

STATEMENT OF  
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VICE CHIEF OF NAVAL OPERATIONS  
BEFORE THE  
COMMITTEE ON ARMED SERVICES

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Mr. Chairman, thank you for the opportunity to appear here today and address the committee. I have a brief statement and then I will be ready to respond to any questions you may have.

Shortly after midnight on July 30th, 1945, Japanese torpedoes slammed into the starboard side of USS INDIANAPOLIS as she was steaming from Guam to the Philippines. The ship sank in less than 15 minutes. Of the 1100 man crew, perhaps 800 escaped the sinking of the ship and made it into the water. Five days later, 320 men were rescued. The tremendous loss of life and the fact that the sinking occurred only days before the war ended, combined with the fame of USS INDIANAPOLIS as Admiral Spruance's flagship, brought the tragedy to the forefront of the nation's and Navy's concern.

In the months that followed, a Court of Inquiry and an investigation by the Inspector General of the Navy sought to establish what happened to INDIANAPOLIS, and most directly, what the Navy did right and what the Navy did wrong. The investigations revealed weaknesses in how the Navy routed and tracked ships, weaknesses in the survival equipment aboard ships, and material weaknesses in INDIANAPOLIS herself - an older ship and heavily modified during the war years, she was seriously overweight and routinely operated in a condition of impaired watertight integrity. Finally, the Court of Inquiry recommended that the commanding officer of the ship, then-Captain Charles B. McVay III, answer at court-martial certain charges regarding his tactical handling of INDIANAPOLIS.

To understand why the Navy would bring an officer to trial in such circumstances, one must consider what the principles of a commanding officer's authority and accountability mean in the military context - more importantly, what those principles mean in the unique context of command at sea.

The commanding officer of a naval vessel has tremendous authority, more independent authority than any other officer or official of comparable seniority. It has often been described as "absolute," and in combat, it effectively is, even today. With

this authority comes an equally absolute counterbalance - accountability. A commanding officer is given full authority to command his ship, but never escapes absolute accountability for what he and that ship may do. Again, uniquely to command at sea, the commanding officer always remains responsible not only for his own actions, but for the actions of every crewmember under his command. For centuries, command at sea has demanded both full authority and full accountability. There cannot be one without the other. From the first vessel commissioned under the Continental Congress until today, the United States Navy has enshrined these concepts as the cornerstone of command. Accountability can be, must be, a severe standard. The commanding officer is charged with weighing every factor and circumstance which can be foreseen before he acts. If any of those judgments is in error, the commanding officer may be held accountable, perhaps at court-martial.

Admiral McVay understood these concepts perfectly. After his rescue, he told reporters when asked about the sinking, "I was in command of the ship and I am responsible for its fate." Later, during his court-martial, he stated, "I know I cannot shirk the responsibility of command." Indeed, the ultimate responsibility of command is for the command itself and the lives of the Sailors who make up that command. When a commanding officer's ship is

lost in combat and many of her crew die both in the ship and later, awaiting rescue, the commanding officer's actions and decisions will be scrutinized. When questions about INDIANAPOLIS steaming a straight course, without zig-zagging, and the apparent lack of an abandon ship order arose in the investigations, the Chief of Naval Operations, Fleet Admiral King, accepted the Court of Inquiry's recommendation, advising Secretary of the Navy Forrestal, to convene a court-martial.

Over the past fifty-four years, the court-martial of Admiral McVay has been the subject of much controversy and re-examination. Several analyses by Navy experts and an independent analysis by private lawyers at the request of Senator Lugar have all pronounced the proceedings legal and fair. No official within the Navy or the Department of Defense found any justification for further action. The current Judge Advocate General has once again reviewed the entire proceedings and certified that the court-martial was properly convened, provided all required due process, and was essentially fair. I personally am confident that the court-martial was legal and fair. I also believe that the evidence supported conviction on the charge that Admiral McVay hazarded his vessel by failing to execute a zig-zag course.

The key to understanding the meaning of this charge, and how Admiral McVay's actions fell within the charge, is accountability. Without the legal technicalities, Admiral McVay was accused of poor professional judgment in failing to cause the INDIANAPOLIS to steer a zig-zag course through waters in which enemy submarines were operating. It is an important distinction that the charge and conviction did not attribute the loss of INDIANAPOLIS to Admiral McVay's actions. While the ship's loss undeniably brought the harsh spotlight of accountability on the commanding officer's actions, the court-martial did not find that those actions caused the loss of the ship.

Admiral McVay's decision to discontinue zig-zagging was within his authority and discretion as commanding officer. The charge of hazarding a vessel does not presuppose that zig-zagging would have prevented the sinking of INDIANAPOLIS by the Japanese submarine on July 30th, 1945. It does require the judgment that steering a zig-zag course was a valid anti-submarine tactic. While this is a topic upon which Naval officers can disagree, the weight of opinion as developed in combat is that the zig-zag tactic can be effective to slow or deny a submarine a successful targeting solution. Whether a zig-zag course would have prevented the sinking of USS INDIANAPOLIS is a question dependent upon far too many unknown factors to allow a reasonable answer. In my

mind, however, it is clear that had INDIANAPOLIS been steering a zig-zag course, the odds would have improved greatly in her favor. That is the gist of the charge of which Admiral McVay was convicted.

Admiral Mcvay had the authority to employ zig-zag steering or not. He chose not to do so. Upon close examination by a court-martial composed of senior officers with combat experience, Admiral McVay's decision to steer a straight course was found to have increased the vulnerability of USS INDIANAPOLIS to submarine attack. And for that and that alone, he was held accountable.

The decision of the court-martial does not impugn the valor of Admiral McVay, an officer decorated for combat action. The court took that valor into account by unanimously recommending full clemency for the very light, almost trivial sentence imposed - an administrative loss of seniority within Admiral McVay's then-current rank. Similarly, Fleet Admiral King endorsed the court's recommendation, supporting full remission of the sentence.

Nor does the court's decision, or the Navy's defense of that decision, impugn the undoubted valor of the men of the USS INDIANAPOLIS, both those who paid the ultimate price of freedom with their deaths, and those who heroically struggled to survive

and ultimately overcame the unimaginable hardship of five days in the water with little or no food, water, or shelter.

I understand and applaud that those men, the survivors of the INDIANAPOLIS, should defend their captain against what some of them see as an unfair attack on a valiant naval officer. I hope that my comments may help to make clear that the court-martial of Admiral McVay was not undertaken to attack him, but to defend the crucial principle of command accountability. Without accountability, command loses credibility and authority. Without authority, command at sea becomes impossible.

Admiral McVay commanded USS INDIANAPOLIS when she was sunk in 1945. He had full authority to direct the operations of that vessel. Concomitant with that authority, he had absolute accountability for his decisions and actions. When those decisions were examined by court-martial of experienced officers, Admiral McVay was found guilty of an error in professional judgment. I firmly believe that his trial was fair and the result just.

I hope and believe that the survivors of the USS INDIANAPOLIS will understand that the conviction of Admiral McVay in no way diminishes what both he and they accomplished. Their bravery,

dedication to duty, and sacrifice have never been in doubt.

Perhaps they can accept that the principles which make our Navy great also demanded accountability of their commanding officer.

That concludes my remarks. Thank you.