. No, I have not. I asked, but was not provided the report.

Q. Sir, how many submarines do you have in Squadron ONE?

A. I have six.

Q. As--I guess as Commodore are you commonly also known as GREENEVILLE's ISIC?

A. That is correct.

Q. And ISIC stands for what, sir?

A. Immediate Senior in Command.

Q. What are your duties and responsibilities as GREENEVILLE's ISIC?

A. Well, they are the same as I just outlined as the Squadron Commander. Principally, the assessment and enhancement of the training of the USS GREENEVILLE to complete her wartime missions.

Q. Do you have a staff that assists you in doing that?

A. I do.

Q. Could you describe how your staff is organized and what their duties and responsibilities are?

A. The staff is organized principally the same way the submarine is organized, with some notable exceptions, and I'll explain those. I've got combat systems people who are organized into weapons, sonar, fire control. I've got engineering people who are organized--and essentially there is one Chief each--for each one of those responsibilities--and these people are carefully screened senior enlisted experts. In Engineering, I've got one organized for Electrical, Mechanical, and Reactor Control--as Engineering Departments on the submarine, are organized. And then, I have the people that work for me for special warfare, which are the divers. I have a diver, I have a Chief Warrant Officer Master Diver and some folks that work in that business.

Now, the other areas of the submarine, Communications, Supply, Medical, those responsibilities used to be all encompassed in the traditional submarine squadron command, but prior to my coming to Pearl Harbor that stuff was divested from the squadrons and consolidated into a single command called the Naval Submarine Support Command here in Pearl Harbor. They take care of that stuff, manpower as well.

So, what my principal role then--the training of the submarines, although I remain responsible for their readiness to deploy and so, quite frankly, the way I run this squadron is to keep my hands, if you will, into those other areas; which the largest piece of which is maintenance because they impact so significantly readiness aboard the ships.

Q. Sir, as far as your ISIC responsibilities, do you provide any direction or oversight into GREENEVILLE's schedule or ships schedule?

A. Yes, we do. We provide--what we do is we provide inputs to the Type Commander, the Operational Commander, and make a recommendation as to how that ship should be employed and then they tell us what the schedule is going to be.

Now, the submarines--the deployment schedules of the submarines essentially drive what we do over the rest of the time. In order to meet the CINC's requirements, SUBPAC provides submarine forces for CINCPACFLT--and the CINC's requirements determine when we have to deploy submarines. And so, the timeline for those deployments then gives me the windows--the IDTC, if you will, perhaps that has been talked about--the inter-deployment training cycle, and that inter-deployment training cycle is when I do my work and that is to schedule the ships so as to accomplish all necessary maintenance, all necessary modernization, equipment modifications if you will that have to be made and----

Q. Inspections also would be in there?

A. Inspections all fall into that and then all of the training underways and things, so that we can satisfy the requirements and those requirements are laid out pretty clearly in the Type Commander documents.

Q. So it is fair to say that you build this schedule around deployments?

A. That is correct.

Q. Sir, could you describe for the court and specifically, I want you to focus on USS GREENEVILLE, and if you could start and tell us when she was scheduled to deploy and then back up from there and describe her schedule over the last year.

A. Okay, if you will let me start first by saying USS GREENEVILLE is somewhat of a little different than the traditional submarine deployer, in that USS GREENEVILLE was the first submarine fitted to host the Advanced Seal Delivery System. That system has been in development and testing for some time now and so therefore, GREENEVILLE has been waiting and has not been part of the normal deployed rotation for about 2 years, I believe, waiting so that she could host the ASDS, when it became available for testing and go to sea. Now in the last year or so, GREENEVILLE was put back into the deployed rotation based on some presumptions about what might happen with the ASDS testing.

She was scheduled to deploy this coming June, June 2001, and entered the Pre-Overseas Movement, POM, if you will, process in January after coming out of--out of a short shipyard availability so therefore, her underway in January--and she was underway from about the 5th of January until the 2nd of February was her first underway as a part of the Pre-Overseas Movement period, and that underway was to go to the U.S. West Coast to do post-SRA, Selected Restricted Availability, acoustic trials and also to conduct underway training.

Prior to that, from December--just prior to the holidays back to September, GREENEVILLE had been in Pearl Harbor Naval Shipyard for a Selected Restricted Availability doing a lot of maintenance, which must be done in the shipyard dry dock.

Q. Let's focus on that period of time.

A. Okay.

Q. How long was she again in----

A. It was approximately a 3 month availability.

Q. How well did she do?

A. She did very well. In fact--well, there is two pieces to this let me say. First is that, the business of doing the maintenance and getting along well with the shipyard, so that things get done expeditiously went superbly well.

GREENEVILLE's availability was one of the largest, if not the largest, and I haven't gone back and audited the records to be able to make a declarative statement, but one of the largest mandate packages--work packages that Pearl Harbor has accomplished in an SRA period and the ship, working with the shipyard closely, got it done inside the timelines--essentially inside the timelines, and did so practically without incident. We didn't have any tagout issues, if you will, work control issues to speak of. The ship was immaculately clean through that availability, which is a huge accomplishment in a shipyard. The pretty critical walk-through inspections done by me and the Naval Reactors Representative Office went without--virtually without deficiency.

Now, on the other hand, the stuff that also goes on during that availability is the training, so that the ship is ready to go back to sea to once again operate. GREENEVILLE--and I would say that, quite frankly, throughout her year in, year out, she's one of the most aggressive users of the ashore trainers that we have here in Pearl Harbor. I believe they were in the trainer about 15 times, 15 or 16 times during the SRA and my staff observes that and we found that the ship does well. I mean they--the subjective assessments of the ship going into SRA were that they were operationally above average and during the SRA assessments were that the ship was average, which actually is a pretty good performance for a ship in that kind of availability because the demands--and again to try to maintain the standards that USS GREENEVILLE had, the demands are significant.

Q. Sir, so she came out of the yards then in December of 2000?

A. That is correct.

Q. When did she go to sea the first time after that?

A. I do believe about the 21<sup>st</sup> of December for sea trials. I could be wrong, but about that time. It was just before the holidays.

Q. Did anyone from your squadron ride her during sea trials?

A. No, they did not.

Q. How did she perform during sea trials?

A. Performed very well, executed the schedule right on the dime and returned on schedule.

Q. How do you find out how well one of your ships does during sea trial? Do you--are there observers onboard that come back and brief you on that?

A. Not always. Sometimes there are, but not always and so what I--in this case, I did talk to the Skipper to find out how they did on sea trials. Now as I said before, evaluation of the ship in the trainers, this is an assessment of what we might expect and allows us to determine perhaps whether we might not want to position a sea trial rider for something like that.

Q. After she completed sea trials, what did she do next? What was next on her schedule?

A. Holiday stand down and then underway on the 5<sup>th</sup> of January for EASTPAC and sound trials at Ketchikan, Alaska.

Q. How long was that at-sea period?

A. Well, I do believe about 10 days just to get to Ketchikan and then do the sound trial and then come out. She went to San Francisco and then came back and her return transit was about 10 days, and I don't have the exact dates.

Q. Do you know when she returned to Pearl Harbor?

A. She returned on the 2<sup>nd</sup> of February, Friday the 2<sup>nd</sup>.

Q. Okay, so she was gone for about a month?

A. Right.

Q. Sir, since you've assumed command of Squadron ONE, have you personally gone onboard GREENEVILLE to ride her?

A. I've been onboard in port, but not at sea.

Q. Has anybody in your squadron gone to sea with her?

A. Yes, they have.

Q. Who would that be, sir?

A. My Squadron Engineer and some of his staff were riding the ship during their EASTPAC swing in January.

Q. Anybody else?

A. No, sir.

Q. Did you receive any feedback report on her performance when she went on her EASTPAC?

A. Yes.

Q. What was that feedback, sir?

A. The feedback was that the ship was doing well. In particular, their engineering training was coming along very, very, well. They'd operated well out there and in fact--I'm sure that we are going to talk about the GREENEVILLE's subsequent schedule and my feedback from that ride was such that we modified her training schedule as a result of it.

You know, you had asked was anybody else on the ship. There were other riders on the ship from the Type Commander, and I received that feedback as well.

Q. And what was the feedback that you received from the Type Commander?

A. Was that the ship did very well. They operated well. It was crisply operated. One of GREENEVILLE's trademarks is that she is a sharp ship. It runs--when I say runs well, they do things in a seaman-like manner, things are done properly on schedule, it executes sharply.

Furthermore, the evaluation of the sonar--of the Ship's Sonar Division, which was done during that EASTPAC, was very favorable. The--there's an outfit called CSTT, Combat Systems Training Team, which is actually a part of RADM Konetzni's staff. They assessed that things were going very, very, well in the Sonar Division, characterized as average, but could easily be the best Sonar Room, as I recall that the report said, the best Sonar Room on the waterfront.

Q. What would you----

PRES: Excuse me, one quick follow-up question.

Question by the President:

Q. You said the ship has the reputation for doing things on schedule and that includes being on time?

A: Yes, sir, it does.

CC: RADM Sullivan, you had a question?

MBR (RADM SULLIVAN): Good morning, Commodore.

WIT: Morning, sir.

Questions by a court member (RADM Sullivan):

Q. Yesterday, during some other testimony, there was some--I believe it was RADM Konetzni alluded to there was some--an incident for--an occasion departing San Francisco, that the ship took some water down her Bridge hatch. Could you elaborate on that for me please?

A. There is a place coming out underneath the Bay Bridge and I think it is called the "Potato Patch" where the combination of currents and winds and seas is such that it can be rough and submarines are told to prepare for that in a certain fashion and to consider bringing the watch below and all those sorts of things and I do--what my understanding of the situation was described to me by the ship's Commanding Officer is they were in the process of doing that when they took water down the hatch.

Q. How much water?

A. Several hundred gallons I am told, sir.

Q. I haven't been a Commander out here in the Pacific now for 8 or 9 years, my recollection--and you can help me, there's actually explicit guidance from the Type Commander to make preparations as you pass underneath the Golden Gate Bridge in the OPORD, I believe it is the 205 now?

A. The 205, that is correct, yes, sir.

Q. Was that guidance followed?

A. The guidance was followed, sir. It is questionable whether that guidance was executed in a timely fashion, whether or not he actually had those measures in place prior to getting to where he should have been or arguably they wouldn't have taken that water.

PRES: I'm confused. You said Golden Gate and you said Bay Bridge.

WIT: I'm sorry, Golden Gate, coming out of San Francisco Harbor.

Q. Can you elaborate what all that guide says?

A. No, sir, I cannot.

Questions by a court member (RADM Stone):

Q. Just a question here to get clarity on the scheduling process--later there will be some discussions about the 9 February DV embark. You described in response to an earlier question that the way the scheduling process works is that you and your staff provide an input to SUBPAC on the scheduling of your submarines, but the approval authority for that is SUBPAC? It is not you and your staff for submarine schedules?

A. That is correct, sir. We schedule them for local operations. We, in fact, tell them how we intend to divide up water and they give us--they actually give us the water. They actually control that water.

Q. Do you know what level that normally is coordinated, processed within SUBPAC? Is that the N3?

A. Yes, sir, it is within the N3 organization. Yes, sir.

Questions by Counsel for the Court:

Q. Commodore, you mentioned the Combat Systems Training Team that rode GREENEVILLE during her EASTPAC. Did that occur--excuse me, did they prepare a report after they rode her evaluating her Sonar Team?

A. They--yes, sir. Trip Report--it is not a formal document per se--or a formatted document per se, but it is a Trip Report from the Chief that rode the ship. Yes, I read it.

Q. Do you have that, sir, in the Squadron?

A. We do have it.

Q. You said that they evaluated GREENEVILLE's Sonar Team as average. Do you attribute that to the fact that she had just come out of the yards?

A. I would attribute that to two things, sir. First, yes, the yards and secondly, the fact that there had been some turnover during the yard period in GREENEVILLE's Sonar Division. A couple of guys, perhaps as many as four of their Sonarman, I do believe had come aboard either just before the SRA began or during the SRA and so they were on their first underway.

Q. Commodore, you mentioned that you had visited GREENEVILLE while she's been in port.

A. Right.

Q. Could you describe those visits for the court?

A. Absolutely. Well again, as I said, GREENEVILLE, in my observation, lived up to her reputation. Let me say so that I'm not lost on the court, that my operational experience is in the Atlantic. I didn't know anything about GREENEVILLE after she left Norfolk prior to--or right after her commissioning and I didn't know anything about CDR Waddle. When I got here, I heard a lot of very favorable things about CDR Waddle and about GREENEVILLE.

Q. Sir, who did you hear those from?

A. Well it was just pretty much social. Well, first off--the first I heard it from was the guy I relieved, who when he told me how he would rank the Commanding Officers, he would rank CDR Waddle near the top. And he talked to me about GREENEVILLE and her strengths and I found those to be true. The most meticulously maintained submarine I have ever seen. I commanded a submarine that I thought was absolutely fabulous in every respect. I have to say that GREENEVILLE is better maintained than my submarine was. It is a beautiful submarine.

The amazing thing is, quite frankly, is that the morale of the crew is so strong because it takes an awful lot of effort to keep a submarine looking like that and to run it smartly, but the crew is--the crew morale is excellent on the submarine. In fact, I would say only one thing. Manning so many submarines in Pearl Harbor can be problematic from time to time, particularly with Chief Petty Officers. It is tough to get Chief Petty Officers to come to Pearl Harbor. I will have some manpower deficiencies in those regards in Pearl Harbor. GREENEVILLE has not suffered that. In fact, my experience--what I'm told by my manpower monitor is that when people get ready to rotate, they call us to see if there is a vacancy because they want to serve for CDR Waddle and they want to serve on GREENEVILLE because the ship has a strong reputation and has proved that it operates well.

Q. Sir, I interrupted you there. If you could go back. You said that you had made some in-port visits to GREENEVILLE. Could you continue to describe your impressions?

A. Yes. My impression of the ship was, as I said, meticulously maintained, clean, sharply run, things done on schedule. The Sailors looked sharp, they are courteous, you know they act professional. Every indication I had of GREENEVILLE was that it was a sharply run and professional ship. Now the operational assessments that I got from my staff and from the CSTT and from the Naval Submarine Training Center Pacific, tended to underwrite that, average or above average assessments. If you go back and look at the last time the ship was inspected, which was prior to last summer's EASTPAC, we never got back that far.

Prior to my assuming command, the evaluation of the ship was very strong, excellent, above average. The lowest--they got was a below average as I recall in some strike area, but everything else was excellent, above average. And so the sense you get of the ship is that this is a well-run submarine. Now if I might, we might see--the question might be, why didn't you ride the ship? And I'll tell you that I assumed command in August, USS GREENEVILLE had just returned from her EASTPAC and was making preparations to enter the shipyard. She was in the shipyard until December, then came out and went on the EASTPAC and so my opportunities to ride, legitimately were in December on sea trials or in January when she was on her EASTPAC. In both of those instances, I'll tell the court that I have another submarine who was troubled and the Type Commander and I decided that my priority was to get that ship ready to deploy, and in fact, that ship is going to deploy within a month and so that is where my attention was.

In fact, CDR Waddle frequently took the opportunity to--I don't want to say he begged me, but he wanted me to come see his ship. He clearly was very proud of it and I tried to do that, but it just didn't work with my schedule and my priorities.

Q. Sir, what I would like to do now is just take you down some evaluation areas and if you feel comfortable commenting on them, I'd like you to do that for the court.

A. Certainly.

Q. I'd like you to assess--and again I know a lot of this is based on information that was provided by staff members, your own staff members to you, the CSTT, those folks, but I'd like you to take all those inputs if you would and give us your frank assessment of GREENEVILLE's performance in these areas. How about operational performance.

A. Above average.

Q. Tactical proficiency?

A. Above average.

Q. Maintenance and material condition?

A. Excellent.

Q. How about training, sir?

A. Above average, it depends on the area.

Q. What do you mean by it depends on the area?

A. Well, I would say their engineering train--our assessment of their engineering training--first off, when you say training, we're talking about the current proficiency of the crew or are we talking about the programs in place so that the ship can train themselves? I would say that the programs in place in GREENEVILLE were above average. The assessment of the proficiency of the crew? Average, maybe average minus in engineering, but once again, we felt very comfortable that the programs in place in GREENEVILLE were such that once she was at sea and operating, that these things would get better quickly. I mean I've got a 16 man staff, including six or seven officers and what we try to do is to guide the training of the submarines, but in the end, there's this clear--the Joint Training Manual and our other references. In the end, the submarine must train themselves, and so it is principally my number one priority to get in place the programs and the priorities in the submarine, so that they effectively do that.

Q. How about retention?

A. One of the best in the Squadron. If you look at his retention and attrition statistics, one of the best in the Squadron and very strong in SUBPAC.

Q. Crew morale?

A. Well, as I said, crew morale is excellent. I actually have with me--the submarine that I had mentioned that had some troubles caused some introspection on our part. In fact, we had to remove the Commanding Officer of that submarine and so we took a hard look at how we might better predict so that those things did not happen and we came up with a lot of metrics--trial metrics if you will, where we might quantitatively assess command climate, or at least develop some MOE in that regard.

Q. What do you mean by MOE, sir?

A. Measures Of Effectiveness for--it is quantitative measures that might be clues for command climate onboard a ship. So, we started tabulating that data and we've now been doing it for a few months and when you look at GREENEVILLE's numbers across the board, program selection, submarine qualification, education, advancement, low scores, losses--unplanned losses, attrition, retention, NJP, GREENEVILLE ranks at the top of the Squadron in most categories. So, by quantitative measures, the ship has done very well. And as I said, the subjective assessment of it is consistent.

Q. Job satisfaction?

A. I would say--now I don't have any first hand knowledge and haven't asked that question, but if I might infer from the apparent willingness of people to serve in that submarine, their happiness in doing their job, their attitudes when you walk around the ship, I would say that it is high.

Q. How about communication from the ship to the squadron?

A. Excellent. My guys tell me that they have a fabulous rapport with the guys in GREENEVILLE. There is a great information exchange, so I would say excellent.

Q. Awards?

A. I can't respond. Again, I might make some assumptions, but I can't respond to that, that's a quantitative thing and I can't say.

Q. Sir, I'm assuming that your assessment--I think you alluded to that it is shared by the officers in your Squadron?

A. Yes.

Q. On your staff?

A. Yes. In fact, let me say that every year--and I'm sure that members of the court are fully familiar with the Navy's Battle Efficiency "E" process, where--in the case of submarines, the Squadron Commander picks the ship, which he feels is first in its ability to achieve its wartime tasks. This year--quite frankly, we had sort of a knock down, drag out with the staff about that selection and it was largely around GREENEVILLE. In the end, GREENEVILLE was not selected, but----

Q. Why was that, sir?

A. GREENEVILLE was not selected because she had not conducted deployed--actual deployed operations and other ships had and so, despite what you might say about assessments in Pearl Harbor and the local OPAREAS, in my view, demonstrated performance has to take precedence and so a ship which had demonstrated that won the award.

Questions by the President:

Q. The ship that displayed that operationally deployed?

A. Yes, sir, in theater.

Questions by Counsel for the Court:

Q. Sir, is your assessment shared by others along the waterfront in Pearl Harbor?

A. I would gather, yes--I would gather, yes. I've been told by other senior people like me, senior officers, that they liked CDR Waddle and they liked the things he'd done. In fact, I was told that he was sort of--or--the fact-finding that you do when you're new to an area and you're sort of just gathering data that--several years ago, CDR Waddle was Executive Officer of a submarine here in Pearl Harbor, which was not doing quite so well, and there were moves afoot to try to get, you know, the right Commanding Officer and what not and Waddle was sent there to be the Executive Officer. A very senior enlisted told me that it was largely Waddle that turned that ship around, so he had a strong--he had a good reputation.

Q. What do you think the XO's role was in the reputation of the ship and the quality of the ship?

A. Well, it was a very large one. Now, I would say that Waddle set the tone in GREENEVILLE. He's a very gregarious person. People like being around him, they like working for him, but the XO was the XO, he ran the ship and I said the ship was well run and that is largely to LCDR Pfeifer's credit. In fact, you know when you've come to--in the submarine business, the submarine Commander's have been asked to rank department heads and Executive Officers and I ranked Pfeifer first on the advice of my staff, because the ship is so well run and because he, in their view, did so much to help the department heads in GREENEVILLE organize and do things well also.

CC: Sir, I'm ready to move on into the DV program. Do you want to do that now, sir?

PRES: Okay, go ahead. Why don't you lead with some questions and we'll follow-up.

CC: Okay.

Q. Commodore, are you familiar with SUBPAC's Distinguished Visitors Embark Program?

A. Well, I am aware of it. I mean, I know of the tradition of doing distinguished visitor embarks, let me put it that way.

Q. Well, could you describe that--what your understanding is of the purpose of DV embarks?

A. Well, the purpose of DV embarks is to broaden appreciation for what the Navy does and what a better way to do that than let the Sailors sell themselves. To do that, you need to get people aboard the ships and let them watch the ship operate. I did one of these in command and I think that they--I think we have found that they are marvelously successful. I mean quite frankly, how could you get aboard one of the ships and see the Sailors work, how could you not love these guys.

Q. What is your understanding of SUBPAC's DV Program?

A. Well, my understanding is SUBPAC's DV Program is an extension of the broader Navy program and that is to get these kinds of folks, be they media people, be they

Congressional staffs, be they whatever, Navy League people, supporters of the Navy to get them--when the opportunity presents itself to get them aboard these ships and let them see what we are actually providing with the tax dollars we are given.

Q. Are you familiar with SUBPAC guidance on the program?

A. No, sir, I think I'm not. I haven't read a SUBPAC instruction, if you will, on distinguished visitors.

Q. Is anyone on your staff at Squadron ONE familiar with the program and the instructions?

A. No, sir, I don't believe they are.

Questions by the President (VADM Nathman):

Q. Commodore, how are you supported for Public Affairs then in your----

A. I don't have any Public Affairs people, sir.

Q. Are you aware of any guidance from SUBPAC to Squadron PAO officers?

A. No, sir, I am not.

Questions by Counsel to the Court:

Q. Do you know how your boats are selected for the program?

A. Well, first off it is ad hoc--I mean, the way the program executes is if SUBPAC wants to do a DV then--an embark really of any kind like this, they call us and ask us to provide a nomination and I don't know how they pick between squadrons. I don't know how they figure out who they call. And then we look at our schedules and say here are the possibilities. My understanding in this case is that USS GREENEVILLE was the only option because of other ship's schedules and state of maintenance, etc., etc.

Q. It sounds to me like they work the--the ships work then directly with the SUBPAC PAO staff to set these up?

A. Well, I'm not so sure the ships take a proactive role in these things. I am not aware of any of my Commanding Officers going to SUBPAC directly and soliciting to be a tour ship. Now in the case of GREENEVILLE, this ship excels with this kind of thing. I mean, they have a reputation of excelling in interactions with the public.

During her last EASTPAC swing in summer of last year, CDR Waddle did a fabulously successful port visit in Santa Barbara, California. And people know the ship does well and it just turned out, I guess, that the ship was available that day. But as I said, I'm not aware of ship Commanding Officer's going up and soliciting these things. Quite frankly, we usually have other things that we would rather get done.

Q. I would like to focus specifically on the distinguished visitors embark on the 9<sup>th</sup> of February.

A. Okay.

Q. You stated earlier, Commodore, that the GREENEVILLE came back from her EASTPAC in the very beginning of February, is that correct?

A. That's correct.

Q. What's your understanding of how her schedule was put together after that as it relates to the DV evolution.

A. Okay, well first off, let me say that--the ship--the way we do the schedules is, for guys in the IDTC, we ask the ships to provide their inputs, tell us what they want to do. So, the Commanding Officer gets to say, well for instance, I'd like to go to Vancouver if you will or someplace. In fact, I think CDR Waddle requested to go to Victoria, British Columbia. We couldn't get in then and they ended up in San Francisco instead. We try to accommodate those requests for crew morale etcetera, etcetera, etcetera, and what not. Let them who execute the thing get the first request and then we put it together against our requirements and see if it makes sense.

GREENEVILLE, when we put together the Quarterly Employment Schedule in question, had requested a schedule that would have had them in port for the weekend of 2-11 February. And, the schedule is originally written that way. Now, when my staff and I more closely assessed what we wanted to get done in the training--well first off, let me go back for a second. When that first Quarterly Deployment Schedule was put together, we had a Reactor Safeguard Exam scheduled at the end of January. Because of other changes in the Navy, that had to be moved, which required us to re-track this thing. And, as I recall, that may have happened and actions--solidification of those dates may have still been an ongoing process when

CDR Waddle sailed for EASTPAC in early January. As a part of that, my staff and I looked at where we thought GREENEVILLE was, the turnover of their Engineering Department and using--we have a, if you will, for what we like to get accomplished during training assists as we prepare for some of these examinations. It didn't fit-- it didn't fit if we had waited for Monday the 12th to sail and so, we changed the schedule. We changed the schedule to sail on Friday, 9 February, to begin this training period. And, then my principal deputy and I went to sea on this ship, which I said we were having trouble with and we were there for that--largely the entire second half of January.

During that time, I am now told--during that time, SUBPAC made the request for this DV embark. The ship was in San Francisco and my operations people called the ship and asked them if they were willing to do this, and they responded in the affirmative and we told SUBPAC that this ship agreed and we would do it. I was at sea when this happened. When I got back--well further--when I got back, I was told about this and my initial reaction was cool to it, but, I had talked to CDR Waddle shortly after he arrived in San Francisco. And, his assessment of the ship's progress in the first half of their EASTPAC run was favorable.

So, what I--my staff informed me then, when I returned from this underway I was on in January, my staff informed me that the ship had requested also to remain in port over the weekend. My initial reaction was, I don't think so, we need to get through our agenda here. But, I said, we'll wait until they get back and my Squadron Engineer and his people who were onboard the ship, we'll wait until they get back and we will reassess this, so I just tabled it. When they came back on that Friday, we went aboard the ship and I sat there talking to the Commanding Officer and his people with my Squadron Engineer and our folks and I was convinced that, what they had accomplished would permit us to not sail them that weekend.

Now, let me say that RADM Konetzni has a theme, and it's very clear. He calls it the main thing, the main thing being people. One of the tenants in the main thing is, for instance, to minimize weekends underway for obvious reasons. Let's have the crew home with their wives

unless we have good reasons to have them elsewhere. So, my assessment of GREENEVILLE training progress, based on the inputs I received on that Friday, were consistent with the report for that weekend. So, I said fine, we will stay in port and SUBPAC was informed that we wouldn't do that.

Q. Did that lead Commodore to--so, the decision was they would not steam and then--or sail. They wouldn't get underway for this more work or more training for their reactor safeguards or the ORSE.

A. Yes, sir.

Q. Was it an ORSE?

A. Yes, sir.

Q. So, they weren't getting underway until Monday?

A. Yes, sir, that's correct.

Q. Do you know how we got to the decision to get underway on Friday then, on the 9th?

A. No, sir, I don't.

Q. Does that coordinate between SUBPAC PAO and through your staff to the ship?

A. My understanding is, sir, that SUBPAC PAO is his distinguished or his embark guy. He's the guy on the staff that takes care of it. He had requested that we make this embark, we had initially told him that we would and we--he was told--they were told, SUBPAC was informed that I was not going to remain underway on the weekend for the reasons I stated and I'm not--it's not clear to me that anybody ever connected this and said that precludes us doing this.

Q. Okay, you had kind of a dueling piece here, you already had a commitment to a DV visit, embark---

A. Yes, sir.

Q. And, then you reassessed on the ship's return, which was within a week of that sailing, whether or not they had to get underway on the weekend---

A. That's correct.

Q. And the decision was that they were made, at the right kind of progress and training, that they didn't have to get underway over the weekend, which included the Friday or the 9th, 10th, and 11th--or the 10th and the 11th?

A. Yes, sir, it did.

Q. But, then that led to the Navy--SUBPAC's commitment to the DV's, they still felt like they had a commitment. We'll have to ask the Public Affairs Officer?

A. Sir, I would assume so.

Q. Does that sound about right?

A. It sounds right, sir.

Q. Oh, okay----

A. At least from my perspective regarding what I just told you, that's exactly what happened from my perspective.

Q. Are you aware of guidance from OPNAV or from the Secretary's Staff on specifically allowing units to get underway when their only mission is to get underway for a distinguished visitor's embarkation?

A. I am today, sir, but on 9 February, I was not.

Q. You were not, okay.

A. You know, based on my experience, it was not intuitive.

Q. Why do you think OPNAV and SECNAV have that guidance? Any sense of why they have that guidance?

A. Yes, sir, I think probably the reason is because this is the kind of thing that you could go overboard with and jerk ships and crews around doing and so, that's the reason.

Q. So, it's meant to properly attach the embark to a scheduled underway time?

A. Yes, sir, I think so. Now, having said that, it strikes me that--let me just add that--it strikes me that--I don't know anything about DV embarks or anything else other than aircraft carriers, and certainly getting people on and off of aircraft carriers is--it's not easy because it's got to be worked into the flight schedules and what not. But, it's not like it might be getting people aboard submarines. In fact, as I gather, I mean

the whole discussion about GREENEVILLE's response in search and rescue. I mean it's clear why that is not--so therefore, embarks on submarines always require returning to port and sailing again.

Questions by a court member (RADM Stone):

Q. I have a follow-up to VADM Nathman's question. So, when you left on that Friday, the decision was from the Squadron's perspective then that a sched change would go out from the Squadron to SUBPAC saying that, GREENEVILLE would not be sailing on Friday and on the weekend. That would be the process based on your discussions on the submarine?

A. Yes, sir.

Q. Did your Squadron ever notify SUBPAC that we request a sched change, we've had a meeting on GREENEVILLE, no underway on that Friday?

A. Sir, my understanding is that SUBPAC was informed; however, because I had tabled--my Ops people knew that the ship had requested not to get underway on that Friday. And so, therefore, my Ops people never issued the Ops directive to sail on Friday. Now, the schedule, the Quarterly Employment Schedule, change under which everybody was operating, if you will--but see that schedule is not authority to actually sail and operate submarines at sea and submerge and all that, that showed a Friday underway, but the specific message that says you shall go to this OPAREA etcetera, etcetera, was never promulgated. And so, therefore, we didn't need to issue a formal change when I decided that I would not sail.

Question by the President:

Q. That guidance would come from the Submarine Operating Control Authority?

A. Yes, sir. Well actually, we send the message, but we coordinate those things with their Operations Shop.

Questions by a court member (RADM Stone):

Q. So, it was just a phone call then that was made to SUBPAC to say that the ship's not sailing and to the N3 shop----

A. Yes, sir.

Q. The PAO at SUBPAC is not the scheduling authority for the ship, but it's the N3 organization that would be the people that make the ultimate decision on whether the ship sails or not, correct? It's not you----

A. Well, I suppose that's true, sir, but, you know, when you're in the IDTC, they pretty much--unless there was some conflicting issue, which is usually not the case because the submarine squadron's here at Pearl Harbor coordinate these things amongst our Operations Department, they don't interject. I mean, we're in a position where when we propose, they give us the water, but it just pretty much works smoothly. And, the arrangements are typically--if there's any rub in this thing, it's typically done on the telephone.

PRES: A few follow-up questions and then we'll recess.

Questions by the President:

Q. We have had a lot of discussion from RADM Konetzni and RADM Griffiths about the value of DV embarks and I--I think you've already kind of stated in your earlier testimony the value that you see in embarks and I think you're clear of where you stand, and that's not the issue. The issue is, if you're not supported by PAO and so your guidance has to come, or your oversight has to come from the Type Commander on public affairs. Was there any feedback mechanism between public affairs and the Squadron about what I would call the template or the demonstrations or the maneuvers on demonstrations? Did you have any sense of a quality of how different ships out there, your different boats, perform DV embarks, any questions on that?

A. No, sir.

Q. Okay----

A. Let me say that I have--as I said, I've done some of these in command and I have never seen written guidance, if you will, that specifies you shall or you shall not regarding evolutions in the ship.

Q. How about speed or depth, is there guidance on that?

A. Well, there's guidance regarding what's classified and what's not and so what you do when you have uncleared people aboard the ship, is you just do what's not classified. I mean, I think it's pretty clear, it need not be restated.

Q. Okay, can you tell me what the unclassified speed and depth is that you can show?

A. Yes, sir, it's 800 feet and 28 knots.

Q. Okay, the last question is, do you think it's appropriate to perform a casualty maneuver during a DV embark?

A. Well, sir, you know--I'm not so sure. I thought about that, I actually was a little surprised by it and perhaps not because just that they did it, I will tell you that, in my opinion, properly done, that is an absolutely safe evolution. We do those things for PMS periodically and not infrequently. My reaction is that that particular evolution stresses systems in the ship, and quite frankly, my experience is in the older ships, is usually it makes things leak and I just didn't want to do it unless I had to, so my personal tradition says, I'm not doing that unless I have to. Now, I have done those things on dependent's cruises, for instance, where I had PM due and we did them so that we killed two birds with one stone, if you will, but because it is, quite frankly, a very vivid demonstration and capability of the nuclear submarine.

Q. We've heard a--we've heard that--maybe this isn't the last question. But, we've heard a lot about, well, we don't want to tell the COs how to do their business, you know, we trust a CO to take a ship to sea and to operate in the Persian Gulf or in the Sea of Japan and why should we tell them how to do DV embarks? But, would you agree that there ought to be a review by the submarine community as to what really are appropriate things to do in terms of maneuvers or bounds on some of those maneuvers based on what we've learned here recently?

A. Well, sir, I would say perhaps--I'm not privy to everything that you've learned over the last several days and so--but I would say perhaps, I mean there are things that GREENEVILLE didn't do that you might do and so--I mean, it's sort of--there's this whole thing that I'm not so sure that, so I don't know.

Q. Well, there may be some value in a range of things you could do that--kind of a recipe that you could pick from?

A. Right.

Q. And then that way there is oversight and there is feedback in this process. I guess is the question I have?

A. Right, I would say--sir, you asked if I think a review might be worthwhile. I would say that a review would never hurt anything. I'm not so sure that in the end we need to restrict it necessarily, we just have to see what the review says. I will say this though, and again we're responding to what I know and I know no facts officially, but clearly when you're going to go do one of these things, you've got an agenda you want to accomplish, there needs to be a schedule, and so there needs to be some sort of sense of how much time it takes to do these things in a proper fashion. And, I would offer this example, the example is the sea trials agenda that GREENEVILLE executed when she went to sea for sea trials. It's a big long agenda of things they have to do, those things get poured into a schedule because we know by experience how long they'll take and then we simply execute it. You might apply that rubric to this and say that given an embark of "X" time, you know you could do that, it's plausible that you might do that.

PRES: Alright. Commodore, thank you. We're going to recess for lunch until 1300.

The court recessed at 1139 hours, 13 March 2001.

The court opened at 1300 hours, 13 March 2001.

PRES: This court is now in session. Counsel?

CC: Let the record reflect the members, parties, and counsel are present. Petty Officer Wright, the court reporter this morning is absent. Senior Chief Legalman Sayers and Legalman First Class Leather are present as court reporters. Sir, we have two exhibits to introduce. This is court evidentiary Exhibit 47, which is the CAPT Dennis Huelle trip report, from his trip onboard USS GREENEVILLE from the 26th of January to the 2nd of February 2001, dated 2 February 2001, Exhibit 47, copies of which are being distributed to the parties. Exhibit 48 is an undated PCO evaluation on Commander Scott Waddle, and that's--which contains his ranking and grades from PCO school. That's Exhibit 48 and that's being distributed to the parties. [Exhibits 48 and 49 introduced vice 47 and 48.]

[LCDR Harrison distributed Exhibits 47 and 48 to the parties.]

PRES: Any other procedural matters?

CC: No other procedural matters, sir. We're ready to recall Commodore Snead.

PRES: Counsel for the Parties, any procedural matters?

Counsel for CDR Waddle, party (Mr. Gittins): Sir, we need to account for the absence of LCDR Young. She's absent as counsel for CDR Waddle. And, during the testimony of CAPT Snead, there was a discussion about a certain OORDER, I believe RADM Sullivan discussed. We spent some time over the lunch hour trying to find that order or OPNOTE, or whatever it is, and we were wondering if the Admiral has knowledge of what that is, if we could get it appended to the record, so we know what we're talking about.

MBR (RADM SULLIVAN): In answer to your question, I don't have--I haven't read it in the last few years, but it was in the section dealing with operating ship areas, 14.6 waters. Commander--Mr. President, I think CDR Wright could probably find that. I have not read it. If we find it, we'll certainly pass that on to you.

Counsel for CDR Waddle, party (Mr. Gittins): Thanks. I have a concern it might be an out-of-date--it may be out-of-date.

MBR (RADM SULLIVAN): It might be. I haven't seen it, sir, and that's why I asked the question the way I asked it. I'm not saying it for a fact. I was ask--I was questioning his knowledge----

PRES: We're not placing a lot of weight on it.

MBR (RADM SULLIVAN): I was just curious, more than anything.

Counsel for CDR Waddle, party (Mr. Gittins): We were just trying to be thorough, sir----

PRES: I'll just say right now, based on what I heard, we're not placing a lot of weight on it.

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir. Thank you, sir.

CC: Bailiff, would you call Commodore Snead, please?

[The bailiff did as directed.]

CC: Commodore Snead, if you would please retake your seat in the witness box. And, sir, I remind you that you're still under oath.

[The witness resumed seat in witness box.]

PRES: Commodore, I think we just have a few more questions for you on direct and then we'll go to cross-examination. RADM Sullivan?

MBR (RADM SULLIVAN): Good afternoon, Commodore.

WIT: Sir.

Questions by a court member (RADM Sullivan):

Q. I appreciate your forthright testimony here, your opinions, so forth. With that in mind, I'd just like to talk about your relationship with your Commanding Officers as a Squadron Commander. Could you give me a sense of what you feel your role, your personal relationships with your Commanding Officers? What your taskings are?

A. Well, my professional relationship with the Commanding Officers sir, is to--I serve as their principal trainer, if you will. I mean these guys come to us highly pedigreed and highly qualified. And, so it becomes issues of what you see in your observations of them, and issues of judgment, cross-pollinated, heavily, with whatever happens to be issues of the day. And, so what I do, is I have a meeting every Wednesday, when I'm here, where I sit with the Commanding Officers, in sort of seminar fashion, and we talk about these things.

So, as a group, that's the program. And, there's the individual interactions that you have with them when you ride their ships, and those things tend to deal with

operations, principally and just the issues of where they stand, perhaps. These would be the standards and et cetera, et cetera. I mean it can run the gamut. But, I have had--I guess I should say also I have what has come to be called a great open door policy. And, I encourage them to come see me and they do. And, they come quite frequently. And, we'll sit and talk about whatever they want to talk about, and I share my experience with them.

Q. So would it be fair to say you're their mentor, or mentoring them?

A. Yes, sir. You could use that term.

Q. Do your Commanding Officers approach you with their problems?

A. Yes, sir.

Q. Professional problems?

A. Absolutely.

Q. And, what kind of--type of advice do you offer? I mean, do you give them the bottom line, or do you walk them through options?

A. Well, I'd say I use various techniques. It depends on the topic. It depends on where I think they are on this thing, their level of experience. I always try to find out how they are thinking, because you get a better idea of where they are and what help they might need if you can assess a little bit about what their thought process has been. And, you also get an idea of how much counsel, perhaps, they've gotten from their officers in things, when you get a sense of their grasp on the facts of the situation and how they view the issues regarding judgment that might be involved in various situations. So, we sit and talk about those kinds of things. And, I-- quite frankly, I'll offer suggestions. And, maybe even provide anecdotal vignettes if you would, from my experience, that might help them to put things in perspective and guide them towards solving their issues.

Q. With that as a foundation, could you give me some insight to your relationship with CDR Waddle? Was he the type of individual that did come looking for advice, or come to you with bad news or unpleasant news? What type of relationship?

A. Well, I believe so, sir. Let me say that our interactions were frequent, given the time that he was in

the shipyard. And, as I said, I was on his ship. We walked around, we talked about USS GREENEVILLE. We talked about things. There are--I noted things to CDR Waddle, that I thought he ought to pay attention to. And--I mean, I thought it was an ongoing conversation and a not infrequent conversation.

Q. So, it's fair to say you--you established your own opinions of CDR Waddle's performance, which you expressed, based on your own close personal observation and interaction?

A. Right.

Q. Okay. The second area I'd just like to touch on. The 9th of February, the DV embark on GREENEVILLE. Are you--have you become aware since then what operations--what type of operations were conducted during this evolution?

A. Well, sir, I know from reading the paper that he did an emergency deep, followed by an emergency blow. I understand, prior to that, they did some high-speed ship handling, and that's about the extent, other than just having lunch submerged, that I know about.

Q. If I told you they went to test depth, would that surprise you?

A. Yes, I think that would surprise me.

Q. Can you think of any reason why they'd do that?

A. No, sir. I know of no reason why they would need to do that. I find it, quite frankly, unremarkable, as a--I mean as a demonstration, I find it so unremarkable. So, I'm not sure why he did that.

Q. Why does it surprise you?

A. Well, there's nothing spectacular about it, as opposed to high-speed ship handling or an emergency blow. I mean, things that might contribute to somebody's memory of the experience, I mean, there's just nothing about taking this--quite frankly, the submarine's no different at test depth than it is at 300 feet, at least looking--not apparent to anyone standing on the inside of it. So, again, it doesn't seem to me, sitting here, responding to this question extemporaneously, it doesn't seem to me that it adds much to the experience, I guess, so I'm somewhat surprised.

MBR (RADM SULLIVAN): Okay. Thanks.

Questions by a court member (RADM Stone):

Q. Captain--Commodore, you told us that the day that GREENEVILLE returned to port that you had a meeting there, and that the decision was that she would not sail on that weekend, including Friday, the 9th. Could you just tell us, briefly, how you became aware of the fact that SUBPAC had decided she would, in fact, sail to support the DV Ops? How that transpired and how you became aware of that?

A. Well, sir, I would say that with my morning meeting with my staff--let me say that I never assumed that it would necessarily go away. I just didn't lock in on that as an issue, whether she would sail or not sail. And so I was aware of it through interactions with my staff that the GREENEVILLE was going to sail as we had thought she might for this DV embark.

PRES: Counsel, any follow-up questions?

CC: Sir, just one, sir. Commodore, you wanted to--an opportunity to correct the record from a comment you made this morning?

WIT: Right. I have discovered that--I was asked a question this morning about speeds and depths, and my response was 28 knots and 800 feet. I am advised that that is incorrect. It's 25 and 800 feet. So--to correct the record, please.

CC: Thank you, sir. That's all I have, sir.

PRES: Counsel for CDR Waddle?

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir. I only have a very few questions, sir.

#### CROSS-EXAMINATION

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

Q. With respect to the DV embark on 9 February, sir, were you aware that CDR Waddle had recently--had a newly joined Engineer to the GREENEVILLE?

A. Yes, sir, I was.

Q. Would there be a training value to an Engineer participating in a reactor start-up, if he had not observed that before?

A. Absolutely. Let me say there, counselor, first off, an Engineer doesn't get to be an Engineer having not witnessed reactor start-ups. Quite the contrary. The training benefit is in interacting with, perhaps, the officer he is relieving, to understand, perhaps, the local issues involved in how they control and who gives permission, when, etcetera, etcetera, etcetera. So, there's some benefit. I'm not so sure, perhaps, in training, indeed, but not, perhaps, in the sense that it was originally intended.

Q. I understand what you're saying, sir. What I meant was on the USS GREENEVILLE, with no experience on the GREENEVILLE, or little experience?

A. I think there's clearly some benefit. He got to interact with the officer who he was relieving.

Q. And, also with the crew?

A. I would say that the interaction with the crew is minimal. He gets to observe what they are doing and perhaps start taking notes about things he might want to change.

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

PRES: Counsel for LCDR Pfeiffer?

Counsel for LCDR Pfeifer, party (LCDR Stone): Sir, we have no questions.

PRES: Counsel for Mr. Coen?

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

PRES: Okay. Counsel?

CC: Commodore Snead, you are directed not to discuss your testimony in this case with anyone other than a member of the court, the 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 or the parties attempt to talk to you about your testimony in this case, you should make the circumstances known to the counsel originally calling you as a witness and that would be me, sir. Do you understand that?

WIT: I do understand.

CC: Sir, thank you very much for your testimony. You're excused.

WIT: You're welcome.

PRES: Commodore, I think the whole court appreciates your straightforward manner. Thank you.

WIT: Thank you, sir.

[The witness withdrew from the courtroom.]

CC: Sir, just to map out the rest of the afternoon, we're going to be calling LT Sloan, who's the Navigator onboard GREENEVILLE. There's going to be a slight change in the witness order, and that's to accommodate some of the Sailors onboard GREENEVILLE. The ship has asked us to accommodate them, because they have scheduled leave. So, we'll be taking ET1 Carter after LT Sloan, ET3 Bruner, then FT3 Brown and ET1 Thomas, if we get that far today.

PRES: Okay. Counsel for the Parties, is there any issue with that?

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

Counsel for LCDR Pfeifer, party (LCDR Stone): No, sir. We'll just need to have a recess after LT Sloan, so we can get some information upstairs.

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir. We'd like a couple of minutes between the witnesses too to re-file our paperwork, sir.

PRES: Okay. I think we can do that.

CC: Sir, we call LT Sloan to the stand.

Keith A. Sloan, Lieutenant, U.S. Navy, was called as a witness for the court, was sworn and examined as follows:

DIRECT EXAMINATION

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. LT Sloan, would you please state your full name for the record, and would you spell your last name?

A. Keith Anthony Sloan, S-L-O-A-N.

Q. Thank you, LT Sloan. What is your current duty station?

A. I'm stationed on the USS GREENEVILLE as the Navigator and Operations Officer.

Q. How long have you been onboard the GREENEVILLE?

A. Just over 2 years.

Q. What previous experience, prior to the GREENEVILLE, do you have in the submarine force?

A. Prior to the GREENEVILLE, I was in a Submarine Officer Advanced Course, for about 6 months, Department Head School, essentially. Prior to that, I worked at the Office of Naval Intelligence, doing Russian submarine operations for 2 years. And, prior to that, I was on the USS MEMPHIS for 3 years. And, before that, I was in the training pipeline.

Q. What'd you do on the MEMPHIS?

A. I was the Communicator, Damage Control Assistant, Chemistry and Radiological Controls Assistant, and the Torpedo Officer, at different times.

Q. Thank you. With regard to your duties as the Navigator and the Operations Officer, what are your duties and responsibilities, generally speaking, on the GREENEVILLE?

A. Primary duty is safe navigation of the ship. Corollary to that, also--I'm also the Senior Watch Officer so I'm in charge of all the junior officers' training, watchbills, things like that. As the Operations Officer, I'm in charge of everything of an operational nature. I am also the Department Head for the Quartermasters, which is the navigation side, also

the Navigation and Electronics Technicians, also the Communications personnel.

Q. Were you onboard the GREENEVILLE on 9 February of this year?

A. Yes, sir.

Q. What was the GREENEVILLE's mission on that day?

A. The GREENEVILLE's mission on that day, is we were conducting a VIP cruise in the local waters, off Hawaii.

Q. Do you recall what time the ship got underway?

A. We got underway at about 7:59 AM, that morning.

Q. And, if you know, how many distinguished visitors were onboard?

A. I believe the number was 16, although I never counted them, personally, but that's the number I heard.

Q. Does that include the Chief of Staff?

A. I'm not sure if that included the Chief of Staff or not.

Q. Did you have any watches for the morning evolutions?

A. I was stationed as the Navigation Supervisor for the piloting party, which is where I would normally be. Once the piloting party was secured, we stationed a modified piloting party. I assumed the duties as the contact coordinator. I relieved the on-watch contact coordinator. Once we shifted the watch below, to dive the ship, or just prior to diving the ship, I relieved the Officer of the Deck below decks, and remained Officer of the Deck until about 1140/1145, when LTJG Coen relieved me. And, that was the last watch I had until after the collision.

Q. What time did you take over as Officer the Deck?

A. I'm not sure of the exact time. But it would have been about 1015, 1030, somewhere in that range. I'm not sure, exactly.

Q. So you had that watch for about an hour?

A. For about an hour and a half, yes, sir.

Questions by the President:

Q. I want to make sure I'm right on this--1015 until about----

A. 1130 when--I think it was about 1145, sir.

Q. 1145, when you finally left the deck?

A. Yes, sir. Actually after--I take that back--after I relieved--after I was relieved by Mr. Coen as the Officer of the Deck, I gave a chow break to the Navigation Supervisor, who was Petty Officer Thomas, for about 15 to 20 minutes. That took me to about noon before I went and ate.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Thank you. With regard to your watch as the--the OOD, was there any gear or equipment that you noted to be broken or out of commission associated with that watchstation?

A. Prior--actually prior to--just after stationing the maneuvering watch, prior to getting underway, I was noticed--I was on the Conn verifying all the equipment was turned on prior to the underway, and I noticed the AVSDU display was not turned on. I attempted to turn it on. It did not work. At that point, I informed sonar and the Captain of that piece of equipment.

Q. Did you attempt to get it fixed?

A. I did not take any actions towards getting it fixed.

Q. Do you know if anyone attempted to fix it?

A. I did see a couple sonar techs looking at it, but at this point, we were getting ready to get underway, so I wasn't paying a lot of attention to what they were doing. I don't know if they were actually working on it or if they were just doing some initial troubleshooting. I'm not sure exactly what they were doing.

Q. Did that trouble you at all as OOD, that that piece of gear was out?

A. No, sir. It did not trouble me when I was standing OOD.

Q. And, who did you say you reported that to?

A. I reported it to personnel in Sonar. I don't remember specifically who I talked to. I also informed CDR Waddle. I stepped into his Stateroom and mentioned it to him. The Weapons Officer wasn't onboard, so I just wanted to make sure he got the word on that.

Questions by the President:

Q. How did you compensate for the loss of it? You say it didn't bother you, but you use it, so what did you do instead?

A. For my watch, all we--after we submerged the ship, we went to deep submergence, so we were deep the entire time. While we were deep, I was not concerned with any immediate collision threats, so I wasn't--I didn't give it--I didn't give it any specific thought on how I would compensate for it.

Q. Because you weren't worried about the surface picture? Is that what you're saying?

A. I had the fire control system to--to keep track of the surface picture if I needed it. I would use the AVSDU more if I was in a situation where I was worried about a collision threat, like if I was coming shallow or worried about another submerged contact in the area.

Q. Okay. Did you maintain the--did you watch or see how the CEP was maintained when you had the deck?

A. I saw that it was being maintained, but I did not use it as much. I typically use the--I'll use the fire control system. I'll use CEP to give me long-term analysis if I need it for something.

Q. Were contacts being plotted on the CEP when you had the deck?

A. Yes, sir.

Q. To your knowledge, when did contacts stop being plotted on the CEP?

A. I'm not sure, sir.

Questions by a court member (RADM Sullivan):

Q. When you were the Officer of the Deck, the way I understand the scenario, you relieved the Officer of the Deck on the bridge?

A. Yes, sir.

Q. Was there any direction from the XO or the Commanding Officer, or even from Sonar, on how to compensate for the loss of the AVSDU?

A. No, sir. I had no specific guidance on how to compensate for that.

Questions by the President:

Q. Would you expect any kind of guidance on the loss of the AVSDU?

A. If we were going to be operating for an extended period of time with it, I would expect some sort of--some sort of guidance, but on the day we were out at sea, I didn't delve into that at all.

Q. Well, I'm going to go a little bit further with that one. Would you expect then, since you said you didn't use it because you were at deep submergence and so you didn't sense any type of--going to the interface, and going to something shallower, where you could have a collision threat. I expect though, that if you're going to do that--how would you compensate for it?

A. How would I compensate for it?

Q. Yes.

A. Typically, I--there's obviously--there's no other display that will repeat the sonar screens in the Control Room. So, there's no way to physically replace the AVSDU. As far as compensating, as the Officer of the Deck, I don't like to go into Sonar, personally. I think the Officer of the Deck's place is on the Conn, in the Control Room, that way if there's a casualty, I'm standing right there and I can immediately act on it. Whereas, if I went into Sonar and stood in there to look at the sonar screens, I would--it takes me out of Control. I think that's a wrong answer. This is just my personal opinion. If I was going to compensate for it, I would just make sure I have more face-to-face interaction with the Sonar Supervisor. Have him out to the Conn----

Q. You'd have him come out of the Sonar Room----

A. Or--I could--I did feel comfortable sticking my--there's just a curtain there, I could pull the curtain and talk to him while I'm still physically standing in the Control Room. And, I would have no problem doing that. And, I typically do that, if I need--if I feel like I want to talk to the Sonar Supervisor directly, rather than relying on a microphone.

Q. Was this a turnover item, when you got relieved by the--the deck was turned over.

A. Yes, sir.

Q. Okay. And, you just said it, so you expected the officer to compensate in a manner that he saw fit, or----

A. I did not discuss it specifically with LTJG Coen. Other than the fact that it wasn't working, there was no--I had no discussion. I didn't give him any direction, or advice, or anything like that.

Q. I take it from your comments, though, that you both felt adequate in the way that you'd handle the loss of the AVSDU and you didn't have to be told how to compensate for it.

A. Yes, sir. I don't think--I did not feel uncomfortable with it not working for that period of time.

Q. And, your method of compensation may be different than Mr. Coen's.

A. That's possible, yes, sir.

Q. Well, I assume, because you didn't talk about the compensation.

A. Yes, sir. We did not specifically discuss it.

Q. Alright, so it's kind of left to maybe the Officer of the Deck to--in his mind to put his procedure or something in place that provided for what he thinks is the adequate information exchange that you don't get when you don't have the AVSDU?

A. Yes, sir.

PRES: Okay.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. On the transit out, did you note the weather conditions?

A. Yes, sir, I did.

Q. What were they?

A. The weather was rougher than normal for Pearl Harbor area. Very choppy, kind of a high sea state. Windy. Visibility was--distance to visibility was very good. I could still see the tops of buildings in Honolulu, out to probably about 8 to 10 miles. I could still see them. The problem was that it was very dingy-colored out. Very monotone sky color, kind of off-white. Difficult to--difficult to see contrast against the horizon against the sky. Just very--kind of an off-white color, I guess is how I'd describe it.

Q. Was the--you said the sea states were fairly high. Was the boat rolling around at all on the way out?

A. Yes, sir, it was. We were rolling more than we normally would, for this area.

Q. Did you--through the periscope, did you take note of any vessels, any small craft, or fishing vessels? Did you take note of how they appeared in that sort of weather conditions?

A. There was one specific case that I remember very distinctly. I had two trawler contacts. I initially detected at--or estimated about 10,000 yards. I believe they were either working together, or transiting together. Probably transiting, since I didn't see any maneuvers by them. They were driving a straight line. Both contacts were about the same range. Just a few degrees difference in bearing between the two, 5 to 10 degrees. One contact was dark-hulled, I don't remember the specific color, but some dark color. Dark blue, black, something like that. And, the other contact was light colored. White, probably.

As the contacts got closer, say at about 8,000 yards, that's about what the CPA was--I had no problem keeping track of the dark-colored contact as I swept the periscope across it. I saw him every time I swept the scope. The other guy, as he came below the horizon, the light-colored ship, even though I knew where he was

relative to the other one, I had a lot of trouble seeing him. I actually had to stop and do a pretty thorough search, to keep an eye on the guy. They were never any kind of collision threat or anything like that, but I remembered it afterwards that one's easy to see, and the other was--they were roughly the same size, too. So, based strictly on the color.

Questions by the President:

Q. When you turned over to Mr. Coen, did you mention that to him?

A. No, sir, I did not. At that point we were deep.

Q. But, you knew the ship was going to go to periscope depth, right?

A. At some point I knew we were, but I did not think----

Q. Don't you think that would be a worthwhile turnover item?

A. Probably in hindsight, that would have been a good turnover item.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Did you pass that on to anyone during the afternoon's events, like the XO or the CO?

A. I did not discuss it with the CO. I believe I may have discussed it with the XO, but I don't recall, specifically, if I did or not.

Questions by a court member (RADM Sullivan):

Q. During your watch, you're describing this as you are on the surface, getting ready to dive?

A. This is actually when I was Contact Coordinator. This was early in the morning, probably about 0930----

Q. Alright, but during the morning period?

A. Yes, sir.

Q. Do you recall the CO or the XO looking through the periscope?

A. Both of them looked through the periscope at different times.

Q. Did they look at these contacts that you were describing, to the best of your knowledge.

A. I don't recall showing those contacts specifically to the Captain or the XO.

Q. But, did either one ever come out, based on your reports and take a look for themselves?

A. I did not make any specific reports on trouble with visibility, because I could still see contacts, you know, 8,000 to 10,000 yards away and further, so I wasn't concerned with any collision threats. The only time--I do recall the XO looking out the scope at some closer contacts later on, but that was more--I didn't call him to the Conn. He was just up there keeping an eye on things.

Questions by the President:

Q. So, to your knowledge, both the CO and XO had a-- already had appreciation for the sea state and the swell conditions at periscope depth?

A. The Captain had been on the Bridge, so he probably had a much better appreciation of the actual weather than I did. And, I know the XO did look out the scope, but he was topside, but that would have been in the channel. So, he didn't--I don't think he went to the Bridge at all during this time.

PRES: Go ahead, Counselor.

ASST CC (LCDR HARRISON): Thank you, sir.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Can you describe, generally speaking, the events and the evolutions in the morning, particularly regarding the DVs?

A. We spent--we spent an extended period of time on the surface, to allow different groups to go to the bridge. A couple--I don't remember specifically the numbers, probably 4 or 5 at a time, just give them a little chance to go up the bridge, spend some time up there, and then rotate them through. The next event that I know they were involved with was submerging the ship. We had distinguished visitors on all the significant control stations, on helms and planes, one in the--one in the

dive chair, one at the Chief of the Watch, and one on the scope with me. And, they were there to actually conduct the submerging evolution. My next interaction with the DVs--the next thing that I knew that they did was lunch and then after that, we did angles and dangles in the afternoon.

Q. Did they shoot water slugs as well that morning, do you know?

A. I don't recall off the top of my head.

Q. And, during the morning evolutions, when the DVs were on the significant watchstations, how many DVs do you recall were up in the Control Room at that point?

A. The majority of them. I don't know the exact number.

Q. You say the next event was lunch?

A. Yes, sir.

Q. When was that scheduled for?

A. I believe lunch was scheduled, originally from 11 to 1230, something like that. I don't recall, exactly. I think they moved it up a little bit to allow to have two full sittings in the Wardroom. I didn't eat lunch in the Wardroom, so I'm not sure exactly how they worked it in there.

Q. Do you know when lunch ended for the DVs?

A. I believe the last group came out--could have been close to 1300, but I don't know the exact time.

Q. Are you familiar with the Plan of the Day for that day, the 9th?

A. I looked at it that day, but I haven't looked at it since, so I don't remember exactly what it contained, specifically.

Q. Do you know if lunch ended on time that day?

A. I'm not sure. I would imagine it was probably running late.

Q. LT Sloan, I want to take you to the after lunch period, and ask you after you had lunch, where did you go next?

A. After I ate lunch? I went back to my Stateroom for a little bit, made a head call. This was much later. I was one of the last people to eat lunch, because I gave

Petty Officer Thomas a head break as the NAV--chow break as the NAV Supe, so that pushed my lunch back a little bit late. I was probably in my Stateroom from about 1230 to 1240, up until just before 1300, or in the head. And, about 1300, I went up to backup to Control to see where we were relative to "Papa Hotel." I saw we were about 12 to 13 miles, I believe, at the time, from "Papa Hotel." We were about an hour until our "Papa Hotel" time.

I saw that the XO was in Control, talking to the DVs. I went to the XO. I let--the DV was talking. It was very hard to interrupt him. He didn't want to stop talking. Eventually, I interrupted him, just to let the XO know we had about an hour until our "Papa Hotel" time. The XO left, and after about a minute of the same DV trying to talk to me, I slipped away. I went looking for the Captain, also back to the XO, and made sure that the Captain knew that we were about an hour away and we wanted to start heading back to "Papa Hotel." I eventually found the Captain in his Stateroom. I'd gone the long way, looked to see if he was still eating lunch, but I found him in his Stateroom. This was right around 1300 and informed him that we had an hour to go until our "Papa Hotel" time. I told him the distance and he acknowledged me and stepped out of his Stateroom and into Control.

Q. What time was that?

A. That would have been right around 1300, plus or minus a few minutes.

Questions by the President:

Q. Why were you worried about a "Papa Hotel" time? Simply because you were Navigator?

A. Yes, sir. As the Operations Officer also. It's my concern is what time--make sure we meet our schedules.

Q. Did you still see a commitment then to get to "Papa Hotel" time on the scheduled time?

A. I thought I should at least, as a professional courtesy, tell the Captain what the situation was. My honest opinion, at the time, I didn't voice it, but my honest opinion was if we were 15 to 20 minutes late, no one was really going to care and it wasn't a great concern to me. And, that was the only time I mentioned

it to the Captain. I didn't see any point in telling him again.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. So, after you spoke with the CO, did you go back to Control?

A. Yes, sir. At this time, a lot of the distinguished visitors were back in Control. I don't know exactly how many, but as I walked out of the CO's Stateroom, I looked in there and saw a lot of people there--the Captain standing there. I decided to go around the long way, through the middle level passageway, coming up into Control from the aft end, and put myself between the plotters. I knew at that point we were going to be heading towards "Papa Hotel" and doing angles and dangles at the same time. My concern shifted over to making sure that we didn't--we were within a few miles of our boundary of our OPAREA, and I wanted to make sure that we didn't inadvertently drive out of our OPAREA submerged.

Question by the President:

Q. On the diagram, can you show us? I'm sorry, you should have a----

A. Yes, I see it. That would have been, I guess 1300 here [pointing laser at exhibit]. If I remember correctly, I think the----

MBR (RADM SULLIVAN): Counselor, I recommend you put up the NAV charts.

[LCDR Harrison did as directed.]

WIT: Yes, that might help.

Questions by the President:

Q. Show us where you were in the Control Room, is what I was thinking.

A. Oh, I'm sorry, sir. I was standing right in this area right here [pointing laser at exhibit] behind the Quartermaster and the Navigation Supervisor.

CR: Excuse me, was that on Exhibit 6.

PRES: Yes.

MBR (RADM SULLIVAN): Yes.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. On Exhibit 6 then, you stationed yourself in this area between the navigation plotter table and the tactical plotting tables?

A. Yes, sir. I was actually standing--most of the time I was standing right near the aft bulkhead. And, while we did angles and dangles, I stayed at the aft bulkhead because I could brace myself on that while we took angles.

Q. You say this was about at 1300?

A. This would have been a little bit after 1300 now.

ASST CC (LCDR HARRISON): Admiral, could you----

MBR (RADM SULLIVAN): Number 4 there would be easier. Take down 4 and put that one up [referring to exhibits].

[LCDR Harrison did as directed.]

WIT: I believe compared to the other chart, we were in this area [pointing laser at exhibit]. And my concern was, I knew we would be driving to the north and I just wanted to make sure that as we increased speed and started doing large turns, that we would not inadvertently go out of area. As it turns out, we never came very close to our OPAREA boundary and that was never really a--it turns out to not have been a problem at all.

Q. So when you say "this area," the point on Exhibit 17 that you're referring to is the northern end of the operating boundary, just off Oahu?

A. Yes, sir. We were driving--that--that portion that sticks out to the north is where we were driving into.

Q. Now when you first got back into Control, what was going on in Control when you first got there at about 1300, or so?

A. Like I said, a lot of the distinguished visitors were coming back into Control. I don't remember the exact number that were there at the time. I believe the

Captain had directed the Officer of the Deck to conduct a pump shift and they were waiting for something on that. I don't know the details of what they were waiting on. But, they were waiting to shift reactor coolant hold pumps to allow us--to give us a wider--a higher speed capability.

Q. Were you aware at that time, at about to 1300 when you got back into Control, that the ship was planning to do a blow--an emergency blow?

A. Initially, in the morning, the Captain had told me he was--had decided not to--was not going to do an emergency blow when we were doing navigation charts. At some point during the day, obviously, he changed his mind. I don't know at what point I realized he had changed his mind. I don't remember if he made a LMC or if he had been talking to the DVs or something and mentioned that we were, but at some point, I knew we were. And, I don't--it wasn't something that jumped out at me as a big deal that we had changed--that he had changed his mind on how we were going to do it. So, I don't recall exactly when I realized that we were going to do an emergency blow.

Q. So, you spoke to the Captain earlier in the morning. You discussed the evolutions that were planned?

A. About--well, I didn't really discuss the evolutions. I just mentioned on the water space, I pointed to that same area I was pointing at just now, and mentioned that that would be a good area to do angles and dangles and do an emergency blow. And, the Captain said we're not going to do an emergency blow. I didn't question why. It really didn't matter to me one way or the other, it wasn't that significant to me. But, at some point, we obviously changed our minds and did it. I don't know what point I realized that we were going to do one.

Q. So, you said to the Captain this would be a good area to do an emergency blow. Were you suggesting to him that the ship ought to do a blow that day, or was it scheduled or planned?

A. I was under the assumption that we would--we were going to do one. We had done them in the past for DV cruises and the prior--the previous day, when the XO was reviewing the charts, I pointed out the same area to him and said the same thing. And, I got the impression from him that he thought we were doing an emergency blow.

Q. You say you've done them in the past for DV cruises?

A. I believe we have, yes, sir.

Q. How often do you recall doing the emergency blow in the past for DV cruises?

A. I believe we did one last summer and we may have done one during a dependent's cruise. I can't recall exactly if we did or not, last spring.

Q. Did the Captain tell you why during that discussion that he did not want to do an emergency blow?

A. No, sir, and I did not ask him.

Q. Now, during this time frame and a moment ago, you said you came back into Control at or about 1300. And, you can see on Exhibit 4, at or about 1316, the ship commences a period of angles and dangles. I want to talk to you for a few minutes about that period. During that period, were you still stationed--had you stationed yourself and remained in the area that you described a few moments ago?

A. I would say I positioned myself. I wasn't stationed as a watch--the Navigation--I never relieved the Navigation Supervisor. I was just providing some additional backup.

Q. But, you had remained in that same area that you described a few moments ago?

A. Yes, sir. I was in that same area all the way up until the collision occurred.

Q. And, was the Executive Officer in the Control Room at this time?

A. He was--at some point, he came into the Control Room. I don't recall when. But, at some point, I did see him on the Conn, in the vicinity of the Captain and the Officer of the Deck. I don't recall exactly what time he came in though.

Q. Okay. Was it an hour later, or within a few minutes? We need a certain time frame.

A. No, it couldn't have been an hour later, it was 15 minutes, probably, 15, 20 minutes, but I'm not sure, exactly.

Q. So, at around 1315 to 1330, you noticed the XO in the Control Room?

A. That's about the time I noticed him. He may have been there before that, but that's when I noticed.

Q. And, again, if you would point there on Exhibit 6 where you may have noticed him in the Control Room?

A. I believe he was in this area when I noticed him [pointing laser at exhibit]. At this point, early on----

Q. Just a moment, so I can identify it for the record. Up on the periscope stand?

A. In the vicinity of the Number 1 scope. Somewhere in this area [pointing laser at exhibit]. I don't think he stayed steady the whole time, in one place.

Q. Do you recall what he was doing up there?

A. I just saw him standing up there. I didn't hear any conversations, so I'm not sure if he--I assume he was just--had just came up to watch what was going on, keep an eye on things.

Q. Could you determine from where you were if he was interacting with the CO or the OOD at all?

A. I don't know, sir.

Q. But you were--you were positioned right here [pointing laser at exhibit]?

A. I was positioned, like I said, against the aft bulkhead. There was two DV's right in this area [pointing laser at exhibit], between me and the Conn, so there was a layer of people here. This book locker [pointing laser at exhibit] is all the way from--from the overhead all the way to the deck. So my field of view, when I'm standing like right in here [pointing laser at exhibit] is--because I was kind of off towards this side [pointing laser at exhibit], I don't have a great field of view of the starboard side of Control.

Q. I understand. Now, again, how many DVs, if you recall, were in Control at this time? And, where were they, using Exhibit 6, if you would?

A. I don't know the exact number that was in Control. I never bothered to count them. I would--I think that--by the time we were doing angles and dangles, the majority of them were there, and it's just my impression, but I don't know exactly. But, I would say most of them were

in this area, where you have some open space [pointing laser at exhibit]. They essentially assumed wherever there was open space, they just started to stand there.

Q. But, the area you're referring to now is the port side of the Control Room just adjacent to the radar repeater and the fathometer?

A. Uh-huh. There was also DVs on the starboard side, in this area [pointing laser at exhibit], in the vicinity of fire control. Also, up forward of the Conn, I think there was a few in this area [pointing laser at exhibit]. And then like I said before, there were at least two standing on the aft end of the Conn. They kind of moved back and forth between the Conn and right between the plotting tables.

Q. Thank you. And, I believe you said the Commanding Officer was up on the scope stand as well at or about this time?

A. Yes, sir. He was--I believe he was in Control the entire time, from the time I arrived back into Control up until the collision, he was there the whole time.

Q. And, what was the--what was the Captain doing?

A. The Captain was giving direction to the Officer of the Deck on--for the angles and dangles and specifics on what rudder angles he wanted to use, and then later on, when we did the angles, what ship's angles, things like that.

Q. So, was he then actually telling the Officer of the Deck, specifically, which angles to take?

A. He was giving him specific direction on the angles and on the rudder--rudder change--or course changes, rudder angles, things like that. But, he never actually gave any orders. He worked specifically--he continued the whole time to work through the Officer of the Deck.

Q. He spoke to the Officer of the Deck?

A. He spoke to the Officer of the Deck. The Officer of the Deck gave the orders.

Q. In your observations as the Senior Watch Officer, having--having stood this watch, was there--was there room for some independent thought here between the Captain's communications to the OOD and the OOD's orders out to the crew?

A. There's always room for independent thought on the OOD's part. I guess I'm not sure exactly what you're asking.

Q. I'm sorry, let me rephrase that for you. Was the Captain giving a direct order to the OOD and the OOD simply repeating that to the crew, or was the Captain just providing some guidance and allowing the OOD to make the determinations?

A. I think the Captain was telling him, essentially, what he wanted to do. The Captain knew what kind of--what rudder actions would have what effects and he was giving directions along those lines, so--to get the desired result for the DVs, so they could feel when you turn one direction, you roll over hard. When you turn another direction, you don't roll so much, things like that.

Questions by the President:

Q. Excuse me, a follow-up. As Officer of the Deck and qualification, did Mr. Cohen have some extensive indoctrination into high-speed maneuvering with the ship?

A. We had done probably more high-speed maneuvers on this ship than I've ever seen any other ship do. Not that I'm the great expert on other ships. But, we--the Captain really likes to do high-speed maneuvers. He felt that it was good training, in the event of a torpedo evasion, we would be--he wanted us to be as proficient as possible. Not so much for the Officer of the Decks, but mostly for the Ship's Control Party. He wanted them to be able to make large rudder turns at high-speeds and still maintain depth, on the off chance that we were evading a torpedo in shallow water, prevent us from smacking the bottom or broaching the ship.

Q. But, I assume what comes with that if you're Officer of the Deck and you're doing that?

A. As, Officer of the Deck----

Q. There's a great deal of learning on a cruise.

A. Yes, sir, there is and you get to learn the way the ship reacts and why it turns.

Q. So, the Officers of the Deck, specifically Mr. Coen, had experience with high-speed maneuvers that were exclusive of this DV embark? They had it in their training to become Officer of the Deck.

A. Yes, sir. I don't know how much specifically he had, but I'm sure he must have had some because most I've seen--a lot--every Officer of the Deck's had their turn to drive the ship like that.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. LT Sloan, do you know where the Chief of Staff was during this phase?

A. I didn't pay a lot of attention to him, but I know I saw him at least one point, over in this area [pointing laser at exhibit]. I don't know if he stayed the whole--I don't know what point I saw him, I just--I do recall seeing him over in that area, and I don't know if he stayed over in this area [pointing laser at exhibit], or if he moved around, but I know I saw him over there at one point.

Q. That area you've just described is the port side, just adjacent to the scope stand, in between the radar repeater and the periscope stand? You saw him there at one point?

A. At one point, yes, I don't recall exactly when. I didn't pay a lot of attention to the Chief of Staff at this point.

Q. Did you note at all what he was doing there?

A. When I saw him, he was just standing there observing what was going on. He may have been talking to some of the DVs, but that was about all.

Q. Do you recall if you heard any reports, and we're still in the angles and dangles phase here, but do you recall if you heard any of the reports on any contacts?

A. I did not hear any reports on contacts. I was far enough away to where any--any conversations in a normal tone of voice up in the forward part of Control, I didn't hear anything, or I couldn't have heard. And, I

specifically did not hear--don't remember any reports to the Officer of the Deck, or the Officer of the Deck talking to fire control or anything like that. I didn't catch any interaction like that.

PRES: Let me ask you a follow-on.

Questions by the President:

Q. Did you look at the CEP when you were sitting back there?

A. I can't physically see the CEP from there with the number of people in the way.

Q. So, you weren't aware whether it was maintained with contact information?

A. No, sir. There was too many people--there was at least three layers of people between me and it and I couldn't physically see it.

Q. Is CEP--is that a Navigation/Ops display or is that a Weapons display?

A. It's maintained--under normal underway, it's maintained by the Fire Controlman of the Watch. During Battle Stations or Section Tracking Party, we will put--one of my Nav ETs will take it.

Q. Which department owns that display?

A. I would say the Weapons Officer----

Q. So, Weapons owns it, so he's responsible for training people on it and the proper maintenance of it? In other words, someone----

A. Right, but there is cross-over, I don't want to say it's just the Weapons Officer. Some of my personnel also will use it in specific situations.

Q. So, as NAV/OPS, did you ever review CEPs and see if they're properly maintained?

A. Usually I would review them as the Officer of the Deck. I would look at them then, but----

Q. And, what'd you find if they were not properly maintained.

A. If they weren't properly maintained? Then I would correct the guy on the spot, and say, "Hey, you missed

this information, or you're not getting this, or you're falling behind."

Q. When you turned over the CEP, you said the contact information was on the display.

A. I believe there was contact information on the display. I don't--I did not review it specifically, though.

Q. Well, you knew you had contacts.

A. I had contacts.

Q. Would you expect that to be shown--to be displayed on the CEP?

A. Yes, sir.

Q. So, as I take it----

A. But, I did not specifically make sure every contact was on the CEP, during the portion of the time I had the watch.

PRES: Okay.

ASST CC (LCDR HARRISON): LT Sloan, the translators will have some difficulty deciphering the differences in testimony. So, if you would, when the question is asked, simply wait until the end of the question and then provide your answer.

WIT: Yes, sir.

ASST CC (LCDR HARRISON): We'll try and do the same courtesy on the way back to you.

WIT: Yes, sir.

ASST CC (LCDR HARRISON): Thank you.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Now, at this time, did you take note of whether the Officer of the Deck was interacting with the FTOW at all?

A. I did not see any specific interaction. I will say, my attention was focused on the navigation chart. So, my--I paid very little attention to what was going on in forward part of Control. My focus during the high-speed

runs and during the large rudder angle turns was on the plot itself. It was on the chart, just keeping tabs, minute-by-minute, making sure we weren't getting too close to any OPAREA boundaries, because we were only a few miles away from the edge of our water space, and that is where my attention was focused.

Q. Noting that you were paying attention to the charts, at any time did you notice the CO or the XO interacting with the FTOW, in any manner?

A. I did not see any interaction, but like I said, I wasn't paying that close attention to it.

Q. From your vantage point, where you had positioned yourself, would the--would anyone up on the periscope stand have been able to have seen the FTOW's consoles with the DVs where they were?

A. They would have probably needed to walk over to the panels themselves, but I would do that anyways, it's hard to read the fuzzy green screens from the other side of the Conn. You pretty much need to walk over there anyways to be able to see it clearly.

Q. And, in your--you said you didn't observe that occur, but you were focused on the charts?

A. Right. So, it may very well have happened. I didn't see it, but I wasn't looking for it.

Q. Okay. I want to move ahead just a few moments, here, to the large angle high-speed rudder turns, and ask you a similar set of questions. Were you still in the same location that you described a few moments ago, between tables?

A. Yes, sir.

Q. And, did you know where the XO was during this phase?

A. I believe he was in the same area, but I don't--I'm not sure, specifically, where he was.

Q. And, the same area would have been where you saw him before?

A. Somewhere around the starboard side of the Conn.

Q. Do you ever remember seeing the XO up near the Sonar Shack or in the Sonar Shack?

A. I believe I saw him walk from Conn into Sonar or in that general direction, prior to going to periscope depth. It would have been after the large rudder turns.

Q. That would be after the large rudder turns----

A. I believe it was after the large rudder turns----

Q. Just prior to going to periscope depth?

A. Yes, sir.

Q. Did you see him return?

A. I saw him later on. I saw him out on the Conn, but I did not see him actually walk out, so I'm not sure when he did.

Q. And, was the CO still in the same location you described before?

A. Yes, sir. He stayed pretty much in that portion of the Conn, with the DVs. I don't remember him moving anywhere other than that general vicinity.

Q. And, was he doing anything different during this phase than he was during the angles--high angles phase?

A. No, sir. It was about the same. Just a continuation of what we were doing before. Just a little different, same idea.

Q. Was he still providing guidance or direction to the Officer of the Deck in terms of rudder angles and speeds?

A. Yes, sir.

Q. Was the CO interacting with the DVs at all during this time frame?

A. I believe he was talking to some of the ones that were around him, but I think his attention was generally focused on driving the ship.

Q. Was he on any of the ship's announcing systems, describing evolutions or that sort of?

A. I believe he did, but to be honest, I don't recall, specifically. That's not uncommon to do that when we have guests onboard, just to make sure if there's any not in the Control Room, they knew what we were doing. It also lets the crew know.

Q. And, during this phase, and again, we're talking about the large rudder angles, high-speed phase, did you hear any reports of contacts?

A. I did not hear any reports of contacts.

Q. Do you recall if the Commanding Officer was explaining the various events to the guests?

A. I'm not sure. I think he probably was, but I don't know for sure. I do not know.

Q. And, during this phase, did you take notice as to whether the Officer of the Deck, the XO, or the Commanding Officer interacted with the Fire Control Technician of the Watch?

A. I did not notice any interaction, but I was still focused--I was even more focused on the Navigation picture at this point, because we were further north, towards our boundary.

Q. Okay. I want to now talk to you about the preparations for periscope depth time frame, looking up here at Exhibit 4, at 1331. Was there any sort of communications or orders passed by the OOD or the CO in terms of making preparations for periscope depth?

A. I did not hear any. But, I may have missed that, or I may not recall.

Q. Would you have expected to hear something?

A. At least a 27MC announcement, all stations make preparations to proceed to periscope depth. And, that may have happened. It's just something I wouldn't have noticed. It's sort of routine and I wouldn't have recalled it.

Q. Generally describe for the members, if you would, how preparations are made in the Control Room for coming to periscope depth.

A. A normal periscope depth trip?

Q. Yes, please.

A. The first thing I do is make an announcement to make preparations to proceed to periscope depth. I would call the primary watchstanders to the Conn, for a brief. That would be the Sonar Supervisor, the ESM watch and the Radioman of the Watch, and have a brief on the forward port side of the Conn is where I would normally stand, and they would gather around. That way, the Diving

Officer of the Watch and Chief of the Watch would be involved. The purpose of the brief is--it's not a safety brief, which a lot of people kept asking me if that's what it was. But, the purpose is an evolutions brief, to come up with an evolutions plan, decide what evolutions we want to conduct at periscope depth. The goal being to minimize the time that we're at PD. Usually it's bad form to just go and sit at PD for hours on end. It's uncomfortable. It limits your ship's operations and things like that. We discuss things like do we want to shoot trash, or copy a broadcast, get a GPS position, transmit ongoing messages. Things like that. Which is why you have all these people here, making--you get inputs from them on exactly what you need to do, come up with a--the OOD comes up with a plan in his mind of all the evolutions he wants to conduct. Gets inputs from all the key watchstanders and then dismiss them and send them back to their stations.

Q. Did----

A. I--I'm sorry, go ahead.

Q. Did I understand you to say that the Dive was part of this discussion as well?

A. I would have the Dive, yes, that's involved in this discussion, at least--either passively or actively, but at least knowing what's going on.

Q. What information is conveyed to or from the Diving Officer, with regard to preparations for periscope depth?

A. A lot of the evolutions you're going to conduct require breaking rig for dive. As the Diving Officer, he's responsible for any--the order to break rig for dive is going to go through him. So, he's going to keep track of that sort of thing, so, therefore, he needs to be involved in the discussion of what you're going to do ahead of time.

Q. Does he need to have information about the sea state as well?

A. The sea state would be another one. If you have an estimated sea state or weather conditions, something like that, time of day, if you think you're going to be up from sun--you know, after sunset, where you need to change the lighting in the Control Room.

Q. Did this briefing occur, to your knowledge?

A. No, it did not.

Q. You're not aware of it or it did not occur?

A. I don't think it occurred.

Q. Do you know if there's any sort of requirement for such a brief?

A. I'm unsure if there's a written requirement for that brief. It's standard operating practice, it's practice to do it. Usually, you would--it's not--it's not uncommon for it to be skipped in a situation where you want to get to periscope depth in a quick--quickly, for whatever reason.

Q. What sorts of reasons would there be?

A. One might be training, if you want to train an Officer of the Deck to be efficient at getting up quickly. We might do it--I'm trying to think of a situation. If we were doing a training situation on a contact, say a merchant ship in mid-ocean, or transiting, we want to do a practice attack run on it, just for training, and we want to get up quickly, we may not do a brief in that situation.

Q. As the Senior Watch Officer, would you normally be apprised if that sort of training event was going to occur, or might that occur ad hoc?

A. It would occur--it would typically occur ad hoc onboard. Really, what it would normally boil down to, is have a contact, say we're doing a mid-ocean transit from here to California, or something, we'll pass--we don't pass--we don't come close to contacts--to very many contacts, and something like that the Captain may walk out and say, hey there's a contact, go get him, or something along those lines. Because it's--training opportunities like that are kind of random. They pop up sometimes, sometimes they don't. Typically, I would not be apprised of it unless I was actually the Officer of the Deck, and I've done those many times.

Q. Let me go back for a moment about your observations of the Executive Officer. I think you said a few moments ago that it was during the preparations for periscope depth, that you observed him heading towards sonar?

A. I believe it was around that time. I don't recall exactly at what point in the process that he went in there, no.

Q. Did you happen to note he and the CO interacting just prior to him heading towards Sonar?

A. I did not--I didn't see them talking. They may have very well been talking together, but I don't know.

Q. Did you note if the Executive Officer, just prior to heading up towards sonar had been interacting with the Commanding Officer or the OOD, and terms of ship's maneuvers or contact management?

A. I did not observe any. I did have, like I said before, those two DVs standing between me and them, plus the Quartermaster of the Watch and the NAV Supe between me and the Conn, so I may have missed that.

Q. And, was the CO still generally in the same location, where he had previously been?

A. Generally, he stayed on the port side of the CON the whole time.

Q. Did you take note of any interaction or communications between the Commanding Officer and the OOD, in terms of preparation for periscope depth?

A. I did not hear any specifics, or I don't recall any specifics on how he directed him to go to periscope depth.

Q. Do you know if any time limits were placed on the Officer of the Deck?

A. I did not hear any.

Q. And, was the Commanding Officer still, at this point, directing the ship's maneuvers, as he had been in the previous high-tempo operations?

A. Yes, sir.

Q. And, any reports of contacts at this phase, that you recall?

A. I don't recall hearing any contact reports.

Questions by the President:

Q. How well could you hear the comments or directive nature? I'm not sure how to characterize it now between the CO and the OOD.

A. The direction--I'd call it direction from the Captain to the OOD----

Q. You'd call it direction? So you could hear it clearly?

A. I could hear--most--every time--all the direction, I could hear most of it, because the Captain said it fairly forcefully, or at least in a loud enough voice to where I could hear it. And I could hear the OOD's orders were loud and clear. I had no problem hearing any of those. As far as normal voice-level conversations, I didn't hear any. I didn't hear any at all. They may have been audible to me, but I wasn't paying attention to them.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. And, I'll ask you again, at this point, in the preparations for periscope depth, did you note the Officer of the Deck or the CO interacting with the FTOW?

A. I did not notice any interaction, but I wasn't looking for it.

Q. Do you know what course the ship was on as it was coming to periscope depth?

A. I believe it came up to periscope depth on 1-2-0.

Q. And, who set that course?

A. The OOD gave the ordered course. I believe the Captain directed him to clear baffles to the right, which would've brought us from a northerly course, over to the right, which is what it looks like on that.

Q. Do you recall if the Officer of the Deck gave the Captain a prepare for periscope depth report, and requested to proceed to periscope depth?

A. I did not hear that interaction.

Q. Would that be a normal report?

A. I would have expected him to give that report. He may have. I did not hear it.

Q. Based on your vantage point during this time frame, what are your thoughts on whether the OOD had an opportunity to make such a report, in terms of the pace at which things were going?

A. It was going very quickly. But, to make a report like that, he could have probably done it very quickly, if he needed to. I don't know. It's hard to say if he had the chance or not. I'm not sure.

Q. Now, you had said that you don't recall hearing any reports of contacts during any of these phases. Were you otherwise, in any way, aware of the contact picture?

A. No, sir. I could not see--obviously, the AVSDU was not functioning and from where I was standing, I don't have a line of sight to the fire control screens and I couldn't see the CEP because of the number of people. I wouldn't have been able to read it, anyways, from that distance.

Q. Now, as the ship was proceeding to periscope depth, were you able to see the PERIVIS

A. I attempted to see the PERIVIS by--I kind of stuck my--I leaned out a little bit here, trying to look over the heads of the DV's and over the heads of the other people in this area, but I had a lot of trouble seeing the PERIVIS monitor. I saw it sporadically, but the DVs were moving around a little bit, so I was doing a lot of bobbing and weaving trying to watch it. So, I saw it sporadically all the way up until where the scope broke the surface, but never for more than like a second or 2 at a time.

Q. So, for the record, you had looked over to the starboard side--to the starboard side PERIVIS, attempting to see it between the DVs?

A. Yes, sir.

Questions by a court member (RADM Stone):

Q. Just for my own clarification, did you testify that you heard the CO tell the OOD to go to periscope depth on course one-two-zero? You heard that statement?

A. I didn't hear him--I don't recall a specific course order. I believe he directed him to clear baffles to the right, but I'm not 100 percent sure what I heard.

Q. Did you have a chance to read the statement that is attributed to you as enclosure 5 in the Preliminary Investigation?

A. Yes, sir.

Q. It says, "CO told OOD to go to periscope depth on course one-two-zero", so I was reading that--but your statement--is there some context that you want me to put that in?

A. I don't recall right now that if that's what I heard, if that it is what I heard, I may have recalled that at the time, so I may have just forgotten in the last month since I made that statement.

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Okay. Now again, I recall that you were concentrating on the charts and on the plots but at this point were you able to take note of any target motion analysis that was being performed by the Control Room watchstanders?

A. Like I said, I did not have a good view of the FT of the Watch due to the book locker and the equipment on the starboard side of the plotting table, so I couldn't see what the FT of the Watch was doing.

Q. Thank you. LT Sloan, I want to--I now want to take you to periscope depth, at about time 1337. Could you see the PERIVIS once the ship had reached periscope depth at all?

A. Very sporadically. I only kept looking at it for another couple seconds, just because it was so hard to see it.

Q. And prior--just prior to getting to periscope depth, did you hear any reports of contacts?

A. No, sir.

Q. What were your observations with regard to the OOD's use of the periscope when you first broke water?

A. As soon as the scope is clear, I believe when the scope was clear, that's what it looked like when I was looking at it, I started to see the water breaking. Saw the Officer of the Deck start to do rotations on the scope. That's about the point I stopped looking at the

PERIVIS monitor, and back into the aft into Control where I was before.

Q. And you said you saw him start to do rotations. Did you actually see him do the required rotations?

A. I believe he did three rotations, is what I saw. I wasn't counting them at the time but, in hindsight I think it was three rotations that he did.

Q. Did it appear to you to be at the appropriate speed for those initial rotations?

A. Yes, sir.

Q. Do you know what depth had been ordered for these?

A. 60 feet.

Q. 60 feet. Do you know if the Officer of the Deck wears--wears glasses or contacts?

A. I don't normally see him wearing glasses. I don't recall if he wears contacts or not.

Q. Was he wearing glasses on this occasion?

A. No, sir.

Q. Do you recall?

A. No, sir.

Q. Did you hear anyone--well first of all, did the Officer of the Deck call out, "no close contacts" after his sweeps?

A. He called out "no close contacts" and that's about the time he turned the scope over to the Captain.

Q. And do others in the watch team acknowledge that, "no close contacts"?

A. You usually get an acknowledgment from ESM. ESM will say, "Conn, ESM aye."

Q. Do you recall if that occurred?

A. I don't recall. That's something that I would expect to hear so I wouldn't have jogged my--I wouldn't remember it because it would be so normal to hear it.

Q. If you recall, what was the Commanding Officer doing at this time?

A. During the initial sweeps I believe he--I'm not sure what he was doing. I was looking over on the other side.

I imagine he was looking at the PERIVIS monitor, but I was looking at it also, and he was outside of my field of view.

Q. I'm sorry, you imagined he was looking at the what? I didn't get the----

A. I'm standing here [pointing laser at exhibit] looking over this way, the Captain's over here somewhere, so he's out of my field of view. I would imagine he was looking straight across at the PERIVIS monitor, but I don't know that for sure.

Q. Do you recall if the Captain got on the scope?

A. The Captain got on the scope after the "no close contacts" was reported.

Q. What observations did you make with regard to the Captain on the periscope?

A. I noticed the Captain did at least one full 360, I wasn't paying careful attention, but he turned a few times, paused, looked like he changed the magnification of the scope, and then continued to--he would shift it back and then continue around. I--sir, all I know is he did not ask to be put at any specific bearings, he just did at least one full 360, looking around.

Q. So at least one full 360. Did you notice--did he--I understand you that he didn't request to be put on past specific bearings, but did he look in any particular direction, perhaps a better look or a slower look?

A. I did see him pause on specific bearings, and like I said, it looked like he changed the magnification quick--you know, briefly and then back and then kept on going. I don't recall exactly what directions he stopped on.

Q. Do you know if the Commanding Officer wears glasses or contacts?

A. He does wear glasses periodically. I think they're more for reading.

Q. Do you know if he had them on, on this day?

A. He usually does not on the scope. The scope you can adjust the diopter setting to adjust for not having glasses on.

Q. Did the, in your experience as an OOD, did the time spent by the OOD and the Skipper looking through the scope appear to be about normal?

A. Usually--time wise yes, it seemed about--it seemed about right at the time. The only thing I did not observe was any airborne searches, but in the local OPAREAS you don't really need to do those and it's--we typically train to do that just because we train like we fight so we always do those, just on a normal basis, but we didn't do those this time, but that really is not relevant to any of this, I don't think.

Q. After the initial quick sweeps that the OOD does, what's your understanding of the requirement for additional 360 rotations and how long, or how slowly do they occur?

A. Do your three--after your three initial sweeps, call "no close contacts", do two high elevation sweeps, also rapid sweeps, about 8 seconds, looking for airborne contacts directly above you, specifically helicopters, then do two more mid elevation sweeps, also looking for helicopters a little further out, and then drop back to the horizon and do one full 360 in low-power, that typically should take you about 45 seconds. And that's your more thorough look around, in low-power though. And you also use that opportunity to--if I have a contact I'll come to--when I get to that bearing I'll increase the magnification to see if I can see anything.

Q. Okay, and your understanding----

A. Once that--once that full 360's complete, after about 45 second, then I'll call the Captain and report, "I have no visual contacts," or "I have these visual contacts," something like that. Just inform him the ship's at periscope depth.

Q. Thank you. Did you observe the Commanding Officer do that slower look, complete 360 look?

A. I saw him do a 360. I wasn't watching him the whole time too, so I'm not sure exactly how long it took to do that.

Q. Do you know if the ship got a higher look?

A. At some point I heard the word, "make depth 58 feet." I believe that was while the Captain was on the scope, but I did not hear the Diving Officer mark when he

actually reached 58 feet, he may have, I just didn't hear it. I'm not sure.

Q. And was the distribution of the DVs, in the Control Room, about the same during this time frame as it had been during the angles and dangles, and large rudder----

A. I believe most of the DVs stayed in about the same area this whole time. There may have been some movement around but, it seems to be about the same, I don't recall any major changes in their positioning.

Q. And is it your testimony that the Executive Officer is still up in the area by sonar, in the forward starboard portion of Control, or do you know where he was at periscope depth?

A. At this point--at some point he went into Sonar and came out. I don't know what time he came out, I don't recall exactly when he got back to the Conn or in that area, I'm not sure.

Q. At some point he got back to the Conn?

A. At some point he came back out. I believe it was before we actually went to PD, but I'm not 100 percent sure. It was either right before or right after.

Q. When he get back to the Conn, did you know if he interacted with the OOD or the CO?

A. I did not notice.

Q. While at periscope depth, did you notice if either the OOD, the XO, or CO interacted with the FTOW?

A. I did not notice one way or the other.

Q. And did you notice if any of them went over physically and checked the FTOW's panels, even if they didn't interact with the FTOW?

A. I did not notice if anyone went over there.

Q. Do you recall approximately how long the ship was at periscope depth?

A. I don't know the exact amount of time, but I think it was only about 2 to 3 minutes.

Q. What occurred next?

A. While the Captain was on the scope, at one point, he flipped the training handles of the scope up, yelled

emergency deep, turned the PERIVIS camera off, and lowered the scope.

Q. Did you know that was coming, the emergency deep?

A. It jumped out at me for a split second because when you first hear it--he said it very loudly, kind of got everyone's attention, and then I immediately realized he was doing it to get down deep fast, position for emergency blow.

Q. Did you notice the Chief of Staff move any where else in the Control Room during these time frames that we're talking about, other than where you initially located them on?

A. I had seen them over there, and I don't recall seeing them in any other location.

Q. Previously, the Chief of Staff had been identified on the port forward in the Control Room, then you made no further observations with regard to the Chief of Staff?

A. No, sir.

Q. What course were you on when you went to emergency deep?

A. When we first went down we were on a course of about one-two-zero.

Q. Did that course change?

A. Yes, sir. The Captain directed the Officer of the Deck to come left to, I believe it was course of 3-4-0. It was either three-four-zero or somewhere in that general direction. Essentially back towards "Papa Hotel", kind of turning us and head back towards "Papa Hotel" as we were getting ready to do the emergency blow.

Q. As the Navigator, do you--are you aware of any need that the ship would have had at that point to come left or to come right to avoid something in the--in the--on course one-two-zero?

A. For contact avoidance?

Q. Contact or--how far away were you from Penguin Bank?

A. We were a few miles away from Penguin Bank. I was not personally concerned about Penguin Bank, it was--we had a couple miles on that course we would have been okay.

Q. Did you hear any reports from Sonar or the FTOW on the way down to 400 feet?

A. No, sir.

Q. What happened once the ship got down to 400 feet and came left?

A. Normally for the--as we were heading down, we dropped the bell from ahead full, which is normal for emergency deep, dropped it to ahead standard, but we were still accelerating because we hadn't come up in speed yet, or--we had passed 350 and we're heading to 400. About the time we got to 400 feet, or close to it, the Captain directed the Officer of the Deck to come to rudder amidships, and then we initiated the emergency blow.

Q. At this time were there--were there DVs operating any of the gear in the Control Room?

A. I saw a DV operate the EMBT actuators for the emergency blow. That was the only DV I saw doing anything.

Q. And then the blow occurred and of course at that point you went to the surface?

A. Yes, sir.

Q. Had the collision?

A. Yes.

Q. In your observations as the Navigator and as someone who has been qualified as OOD for sometime, did the high-speed evolutions and the angles and dangles, prior to coming to that one-two-zero course there on Exhibit 4, give the watch team enough time to perform target motion analysis?

A. It would be hard to do target motion analysis on short legs like that at high-speed. Just the speed would make it very difficult. It would--because of all the ship noise and things like that. I'm not--it really would depend if you could hold contact during that time and get--I'm not sure exactly how long we were on each leg, it was not very long, so it would have been very difficult to do any kind of good TMA.

Q. And again based on your experience as a Navigator and someone qualified as OOD, would the time at periscope depth provide sufficient opportunity for the OOD to perform target motion analysis?

A. It's difficult to do target motion--you can do target motion analysis at PD, but your ship's speed is much lower, so you get--your accuracy degrades, you get better accuracy if you have more speed. But you also have the advantage of having someone able to look down a bearing and give you at least a rough idea of a visual range, if you did have a contact.

Q. Now I know you've said again and again, that you were paying particular attention to your charts and plots, but in your opinion did the number or distribution of DVs in the Control Room impact at all the watch team's situational awareness or their ability to conduct--to do their jobs?

A. I've been OOD for similar situations and with similar numbers of DVs and I've been able to continue--to keep my situational awareness, what I thought was adequate. It is a little bit--I won't lie and say--it is a little bit harder, but it's not insurmountable by any means. It's no worse than the battle stations having that many people in there.

Q. LT Sloan, I want you to put your Senior Watch Officer hat on for a moment, and I want you to discuss with the members your observations as Senior Watch Officer with regard to the CO's interactions with his Officers of the Deck. Particularly with regard to high-tempo operations. You are the Senior Watch Officer?

A. Yes, sir.

Q. Okay. Generally describe your duties, as you see them, as the Senior Watch Officer.

A. Senior Watch Officer, my primary duties are: one, making sure there's an officer watchbill to cover whatever we happen to be doing; and two, would be the training aspect, and those would be the two primary functions.

Q. So in terms of training, it would require you to assist in the professional watchstanding growth of the JO's?

A. Yes, sir.

Q. Would you discuss, for the members, your personal observations of the CO's interactions with OOD's, especially at the DIV O level, in terms of their watch standing, particularly during high tempo operations.

A. For--for--as OOD?

Q. Yes.

A. Captain kind of would do one or two things, for higher tempo operations. He tended to be more directive--and it was irrelevant with the level of seniority of the watchstander, whether it was Department Head or a more junior officer. When you say "high-tempo," it would be something--a situation like angles and dangles, or high-speed turns, when the Captain specifically has some kind of training in mind, or he wants to practice torpedo evasion, and depth keeping, things like that. Also you--he would be more directive during a piloting situation, like we were pulling in or out of a port, especially an unfamiliar port, he would have a little bit tighter control of what was going on. During lesser tempo operations he would be more--much more hands off and let the OODs do their own thing. So it kind of--and there were times when I've done--I--more what I would call high-tempo operations and not been directed by the Captain, he pretty much let me do things my own way. But in general I think he's fairly directive in those situations.

Q. LT Sloan, I'm aware that you're--you're far junior to the Captain, and you haven't been an XO, and certainly not a CO. But as the Senior Watch Officer in charge of at least some aspect of training of your JO's, did this sort of directive nature during these operations cause you any concern, and did you voice that concern to your Captain?

A. I did voice a concern that we were losing training value by not letting the JO's kind of run, let them--kind of let them go loosen a little bit, let them run wild and make their mistakes and learn from them, things like that. I had voiced concern with the Captain over that, previous to this, not as a maj--I thought it was a major problem but something that I thought I needed to address. It was my personal opinion that the JO's could be allowed to be a little less directed and do things on their own a little bit more.

My concern being that we're getting ready for a deployment. It's a very good chance we'd be in a high contact density situations where these same OOD's, JO's--it would be JOOD's or OOD's driving the ship in situations where they'd have to make immediate--immediate decisions to safeguard the ship, when the Captain was not there and they would not have time to call the Captain or someone senior. It wasn't an immediate concern when I discussed it with the Captain, it was more of a long term kind of training issue.

Q. In bringing this to the Captain's attention, did you see this as a way you could provide the Captain some backup?

A. Yes, sir. That's exactly how I saw it, I was backing up the Captain.

Q. And what was his reaction?

A. The specific time that I talked to him about it, he basically told me he was happy with the way he was doing it. The specific situation was a tracking exercise the week before where I thought the Officer of the Deck should be given a little more leeway to make decisions. The Captain said that in this situation, because it was a--not only a tracking exercise, we were doing some fairly important noise monitoring of another submarine, and positioning was fairly important and he thought it was--that his directing it, one, would ensure that the ship was best employed to hear this noise monitoring; and two, the OODs would just learn from it anyways--in any case, just based on him telling them what to do. I didn't necessarily agree with that, but that was the way it was going to be, and that's what we continued on doing.

Q. Other than this minor difference of opinion with regard to JO training, how's your relationship otherwise with the Captain?

A. I consider my relationship with the Captain to be very good. I kind of look at him as my mentor in the Navy, something that I had never had before. My previous CO on my last boat was there--essentially the 3 years I was there was the 3 years he was there. I did not like him, to be blunt. I did not like him at all. I don't think he really liked me. I don't think he really liked any officer--any of the junior officers that worked for him.

CDR Waddle had been very helpful to me, teaching me how to be a better officer, you know, building experience. He let me run a lot of things. He let me run my department essentially however I wanted to. I mean, he would provide some oversight, but I think he was satisfied with the way I did things and encouraged me, you know, to do things my way and let me go. There were instances, specific instances, from time to time that we would disagree on. And during my last FITREP--on my last FITREP as I was getting counseled, as I signed it, he specifically even said that we have a lot, you know, a lot of little differences, but in general he liked the way I did things. He was very happy with the way I did things. He wrote me an excellent FITREP that I thought was glowing and really made me very happy when I got it. So I'd summarize and say I think our working relationship was very good. We didn't see eye-to-eye 100 percent of the time, but in general we get along very well.

Q. Just--I just have a couple more questions for you. I want to take you back to the morning of 9 February, as the ship was about to leave the pier, or just after. Do you recall having a meeting with the Chief of Staff?

A. Yes, sir.

Q. Okay. Where did that meeting occur?

A. That meeting occurred in the XO's Stateroom.

Q. What--how did that meeting come about?

A. While I was on the Conn, standing Navigation Supervisor giving a chow break to the--Petty Officer Thomas, Chief of Staff asked me if I had a few minutes to just come chit chat with him, was how he characterized it. I said, "sure." As soon as I got relieved I went with him up to the XO's Stateroom. Basically, it was kind of--he was looking--I think he was just kind of getting a feel behind the scenes. "How is the boat going, how are things on GREENVILLE, do you like the boat?" That sort of thing. The question he specifically asked me, that I recall, was "What--if you were to be a CO, what one good thing did you learn here, and what one bad thing did you learn here and, you know, that you'll take away and carry on with you to be a CO yourself?"

Q. What were the good things you discussed?

A. The good thing is, that I told him, that I thought that we were a very people orientated submarine. The Captain had had the--moral was extremely high and kept it there. We treated people right. My previous boat we had, you know, it was common practice just to keep people at work just to keep them at work. Whereas the GREENEVILLE, you know, we could cut people loose to do things, give them good deals. We would--we tried to look from the top all the way to the bottom. We tried to look out for people, you know, kind of along the line with Admiral Konetzni--pushed to make life better for the submariners so that more will want to stay in the Navy and we could keep our attrition numbers down, keep the retention up, basically keep people around to man the submarines. It made life a lot more pleasant on the boat, night and day different from my last submarine.

Q. That was a result of the CO's leadership?

A. That was--I would--I would give the CO the credit for that one, definitely. I would give some to the XO as well. The XO definitely was on the same line of sight.

Q. What, if any, bad take-aways did you discuss with the Chief of Staff?

A. The same thing that I just discussed. I talked to him in much more general terms about that--I didn't give him specifics--just "hey I thought the JO's should be allowed to run with--let them drive the submarine. Let them make mistakes, as long as it's not endangered, something that's not endangering the ship, you know, let them go. Let them make a mistake, they'll learn from it a lot better." That was my way of looking at it as a Senior Watch Officer. I thought that was something we could have done better, but that was my pet peeve at the time.

ASST CC (LCDR HARRISON): Thank you, LT Sloan.

WIT: Yes, sir.

ASST CC (LCDR Harrison): Sir, I'm all complete.

MBR (RADM STONE): Good afternoon. I've got a few questions centered around the theme of GREENEVILLE's three themes: the safety, efficiency, and backup.

WIT: Yes, sir.

Questions by a court member (RADM Stone):

Q. The first area is safety. You mentioned the term, "train like we fight."

A. Yes, sir.

Q. This is the second time we've heard that term in the last couple days, so I wanted to probe that a little bit with you.

A. Yes, sir.

Q. When a person uses that term, "train like we fight," it's normally associated with an aggressive, fast, increased risk, forward leaning mentality, because that's how we fight, which is opposed to Operational Risk Management, which is focused on safety, prudence, correct procedures. And so, we've been hearing testimony the last week now about the period of time in which GREENEVILLE went to periscope depth, and some of those actions that were taken. So, I'm interested in getting your opinion here on this issue of--if you rapidly go to periscope depth and then put out a reduced scope of periscope and spend a reduced time searching and then go to emergency deep, those four actions, that sounds like a "we train like we fight" mentality. But you're doing a DV event on 9 February, where safety, prudence, and correct procedures are what ORM, operational risk management is all about. But you were there, so I'm interested in--from what you observed, was that a "train like you fight" evolution that you were doing on GREENEVILLE, from where you stood, or was that a safety focused operational risk management approach to it? Can you share some insights on that?

A. I don't know if how I would characterize it between ORM and "train like we fight." It was obviously--we went to periscope depth fairly quickly and fairly rapidly. I'm not sure exactly how I would answer that question. I guess you--in hindsight, it definitely would be the more, "train how we fight" sort of approach to doing things. Let's get in and get it, you know, get in there and do it aggressively and get on with things.

Questions by the President:

Q. Well let me ask you specifically then, weren't there CO's Standing Orders about preparation for going to periscope depth?

A. Yes, sir.

Q. How long have you been an Officer of the Deck on GREENEVILLE?

A. 2 years.

Q. How long have you been an Officer of the Deck?

A. Since my last boat in '94, 1994 is when I made Officer of the Deck.

Q. Did you find it consistent then to violate the CO's Standing Orders on going to periscope depth? Did you----

A. I would not normally violate them unless the CO directed me to, for whatever reason, then I would have no problem doing that.

PRES: Alright.

Questions by a court member (RADM Stone):

Q. With regard to that theme of safety, was there anything you saw on 9 February that was in contrast with the theme of safety that the Commanding Officer had been stressing? Or did you think that the events of 9 February were in concert with what safety was all about on GREENEVILLE?

A. The only thing I could say is that, in hindsight--and I got to stress that it's hindsight--maybe shallower look--shallower look around, or maybe a little longer, something like that, but at the time it did not occur to me that that was--that we're proceeding recklessly or anything along those lines.

Q. What was the efficiency, as defined by that theme, what does that mean to you? What was the goal of efficiency?

A. I would say that I most strongly saw that, not so much at sea operations but in port, prior to maintenance periods the Captain was very, very, specific and very forceful that he wanted plans--everything planned in advanced. Come up with the written plan, stick to the plan, that sort of thing, to more efficiently do

maintenance. That's where I--that's what jumps out at me, as where we strove to be most efficient.

Q. Okay.

A. That was an inport type of situation.

Q. My last question is the area of backup. On 9 February, what was your assessment of the theme of "backup" on GREENEVILLE, what were your observations on backup that was taking place, or why it was or was not there?

A. I didn't see any specific instances of backup, with regards to the Captain. The Captain did a diligent search around with the scope, and to my mind, that he looked around, there was no one there, and that's truth. You look out the scope, that what you see is really there, or should be. I didn't see any--I didn't see any--any backup provided, but I also didn't see any backup required. I think that if either myself, the Nav--or the XO, or the Officer of the Deck had seen a situation where they thought backup was required, I'm pretty comfortable that any of the three of us, or all three of us, depending on the situation, would have had no problems telling the Captain that something was wrong or we weren't comfortable.

PRES: Well, let me ask you a follow-up question.

Questions by the President:

Q. You mentioned earlier that you normally did a, you know, in prep to going to periscope depth, you briefed the watch teams.

A. Yes, sir.

Q. But isn't that--you briefed--you said you did that brief to be more efficient at the time than you used to go to periscope depth.

A. Yes, sir. That would be another good example of efficiency.

Q. Well, you didn't do one.

A. Yes, sir.

Q. And then you didn't have any backup because you never briefed the watch teams.

A. Yes, sir.

Q. Do you agree there's no--I mean, is that a way of getting backup, by briefing the watch teams, and isn't that----

A. It focuses the watch team on what evolutions you're going to perform. But the purpose of the briefs that I give, and I'm--and all the Officer's of the Deck are the same, and I'm sure every submarine's the same. The purpose of those briefs is to discuss evolutions that you are going to do a PD and not safety of the ship type of things. We're talking shooting trash, and broadcast, and positions, and things like that, not--usually I'll do the brief and then I conduct my TMA.

Q. Okay, but what my sense of the brief is to get people organized about what you're going to do.

A. You make sure that the ESM guy is awake and he's got his equipment running and ready to go. I mean, that's kind of a safety aspect, but most of it's--most of the brief--you don't--you don't brief the ESM guy and say, "okay, when we go up you're going to do a defensive search, or something like that." I mean, he--that's what he does, it's not something that we brief specifically.

Q. I understand, but in a broader sense, that's what I assumed was going to happen, is that in preparation for going to periscope depth, not only does the team know that what you're about to do, but you get some backup because people know what you're about to go do. Am I wrong?

A. Yes, sir, that's true. But you also get that from when you--if you make a 27MC announcement, "make preparations to proceed to periscope depth." You'll get the same actions, as far as sonar lining up their equipment to monitor for going to periscope depth, and ESM standing by at his panel with his headphones on.

PRES: Okay.

Questions by a court member (RADM Stone):

Q. My last comment would be--or question for you is, how would you answer the question, do you feel onboard GREENEVILLE that you had an atmosphere in which you could easily speak up and step forward if you saw safety issues arise?

A. It--it----

Q. As Senior Watch Officer that's pretty important, your assessment of that.

A. I would say that I would feel very comfortable providing backup on anything, whether it's safety related or not. I would say that the Captain definitely preached backup and I think he lived it. Not to say that if you told him you thought something was wrong, or thought something we should be doing something differently, that he would automatically do that. But he would at least listen. He may not like what you say and keep on going the way he was going anyways, but if it was a safety thing, I think he would have no problem with that. He would actually, probably, hold that person up and say, "look at this person that just backed me up by saying this." And he would probably go around and tell everybody that. Not to put himself on report, but just to say, "Hey, this person did the right thing, I want all of you to do the same thing."

MBR (RADM STONE): Okay, thank you.

MBR (RADM SULLIVAN): NAV, I just had a couple questions for you to follow-up.

Questions by a court member (RADM Sullivan):

Q. To go along the line that RADM Stone was just mentioning, listening to your interactions with your Commanding Officer. As a Department Head, it seems to be fairly normal that you see things that maybe could be done better, you point them out to the XO or CO, and they take your advice onboard and factor in their judgment and do what they feel is best.

A. Yes, sir, that's exactly how it worked, which is my understanding, that's how it's supposed to work. I mean, they weren't going to listen to everything I said, sometimes they would, sometimes they wouldn't.

Q. Back to where we're on the surface, the visibility through the periscope.

A. Yes, sir.

Q. When other operators look through the scope, did anybody else make comments about the difficulty or the impact that this had a typical haze here in the Honolulu operating areas had?

A. I don't recall anybody else mentioning it, specifically, I mean, somebody may have, but I don't recall any discussion of it.

Q. You having operated out of here a long--I mean, many times, it's really unusual, correct?

A. Yes, sir, I've seen it once or twice in 2 years, but that was probably the worst I've ever seen it, where you could actually see a long, long distance but not see clearly, very far at all.

Q. It strikes me that that would be something that you'd contemplate passing down to other people that are going to use the periscope later on in the day. Am I wrong with that?

A. In hindsight, sir, it probably would not have been a bad thing to turn over to Mr. Coen, but at the time we had already been submerged, and I wasn't thinking about visibility, I was more concerned with what the ship was doing, deep. At that point we were just coming back from deep submergence.

Q. I don't know exactly how GREENEVILLE does it, but I assume there's some sort of watch-to-watch checklist, a memory jogger.

A. Yes, sir.

Q. Isn't weather visibility a part of that?

A. I'd have to look, I don't think it is though. I don't recall that being on there because that's more written--I think it's more written for being deep. I may be wrong though, I'm not sure.

Q. In any case, you certainly didn't pass on that----

A. No, sir, I did not.

Q. I'll shift gears for you here. As the Operations Officer, you're obviously involved with the ship's future schedule.

A. Yes, sir.

Q. Can you explain to me what your recollection was on the change? We talked, previous testimony, about how originally this underway was going to be a--this DV cruise followed by a--some independent steaming operations, and it was changed.

A. Yes, sir.

Q. Can you explain--or did you have a role in it?

A. I had--I had at least an indirect role in that. My--to my recollection, the ship--we, on the ship, believed that the following week and the--it would have been the 10th and the 11th, we were going to be in port. Our squadron, apparently, was under the impression that we were going to be at sea that day, and there was some confusion between the ship and the squadron on that. This is a schedule that had been worked out in December, prior to us going on our EAST--on our EASTPAC, throughout January. When we came back, the squadron had said--there was still that confusion and we said we want to be in for that following weekend. Squadron thought that we would want to be out over the weekend to help--give up a few extra days to prepare for our ORSE. There was discussion on the ship between the CO, XO, myself, the Engineer, and some other key people on what do we really want to do?

Do we want to be out over the weekend or not? I think the Captain was fairly non-committal one way or another. The XO, myself, and even the Engineer, felt that that weekend at sea wasn't going to help us any. Plus, on top of that, the crew was expecting to be in for it, so we would have kind of, you know, tell them they had to be out on the weekend, a couple days before. That probably would not have gone over very well, so we decided not to, and we asked squadron not to go out that weekend. And the Captain agreed with that.

Q. When you say, we, are you saying that you--were you the ship's representative to do this, sir? Were you the ship's representative?

A. Well this discussion was onboard the ship, and the Captain, I believe, took that decision back to squadron saying, "we want to be in port."

Q. Okay.

A. We were going to get underway on Monday instead.

Q. As the Senior Watch Officer, will you explain to me what your role is in preparing the watchbill for sailing?

A. I write the watchbill and I will fill in the positions where I think--what I--based on whatever I want to accomplish. I usually put in people that are--I rot--I try to rotate people around to maximize their experience. Once I've written the watchbill, I'll bring it to the Engineer, then route it up to the XO and then the Captain. Sometimes I'll get guidance from above, usually from the XO, if he has an idea of something he wants to do, and he'll tell me either ahead of time or when I route that watchbill, then I'll make changes if I need to.

Q. When you--when you--what part--are you talking about the entire ship's watchbill or whole----

A. Just--just the officer watchbill. The Chief of the Boat will write the ship's watchbill and he'll route it through all the Department Heads and then up through the CO and the XO, or XO and CO.

Q. I understand, from previous testimony, you had a new Engineer onboard?

A. The new Engineer was onboard, but he had not relieved yet.

Q. Did he sail with you on this day?

A. Not on that day. No, sir.

Q. Let me take you back in the Control Room just prior to proceeding to periscope depth. Did you hear the Officer of the Deck make the reports, or make the announcement that he was proceeding to periscope depth?

A. I don't recall if I did or not.

Q. Did you hear him test the periscope?

A. The Early Warning Receiver? Yes, sir, I did hear that.

Q. To go forward, to the point of after the emergency deep and the change in course, was that based on any of your recommendations?

A. I believe the ANAV made a recommendation to come back to--gave them not so much a recommendation, but I think he phrased it as, "Papa Hotel" bears three-four-zero," which is kind of a prompt to, "Hey, we want--this is the direction we want you to go."

Q. And----

A. That was his--he--he passed that, I did not.

Q. For the court, the ANAV, you mean the--your----

A. Petty Officer Thomas, he's the Assistant Navigator.

Q. He was acting----

A. He was stationed as Navigation Supervisor.

MBR (RADM SULLIVAN): That's it, sir.

PRES: Okay.

Questions by the President:

Q. You're OPSO also, NAV and OPS of the ship?

A. Yes, sir.

Q. Are you aware of any speed or depth restrictions for DV embarks?

A. No, sir, I'm not.

Q. Okay. After the angles and dangles--you do angles and dangles on a submarine and come to a--this is kind of my knowledge here, I guess, in listening to this, that a boat will not have a great--I'm not sure what GREENEVILLE's situational awareness was before angles and dangles, but I assume you had the watch up until about 1215, you said----

A. Actually----

Q. Up until about noon?

A. Actually about 1140, yes, sir.

Q. Okay 1140, but what would you--what was the quality of situational awareness of the water space and surface picture of GREENEVILLE at the time you took over?

A. As far as water space we had, obviously good positional data, our Navigation system's pretty accurate, so that was--there's no issue there. As far as the contact picture, what contacts I had were all to the north, and while I had the watch I was driving to the south, so most of those were in the baffles; I was driving directly away from them.

Q. Do you remember having designated a contact as Sierra 13 by the time you left?

A. I do not recall if that was designated or not.

Q. You do not recall, okay. Now a ship does angles and dangles, and so you're going fast?

A. Yes, sir.

Q. That--that--my understanding is that diminishes your passive sonar which is----

A. Yes, sir, that will, due to flow noise over the hydrophones.

Q. Okay. So when you leave angles and dangles, what would you say that is the qualitative sense of your situational awareness then?

A. I would say for that period of time that you're doing angles and dangles, especially the large rudder turns, you're situational awareness will degrade. Just based on the fact that you're--you're going to be working off your previous fire control solutions because the information you have during that time's going to be about useless.

Q. Okay, so---

A. Or poor.

Q. You'll still have positional data?

A. You'll still have--the computer will still dead reckon out the contacts that you do have, so you have some situational awareness, provided they haven't maneuvered or anything like that.

Q. Okay. Would you expect then, in terms, you know, it goes back to how--angles and dangles, then you just go to periscope depth within 5 minutes and then the emergency dive is--how does the ship build its--you're--you're a qualified Officer of the Deck.

A. Yes, sir.

Q. How does the ship build its situational awareness when you do that? Is that a--is that prudent?

A. It's not uncommon, depending the water--the conditions of the water, the acoustic conditions. It's not uncommon to come to--to come up to 150, getting ready for periscope depth, have no contacts, have had no contacts for 8 hours.

Q. Okay.

A. And you come above a layer, say at 200 feet, and all of a sudden you have five contacts, and you can build a picture fairly quickly from that, and that----

Q. What's--what's fairly quickly?

A. I can probably do it 2 or 3 minutes on a leg, make it one course change, get 2 or 3 minutes on a leg, and I can pretty much know what everyone's doing.

Q. Well does that kind of--you have, in your earlier testimony you didn't seem to think there was any contact information----

A. I didn't hear any, there may have been.

Q. Okay.

A. I just--just didn't hear any.

Q. So you went to 150 feet, or you prepared to go to periscope depth. Did you get any sense of how the ship was building it's assay, in terms of contacts?

A. No, sir, I was not paying close enough attention to what they were doing to build a contact picture.

Q. You own the--you own the NAV Plot, right?

A. Yes, sir.

Q. Why'd the Quartermaster of the Watch erase the Nav Plot after the collision?

A. I found that out afterwards. I told him it was probably a stupid idea, which obviously it is since you're asking a question. I think he did it specifically because after spending a couple hours in a very tight area on that scale of chart, all you have is a big smudge. I--I--he realized, the Navigation Supervisor, realized that the Navigation was not even relevant, that the location was recorded, and we passed that. There was nothing relevant on the chart that was worth recording, and we only do positions every 15 minutes.

Q. Did he describe that to you after the fact, or did he just consciously just tell you or just did it? I mean, it's probably a little mistake, but I just want to understand, was there a conscious act there or do----

A. I don't even think he thought about it, he just did it.

Q. He just did it----

A. And afterwards when I said, "Well, why did you do that," and asked the question, he started ear turning and he said, "Well, maybe I shouldn't have," but----

Q. Well remember, you weren't on watch and you were standing there----

A. No, sir. Once the collision occurred, I dropped--I had no interest in our position other than to write it down on a piece of paper and transmit it off.

Q. Okay, yes. You had brought up the "Papa Hotel" time with the CO and XO?

A. Yes, sir.

Q. And, you've testified that things were moving along quickly, you didn't say that it was a bad quick or a good quick, but just quickly. What was contributing to this--this, was it a sense of urgency in the Control Room? Did you sense that you had to get some place at a particular time, or was it an artificial kind of urgency for the boat?

A. I didn't feel any great urgency, one way or the other. Like I had said before, I knew if we were 15 or 20 minutes late to "Papa Hotel," which is what we probably would have been, it's not a big deal. No one was going to question us, no one was going to care. It's--it just isn't that--that big of an impact. There's enough slop in the harbor movement schedule to allow for that.

Q. You've been Officer of the Deck on two boats now?

A. Yes, sir. I was also on a third.

Q. Okay, on a third----

A. TAD.

Q. So you have experience--and you've Conned--in the submarine community, I assume, you take the Deck and the Conn at the same time?

A. Yes, sir, take both.

Q. Although you may train for the Conn, sometimes separately, I assume?

A. Yes, sir, but generally you take both when you're on.

Q. Okay. You talked about the CO being directive, and you've had other CO's being directive, are you familiar with the process when the CO becomes so directive it becomes obvious that he has the Conn, whether he states it or not?

A. Yes, sir, I am familiar with that kind of effect, and I've seen that before.

Q. Okay. Have you seen it where Conning Officers, because being junior, don't quite know how to handle that situation, even though they may be trained to handle it?

A. I think I've been in that position on my previous boat.

Q. How did you handle it?

A. You just become a mouthpiece, pass information, you're just a phone talker, and that's happened to me on my last boat.

Q. Did you feel it happened on GREENEVILLE on the afternoon of the 9th?

A. It's hard for me to say. Knowing the Officer of the Deck, I think that he--he is going to try and give the orders the Captain wants, but I would think he would be processing what's going on himself. The other thing is too--is, in a situation like that, when the Captain's giving guidance on which way you're turning, it can really--if there's--if there's no--no collision risk or no risk of running aground, or something like that, in your immediate area, or risk of running out of your water space, you're just going to go ahead and do it, there's no reason to second guess the Captain on something like that.

Q. But based on your experiences, does it mean to you that the Captain effectively has taken the Conn when he does that?

A. You could look at it that way, yes, sir. And I guess it would depend on the individual that--that was the Officer of the Deck, and a million other factors, but yes, sir, that's a possibility.

PRES: Okay. This court will be in recess until--let's make it 1510.

The court recessed at 1452 hours, 13 March 2001.

The court opened at 1510 hours, 13 March 2001.

PRES: This court is now in session. Counsel.

ASST CC (LCDR HARRISON): Let the record reflect that all members, parties, and counsel are present. This court has no additional procedural matters to discuss at this time other than noting that LCDR Kimberlie Young who was absent this morning is again present in the courtroom.

PRES: Very well. Can you recall the witness, please.

ASST CC (LCDR HARRISON): Bailiff. LT Sloan.

[The bailiff did as directed.]

[The witness resumed seat in witness box.]

ASST CC (LCDR HARRISON): LT Sloan, I'd remind you that you are still under oath.

WIT: Yes, sir.

PRES: Lieutenant, I think we're--the members are satisfied. We appreciate your answers. We're going to go into cross-examination starting with counsel for CDR Waddle.

WIT: Yes, sir.

Counsel for CDR Waddle, party (CDR Herold): Good afternoon, Lieutenant.

WIT: Good afternoon, ma'am.

#### CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (CDR Herold):

Q. I've just got a really few brief questions for you. You mentioned that you did about 3 years on the USS MEMPHIS.

A. Yes, ma'am.

Q. And I know when you and I talked you spent part of that time doing a TAD on the USS PARGO, so that you could

get yourself qual'd. How long was MEMPHIS in an overhaul?

A. About 2 years, ma'am.

Q. Okay. So of the period you were onboard it was actually in the shipyard for----

A. 2 of the 3 years.

Q. 2 of the 3 years. Okay, thank you. Now you mentioned and I'm going to try to describe on the Control Room, Exhibit 6 where you were standing, and please correct me if I am wrong. You were standing primarily-- I'm looking for my laser pointer here--let's see, aft in between the two plotting tables--on Exhibit 6, aft in between the two plotting tables--in between the two Navigational plotting tables. Is that about right?

A. Yes, ma'am. Right near where that circle is [pointing laser at exhibit], is a bench. I was right around that.

Q. Okay. Around this circle spot [pointing laser at exhibit], just next to the tactical plotting table?

A. Yes, ma'am, right just above that.

Q. Okay, thank you. And, isn't there a ventilation fan that's in the aft part of the Control Room?

A. Actually, the Fan Room is aft of that, but the ventilation piping is above my head, yes.

Q. So the ducting----

A. The ducting is all through that after portion of Control.

Q. Is all through this after portion [pointing laser at exhibit]. So that's going to raise the ambient noise level?

A. It will be a little bit higher in that area, yes, ma'am.

Q. Okay. So--and now is that one of the reasons why you were unable to hear voices spoken?

A. That was probably part of it. Yes, ma'am.

Q. Okay. And you mentioned that you've been OOD for previous DV cruises that you have done onboard GREENEVILLE?

A. Yes, ma'am.

Q. Do you recall the CO briefing the distinguished visitors on how you need to be quiet in the Control Room?

A. Usually the DVs will get a brief in the Crew's Mess and I've never actually attended one of those.

Q. Okay----

A. I would imagine that's probably where they put that out.

Q. Okay. Great. Now on your--in the Preliminary Investigation I know RADM Griffiths spoke to you, right?

A. Yes, ma'am.

Q. And did CAPT Byus and LCDR Harrison also speak with you?

A. Yes, ma'am.

Q. Now did you get an opportunity to review that summary of your statement?

A. Yes, I did.

Q. And did you in any way sign or adopt that summary of your statement?

A. I don't recall signing it. They did have me review it and there was some obvious errors in it that I corrected. But I don't recall signing anything.

Q. Okay. Now did you know that this was the first time that LTJG Coen, as a qualified OOD, had ever participated in the high-speed runs with the large rudder turns?

A. I was not aware that it was his first time or not.

Q. Okay.

A. It's not something that I would track.

Q. Yes. Alright. Very well. You mentioned--I believe it was when VADM Nathman was asking you some questions about the target motion analysis, you mentioned that during the high-speed turns you would have trouble with contact management. But the speed of the ship in the angles and dangles portion is actually only around 12 knots. Right?

A. Yes, ma'am. It would be a lower speed.

Counsel for CDR Waddle, party (CDR Herold): Very well. That's all I have.

PRES: Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LT Shanahan): Yes, sir. Good afternoon, LT Sloan.

WIT: Good afternoon.

Questions by counsel for LCDR Pfeifer, party (LT Shanahan):

Q. I'd like to ask you some questions about the command climate onboard the GREENEVILLE. You stated I believe before, that you said it was a people-oriented ship. What kind of overall level of morale would you say that led to?

A. I'd say the morale was very good. We had just come out of a 4 month yard period which had definitely had its--took a toll on morale. Not saying that it was bad but you could definitely see a difference. It was lower than it had been. I think that our 1 month Eastern Pacific deployment in January went a long way to bringing that back. But in general, I'd say it's very good across the board.

Q. Along the same lines. Can you describe what you saw as the relationship between the CO and the XO?

A. I saw the CO and the XO, from my level, to have a very good working relationship. It seemed like they communicated, for the most part, very well together. They would communicate both ways. I don't recall any major problems as far as that goes. I kind of saw them as kind of different personality types. Captain is very outgoing, very--kind of--he would kind of like to just go off and have fun. The XO was more down to business. Let's make sure we do what we need to do. And the combination of the two was actually--was very beneficial to the ship.

Q. So their personalities then led to different leadership styles during operational conditions?

A. Yes, sir. For operational leadership styles I would say that--it's hard to say, it varies--they both had a wide range of style that they would use depending on the situation. So, it's kind of hard to characterize it.

Q. Would you say in general the XO's style was more conservative than the CO's?

A. Yes.

Q. How well do you think, in general, this dynamic between the two different styles work?

A. It seemed like they worked very well. I can't recall--I don't recall--I don't recall any knock-down-drag-out fights between the Captain and the XO over any specific topic. It seemed like--I mean there may have been behind closed doors. If they did, they hid them pretty well. But in general they seemed to get along very well. I mean, I'm not saying that they agreed with each other all the time. I'm sure they didn't, but they worked through that sort of thing.

Q. Would you say that the XO occasionally then would act as a kind of reality check on the CO in different areas?

A. You could use that expression. You could say that sometimes the Captain would--he would get all excited about something and--it's not so much a safety issue kind of thing, but whatever function was going--something that was going on that--not a safety of the ship item, but something where the Captain is like, "Well, we could do this and this and this," and the XO would say, "Let's slow down and think about this for a second." That's kind of how that dynamic worked. The Captain had all the energy--had the energy to run out there and start doing something. The XO would inject the reality and something in the middle would be the end result for the most part.

Q. I think I used the words, "reality check", but really this is just another way of describing forceful backup, right?

A. You could call it forceful backup, yes.

Q. Can you think of any specific examples of the XO providing forceful backup for the CO?

A. It's hard to come up with any specific examples. I think it became kind of a--the XO was--had no problem talking to the Captain and providing backup. It was something that would happen on small things all the time. It just wasn't something that had ever happened that was so memorable--that it was such a big deal that I would remember it. It just kind of--it was almost like a background thing. It was just kind of the way we worked as a ship.

Q. So the XO's backup was something like a 27MC report that even if it happened you may not have registered it in your mind.

A. Right.

Q. Because it's just something that happened all the time.

A. Well, for a situation like that--say in a piloting situation, for example, if the Captain was driving a ship further right of track or left of track to go around another ship or something like that and the XO was uncomfortable with it he would have no problem calling the Captain up and saying, "I'm not comfortable with this. I think we should do that."

There was never a situation that I can recall where safety of the ship was threatened. But it was more of a comfort thing. And the XO would--most of the time when you'd do something like that he would ask my opinion as the Navigator because I'd always--for a piloting situation I'm always in Control. We would come to our consensus of what we thought was right. And most of the time the XO would be the guy who would actually call the Captain. And I had no ego problem with that as the Navigator. I let him do it because he's more senior to me. And sometimes I would in the back of mind think that the Captain is more likely to listen to the XO. I'm not saying that I don't think he would listen to me if I was really concerned about something.

Q. So, based on your observations is there any doubt in your mind that the XO would act if he knew something unsafe was occurring?

A. I have no doubt in my mind he would have taken action.

Q. You believe that he would act even if he knew it meant questioning the CO in front of others?

A. I believe he would still--if he thought something was wrong he would have said something.

Q. I'd like to ask you a few more specific questions about the way the XO did his job. This is your second submarine tour, correct?

A. Yes.

Q. What was your impression of how the XO did his job during--and I'm kind of going to break this out into operations and admin. During the operations stuff, can you give me your impression of how the XO did his job?

A. The XO liked to involve himself. Anything that was operationally happening, he would try to be in the middle of it. If there's an event going on he would typically try to be involved with it, maybe not in a directive kind of sense, but at least in a--be physically there seeing what's going on and make suggestions. He liked to--he also liked to challenge the Officer's of the Deck. I remember specifically last summer we were on a longer EASTPAC for a few months and he made a big deal of getting the Officer's of the Deck to rig the Bridge for dive in a very rapid manner or rig for surface very quickly. And he would challenge them and say, "Well, I can do it in 5 minutes. How long does it take you?" That sort of thing. And kind of push them to be more efficient and be more effective at doing it--things like that. So in an operational sense like that he would tend to be involved quite a bit.

Q. In fact, on the morning of the 9th of February when you had the Deck and you were on the surface, did he come into Control to see what was going on?

A. Yes, sir. I think--at least one time, maybe more he came in to see what was going on.

Q. What kind of things did he look at when he came into Control?

A. When I was--when he came into Control I was on the periscope so I wasn't really looking at what he was doing. My attention was looking out of the scope which is where it should be. He did take the scope for a period of time to look around himself.

Q. Based on the things that he told you while he was there did you think he was checking things like the course, speed, depth, contact picture?

A. Yes, he was. In fact, when he looked out of the scope he saw a couple--a fishing boat--I don't remember exactly what it was. I don't want to say close and give the impression that it was very close, but it was closer than he felt comfortable with. He mentioned that to me. I was fairly comfortable where it was, but he expressed some discomfort. I mentioned that the Captain had wanted me to stay on the particular course I was on because it

was--the ship was riding better with the waves is I believe the reason for it. And the XO thought that he would rather let the ship roll a little bit and open up a range for these contacts.

Q. At this point the Captain hadn't been in Control in a while, right?

A. He hadn't been in for a little while. I believe this may have been during the first sitting at lunch. I'm not sure. Actually, it was probably before that now that I think about it.

Q. So it's fair to say then that the situation had changed between the time the Captain gave you the course and when the XO was in Control?

A. Correct. And I didn't change the course because I was comfortable. I knew the contacts were plenty distance--we're talking on the order of 4,000, 5,000, 6,000 yards. They weren't going to get that close.

Q. But once the XO expressed to you that he was a little bit uncomfortable did he offer you an alternate course?

A. I don't recall if he gave me a specific course or just recommended that I turn, which I ended up doing just--not because I felt uncomfortable but it was obvious that he felt a little bit uncomfortable. Not significantly, but enough for me to make him happy essentially. It didn't really matter which course we were on. They were both just as good as far as getting where we were going.

Q. Alright. But you took the safer course that the XO recommended?

A. I took the one that the XO recommended. Yes.

Q. Okay. I'd like to talk a little bit now about the non-operational role, kind of the everyday running of the ship type stuff. How did he do on that?

A. I would say on the day-to-day, especially in port, the XO tended to run the ship. The Captain focused on kind of the big picture, over arching sorts of things. Dealing with outside activities. If we were in a yard period he dealt directly with the shipyard--apparently forcefully--trying to keep them in line. If we weren't in yard periods he seemed to do a lot of time worrying about--I'm not even sure everything that he did. He was on the phone a lot talking to people working out things

that CO's do I guess. And the XO pretty much ran the nitty-gritty details. About what you'd expect for any command. The CO's got the big picture and the XO's down in the mud making things run. And that's how I would characterize it.

Q. From your perspective and a relative perspective of a Department Head, how effective was the day-to-day running of the ship?

A. I'd say it was very effective. We had overall a good reputation. Our reputation wasn't just based on fluff. I mean there was a lot of--we were good at--pretty much every level of the ship that you looked at we did things well. We got multiple awards for the ship for the last year from the squadron and one of those was like the Administration A, which is pretty much the XO's--in the XO's court right there. I mean that's all him and the yeoman.

As far as other stuff, we would always--we would always meet our action items--when we would get message traffic with action items we pretty much always did that on time. We were very good about keeping on top of just about everything. And we were very proactive with the squadron--with our submarine squadron, which is I think one of the reasons they liked us so much. We pretty much--instead of going to them and say, "We have a problem." We would go to them and say, "Here's the problem and here's our solution." And pretty much--that way we controlled our--we were able to control our own destiny so to speak. And also kept the squadron happy because they didn't have to work as hard with us.

Q. I think it's been brought out earlier that you were the Senior Watch Officer. So you were in charge of training the officers onboard basically. Was the XO involved in that process?

A. The XO stayed pretty involved in that process. I gave most of the training but he would give some as well. But he constantly stayed in it. If for some reason we started to lag on training a little bit he would prod me to keep pushing training sessions, specifically lecture type training. We tried to do that underway. We tried to do it just about everyday, 5 or 6 times a week. In port a couple of times a week. And he would--he would make sure if I started to slack off a little bit on that he would be on top of me and pushing me to get back up to

where we considered our standard which is quite a bit more training than is required.

Q. And when we talk about training are we talking about the normal GMT as well as tactical type stuff?

A. I would say training for the officers. So you can call it--GMT kind of implies to me the whole crew but this is more specifically officer--not just tactical training but duty officer inport, maintenance controls, dealing with the shipyard. Things like that.

Q. Can you, based on the comparison of the two boats that you've been on, can you give me your impression of the differences in the training area between the two?

A. The last--training on my last boat was very poor. It's the best way to describe it. Training was haphazard and not very good. And a lot of that stems from being in the shipyard. But even before being in the shipyard it wasn't very good at all. I think our training is much better.

Q. You had talked before about your concerns about the directive style of the Commanding Officer as far as the Officers of the Deck, and watchstanding went which is part of your role as the Senior Watch Officer. To your knowledge, at any point did the XO have a discussion with the CO about that?

A. I do not know if the CO and the XO discussed it.

Q. I'd like to go now, back to the 9th of February for a minute. You had said previously that [looking at Exhibit 6] looking at Exhibit 6 right now, that you believed that the XO spent the majority of his time near Scope 1, I believe, on the Conn, is that correct?

A. I believe he's in that vicinity. I'm not sure when he got there, when he left, things like that. But I knew I saw him up there at least some of the time.

Q. And this is the period of time also, I believe, where you said there were 2 or 3 levels of people in here and you're close to the aft bulkhead. Is that correct?

A. There's actually 2 or 3 DVs in that area at this point between where it's labeled Officer of the Deck and Quartermaster of the Watch [pointing laser at exhibit]. And then there's others obviously on either side of Control.

Q. So is it possible during this time that he was actually kind of over here [pointing with laser pointer] closer to Scope 2 in that area?

A. Very possible. And he may have moved around too, I'm not--I wasn't paying close attention to where he was standing.

Q. You also stated, I believe, that at some point, and I do remember specifically that you said you weren't sure at what point. You said the XO did go to Sonar and then you said, again that you weren't sure but at some point you saw him exit Sonar and come back to this area?

A. At some point he was outside of Sonar and I don't recall at what point he came out or when I saw him leave.

Q. When you say outside of Sonar is it possible that he was actually in this area [pointing laser at exhibit].

A. That's a possibility. It would have been hard for me to see him over there but I may have seen him.

Q. And it's possible then that he didn't really come back to the Conn until after the collision when rescue operations were beginning?

A. That's a possibility. I'm not sure when he actually came backup there.

Counsel for LCDR Pfeifer, party (LT Shanahan): Sir, if I could have just a minute to confer with co-counsel?

PRES: Sure.

Counsel for LCDR Pfeifer, party (LT Shanahan): Thank you, sir. I have no further questions.

PRES: Counsel for Mr. Coen?

Counsel for LTJG Coen, party (LCDR Filbert): Thank you, sir.

Questions by counsel for LTJG Coen, party (LCDR Filbert):

Q. LT Sloan, I want to begin with your observations when you were in Control and what was going on between the Officer of the Deck, LTJG Coen, and the Commanding Officer. Now I believe you said that during the angles and high-speed maneuvers that the Commanding Officer was being directive, I think that was the term you used, with the Officer of the Deck. Is that right?

A. That is how I would characterize it, yes.

Q. Now that dynamic that was going on, as far as what you were able to observe, did that continue all the way through the emergency blow?

A. I believe that continued for the entire time, yes.

Q. You never saw any changes in it?

A. I don't recall any changes in the way that the dynamic was progressing. It seemed to stay the same for the whole time.

Q. Now I wanted to ask you some questions about some statements you made regarding courses and coming to PD. And I have a couple of exhibits here. And before I distribute them--now you were interviewed, I believe, the day after the GREENEVILLE came back in port after the collision?

A. Yes, sir.

Q. And that was by--you were interviewed by CAPT Byus and LCDR Harrison?

A. Yes, sir.

Q. And then you were interviewed a couple days later after that?

A. Yes, sir. Sometime later that week. And I----

Q. I'm sorry.

A. Yes, sir, later that week.

Q. By the same people?

A. Commodore--excuse me, RADM Griffiths was also there.

Q. Okay. So those three?

A. I don't remember if CAPT Byus was there or not. I don't recall. He may have been. I don't recall.

Q. Okay. Now with regard to both of those interviews you were given drafts of the summaries of those interviews?

A. Early on, yes.

Q. Alright. And you had an opportunity to look at those drafts, is that right?

A. Yes, sir.

Q. And you actually made changes to those drafts?

A. I did.

Counsel for LTJG Coen, party (LCDR Filbert): Okay. I'd like to have these two documents [handing exhibits to court reporter] marked as the next two exhibits in order. And I have copies here as well for the court members and counsel.

[Bailiff handing copies of exhibits to members, counsel, and witness.]

ASST CC (LCDR HARRISON): Petty Officer Leather, what will those document numbers be?

CR: The first one will be marked as Exhibit 50 and that's the summary of interview with LT Sloan on 2-14-01. And Exhibit 51 is the summary of interview with LT Sloan on February 11th, 2001.

ASST CC (LCDR HARRISON): Thank you.

Counsel for LTJG Coen, party (LCDR Filbert): Thank you. Can I have those documents handed to the witness?

WIT: I have a copy.

Counsel for LTJG Coen, party (LCDR Filbert): Oh, you do?

WIT: Yes.

Q. Now, LT Sloan, are these the documents that you provided changes to?

A. Yes.

Q. So that's your handwriting on these documents?

A. Yes, sir.

Q. Okay. So if you look at Court Exhibit 51, which is your interview of 2-11--of 11 February. On the second page there, you wrote in all those comments yourself?

A. Yes, sir.

Q. Now I wanted to ask you specifically about when the ship was getting ready to go to periscope depth I think you testified earlier that you weren't sure if the CO told the OOD to proceed to periscope depth on course 1-2-0, is that right?

A. I don't recall.

Q. Okay. Well at the time you were interviewed by these people the events of what had happened on 9 February must have been much fresher in your mind. Would that be a fair statement?

A. Yes.

Q. Because it was just a couple days afterwards you were talking about it?

A. Right. It was within like 2 or 3 days.

Q. Okay. So what I'd like you to do is look at page 4--it's marked as page 4 but it's actually the---

A. The first page of---

Q. Yes, the first page of the interview on 14 February. Do you see about two-thirds of the way down the page, it starts with CO told?

A. [Reviewing exhibit.] Yes.

Q. You see it? Could you read that aloud, please?

A. [Reading exhibit.] "The CO told the OOD to go to PD on course one-two-zero."

Q. Okay. So would it be a fair statement that that statement contained in the statement is probably what happened--what you actually saw, right?

A. Right. That statement--what that statement is saying--that we were on course one-two-zero and the CO said, "Go to periscope depth."

Q. Okay. So at the very----

A. I'm sorry.

Q. Let's make sure we don't cut each other off.

A. Right.

Q. So at the very least the CO told the Officer of the Deck, "proceed to periscope depth"?

A. Correct.

Q. And you were already on course one-two-zero when that happened?

A. Yes, sir.

Q. Now during this time after the angles and high-speed maneuvers as the ship was preparing to go to periscope depth, did you ever hear the Commanding Officer say to the Officer of the Deck--LTJG Coen--Officer of the Deck, "These are my intentions or this is what I want to do?"

A. No, sir. I did not hear anything along those lines.

Q. It was always "come to course one-two-zero" or something like that?

A. Yes, sir.

Q. Now you were asked questions earlier about the preparations for going to periscope depth. And you described, I believe, that when the Officer of the Deck is going to go to periscope depth that normally there is this--he'll pull all of his watchstanders together to talk about what is going to happen, is that right?

A. That's correct.

Q. Now you would expect LTJG Coen, knowing him as an Officer of the Deck and what type of watchstander he is, to do that before going to periscope depth?

A. Yes, sir, I would expect that.

Q. Now in this situation it wasn't done--you didn't observe it being done, is that right?

A. It was not done.

Q. Okay. Now I'd like you to look again at that page 4 of Court Exhibit 50. It's the first page of that document. It's marked as page 4. Do you see in the middle of the page where it says, "general preps"?

A. Uh-huh.

Q. I'd like you to read that sentence and through the next paragraph if you could. Could you read that aloud, please?

A. Starting with general preps?

Q. Yes.

A. "General preps for PD, which include a brief of evolutions and baffle clear. There was no brief. CO knew we were running late. No need to continually remind. Apparently he was trying to get things going."

Q. Okay. Now at the time that you made that statement to the investigators, again, things were clear in your mind about what had happened?

A. Yes.

Q. Now as far as the brief the Officer of the Deck would normally make to the Commanding Officer as you're ready to go to periscope depth--again, that wasn't done either, right?

A. I'm not sure because I did not hear normal level conversations, but I don't think that it happened.

Q. Okay. Now, LT Sloan, if that had happened do you think you would have observed it based upon where you were?

A. To give a full contact report to the Captain would take probably on the order of about 30 seconds. I don't recall a period of time seeing the OOD and the Captain talking for that long.

Q. Okay. So if it--I guess your best estimate is that it didn't happen, right?

A. I don't think so, but I'm not sure.

Q. Okay. Now the reason that it didn't happen, you talked about that earlier. About the fact that maybe the OOD would have done it or maybe that based upon knowing him that he would do it. And again, I'd like you to look at the first page of Court Exhibit 50, about--well, it's the second to the last paragraph there.

A. On which? [Reviewing exhibits.]

Q. It's 2-14. The very first page again.

A. The very last paragraph?

Q. It's the second to the last paragraph.

A. Second to the last paragraph.

Q. It begins, "Honestly". Could you read that aloud, please?

A. Yes. "Honestly think the CO was more directive. Don't believe OOD had an opportunity to make "ready report". CO was in Control the entire time and probably had full idea of contact situation."

Q. Okay. Now you had an opportunity to read this, right, and make changes?

A. Yes, sir. I did make a change.

Q. You did make a change?

A. Uh-huh.

Q. And which was incorporated into this statement?

A. I believe so.

Q. So on 14 February this seemed accurate to you?

A. Yes, sir.

Q. Now, regarding the periscope search that was done by the Commanding Officer, you testified earlier that you thought that it seemed like it was of a sufficient time. And again, when you were interviewed on 14 February you were asked about that question about whether or not the periscope search by the Commanding Officer seemed like it was long enough. Were you asked that question?

A. Yes.

Q. Okay. And obviously as an Officer of the Deck with some experience you knew that was an important issue in this case?

A. Yes.

Q. Alright. Now I'd like you to look at the middle of the page. It would be the second page of the 14 February interview.

A. [Reviewing exhibit.] Uh-huh.

Q. In the middle of the page there there's a sentence that begins with the word "time", do you see that?

A. [Reviewing exhibit.] Yes.

Q. Read that sentence aloud, please.

A. Time searching the scope, very quick. Don't remember any "put me on this contact" type effort during scope time.

Q. Okay. So would it be fair to say, LT Sloan, that on 14 February it was your belief that the time actually spent on the scope seemed quote "very quick".

A. I don't recall if I said, "Very quick or quick," but, yes.

Q. Okay. Well you had the opportunity to review this statement, right?

Counsel for CDR Waddle, party (Mr. Gittins): Objection. It's not a statement, it's the results of an interview.

Counsel for LTJG Coen, party (LCDR Filbert): I'll rephrase it, sir.

Q. You had an opportunity to review this summary of your interview?

A. Yes.

Q. Okay. And you didn't strike out those words "very quick", right?

A. No, I did not.

Q. Now as far as the pace at which things were happening when you were in the Control Room, based upon what you were able to observe, and I want you to think back hard about what you were watching going on, was it--is it your opinion that the Commanding Officer seemed like he was rushed to some degree to get to periscope depth and to complete the emergency blow?

A. I don't know about rushed, but he was definitely going quickly. As in he was not wasting time. He was going from one evolution to the other without any kind of pauses or wasted time.

Q. Okay. Was it your opinion based upon what you observed that the Commanding Officer was pushing the OOD to get things going?

A. I think I might characterize it now that he was definitely being directed, like I said before, and blame the OOD on pushing him down the path to get things done.

Q. Well, if in relation to that LTJG Coen, you've known him since you reported onboard in April?

A. Yes, sir.

Q. And, so you've been able to observe him as the Officer of the Deck?

A. Yes, sir.

Q. In your capacity as Senior Watch Officer and also as Navigator?

A. Yes, sir.

Q. Now, as far as, well let me ask you this question, are you also friends with LTJG Coen?

A. Yes, sir, I am.

Q. As far as how he stands duty as Officer of the Deck, can you tell us--can you describe what kind of watchstander he is?

A. LTJG Coen is very methodical, is the best way to put it. He is not the fastest at getting things done. He's very, very much by the book. He will go step-by-step, it's not like he'll skip steps. I think he prides himself on being able to set his own pace on doing things. A lot of people try to rush through getting an evolution done. He would go nice and slow, take it easy and make sure he covers every base. He's usually very good about that. That also means he's not the quickest. Sometimes if you're in a hurry to get something done, he may not be the officer of choice.

Q. Would he be the Officer of the Deck that you would choose if you wanted to get it done at an acceptable pace and get it done correctly?

A. Yes, sir, he'd be good for that.

Q. Now, as far as his experience as an Officer of the Deck, did he qualify as OOD in June of 2000 or sometime around there?

A. Sounds about right, yes, sir.

Q. And the ship was underway on EASTPAC in July, is that right?

A. Yes, sir, we came back in early August.

Q. Early August, okay. Then after that the ship went into the SRA period?

A. Yes, sir, we were in SRA for up until December, we did sea trials and then we were in port again until we went on our EASTPAC in January.

Q. And that would have been the extent of his underway time as a qualified Officer of the Deck?

A. As a qualified Officer of the Deck, yes, sir.

Q. Do you know whether or not LTJG Coen had any experience with emergency blows before?

A. I'm not aware of any, I'm not sure though, one way or the other.

Q. And you two have had discussions where you talked about being OOD during emergency blow?

A. No, sir.

Q. Based upon the fact that you were friends and in the same Wardroom, you never had that experience you would have mentioned it to him?

A. If he had had that experience I would have been there. It's not something you go around and talk about, it's not an evolution that happens often enough to really be a general topic of discussion.

Q. Now, I want to ask you what you know about the Commanding Officer's handling of Officers of the Deck. You talked earlier about how you talked with the Commanding Officer about your concerns regarding his directive nature with the Officers of the Deck. What prompted you to go do that--what did you observe that made you go do that?

A. The specific incident that you are referring to was about a week before the collision, Thursday night, our last night out at sea before we came back from our EASTPAC in January. We did a tracking exercise with another submarine. A tracking and noise monitoring exercise. We conducted it--it started in the afternoon on the Thursday, whatever the date was I don't recall, and ran through the evening watch.

Initially, LT Doucette, another Officer of the Deck about the same level of experience as LTJG Coen, was the initial Officer of the Deck for the first portion of it and LTJG Coen was the Officer of the Deck for the second portion of it. That was the instance I mentioned earlier, the situation I mentioned earlier where the Captain was directing the Officer of the Deck very specifically on how to position the ship, course, speed, that sort of thing. I felt at the time that it would

probably be better training for the junior officers if they would just be allowed to drive the ship themselves.

Q. Where was the Commanding Officer directing the OOD's from?

A. Initially, he was in Control for most of the first portion when LT Doucette was there and later on he moved to his Stateroom and was providing periodic guidance or direction from his Stateroom.

Q. How did he have that information in his Stateroom?

A. Based on the flat screen panel he had in his Stateroom it would allow him to see towed array sonar data in his Stateroom and he was looking at that. So, he essentially had the same information that the Officer of the Deck did as far as the towed array goes. He was using that information to direct the Officer of the Deck.

Q. Okay, so continue on. You were talking about what you observed.

A. Initially, like I said, the Captain was in Control directly and then later on he moved to his Stateroom. I was--I don't want to say "concerned" because that would be the wrong word, but I thought that our time would be better spent and we'd get more training out of it if the Officers of the Deck would have been allowed to drive the ship themselves. I told the Captain this and the Captain responded that if this was just some normal tracking exercise we could go out and do our own thing, it doesn't matter. But this was a noise monitoring evolution; it's fairly important. He was going to direct the Officers of the Deck to make sure that the ship got employed the best way it possibly could to do noise monitoring. He then concluded saying that the Officers of the Deck would learn from him telling them what to do.

Q. What was his demeanor when he was talking about this. Was he happy?

A. I don't think he was pleased that I questioned him on this at this particular time. He was pretty much dismissive, said that this was the way it's going to be for this evolution.

Q. Now, we've talked about your discussion with the Commanding Officer, did you ever tell the XO about your concerns?

A. I had voiced my concern with the XO previously, I don't recall specific instances that I did. I know I did. I think it was more last summer, we did another--we did an operation on our last EASTPAC which I won't go into but there is some occasions where the Captain was being directive and that, and I mentioned that to the XO because I was somewhat concerned. My concern was more focused a later time this year, specifically because we were getting ready for deployment. My concern being that these two Officers of the Deck--we were going to rely on them on the periscope in situations where we're in high contact density, shallow waters, and they were going to have to make decisions immediately to keep the ship safe without the CO's backup or anybody else able to help them. They have to be able to do it on their own.

Q. Did the XO agree with your assessment? Did he agree that this issue was out there?

A. He acknowledged me I recall, when we discussed it previously. I don't remember the specifics of the discussion--what the specific examples I used and what his specific words were. But my impression was that he acknowledged me and agreed that, yeah, maybe we should do better in this area.

Q. Now, you said earlier that you don't know if he talked to the Commanding Officer or not?

A. No, sir I'm not sure if he did or not.

Q. Now, as far as this 'directive' situation that would come up with the Commanding Officer, did you ever observe it with OOD's other than Junior Officers of the Deck? With Department Heads?

A. Yes, sir. There was not a lot of distinction as far as the directive type of situations. Most of those were with area transits where we're doing large rudder angle turns, high-speed turns, angles and dangles, that sort of thing. That was where it was most common. And I've been the Officer of the Deck where I was basically--it worked the same way. I was directed step-by-step through those evolutions.

Q. Was there ever a situation where it rose to the level such as what you observed with LTJG Coen and LT Doucette with a Department Head where it seemed like the directive was too much, or not productive with the Department Head?

A. I felt that way personally, when I was in that situation and that's what kind of led me to talk to the XO previously. That was one of--it was something that didn't happen over time. My initial talk to the XO last year was more of frustration on my part. I felt like I knew what I was doing, I could drive the ship. This year was more, hey, we're getting ready for deployment, my concern is safety of the ship long-term. Making sure that the junior guys were capable of driving on their own.

Q. What about the Weapons Officer, did you ever observe it with the Weapons Officer?

A. Same thing with the Weapons Officer.

Q. As with you?

A. As with me, yes, sir.

Counsel for LTJG Coen, party (LCDR Filbert): Sir, I have no further questions.

PRES: Thank you very much, counsel.

ASST CC (LCDR HARRISON): Sir, no redirect.

PRES: No redirect.

ASST CC (LCDR HARRISON): Thank you for your testimony, LT Sloan, but before you go I need to give you a witness warning. You are directed not to discuss your testimony in this case with anyone other than a member of the court or parties thereto, or counsel. You will not allow any witness in this case to talk to you about the testimony that he has given or which he intends to give. If anyone other than counsel or parties attempts to talk to you about your testimony in this case, you should make the circumstances known to the counsel originally calling you as a witness and that would be us. Thank you, you're excused.

[The witness withdrew from the courtroom.]

PRES: Counsel?

CC: Sir, at this time we call ET1 Carter.

David T. Carter, Electronics Technician First Class, U.S. Navy, was called as a witness for the court, was sworn, and examined as follows:

DIRECT EXAMINATION

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Would you please state your full name, and would you spell your last name for the Court of Inquiry?

A. David Scott Carter, C-A-R-T-E-R.

Q. Thank you. Good afternoon. What is your current duty assignment? Where are you stationed?

A. GREENEVILLE--USS GREENEVILLE.

Q. And, what do you do on the GREENEVILLE?

A. COMMS Division LPO.

Q. I'm sorry?

A. COMMS Division LPO.

Q. Communications Division LPO?

A. Yes, sir.

Q. How long have you been onboard the GREENEVILLE?

A. 11 months.

Q. And, would you please describe for the members the general duties and responsibilities that you have as the Communications Division LPO?

A. Make sure all the messages get in and out in order, take care of ESM, make sure search plans are done, everyone is trained properly in both radio and ESM watchstations, generally.

Q. Thank you. Would you please describe the underway watches that you're qualified to stand?

A. Radar operator and ESM.

Q. And, how often do you generally stand these watches when you're underway?

A. Radar, in and out of port and ESM everyday underway.

Q. What are the duties of an ESM watch?

A. When you're at PD to analyze all radar signals and inform the Officer of the Deck what signal's are in the area.

Q. And, Petty Officer Carter, how long have you been qualified as an ESM operator?

A. On the GREENEVILLE, 10 months.

Q. And, were you qualified on other boats as well?

A. Yes, sir.

Q. How many other boats and how long?

A. One other boat, around '89 to '92.

Q. How do you generally maintain your proficiency as an ESM operator?

A. Stand watches.

Q. Do you do training, as well?

A. Yes, sir.

Q. As--as the Communications Division LPO, do you give training as well to your subordinates?

A. Yes, sir.

Q. I want to direct your attention to the 9th of February, Petty Officer Carter. Did you have the ESM watch in radio on that day?

A. Yes, sir.

Q. When did you have the watch?

A. Whenever lunch was secured until the accident.

Q. Okay. What time frames would that be?

A. I don't remember what time we got underway, but approximately an hour after getting underway until about 1340, when the accident occurred.

Q. So, from about 0900 in the morning until the time of the collision?

A. Yes, sir.

Q. And, looking up here at Court Exhibit 6, and you've got a laser pointer there, on the table in front of you. Would you show the members where the ESM watchstation would be located.

A. It would be behind Control, in this area [pointing laser at exhibit.]

Q. So, it's not indicated on the chart, but it would be aft of the Control Room?

A. Yes, sir.

Q. Centerline or starboard?

A. Little bit starboard.

Q. Can you tell the court members which particular equipment or consoles or gear that's associated with your watch as ESM operator on the 9th of February.

A. The WLR-8, early warning receiver, automatic direction plotting unit and the HPI.

Q. I'm sorry?

A. And, HPI was----

Q. Hippy?

A. High Probability of Intercept.

Q. Is it primarily the WLR-8 you were monitoring, the early warning receiver?

A. Yes, sir.

Q. Was the--to your knowledge, was the early warning receiver properly functioning on the 9th of February?

A. Yes, sir.

Q. Now, prior to coming to periscope depth, earlier in the afternoon, when the ship was doing a series of angles and dangles and large rudder turns, what were your duties in ESM while submerged?

A. At that time, there's--just be on station, be ready to go up to periscope depth.

Q. Do you hear 1MC or 27MC announcements when you're in radio?

A. Yes, sir.

Q. And, during this time frame, during angles and dangles and large high-speed rudder turns, did you hear any reports of contacts during these evolutions?

A. I don't recall, sir.

Q. Were there any distinguished visitors in the radio spaces during those time frames?

A. Twice they entered Radio, briefly, under 2 minutes each time.

Q. Did--during those time frames, did you have an opportunity to look out the Control Room and determine if there were distinguished visitors in the Control Room?

A. No, sir.

Q. Now, some point at the conclusion of those events, was there an announcement that you recall hearing for all stations to prepare to come to periscope depth?

A. Yes, sir.

Q. Do you know who made that announcement?

A. I don't remember who made it, sir. I believe it was the Captain, but I'm not sure.

Q. Do you recall, approximately when that would've occurred?

A. No, sir.

Q. What does that announcement mean to you, in Radio, as the ESM operator, in terms of your duties and responsibilities?

A. Get my gear ready to come up to periscope depth. I want to plug in my headsets and make sure the WLR-8 is working properly, and the EPLs.

Q. The WLR-8 is the WLR receiver you spoke about a moment ago, that's the early warning receiver?

A. No. The early warning receiver is separate from the WLR-8.

Q. And, so, basically, you align your systems up in preparation for periscope depth?

A. Yes, sir.

Q. Generally speaking, for the members, what do these systems do for you as you reach periscope depth?

A. The early warning receiver allows you to hear everything in the environment. The WLR-8, you can see visually, radar contacts and audio signals.

Q. So, you have an audible indication, as well as a visual indication in Radio?

A. Yes, sir.

Q. At what point in the periscope depth--coming to periscope depth evolution can you actually begin to hear?

A. As soon as the antenna breaks the water.

Q. And, when your antenna broke the water on this occasion, did you hear anything?

A. Yes, sir.

Q. What did you hear?

A. Multiple radar contacts.

Q. Anything that would've been a close-in contact?

A. No, sir. No signal strength 4's or 5's.

Q. I'm sorry?

A. No signal strength 4 or 5 contacts.

Q. No signal strength 4's or 5's. That would be a close-in contact?

A. Yes, sir.

Q. How do you define a "close-in" contact?

A. If it meets the criteria for a signal strength 4 or 5, which is----

CR: Can you ask the witness to speak a little louder, please?

ASST CC (LCDR HARRISON): The witness?

CR: Yes, sir.

ASST CC (LCDR HARRISON): If you'd speak up just a little bit, the microphones, unfortunately, don't amplify.

Q. Do you have a feel for signal strength 4 or 5? How far away that is from the submarine?

A. I don't have a good feel for it. Different radars would be different distances, but I'd say a mile for commercial type radar.

Q. And, is it the signal strength 4 or 5 level contact that you would need, in order to make a report to Control?

A. For the initial report, yes, sir.

Q. What is your initial report, is it either no close contacts or you hold?

A. Either no close contacts, or hold such and such signal 4 or 5.

Q. And, what did you report on the 9th of February?

A. No close contacts, sir.

Q. And, you mentioned a few moments ago that you had a video display as well as a visual display. Did you see anything on the screen?

A. Yes, sir.

Q. And, what did you see there?

A. Multiple contacts.

Q. How long do you recall being at periscope depth?

A. 45 seconds, possibly a minute.

Q. Did you have enough time, or did you have an opportunity during those 45 seconds to classify or attempt to further identify any of those contacts?

A. Started to identify one contact. While we were analyzing the signal, we had emergency deep called off. We went back down. Didn't finish----

Q. So, you began----

A. Finish analyzing anything.

Q. You started one?

A. Yes, sir.

Q. And, then emergency deep?

A. Yes, sir.

Q. Did you--who else was in Radio with you at this time frame?

A. Petty Officer Bruner was--just came up prior to going to PD to stand UI.

Q. That's ET3 Bruner?

A. Yes, sir.

Q. He was standing UI on the ESM Watch?

A. Yes, sir.

Q. And, you would've been his over-instruction watch during that time period?

A. Yes, sir.

Q. And what--what--as the UI, what was his job? What was he doing? Did he actually get to listen through the headsets?

A. When he came up, he was listening on the headset, and I was listening to the open mike. And, then I took the headsets from him and listened to it prior to the Officer of the Deck saying no close contacts. And, I told him to make the report, hold no close contacts. I asked him what he thought, that's what he thought. Then I listened to it and told him to make the call.

Q. So, as the UI, he listened to it, you listened to it as well, and then----

A. Yes, sir. And then he was on the control, the WLR-8, operating that, and I was going through it with him when he was trying to analyze signal also.

Q. And, then you permitted him to make the announcement to Control?

A. Yes, sir.

Q. After the collision occurred, did you have any role in the SAR effort, search and rescue?

A. I dressed out for dive.

Q. I'm sorry?

A. I would help the divers.

ASST CC (LCDR HARRISON): Thank you. Sir, that's all I have.

MBR (RADM SULLIVAN): Good afternoon, Petty Officer Carter.

WIT: Sir.

Questions by a court member (RADM Sullivan):

Q. When you're sitting in the ESM console in Radio, can you hear the communications being conducted on the Conn?

A. I can hear the open mike. You can hear what's said.

Q. You can also hear on the 27MC, correct?

A. Yes, sir.

Q. You said--you mentioned you heard the report, make preparations to go to periscope depth?

A. Yes, sir.

Q. Did you hear any discussions between the Commanding Officer and Officer of the Deck, typically that are made prior to proceeding to periscope depth?

A. I don't remember hearing anything, sir.

Q. Did you hear any discussions from Sonar at the same time frame as you prepared to go?

A. I don't remember anything, sir.

Q. So, based on those type of communications, there's nothing more that you could add to your testimony?

A. No, sir, not from Control.

MBR (RADM SULLIVAN): Okay, thank you.

PRES: Petty Officer Carter, just a couple of questions.

Questions by the President:

Q. When--I want to make sure I understand. The communications that you can hear, you said it's an open mike from Conn?

A. Yes, sir.

Q. Is that over a 1MC circuit, or----

A. It's just an open mike system. It's just a microphone that's up in the overhead. It plays to Radio, ESM, and Sonar.

Q. So, it's----

A. And, the Captain's Stateroom and the XO's.

Q. And, you can also hear 27MC reports?

A. Yes, sir.

Q. And, 1MC reports? Did you hear the no close contacts report made by the Officer of the Deck when he was first periscope--when he was doing his periscope search?

A. Yes, sir.

Q. Did you hear that before or after you made your no close contacts report?

A. That's my queue to say, "no close contacts". I have to wait until the Officer of the Deck says that and then I make my report, sir.

Q. So, by procedure, you wait for that report before----

A. Yes, sir.

Q. So as not to interrupt the Officer of the Deck, is that why?

A. Yes, sir.

PRES: Okay. Alright, thank you very much. What we're going to do now Petty Officer Carter is, the members have had a chance now to ask you questions. We're going to do cross-examination from the parties. Okay? I want you to understand that.

WIT: Yes, sir.

PRES: Counsel for CDR Waddle?

Counsel for CDR Waddle, party (LCDR Young): Petty Officer Carter, good afternoon.

WIT: Ma'am.

#### CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (LCDR Young):

Q. Is it fair to say that you analyzed all the signals and there was nothing close, from what you saw or heard?

A. That's all--just aurally--just hearing, is where you do the initial search. You just listen to see if you can

hear side lobes on the signal and that's when you make your no close contacts report. You don't have time to analyze on the WLR-8 or anything else. It's just an aural--audible.

Q. But there was no indication of anything close?

A. No, ma'am.

Q. And, you've heard close aboard commercial radar before, correct?

A. Yes, ma'am.

Q. You've heard the saturation and the bleed over?

A. Yes, ma'am.

Q. And, you didn't have any of that on the 9th of February?

A. No, ma'am.

Q. Is it fair to say that you completed your defensive search?

A. We had just finished. We had not called it away yet.

Counsel for CDR Waddle, party (LCDR Young): Alright, thank you. Nothing further.

PRES: 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.

PRES: Counsel?

ASST CC (LCDR HARRISON): Yes, sir. Thank you, Petty Officer Carter, for your testimony. Before you leave, I have to give you a witness warning. You are directed not to discuss your testimony in this case with anyone other than a member of the court or parties thereto, 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 or parties attempts to talk to you about your testimony in this

case, you should make the circumstances known to the counsel originally calling you as a witness, in this case, myself.

WIT: Yes, sir.

ASST CC (LCDR HARRISON): Thank you. You're excused.

[The witness withdrew from the courtroom.]

ASST CC (LCDR HARRISON): Sir, at this time, the court calls ET3 Bruner.

Dustin J. Bruner, Electronics Technician Third Class, U.S. Navy, was called as a witness for the court, was sworn, and examined as follows:

#### DIRECT EXAMINATION

Questions by Assistant Counsel for the Court (LCDR Harrison):

Q. Petty Officer Bruner, would you please state your full name for the record, spelling your last name?

A. Dustin Jason Bruner, B-R-U-N-E-R.

Q. Thank you. What--what boat are you currently attached to?

A. USS GREENEVILLE, sir.

Q. And, how long have you been onboard the GREENEVILLE?

A. Since the beginning of October.

Q. And, what--what department and division do you work in on the GREENEVILLE?

A. OPS Department, Communications Division.

Q. And, what, generally speaking, are your duties and responsibilities in that division, Communications Division?

A. Sir, I'm still working on my qualifications, so mostly I'm working on my quals and just work around the division that needs to be completed.

Q. Okay. So, you're working on your submarine qualifications, as well as your watchstation qualifications?

A. Yes, sir.

Q. What are the primary watchstations you'll need to qualify--underway watchstations?

A. I need to qual ESM and Radioman of the Watch.

Q. How close are you now to your ESM qualification?

A. I believe I have a maximum of about ten signatures left and the interviews. So, I'm probably 80 to 90 percent completed with ESM.

Q. And, back on the 9th, when the collision occurred, how close were you then to your ESM qualification?

A. Same point, sir.

PRES: Was that 90 percent?

ASST CC (LCDR HARRISON): Yes, sir.

Q. Now is this your first boat?

A. Yes it is, sir.

Q. And, prior to this, you would have been in "A" School?

A. Yes, sir.

Q. Now, I'm going to talk to you about the 9th of February. And, I'd like to ask you, on that day, on that morning, what were your duties and responsibilities?

A. I was with the Mess Division, working as a Food Service Attendant.

Q. And, what time were you able to secure from mess duties?

A. I was actually continuously with the mess--I had the mess duties all day. But, I was--for the purpose of when I went up to ESM, I had permission to leave and go up to Radio.

Q. So, at some point during your mess duties, probably around lunchtime, you got permission to leave and go up to Radio?

A. Right after we secured from the meal and I got finished cleaning, and the galley was done with all the clean up from the meal, I got permission to go to Radio.

Q. What was the purpose of you going up to Radio?

A. I wanted to sit the UI, to get--I was working on getting my ESM qualifications completed, so I wanted the time as a UI, so I went up there. I had to ask permission from Petty Officer Carter to sit the UI.

Q. What particular watchstation in radio? Was this the ESM watchstation?

A. Yes, sir.

Q. How long did you--when did you get there to assume the UI watch?

A. I got to Radio and I asked permission and he gave me permission right as we--everyone was making preparation for the periscope depth.

Q. And, you needed--I would imagine you needed periscope depth operations for your qualifications?

A. Yes.

Q. Now, when you assumed the watch, what did you understand your general responsibilities to have been on that watch? What is it you're doing?

A. I--just like every time, you pull out the search plan and you verify that the machine's set up to the parameters that are needed for the initial defensive. I verified the machine was correctly set up..

Q. And, was it correctly set up and properly functioning, as far as you know?

A. Yes, sir.

Q. Now, when you arrived in Radio, who was the on-watch ESM operator?

A. Petty Officer Carter.

Q. Was anybody else in Radio?

A. The Radioman of the Watch, Petty Officer Hahn.

Q. Did you--I know you went into Radio. Did you ever go through Control on your way to Radio or stop by Control on your way to Radio for any reason?

A. No, I did not, sir.

Q. Now, when the order went out to--first of all, did you hear the order to make preparations for periscope depth, or had that occurred before you got there?

A. That occurred before I got there.

Q. And when you got there and assumed the UI watch, what preparations did you assist Petty Officer Carter in making? Any additional preparations?

A. I believe he had--he had probably ran the machine once. I went ahead and verified it myself by checking the parameters and then it was actually ready.

Q. Okay. Now, as the boat came to periscope depth, what were you doing?

A. I started up the initial defensive. I did the audible scan for close contacts. I verified my--my opinion on the call. I handed the headphones to Petty Officer Carter, so he could verify my decision. He okayed it. Said that was a correct judgment and I made the call to Control, no close contacts.

Q. And, what is it you're actually listening for?

A. You're actually listening for closeness. You're picking up radars, so you can tell how it--it actually tells how close you are to something, by, like, how strong those signals picking up from the other radar.

Q. Now, had you had--did you have other earlier opportunities on the boat to listen to what that sort of signal strength sounds like?

A. Yes, during the prior EASTPAC, I stood some UI's and I got some time standing the ESM watch.

Q. Do you learn that--excuse me, in "A" School, as well?

A. Yes, I was in ESM school for a few weeks.

Q. So, would you say then, you know what you're listening for?

A. Yes, sir.

Q. And, did you hear the signal strength 4 or 5?

A. No, I did not, sir.

Q. And, then, I believe you just testified you actually made the report to Control. And, what is that report?

A. Conn, ESM, no close contacts.

Q. And, I think you said you handed the headset over to Petty Officer Carter and he verified.

A. Yes, sir.

Q. How long do you recall, if you do, being at periscope depth?

A. I remember long enough that we did our audible and started the defensive search. We did not have time to complete the initial defensive, which is just an initial classification of contacts. We didn't have time to complete that, but it was 2 1/2 to 3 minutes.

Q. So, after your initial--you say after your initial defensive search, you did not have the opportunity to begin to analyze other contacts?

A. Yes, sir.

Q. At some point, emergency deep was called?

A. Yes.

Q. And, what--what were your actions at that point? What do you do at that point?

A. At the emergency deep, the machine secures itself, because it won't receive signals under water. So, I took the headphones off and prepared to go to emergency blow.

Q. Had you ever done an emergency blow before this occasion?

A. No, sir.

Q. Did you know the emergency deep or the emergency blow was coming?

A. I--I kind of--I didn't know, but I kind of felt it, and then they called emergency deep. They said for training.

Q. Petty Officer Bruner, after the collision, did you engage or assist in the search and rescue effort at all?

A. As my--as by the watchstation bill--being a Food Service Attendant, I went to the Wardroom to help the Doc and the other cooks with--I was searching for oxygen

bottles and--and emergency materials to help them set up a medical team.

ASST CC (LCDR HARRISON): Thank you very much. I have nothing further, sir.

Questions by a court member (RADM Sullivan):

Q. Did you hear any conversations on the 27MC?

A. No, I did not, sir.

Q. Or the open mike?

A. No, I did not, sir.

MBR (RADM SULLIVAN): Thanks a lot.

PRES: Petty Officer Bruner, don't take any of our questions as being critical of you. Okay? The court just needs to understand these things.

Questions by the President:

Q. Did you go to "A" School?

A. Yes, I did, sir.

Q. Did you make Third Class Petty Officer out of "A" School?

A. Yes I did, sir.

PRES: Congratulations.

WIT: Thank you, sir.

Q. You said you had a search plan and you had the headset on. So, you and Petty Officer Carter had spent some time discussing the search plan?

A. Well, in your quals, you actually go over and you have to have a decent knowledge of the search plan, and it's one of your signatures.

Q. Okay. What kind of contacts did you expect then in your search plan?

A. Just, usually we have--like, being general knowledge. We were so close, we expected a few surface--like maybe some navigation radars and some land based navigation radars. The airport usually we'll pick up being that close, so, mostly navigational radars.

Q. Would that, for me--mostly commercial kind of traffic?

A. Yes.

Q. Okay. Petty Officer Carter indicated that--and you indicated there were no signal strength 4 or 5's?

A. Correct, sir.

Q. When you surfaced. And, Petty Officer Carter said that for that commercial radar, that would generally indicate that a contact was inside a nautical mile?

A. Yes, sir.

Q. Do you agree with that?

A. Yes, sir.

PRES: Okay, thank you very much. Counsel for CDR Waddle?

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

PRES: 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.

ASST CC (LCDR HARRISON): Petty Officer Bruner, thank you for your testimony, but before you go, I have to give you a witness warning. Petty Officer Bruner, you are directed not to discuss your testimony in this case with anyone other than a member of the court or parties thereto, or counsel. You will not allow any witness in this case to talk to you about the testimony that he has given or which he intends to give. If anyone other than counsel or parties attempts to talk to you about your testimony in this case, you should make those circumstances known to the counsel originally calling you as a witness, in this case, myself.

WIT: Yes, sir.

ASST CC (LCDR HARRISON): Thank you.

[The witness withdrew from the courtroom.]

PRES: Counsel for the Court, any comments?

ASST CC (LCDR HARRISON): No, sir, this is probably a good place to stop.

PRES: Alright. I intend to recess then. Any comments from Counsel for the Parties?

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: We'll recess then until 0800 tomorrow morning.

The court recessed at 1628 hours, 13 March 2001