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NC/N3/mpw
Ser 0001-68
5 JAN 1968

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second and third endorsements thereto

SIXTH ENDORSEMENT on ltr of Rear Admiral Isaac C. KIDD, USN,
111645/1100 of 18 June 1967

From: Commander, Naval Communications Command
To: Chief of Naval Operations

Subj: Record of Proceedings, Court of Inquiry to inquire
into the circumstances surrounding the armed attack
on USS LIBERTY (AGTR-5) on 8 June 1967

Réf: (b) SECNAV Memo to SECDEF ser 006874 of 4 December 1967 NOTAL

1. Forwarded.

2. Concur in those findings of fact pertaining to communications
less finding number 40. Subsequent investigation has indicated
that FBIS messages did not contribute to message delays.

3. Reference is made to the Judge Advocate General third endorsement
to the basic correspondence.

a. Do not concur in the estimated cost to effect repairs as
indicated in paragraph 4. Reference (b) sets the cost of restoring
LIBERTY, including its previous electronic configuration, at \$9.6
million.

b. Concur in that portion entitled, "Messages of 7 and 8 June
Ordering Changes of LIBERTY Operations."

4. Commander, Naval Communications Command, together with Director,
Defense Communications Agency, and other interested commands and
agencies is taking action to improve doctrine, procedures, installations
and equipment in order to reduce delays and permit rapid flow of
important messages during crisis situations.

Robert H. Weeks

ROBERT H. WEEKS

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1 JUL 1967

FIFTH ENDORSEMENT on Subject Record

From: Commander, Naval Ship Systems Command
To: Chief of Naval Operations
Via: Commander, Naval Communications Command

Subj: Record of Proceedings, Court of Inquiry to inquire into
the circumstances surrounding the armed attack on USS LIBERTY
(AGTR-5) on 8 June 1967

1. Forwarded.
2. Examination of the subject record of proceedings does not reveal any evidence of material design deficiencies that contributed adversely to the events leading up to the attack or during the control of damage that followed.
3. The cost to restore USS LIBERTY (AGTR-5) to the configuration that existed prior to the attack is shown in Appendix E to the Third Endorsement.

F. C. Jones

F. C. Jones

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FOURTH ENDORSEMENT on subject record

From: Chief of Naval Personnel
To: Chief of Naval Operations
Via: (1) Commander, Naval Ship Systems Command
(2) Commander, Naval Communications Command

Subj: Record of Proceedings, Court of Inquiry to inquire into the
circumstances surrounding the armed attack on USS LIBERTY
(AGTR-5) on 8 June 1967

1. Forwarded.

2. The subject record of proceedings disclosed that the USS LIBERTY, while engaged in peaceful operations in international waters of the Eastern Mediterranean, was subjected to an entirely unprovoked and unexpected armed attack by Israeli aircraft and motor torpedo boats. The attack resulted in 34 deaths and 171 injuries to personnel on board LIBERTY, and an estimated cost in excess of five million dollars to effect repairs of damage to the ship and equipment.

3. The Judge Advocate General commented that "the Israeli Government has admitted that this was a tragic accident and has agreed to make amends." Also the Judge Advocate General opined that the 34 deaths were not due to the intent, fault or negligence of anyone in the U.S. Naval Service, and that all injuries of personnel embarked in LIBERTY which resulted from the armed attack were sustained in-line-of-duty and not due to misconduct.

4. No one was designated a party to this inquiry. No disciplinary action was recommended, and none is contemplated by the Chief of Naval Personnel.

GEO. E. FORD

GEO. E. FORD

By direction

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enclosure & basic correspondence) Ser: 00010

THIRD ENDORSEMENT on subject record

8 NOV 1967

From: Judge Advocate General
To: Chief of Naval Operations
Via: (1) Chief of Naval Personnel
(2) Commander, Naval Ship Systems Command
(3) Commander, Naval Communications Command
Subj: Record of Proceedings, Court of Inquiry to inquire into the
circumstances surrounding the armed attack on USS LIBERTY
(AGTR-5) on 8 June 1967

Encl: (1) Summary of Events

1. Forwarded for information, for such action and comment as may be deemed appropriate, and for return.
2. The letter of the Commander in Chief, U. S. Atlantic Fleet of 6 September 1967 is considered the Second Endorsement.
3. Enclosure (1) has been prepared and attached to the record to aid in the review. The communications aspect of enclosure (1) has been prepared with the assistance of representatives of the Commander, Naval Communications Command. Not included with enclosure (1) but available for review, if desired, in the Office of the Judge Advocate General, are copies of the Certificates of Death (NAVMED N) for each deceased and those copies of the treatment records of injured personnel furnished by the Chief, Bureau of Medicine and Surgery.
4. The Court of Inquiry was charged with the task of investigating the armed attack of Israeli air and sea forces upon USS LIBERTY in the Eastern Mediterranean on 8 June 1967 which resulted in 34 deaths and 171 injuries to personnel embarked in USS LIBERTY. Of the number injured, 63 did not involve a loss of time from duty and as of 21 September 1967 all but 10 of the total injured have been returned to a full duty status. The cost to effect repairs of damage to the ship and equipment is estimated at \$5,612,160.00.
5. 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

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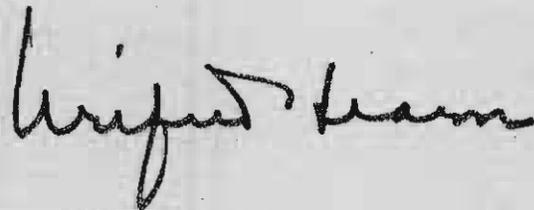
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torpedo boats was entirely unprovoked and unexpected. It has been determined that the Israeli Government has admitted that this was a tragic accident and has agreed to make amends. The State Department is currently preparing to claim compensation from the Israeli Government for damages resulting from the attack both on behalf of the U. S. Government and private individuals concerned.

6. The Judge Advocate General is of the opinion that the 34 deaths resulting from this incident were not due to the intent, fault or negligence of anyone in the U. S. Naval Service and that all injuries of personnel embarked in USS LIBERTY which resulted from the armed attack were sustained in-line-of-duty and not due to misconduct.
7. To expedite review of the record, a copy of the testimony of the medical officer which is unclassified has been extracted and forwarded by separate correspondence to the Chief, Bureau of Medicine and Surgery for information and such action and comment as may be deemed appropriate direct to the Chief of Naval Operations, with a copy to the Judge Advocate General, to constitute the BuMed action on the record.
8. The proceedings in this Court of Inquiry have been conducted in substantial compliance with the requirements of the Manual of the Judge Advocate General and are therefore legal.



WILFRED HEARN

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SUMMARY OF EVENTS

On 10 June 1967 Admiral John S. McCain, Jr., USN, Commander in Chief, U. S. Naval Forces, Europe, ordered a Court of Inquiry to inquire into the circumstances surrounding the armed attack on USS LIBERTY (AGTR-5) on 8 June 1967. The Court consisted of Rear Admiral Isaac C. Kidd, Jr., USN, President, and the additional members Captain Bernard J. Lauff, USN, and Captain Bert M. Atkinson, Jr., USN. Captain Ward Boston, Jr., and Lieutenant Commander Allen Feingersch, USN, were designated to serve as counsel and assistant counsel for the Court respectively.

The Court was directed to inquire into all the pertinent facts and circumstances leading to and connected with the armed attack; damage resulting therefrom; and deaths of and injuries to naval personnel. The Court was directed to submit its findings of fact.

Pursuant to the direction of the convening authority, the Court conducted its proceedings in closed session. The Court met for the first time at 2314, 10 June 1967. Before the Court closed on 16 June 1967 in order to deliberate and prepare its findings of fact it had taken the testimony of 19 witnesses and received as exhibits 49 separate offers.

Enclosure (1) to JAG End. JAG:131.1DBB:as
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It has been determined that a separate ad hoc factfinding team with Major General Joseph R. Russ, USA, as head, was appointed by the Joint Chiefs of Staff to examine the circumstances relating to the command and control and communications actions and procedures associated with the events during the period 1-8 June 1967 which culminated in the attack on USS LIBERTY, 8 June 1967. The factfinding team was directed to ascertain the adequacy of the command and control and communications arrangements involved in the operational control of USS LIBERTY and accomplishment of her mission, to include:

- a. The manner in which command and control of LIBERTY was being exercised.
- b. The normal system for exercising command and control versus that which was in effect at the time of the incident, if different.
- c. The specific orders issued to LIBERTY between 1-8 June and the orders to which LIBERTY responded during the same period.
- d. Circumstances attending any conflicting directives, inordinate delays in the receipt of messages or other proper orders, or their non-receipt.

This team was directed to report its findings together with recommendations, as appropriate, to the Joint Chiefs of Staff. The

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findings and recommendations of this JCS factfinding team are not included in this summary.

It has also been determined that a preliminary inquiry into this incident has also been conducted within the Israeli Government. The findings of this inquiry were forwarded by the U. S. Defense Attache Office, Tel Aviv, Israel on 14 August 1967 to the Chief of Naval Operations. The findings of the Israeli preliminary inquiry are not included in this summary. It is to be noted, however, that the report does reflect that USS LIBERTY was identified by Israeli Defense Forces as a U. S. Navy vessel earlier on the day of the attack and that the lack of knowledge of this identification on the part of the immediate commanders of the attacking Israeli air and sea forces led to the tragic incident.

SUPPLEMENTAL MATERIAL

Attached to this summary as Appendices A through E are the following documents to insure completeness of the record:

1. CINCUSNAVEUR msg dtg 231620Z of June 67 to USCINCEUR (C) (Appendix A)
2. EXASST to CNO memo, OP-002:tr, OP-00 memo 000365-67 of 7 Jul 67 w/4 encls; subj: USS LIBERTY Court of Inquiry; addenda to (TS) (Appendix B)

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3. List of deceased personnel from USS LIBERTY with copies of Certificate of Death NAVMED N (Rev 4-58) for each deceased (U) (Appendix C)
4. List of all injured personnel from USS LIBERTY with diagnosis and prognosis and copies of treatment record (U) (Appendix D)
5. Copy of ltr of Commander NavShipSysCom, AGTR-5 Ser. 527-1450 of 1 Sept 67 concerning estimated cost of repairs to USS LIBERTY (U) (Appendix E)

LIBERTY OPERATIONS 24 May 1967 - 8 June 1967

LIBERTY, under the command of Commander William L. McGonagle, U. S. Navy, 494464/1100, departed ABIDJAN, Ivory Coast, at 0530 Z, 24 May 1967 pursuant to orders from Commander, Service Squadron Eight (COMSERVRON EIGHT msg dtg 0240020Z, May 1967) which directed LIBERTY to proceed to ROTA Spain at best possible speed of advance (SOA). OPCON was to be shifted from CINCLANTFLT to USCINCEUR upon LIBERTY passing the sea buoy inbound to ROTA on 31 May 1967; upon assuming OPCON, USCINCEUR was requested to make preparations for the extended deployment of LIBERTY in the Eastern Mediterranean in accordance with a schedule to be passed ASAP (JCS msg dtg 291602Z, May 1967).

LIBERTY's operating schedule was set forth in JCS message dtg 011545Z, June 1967, which in pertinent part ordered LIBERTY to

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(1) depart ROTA Spain on 2 June, (2) during the period 2-8 June, proceed enroute via Gibraltar Strait to a position 32-00N, 33-00E via the northern African coastal route with 13 nautical miles as the closest point of approach (CPA) to the UAR, and (3) during the period 9-30 June, conduct operations south of 32-00N and between 33-00E and 34-00E. While conducting these operations, the CPA to the UAR and Israel were to be 12.5 and 6.5 nautical miles respectively.

LIBERTY message dtg 010712Z of June 1967 advised its ETA in ROTA as 010845Z and that it would chop to CINCUSNAVEUR at 010901Z without report. In CINCUSNAVEUR message dtg 020717Z, June 1967, LIBERTY was directed when RFS 2 June, to depart ROTA and proceed in accordance with the JCS directed operating schedule. LIBERTY advised CINCUSNAVEUR that departure from ROTA would be at 021230Z and that she would proceed at best speed in accordance with the operating schedule (LIBERTY msg dtg 011305Z June 67). By message dtg 022108Z June 1967, to CINCUSNAVEUR, LIBERTY announced its departure from ROTA at 021230Z and that its ETA on station was 080300Z. LIBERTY sitreps on 3 and 4 June reported the following: (1) LIBERTY message dtg 032028Z reported an 032400Z

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position of 37-10N1 004-03E7, PIM (Point of intended movement) coastal easterly of 15 knots, (2) LIBERTY message dtg 042050 Z June 1967 reported an 042400Z position of 37-22N4 011-15E8, PIM 12-16 until 050130Z thence 106/15. These two messages were received at the U. S. Communications Station, Morocco but there was no evidence that the Communications Station refiled these messages into common user channels for onward delivery. LIBERTY message dtg 051934Z June 1967 reported an 052400 Z position of 35-20N 19-11E, PIM of 106/115, and that LIBERTY had assumed condition readiness three-modified. Condition readiness three-modified meant that LIBERTY had her normal steaming watch on deck, plus one man standing by the forward gun mounts. LIBERTY carried two pedestal mounted .50 cal. Browning Machine Guns on her fore-castle and identical mounts on either side of the deck-house aft of the bridge. Under "modified condition three", bridge lookouts would man the two after guns until the crew manned general quarters. By its message dtg 062036Z, LIBERTY stated it would be reporting to the OPCON of COMSIXTHFLT at 070001Z, and further advised that its armament consisted of four .50 caliber machine guns. COMSIXTHFLT directed LIBERTY to conduct operations as previously directed but

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advised LIBERTY that in view of the then present Arab/Israeli situation and the unpredictability of the UAR actions, to maintain a high state of vigilance against attack or threat of attack and to advise if the local situation dictated a change in the area of operations (COMSIXTHFLT msg dtg 062349Z June 1967). In its message dtg 070908Z LIBERTY reported on 070800Z position of 33-06N 28-54E PIM 109/16.5 until 072300Z, thence stationary within 30 nautical miles of 31-45N 33-30E. The final sitrep of LIBERTY reported an 080800Z position of 31-45N 33-30E PIM within 30 nautical miles of the above position. (LIBERTY msg dtg 080800Z). This reported operating area was within the operating areas set forth in JCS message dtg 011545Z -- the latest guidance received by LIBERTY prior to the attack.

The following three messages which modified LIBERTY's area of operation were not received by the ship prior to the attack: (1) JCS message dtg 072230Z, (2) JCS message dtg 080110Z, and (3) COM SIXTHFLT message dtg 080917Z. The facts relating to the non-delivery of these three messages as indicated in the Court of Inquiry are summarized hereafter.

LIBERTY OPERATIONS on 8 June 1967 (All Times are BRAVO)

The projected operations of LIBERTY on the morning and afternoon of 8 June were to proceed to a point 13 nautical miles from the UAR

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Coast at 31-27.2N 34-00E (Point Alfa) thence to 31-22.3N 33-42E (Point Bravo), thence to 31-31N 33-00E (Point Charlie) retracing this track until new orders were received. If fixes could not be obtained accurately as Point Charlie was approached, it was intended to head due north until the 100 fathom curve was crossed and the track moved to the north to more or less move back and forth on the general average of the 100 fathom curve. The normal steaming speed was to be five knots. Normal steaming colors were flown and there was no intention to steam at darken ship. At 0754 LIBERTY was steaming on a course of 130°T at a speed of 10 knots. At 0849, LIBERTY passed through Point ALFA and changed course to 253°T. At 0905, speed was decreased to 5 knots. Point Bravo was passed at 1132 and the ship's course was changed to 283°T.

OVERFLIGHTS OF LIBERTY ON 8 June 1967 PRIOR TO THE ATTACK

There were a number of overflights of LIBERTY by unidentified aircraft prior to the attack on 8 June 1967. The first overflight occurred at 0515 -- after sunrise. Although no markings or insignia were seen, this aircraft was noted to have a double fuselage -- looking somewhat "like an old P-38 or a small flying boxcar" (Record, p. 60).

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This plane circled about three or four times off the port beam and then took off in a true direction toward Tel Aviv. At 0850 a single jet crossed astern of the ship at a distance of approximately three to five miles. This aircraft circled the ship from starboard to port and returned to the mainland in the direction of the UAR. A "locating two" message was transmitted on this sighting -- LIBERTY message dtg 080742Z. At about 1030, a flight of two unidentified jet aircraft orbited the ship three times at about 10,000 feet and at a distance of approximately two miles. At about 1056 an aircraft similar to an American flying boxcar crossed astern of the ship at a distance of about three to five miles. This plane circled the ship around the starboard side, proceeded forward of the ship and headed back toward the Sinai Peninsula. Overflights by aircraft similar in configuration to the American "flying boxcar" (C-119) occurred at about 1145, 1220 and 1245. During the 1145 and 1245 flights the ensign was specifically noted to be flying from the foremast, and, due to a slight breeze, was extended. It has been determined that the NORD 2501 of which the Israeli Government has 34, is a twin fuselage plane similar in appearance to the American "flying boxcar".

AIR ATTACK ON LIBERTY

At 1132, LIBERTY passed Point Bravo and changed course to 283° T. At 1348 the ship secured from general quarters drill. At

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1351, while on a course of 283°T, three small surface contacts at a range of 32,200 yards and a bearing of 082°T were picked up on LIBERTY radar. This contact was reported to the bridge. The Commanding Officer, Executive Officer and the Officer of the Deck were on the bridge at the time. At 1353 radar reported possible aircraft passing over the surface contacts. At 1358 a single aircraft was sighted approaching the ship from 135° relative at an altitude of approximately 7,000 and at a distance of approximately 5-6 miles from the ship. This aircraft was noticed to have similar if not identical characteristics to the jet aircraft which had orbited the ship at 1030. LIBERTY received no communications from this aircraft nor did it attempt to transmit any to the aircraft. The Commanding Officer directed the Officer of the Deck to call the forward gun mounts stating he believed the aircraft were going to attack. The Officer of the Deck tried unsuccessfully three times to raise the forward mounts. One aircraft passed down track of the ship, and at about 1403 there was a loud explosion -- portside amidship. Prior to the attack, at about 1400, the Commanding Officer personally sighted the minaret at El Arish at a bearing of 142° from the ship and range determined from radar of 25.5 miles. Prior to the air attack there was no fire directed from LIBERTY at any of the aircraft. Immediately following the

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explosion, the Commanding Officer ordered general quarters and signalled all ahead flank on the engine order telegraph. Between 1405 and 1410 LIBERTY was under repeated air attack with two or more aircraft making between 6-8 coordinated strafing, rocket and incendiary runs over the ship. The attacks were made in a criss-cross fashion over the ship with each attack coming at approximately 45-second to one-minute intervals. These attacks caused three major fires topside covering large areas of the ship with flames and smoke. Two 55 gallon gasoline drums on the portside 01 level and a motor whaleboat on the starboard side on the 02 level aft of the bridge were set ablaze. In addition, the public address system, the 21 MC and most sound-powered phone circuits were severed or destroyed during the first of the attack. While the air attack was in progress and despite a severe leg injury from shrapnel, the Commanding Officer obtained a camera from the safe on the bridge and commenced photographing the attacking aircraft and later the motor torpedo boats engaged in the strafing and torpedo attack.

SURFACE ATTACK ON LIBERTY

During the latter moments of the air attack three motor torpedo boats (MTB's) were noted to be approaching the ship from the northeast

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on a relative bearing of approximately 135° at a distance of about 15 miles. LIBERTY was on a course of 283° T at a speed in excess of five knots. The boats were in wedge formation, 150-200 yards apart, with the center boat the lead point of the wedge. Their speed was estimated at 27-30 knots. Since they appeared to be coming in a torpedo launch attitude, the Commanding Officer directed mount 51 to take the boats under fire. He also noticed that the normal steaming ensign had been shot away during the air attack and ordered a second ensign to be hoisted from the yardarm. A holiday size ensign was hoisted on the port yardarm. It has been determined that the size of this flag was 7 x 13 feet. The Commanding Officer alerted the crew to standby for a torpedo attack from the starboard side. LIBERTY continued on a course of 283° T at maximum speed. At about 1428 when the boats were approximately 2,000 yards from LIBERTY, there appeared to be signalling from the center boat. It also appeared to the Commanding Officer that this boat was flying an Israeli flag. Because of the intermittent blocking of the view by smoke and flames, it was not possible to read the signals of the boat and no signals were transmitted from LIBERTY due to the fact that the starboard searchlight had been destroyed in the air attack. In view of the possibility

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that the attacking aircraft were Israeli and the attack was conducted in error, the Commanding Officer yelled to mount 51 to hold fire. However the order was apparently not received and at about 1431, mount 51 fired a short burst at the boats. As soon as mount 51 opened fire, mount 53 began firing at the center boat. Mount 53's fire was described as extremely effective and blanketing the area and the center torpedo boat. Simultaneous with the firing from mounts 51 and 53, the MTB's commenced strafing the starboard side of LIBERTY. The flames from the burning whaleboat made it impossible to approach mount 53 from the starboard wing. The Commanding Officer ordered Ensign Lucas around the portside of the bridge to get machine gun 53 to cease fire. Simultaneously the Commanding Officer passed the word to standby for a torpedo attack. Ensign Lucas returned and stated he saw no one at mount 53. At 1434 a torpedo passed 75 yards astern of LIBERTY. At 1435 a torpedo struck the starboard side of LIBERTY amidship. The torpedo hit caused no major fires but the blast caused a loss of electrical power throughout the ship, and a 9° starboard list. The explosion caused the ship to come dead in the water with all power and steering control lost. Engines and boilers were secured at 1436. The torpedo struck the research coordination center. These spaces flooded instantly. The condition of the remains recovered from this space indicated that death was instantaneous.

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ACTIVITIES OF MOTOR TORPEDO BOATS AFTER ATTACK

Immediately after the ship was struck by a torpedo, the MTB's stopped dead in the water and milled around astern at a distance of approximately 5-800 feet from LIBERTY. One of the MTB's was seen to have a hull number of 206-17. One of the boats started signalling the ship. Code Lima India signifying that the ship was not under command was hoisted by LIBERTY. Using a hand-held Aldis lamp, LIBERTY signalled "U. S. Naval Ship". The MTB then sent in English "Do you need help?" followed by "Do you want us to standby?" The LIBERTY reply to both inquiries was in the negative. The MTB then came up to the portside and flashed "Good Luck" and returned astern to join the other two boats. At about 1505 the MTB's retired towards shore to a range of about five miles. At about 1507 a helicopter bearing the Star of David approached LIBERTY from the portside and hovered at a distance of about 500 yards. A second helicopter approached the ship at 1508. The markings on these helicopters were 04 and 08 or D4 and D8 respectively. Passes were made around and over the ship but they were not observed to pick up bodies, persons or debris. At 1536, the MTB's which had departed again headed towards the ship at high speed. The order to standby for torpedoes was again given. No attacks occurred and the MTB's departed. Between 1536 and 1710

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the MTB's returned to the ship several times. By 1713 they had retired out of sight over the horizon. At about 1615, two unidentified jet aircraft approached the ship from the starboard side and reconnoitered from a distance. At about 1845 an Israeli helicopter circled close to LIBERTY and attempted to signal. The craft appeared desirous of landing, but the Commanding Officer ruled out a landing as too hazardous. Repeated attempts to communicate with the helicopter were unsuccessful. At 1852 a message packet was dropped on the fore-castle. The message written on a calling card of the U. S. Naval Attache, Tel Aviv asked "Have you casualties?". LIBERTY attempted by several means to communicate that there were many casualties, but there was no indication that the message was understood. The helicopter departed shortly after sunset -- about 1905.

MESSAGES OF 7 AND 8 JUNE ORDERING CHANGES OF LIBERTY OPERATIONS

Means and time of transmission and handling of several messages are of importance in the sequence of events leading up to the attack on LIBERTY on 8 June 1967. Included in the record of the Court of Inquiry are evidence and testimony to the effect that from 1 June and until and during the attack on LIBERTY, communications systems concerned were

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inundated with large numbers of messages many of which were of high precedence. The messages discussed below were competing with this flood of messages for the available capacity of message handling systems and talents of the personnel involved.

LIBERTY was, on 8 June 1967, copying the JRTT Broadcast originating from U. S. Naval Communications Station, Asmara and the XRI Broadcast originating from U. S. Naval Communications Station, Greece. The former broadcast was LIBERTY's primary means of receipt of general service messages and the latter its primary means of receipt of messages pertaining to its research mission. LIBERTY had been copying JRTT since 070001Z June and prior to that time had been copying the KRTT Broadcast, keyed from Morocco. Each of these broadcasts is crypto covered. Physical locations of the broadcast terminals and communications files in LIBERTY were in the research spaces, the area in which the torpedo hit. These files were not available to the Court since they were largely destroyed.

JCS priority precedence message 7337 072230Z June 1967, addressed to USCINCEUR for action and LIBERTY, COMSIXTHFLT, CINCUSNAVEUR and others for information, stated that LIBERTY's previously assigned operating area (JCS 6724 011545Z June 1967) was

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for guidance only and could be varied as local conditions dictated.

Closest points of approach to UAR and ISRAEL were increased to 20 and 15 miles respectively. The record does not indicate the time of receipt of this message by USCINCEUR. However, it was received by CINCUSNAVEUR at 08/1642Z and COMSIXTHFLT at 08/0724Z.

LIBERTY did not receive the message prior to the attack since the message was not received by Naval Communications Station, Asmara until 08/2125Z and broadcasted ten minutes later. It should be noted that JCS message 7347 which is discussed below cancelled this message and that 080110Z was received by the action addressee, USCINCEUR, prior to receipt of 072230Z.

JCS message 7347 080110Z June 1967 was a Top Secret, immediate precedence message addressed to USCINCEUR for action and CINCUSNAVEUR, COMSIXTHFLT, LIBERTY and others for information. The message requested that LIBERTY comply with operating areas previously imposed on SIXTHFLT units, i. e., not closer than 100 miles to Israel, Syria and Egypt and 25 miles to Cyprus. This message, when transmitted for LIBERTY by the Department of the Army Communications Center, (DACC), was misrouted to Naval Communications Station, Philippines where it was received at 08/0400Z. Naval Communications Station, Philippines personnel then rerouted the

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message to Naval Communications Station, Morocco at 08/0449Z, however, it was received by DACC at 080502Z and routed by DACC to National Security Agency. The message was not received by Naval Communications Stations, Asmara or Morocco for transmission to LIBERTY. Time of delivery to CINCUSNAVEUR was 08/0312Z. COMSIXTHFLT received the message via Naval Communications Station, Morocco at 08/0639Z. Time of delivery to USCINCEUR, the action addressee, is not shown in the record, however, this time has been established as 08/0211Z.

USCINCEUR immediate precedence message ECJC/JRC 09045 080625Z June 1967 was addressed to CINCUSNAVEUR for action and COMSIXTHFLT, LIBERTY and others for information. Reference (a) of this message was a telephone conversation between an officer of the originator's headquarters and CINCUSNAVEUR duty officer which occurred at 08/0425Z. This conversation is discussed below. Reference (b) was the JCS 100 mile message. The entire text was "This confirms reference A to take reference B FORAC." It has been determined that the time of receipt of this message by CINCUSNAVEUR was 08/0727Z. This message was transmitted on JR TT Fleet Broadcast at 08/1059Z.

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CINCUSNAVEUR immediate precedence message 080455Z June 1967 directed COMSIXTHFLT to take JCS 080110Z June 1967 for action. It has been determined that COMSIXTHFLT received this message 08/0518Z. In addition to sending the message discussed above, the CINCUSNAVEUR Contingency Watch Team, using a teletype conference circuit, passed JCS 080110Z June to COMSIXTHFLT along with a wire-note to take it for action. This occurred at about 08/0440Z.

COMSIXTHFLT immediate precedence message 080917Z June 1967, addressed to LIBERTY for action and sixteen information addressees, directed LIBERTY to proceed immediately to a new operating area and not to approach the coast of the UAR, Israel, Syria or Lebanon closer than 100 miles and Cyprus closer than 25 miles. This message was transmitted to Naval Communications Station, Morocco at 08/1058Z and entered into the Defense Communications System at 08/1100Z for delivery to Naval Communications Station, Asmara. (LIBERTY was copying the Asmara Fleet Broadcast). After relay by DCS Major Relay Station, Seville (San Pablo) the message was transmitted to DCS Major Relay Station, Asmara where it was erroneously relayed to Naval Communications Station, Greece at 08/1215Z or 08/1238Z (conflict of evidence) from which it was returned to DCS Major Relay Station, Asmara at 08/1503Z* and then sent to Naval Communications Station

*Although it is not questioned in the record of the court, there are indications that this time may be in error.

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Asmara from which it was broadcast at 08/1525Z. The first air attack occurred at 08/1203Z.

In addition to, and concurrent with, the record communications discussed above there were a number of telephone conversations/directives between members of the commands concerned which are important in considering the sequence of events.

1. At 07/2350 Z there was a VOCOM (secure telephone) from an officer in the Joint Reconnaissance Center, (JRC) Washington, to a member of the CINCUSNAVEUR Contingency Watch Team, in which it was requested that LIBERTY be withdrawn to an operating area not closer than 100 miles from Israel, UAR and Syria. The record further indicates concern by CINCUSNAVEUR personnel since; the call had bypassed USCINCEUR, was not confirmed by a message or date-time group of a message, and they "had been burned in the past when a phone call directive was not backed up with a message".

2. At 08/0030 Z the CINCUSNAVEUR Command Center Duty Officer called and advised a USCINCEUR staff member of the JRC call and requested that the directive be confirmed and a date-time group be provided.

3. At 08/0325Z the CINCUSNAVEUR Command Duty Officer called and requested another USCINCEUR staff member to apprise him

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of action taken on the request made in the 08/0030Z call. Shortly thereafter, the USCINCEUR representative returned the call and provided the date-time group (JCS 080110Z). A copy of JCS message 080110Z was delivered to the CINCUSNAVEUR duty officer coincident with this call. At this time the teletype conference noted above was initiated.

During the air attack, pursuant to an order received in the ship's radio control via the general announcing system, the CINCUSNAVEUR High Command voice net was utilized by LIBERTY to report the attack and the situation as it developed. These transmissions were received by USS SARATOGA and passed to higher authority via Naval Communications Station, Greece. This High Command circuit became the primary means of communication with LIBERTY since LIBERTY carried out destruction procedures of classified material including keying material.

DEATHS AND INJURIES

The air and surface attacks on USS LIBERTY resulted in the death of thirty-four persons and injuries to 171 persons. Copies of the death certificates (NAVMED N) of those killed are attached to this summarization as Appendix C. Appendix D to this summary contains

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a list of the injured with diagnosis, prognosis, expected disability and the actual or expected loss of time from duty for each injured person. Pertinent treatment records as obtained by the Chief, Bureau of Medicine and Surgery are also contained in Appendix D. It has been determined that as of 21 September 1967, all but ten of the total injured have been returned to a full duty status.

MATERIAL DAMAGE

The major material damage to LIBERTY resulted from the torpedo explosion. This explosion resulted in a hole centered at frame 60 and extending 24 feet downward from just below the second deck and longitudinally from frame 53 to frame 66 (39 feet). The hole was teardrop in shape, larger at the bottom. Outboard 15 feet of the first platform and the associated structure were badly damaged. There was lesser damage to the second platform deck. The second deck and frames were buckled from frame 52 to frame 62 and extending inboard 15 feet. In addition there was major damage to all interior joiner bulkheads below the second deck from frame 52 to frame 78 along the entire width of the ship. The two research compartments which extend the entire width of the ship suffered severe structural damage and were flooded. Installed equipment and facilities were reduced to twisted wreckage.

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Topside damage resulting from aircraft's strafing and rocket attacks and from MTB strafing -- the ship was hit by more than 821 shells and rockets, many of them incendiary -- resulted in the pilot house and signal bridge, forward deck house, all gun tubs, many antennas, numerous bulkheads and decks being holed by explosive rockets. The whale boat was destroyed and many life rafts holed or burned. There were numerous fires resulting from incendiary munitions. The gyro-compass, air conditioning plant and many minor items of equipment which were located in superstructure spaces were damaged or destroyed. Numerous living spaces and personal effects were damaged by holing, shrapnel and wetting during firefighting.

The total cost to effect repairs of damage to the ship and equipment has been estimated as \$5,612,160.00. Appendix E to this summary contains an itemization of the estimated cost of repairs.

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Ser 1627/00 00020/00

18 June 1967

FIRST ENDORSEMENT on ltr of RADM Isaac C. KIDD, USN, 111645/1100 of 18 June 1967

From: Commander in Chief, U. S. Naval Forces, Europe

To: Judge Advocate General

Subj: Court of Inquiry to inquire into the circumstances surrounding the armed attack on USS LIBERTY (AGTR-5) on 8 June 1967 (u)

1. Readdressed and forwarded.
2. On 8 June 1967, the USS LIBERTY suffered an unprovoked attack by Israeli air and naval forces in international waters off the coast of the United Arab Republic. The Court of Inquiry, convened by CINCUSNAVEUR to look into the circumstances and prepare findings related to this attack, has completed its deliberations which are forwarded herewith.
3. It is the opinion of the convening authority that USS LIBERTY was operating in international waters in conformance with the most recent guidance received by her provided by competent authority. It is important to note that there were in fact command decisions made by responsible authorities subsequent to receipt by LIBERTY of the guidance under which she was operating. These subsequent decisions and actions, which the ship did not receive for a combination of several reasons, could have resulted, had they been received in timely fashion, in the ship being as much as 100 miles away from the position in which she found herself at 1200Z on 8 June.
4. The circumstances, when viewed in retrospect through the record of proceedings, indicate that any one or combination of the several communications delays and/or non-receipts varied in the reasons therefor from personnel error to technical difficulty, including errors in judgment.
5. Had LIBERTY not been attacked, the probability is high that none of the aforementioned problem areas would have been identified as critical which is usually the case in circumstances of this sort. It is important to keep in mind that decisions subsequent to LIBERTY's initial operational

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tasking were based upon no known new evidence of potential danger to the ship; but were rather based upon factors other than operational in nature. It is the conviction of the convening authority, that, had new hard intelligence been available and been the basis for new decisions governing LIBERTY's movements, follow-on actions taken with specific regard to guaranteeing timely delivery of such critical guidance would have been handled differently. Such was not the case. Therefore, normal formal procedural practices were followed, and the new command decisions were relayed to the ship in routine fashion, i. e. by standard fleet broadcasts rather than by emergency direct communication capabilities which were available--such as the HICOM net.

6. It is the further conviction of the convening authority in regard to the foregoing, that prospective implementors, such as the ship itself, of action directed by higher authority, when the immediacy of action is critical, must be informed of the planned action concurrent with the transmission of action instructions by the higher authority involved. In this respect, we found LIBERTY's situation being discussed at the highest command levels where decisions were being made and instructions issued without taking concurrent precautions to inform the ship of the planned actions by the same most rapid means of communications available--in this case, telephonic and voice-radio systems. On the other hand, however, there was apparently absolutely no new intelligence and operational evidence at the time of the aforementioned discussions to dictate utilizing such special and high precedence communications capabilities.

7. In summary on this point, certain remedial measures for future situations are indicated, some of which are within the capabilities of this headquarters. These will be implemented by CINCUSNAVEUR and his subordinates, to include, for example, concurrent paralleling intentions known to CINCUSNAVEUR from higher authority direct to prospective action subordinates immediately upon receipt of the guidance in question. It must be borne in mind, however, that here again, the best professional judgments will dictate on a case by case basis the degree of urgency required. Such was the case in the LIBERTY incident and, nothing in the findings of fact disclosed justifiable rationale for taking emergency measures to get the information of planned OP area changes to the ship, other than the fact of the attack itself. The LIBERTY incident provides a classic example of the devastating effects complete surprise produces.

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8. Further to the foregoing, the convening authority has reviewed the proceedings most carefully to determine whether or not there was any indication received by the ship's embarked capabilities prior to the attack which would have dictated a need for emergency measures. Every piece of available evidence indicates that such was not the case.
9. On the matter of command and control, the convening authority, as Naval subordinate to USCINCEUR was exercising operational control of LIBERTY through his subordinate, Commander, Sixth Fleet. The fact that the precise operational guidance applicable to LIBERTY at the time of the attack had been received from still higher authority, in no way altered the full responsibility for the ship resting on CINCUSNAVEUR himself. There is no question but that CINCUSNAVEUR had the continuing responsibility for monitoring the position of the ship and insuring the ship's relative safety while in assigned areas. Further, there was no evidence available to CINCUSNAVEUR, up to the moment of the attack itself, to indicate the ship was in jeopardy to a degree beyond normal and continuing risks extant in any operational situation proximate to the shores of warring nations.
10. In summary, in this instance as in others throughout recent years, it was the judgment of the Commander in Chief, U. S. Naval Forces, Europe, that the technical research efforts of USS LIBERTY were well worth the calculated risks involved; keeping in mind that proper precautionary measures had already been taken by CINCUSNAVEUR and by his subordinate, COMSIXTHFLT, on 6 June (two days before the attack), both of which directives all concerned assumed were known to USS LIBERTY. The record discloses, however, that while LIBERTY had received the CINCUSNAVEUR guidance to COMSIXTHFLT, LIBERTY had not received COMSIXTHFLT's message of 6 June wherein details for the implementation of this tempering and discretionary guidance had been provided, together with proper provisions for the protection of the ship in the event of an emergency.
11. On the technical and material side, the convening authority noted with great interest the remarkable efficiency of the coordinated Israeli air and surface attack. The efficacy of air-delivered rockets was particularly noteworthy with regard to their penetrating capabilities and devastating accuracy. Preliminary evidence of damage based upon limited available information at this time, indicates long lead time procurements will require

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approximately one year. Major overhaul requirements approximately two to four months. Aggregate dollar costs total some twelve to fourteen million dollars.

12. On the matter of personnel, heroism was the order of the day. The Commanding Officer is being recommended for the Congressional Medal of Honor and the ship for the Presidential Unit Citation.

13. It is the conviction of the convening authority that the possibility is high that the ship would have been lost completely had there not been the highest order of damage control competence on board combined with the fact that the ship had secured from General Quarters for drill only minutes before the attack took place.

14. Visual identification procedures, and techniques require early attention. We, as well as the Israelis, were apparently deficient in our recognition competence compared to World War II levels of proficiency. Current United States ship profiles are not readily locatable except in such documents as Jane's "Fighting Ships". Where we have active ship configurations susceptible to confusion with other ships of other nations, we should explore immediately improved identification measures such as national colors on vertical and horizontal surfaces using high visual intensity paints, a safeguard not susceptible to being shot down in the opening stages of an action as was the case in the LIBERTY incident. Intense fires on the ship coupled with herculean efforts by the engineer department to increase speed both produced heavy black smoke which compounded the recognition problem facing the attacking forces.

15. The foregoing comments by the convening authority lead to an overall conclusion that the attack was in fact a mistake; that the element of complete surprise without inquiry eliminated any possibility for a timely government to government announcement of the ship's presence had we been asked; that communication shortfalls resulted in delays in delivery of operational traffic which, had they not occurred, might have resulted in the ship being at a safer distance off shore. The lessons learned in these instances are reminiscent in many respects of those learned after the attack on Pearl Harbor as they apply to the need for complete and free exchange of mission and operational information between responsible authorities and fleet units themselves. In the final analysis, it is this same fleet unit that must enjoy timely advice to be effective. No useful purpose is served by complete knowledge and awareness of decisions at high levels without appropriate concurrent actions stemming therefrom at the lowest echelons in the critical chain.

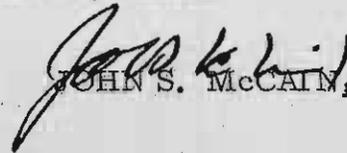
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16. Communications limitations continue with us. Improvements in equipment never seem quite able to fully offset load increases and the ever present personnel error. Where such combine with staffing delays and completely unexpected actions through mistake by another state, the results cannot be other than explosive in international potential.

17. The proceedings and findings of the Court of Inquiry are approved, based upon knowledge available as of 191425Z.


JOHN S. MCCAIN, Jr.

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ORIGINAL

DEPARTMENT OF THE NAVY
United States Atlantic Fleet
HEADQUARTERS OF THE COMMANDER IN CHIEF
Norfolk, Virginia 23511

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Ser 00073. /J141
6 September 1967



From: Commander in Chief U.S. Atlantic Fleet
To: Chief of Naval Operations

Subj: Court of Inquiry to inquire into the circumstances surrounding
the armed attack on USS LIBERTY (AGTR 5) on 8 June 1967 (U)

Ref: (a) CNO ltr Op-61B/jrb Ser: 000204P61 of 21 June 1967

1. (U) In accordance with the request contained in reference (a), enclosure (1) thereto has been reviewed.
2. (TS) A review of the proceedings reveals that the court was not required by the convening authority to submit opinions and recommendations and none were in fact submitted.
3. (TS) The Commander in Chief U.S. Atlantic Fleet generally concurs in the comments of CINCUSNAVEUR except as stated in this paragraph. CINCLANTFLT is of the opinion that:

a. The senior officers in the operational chain of command who received the JCS directive to move the LIBERTY to 100 miles off the shore of Israel should have taken direct, and positive action to inform implementing agent, COMSIXTHFLT, without delay.

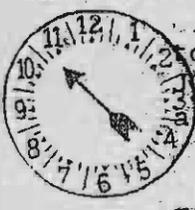
b. The U.S. Army Communications Center, Asmara should be required to furnish a detailed report of the reason for the failure to pass the JCS message 080110Z correctly to its proper destination, if this has not already been done.

c. There is a critical shortage of experienced communications personnel assigned to communications stations.

d. Lack of emergency reserve signaling devices on board LIBERTY for use after the signal lights were destroyed may have contributed to the MTB attack since the IDF claims that the MTBs attempted to contact the ship prior to their attack.

e. Inadequate physical identification by Israeli forces engaged in the attack may be correctly cited as the reason for the attack on LIBERTY.

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Page 1 of 2 Pages

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f. The investigation does not adequately portray the magnitude of the damage wrought by the IDF. (As an example, no mention is made of the use of napalm or anti-personnel type bombs.)

g. Defense Attache Officers should be furnished with current information relating to the presence of a ship with the configuration and mission of ships such as LIBERTY.]

4. (S) CINCLANTFLT recommends as follows:

a. Senior Watch Officers and action staff officers throughout the armed forces should be emphatically reminded of their responsibilities in handling directives of high priority and sensitivity.

b. The qualifications of radiomen, particularly in the grade of second class and higher, be reviewed with a view to establishing training programs and upgrading where necessary and further testing if such is indicated.

c. The Defense Communications Agency be requested to review communications procedures with a view to reducing the number of messages which are clogging the communications system, and thus permit the rapid flow of the truly important messages.

d. Implementation of opinion g. which is stated in paragraph 3 hereof.

e. Damage control procedures used by LIBERTY personnel be documented for future use Navy-wide as an example of outstanding performance of duty under the most adverse circumstances.

5. (U) CINCLANTFLT will initiate action to implement the items recommended in paragraph 4 which can be implemented within the resources and authority of the Commander in Chief.

6. (U) Subject to the foregoing, the proceedings, findings of fact, and recommendations of Commander in Chief, U. S. Naval Forces, Europe, are concurred in.

Copy to:
JAG


E. P. HOLMES

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NAVAL MESSAGE

ROUTINE
R: 231620Z JUN 67
FM: CINCUSNAVEUR

TO: USCINCEUR
CNOI

CI OI NI FI I D E I N T I A L

COURT OF INQUIRY USS LIBERTY (U)
A. USS LIBERTY 032028Z JUN 67
B. USS LIBERTY 042050Z JUN 67

1. AS A RESULT OF FOLLOW-UP ACTION IT HAS BEEN DETERMINED THAT REFS A AND B WERE TRANSMITTED TO USS LIBERTY TO NAVSECGRU DIRT MORDCOO BEING RECEIVED AT 040859Z AND 050530Z RESPECTIVELY, THERE IS NO EVIDENCE THAT EITHER MESSAGE WAS REFILED INTO COMMON USER CHANNEL.

3. THE TWO MESSAGES IN QUESTION ARE QUOTED AS FOLLOWS:

QUOTE
PI 032028Z JUN 67
FM: USS LIBERTY
TO: CINCUSNAVEUR
INFO: JCS
CNOI

CONFIDENTIAL
CINCLANT
CINCLANTFLT
DIRNSA
DIRNAVSECGRU
ASSTDIRNAVSECGRU
DIRNAVSECGRUALNT
COMSERVLANT
COMSERVRON EIGHT
USCINCEUR
NFOCC
NSAEUR
DIRNAVSECGRUEUR
COMSIXTHFLT
COMFAIRMED

611B
611B
613B
615B

61 ... ACT
SN: OPA 00:09 33:06:92 94 949 007 NDDE 1P

App. A to Encl. (1) of JAG End JAG:131.1:
DBB:as, Ser: 00010 of

S. NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
08471/POI	1		3	23/1952Z	231620Z JUN 67

CONFIDENTIAL

NAVAL MESSAGE

TOP SECRET
DECLASSIFIED

CFI 60
CFI 64
NAVCOMMST MOROCCO
CONFIDENTIAL
JCS: PASS TO JRC
CINCLANT PASS: TO JRC
BTREP/POSIT

1. 032400Z9 POSIT 37-10N1 004-03E7, PIM COASTAL
EASTERLY 15 KTS.

2. TRSSCOM HYDRAULIC SYSTEM AGAIN FAILED. LEAKS
BEYOND CAPACITY OF SHIP'S FORCE TO REPAIR UNTIL SPARE
PARTS RECEIVED NEXT PORT OF CALL. SITREP NO. TWO
TRSSCOM CASREP SEPARATELY.

CPA

BT UNQUOTE

QUOTE

PI 042050Z JUNI 67

FM USS LIBERTY

TO CINCSNAVEUR

INFO JCS

CNO

CINCLANT

CINCLANFLT

DIRNSA

DIRNAVSECGRU

ASSTDIRNAVSECGRU

DIRNAVSECGRULANT

COMSERVLANT

COMSERVRON EIGHT

USCINCEUR

NFOCO

NBAEUR

DIRNAVSECGRUEUR

COMSIXTHFLT

COMFAIRMED

CFI 60

CFI 64

NAVCOMMSTA MOROCCO

BT

CONFIDENTIAL

JCS: PASS TO JRC

CINCLANT PASS TO JRC

SITREP/POSIT

1. 042400Z0 POSIT 37-22N 011-15E8 PIM 10-00
UNTIL 050130Z. THENCE 106/15.

CONTROL NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
055064/1/PD	2		3	23/1952Z	231636Z

PROHIBIT

NAVAL MESSAGE

DECLASSIFIED

GP4
EXHIBIT

UNQUOTE:

4. REQUEST A COPY OF THIS MESSAGE BE INCLUDED IN THE OFFICIAL RECORD OF THE COURT OF INQUIRY AS PART OF EXHIBIT 48.

GP-4.

↑
done
HTA

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055084/1/PD	3. 3.	23/8952Z	23/8952 00

04881



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

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IN REPLY REFER TO
Op-002:tr
Op-00 Memo 000365-67
7 July 1967

TOP SECRET (Unclassified upon removal of enclosures)

MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL OF THE NAVY

Subj: USS LIBERTY Court of Inquiry; addenda to

Encl: (1) USDOCOSOUTH 011020Z July 1967 (TS)
(2) USDOCOSOUTH 021734Z July 1967 (C)
(3) NAVCOMMUNIT NAPLES 061222Z July 1967 (S)
(4) Photographs (4) of USS LIBERTY in drydock
at Malta (U)

1. At the request of Rear Admiral I. C. Kidd, Jr., President of the Court of Inquiry convened by Commander in Chief, U. S. Naval Forces, Europe on the USS LIBERTY incident, enclosures (1) through (4) are forwarded herewith for insertion into the Record.

2. Records of this office indicate that your office holds copy number 1 of the Record of the Court of Inquiry.

Very respectfully,

J. H. KING, JR.
Captain, U. S. Navy
Executive Assistant to the
Chief of Naval Operations

App. B to encl (1) of JAG End JAG:131.1:
DBB:as, Ser. 00010 of

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~~NOFORN~~

ROUTINE
R 011020Z JUL 67
FM USDOCSOUTH

TO CNO

INFO CINCUSNAVEUR

~~TOP SECRET~~ NOFORN

FOR CAPT KING OP-002, INFO LCDR FLINGERSCH, ASST COUNSEL LIBERTY COURT OF INQUIRY
SUBJ: LIBERTY.

1. CINCUSNAVEUR 261649Z PASEP TO CNO FOR CAPT KING REFERS.
2. REFERENCE MSG TO BE INSERTED INTO LIBERTY RECORD TOGETHER WITH FOLLOWING AMPLIFYING INFO.
3. JCS FACTFINDING TEAM EVIDENCED MUCH INTEREST IN LIBERTY COMMO PRACTICES WHEREIN ROUTINE REPORTS AND REQUESTS FOR MISSED MSGS WERE OFTEN PACKAGED UP WITH HER MORE CRITICAL OUTGOING TRAFFIC AS A CABOOSE ON THE MAIN TRAIN, THIS PRACTICE COVERED IN DETAIL AS I RECALL, IN CINCUSNAVEUR COVERING ENDORSEMENT. JCS TEAMS FEELING SEEMED TO BE THAT SHIP WAS POSSIBLY A LITTLE SLIPSHOD IN FILING SUCH ROUTINE REPORTS BECAUSE THERE WAS NO RECORD OF SOME OF HER SITREPS AND POSITS EVER BEING RECEIVED.
4. MY CONVICTION FROM MOST CLOSE ASSOCIATION WITH SURVIVING MEMBERS SHIPS COMPANY WAS THAT SHIP WAS METICULOUSLY THOROUGH IN THIS AND ALL OTHERS AREAS BUT COURT COULD NOT PROVE IT AT TIME REPORT SUBMITTED ON 18 JUNE. WE KEPT DIGGING HOWEVER AND REFERENCED MSG PROVES WE WERE CORRECT.
5. THIS APPEARS TO BE LAST RECOVERABLE PIECE OF FACTUAL EVIDENCE ON THIS ASPECT OF COMMUNICATION ISSUE WHICH FURTHER INTENSIFIES THE SPOTLIGHT OF INDICTMENT ON SHORE BASED COMMUNICATIONS DIFFICULTIES.

FILE (1)
CAPT KING (002) ...ACT (2)
VIA 94315F *

Encl (1) to CNO Memo Op-002
000365-67 of 7/7/67 00000A

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Series "R"

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000986/07NF	1	011114Z	011020Z JUL 67

NAVAL MESSAGE

~~Confidential~~

NAVY DEPARTMENT

ROUTINE
R 021734Z JUL 67
FM USDOCOSOUTH

~~Confidential~~
FOR DECLASSIFIED

TO: CNO

C O N F I D E N T I A L N O F O R N

NOFORN

FDR: CAPT KING: OP-002

THE FOLLOWING MESSAGE IS QUOTED FOR YOUR INFO:

R 261649Z JUN 67

FM CINCUSNAVEUR

TO RUFRF/COMFAIRMED

C O N F I D E N T I A L N O F O R N

COMFAIRMED NOT ADDEE. PLEASE PASS TO RADM KIDD IN
U.S. NATIONAL CHANNELS:

PERSONAL WIRENOTE FOR RADM KIDD

LIBERTY INCIDENT (U)

1. OFFICIAL FOLLOWUP ACTION REVEALS THE TWO LIBERTY
SITREP/POSIT MESSAGES SENT ON 3 AND 4 JUNE DROPPED
THROUGH THE CRACKS AT THE SECURITY GROUP IN MOROCCO.
INVESTIGATION BY MOROCCO PERSONNEL REVEALS THERE IS NO
EVIDENCE THAT SECGRU REFILED THE MESSAGES INTO COMMON
USER CHANNELS FOR ONWARD DELIVERY AS THEY SHOULD HAVE
DONE. MISHANDLING IS ATTRIBUTED TO OPERATOR ERROR.

2. AS YOU DIRECTED, THIS INFORMATION HAS BEEN PASSED ON
TO CNO AND USCINCEUR FOR OFFICIAL INSERTION INTO THE
RECORD. THE CONTENT OF THESE MESSAGES IS QUOTED FYI:

A. USS LIBERTY 032028Z

QUOTE:

CONFIDENTIAL

JCS PASS TO JRC

CINCLANT PASS TO JRC

SETREP/POSIT

1. 032400Z9 POSIT 37-10N 004-03E7. P1M 00STAL. EASTERLY
15. KTS.

CAPT KING(002) ...ACT
VIA 948LSF: *

00000A

Encl (2) to CNO Memo Op-002
000365-67 of 7/7/67

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C0253713/CG	1		02/1907Z	021734Z JUL 67

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~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
~~RESTRICTED~~

2. TRSSCOM HYDRAULIC SYSTEM AGAIN FAILED, LEAKS BEYOND CAPACITY OF SHIP'S FORCE TO REPAIR UNTIL SPARE PARTS RECEIVED NEXT PORT OF CALL. SITREP NO. TWO TRSSCOM CASREP SEPARATELY.

UNQUOTE.

B. USS LIBERTY 042050Z

QUOTE.

CONFIDENTIAL.

JCS PASS. TO JRC.

CINCLANT PASS. TO JRC.

SITREP/POSIT

NOFORN

1. 04-2400Z O POSIT 37-22N4 011-15E8.
PIM 12-16 UNTIL 050130Z, THENCE 106715.
UNQUOTE.

3. THERE IS ONE FINAL ACTION CONCERNING PHOTOGRAPHS OF CERTAIN LDGS WHICH MUST HAVE BEEN CONTAINED IN THE ONE ROLL OF RUINED FILM. LIBERTY HAS BEEN REQUESTED TO FURNISH THE APPROPRIATE NEGATIVES OR POLAROID PICTURES. UPON RECEIPT THEY WILL BE REPRODUCED AND COPIES SENT TO CNO AND USCINCEUR COMPLETING THEIR RECORDS.

4. THE MASTER FILE HAS BEEN COMPILED AND IS STORED IN THE TOP SECRET VAULT AT THIS HDQTRS.

5. PLEASE ADVISE IF THERE IS ANY FURTHER ACTION REQUIRED. VERY RESPECTFULLY, YOUR JUNIOR LEGAL ADVISOR,
LCDR FEINGERSCH,
GP-4.

CONTROL NO.	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
002537/3/CG	2		2	02/19	021734Z JUL 67

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