

## **TO COMMAND...**

**In each ship there is one man who,  
in the hour of emergency or peril at sea,  
can turn to no other man.**

**There is one who alone is ultimately responsible  
for the safe navigation, engineering performance,  
accurate gunfire and morale of his ship.**

**He is the Commanding Officer.**

**He is the ship!**



**Captain, William Loren McGonagle  
USS LIBERTY (AGTR-5)**

In June 1982, fifteen-years after the attack, the survivors who could be located reunited for their first time in Washington, D.C. During that emotional, soul wrenching, and at times traumatic weekend, time and again what was discussed with incredulity was how our government, without challenge or dispute, was allowing the State of Israel to present their version of the attack to the American people as fact.

One result of that weekend was that the USS LIBERTY VETERANS ASSOCIATION came into being so the remaining survivors and former crewmen could be located, to pay tribute to our Commanding Officer, Captain McGonagle and to our ship, USS LIBERTY. But more importantly, we gather to sustain the memory of our 34 friends and shipmates who gave their lives in the service of their country.

**Disgracefully**, before awarding the Congressional Medal of Honor to our Commanding Officer for his heroic deeds **our government first asked the government of the State of Israel if they had any objections.**

The Medal of Honor was then presented in a Washington, D.C. Naval Shipyard by the Secretary of the Navy. Hours later, then-President Lyndon Johnson awarded similar Medals of Honor at the White House with all the pomp and circumstance accorded the recipient of our country's highest award for Valor. Furthermore, Captain McGonagle, is the only recipient of the Congressional Medal of Honor in United States history who has not been accorded White House recognition.

So not to embarrass the State of Israel for their attacking the USS Liberty, there is no mention in Captain McGonagle's Medal of Honor Citation or in any Citation awarded the USS Liberty and her crew as to the identity of our attackers. A practice unheard of in American military awards.

My **"CLAIMS, FACT and COMMENTS"** concerns the 2pm, 8 June 1967 attack by Air and Naval elements of the Defense Forces of the State of Israel on our United States Navy intelligence-gathering ship, USS LIBERTY (AGTR-5) , 4th day of the Arab-Israeli Six-day-war.

By Survivor and former Radioman, 2nd Class (E-5), Watch Supervisor, Section III:

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**I can not emphasize strongly enough that there is not one shred of evidence or documentation which our government has released, or admitted to, which would show that the attack was indeed accidental or a case of mistaken identity.**

**"After checking numerous resources, including the CIS (Congressional Information Service) Indexes to Congressional Hearings (both published and unpublished), and the Public Documents Masterfile, I could find no evidence that the Congress ever held hearings or launched an investigation into the June 8, 1967 incident with the USS Liberty." ECH, Reference Librarian, Library of Congress"**

**To this day our governments response to query's concerning the attack is that "Israel apologized and paid compensation claiming the attack was accidental and a case of mistaken identity."**

**ISRAEL CLAIMED:** The USS LIBERTY had no identification markings or distinguishing features whatsoever!



**FACT:** The above two photos of the USS LIBERTY were taken less than twenty-four hours after the attack during rescue operations and the evacuation of our dead and wounded. **They show our 10 foot high hull number and ships designation on our bow (the front) plus smaller hull and ships designation on the aft end (the back) to be quite clear and distinct.**

**COMMENT:** One photo gives the reader a perspective as would be seen by the Israeli pilots flying over the Liberty. The other, as would be seen by the torpedo boat crews during their run in and and attack. After examining the photos, could the USS LIBERTY have been mistaken for anything but other than what she was:"**an extremely elaborate state-of-the-art intelligence gathering platform?**"

**FACT:** On the USS Liberty's main-deck aft (the back end) was an **20 foot wide, 35 foot high, 10,000 Watt, TRSSCOMM** (Technical Research Ship Special Communications) **Microwave antenna**. An antenna futuristic and odd in 1967 but today seen in backyards and roof-tops around the world was an antenna we call today a **SATELLITE DISH**. A satellite dish antenna **which only** the USS LIBERTY (AGTR-5) and sister ship, USS BELMONT (AGTR-4) had in 1967.



Working on TRSSCOMM antenna

I ask you, could that 20 foot wide, 35 foot high mass of steel and hydraulics **TRSSCOMM** microwave antenna have possibly been mistaken for a cargo boom to those highly trained Israeli Air and Naval Forces? Personally, I find that extremely improbable!

And, as you can see, our Satellite dish was a tad-bit larger than what you have on your roof.

**ISRAEL CLAIMED:** They requested information from the American Embassy in Tel Aviv on U.S. ships operating off the Sinai - **prior to attacking the USS LIBERTY**. Also, former Head of Israeli Air Force Intelligence, General Yeshayeah Bareket, during a Thames Television production concerning the attack stated: "I personally called the American Embassy."

**FACT:** This State Department document **totally refuting those claims** was declassified and released 09\22\1982, states:

FM AMEMBASSY TEL AVIV  
TO SECSTATE WASHDC IMMEDIATE  
STATE GRNC

BT

C O N F I D E N T I A L TEL AVIV 4178

REF: STATE 211695

"NO REQUEST FOR INFO ON U.S. SHIPS OPERATING OFF SINAI WAS MADE UNTIL AFTER LIBERTY INCIDENT. HAD ISRAELIS MADE SUCH AN INQUIRY IT WOULD HAVE BEEN FORWARDED IMMEDIATELY TO THE CHIEF OF NAVAL OPERATIONS AND OTHER HIGH NAVAL COMMANDS AND REPEATED TO DEPT.

BARBOUR."

GP-3

**FACT:** The document which generated that "**CONFIDENTIAL TEL AVIV 4178**" was declassified and released 10\26\82, states:

ACTION: Amembassy TEL AVIV IMMEDIATE.  
STATE 211695.

1. Washington Post JUNE 16 CARRIED FOLLOWING STORY FROM CORRESPONDENT BASED IN WASHINGTON: ISRAELI SOURCES SAID THAT WHEN FIGHTING BROKE OUT IN MIDDLE EAST JUNE 5, ISRAELI GOVT QUERIED US NAVAL ATTACHÉ IN TEL AVIV AS TO WHETHER THERE WERE ANY AMERICAN SHIPS OPERATING IN MEDITERRANEAN OFF SINAI PENINSULA. ACCORDING STORY ISRAELIS QTE GOT NO RESPONSE UNQTE.

2. AS FAR WE AWARE, FIRST ISRAELI QUERY ALONG THESE LINES MADE TO AMERICAN OFFICIAL WAS THAT REPORTED IN DAO 0825 JUNE 8 WHICH WAS AFTER ATTACK ON USS LIBERTY.

3. REQUEST URGENT CONFIRMATION ABOVE AND ANY OTHER COMMENTS.

GP-3.

**FACT:** A June 1967 letter from then-President Lyndon Johnson to Congressman Joseph M. McDade (R-Penn), declassified and released 27 Jan 1982, stated: "**We saw no need to inform Israel or any other party to the hostilities of the Liberty's location since the ship was on a peaceful mission and was in international waters. I have seen a report alleging that the Israeli Government had asked us about the presence of the ship prior to the attack, but that report is not true.**"

**COMMENT:** Why didn't our Government immediately admonish the Government of Israel for issuing **such a blatantly false statement** (Washington Post) and demand a retraction if they knew it to be false?

**FACT:** Then-American Ambassador to Israel, W. Barbour, was, if nothing else, a staunch Israeli supporter who spent much of the war in the Israeli war room and, a declassified cable on file in the LBJ Library shows that "**hours after the incident he (Barbour) reported that Israel did not intend to admit to the incident.**"

**FACT:** A **TOP SECRET** National Military Command Center document, declassified May 1979 states in paragraph 4: "At 081045 EDT, a message from the United States Defense Attaché Office in Tel Aviv stating that Israeli aircraft and motor torpedo boats had erroneously attacked a vessel in the Mediterranean sea at 080800 EDT, which was thought to be U.S. Navy ship."

**COMMENT:** The above declassified NMCC document not only lends credence and support to the declassified cable on file in the LBJ Library, it dispels any notion and claim Israel immediately notified our government. **Time wise, Israel is 7 hours ahead of Washington, D.C. time. The government of Israel did not notify our government until 5:45 PM their time - 3 hours and 45 minutes after the attack.**

Our government then demanded through diplomatic channels that Israel assume responsibility for the attack, pay compensation to the families of the dead, the survivors and for the loss of the USS Liberty.

**FACT:** The Government of Israel then for over 13 years nickel, dimed and procrastinated in the payment of that compensation. The final payment was made on terms and conditions stipulated by the government of Israel - not the United States.

**ISRAEL CLAIMED:** That the town of El-Arish was being shelled from the sea for hours-on-end as another reason for the attack.

**FACT:** On the morning of 8 June, the airfield at El-Arish **was already functioning as an advanced Israeli air base.** Israel's hold on El-Arish was so complete **a flight of Egyptian fighter aircraft landed at its airfield, deplaned, then walked right into Israeli Defense Forces arms and were captured without a shot or struggle.**

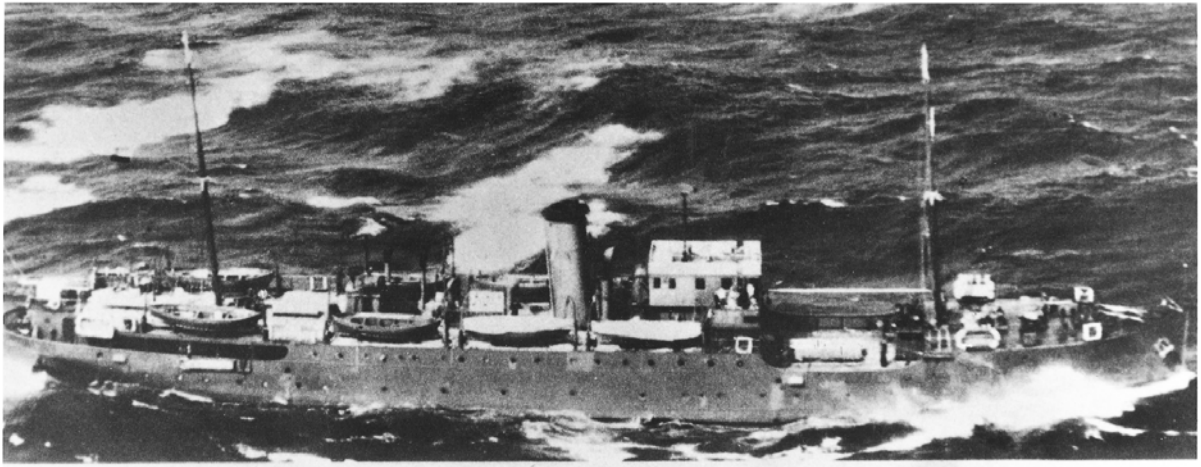
**COMMENT:** Israel recanted the claim of bombardment **after the USS Liberty Veterans Association proved it to be false.** As all Israeli claims have been proven to be false.

**FACT:** A 14 Nov.1986 letter from **Congressman Gary Ackerman** (NY), to a constituent states in part: "However, **submarine photography taken during the incident** indicates that the Liberty may have been under siege for approximately two hours. Further, it was later discovered that **the Israelis had warned the U.S. to keep all intelligence ships away from their coast during the war.** In fact, after the arrival of the Liberty, **the Israelis warned Washington to order the ship to leave the area."**

**COMMENT:** The admission by Congressman Ackerman of a submarine following the USS Liberty and photographing the attack through its periscope is not the only such report. James Ennes, Jr., author of "Assault on the Liberty" and survivor, documents that fact in his book. And survivor, Joseph Lentini, while in the hospital recovering from his wounds was approached by a crew member of that submarine, who stated to him "we took pictures of the attack through our periscope." Who was that submarine? What was it doing there? I'm assuming that the Commanding Officer of that submarine turned those photos over to our government. If he did in fact do so, why does our government refuse to acknowledge the presence of that submarine and photos? We do know that the submarine was equipped for the insertion and recovery of frogmen. Interesting! WHY frogman? What purpose would an American submarine serve, along with its frogmen, following the USS Liberty and, off the Gaza strip? (see included Washington Report on Middle East Affairs article for more information pertaining to the submarine).

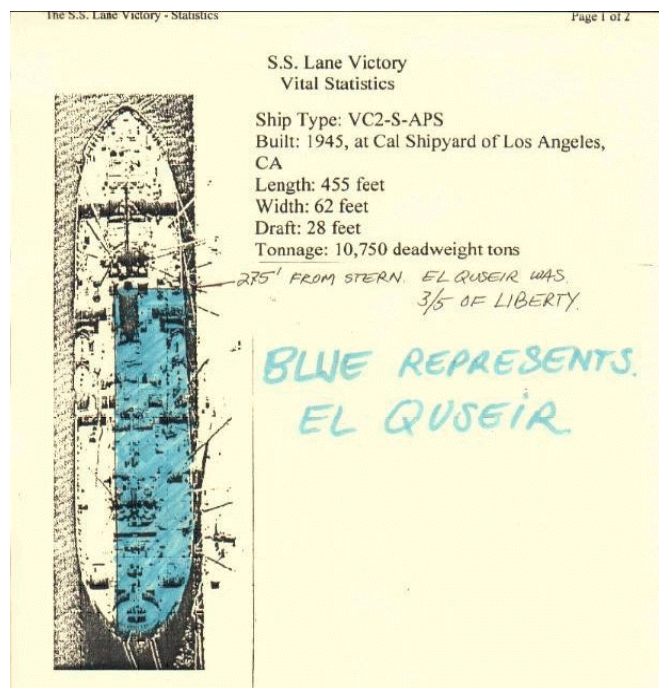
**FACT:** Information provided by the CIA (Central Intelligence Agency) during a TOP SECRET closed door investigations committee hearing disclosed that the government of Israel informed the United States 24 hours prior to the attack , **"get that ship out of there - or we will attack it."** (Steven Green, "Taking Sides")





**ISRAEL CLAIMED:** They "**mistook**" the USS LIBERTY for the Egyptian horse transport - El Quseir.

**FACT:** The El Quseir was 275 feet, 180 feet shorter than the Liberty's 455 foot length. The El Quseir was 2,640 gross tons, 8,040 tons less than the Liberty's 10,680 gross tonnage. And the El Quseir was 20 feet narrower than the Liberty's 62 foot beam (width).



**FACT:** Our research into the El Quseir "mistake" claim has shown that the El Quseir - **was unable to move due to the fact her boilers were inoperable.** The El Quseir was chained to a pier in Alexandria, Egypt, the entire Six-day-war.

This was confirmed in late 1976 in a response to our query by Major General, Mohamed A. Abou Ghazald, of Egypt. It has also been shown that our CIA (Central Intelligence Agency) knew the El-Quseir was in Alexandria, Egypt at the time of the attack (The USS LIBERTY: DISSENTING HISTORY VS OFFICIAL HISTORY: Doctor John E. Borne, PhD, Reconsideration Press, 1995).

Though we have shown the El-Quseir was in Egypt at the time of the attack, (photo of the El-Quseir is from the July 7, 1967 issue of Time Magazine, pg.15 - with no photo accreditation, which surprised the research assistant), I believe you'll be able to discern that the only similarity between the El Quseir and the USS Liberty, is that - we are both in the water.

**FACT: Israeli Intelligence** having done their homework prior to the outbreak of hostilities admitted knowing: **"the exact locations of all opposition forces and equipment - military and civilian."**

**ISRAEL CLAIMED:** **"The USS LIBERTY was moving at 28 knots,"** and their battle doctrine dictated **"any vessel moving over 20 knots was a legitimate target."**

**COMMENT:** A legitimate target even though in International waters? How absurd! There is no precedent in International law which would condone or justify such a statement, or action.

**FACT:** The USS Liberty **could not** move at 28 knots, having a maximum speed of 18 knots and cruising at the time of the attack at 5 knots. The El Quseir could not move at 28 knots either, having a maximum speed of 14 knots - 4 knots slower than the USS Liberty.

If the USS Liberty could not move at 28 knots and, the El Quseir was tied to a pier in Alexandria, Egypt at the time of the attack - I let you draw your own conclusion!

**PRELUDE TO THE ATTACK:** In all, there were **13 over-flights** of the USS LIBERTY on 8 June 1967. **8 of those over-fights** were low-level reconnaissance with Israeli jets and reconnaissance planes - passing as low as 200 feet above the USS Liberty's main-mast. Our personnel were not only able to distinguish the features of the pilots, they waved at them - which they returned.

The USS LIBERTY was **positively identified** by the Israeli pilots who reported that fact to their headquarters in Tel Aviv, where we was designated and marked on the Israeli war-room plot-board as a "Neutral American Vessel."

**ISRAEL CLAIMED:** They removed the USS Liberty's marker "**because the data was old.**"

**FACT:** The last reconnaissance over-flight was one-hour prior to the attack!

**FACT:** Two Israeli pilots, completing a strafing-run, reported to their headquarters that the USS LIBERTY was an American ship. **They were ordered to continue the attack nonetheless!**

Those two pilots, **refusing to attack**, returned to their base, were arrested and court marshaled.

**FACT:** An American intelligence intercept station in Germany over-heard the Israeli pilots conversations with their Head Quarters. Additionally in 1991, then-American Ambassador to Lebanon, Dwight Porter came forward and stated "U.S. Embassy monitors in Lebanon over-heard the radio conversations between the Israeli pilots and their headquarters."

Not a Member of Congress was interested!

**THE ATTACK:** The attack lasted slightly over 2 hours, not the 5 minutes as reported by our government. Additionally, our government reported only 1 torpedo being launched and striking the USS LIBERTY.

**FACT:** In all, there were **5** torpedoes launched, **1** torpedo struck and blasted a **40 X 42** foot tear-drop shaped hole in the research and intercept compartments below the water-line, killing **25** of our **34 total dead**. **172** of the Liberty's **294** man complement were wounded (almost 70% of our complement - dead or wounded).

There were over **821** rocket, cannon and machine-gun hits inflicted. **Napalm** was used. All above deck water-tight hatches (doors), **destroyed or damaged**. All our antennas, **destroyed**.

The Captain's-gig (boat), **rendered totally inoperable**. The crew's motor-launch (boat), **totally destroyed**. All the Liberty's rubber life-rafts, except 3 - **destroyed**.

Those 3 remaining life-rafts were put in the water in response to "**prepare to abandon ship**," were intentionally machine-gunned at close range by an Israeli torpedo boat crew. An action on their part which was, and still is, a violation of the **Geneva Convention II for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked members of the Armed Forces at Sea of 1949** (1991 edition, volume 64, INTERNATIONAL LAW STUDIES, THE LAW OF NAVAL OPERATIONS. published by the Naval War College, Newport, Rhode Island, article titled "NAVAL TARGETING: LAWFUL OBJECTS FOR ATTACK" By Sally V. and William T. Mallison).

One of the torpedo boats then took aboard their craft our now useless life-rafts **depriving us of any means or chance of survival** had the USS Liberty sank to the bottom of the international Mediterranean waters we were lawfully operating in. As to the attack on the USS Liberty itself, it has been shown that under international law - Israel had absolutely no right in attacking a non-belligerent vessel in international waters (Naval Law Review, Winter 1986, Vol. 36. "A JURIDICAL EXAMINATION OF THE ISRAELI ATTACK ON THE U.S.S. LIBERTY" LT.CMD. Walter L. Jacobsen, JAGC, USN).

**COMMENT:** Could the **infliction** of the amount of damage and destruction done to the USS LIBERTY have been just pure luck? **Or**, putting those reconnaissance over-flights to good use as to what and where to hit so as to insure the Israeli Air and Naval forces could inflict the most possible damage, and hopefully, sink the USS LIBERTY?

**FACT:** The USS Liberty's **OPERATIONAL RADIO FREQUENCIES** along with the **INTERNATIONAL DISTRESS FREQUENCY** were **radio-jammed** to prevent our Radiomen and Communications Technicians from sending a distress call for help.

**COMMENT:** How would the IDF (Israeli Defense Forces) know what range of frequencies to initiate their radio-jamming on if they had not been using, **prior to their attack**, sophisticated RDF (Radio-Direction-Finding) equipment to scan for and locate our encrypted and unencrypted radio transmissions. A procedure, considering the equipment of that era, took considerable time.

**FACT: Israeli supplied** gun-camera footage of the strafing on the USS LIBERTY for a Thames Television Production, subsequently shown on 20/20's "Story behind the Story" and "Now it can be told" has their pilots saying: **"YOU HIT HER - YOU HIT HER GOOD"** and **"THERE'S OIL COMING OUT OF HER"**

**FACT: The only way** those Israeli pilots could have seen oil coming from the USS LIBERTY would have been **AFTER** the torpedo was put into our starboard (right) side, rupturing our fuel oil tanks.

**FACT: The Government of Israel** in their account of the attack, stated: **"their pilots departed the area before the torpedo boats arrived to commence their run-in and attack."**

**COMMENT:** In my opinion, that Israeli supplied gun-camera footage appears to have been reversed from a **POSITIVE** to a **NEGATIVE** image, almost totally devoid of detail. **And**, an image **digitally manipulated** by the placing of a rectangular mask over the USS Liberty's 10 foot high hull number and designation on the bow in order to give the impression and coincide with Israel's claim that there were no identification markings whatsoever.

**COMMENT:** It is interesting to note that in the beginning of the Thames documentary the **gun-camera footage of Israeli jets strafing opposition air bases are clear, distinct and of a positive image.** It should also be noted that the commentary by the pilots during the strafing at the beginning of the gun-camera segment, states: "...a recreation of the pilots words..."

To say the least, **very self -serving.**

**FACT:** Mr. Michael Shiloh, Deputy Ambassador to Israel, Washington, D.C., in an attempt to placate insinuated that the attack was a result of **"FRIENDLY FIRE"**.

**COMMENT:** Even we could understand and forgive a friendly fire attack had it occurred during the dead-of-night or in a jungle or desert scenario where men and equipment are camouflaged for protection. But the attack occurred at 2pm., after 13 over-flights, on a day totally devoid of cloud and while we were 13 1/2 miles out in international waters. Moreover, as was brought forth during the Naval Board of Inquiry investigation: "the USS LIBERTY was the only non-Israeli ship in the area."

"Friendly Fire" - I THINK NOT!

**FACT:** General Yeshayuah Bareket, former head of Israeli Air Force Intelligence, along with his aforementioned statement during the Thames documentary, stated: **"...the ship is an obstacle to or is disturbing our operations in the area."**

**COMMENT:** I need not really comment. The above statement by General Bareket says it all.

**FACT:** Why has the Government of Israel been allowed to cast the aspersion that our government was at fault for, and responsible for, the attack on the USS LIBERTY?

**FACT:** An aspersion which has NEVER been addressed, answered to, or challenged by our government! And why are the some 6000 odd-pages of documents concerning the attack being suppressed by our Government, and the media? **Suppressed**, while documents and photos of investigations Congress sees fit to convene and the media deem appropriate to air are plastered across our tabloid headlines and shown for hours on end at top-of-the-hour news programs.

**FACT:** Israel's claims were so outrageous and unbelievable they requested our government classify them and not released to the American people or our media. They also stipulated that, "if need be, their account of the attack could be released only to select members of Congress."

**COMMENT:** And who would those select member of Congress be - their supporters?

**FACT:** Article 1, Section 8 (10th paragraph in) of the Constitution of the United States of America, states: "**to define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations.**"

**COMMENT:** Why, then, does the CONGRESS of the United States continue to violate our Constitution by refusing to comprehensively and impartially investigating the attack ?

While Israel and Israel's supporters in the United States consistently make reference to and claim "the attack was accidental," "It was a case of mistaken identity," "Israel claimed responsibility and paid compensation," plus then-Secretary of Defense, Robert McNamara's, comment "It was the conclusion of the investigatory body, headed by an Admiral of the Navy in whom we have great confidence, that the attack was not intentional."

**Those statements and claims do not accurately reflect the statements made at the time by other members of our Government.**

**FACT: The Navy Board of Inquiry:** "the Navy inquiry confirms testimony of five member of the crew that they had personally observed the (American Flag) was hoisted. Hull markings were clear and freshly painted." **The Judge Advocate General of the Navy** concluded that: "The record discloses beyond any doubt that USS Liberty was, at the time of the attack, engaged in peaceful operations in international waters, and that the attack of Israeli aircraft and motor torpedo boats was entirely unprovoked and unexpected." **The attack took place on a clear day, and the Liberty was the only non-Israeli vessel in sight. PLUS:** Then Secretary of State **Dean Rusk:** "There is every reason to believe that the USS LIBERTY was identified, or at least her nationality determined by Israeli aircraft one hour before the attack," "I was never satisfied with the Israeli explanations. Their sustained attack to disable and sink Liberty precluded an assault by accident..." as do Rusk's legal advisor **Carl Salans** and his assistant secretary **Lucius Battle**. **Clark Clifford**, chairman of the Foreign Intelligence Advisory Board is on record having told then President Lyndon Johnson in a closed National Security Council meeting that "the attack was deliberate..." **Gen. Marshall Carter**, Director of the National Security Agency and his deputy **Louis Tordella**, agree that "the attack was deliberate," so does their senior aide **Walter G. Deeley**. **Richard Helms**, Chief of the Central Intelligence Agency and his former deputy **George Carver** are also on record as saying "the attack was intentional," as are **Admiral Bobby Inmann**, who headed both intelligence agencies; **Dr. James Johnson**, former undersecretary of the Navy, **Gen. George Keegan**, former Air Force Chief of Intelligence, **Paul Warnke**, then senior National Security Advisor to the Secretary of Defense. Former Joint Chiefs of Staff Chairman **Adm. Thomas Moorer** "insists that the attack could not possibly have been a mistake." And even Ronald Reagan once cited the Liberty to his staff as an example of Israeli untrustworthiness.

**FACT: Mr. George Christian**, special assistant to then-President Johnson, in a letter to Mr. James Ennes, Jr., (author, "Assault on the Liberty" and Survivor): "**Frankly, there was considerable skepticism in the White House that the attack was accidental...**"



Plus, "....I became convinced that an accident of this magnitude was too much to swallow." And, **"It was imperative that the United States maintain enough leverage with Israel to bring about a cease-fire."**

**COMMENT:** Is the attack on the USS LIBERTY still being used today as a lever by our Government, as Mr. Christian stated above? If that is in fact so, then we are surly being used as a pawn in the game of international politics.

**FACT:** "If the 30 knot ship 'couldn't have been LIBERTY,' it follows that it could not have been EL QUSEIR [whose top speed is 14 knots]." -- CDR Ernest Castle, US Naval Attache, Message 181830Z JUN 67

**FACT:** Richard Deacon: The presence of the LIBERTY close inshore was a threat to Israel's war plan....From the Israeli point of view the ship had to be put out of action...[after the attack] the Israeli plea that the attack was an accident was accepted [for the sake of overall U.S. policy in the Middle East]...

**FACT:** "A nice whitewash" -- National Security Agency Deputy Director Dr. Louis J. Tordella describing the Israeli excuse.

**FACT: John Ranlegh:** Subsequent accumulation of intelligence suggests that the attack was at the instigation of Israeli intelligence...frightened that the Americans might use information collected by THE LIBERTY to force Israel into an unsatisfactory peace.

**FACT:** A letter from Captain J.K. Henriksen, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (International Law) to Senator Alan Cranston, dated September 1, 1989, states in part: "Dear Senator Cranston: This responds to your letter concerning a request for a Congressional investigation into the circumstances of the attack on USS LIBERTY. A Navy Court of Inquiry investigated the facts and circumstances surrounding the attack in 1967. **As a result of the incident, the Department of State insisted that Israel take responsibility.** .The Navy Court of Inquiry's investigation focused on the U.S. military communication problems prior to the attack and the heroic efforts of Liberty's crew in controlling damage during the aftermath. **Sensitive international issues were best left for diplomatic and political consideration.**

**FACT:** Philip Geyelin: "President Johnson reflexively and unquestioningly accepted Israel's apologies of an 'innocent error' and muzzled by direct order any testimony to the contrary before a naval court of inquiry by eyewitnesses."

**FACT:** George Ball: [What followed the attack] was an elaborate charade. The United States complained pro forma to Israel...which reacted by blaming the victims. [Israel made a] reluctant and graceless apology.... American leaders did not have the courage to punish Israel for the blatant murder of its citizens.

**FACT:** Former-Senator Adlai Stevenson III in 1980, his last year as a United States Senator from Illinois, invited Jim Ennes to his Senate office for a private, two hour meeting to discuss the USS Liberty attack and cover-up. Following the private meeting, Ennes was invited back the next day to discuss the attack with members of Stevenson's staff, along with members of the staff of Senator Barry Goldwater and members of the Senate Select Committee on Intelligence.

In that meeting, staff members told Ennes that they found his story convincing, but that they would recommend to both senators that they not pursue an investigation because an investigation would only antagonize Israeli interests while "nothing good could come of it." Goldwater accepted that staff recommendation. Stevenson did not. Instead, Stevenson called a news conference in which he announced that he was convinced that the attack was deliberate and that the survivors deserved an investigation. He would, he said, spend the remaining few weeks of his Senate term attempting to arrange for an inquiry. Almost immediately, the government of Israel contacted the White House and offered to settle the outstanding \$40-million damage claims for \$6-million...

Then **Vice President Walter Mondale** quickly agreed to that offer just before Christmas while Congress and President Carter were on vacation. The Department of State followed immediately with a press release, reported on the front page of the New York Times, which announced, "The book is now closed on the USS Liberty." Indeed, from that point on, it was impossible to generate any congressional interest in the Liberty at all. Senator Stevenson's staff told me later that they felt the settlement was directly related to Senator Stevenson's announced plan to hold an inquiry, and was engineered to block forever any inquiry plans. Israel did subsequently pay \$6-million in three annual installments of \$2-million each. **Secretary of State Dean Rusk** said later that he considered the payments meaningless, as Congress merely increased the annual Israeli allotment by that amount.

Adlai Stevenson later ran for Governor of Illinois. He was strongly opposed by Israeli and Jewish interests. He lost. Many feel it was his support for the Liberty that cost him the election.

Many also feel it was Stevenson's experience with the Liberty that has intimidated other Members of Congress who might otherwise support the survivors.

**FACT:** The following was transcribed from NBC's Liberty Story, aired on national television on 1/27/92.

The film depicts Lieutenant Commander David E. Lewis, the officer in charge of Liberty's Research Department, relating a meeting he had with Rear Admiral Lawrence R. Geis shortly after the Liberty attack. Admiral Geis was the officer in charge of the embarked aircraft in both the USS America and USS Saratoga. It was Admiral Geis who was responsible for sending aircraft to help the Liberty when she came under attack.

Liberty was under fire for 75 minutes and was confronted by armed and hostile Israeli forces for 152 minutes. During the very long period, no help came from the US Sixth Fleet less than 300 miles away, despite the fact that the ship was promised air support within ten minutes if she needed help.

The first American forces to reach the Liberty arrived early the next morning, more than sixteen hours after the first shots were fired.

**ANNOUNCER:** It had been 16 long hours since the attack began. The Liberty's wounded were evacuated by helicopter to the USS America. There, Liberty Intelligence Officer David Lewis says he met privately with Sixth Fleet Rear Admiral Lawrence Geis. Geis died in 1980 and Lewis's account of the meeting is un-corroborated.

**LEWIS:** He said that he wanted somebody to know that we weren't forgotten... attempts HAD been made to come to our assistance. He said that he had launched a flight of aircraft to come to our assistance, and he had then called Washington. Secretary McNamara came on the line and ordered the recall of the aircraft, which he did. Concurrently, he said that since he suspected that they were afraid that there might have been nuclear weapons on board he reconfigured another flight of aircraft... strictly conventional weaponry... and re-launched it. After the second launch, he again called Washington to let them know what was going on. Again, Secretary McNamara ordered the aircraft recalled. Not understanding why, he requested confirmation of the order, and the next higher in command came on to confirm that...President Johnson... with the instructions that the aircraft were to be returned, that he would not have his allies embarrassed, he didn't care who was killed or what was done to the ship...words to that effect. With that, Admiral Geis swore me to secrecy for his lifetime. I had been silent up until I found out from Admiral Moorer that Admiral Geis had passed away.

**FACT:** James Bamford: Nearly as bizarre as the attack itself was the reaction of the American government to the incident. A foreign nation had butchered American servicemen, sending thirty-four to their graves... A virtually unarmed American naval ship in international waters was shot at, strafed with rockets, torpedoed, set on fire...then left to sink as crazed gunners shot up the life rafts. The foreign nation then says, sorry about that, and offers an explanation so outrageous that it is insulting, and the American government accepts it, sweeps the whole affair under a rug, then classifies as top secret nearly all details concerning it.

Before closing my 'CLAIMS, FACT and COMMENTS,' I would like to add that American's who support the State of Israel (wether of the Jewish faith or Gentile) have denounced the USS LIBERTY VETERANS ASSOCIATION, the survivors, the families of our dead and our supporters of being transmogrified into an Anti-Israel, Anti-Semitic cult.

Those same supporters have voiced, that: **"any memorial to the USS Liberty or her dead is a slap in the face and an insult to the State of Israel."**

"...[A] slap in the face and an insult to the State of Israel."

A memorial to American dead, in America, a slap in the face and an insult to the State of Israel, a foreign country and government. How detestable!

We, the Liberty's survivors, are Honorably Discharged Naval Combat Veterans. We are American's who served our country proudly and with honor. That we came under attack by the defense forces of the State of Israel, who's religion was Judaism, is a moot point and should have no bearing in a comprehensive and impartial investigation. An investigation should only concern itself with documented fact. And the documents gathered over the years show the attack was anything but "accidental" or "a case of mistaken identity."

For those that are ill or misinformed, we had friends and shipmates killed in the attack who were of the Jewish faith. And many of us, the survivors, the families of our dead and our supporters are of the Jewish faith. Moreover, we have never uttered a derogatory word or statement against the State of Israel, Israelis and especially those of the Jewish faith. Please keep in mind, there are those of us who are of the Jewish faith.

What we have stated is that "the attack was intentional and the 1967 Government of Israel lied from the very beginning, our government covered up the circumstances of the attack and that we want to see a comprehensive and impartial Congressional investigation impaneled."

An investigation into the attack is warranted because of the years of research and the content of declassified TOP SECRET, SECRET and CONFIDENTIAL documents that have been obtained under the Freedom of Information Act (FOIA). Documents which not only call into question Israel's explanations of an "accidental" and "mistaken identity" attack altogether they go on to take them apart, piece-by-piece. And an investigation is necessary not only because of the many discrepancies and versions in Israel's own accounting of that attack, but the statements made and actions taken by the then-Johnson administration. Actions such as recalling rescue aircraft; knowing who our attackers were before our attackers admitted doing so;

then-Secretary of Defense McNamara's duplicity in informing members of Congress the attack was accidental, before an investigation was undertaken and the results known.

But unlike the Main, the Mayaguez, Pearl Harbor, Tonkin Gulf, The Scorpion, The Thresher, The 1968 attack and seizure of the USS Pueblo by North Korea (seven months after the USS LIBERTY was attacked), The 1987 cruise missile attack on the USS Stark by Iraq (members of Congress went to and stayed in Iraq to complete their 8 month investigation of that incident), The USS Iowa gun-turret explosion, The shooting-down by the USS Vincennes of a Iranian civilian passenger jet The accidental launching of 2 missiles by the USS Saratoga into a Turkish ship killing 5 of their crew during a joint NATO exercises, Watergate, Iran Contra, Iraq-gate, Tail Hook, White Water, the nuclear experiments on Americans in the early 1950's, The USS Mason, the Tuskegee medical experiments and along with the myriad of incidents Congress did and does see fit to investigate - **the attack on the USS LIBERTY (AGTR-5) by the Israeli Defense Forces stands to this day as the only major Maritime Naval disaster in United States history which has not been accorded a COMPREHENSIVE and IMPARTIAL investigation by Congress.**

Are we to be forever denied an investigation and a full accounting?

Let me rephrase that.

Are we to be forever denied the rights guaranteed us under our Constitution and Laws to a comprehensive and impartial Congressional investigation because it was the Defense Forces of the State of Israel that attacked us?

**That is for you to decide!**

Personally, I'd like our dead to be able to rest in peace without this continuing cloud of controversy obscuring their memory. And I would have liked to see our Commanding Officer, Captain William L. McGonagle, represented his Medal of Honor where it should have been presented in the first place. In the White House by the President of the United States.

Thank you.

Richard Samuel 'Rocky' Sturman



Sadly, Captain McGonagle, passed away on March 3, 1999.

He is interred at Arlington National Cemetery and accorded the full Military Honors befitting a Medal Of Honor recipient.

## ADDENDUM

Prior to our 28th anniversary and reunion, what came to light was what we were tasked by the National Security Agency to determine while off the Gaza Strip. What was also revealed was the fact that we did not have any "Special Arabic" (Hebrew) linguists onboard the USS Liberty (but that is not to say our friends and shipmates of the Jewish faith who were killed in the attack did not understand Hebrew).

Because of the concerns by our government of a possible confrontation between the United States and Russia during the Six-day-war our linguistic complement was comprised of Arabic and Russian speaking specialists who we picked up in Rota, Spain.

**Our mission**, was to determine if Russian nationals (pilots) were flying Egyptian planes during the Six-Day-War (it should be noted that our government is on record as being opposed to that conflict). From what was imparted, just prior to being struck by 1 of the 5 Israeli torpedoes launched at us, our intercept operators intercepted the airborne conversations of Russian nationals (pilots) flying Egyptian war planes.

An interesting aspect to the above was in a conversation I had with a coworker. He asked me about the USS Liberty ball-cap I wear and I explained our story. After I had told him of the Russian pilot story, he said to me: "Yes, your correct! Russians were flying Egyptian planes during the Six-day-war and, Igor Shalegov, was one of those pilots." To say I was shocked would be an understatement. That coworker served as a Lieutenant in the Russian Army and, as all military men and woman around the world do, during an evening of relaxed comradery (they were in a bar) Igor told everyone "don't say anything, but I was flying the Egyptian planes."

We accomplished our mission, but at great cost. The death to 34 of our friends and shipmates. The wounding of 172 of our crew and the loss of the USS LIBERTY as an intelligence-gathering platform for our government.

But more tragically and unbelievably so, the denunciation by fellow Americans because we want to take the government of our attackers to task. And because of that denouncement, we have been shunned and all but abandoned by our own government, in our own country.

If you believe otherwise, ask a standing member of Congress to comprehensively and impartially investigate the attack.

Better yet, ask that member of Congress to attend a USS Liberty function.



This incident has been a matter of controversy for more than 38 years. The Israel government insists the attack was a tragic accident while survivors and many top US officials say it was planned and deliberate. Officially, the United States says only that Israel's motive for attack could not be determined. Secretary of State Dean Rusk, in office at the time, called the attack deliberate.

The official excuse, provided here, is still withheld from the American public at the request of the Government of Israel.

Following this file is a report to US Secretary of State Dean Rusk by the Legal Advisor to the Secretary of State who was asked to evaluate the Israeli excuse. As readers will see, the legal advisor finds the excuse wanting in nearly every detail. For political reasons, this report was withheld from the public until the government was forced to release it under the Freedom of Information Act.

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ISRAEL DEFENSE FORCES

Preliminary Inquiry File 1/67

PRELIMINARY INQUIRY

Before: Sgan-Aluf I. Yerushalmi

DECISION

On Thursday 8th June, 1967, at approximately 1400 hours, aircraft of the Israel Air Force attacked a vessel situated about 20 miles north-west of El-Arish, and some 14 miles off the shore of Bardawil. About half an hour later torpedo boats of the Israel Navy attacked the same vessel and hit it with a torpedo. Soon, during the attack by the torpedo boats, it became clear that the vessel thought to be an enemy ship, was a vessel named "Liberty", of the United States Navy. The attack was immediately broken-off, but most regrettably, only after, as transpired, loss of life and material damage had been caused.

In order to understand the chain of circumstances which lead to this unfortunate incident, a number of events which preceded it must be reviewed.

The incident occurred on the fourth day of the war. On that day the towns of Gaza and El-Arish, as well as the area extending to the Suez Canal were already in the hands of our forces. Although our command of the air was absolute, our forces were still conducting battles in Sinai and Naval operations were being carried out on the day of the incident. In the hours before noon, naval

engagements were taking place along the coast of Israel and an enemy submarine was believed to be sunk by the Naval Forces (note: there is no confirmation for this from intelligence sources). Before noon, between 1100 and 1200 hours, Navy H.Q. received reports from two separate sources, according to which El-Arish was being shelled from the sea. The Naval representative at Air Force H.Q. was ordered to check the credibility of the report. This officer got in touch with Air Force Operations Branch, and was told that the source of the report was the Air-Ground-Support Officer. Immediately thereafter he was informed by the Naval representative at G.H.Q. that the information about the shelling received by them originated from Southern Command. It is to be noted that the reports from Southern Command were also accompanied by information that two vessels had been observed approaching the coast.

At 1205 hours an order was given to three torpedo boats of the division at Ashdod to proceed in the direction of El-Arish. Reports about the shelling continued to reach G.H.Q./Operations, and pressure was exerted on the Naval representative, on the lines that "the coast has been shelled for hours, and you--the Navy--are not reacting." The Naval representative contacted Navy H.Q. and proposed an immediate action. He was informed that torpedo boats had been sent to the spot to locate the target, and it had also been agreed with the Naval representative at Air Force H.Q., that as soon as the torpedo boats located the target, aircraft would be dispatched. In the meantime, the commander of the torpedo boat division, who had already been proceeding in the direction ordered, was informed about the shelling of the El-Arish coast and he was ordered to establish radio contact with the aircraft as soon as they appeared over the target.

According to the division log-book, a target was located at 13.41 hours situated at a distance of about 20 miles north of El-Arish. The division was ordered "to close in and identify the target," and reported that the unidentified target was moving at a speed of 30 knots westwards--that is, in the direction of Port Said.

A few minutes later, the Division Commander reported that the target, now 17 miles from him, was moving at a speed of 28 knots, and since he could not overtake it, he requested the dispatch of aircraft towards it. The Division Commander also reported that the target had changed its navigational direction. A few minutes later, the Division Commander reported that the target, now 17 miles from him, was moving at a speed of 28 knots, and since he could not overtake it, he requested the dispatch of aircraft towards it. The Division Commander also reported that the target had changed its navigational direction.

As a result of the request of the Navy H.Q. through its representative with the Air Force, aircraft was dispatched to the target. The aircraft carried out a run over the ship in an attempt to identify it. According to their statements, they were looking for a flag, but found none; likewise no other

identification mark was observed. As against this, it was established that the painting of the ship was grey (the color of a warship), and two guns were situated in the bow. This was reported to H.Q.

On the assumption that they were facing an enemy target an order was given to the aircraft to attack. During the first stage of the attack the aircraft strafed the ship with cannon and machine guns, and during the second stage dropped bombs on it, which caused fires, and smoke was seen to rise from the ship.

The aircraft was ordered to leave the target, to allow the torpedo boats, which meanwhile had drawn near, to engage in attack, but during the last run a low flying aircraft observed the marking "CPR-5" on the hull of the ship.

Upon receipt of the information about the marking, so observed by the pilot, an order was transmitted to the torpedo boat division not to attack the ship, since its identification might not be correct.

The Division Commander was ordered to approach the ship in order to establish visual contact and to identify it. The order was carried out, and the Commander reported that the ship appeared to be a merchant or supply vessel. The Division Commander also signaled the ship and requested its identification, but the latter replied with a signal meaning "identify yourself first". Meanwhile the Division Commander was consulting and perusing a book on the identification of Arab Navies and making comparison with the target seen by him, he came to the conclusion that he was confronting an Egyptian Supply ship by the name of "El-Kasir". At the same time the commander of another torpedo boat of the division informed him that he also had identified the ship as the Egyptian "El-Kasir", and then at 14.36 hours the Division Commander authorized the division to attack with torpedoes. And in fact a torpedo was fired at the ship and hit it. Only at a later stage, when one of the torpedo boats approached the ship from the other side were the markings "CTR-5" noticed on the hull, and then the final order was given to break off the attack.

It is to be noted that throughout the contact no American or any other flag appeared on the ship, and it was only a helicopter, sent after the attack in order to render assistance--if necessary--which noticed a small American Flag flying over the target. At that stage the vessel was finally identified as an audio-surveillance ship of the U.S. Navy.

Although at no stage of the inquiry was any evidence brought on the results of the attack, it is reasonable to assume, in view of the testimony as to the nature of the hits, that loss of life, as well as material damage to the ship, was caused. Nevertheless, according to the evidence

presented to me, the ship succeeded in leaving the area of the incident under its own power, without requiring the assistance offered.

I have briefly described the incident, in consequence of which a plaint has been submitted to me by the Chief Military Prosecutor, in accordance with the instructions of the Military Advocate General, to hold a preliminary inquiry, since in his view offences had been committed which a military court is competent to try. But before I deal with the seven counts of the plaint, I must briefly describe a number of facts which help to explain the background of the plaint, and without which it cannot be understood.

On the day of the incident, at 04.10 hours, an aircraft with a naval observer on board, set out on an air reconnaissance mission, and reported, at approximately 06.00 hours, the location of a ship -- miles westward of Tel Aviv. The ship was later identified as a supply vessel of the American Navy. At about 09.00 hours an Israel aircraft flying over the sea, reported that some 20 miles north of El-Arish it had observed a warship which had opened fire on him when he tried to identify it. During the debriefing of the pilot at 09.40 hours, it appeared that the report about the firing was unfounded, and that the ship was "coloured grey, very bulky and the bridge amidships".

At 10.55 hours the Naval Liaison Officer at Air Force H.Q. reported to the Navy H.Q. that the ship about which he had reported earlier in the morning was an electromagnetic audio-surveillance ship of the U.S. Navy, named Liberty, whose marking was G.T.R.-5. At the same time the Acting Chief of Naval Operations was present at Navy H.Q.

Upon receiving the information from the reconnaissance aircraft about the location of the ship, as mentioned above, it was marked on the Combat Information Centre Table at Navy H.Q. At first the object was marked in red, meaning an unidentified target; afterwards, when the ship was identified as a supply vessel of the American Navy, it was marked in green, i.e. a neutral ship. At about 11.00 hours, after the Acting Chief of Naval Operations had received the report, as above stated, from the Liaison Officer at Air Force H.Q., and had understood, as he testified, that it referred to the target, the location of which was correct at 06.00 in the morning, he ordered its erasure from the table, since he had no information as to its location at the time of the report.

Accordingly, it is clear that from the moment when reports about the shelling of the coast of El-Arish were received, and of the commencement of activity at Navy H.Q. in order to confront a presumed enemy, and until the said incident with the ship "Liberty", the latter was not to be found on the Combat Information Centre Table at Navy H.Q.

Upon receipt of the reports about the shelling of the El-Arish coast the Acting Chief of Naval Operations called the Head of the Naval Department to the Command Bridge, and the latter took over the command on the bridge, ordered the dispatch of the torpedo boats and aircraft and their attack on the target.

At 14.20 hours O.C. Navy arrived at the Command Bridge and it was he who authorized the commander of the torpedo boat division to attack. At the first stage of activity, with the appearance of the Head of the Naval Department, there was present on the bridge the Acting Chief of Naval Operations (a duty which he took over at approximately 10.30 hours). At a later stage the Chief of Naval Operations returned to the Command Bridge.

The subject matter of the first two counts of the complaint is the failure to report the fact that the American ship "Liberty" was seen in the morning hours of the day of the incident, sailing in the vicinity of the Israel coast, under the first count--to the Head of the Naval Department, and under the second count--to the Air Force H.Q.

According to the third count of the complaint "the extent of the veracity and reliability of the reports on the shelling of El-Arish from the sea, which reached the Air Force, the Senior Naval representative at the Air Force and the Naval mission at G.H.Q., was not properly investigated." The fourth and fifth counts are alternative, and allege negligence, in that an order to attack a target thought to be an enemy target, was given without checking its national identity and without taking into account that the ship "Liberty" was observed in the morning hours of that day sailing in the vicinity of the Israel coast.

In the sixth count, the Chief Military Prosecutor charges that the order of the Naval Department not to attack the ship, suspected by the division of being an enemy ship, "for fear of error and out of uncertainty with regard to the true identity of that ship", was not delivered to the division.

Finally, in the seventh count, the Chief Military Prosecutor charges that "aircraft of the Air Force and torpedo boats attacked the American ship 'Liberty' on an unfounded assumption--resulting from failure to take reasonable steps properly to establish her identity--that she was an Egyptian warship".

To establish the complaint, the Chief Military Prosecutor called 34 witnesses and also produced to me 14 various exhibits. In his final submission the Chief Military Prosecutor argued that on the evidence, the commission of each of the offences, that appear in the complaint, can be attributed to various military personnel, whom he indicated by name, although the complaint itself does not mention the accused (see section 294(a) (2) of the Military Justice Law, 1955).

In an interim decision dated 5th July, 1967, I held that "it appears to me, prima facie, that offences of negligence may have been committed by the Acting Chief of Naval Operations, because he did not report to the Head of the Naval Department, that on the day of the incident the American ship 'Liberty' was observed proceeding in the vicinity of and along the Israel coast"; and "that he may have been negligent in that after being informed that the target, which was reported to be allegedly shelling the El-Arish coast was marked CTR-5, he did not inform the Head of the Naval Department and/or the O.C. Navy that a vessel with identical or similar marking had earlier been identified."

As a result of this decision of mine, the Acting Chief of Naval Operations appeared as accused and was represented by the Chief Military Defence Counsel. He called 3 witnesses, made a statement under oath and produced 5 exhibits.

Before dealing with each count of the plaint, I must observe that it is clear to me that it is not my function to determine, in any manner whatsoever, whether the ship "Liberty" acted properly at any stage prior to the incident or during the incident itself. My task is to decide whether any offence has been committed by any military personnel involved in this incident, i.e. as is stated in section 297 of the Military Justice Law, 1955, "to decide whether or not there is sufficient amount of prima facie evidence to justify the committal of the accused for trial". At the same time, since the subject matter of the plaint before me are offences of negligence, I will be unable to determine the reasonableness of the conduct of all those concerned in the matter without examining the conduct of the ship, against the background of the general situation, as was described to me.

As stated the incident occurred in the midst of war, very close to the coast where battles were still raging, and on the day of the incident--in the hours of the morning--an enemy submarine was even sunk by the Israel Navy. It was proved to me, beyond any shadow of a doubt, that the ship was hit in an area described as "the naval battles arena" in the event of a clash between the navies of Israel and Egypt. Although, when hit, the ship was outside territorial waters, it was testified to me that the area was declared by the Egyptian authorities as one dangerous to shipping, a declaration which presumably reached all vessels to be found in the vicinity. Moreover, the place of the incident does not serve as a recognized shipping lane. It was explained to me, likewise, that it is customary for warships to announce their approach to the shores of a foreign state, particularly in sensitive zones, which was not done in this case.

I shall now deal with the counts of the plaint.

The first complaint by the Chief Military Prosecutor is against the Acting Chief of Naval Operations, for not having drawn the attention of the Head of the Naval Department to the fact that in the hours of the morning, the ship "Liberty" was sailing in the vicinity of the Israel coast. This omission occurred in two stages: the first--prior to the attack of the aircraft, the second--after the aircraft reported the identification of the marking on the hull of the ship.

In view of the evidence of the Head of the Naval Department before me, that he did not know on the same day of the presence of the "Liberty" in the area, I thought at first that the Acting Chief of Naval Operations had not acted as a responsible officer should have acted. But during the evidence for the defence, the Officer of the Watch at Navy H.Q. testified that in the course of the fight with the submarine the Head of Naval Department was present on the Command Bridge. At the same time an American supply ship was marked in red on the Combat Information Centre Table, and during a momentary lull in the fight, the O.C. Navy, who was directing the fight, inquired into the import of the marking, and ordered it to be changed to green.

The Acting Chief of Naval Operations testified that he was an eye-witness of the said event, and concluded therefrom that the Head of the Naval Department knew about the presence of an American supply ship in the area, as had already been reported in the hours of the morning. This assumption seems to me to be reasonable under circumstances, and therefore I take the view that no negligence on his part has been proved, even *prima facie*. As regards the second stage--that is, the failure to draw the attention of the Head of the Naval Department to the fact that the marking, which the pilot had reported as being on the hull of the ship, was similar to the markings of the "Liberty"--it is my considered opinion, there was no reason for him to repeat this information to the Head of the Naval Department.

Witnesses related that the Naval Liaison Officer at the Air Force passed on to the Naval Command Bridge the report on the marking and its similarity to that of the "Liberty", and the officer with whom he spoke, repeated his words in a loud voice, so as they were heard by all present on the bridge, including the Head of the Naval Department and the Chief of Naval Operations. What reason, therefore, was there to draw the attention of the Head of the Naval Department to a fact which had been audibly announced by the said officer? Moreover, as I have already pointed out, the Acting Chief of Naval Operations had reasonably assumed that the facts of the presence of the "Liberty" in the area, was known to all concerned.

No one present, indeed, had connected this report with the target attacked, but I shall consider this question, when I deal with the reasonableness of the attack on the target, under the given circumstances.

As to the second count the Chief Military Prosecutor argued that it was the duty of the Naval Liaison Officer at the Air Force to report to the Air Force, where he represented his service, the information about the presence of the "Liberty" in the area, and not having done so, was negligent in the discharge of his duty.

This argument is unfounded. The responsibility for the Defence of Israel against enemy Naval actions rests solely with the Navy. It was made clear to me in this instance that the Air Force fulfilled merely an auxiliary function, while the responsibility for identification and attack lay upon the Navy. Even though Air Force H.Q. issued the order to the pilot to attack, it was really an order issued by the Navy, passed on through Air Force H.Q., and the responsibility for its issue falls upon whoever issued it at Naval H.Q.

The Naval Liaison Officer at the Air Force well knew, that the report on the "Liberty" was transmitted by him to Navy H.Q.; and he was entitled to assume, that whoever decided upon the attack, had done so after taking the above fact into consideration. What reason was there in feeding the Air Force with information and considerations which did not concern it?

It appears to me that it would be proper at this stage to deal with the sixth count, in which the Chief Military Prosecutor alleges that the Torpedo Boat Division Commander was not provided with the order of the Naval Department not to attack a ship, suspected by the former to be an enemy vessel, for fear of error and uncertainty as to its true identity.

In the operations log-book of the flag boat, carrying the Division Commander on board, it was recorded that at approximately 14.20 hours an order in the following terms was received from Naval Operations Branch: "Do not attack. It is possible that the aircraft have not identified correctly". A similar entry, made at the same time, is to be found in the war-diary of Naval Operations Branch, as an instruction transmitted to the Division.

When the entry was produced to the Division Commander, he claimed that no such message ever reached him. The deputy commander of the boat, through whom contact between Division Commander and Naval Operations Branch was maintained, testified that he received the message and passed it on to the Division Commander.

Although considerations of the credibility of witnesses should not be part of my functions, it appears to me that in the normal course of events as described, the message was passed on in the normal course of reporting to the bridge of the Division Commander. It is possible that the message escaped the awareness of the Division Commander in the heat of battle.



In any event, be the matter as it may, there is insufficient evidence before me, justifying the committal for trial of any accused person on these grounds, and accordingly I so decide.

The third count concerns, as had been said, the insufficient investigation of the veracity of the report on the shelling of El-Arish by the Naval Liaison Officer at the Air Force, who was ordered to do so by the Head of the Naval Department.

It is not disputed that the Liaison Officer clarified with Air Force H.Q. the source of the report concerning the shelling, and was told that the source of the information was the Air-Ground-Support Officer. Immediately thereafter he was informed by G.H.Q., that reports of the shelling were being received from Southern Command. The Chief Military Prosecutor argued that as soon as the Head of the Naval Department had cast doubts upon the correctness of the report, it was the duty of the Naval Liaison Officer at Air Force H.Q. to establish its correctness by contacting the original source of the report.

This argument does not recommend itself to me at all. We are concerned with reports in time of war coming through the usual report-channel, and it appears to me that a commander may assume that every such report received by him is correct, and treat it with utmost seriousness as long as the information is within the limits of reasonableness. Since otherwise, if one wishes to say that he is duty-bound to inquire into the correctness at the original source, one cannot rely upon reports at all, and it would be impossible in such circumstances to conduct any military operations whatsoever. The information itself was credible, and if the Head of the Naval Department cast doubt upon it, that was only because of previous reports which had been found incorrect, but not by reason of the improbability of the information.

As soon as the Naval Liaison Officer at Air Force H.Q. had established the source of the report reaching the Air Force, and had immediately confirmed its content from another source, i.e. Southern Command through G.H.Q., the correctness of the information was, in my opinion ascertained sufficiently, and in a reasonable manner.

Three counts remain to be dealt with--the fourth, the fifth and the seventh, of the plaint--which, so it seems to me, form one whole.

The Chief Military Prosecutor argued that it was negligence to give the order to attack a warship without previously establishing, beyond doubt, its national identity and without taking into account the presence of the American ship "Liberty" in the hours of the morning in the vicinity of the coast of Israel.

In summing-up the seventh count of the plaint, the Chief Military Prosecutor saw negligence in the giving of the order to the aircraft and torpedo boats to attack the ship upon an unfounded presumption that it was an Egyptian warship, and this as a consequence of not having taken reasonable steps to ascertain properly its identity. As parties to the negligence, the Chief Military Prosecutor joined the Head of Naval Operations (who fulfilled his functions during a certain period on that day), the Torpedo Boat Division Commander, and finally, although indirectly, the Naval Liaison Officer at Air Force H.Q.

It appears to me that the activity of our forces in the said incident, may be divided into three stages: the first stage, in which the order was given to Air Force planes to attack the target, and their attack; an intermediate stage, after the report of the aircraft about the marking of the attacked ship with the symbol "GTR-5"; the identification of the target as the ship "El-Kasir" and the attack of it with torpedoes.

In my opinion, on the evidence I have heard, there are five factors, as a result of which the assumption arose that the target was an enemy ship and should be attacked: the report on the shelling of the El-Arish coast for hours on end; the speed of the target, assessed by the torpedo boats as 28 to 30 knots; the course of the target towards Port Said; the report from the aircraft that the target was a warship and carried no naval or other identification marks; the location of the ship--close to a battle zone.

There is no doubt that the dominant factors were the speed and the course of the target. Most remarkably, it were two torpedo boats of the Division, which determined the speed, although it was proved to me beyond a shadow of a doubt, that no ship of the class of the "Liberty" is capable of developing a speed above 15 knots, this being the theoretical maximum speed limit.

The Chief Military Prosecutor in summing up his argument with respect to this stage of the incident, reiterated with emphasis that the root of the negligence of all parties lay in their disregard of the presence of the ship "Liberty" in the vicinity, and not connecting the target discovered by the torpedo boats with this ship.

It seems to me that those concerned were entitled to assume, that they had before them a correct report as to the speed of the target, within the usual limits of reasonable error of 10% to 15%, relying upon the existing means of determining the speed of the target.

The initial speed of the target, determined by the torpedo boats at 30 knots, and received with doubts, was verified within minutes and finally confirmed as a speed of 28 knots, as is customary at sea.

It was therefore the speed of the target, which led to the final and definite conclusion, that this was a military vessel, and thus there was no reason for surmising, in view of this datum that the target could possibly be the ship "Liberty". If we add to this the other factors mentioned above, their cumulative effect was to negate any presumption whatsoever as to a connection between the American supply ship, reported on that morning in another location, and the target discovered by the torpedo boats.

The Acting Chief of Naval Operations testified, that upon assuming his duties, he was not informed of the reports received at 09.40 hours at Navy H.Q. about the presence of a ship at a distance of 20 miles north of El-Arish, while the report of 10.55 hours related to the presence of the "Liberty" 70 miles west of Tel-Aviv in the early hours of the morning. I shall go further and say, that after hearing all the witnesses, it appears to me that even on the assumption that the presence of the "Liberty" as such, 20 miles north of El-Arish, was known to be concerned, that would not have altered the conclusion as to the nature of the target discovered by the torpedo boats, that it was an enemy warship, according to all the said data.

Since I am of the opinion that the assumption as to an enemy ship was reasonable, I have come to the conclusion, that the order given to the aircraft to attack was in the said circumstances, justified.

At the second stage of the activity of our forces, upon the receipt of the report of the pilot with regard to the marking discovered on the hull of the attacked ship, the order was given to cease the attack, and at a later stage the Division was ordered to draw near to the target and make a visual identification. During this stage the suspicion of the Acting Chief of Naval Operations was indeed aroused, that possibly the target attacked was not an enemy target, but at that moment it was the Head of the Naval Department who was directing the activity, at whose side was the Chief of Naval Operations, who had meanwhile returned to the Command Bridge. In the course of deliberations and attempts at identification at Navy H.Q., the O.C. Navy arrived at the Command Bridge, and he took over the command from the Head of the Naval Department.

The visual identification by the Division Commander on the spot was awaited at Navy H.Q., following, apparently, misgiving and the awareness of a possible camouflage of markings by an Egyptian ship. This identification was not delayed, and the Division Commander reported the certain identification of the vessel as an Egyptian transport ship named "El-Kasir". It is noteworthy that the identification of the target as the "El-Kasir" was made both by the Division Commander and the Commander of another torpedo boat, and on examining photographs of the two ships I am satisfied that a likeness exists between them, and that an error of identification is

possible especially having regard to the fact, that identification was made while the ship was clouded in smoke.

The Chief Military Prosecutor attacked this identification as unreasonable in view of the fact that it was clear to all those involved in the incident, that it was inconceivable for this auxiliary ship to shell the El-Arish coast, or for her ever to move at a speed of 30 or 28 knots. He also argued that its presence at the scene of the incident was without logic. The answer to this submission, as explained to me, was that those concerned were entitled, on the assumption that the coast was indeed shelled, to surmise that she formed, perhaps, part of the vessels engaged in the shelling of the shores which succeeded to get away from the area, which she lagged behind them. Or, as one of the witnesses contended, she had come to assist in the evacuation of Egyptian soldiers, straggling in the areas occupied by our forces.

There is no doubt to the fact, that the refusal of the "Liberty" to identify herself to the torpedo boats, largely contributed to the error of identification. The Division Commander testified that he signalled the "Liberty" after the aircraft attack and requested its identification, and was answered "identify yourself first". If the conduct of the captain of the "Liberty" can still be explained by the custom existing, as I have heard in maritime tradition, that a vessel belonging to a power does not identify itself first to a smaller vessel, then such conduct cannot be comprehended when the request for identification follows an aircraft attack. Such an event should have, in my opinion, made the captain realise, that he had been attacked because he was regarded as an enemy target.

In addition, I must add that the Division Commander gave evidence from the experience of the Navy in the Sinai War, that when the destroyer "Ibrahim El-Awal" was requested to identify itself by our vessels, she gave the same reply "identify yourself first". Likewise, the Division Commander and one of the torpedo boat commanders testified, that the target was reported to have opened fire upon one of the torpedo boats. Under those circumstances it seems, that the identification, in the third stage of the activity of our forces, as the "El-Kasir", was well within reason.

To sum up these last counts, my conclusion is that in all the circumstances of the case, the conduct of anyone of the naval officers concerned in this incident cannot be considered unreasonable, to an extent which justified committal for trial.

For all my regret that our forces were involved in an incident with a vessel of a friendly state, and its sad outcome, I ought to put the behavior of each of the officers, who had any connection with the incident, to the test of the conduct of reasonable officers during wartime operations, when the naval arm of the Israel Defense Forces was confronted with maritime forces superior in numbers,

and when all involved were conscious of the task before them--to protect the safety of Israel, to identify every enemy threatening from the sea, to attack it speedily and to destroy it. The criterion for reasonable conduct under these conditions may possibly differ from that in times of relative quiet. Indeed, whoever peruses the ample evidence presented to me, may conceivably draw some lesson regarding the relations between the two arms of the Israel Defense Forces, which were involved in the incident, and the operational procedures in times of war, particularly between the different branches of the Navy--but all this is certainly not within the scope of my inquiry. Yet I have not discovered any deviation from the standard of reasonable conduct which would justify the committal of anyone for trial. In view of what has been said above, I hold, that there is no sufficient amount of prima facie evidence, justifying committing anyone for trial.

Given the 13th day of Tamuz, 5727 (21.7.67) and read in the presence of the Chief Military Prosecutor--Rav-Saren Kedmi, the Chief Military Defence Counsel--Sgan-Aluf Tein, and the Acting Chief of Naval Operations.

Y. YERUSHALMI, Sgan-Aluf Examining Judge

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From The 1982 Israeli Defense Forces History Department Report

"Such an incident must be thoroughly investigated, that all the causes of the tragic encounter must be examined, conclusions drawn, and proper instructions issued which will prevent the occurrence of such an incident in the future."

SC No. 07445/67  
THE WHITE HOUSE  
- WASHINGTON -  
PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD  
July 18,1967  
The Israeli Attack on the USS Liberty

The Attack:

On the afternoon of June 8 (2:05 p.m., Israeli time), the USS Liberty while in international waters in the Eastern Mediterranean suffered an attack by Israeli aircraft and motor torpedo boats. When

attacked the Liberty was approximately 15.5 nautical miles north of Sinai and was traveling in a westerly direction at a speed of five knots.

The initial attack consisted of five or six strafing runs by jet aircraft and was followed twenty-four minutes later with an attack by three motor torpedo boats.

The attack was executed with complete surprise, remarkable efficiency, devastating accuracy and deeply tragic results.

Israel's explanation of the attack is summarized as follows:

- a. The attack was an "innocent mistake--no criminal negligence was involved."
- b. Israel's Navy and Air Force had received a number of reports that El Arish was being shelled from the sea. These reports were later determined to be erroneous but, at the time they were received, they were accepted at face value by Israeli Naval and Air Force headquarters.
- c. Israeli officers who knew the Liberty had been identified earlier the same day did not connect her with the unidentified ships said to be shelling El Arish (and apparently the fact that a U. S. flag vessel was in the area was not communicated to subordinate elements of the Israeli Defense Forces (IDF)).
- d. A second "mistaken report" -- that the Liberty was steaming at thirty knots--was received by the IDF. When the Liberty was identified on the morning of June 8, the IDF determined from Janes Fighting Ships that the Liberty's maximum speed was eighteen knots. The second "mistaken report" led to the conclusion that the earlier identification of the Liberty was erroneous and that the vessel allegedly traveling at thirty knots was an enemy ship.
- e. IDF standing orders provided that any ships in the area cruising at speeds above twenty knots may be brought under attack without further identification. Thus the air attack was launched.
- f. A third mistake" resulted in the execution of the second (motor torpedo boat) stage of the attack. This third error of the IDF was its mistaken identification of the Liberty as the Egyptian supply ship El Quseir.

g. Immediately following the air attack, serious doubts began to arise concerning the true identity of the ship, but these doubts were not communicated to the commanding officer of the motor torpedo boats before he launched the second stage of the attack.

h. Prior to launching the torpedo attack one of the Israeli boats sent an "A-A" signal (meaning "what is your identity?") to the Liberty. The Liberty, instead of identifying herself, responded with an "A-A" signal. Officers on the Israeli boats interpreted the return signal as an evasion and concluded that the vessel in question was Egyptian, whereupon the torpedos were launched.

i. The Liberty acted with lack of care by approaching excessively close to shore in an area which was a scene of war, without advising the Israeli authorities of its presence and without identifying itself elaborately. The Liberty tried to hide its presence and its identity both before it was discovered and after having been attacked.

#### Our Findings of Fact:

Based upon a thorough review of all information on the incident which has become available thus far, I wish to submit the following findings of fact:

a. At all times prior to, during, and following the attack, the Liberty was in international waters where she had every right to be. As a noncombatant neutral vessel she maintained the impartial attitude of neutrality at all times prior to the attack.

b. Prior to the attack no inquiry was made by the Israeli Government as to whether there were U.S. flag vessels in the general area of the Eastern Mediterranean adjoining Israel and the United Arab Republic.

c. The weather was clear and calm in the area at the time of attack and throughout the preceding hours of June . Visibility was excellent.

d. At all times prior to the attack the Liberty was flying her normal size American flag (five feet by eight feet) at the masthead. The flag was shot down during the air attack and was replaced by a second American flag (seven feet by thirteen feet) five minutes prior to the attack by motor torpedo boats. The Liberty did not endeavor to hide her identity or her presence in international waters at any time prior to or during the attack.

e. The Liberty's U.S. Navy distinguishing letters and number were printed clearly on her bow. The Liberty's number was painted clearly in English on her stern. (Egyptian naval ships such as the El Quseir, with which the Liberty was allegedly confused, carry their names in Arabic script.)

f. The ship's configuration and her standard markings were clearly sufficient for reconnaissance aircraft and waterborne vessels to identify her correctly as the noncombatant ship Liberty.

g. At the time she was attacked, the Liberty was making only five knots. Her maximum capability is eighteen knots, a fact which had been ascertained by IDF personnel when she was identified on the morning of June 8.

h. Prior to the torpedo attack the Liberty neither received nor dispatched an "A-A" signal. The Israeli claim that the Liberty transmitted an "A-A" signal prior to the torpedo attack is demonstrably false. The Liberty's signal light capability was totally destroyed in the air attack which occurred some twenty minutes before the torpedo boats appeared on the scene. Intermittently prior to the attack Liberty personnel observed a flashing light coming from the center boat. The first intelligible signal received by the Liberty was an offer of help following the torpedo attack.

i. The Liberty was reconnoitered by aircraft of unidentified nationality on three separate occasions prior to the attack--5 hours and 13 minutes before the attack, 3 hours and 7 minutes before the attack, and 2 hours and 37 minutes before the attack. Personnel on the Liberty, who observed and in some instances photographed the reconnaissance aircraft, were unable to identify them fully. Positive evidence concerning their nationality is still lacking, however, there are several grounds for assuming they were Israeli: (1) when the aircraft orbited the Liberty on three separate occasions the Arab-Israeli war was in its fourth day, the Egyptian Air Force had been substantially destroyed, and the Israeli Air Force was in effective control of the air space in the area; (2) [ ---- excised ----] received information from a reliable and sensitive Israeli source reporting that he had listened to IDF air-to-ground transmissions on the morning of June 8 indicating Israeli aircraft sighting of a vessel flying the U.S. flag; (3) in the course of advancing its explanation for the attack, the Israeli Government acknowledged that the Liberty had been identified by IDF officers early on the morning of June 8. 3. [ --- excised --- ] shortly after the torpedo attack, the Israelis began to have doubts as to the identity of the vessel and efforts were intensified to verify its identification. Ten minutes after the torpedo attack an Israeli ground controller still believed it to be Egyptian. Identification attempts continued, and forty-five minutes after the torpedo attack, helicopters were checking the masts, flag and bow number of the Liberty. By this time, there appears to have been no question in Israeli minds as to what had



happened. The weight of the evidence is that the Israeli attacking force originally believed their target was Egyptian.

#### Conclusions:

Based upon a thorough review of all information on the incident which has become available thus far, I wish to submit the following conclusions:

- a. The information thus far available does not reflect that the Israeli high command made a premeditated attack on a ship known to be American.
- b. The evidence at hand does not support the theory that the highest echelons of the Israeli Government were aware of the Liberty's true identity or of the fact that an attack on her was taking place. To disprove such a theory would necessitate a degree of access to Israeli personnel and information which in all likelihood can never be achieved.
- c. That the Liberty could have been mistaken for the Egyptian supply ship El Quseir is unbelievable. El Quseir has one-fourth the displacement of the Liberty, roughly half the beam, is 180 feet shorter, and is very differently configured. The Liberty's unusual antenna array and hull markings should have been visible to low-flying aircraft and torpedo boats. In the heat of battle the Liberty was able to identify one of the attacking torpedo boats as Israeli and to ascertain its hull number. In the same circumstances, trained Israeli naval personnel should have been able easily to see and identify the larger hull markings on the Liberty.
- d. The best interpretation from available facts is that there were gross and inexcusable failures in the command and control of subordinate Israeli naval and air elements. One element of the Israeli air force knew the location and identification of the Liberty around 9:00 a.m. and did not launch an attack. Yet, hours later, apparently a different IDF element made the decision to attack the same vessel that earlier flights had identified and refrained from attacking.
- e. There is no justification for the failure of the IDF--With the otherwise outstanding efficiency which it demonstrated in the course of the war--to ensure prompt alerting of all appropriate elements of the IDF of the fact that a U.S. ship was in the area. There was ample time to accomplish such alerting because the Liberty had been identified as a U.S. flag vessel five hours before the attack took place.

f. The unprovoked attack on the Liberty constitutes a flagrant act of gross negligence for which the Israeli Government should be held completely responsible, and the Israeli military personnel involved should be punished.

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Following is an official report to US Secretary of State Dean Rusk by the Legal Advisor to the Secretary of State who was asked to evaluate the Israeli excuse for the attack upon the USS Liberty.

As readers will see, the legal advisor finds the excuse wanting in nearly every detail. For political reasons, this report was withheld from the public until our government was forced to release it under the Freedom of Information Act.

=====  
The Salans Report  
DEPARTMENT OF STATE  
The Legal Adviser

September 21, 1967

TO: U -- The Under Secretary  
THROUGH: S/S  
FROM: L -- Carl F. Salans

SUBJECT: "The Liberty" -- Discrepancies Between Israeli Inquiry and U.S. Navy Inquiry --

#### INFORMATION MEMORANDUM

As you requested, we have compared the decision of the Israeli Judge, dated July 21, 1967, with the findings of the U.S. Navy Court of Inquiry, and the Clifford Report, concerning the Liberty incident.

The following discrepancies are noteworthy:

##### I. Speed and Direction of the "Liberty"

The Israeli report indicates that the torpedo boat Division Commander reported and reconfirmed the target's (Liberty's) speed at 28 to 30 knots and that it had changed its navigational direction shortly after 1341 hours.

The U.S. Navy inquiry established that the Liberty had been on a steady course at 5 knots from 1132 hours until the attack.

## II. Aircraft Surveillance

The Israeli report indicates that a ship was reported in the area by reconnaissance aircraft at 0600 and that another report was received of a contact between an Israeli aircraft and a surface vessel about 0900.

The Navy Court finding of facts, plus testimony of various members of the crew indicate reconnaissance overflights of the Liberty at 0515, 0850, 1030, 1056, 1126, 1145, 1220, and 1245.

## III. Identification by Israeli Aircraft

The Israeli report indicates that the fighter aircraft carried out a run over the ship in an effort to identify it.

The Navy Inquiry reports no such identification run. Commander McGonagle testified that he observed one aircraft of similar characteristics to those on earlier reconnaissance flights approximately five to six miles from the ship at an altitude of 7,000 feet. He did not see it approach the ship. Within a couple of minutes, a loud explosion was heard from the port side of the ship, apparently resulting from a rocket, launched by a second aircraft.

## IV. Identification by Torpedo Boats

The Israeli report indicates that the torpedo boats approached the Liberty in order to establish visual contact and to identify it, and that in addition, the Commander of the torpedo boats signalled the Liberty requesting its identification. The Liberty reportedly answered, "Identify yourself first," and opened fire on the torpedo boats.

Commander McGonagle's testimony indicated that the only signals from the torpedo boats were those made during the high-speed approach from a distance of approximately 2,000 yards and that it was not possible for the Liberty to read the signals because of the intermittent blocking of view by smoke and flames. No reply signal was sent. Immediately after the Liberty was struck by a torpedo, the torpedo boats stopped at a range of approximately 500 to 800 yards and one signaled by flashing light in English "Do you require assistance?" Commander McGonagle testified that he had no means to communicate with the boat by light but hoisted "CODE LIMA INDIA". ("I am not under command", i.e., not able to control movements of ship.)

## V. Flag and Identification Markings

The Israeli report indicates that the fighter aircraft which reportedly made an initial pass over the Liberty was looking for a flag but found none; likewise no other identification mark was observed. "...Throughout the contact no American or any other flag appeared on the ship...."

(Elsewhere the report had indicated that at 1055 the ship had been identified as the Liberty "whose marking was GTR-5.")

The Navy inquiry confirms by testimony of five members of the crew that they had personally observed the Ensign flying during the entire morning and up until the air attack. The Ensign was subsequently shot away during the air attack. Before the torpedo attack, a second Ensign was hoisted. The Navy report also found that "hull markings were clear and freshly painted."

The Clifford report noted that "the Liberty's U.S. Navy's distinguishing letters and number were painted clearly on her bow. The Liberty's name was clearly painted in English on her stern. The ship's configuration and her standard markings were clearly sufficient for reconnaissance aircraft and waterborne vessels to identify her correctly...." The report noted that at all times prior to the air attack the Liberty was flying her normal size American flag (5 ft. by 8 ft.) at the masthead. Five minutes prior to the attack by the torpedo boats, the Liberty put up a flag measuring 7 ft. by 13 ft. to replace the flag which had been shot down in the air attack.

#### VI. Identification of Ship as "El-Kasir"

The Israeli report indicates that shortly before the torpedo boat attack the torpedo boat Division Commander reported the certain identification of the vessel as an Egyptian transport ship named "El Kasir". Identification of the target was made both by the Division Commander and the commander of another torpedo boat. The Israeli Judge indicated in his decision that "on examining photographs of the two ships, I am satisfied that a likeness exists between them, and that an error of identification is possible, especially having regard to the fact, that identification was made while the ship was clouded in smoke."

The Clifford report noted "That the Liberty could have been mistaken for the Egyptian supply ship El Quseir is unbelievable. El Quseir has one-fourth the displacement of the Liberty, roughly one-half the beam, is 180 feet shorter, and is very differently configured. The Liberty's unusual antenna array and hull markings should have been visible to low-flying aircraft and torpedo boats. ...Trained Israeli naval personnel should have been able easily to see and identify the larger hull markings on the Liberty."

### Additional Observations Regarding Israeli Report

#### I. Speed of Liberty and "El Kasir" as Identification Factors

The Israeli report states that the initial speed of the target reported by the torpedo boat commander at 1341 hours as 30 knots was verified within minutes and confirmed as a speed of 28 knots. The report notes that it was the speed of the target which led to the final conclusion that there was no reason for surmising that the target could possibly be the Liberty.

The reported speed would have ruled out the "El Kasir" as the target, as well as the Liberty since the top speed of the "Kasir", published in Janes Fighting Ships, is in the range of 14 knots. The Liberty's top speed is 18 knots.

## II. Failure to Relate "Liberty" to Bombardment Capability

The Israeli report emphasizes that the attack originated with reports that the El Arish area was being shelled from the sea. The implication of such reports was obviously that a ship capable of such shelling was present in the immediate offshore area, i.e., within gun range of the shore.

It would be clear to any trained observer that the armament aboard the Liberty was incapable of shore bombardment. It appears nevertheless that neither the aircraft, torpedo boats, nor the command headquarters to which they presumably reported evaluated the ship's capability for shore bombardment.

## III. Time Sequence of Attacks

The Israeli report indicates that it had been agreed that as soon as the torpedo boats located the target, aircraft would be dispatched. At 1341 hours the torpedo boat located the target. "A few minutes later", the dispatch of aircraft was requested. The first air attack occurred at approximately 1400 hours.

Assuming "a few minutes later" would mean four or five minutes, the request for aircraft must have occurred about 1345. One may infer from the fact that within a period of approximately 15 minutes, the request was transmitted, received, a command decision made, aircraft dispatched, and the attack launched, that no significant time was expended in an effort to identify the ship from the air before the attack was launched.

## IV. Attack by Torpedo Boat After "Do Not Attack" Order

The Israeli report confirms that during the final attack by aircraft the marking "CPR-5" was noted on the hull and an order was transmitted to the torpedo boat division not to attack. The order was recorded in the log book of the flag boat at approximately 1420 hours. The torpedo boats nevertheless began their attack run at approximately 1428. The Division Commander later "claimed that no such message ever reached him." The Deputy Commander testified that "he received the message and passed it on to the Division Commander."

In addition to Israel's attack on the USS LIBERTY during the Six-Day-War, Israeli Defense Forces committed other violations of International law and acts which are considered War Crimes under the Geneva Convention.

"A Microfiche Discovery" Next to the Partition Plan and the 1947-48 war, the 1967 Arab-Israeli war was perhaps the most important ever in modern Middle East history, and my desire to learn everything I could about it led me to Donald Neff's definitive book, *Warriors for Jerusalem* (1988). the mountain of information he provides about the war includes a detailed account of the deliberate attack on the USS LIBERTY by Israeli war planes and torpedo boats on June 8th and a brief reference to the fact that, on the first day of the war, Israeli forces killed 14 Indian members of the UNEF and one Brazilian in Gaza. I had never heard about these incidents in Gaza and my search for information was rewarded when I discovered an article on microfiche from the June 16, 1967 issue of the *Toronto Globe and Mail*, which I quote as follows:

"Nicosia(CP) - Israeli attacks on the 1st. Sikh Light Infantry [which was part of the UNEF] cost the battalion more casualties than it suffered in its bloodiest engagement in the 1965 Indian-Pakistan war, Indian officers have charged.

A United Nations spokesman in New York said 14 Indians were killed and 16 were wounded. On the first day of the Israeli-Egyptian fighting, an Indian convoy was en route from Camp Rafah to Gaza flying the U.N. flag from each jeep and truck. The convoy met an Israeli tank column on the road. It pulled over to the side of the road and stopped to let the Israelis pass. The Israeli tanks went by. The fourth tank stopped, swivelled its turret on the convoy and opened fire from a range of a few feet. The Israeli tank rammed its gun through the windshield of an Indian jeep and decapitated the two men inside. When the Indians went to the assistance of their comrades they were mowed down by machine-gun fire. Another Israeli tank thrust its gun into a U.N. truck, lifted it up and smashed it down on the ground, killing or wounding the occupants. Meanwhile, in Gaza, Israeli tanks put six rounds into the U.N. headquarters which was flying the U.N. flag. One Indian officer said it was deliberate cold-blooded killing of unarmed U.N. soldiers... "Yesterday Israel offered to pay compensation, at the level customary in India, to families of Indian soldiers killed or wounded in the Gaza Strip on the first day of the war. However, an official announcement rejected the Indian charges that the casualties were caused by a deliberate attack on the Sikhs...In Cyprus there is mounting fury among members of the UNEF at what happened to the Sikhs, to the point where some officers say Israel should be expelled from the U.N."

I trust your readers will find this informative. Let us bear in mind that as we pay tribute to those 34 American sailors who were killed and the 171 who were wounded by Israel aboard the USS LIBERTY on June 8, 1967, we should also remember the innocent and unarmed representatives of the U.N. who were murdered or wounded by Israel three days earlier in the Gaza Strip on June 5, 1967. Gary D. Keenan, Vancouver, B.C. Canada (reproduced from the Washington Report on Middle East Affairs - July/August 1995, Pg.94. American Educational Trust, P.O.Box 53062, Washington, DC 20009 Phone: (202)939-6050 Fax:(202)232-6754 E-mail: wrmea@aol.com) (From The Washington Report on Middle East Affairs June/Jul1997 Reprinted with permission)

Anatomy of a 30-Year Investigation  
USS Liberty: Periscope Photography May Finally Reveal Truth  
By James M. Ennes, Jr.

The facts are well known. USS Liberty, an American intelligence collection ship operated by the U.S. Navy with 294 men aboard, was attacked by Israeli aircraft and motor torpedo boats in international waters in clear weather during the 1967 Six-Day War. Thirty-four men were killed and 171 wounded. The ship was so badly damaged it had to be sold for scrap.

Israel called the attack a "tragic accident," claiming the ship was mistaken for an ancient Egyptian horse carrier less than half her size. Survivors and many top U.S. officials dismiss the Israeli story as contrived, unbelievable and untrue.

Survivors cite numerous falsehoods in the Israeli account. For instance, Israel claims the attacking jets circled the ship three times looking for a flag and that no flag was flown. They say a cease-fire order was given even before the ship was hit by a torpedo and that no further shots were fired. They call it a very brief case of "friendly fire" that ended when they saw our flag. They say they offered help immediately after the torpedo explosion.

Not true! A large American flag was clearly displayed in a good breeze and the attacking pilots did not circle looking for it. The torpedomen continued firing for another 40 minutes after the torpedo explosion, even firing upon life rafts in the water. Their offer of help did not come until two hours after the torpedo explosion. Many other conflicts exist between the Israeli and American versions.

In fact, the Israeli assault on the Liberty remains the only major maritime event in American history that has not been investigated by the Congress. For comparison, the U.S. committed more



than 300 people and seven months to investigating the uncontested single hit by an Iraqi missile on USS Stark in the Arabian Gulf. Yet, even though 250 survivors of the Liberty say Israel is lying about the 75-minute attack on their ship, no member of Congress since Adlai Stevenson II has shown the slightest interest in finding the truth. When pressed, members of Congress generally tell their constituents -- as they have since 1967 -- that an investigation would be impossible because too much time has passed, and because Israel could not be compelled to testify.

**Submarine Photography Can Prove What Happened Moments after the attack,** several Liberty crewmen reported seeing a periscope very close to the ship. Then the periscope vanished as quickly as it had appeared. A few weeks later, Liberty survivor Joe Lentini was approached by another sailor in the cafeteria of Portsmouth Naval Hospital in Virginia. Lentini was in uniform and on crutches. His ship's name, "USS LIBERTY," was embroidered on his shoulder. "Were you there?" the sailor asked, seemingly astonished. When Lentini confirmed that he was, the man continued. "We were there," he said. "Our submarine. We saw the whole thing. We took pictures. Then we sent an officer back to the Pentagon to deliver them." Lentini was so stunned by this news that he neglected to get the man's name or the name of the submarine. When he looked for the man again later, he was nowhere to be found.

#### Further Confirmation

I asked my Liberty shipmate, then-Lieutenant Jim O'Connor, what he knew about a submarine operating near us. Jim's job in the Liberty would have made him among the most likely people to know such things. Before the attack I had seen him plotting what looked to me like a submarine track on a chart. Jim looked stunned. "I don't know how you learned about that," he said. "Yes, there was a submarine near us. If you ever quote me I'll swear you are lying." From then until he died 25 years later of Lou Gehrig's disease, Jim never mentioned the submarine again. When I asked him about it, he denied the earlier conversation.

During the next few years three other naval officers in key positions to know about such things all told me, "Yes, there was a submarine with you. There were three. They spent most of the war on the bottom, then they got out in a hurry."

Recently one of Liberty's intercept operators, Charles Rowley, told me that just before the attack he had intercepted a very strange, very short radio signal that he had forwarded to Washington. Instead of acknowledging his effort, Washington promptly ordered him to destroy any copies of that signal and to ignore any like it that he heard in the future. He felt he was being scolded for doing his job.

Rowley concluded that he had picked up a submarine signal and asked some other technicians about it. These men mentioned "Project Cyanide" but were unable or unwilling to say more. He concluded that "Cyanide" and the strange track on the chart all were associated with a compartmented submarine project to which only a very few people were privy. Most of those men died in the attack.

Frontlet 615: For the next several years, "Cyanide" and the mystery submarine remained elusive. One Liberty survivor mentioned a submarine to a free-lance reporter who wrote a book about it. Nearly everything he wrote was based on guesswork and was wrong. The book did nothing to advance the story.

Then in 1988 the Lyndon Johnson Library declassified and released an intriguing, highly sensitive document with the rare "Eyes Only" security caveat. This "Memorandum for the Record" dated 10 April 1967 reported a briefing of the "303 Committee" by General Ralph D. Steakley. Members present were Walt Rostow, Foy Kohler, Cyrus Vance and Admiral Rufus Taylor.

According to the memo, General Steakley "briefed the committee on a sensitive DOD project known as FRONTLET 615," which is identified in a handwritten note on the original memorandum as "submarine within U.A.R. waters."\* After considering alternatives, "the proposal was approved by the committee principals." This memorandum was filed in the LBJ Library's USS Liberty archive. Why there? Obviously it has something to do with the Liberty. Could this have been the submarine we have heard about since 1967?

Survivors filed further Freedom of Information Act requests with the Library, Navy, Department of Defense, National Security Council, National Security Agency, Central Intelligence Agency, Joint Chiefs of Staff and elsewhere seeking more information. We sent copies of the declassified memo to support our request. In every case we were told that there is no record within the government of Cyanide or Frontlet 615 or of any submarines operating near the Liberty in 1967. When we called General Steakley, he told us that his job for nine years with the Joint Chiefs of Staff was to win approval of such projects from the appropriate authorities. He was rarely involved in the projects themselves. He could remember nothing about Frontlet 615.

Breakthrough. In February 1997, we were contacted by a man who, like the first visitor in the cafeteria, told us, "I was there. We watched the attack through the periscope and took pictures." He added, "News reports said Liberty was under attack for only five minutes, but that attack lasted more than an hour."

This person identified himself as a relatively senior member of the crew of the submarine, but he was unwilling to give his name or to talk to us except through a third party, as he feared punishment for telling the story. He did, however, give us the name of the submarine: USS Amberjack SS522, a Guppy (snorkel)-equipped diesel boat built in 1945. He also told us that Amberjack's mission was reconnaissance within U.A.R. waters. Apparently Amberjack was the Frontlet 615 submarine. This source gained credibility when we obtained Amberjack's official ship's history from the Department of Defense. Amberjack was indeed in the area during the Six-Day War, just as he said.

Further searches of Navy-oriented Web sites on the Internet quickly turned up four more Amberjack crewmen from the "Med Cruise" of June 1967. Some of these were Amberjack's most senior enlisted men. All four of these men, contacted by telephone, readily told us that they were very close to USS Liberty when we came under attack. Amberjack was so close, they said, and the sound of gunfire, missiles and the torpedo explosion so loud, that some of the crew thought Amberjack was under depth charge attack.

These men, all career submariners and all fairly senior at the time, had not seen or talked to one another for many years. Yet they all told the same story. They were very close to or "almost directly under" Liberty when the ship came under attack. Amberjack was specially fitted for periscope photography and was fully capable of photographing the attack, they said, although none of these four was certain that pictures were taken.

All four men told us that Amberjack proceeded from the Gaza Strip to a brief stop at Souda Bay, Crete, where the ship was kept at anchorage and the crew was not allowed ashore. Next, Amberjack went to Malta, where she tied up near the Liberty. All four men told us that Amberjack was only one of five submarines in the Gaza Strip area. Others were USS Trutta SS421, USS Requin SS481, and French and Italian submarines. Any of those might also have photographed or recorded the attack.

Amberjack Skipper Denies Everything. Next we located Amberjack's 1967 skipper, August Hubal. By coincidence, Hubal was an Annapolis classmate of Liberty's Executive Officer, Phil Armstrong, who died in the attack. Hubal's room at the Naval Academy was directly across the hall from that of Liberty's Research Operations Department Head, David Lewis. Hubal knew both men well.

Now a retired Navy Captain, Hubal denies everything. Interviewed by telephone, he insists that his ship was nowhere near Liberty. Amberjack was at least 100 miles away, he says. When we told Captain Hubal that several senior members of his crew, including a periscope photographer,

have told us they were within sight of the attack, he shrugged that off. "They must be mistaken," he says, apparently still muffled by ancient security restrictions.

Why Is This Important? These stories matter because they can resolve at last the differences between Israeli and American versions of what happened.

For 30 years Israel and its supporters have denounced survivors as liars and anti-Semites for reporting what happened to their ship. Members of Congress are unwilling even to listen to their stories. These men seek justice.

Recent White House executive orders (EA12958) call for the declassification of virtually every record more than 30 years old. Amberjack photography and other such reports fall in that category. If the submarine photography can be found, it should show that the ship's flag was clearly visible to the attacking fighters and torpedo boats. Pictures also should show that the Israelis continued to fire from close range with the flag and other markings in clear view long after the torpedo explosion that they claim ended the attack. Pictures may reveal the methodical machine-gunning of Liberty's life rafts in the water. Other Amberjack records, reports and sound recordings should show the duration of the attack and other details denied by the attackers.

Liberty survivors will continue their quest for these records. We believe they exist and we think they can be found. With those files and photographs declassified, Israel never again will be able to pretend that the survivors of the Liberty attack are lying.

\*At that time Egypt was formally known as "The United Arab Republic."

"The USS Liberty: Dissenting History VS Official History"  
By John Borne, Ph.D., doctoral dissertation published June 1995

Excerpts from Introduction:

On June 8, 1967, the American naval intelligence ship USS LIBERTY was attacked by Israeli air and naval forces off the coast of Gaza.

Thirty-four crewmen were killed and 171 wounded. Beyond these two brief statements almost everything concerning this event is a matter of controversy.

The controversy arises because the crewmen of the ship believe that the attack was deliberate, and that the United States Government and the Israeli Government cooperated to hide this fact, with false and rigged investigations and with untrue official accounts.

The crewmen were ordered to keep silent on the matter, and as military men they had to obey. Fourteen years later, retired and no longer silenced, many of them formed the LIBERTY VETERANS ASSOCIATION to wage a campaign to tell their version of events, a dissenting history opposed to the official history. The most important of the crewmen in this campaign was Commander James Ennes, Jr., an officer of the ship. His book Assault on the Liberty presents the story of the attack as seen by the crewmen, and of the "coverup" which they believed had been organized to hide the truth about the attack.

The men have waged a remarkable campaign for attention and have gained the backing of important public figures and journalists. Their views are largely ignored by officials of the United States Government. The Israeli Government and its supporters, who at first also ignored them, have been forced to reply and have denounced the dissenting history presented by the LIBERTY men as false and untruthful.

This study will examine the controversy and insofar as possible judge the truth of the matter. There are six basic questions which will be considered:

- (1) What actually occurred during the attack?
- (2) Does the evidence we possess enable us to decide whether the attack was accidental or deliberate?
- (3) Why were the Sixth Fleet rescue flights recalled?

(4) When a government (or in this case, two governments, American and Israeli) attempt to present as truth the official history of an event, and to deny a dissenting history, what actions do they take? What are the mechanisms and methods used to maintain the official view and to prevent the issue from becoming controversial and a part of public debate?

(5) When a small group of citizens such as the LIBERTY men tries to reopen a "closed" question, and to force an issue into the realm of public debate, what methods and tactics do they use?

(6) What was the role of the press in either promoting or denigrating an official or a dissenting history, and in setting the terms of the debate?

#### SOME PROBLEMS IN DISSENTING HISTORY VERSUS OFFICIAL HISTORY.

An official history almost always represents, until challenged, a kind of consensus, based in part on its near-monopoly of the public agenda. The official history of events, if not entirely believed by all the public, is at least accepted as the probable truth in the absence of any serious reason to challenge the official view. The dominance of official history will usually last for a long time, for those who dissent have to organize, find resources, investigate issues, and try to present their own version of the past. When the dissenters do challenge the official consensus, this effort will take time, sometimes even several generations.

In this case, the dissent was crushed in earlier years because the dissenters were military men who could be forced into silence. In the last dozen years the LIBERTY men have been able to make their case publicly. Nevertheless we are considering events which have occurred over a generation. Because this argument extends over such a long period of time, we can best clarify the matter by giving a brief history of the controversy.

The account is made more complicated by the fact that there were three parties to the dispute: the United States government, the Israeli government, and the LIBERTY men. In reality, as we shall see, the dispute between the two governments was minimal and, despite a few indignant protests over the attack, the U.S. government largely agreed with the Israeli Government concerning the event. (There is one important and interesting exception to this general statement, as will be discussed.)

The issue, then, was largely between the LIBERTY men and the two governments. The controversy can best be described as occurring during three periods.

The first period was June and July 1967. During this time the crewmen were forcibly silenced and were unable to present their own version of the event. There were only two occasions when the crewmen managed to claim publicly that the attack was deliberate. Both protests by the crewmen were brief and barely noticed by the world at large. A few journalists did claim or suggest that the attack was intentional, but they were not in contact with the crewmen and in any event did not follow up on the story. In this first period the U.S. and Israeli governments were successful in establishing their official history, without any serious challenge. There were minor differences between the official histories as presented by the two governments, but they were of little importance.

In the second period, 1968-1980, the official consensus was generally accepted and the matter was largely forgotten. The very few protests against this consensus were scarcely noticed.

In the third period, 1980 to the present, the LIBERTY crewmen managed to present a dissenting history and for the first time force at least some degree of debate on the subject. This was largely due to Ennes and his book *Assault on the Liberty*, and to the energetic campaign which the crewmen waged to make the world hear their story. In these thirteen years the LIBERTY men have gained the support of important journalists and public figures and have managed to make their version of history known to at least a part of the American public.

There are two secondary questions which should be noted for the sake of clarity, since there are frequent references to these topics in the discussion of the LIBERTY. Neither of the questions can be answered with certainty, and neither are crucial to the basic questions with which we are concerned.

First, there is the unsettled question as to whether or not the Israeli government asked the American Embassy in Tel Aviv, before the attack on the LIBERTY, if there were any American ships in the area. This question is much more complicated than might be supposed, and there is much evidence on both sides of the issue. Interestingly, this is a dispute entirely between the U.S. government and the Israeli government. The LIBERTY men have no way of knowing the facts in this matter, and they merely note the argument between their two opponents.

Secondly, there is the matter of the submarine which had made a rendezvous with the LIBERTY on June 7, 1967, and which was submerged nearby when the attack began. There are frequent references in accounts and documents to this (or possibly another) submarine and much speculation on its mission, but not enough evidence to give any definite answers on the subject.

In describing the charges and countercharges we should use the term "controversy" rather than "debate". Debate implies too neat and civil an argument, with statements and rebuttals. We are dealing here with a dispute in which the upholders of official history refuse to dignify as equal opponents those who present a dissenting history. The charges of the LIBERTY men are if possible ignored, or not seriously considered. The LIBERTY men, however, with everything to gain from open debate and with the confidence that truth is on their side, have made a point of dealing with every argument made by their opponents.

In the first two time periods of this long controversy, 1967 to 1980, the documents and arguments were provided by the U.S. and Israeli governments, while the crewmen had little opportunity to make their case. In the period since 1980 the crewmen, assuming the great burden of promoting their dissenting history against the prevailing consensus, have written and spoken at length while their opponents have presented their case more briefly. In each instance I have attempted to give a balanced view of the dispute.

There is one final point to be considered in taking an overview of this controversy: the logic and consistency of the positions held by the contending opponents. The crewmen have been remarkably consistent and assured in presenting their views. The views they hold in 1992 are those they held in 1967, allowing only for the additional information concerning details of events which they have managed to uncover in that quarter century. Their arguments are coherent and detailed. The one exception relates to the events in Grafton, Wisconsin, which will be described in a chapter of this dissertation. Here, I feel, they engage in some rather uneasy rationalizations to justify the fact that a memorial library in their honor was financed by two wealthy men of right wing views.

The U.S. government, as represented by the bureaucracy, has also been consistent in the sense that it has stood by the Naval Court Summary of 1967 as the final word on the matter, and has refused to debate the matter further.

The Israelis and their American supporters have been far less consistent. Their accounts of the attack vary greatly, and the LIBERTY men have exploited these differing accounts to the greatest degree possible. Just why the Israeli explanations vary so greatly is itself an interesting question which I will consider in the concluding chapter.



## Analysis of ATTACK ON THE LIBERTY

Broadcast by Thames Television

Rex Bloomstein, Producer/Director

by Joseph L. Meadors

Past President USS LIBERTY VETERANS ASSOCIATION

USS LIBERTY survivors interviewed:

- 1) Lloyd Painter (Officer of the Deck during attack)
- 2) James M. Ennes, Jr. (Officer of the Deck morning of 8 June 1967)
- 3) George Golden (Engineering Officer)
- 4) Phil Tourney (Petty Officer)
- 5) Dr. Richard Kiepfer (Medical Officer)
- 6) Stan White (Senior Chief Petty Officer)
- 7) Joseph Lentini (Petty Officer)
- 8) John Hrankowski (Petty Officer)
- 9) Wayne Smith (Chief Petty Officer)
- 10) John Scott (Damage Control Officer)

Israeli personnel interviewed:

- 1) Unidentified Former Flight Engineer (Israeli Air Force)
- 2) Pinchas Pincasy (Former Naval Liaison Officer with Israeli Air Force)
- 3) Avraham Lunz (Former Duty Officer Naval HQ, Haifa)
- 4) Issy Rahav (Former Israeli Chief of Naval Operations)
- 5) Moshe Oren (Former Commander of Torpedo Boat Flotilla)
- 6) General Yeshayahu Bareket (Former Head of Israeli Air Force Intelligence)
- 7) Aharon Yifrach (Former Torpedo Boat Communications Officer)
- 8) Colonel Shmuel Kislev (Former Head of Israeli Air Force Operations)
- 9) Admiral Shlomo Erel (Former Head of Israeli Navy)

### ANALYSIS

The Israelis repeatedly asserted that there was no flag flying on the LIBERTY.

The anonymous "Former Flight Engineer" stated there was "no flag on the ship."

General Yeshayahu Bareket, Former Head of Israeli Air Force Intelligence, stated, "There was no flag on the ship. The question was asked and repeated and repeated again and again. Are you sure you can't see any flag are you sure you can't see any kind of identification. And all the words came back - no."

Chief Petty Officer Melvin Smith was the USS LIBERTY's leading enlisted cryptologist. Chief Smith, and the radio intercept operators under his command, overheard the Israeli pilots reporting back to their base that we were flying an American flag.

Narrator: "Here in Tel Aviv the Air Force, which apparently had not been told that the Liberty had been recognized, was becoming concerned about reports from its own pilots of an unidentified spy ship."

The Report of the Israeli 1967 Preliminary Inquiry (the Yerushalmi Report 1/67 dated July 21, 1967) states: "At 1055 hours the Naval Liaison Officer at Air Force H.Q. reported to the Navy H.Q. that the ship about which he had reported earlier in the morning was an electromagnetic audio-surveillance ship of the U.S. Navy, named Liberty, whose marking was GTR-5. At the same time the Acting Chief of Naval Operations was present at Navy H.Q."

According to the documentary, the Air Force had not been notified that the Liberty had been recognized, while the Report of the Israeli inquiry states that it is the Air Force who reported the identification of the Liberty to the Navy.

General Yeshayahu Bareket was emphatic that he contacted the American Embassy before the attack to find out if there were any US Navy ships in the area.

At the time this claim was first made (immediately after the attack) it caused great consternation in the US State Department and was the subject of several messages including AMEB Tel Aviv serial 4178 JUN 67, USDAO Tel Aviv 161945Z JUN 67, and AMEMB Tel Aviv 162000Z which said flatly: "No request for info on U.S. ships operating off Sinai was made until after Liberty incident. Had Israelis made such an inquiry, it would have been forwarded immediately to the Chief of Naval Operations and other high naval commands and repeated to the Department (of State)."

Avraham Lunz (Former Duty Officer Naval HQ, Haifa): "I got on duty in the morning about 8:00. The situation was very calm. I had some old information. One of them was about an AGI, Intelligence Gathering Ship, American Type, in the southern part of the area. The information was quite old. It was dated 6 hours this morning. At around 11:00, checking the situation and

knowing that no ship would stay on its place, and five hours old information was quite old, we took it off without knowing where it went."

Admiral Shlomo Erel (Former Head of Israeli Navy): "The description of the Liberty sailing innocently in broad daylight is all so very picturesque but this wasn't the case. This was the heart of fighting, with aircraft flying overhead all the time in the heart of a war area."

Admiral Erel would have you believe that aircraft were flying all over the place, yet none of them reported seeing the Liberty between the hours of 6:00 and 11:00.

Issy Rahav, Former Chief of Naval Operations, ordered the dispatch of three Motor Torpedo Boats from Ashdod "at about 1200." He ordered them to "sail and see whether they can see anything in the area."

Moshe Oren, Former Commander of the Motor Torpedo Boat Flotilla, stated that "we were actually ordered to find this ship that is bombarding the shore, our forces, and destroy it. That was the order."

The Yerushalmi Report: "At 1205 hours an order was given to three torpedo boats of the division at Ashdod to proceed in the direction of El-Arish. Reports about the shelling continued to reach G.H.Q./Operations, and pressure was exerted on the Naval representative, on the lines that 'the coast has been shelled for hours, and you - the Navy - are not reacting.' The Naval representative contacted Navy H.Q. and proposed an immediate action. He was informed that torpedo boats had been sent to the spot to locate the target, and it had also been agreed with the Naval representative at Air Force H.Q. that as soon as the torpedo boats locate the target, aircraft would be dispatched."

In 1982, The Israel Defense Forces History Department Research and Instruction Branch issued a report on the USS LIBERTY incident. On page 10 of that report, it states

"Division 914 ('Pagoda' on the radio code), under the command of Commander Moshe Oren, consisted at that time of three torpedo boats - T203, T204 and T206; the flagship was T204, with the Division commander aboard. The Division had left Ashdod Port at 1120 hours, with the task of patrolling between Ashdod and Ashkelon." (emphasis added) Elsewhere, "Division 914 continued on her way to El-Arish and after an hour's sailing (at 1317 hours) she was informed (by Naval Operations/3) of the shelling from the sea, of El-Arish."

Aharon Yifrach, Former Torpedo Boat Communications Officer, located the LIBERTY on radar at a range of 22 miles "about an hour later" (this would be about 1300 hours) and plotted the contact travelling at 30 knots. He stated the contact "was running away west at high speed, we cannot achieve it, our high speed was slower, and we asked for support of aircraft."

The Yerushalmi Report:

"According to the division log-book, a target was located at 1341 hours situated at a distance of about 20 miles north of El-Arish." Not 1300 hours as stated by Yifrach.

The Israel Defense Forces History Department Report:

"At 1341 hours, the Division detected the target on its radar - 20 miles northwest of El-Arish and 14 miles off the coast of Bardawil. The officer at the CIC on the flagship, Ensign Yifrach Aharon (sic), reported that the target had been detected at a range of 22 miles, that the target had been tracked for a few minutes, after which he had determined that the target was moving westward at a speed of 30 knots."

The torpedo boats were sent from Ashdod at 1200 hours. "About an hour later" they had the Liberty on radar at a distance of 22 miles traveling at 30 knots "in a westerly direction" which, according to Yifrach, was faster than the fastest speed the torpedo boats could attain. At this time the Liberty was 77 miles from Ashdod which means that in order to have the ship on radar from 22 miles away, the torpedo boats (with a maximum speed of less than 30 knots) would have to travel the 55 miles in one hour. This is impossible.

Radar is line of sight (Radar waves do not follow the curvature of the Earth). As a result, the maximum range of the Torpedo Boat's radar is 12-15 miles. They did not come close enough to detect the Liberty on radar until 1400 hours, and by that time the attack was already underway.

o Aharon Yifrach, "I reported to headquarters in Haifa that we found the target, it's running away west at very high speed, we cannot achieve it, our high speed was slower, and we asked for support of aircraft."

The Yerushalmi Report:

"(The Naval representative) was informed that torpedo boats had been sent to the spot to locate the target, and it had also been agreed with the Naval representative at Air Force H.Q. that as soon as the torpedo boats locate the target, aircraft would be dispatched."

#### The Israel Defense Forces History Department Report:

"The Division Commander (Moshe Oren) was told to listen to the air-sea-liaison radio channel (86 and 186) and that IAF planes would be dispatched to the area after the target had been detected by the Division."

Aharon Yifrach asserts that the aircraft were dispatched because the torpedo boats reported that the contact was traveling at 30 knots and the boats were not capable of achieving that speed. The two other reports contradict this.

Colonel Shmuel Kislev states the pilots were told there was only one ship in the area and, if they determined that the ship was "the warship that had been shelling the shore of El Arish," they were permitted to attack. During one of the strafing runs one of the pilots reported that there was no flag flying. After that report, the aircraft were ordered to halt the attack.

#### The Yerushalmi Report:

"The aircraft carried out a run over the ship in an attempt to identify it. According to their statements, they were looking for a flag but found none; likewise no other identification mark was observed. As against this, it was established that the painting of the ship was grey (the color of a warship), and two guns were situated in the bow. This was reported to H.Q. On the assumption that they were facing an enemy target an order was given to the aircraft to attack."

Note that the Yerushalmi Report states that the pilots were ordered to attack after they indicated they saw no flag flying, but the pilots did not report seeing no flag until the last strafing run (with napalm).

#### The Israel Defense Forces History Department Report:

"The two 'Mirage' aircraft reached the ship at approximately 1400 hours. The formation leader, Captain Spector, descended to a height of 3,000 feet and circled the vessel twice; his number two executed one identification run. These runs revealed to the pilots that the ship was not an Israeli vessel since she did not have the identifying markings (a white cross on a red background). The ship was colored battleship grey, had a foremast, one smokestack and two guns on her bow. No flag or other identifying sign was discerned. The formation leader reported this to the torpedo boats and Control and then the aircraft received permission to attack." Elsewhere, "The lack of response from the ship raised suspicions in the mind of the formation leader and he decided to descend for an identification run. In this first run he discerned letters on the ship's bow but did not succeed in reading them clearly although the marking looked like p-30. In order to be sure the pilot descended for a second, slower identification run at a height of about 30 meters and then

he was able to discern the letters CTR-5 ('Charley', 'Tango', 'Romeo') and reported this to control. Although he searched for a flag or other identification marking, he detected nothing."

Note that in the documentary, the pilot reported seeing CTR-5 during the last strafing attack (even going to the extreme of providing "transcripts" of the pilot's conversation). This is contradicted by the Israeli Defense Forces History Department Report which states that the pilot reported seeing CTR-5 when he made two special identification runs over the ship.

The pilot's conversations were "recreated from transcripts."

Why was the conversation of the pilots recreated from the transcripts instead of using the tapes themselves?

Two Torpedo Boat commanders, simultaneously and independently, identified the Liberty as the El Quseir.

In a September 21, 1967 memo from Carl F. Salans, The Legal Advisor in the United States Department of State, to the Undersecretary of State, Mr. Salans writes:

"The Clifford report noted 'That the Liberty could have been mistaken for the Egyptian supply ship El-Quseir is unbelievable. El-Quseir has one-fourth the displacement of the Liberty, roughly one-half the beam, is 180 feet shorter, and is very differently configured. The Liberty's unusual antenna array and hull markings should have been visible to low-flying aircraft and torpedo boats. ...Trained Israeli naval personnel should have been able easily to see and identify the larger hull markings on the Liberty.'

"The Israeli report states that the initial speed of the target reported by the torpedo boat commander at 1341 hours as 30 knots was verified within minutes and confirmed as a speed of 28 knots. The report notes that it was the speed of the target which led to the final conclusion that there was no reason for surmising that the target could possibly be the Liberty.

"The reported speed would have ruled out the "El Kasir" as the target, as well as the Liberty, since the top speed of the El Kasir, published in Janes Fighting Ships, is in the range of 14 knots. The Liberty's top speed is 18 knots."

Commander Ernest Castle, US Military Attache in Tel Aviv at the time of the attack states that if the Israelis really wanted to sink the Liberty they would have attacked at night and, since they recently wiped out the Egyptian military with such ease, they would have had no problem sinking the ship.

Would the Israelis have waited until night to attack the Liberty? Would the Israelis have waited until the Liberty had spent the entire afternoon spying on them?

Instead of waiting for night, wouldn't they have jammed her radios? They did.

Instead of waiting for night, wouldn't they have sent in fast attack jets to destroy her antennas and wipe out her defensive capabilities? They did.

Instead of waiting for night, wouldn't they have brought in torpedo boats to sink the ship? They did.

Instead of waiting for night, wouldn't they have those torpedo boats machine gun the Liberty's life rafts to insure there were no survivors? They did.

## SUMMARY

According to the 1982 Israeli Defense Force History Department Report, "such an incident must be thoroughly investigated, that all the causes of the tragic encounter must be examined, conclusions drawn, and proper instructions issued which will prevent the occurrence of such an incident in the future."

The questions raised by the Thames Documentary add support to this argument. A complete investigation by the US Government is long overdue.

JERUSALEM(AP): A soldier kills a prisoner after forcing him to dig his own grave. Two army cooks stab to death three captives. A commander orders his men to shoot at close range two enemy soldiers whose hands are up. Asked who might be capable of such war crimes, just about everyone in Israel would have pointed to a foreign army - until this month, when accounts surfaced of the killings of Arab prisoners and civilians by Israeli soldiers in at least three Middle East wars.

The dimensions of any atrocities remain unclear. But the disclosures so far have shaken this country of citizen-soldiers who are raised in the belief that they hold the high moral ground on the battlefield with the Arabs. Painful questions have emerged: Why were the atrocities kept secret for so long? How much did Israel's leaders know? Why were war criminals not punished? Should and could they be prosecuted now?

Some warn the soul-searching will undermine national morale; former Defense Minister Ariel Sharon spoke of an "act of national suicide." Others say the peace process requires Israel to a more honest look at its past.

Egypt, the first Arab nation to make peace with Israel, has demanded an accounting of Egyptian POW's killed while in Israeli hands. Israel's army is preparing a report for Cairo to prevent a further strain in relations. "We always had this rear that we weren't really strong and that we mustn't talk about our weakness. But now Israel is more sure of itself, more mature," said historian Benny Morris.

The army itself--which has remained silent in the controversy--set in motion the disclosures when it opened its archives to researchers some two years ago, Morris said. One outcome was a book about the 1956 Mideast war, including descriptions of prisoner killings. News of the book led retired Gen. Arye Biro to admit this month that he killed 49 Egyptian captives in the Sinai Desert.

Several veterans then said they witnessed killings of prisoners by Israeli soldiers in 1956 and 1967. Another book by a former colonel and published by the Defense Ministry said soldiers executed dozens of Palestinian civilians in 1948. One historian said that in 1967 alone, some 1,000 Egyptians were shot dead after surrender. More disclosures are likely. Biro has threatened to name accomplices if he is made a scapegoat, and others may level charges to settle political scores. Morris said the stage was set for such killings in the 1948 war, in which no Israeli soldier was punished for war crimes because then-Prime Minister David Ben-Gurion felt it would weaken the army's fighting spirit.



Michael Bar-Zohar, a former legislator who served as spokesman for then-Defense Minister Moshe Dayan after the 1967 war, recalled that his boss only grudgingly addressed the issue. Israel's military censor also silenced any attempt to report the prisoner killings, said Israeli journalist Uri Avneri. He said his last unsuccessful attempt to do so was in 1990.

Military historian Meir Pail said the army preferred to deal with the matter internally and that he knew of three or four soldiers who went to prison for war crimes. One reason for secrecy was the fear that reports of Israeli atrocities would provide a pretext for enemy troops to kill Israeli captives. But some Israeli veterans said the mutual hatred was so great no pretext was needed. The attorney general has said he would check whether he can prosecute. However, Israel has no war crimes law and murder charges can only be filed for up to 20 years after a killing. Author Zeev Hefetz, a former government spokesman, said Israel might open itself up to criticism if it didn't prosecute. "we have a problem because we have been militantly and correctly demanding justice for Nazi war criminals. **It's a little bit late to argue now that it was 40 years ago, let's forget it," Hefetz said.**

New York Times, Thursday, September 21, 1995 (front page - bottom)  
"Egypt Says Israelis Killed P.O.W.'s in '67 War."  
By Youssef M. Ibrahim

CAIRO, Sept 20 -- Egypt said today that it had discovered two mass graves in the Sinai containing the remains of Egyptian prisoners of war and unarmed civilians shot by Israeli soldiers during the 1967 war.

The discovery, near El Arish, is likely to generate further pressure on President Hosni Mubarak and feed public opinion against Israel. The Egyptian government has been accused by opposition groups of not pushing for a serious investigation after initial revelations last month because of Egypt's eagerness to please Israel and the United States.

The charges first came to prominence when a retired Israeli brigadier general, Arie Bihor, said in interviews that in October 1956, he and another officer killed 49 Egyptian prisoners of war in the Sinai Desert. At the same time, an Israeli historian said that as many as 300 unarmed Egyptians were killed in both the 1967 war and in the war of 1956. Those reports led to other allegations and revelations. Since last month, opposition parties and newspapers in Egypt have questioned why the Government did not pursue the charges vigorously until Israelis raised the issue. The discovery of the two graves, one near a former Egyptian air base about three miles

from El Arish and the other about 18 miles from town, was describes today in the Government-owned newspaper Al Ahara. The paper said the two shallow graves held the remains of at least 30 and possibly 60 people. It quoted several Bedouins in the regions as saying they had witnessed the killing of Egyptian soldiers after their surrender on June 6 and June 7, 1967, and had helped to bury them. The papers said an expedition organized by reporters had uncovered the two graves with the help of an Egyptian guide who had served as a sergeant during the 1967 war. The former sergeant, Abdelsalam Moussa, said he had helped to bury some victims in one grave. The newspaper showed pictures of one grave that it said contained the remains of 30 people. Mr. Moussa, now 55, said he had been ordered to bury some of his comrades by Israeli soldiers who took him prisoner.

The 1967 was a major military triumph by Israel over Egypt, Syria and Jordan, during which Israel occupied the Golan Heights, the West Bank, the Gaza strip and the Sinai Desert. It was not clear why Mr. Moussa did not come forward earlier, but the Egyptian Government has discouraged delving into such issues since it recovered Sinai from Israel in the early 1980's. "I was a line of prisoners, civilians and military, and they opened fire at them all at once," Mr. Moussa was quoted as saying. "when they were dead, they told us to bury them:" Al Ahram also quoted a Bedouin, Suleman Moghnem Saleme, who said he saw Israeli kill about 30 Egyptian soldiers and officers after they surrendered, leaving them for the Bedouins to bury. Although the allegations initially led to widespread introspection in Israel, the issue has largely died down there, and Israel, which has a 20-year statute of limitations, decided not to pursue the charges, which further inflamed segments of the Egyptian public.

While the killing of unarmed Egyptians could pose serious problems for relations between Egypt and Israel, the first two countries to sign an Arab-Israeli peace treaty, there have been few indications of a crisis. But Shimon Peres, the Israeli Foreign Minister, has refused to agree to Cairo as the site for current talks with Palestinians over self-rule in the West Bank. The talks are continuing in Taba, Egypt, on the Gulf of Aquaba, because Mr. Peres said going to Cairo would mean he would have to answer questions about the graves.

President Mubarak has called for an investigation In Israel and punishment of those responsible. Israel responded by sending Elli Dayan, a Deputy Foreign Minister, to discuss the matter. During his visit here, he offered compensation to the families of the victims but noted Israel's 20-year statue of limitations. In the last month, both left-wing and right-wing parties in Egypt have demanded a suspension of diplomatic ties with Israel until a full investigation is conducted. Rose el-Youssef, Egypt's most widely read weekly, condemned the Egyptian Ambassador to Israel, Mohammed Bassiouni, who has served in the post for more than 12 years, for deliberately overlooking the issue.

Accusing him of unpatriotic behavior and of becoming servile to Israel, the weekly called for his dismissal. After the revelations last month, Mr. Bassiouni demanded an explanation from Israel, but he also emphasized that the incident would not affect the peace pact that Egypt signed with Israel in 1979. The Israeli Ambassador to Cairo, David Sultan, asked to be relieved of his post after Al Shaab, a daily with strong Muslim fundamentalist views, said he was personally responsible for the killing of 100 Egyptian prisoners of war in 1967. The Israeli Embassy and Foreign Ministry have vehemently denied the charge, and Israeli officials have been unclear on when or whether Mr. Sultan served in the military. The Israeli Foreign Ministry is looking for a new ambassador, and in the meantime, Egyptian security officials have discreetly but significantly increased the protection of Israeli diplomats here.

On Tuesday night, even before today's report in Al Ahram the main television channel devoted a substantial part of a popular program, "The Talk of the City," to the issue. In the program, the host rides around Cairo in a car, stopping to interview people on the streets. Nearly everyone he spoke to demanded further investigations into the matter. Some said peace does not mean all is forgotten. Others went further, insisting that Israelis found guilty of killing unarmed war prisoners should be put on trial and jailed.

NY Times, Editorial (editorial page), Friday, 22 Sept, 1995  
"Graves and Questions in the Sinai"

Israel and Egypt must not try to finesse the discovery of two mass graves in the Sinai. Cairo says they contain the remains of Egyptians prisoners of war and unarmed civilians executed by Israel during the 1967 war.

Whatever happened in the desert nearly 30 years ago, even if no longer prosecutable under Israeli law, should be investigated by Israel and a public accounting should be made. Allegations of unproved killing first appeared last month when a retired Israeli General, Arie Bihor, admitted he had killed Egyptian prisoners in the 1956 conflict with Egypt. Then the current Israeli Housing Minister, Binyamin Ben-Eliezer, was accused of participating in the execution of civilians and prisoners of war in 1967. Mr. Ben-Eliezer denied the charge and matter was not pursued by the Government. Cairo, too, initially shrank from looking into the allegations, fearing it might offend both Israel and the United States. Now, after discovery of the mass graves, Egypt's President, Hosni Mubarak, has asked Israel to investigate and punish those responsible.

Some political parties in Egypt have demanded suspension of diplomatic ties with Israel. The Egyptian Ambassador to Tel Aviv, Mohammed Bassiouni, has been criticized for failing to pursue the issue. Mr. Bassiouni, who eventually demanded an explanation from Israel, has wisely said the incident would not affect the peace treaty between the two countries. But Israel should not take Mr. Bassiouni's restraint as a signal it can let the matter drop. An Israeli offer of compensation to the families of the victims is laudable, but not sufficient. Both Egyptian and Israeli deserve a full explanation.

In many countries where military misconduct has occurred, it has become common practice to appoint commissions to discover the truth of such incidents. Only a full inquiry and public airing of the facts can heal old wounds like these. In this case, witnesses are prepared to offer their accounts of what happened and bodies can be recovered from the graves for examination by forensic experts. Israel should not delay. Its relationship with Cairo, and its own sense of honor, are too valuable to squander, whether or not the statute of limitations has expired. Describing the allegations as "Pandora's Box," Mr. Ben-Eliezer said, "The less we talk about this, the better." He could not be more wrong.

Washington Times, 7 October 1995 by Siona Jenkins (The Washington Times)

CAIRO -- Egyptians, stunned by reports that unarmed Egyptian prisoners were massacred in Sinai during wars with Israel in 1956 and 1967, are demanding answers from their own government about why the incidents were never investigated. Despite Cairo's efforts to quiet the controversy during negotiations leading to the Sept. 28 Israeli-Palestinian agreement in Washington, the revelations also threaten to place a new chill on the "cold" peace between Israel and Egypt.

"Egyptians are ... angry at their own government for not having taken action, or pressed for compensation," said Saad Eddin Ibrahim, a sociology professor at American University in Cairo.

"Only now after a delayed reaction are we seeing statements from the president and foreign minister." The killings came to light in August when the former colonel of an Israeli parachute unit, Auschwitz survivor Aryeh Biro, admitted to having killed 49 unarmed Egyptian prisoners of war in Sinai during the 1956 war.

An Israeli historian then published allegations that an elite commando unit had killed more than 300 Egyptian prisoners in the Six Day War of 1967. Egyptians have reacted angrily. Opposition papers have called for the severing of diplomatic relations between the two countries, and more than 200 prominent citizens, including former generals have formed a national committee to seek justice for the murdered men. Adding to the furor, the press has published harrowing eyewitness

accounts of Israeli atrocities against Egyptians, and last month the semiofficial Al-Ahram newspaper claimed to have found two mass graves containing the remains of POW's killed by Israelis in Sinai.

President Hosni Mubarak conceded in an interview with the New York Times that he had not wanted the issue to jeopardize the recently concluded Israeli-PLO peace negotiations, although he added that he had asked Israel to conduct an investigation into the allegations as soon as possible. But public opinion is forcing the government into stronger actions, and a senior Ministry of Justice official recently announced the government was compiling evidence that may be used in a lawsuit against the Israeli government.

For its part, the Israeli government has admitted that some Egyptians were killed by its army but says there is no independent confirmation of the alleged 1967 killings. **It also maintains that those responsible cannot be prosecuted because of a 20-year statute of limitations. This stance has infuriated Egyptians, who point out that Israel does not recognize a statute of limitations for Nazi war criminals.** "It is very hard for us to understand why Israel, which leads the world in getting compensation for atrocities against its own people, should behave this way," said Salama Ahmed Salama, managing editor of Al-Ahram. Egyptian lawyers also say Israel's statute of limitations applies only to local criminal law, not to war crimes, which are tried under international law.

Analysts say the affair has heightened the already strong ambivalence of Egyptians toward Israel. Although the two countries signed the Camp David Accords back in 1979, many intellectuals and politicians still oppose then normalization of relations between the two countries.