

### Hazarding the *USS Cole*

When I wrote this *Proceedings* article in December 2000 I had been living in Annapolis for ten years. For several times a week I had been having lunch at the New Providence Club, a “luncheon club for gentlemen” at which retired naval officers of my generations were amply present. My thoughts on *Cole’s* incident had been tested in conversations.

Those days I was often in touch with Admiral William Crowe, former CINCPAC and JCS Chairman, who was teaching a seminar at the Naval Academy. We were acquainted; as a captain he had been stationed in Vietnam’s Delta region when I was a major general commanding advisors there.

On reading the comments in the February *Proceedings*, I asked him what he thought of what I had written. He said that I had been right.

John H. Cushman

# Hazarding the *Cole*

John H. Cushman

On 13 October 2000, the destroyer USS *Cole* (DDG-67), at anchor while refueling in Yemen's Aden harbor, was crippled by a powerful explosive carried on a small boat that was placed alongside the ship by a suicide team. The next day, *The Washington Post* quoted U.S. Navy officers as saying that there was virtually no way to protect the ship from such an attack. Secretary of Defense Cohen said, "Given the nature of this particular situation" it would have been "very difficult if not impossible to protect against this type of incident."



NAVAL SEA SYSTEMS COMMAND (SURFACE WARFARE CENTER)

**Cost of surprise: The crippled *Cole* returns home to Norfolk on the heavy transport ship *Blue Marlin*.**

In the ensuing weeks, a significant item of discussion was the nature of the warning that was issued to the skipper of the *Cole* as he prepared to enter the harbor to refuel. The warning, if any, was, in the strictest sense, immaterial. As commander of a U.S. Navy ship, he was responsible for the well-being of his ship and her crew, regardless of the warnings he received.

Commanding Army forces, I long ago developed certain convictions about how commanders should view their responsibilities for the preparedness of their commands in time of war or tension. I believe these principles apply to ships and naval commands as well, and that they apply to the *Cole*.

- No matter what a commander is told by others, he is responsible for his own risk estimate.
- A commander has only one chance to avoid being surprised. If he is surprised and his command suffers, he has missed that chance and failed.
- A commander must be a warrior, but he must also be a worrier. He always must be thinking of what the enemy can do, and take precautions.

As he approached the Aden harbor, the *Cole's* skipper should have asked himself, "What are the ways that my ship can be damaged in that harbor, and what can I do to thwart the enemy?" A reasonable and prudent commander would have visualized the

possibility—especially in Aden—of a small boat attack. It would not take much imagination, only a certain frame of mind with respect to his responsibility for his ship.

Upon anchoring at Aden, a commander who was a worrier as well as a warrior would have put small boats in the water with armed parties aboard. The officer or petty officer in charge of each party would have been ordered to stop and inspect every boat that ventured within 50 meters of the ship. Boats that refused to obey, of course, would be fired on.

Does this sound extreme? According to a one-time U.S. Navy destroyer skipper, a contemporary of mine living in Annapolis, who took his *Fletcher* (DD-445)-class destroyer into Aden many times in the 1960s, that is exactly what he did with his one motor

whaleboat. Motor whaleboats left the Navy in the 1990s, but the *Cole* had two high-powered, 24-foot rigid inflatable boats that could well have been used.

It is a matter of attitude. A Naval Academy midshipman has told me of his cruise aboard a submarine last summer. Whenever that submarine surfaced, her commanding officer (a former Marine staff sergeant) mustered crew members on deck armed with shotguns and other small arms in an alert posture prepared for any contingency that could threaten his submarine. A worrier as well as a warrior, this submarine's skipper recognized that he had only one chance to avoid being surprised.

From the Uniform Code of Military Justice (UCMJ), Article 110, Improper Hazarding of a Vessel: "(b) Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court-martial may direct." The UCMJ defines "negligence" as "The failure to exercise the care, prudence, or attention to duties which the interests of the government require to be exercised by a prudent and reasonable person under the circumstances."

Circumstances should not obscure the fundamental meaning of the UCMJ.

Service hierarchies, take heed.

Retired Army Lieutenant General Cushman commanded the 2d Brigade, 101st Airborne Division in Vietnam during the 1968 Tet Offensive and its aftermath. From 1976 to 1978, he commanded the Korean-American field army force defending the western sector of Korea's Demilitarized Zone.

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# COMMENT AND DISCUSSION

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## ENTER THE FORUM

We welcome brief comments on material published in *Proceedings* and also brief discussion items on topics of naval, maritime, or military interest for possible publication on these pages. A primary purpose of *Proceedings* is to provide a forum where ideas of importance to the military profession can be exchanged. The Naval Institute pays an honorarium to the author of each comment or discussion item published in *Proceedings*. Items may be submitted by mail, fax, or e-mail (to [commentanddiscussion@usni.org](mailto:commentanddiscussion@usni.org)).

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## "Hazarding the Cole"

(See J. Cushman, p. 2, January 2001 *Proceedings*)

Commander Randall G. Bowdish, U.S. Navy, Commanding Officer, USS Simpson (FFG-56)—It is refreshing sometimes to hear commentary from outside the lifelines. A different perspective often can lead to new insight and subsequent improvement in the way the Navy does business. No such revelations will occur, however, from Lieutenant General Cushman's commentary. In fact, it will do more harm than good.

Lieutenant General Cushman bases his commentary on his years of commanding Army forces and the belief that the "preparedness" principles he developed over the course of his career "apply to ships and naval commands as well, and that they apply to the *Cole*." While it is questionable that this qualifies General Cushman as an expert on naval matters, the principles he articulates are indeed germane. I can assure you that these principles are in the forefront of every commanding officer's thoughts, not only prior to entering port, but at sea as well. A small-boat attack is something well within the scope of a commanding officer's imagination.

While General Cushman grasps the obvious as to what a commanding officer should do, he does not make the effort to find out what a commanding officer *can* do. General Cushman misses the mark on the actions available to the commanding officer to counter such a threat. Instead, he bases his argument on third-party information—40-year-old anecdotal information from a *Fletcher* (DD-445)-class captain and a midshipman's sea story about what he did last summer. I question the timeliness of the first experience and the credibility of the second source.

Answers to the following questions need to be answered prior to judgment being made on the *Cole* or her commanding officer:

- ▶ What responsibility did the host nation have in ensuring a "safe haven"?
- ▶ What responsibility does Navy fleet support have in ensuring the host nation provides a "safe haven"?
- ▶ What responsibility does Navy fleet support have in making up any shortfalls between host-nation measures and those requested by the ship?

▶ Does an unarmed small boat approaching a Navy ship in a foreign port really constitute hostile intent to the extent it should be fired on?

▶ What force protection measures requested by a commanding officer are disallowed due to host-nation "diplomatic" sensitivities?

General Cushman will likely find the answer to the last question enlightening.

General Cushman is further respectfully reminded that there is great power in the pen—the power to shape perceptions and opinions across a wide audience. An author bears the responsibility of ensuring his words ring true. A good author will use those words to make things better, rather than to incite a witch hunt. The facts surrounding the *Cole* tragedy have yet to be released. I would ask General Cushman and other well-intentioned armchair quarterbacks to wait for the results of the investigation before passing judgment.

EDITOR'S NOTE: *The Simpson and the Cole left Norfolk together as the two late deployers of the George Washington (CVN-73) battle group. Both ships were assigned to Destroyer Squadron 22. The Simpson will return from deployment alone later this month.* □

Lieutenant Commander Pete McVety, U.S. Navy—This article was of interest not because of its relevance but because it shows the perceptions of other services about naval warfare and its environment.

To say the article was inflammatory enough to generate a reaction is putting it mildly. The article has many comments that demonstrate ignorance about naval matters. For example:

▶ The statements by the author that the terrorist threat warning (or lack thereof) was immaterial and the commanding officer (CO) is responsible for his own risk assessment are simplistic and wrong. The input for the risk estimate comes from outside the ship from agencies over which the CO has no control. Unlike ground based troops, the Navy does not have the ability to send scouts ashore to determine specific threats. Instead, the Navy has developed an intelligence community that has to share time between designated hot spots and the possibility that a Navy ship could be called on for a port visit anywhere in the world. An inherent difference between ground- and water-based

warfare is that you cannot hold the water and danger can originate from any direction. One cannot assume everyone is friendly or that everyone is an enemy. Based on the threat estimate, the commanding officer made his own assessment and submitted his counterterrorist plan, which was reviewed and approved by higher headquarters. Although the CO should (and will) be held responsible for what happened in Yemen, higher headquarters agreed with the *Cole's* assessment. While the threat warning available to the CO of the *Cole* may have been inadequate (by default), it certainly was adequate for the multitudes of ships that preceded her.

► In regard to the CO putting boats over the side to ward off potential terrorists, there is more to the picture than a skipper deciding to put boats in the water and inspecting every vessel that comes close to his ship. As a matter of national policy, the U.S. Navy has a mission of engagement and therefore visits ports in countries throughout the world. To think that a U.S. ship can put armed small boats in the sovereign water of another country and board/inspect vessels at will is both naive and contradictory to that policy of engagement. The U.S. State Department would need to establish an agreement with the host nation to allow that to happen, and chances are, it would not, yielding instead to the individual nations' internal security. Can you imagine a Yemeni, French, or Russian ship lowering armed small boats into Norfolk's Elizabeth River and boarding any small craft that came within 50 meters of the ship? It is a fact that the U.S. Navy operates in hazardous environments and it is an acceptable risk.

► The author's example of a Naval Academy midshipman describing a submarine captain's preparation for surfacing ("crew members on deck armed with shotguns and other small arms in an alert posture prepared for any contingency") is irrelevant to the argument. What did the sub captain direct his crew to do with the weapons if they felt threatened? Would they have been effective given an enemy willing to give his life? Being ready to use deadly force and the rules that allow the use of deadly force are two different things. The only way to prevent a surprise attack in port by a cunning enemy is to stay at sea. The *Cole* was ordered to refuel in Yemen, as were many ships that had gone before her. The well-planned surprise attack could not have been prevented using reasonable means and the scenario at the time. Afterthought usually obscures these facts.

► The last couple of paragraphs, based on unofficial reports, call for court-martial of the skipper of the *Cole*. This call is inflammatory and is not consistent with

the rule of law by which we are governed. If there is a formal judgment of the CO of the *Cole*, the CO will accept the rebuke and carry on. To jump to the opinion that a court-martial is the appropriate venue is wrong and the Uniform Code of Military Justice has been misinterpreted. Prudent care was taken in accordance with the situation and given the information at hand. The United States asks sailors to put themselves in uncertain situations of danger. We shouldn't expect that this comes without cost. □

### "Cole and Her Crew Send a Message"

(See p. 48, December 2001 Proceedings)


**Corporal David Carter, Royal Yeomanry (Retired)**—I was disappointed to read the attack on the USS *Cole* (DDG-67) being described as an "act of cowardice." Please do not get me wrong here. I in no way wish to detract from the bravery, suffering, and sacrifice displayed by the *Cole*, her crew, and their families during and after this incident, and my heartfelt sympathy goes out to them. But the act of approaching a U.S. warship in a high state of readiness in a small boat loaded with a large improvised explosive device, and then to detonate it at the cost of one's own life, is far from an act of cowardice. Misguided, callous, and ruthless maybe, but not cowardly. We have to come to terms with the fact that one man's terrorist is another man's freedom fighter. In fact, I feel that to dismiss the attack in this way detracts from the bravery of the U.S. service personnel themselves.

They were not wide-eyed innocents caught unawares by a cowardly sneak attack, but trained professionals taking calculated risks in the service of their country under constant threat from a brave and determined covert enemy who could strike at any time unannounced. On this occasion they did, and 17 U.S. sailors made the ultimate sacrifice as a result. The fact that they did so in facing an equally brave enemy makes them all the more worthy of our admiration and respect. □

### "Combating Terrorism"

(See T. Rancich, pp. 66-69, November 2000; W. Parks, p. 14, December 2000; E. Dailey, pp. 16-18, January 2001 Proceedings)

**Lieutenant Commander Guy Maiden, U.S. Navy, action officer, Joint Staff, J34, Combating Terrorism**—A critical sentence within Commander Rancich's article correctly articulates that the "active combatant (terrorist) will maintain an advantage over the reactive combatant (Navy)." While we should have learned from



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