

Q. As I understand it, Commander, the degree of dismemberment and conditions of the remains are the facts which cause you to arrive at this conclusion. Is that correct?

A. That is correct.

The witness was duly warned and withdrew.

Lieutenant Maurice H. Bennett, United States Navy was recalled as a witness, reminded that he was still under oath.

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. Do you think anyone could have survived after the torpedo struck the compartment?

A. There is no possibility of any of the people being alive after the torpedo hit. This conclusion was reached, or is based on the degree of dismemberment and conditions of the remains upon recovery.

President: Thank you very much Lieutenant Bennett.

The witness was duly warned and withdrew.

Material Section

Commander PLATZEK was recalled as a witness, reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

President: You, in your technical capacity, are knowledgeable on installation and acquisition costs of the technical equipment in LIBERTY at the time of the attack, which now will require replacement, and/or rehabilitation of remaining equipment where possible. Would you be kind enough to address yourself to this area and give the Court of Inquiry your best estimate at this time of how long it would take to reacquire LIBERTY's technical capability through the acquisition of long-lead time procurements, new purchases, and rehabilitation of old equipment, in terms of time and dollar cost, if you please?

A. The equipment aboard the LIBERTY is relief equipment as much as it is research equipment. The length of time it would take to acquire this equipment would be approximately one year. The cost of this equipment, in my opinion, would be approximately six to eight million dollars. This

does not include the installation costs of this equipment. This is strictly procurement dollars.

President: Thank you Commander PLATZEK. Does any other member of the Court have questions at this time to which Commander PLATZEK might address his particular technical competence?

Counsel for the Court: Will the repairing of this equipment be done in the United States?

A. The repairing of this equipment will have to be done in the United States. I don't believe anyone else has the technical capability.

Q. What would be your estimate of completion date of repairs needed?

A. This I couldn't say until such time as I found out the extent of damage by actually taking equipment and testing, but I presume with all of the shocks that this equipment has taken, that it would have to be completely remanufactured or procured new. Now

DIRECT EXAMINATION

Questions by Counsel for the Court: Captain Russell L. ARTHUR, took the stand as a witness, was duly sworn, advised of his rights under Article 31, UCMJ and examined as follows.

Q. Captain, would you be kind enough to state your name, rank, and duty station, and the reason why your technical competence finds itself here on this scene at this time?

A. Captain Russell L. ARTHUR, 415894, my permanent duty station is Fleet Material Officer, Service Force, COMSIXTHFLT. I have been ordered here in connection with the repairs to LIBERTY and have been designated as Task Group 100.2.

Counsel for the Court: Captain, Based upon your preliminary estimate of both the topside structural and internal damage resulting from the attack on 8 June, what is your estimate in terms of time and dollar cost for the complete restoration of LIBERTY into the condition she enjoyed prior to the attack in question?

A. Admiral, including ripout restoration of all structure, foundations, cabling, and on the assumption that the equipment that is necessary to

install is pierside at the time we require it during the period of the reconstruction program, I would estimate that we could restore everything to the condition existing prior to the attack in approximately four months for a cost of about two million dollars. This includes everything except the cost of the equipment, installation, checkout, testing, and restoration of all of the habitability features that were existing.

President: Captain, as a professional shipbuilder, would you be kind enough to explain in simple terms for the Court of Inquiry how Commander PLATZEK's estimate of one year for long-lead and procurement relates to your statement just made of four months for accomplishment of the repairs. How, in the shipbuilding business is this time separation or apparent disparity accommodated?

A. Generally, on new construction ships, of course, this is planned so that the equipment is dockside in accordance with the erection schedule. In this case, the ship would be immobilized and unable to carry out its mission until the equipments were actually provided, and the estimate that I gave was based strictly on the structural and the reinstallation of existing items before. But the only way we could accommodate this is to delay the ship which would add to the cost of the repairs.

Q. Let me see if I understand this now, in simple terms, your estimate of four months presupposes availability before you start, of everything that is going to be in the ship at the time you finish?

A. Yes sir.

President: Do the other members of the Court have any questions?

Counsel for the Court: Your figure did not include cost of equipment?

A. No sir, not at all.

Q. For record purposes, the cost to repair the damage to the ship itself would be the figure you stated?

A. Yes sir, approximately two million dollars.

Q. In four months?

A. Yes sir.

Captain ATKINSON: And this includes all equipment plus hull repair exclusive of research equipment, is that correct?

A. Yes sir.

President: Now for the summary which I feel might be appropriate at this time, as I understand it, Captain, we would properly add your two million to Commander PLATZEK's six to eight million and come up with a high figure of ten million dollars and one year loss of the capability of this ship?

A. Yes sir, that's correct, Admiral.

Q. That's the way you do this, is that correct?

A. Yes sir.

Counsel for the Court: One last question, Captain. At the last meeting of the Court, not knowing you would be a witness before this Court, I had a statement received from you entered in the record, in which you indicate that it would be two or three weeks time to make the necessary shell repairs in order for this vessel to proceed back to the United States. What is your estimate of the cost of temporary repairs being made in this shipyard?

A. About fifty to sixty thousand dollars, and I have received no estimates from the yard. This is a rough estimate based upon the knowledge of how much general costs are in this area.

President: So that three week period and sixty thousand dollars would be additive to your two million and six month figure, is that correct?

A. Two million and four months, yes sir, that is correct.

President: Any further questions?

President: Thank you very much, Captain. Before you leave, would you be kind enough to confirm my understanding that you and Commander PLATZEK are having photographs taken, under your personal supervision, of the internal torpedo damage and the external hull damage, significant parts thereof, for inclusion in the record which we will introduce upon processing of the film?

A. Yes sir, that's being arranged now, Admiral.

President: Thank you very very much, Captain. We certainly appreciate your time. (The witness was duly warned and withdrew).

Let the record show at this point that for completeness, this Court of

Inquiry does not consider itself competent at this time, with witness available, to address itself to such hidden cost as salaries of personnel, gratuities to those lost, loss of service of personnel injured, hospitalization costs, loss of use of the vessel, and similar cost which are incalculable based upon available information, but which should and must be included if there is an effort made to arrive at a total dollar value loss of this particular attack against the United States Navy.

DIRECT EXAMINATION

The witness took the stand, was duly sworn, and advised of his rights under Article 31, Uniform Code of Military Justice, and examined as follows:

Counsel for the Court: Please state your full name, rate, and present duty station.

A. Joseph Paul Carpenter, 794 84 55, CT2, USS LIBERTY.

Q. You have been called before this Court of Inquiry to give information which you may possess concerning an incident which occurred on 8 June 1967, namely the attack on USS LIBERTY. I now turn over questioning to the Assistant Counsel for the Court.

Q. CARPENTER, I understand that the ship maintains, other than distress frequencies, that basically communications topside here consists of the CINCUSNAVEUR hicom net, unclassified voice hicom net. I'm curious, if you can tell me what broadcast you were copying upon inchope to the Med, and then whether or not you shifted to any broadcast there, and what broadcast you shifted to?

A. When we came into the Med, we were copying XR broadcasts and KR broadcasts, and then, I can't remember the exact day but I think it was approximately 4 June, we shifted to JR broadcasts.

Q. It's significant when you shifted to JR, and I'd like you to try and be sure, and if you're not sure, then I think we may have to try and research a little bit and come up with a specific time of shift. Now, after you switched to JR, do you recall any difficulty in copying the Asmara fleet broadcasts?

A. Sir, every time I was on watch, the JR broadcast was up five by, we had no missing numbers.

Q. Now, you say every time you were on watch, do you remember what time frame we're talking about commencing with 070001Z June?

A. On 7 June, I had the evening watch, that was from 1600 to 2330 that night and then I had the day watch which started at 0630 in the morning.

Q. Now when you came on the watch at 071600 local time, were you missing any numbers since shift time according to your records?

A. Well, sir, to my knowledge, we had no missing numbers at that time.

Q. Could you tell me what your procedures are when you are missing numbers?

A. When we're missing a number, the first thing we do, we have a missing number sheet, we mark it down on that sheet. And it stays on there until it comes back again, and then we will cross it off, we will mark how it came back, whether we serviced it or whether it was a rerun, but on JR broadcast they have so many reruns that everything came back. We never had to service it.

Q. What would you estimate on an average, was the period of time that you are actually missing a number until it was rerun without a rerun request?

A. Is this on a JR broadcast?

Q. JR.

A. On the JR broadcast we'd usually wait about a day and a half because they rerun so much. We found out that on that broadcast they'd rerun as many as two to three times each day.

Q. I don't understand what you mean by a day and a half. Do you wait a day and a half, then if you didn't get a rerun you would request it?

A. Yes sir, because they would rerun three times. We figure if we're going to miss it three times, we better service it then.

President: Let me ask a layman's question here. Does this mean that the JR, and I'm really addressing this question to Commander FEINGERSCH, in his technical communications competence, does this mean that the load of Asmara would be so low as far as units are served that they could afford the luxury of rerunning a whole schedule three times, is that what he's saying?

A. Yes sir, Admiral. Asmara only has a handful of subscribers and they can run up to a thousand messages a day and they're probably running in the neighborhood of two or three reruns.

President: At this point let the record show that the accommodation of communication traffic in LIBERTY was physically arranged where the torpedo hit has eliminated records to which the present witness and the following witnesses on the matter of communications, might logically be expected to

refer to. Therefore, any hesitancy or inability of communication witnesses must necessarily be viewed and read with this fact in mind. They are dealing entirely from personal memory. That's true?

A. Yes sir.

Q. You say that while you were on watch you had no trouble of copying JR?

A. On the JR broadcast, we never had very much. Down by Africa we had trouble.

Q. No, I mean while you were in the Med?

A. While in the Med, we, just when the actual changeover, we had a little bit of trouble first getting it in. Just what I've been told, I was not actually on watch.

Q. More specifically, getting to the 8th of June, let us say from 080001Z, do you recall whether you were missing numbers on that particular day?

A. I recall one time when I was down there that WALTON, CTL was down there, and he mentioned that he had no missing numbers at that time. I believe that was the day before the attack. He was the one that was primarily watching the broadcast at that time because we were so busy in the other room. We had such a backlog.

President: Where's WALTON now, son?

A. He's dead now, he was trapped in crypto.

Q. Do you recall missing very many numbers on the 7th of June on JARAD?

A. I don't recall, sir. There might have been a few KR numbers but no JR numbers.

Q. Getting away from the broadcast for a moment - now, on your ship-shore termination, what type terminations did you establish, how often, and with whom?

A. Well, for the past few days we had come up anytime we were able to, and we would come up ship-shore to Greece most often because they were the best as far as ship-shore ORESTES were concerned. We had one asked, I believe, in the last two days we were out and it was with NAVSECGRU Morocco, and we went through Greece, using their transmitters and their antennae in passing it from there to Morocco.

Q. I understand that you do not maintain a permanent ship-shore termination neither ORESTES nor VETG. Is a ORESTES circuit that you use?

you come up with when you have traffic periodically?

A. Yes sir. And then only real hot traffic.

Q. Without stating the reason, are there reasons why you, at certain times, can't come up on ORESTES ship-shore circuit due to what the ship may be doing?

A. Definitely, sir.

Q. Definitely there are reasons why you cannot?

A. Yes sir.

Q. During these periods when you cannot come up are they usually extensive periods of time, specifically can you recall on the 7th and 8th of June having extensive periods of time, where because of what the ship was doing, you could not come up and terminate the circuits and request missing broadcast numbers if you wanted to do so.

A. Yes sir, there were some times, it wasn't necessarily a long period of time that we couldn't come up, it's just that we didn't have enough time in between to get everything set up and get going before they would tell us to shut down again.

Q. What the ship was doing?

A. Yes sir.

President: As I understand it, young man, these limitations on ability and inability to come up on a transmitter whenever you might wish to deal in this area of your technical research. As I recall, Admiral MARTIN mentioned you did some work on wave propagation, and from a layman's point of view, would it be reasonable to even assume that a transmitter of high power would affect your wave propagation research efforts?

A. Yes sir.

Q. Then, to be sure we're perfectly clear on this point, on missing numbers on the 7th and 8th of June, very possibly could have not been requested because of the transmitter interfering with the ship's research mission?

A. Well sir, we got all the general service out on the 7th. Every general service message that we had that I can remember.

Q. I'm talking about broadcast traffic missing numbers coming in from Asmara, particularly on the 8th?

A. You mean we wouldn't be able to service this?

Q. You wouldn't have asked for a rerun because the ship was involved in its research mission, and you couldn't just come up on a transmitter because you were missing, say five numbers?

A. No sir, we probably couldn't have.

Q. Then, you would wait for the second or third rerun, which could take maybe 24 to 36 hours, in lieu of disrupting what the ship was doing?

A. Yes sir.

Q. Do you recall any missing numbers on the 8th, JARAD?

A. No sir, I don't.

President: Young man, is this procedure that you have described typical of the condition that exists aboard this ship anywhere you might be operating?

A. Yes sir, it is.

Q. In other words, this is not something new?

A. No sir.

Q. In other words, you have never felt compelled to service a number immediately, you have always felt comfortable in waiting for a rerun whether it was coming from Asmara, Anapolis, Philippines, Guam, or wherever, is that correct?

A. The only time we would service immediately is if we had had an outage of a period of time, say ten, fifteen, twenty minutes, as quite a few numbers would have been missed.

Q. You mean a receiver outage?

A. Yes sir.

Q. And you had no such receiver outage?

A. No sir.

Q. Let me put that question - it will be the same question, son, but put a little bit differently. You have had no cause for concern to feel compelled to take extraordinary measures such as telling somebody you had to stop listening to the moon, for example, in order to get a service on Asmara. Is that correct?

A. No sir, we never did.

Q. You never had to do that?

A. No sir. We did it once when we had some flash traffic to send out, and some immediate traffic we'd tell them what we had to get out, and then they would...

Q. I'm talking just about traffic you would be receiving, I'm not talking about outgoing traffic,

A. As far as traffic we were receiving, they never bothered us at all.

Q. Ordinarily, how many KW37's do you have on a broadcast simultaneously?

A. We have two KW37's and we try to keep both of them on different signals so if one will drop out we have the other one as a backup. At that time I don't believe we did because we couldn't handle more than two signals and we had those two in diversity.

Q. Ordinarily, you have no reason to suspect copying two freqs on the same broadcast simultaneously. You have no reason to suspect that you're going to miss a number?

A. We had no reason at that time to suspect that we were going to because they were so five by.

Assistant Counsel for the Court: I have nothing else.

Captain ATKINSON: One question, on the average since LIBERTY chepped in the Med, what was your daily traffic addressed to LIBERTY?

A. Addressed to LIBERTY, I would say around - well, it would vary from day to day. I'd say at the most we would get 25 and at the least we would get 7 or 8.

President: Would this be a comparably normal load, son?

A. That would be a normal load, yes.

Q. For any day, any place?

A. For any day, any place, sir.

President: Does any member present have for the record a feeling toward the number of subscribers of Asmara?

Assistant Counsel for the Court: Yes sir.

Q. Is it in the hundreds?

A. No sir, just COMIDEASTFOR basically. No sir, it's KR they use ordinarily. And a ship like the LIBERTY, very few. Five or six, not even a dozen, sir. Very few, except if we had a contingency in the Red Sea and we sent additional ships down.

President: Is this your first ship in the Navy?

A. Yes sir, this is my first ship.

Q. So you have nothing to compare, equipment-wise, from personal experience, the equipment on this ship with any other ship?

A. Well, I've been in the radio shack in other ships.

Q. What would be your opinion as to the comparability of the equipment that you were using in LIBERTY and the equipment as far as being modern, up to date, and the equipment in some of the other radio shacks you've been in?

A. I guess I could best describe that by what I heard a workman say when he came down there. He said "you have the best equipment I've ever seen in any radio shack anywhere."

President: Thank you very much.

Assistant Counsel for the Court: I have one more question that may be pertinent, Admiral. Do you recall ever getting much off-line encrypted top secret traffic on JARAD or KR aboard LIBERTY?

A. As long as I have been on here, we have never received anything off-line. Top secret off-line, never on JR broadcast. We never even received anything off-line.

Q. How long have you been aboard the ship, son?

A. This was my third cruise.

President: Put on your thinking cap, son. Try to remember back, what you had till midnight on the 7th?

A. My watch on the 7th was the evening watch from 1600 local to 2330.

Q. On the 7th?

A. On the 7th, yes sir.

Q. And did we establish that when you came on watch, you did or did not have any known missing Asmara numbers?

Q. From a technical point of view again, we're using Commander FEINGERSCH as a technical expert. Would that JARAD number have been transmitted by 1600 on the 7th?

A. Yes sir. Probably for the second time.

Q. Probably for the second time?

A. Yes.

President: And the witness indicates that to the best of his knowledge, that there were no missing numbers. What conceivable explanation, and again we're theorizing and the Court is asking a technical witness in the

person of Commander FEINGERSCH, what could be an explanation for this apparent non-delivery?

A. To be perfectly honest, Admiral, there is none. A message receives a signed broadcast number, and then each subsequent message gets a consecutive number. Asmara has their logs where here, of course, they've been destroyed. Asmara has checked their logs and has said this number, and it's a repeat though garbled, was transmitted at such an such a time. I think we have to assume that Asmara, since he does have his logs, that this message was in fact sent at this time and the ship in fact did miss it.

President: I do not accept that. Just because I'm hard headed. I will accept it if we can find two other users of Asmara who can prove to this Court that they received that number prior to this young man coming on watch at 1600 on the 7th. And that alone will satisfy me that that message went on the JARAD as advertised. And the reason for my doubt is because we already know that Asmara has made critical errors before.

Assistant Counsel for the Court: We can, if you so desire, sir, verify this.

President: Make that so, by phone, this morning to CINCUSNAVEUR.

Captain ATKINSON: One final question - did you have any missing numbers when you were relieved?

A. As far as I can remember, there was no change in status on relief.

President: Now, from a layman's point of view and in anticipation of there being other laymen vis a vis communications, reading this record, what way does a subscriber have of knowing that there is a message for him that he has missed?

Assistant Counsel for the Court: He does not know the missed number is specifically addressed to him, sir. He only knows that he has missed a message and he is required to maintain a continuous file of numbers. So, he must somehow, somehow, get that missed number and then he can determine whether or not if it is for his info or action. By the number itself, there is no way. He must see the message.

President: Let the record show at this time that the lack, as the result of destruction of LIBERTY records and files, combined with LIBERTY communications procedures, which will be expanded upon by subsequent testimony by

Lieutenant GOLDEN, the ship's communications officer, that if LIBERTY missed a JARAD number, and for example, had outgoing traffic to send, of both a technical nature relating to her mission and operational nature, all of this type of traffic had been and would have been in the hypothetical case being discussed, packaged together and sent to a single addressee for action, namely Naval Security Group Morocco. It is the Court's understanding that the burden would then be on the Naval Security Group Morocco to sort out the traffic received from LIBERTY, transmitted during one of the periods she could afford to transmit without interference with her technical mission, and then the recipient, Naval Security Group Morocco, in the case of missed JARAD numbers, would have informed radio Asmara via NAVCOMMSTA Morocco of LIBERTY's requirements. This is going to be possibly germane to this Court's inquiry to determine whether or not such was done, and the time delay experienced in Morocco which station is understood to have been saturated during this period of Middle East Tension, despite the fact that radio Asmara, by virtue of few subscribers, would have had a relatively low operationally load.

The witness was duly warned and withdrew.

Lieutenant Maurice H. Bennett, Jr., United States Navy, took the stand as a witness, was duly sworn, advised of his rights under article 31, Uniform Code of Military Justice and testified as follows.

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rank, and present duty station.

A. Maurice H. Bennett, Jr., Lieutenant, USN, 628125, present duty station USS LIBERTY.

Q. Lieutenant Bennett, as you are well aware, this Court of Inquiry has been convened to ascertain the circumstances attendant with the attack on USS LIBERTY on 8 June 1967. The Assistant Counsel for this Court will now ask you a few questions pertinent to the attack and to the duty station that you had.

Q. Do you recall whether any JARAD numbers were missing on the 7th and 8th. Was it reported to you that any numbers were missed?

A. To the best of my knowledge, no numbers were missing. I was not the communications officer at the time of the incident, therefore, I have no reason to have direct knowledge of any missing numbers.

President: Who was the communications officer, Lieutenant Bennett?

A. Lieutenant James C. Pierce, who is now deceased. He was killed in the attack.

Q. Was the mission of the ship such on the 7th and 8th that it would have disrupted the mission of the ship if you had transmitted excessive messages at this time?

A. Excessive transmissions would. If I might add, however, the very nature of the situation dictated that we did come up in communications more frequently than normal in order to pass pertinent high precedence traffic originated by the ship.

Q. Who did you pass this traffic to on the 7th and 8th?

A. On the 7th and 8th of June, due to the inability to contact NAVCOMMSTA Morocco, the majority, if not all, of the high precedence traffic was off-line encrypted and passed to NAVCOMMSTA Greece for further delivery.

Q. During these periods of transmission, if you were in fact aware of the missing number, would you have serviced it at that time?

A. In most instances, no, because it was an individual message which dictated that this message go out, and again going back to the mission of the ship, to preclude undue interference with the mission, we only came up long enough to get the one or two high precedence messages out and then the transmitters were shut down.

Q. Why did you shift the JARAD on the 7th of June?

A. I don't know the exact reason. It was my understanding that this is hearsay, and where I heard it from I don't recall. But, in communications instructions from whom I don't know, that there is a designated geographic point that you shift broadcasts.

Q. This is 100% true. It is in JANAP 195. I was just curious if you were directed to shift to JARAD for any particular reason, or if you shifted just as a matter of normal communications procedure?

A. To the best of my knowledge we shifted in accordance with the known communications procedure. And, again to the best of my knowledge, and in accordance with past known practices, Mr. Pierce who was the communications officer, notification of the shift is usually sent out, I would presume within 24 to 48 hours in advance.

President: I'd like to ask a stupid question. I just don't understand why, when you're in the Eastern Mediterranean, you listen to radio Asmara which, even to my unpracticed eye, is closest, and yet when you want to talk to somebody, you go to Morocco, and everybody I've heard comment indicates that they have had difficulty copying Morocco. Now, is Asmara incapable of listening?

Assistant Counsel for the Court: No sir, Asmara is not incapable of listening, but in the case of this particular ship, and the type of research traffic they are passing, the traffic is destined, or initially destined, to go to NAVSECGRUDET Morocco. It would serve no purpose to the ship to send it to Asmara because Asmara first of all would have to be off-line encrypted because Asmara would not be permitted to read it, and Asmara would have to relay it to SECGRU Morocco, it would have to be decrypted, and would just introduce many many delays. It would serve no advantage in the case of this particular ship to send it to anyone but NAVSECGRU Morocco.

President: Now, would you expand on that a little bit more and tell me how Navy Radio Marathon fits into this picture, which is still even closer than Morocco but not as close as Asmara?

A. In the case of this ship they had difficulty, I understand, in establishing their on-line secure circuit with NAVSECGRU Morocco.

Consequently, they terminated a circuit with Greece and they used Greece transitists to take this circuit and pass it on to NAVSECGRUDET Morocco. So the signal is going through Greece encrypted electronically and it gets

a boost, so to speak, at Greece, but it still winds up in Morocco. If it's general service traffic that Greece personnel can read, they would have terminated the circuit, which they did on high precedence general service type traffic.

President: But, not always?

A. But, not always.

Q. In other words, this package transmission that we talked about would go to Morocco off-line encrypted?

A. If it went to SECGRUDET it would have went on-line all the way, sir, because the proper people are handling it at the other end. This was a mixed package as recalled.

President: Does the Court have any further questions of Lieutenant Bennett?

No Response.

The witness was duly warned and withdrew.

Communications Technician Second Class Thorp L. Long, United States Navy, took the stand as a witness was duly warned, advised of his rights under article 31, Uniform Code of Military Justice and testified as follows.

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rate, and present duty station.

A. My name is Thorp L. Long, CT2, present duty station is USS LIBERTY.

Q. Long, you've been called before this Court of Inquiry because of the circumstances attendant with the attack on USS LIBERTY on 8 June 1967.

The Court is very interested to ascertain certain information from you which you might possess. Would you now answer questions that the Assistant Counsel for the Court will put before you.

A. Yes sir.

Q. Did you stand watch as far as the broadcast is concerned on the evening of 7th and 8th of June?

A. Yes, I did sir. On the morning of the 8th I had the mid watch. I got off work at about 7 o'clock in the morning.

Q. Do you recall any difficulty in copying the JARAT broadcast from Asmara during that period of time.

A. No sir. It was fairly clear. There were a couple times that we had some problems because some equipment went down and we had to get out material man to repair it, but on the whole it was a good signal and we were able to copy it.

Q. When you say equipment, did you drop out of sync?

A. No, it was the printer. The page print was being garbled because of some malfunctions within the gear.

Q. Were you getting the tape?

A. Yes sir.

Q. And the tape was five by?

A. Yes sir.

Q. When you relieved the watch, do you recall any report or any indication that any numbers on the JARAD broadcast had been missed?

A. There were some that had been missed. I'm almost positive.

Q. Do you have a feel for the volume. Was it a matter of a few, or was it a matter of a whole block indicating maybe you dropped out of sync for an hour?

A. It appeared to me, as I remember, it may have been four or five, or maybe six messages that had been missed through some malfunction.

Q. Now, this is on the morning of the 8th, do you recall whether these messages were basically missing over a period of 12, 24, 48 hours, I know it's hard but generally speaking, do you have any feel for that?

A. No sir. The ones that I remember, there was a blank space on the message number log that we kept.

Q. As best your memory serves, while you had the watch and you had some trouble, can you recall at the time you were relieved of the watch, whether or not any numbers were missed during your time of watchstanding,

from 080001 to 7 or 8 o'clock in the morning?

A. I don't believe we did, sir, because when we came on watch, we thought that we would very possible be very busy, and we switched - we were using the reprinter from one place and the page print from another place, so that we could use the good page print for running off copies that had to be distributed. We did this right at the beginning of the watch. We had some malfunction with the page printer, but we checked the tape to see how many of the messages that we did not have page prints on were to us.

Q. Under normal procedures when you come on watch or you've just been relieved, do you more or less depend on your log of consecutive numbers - take a glance at that to see if there were any missing numbers, or is it usually passed word of mouth, or just how do you know when you come on watch whether or not you're missing numbers on any particular gear regardless of what broadcast you're copying?

A. If the message had been missed that day, there would be blank spaces on the message number log. If it had been prior to that day, there was another page where numbers of all missing messages were noted, and when we got out a message or received a repeat on it, if we did not need it then it was logged out that we didn't need it; if we did need it, then it was copied down.

President: Then, on this sheet which was sort of a backlog sheet for time prior to the watch, were there any numbers on that backlog sheet for a couple, three days before?

A. Yes sir, there were. When we first picked up the JR broadcast, we were having bad copy with them it would keep going out and we missed several numbers.

Q. When you say, it would keep going out, we're not communicators, what's going out?

A. The signal was fading. The transmission was weak. We were just having trouble from the weak signals we were receiving. And we just don't know if there were some missed because of that. It would be good for awhile and then it would fade out. It would become too weak for awhile. It would go good and it would go bad. It just kept doing that.

DECLASSIFIED
TOP SECRET

Q. Now here's a real hard one - during the period of 6, 7, and 8 June; or I should say 7 and 8 June, could you give us any feel for what percentage of reliability JARAD was having, was it 50% reliable, was it 98% reliable, what would be your feelings?

A. It seemed to me that it was 85 to 90 per cent reliable. It was very good. I had the day watch on the 7th and I didn't lose the signal once. I copied it all day and didn't have trouble.

Q. On the 8th when you had the watch, did you establish a ship-shore termination to pass traffic to the beach on ORESTES. Do you know if one was established when you had the watch?

A. On the 7th, they tried to, but there were some problems that came up and they never did get established as far as I know.

President: I just haven't got a feeling for what I heard. Now you said that you copied solid on the 7th when you had a day watch. You had a readable signal throughout.

A. Yes sir.

Q. Now, does that mean that you had no missed numbers on your watch?

A. I cannot remember any, sir. To the best of my knowledge, there were none.

Q. There were no missed numbers on the day watch. That would have covered what period of time, on the 7th?

A. The day watch started -- we relieve about 6:30 to 6:45 local in the morning and we relieve for lunch at approximately between 11 and 11:15. We ate and came right back. I don't know exactly what time that was but we ate and came right back to work. We were relieved again approximately 4:30 in the afternoon.

Q. So, from 6:30 you can testify to the best of your knowledge you had no missed numbers on JARAD?

A. Yes sir.

Q. And when you came on watch in the morning, there were some missed numbers, is that correct?

A. I seem to remember some.

Q. How many on that missed number sheet could you recall checking off on the reruns that occurred during your watch?

A. None, sir, because the JR broadcast was sending reruns from a period before we started the copying. They had not reached the missing numbers that we had.

President: I see. Well this is interesting then. The rerun repeats that we hear Asmara has been able to do two or three times in a 24-hour period does not necessarily constitute 100% reruns?

A. No sir. The numbers we were receiving on the rerun were numbers from earlier in that month.

Q. Earlier in the Month?

A. Before we had started copying the other broadcasts.

Q. Now, a technical question, a procedure question for Commander Feingersch (asst counsel), How does a transmitting station decide what they're going to rerun. Are they requests from users?

A. That's one source. They'll be requested from various people then during certain periods of the day when they feel that their propagation is at the least bit of efficiency, they will take the numbers that were run during that period of day without any requests and rerun those if capacity of work units permits. If they run 500 numbers and they have a capacity of 900, there's no reason why they shouldn't take 400 of those 500 and rerun them anyway. The transmitters there, traffic's off the air. But it's requests, and it's to their professional knowledge of propagation and location of ships, how many minutes do we run, what numbers do we run.

Q. One last question, son. When you were relieved of the watch, and turned over to your relief these sheets of paper showing missed numbers, I want to ask you again, had you added to that list in your handwriting, during your period of time on watch?

A. I don't believe that I had, sir. If I did, I might have added some numbers while we were having trouble with the page print and then I remember I went back and I checked the reproof tape and read on to see if it was for us and checked them off.

Q. So, you didn't add any new ones. You don't remember whether you checked off any old ones?

A. I know that I did not check off any old ones.

Q. You did not check off any old ones, and as I understand you that was because what they were rerunning was stuff before you even picked up the broadcast?

A. Yes sir.

Q. When you assumed the watch on the 8th, you said there were some numbers missing before they shifted to the JARAD broadcast. KR numbers you said. Do you recall after shifting to the Asmara broadcast of anyone taking any action to get the, regardless of the number, missing KR numbers?

A. No sir, I don't. I was not on watch when they changed broadcast, they changed broadcast they were copying while I was in between strings of watches. I was out on a break when they changed, so I do not know if they took any action of if they did, what action they took.

The witness was duly warned and withdrew.

Chief Warrant Officer Jack E. WICKHAM, U.S. Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, UCMJ and testified as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court.

Q. Please state your name, rank, and present duty station.

A. Chief Warrant Officer Jack E. Wickham, 537928/7742, I am the assistant salvage and diving officer for Commander Service Squadron Eight, Norfolk, Virginia.

Q. You are well aware this Court of Inquiry has been convened to ascertain

certain information attendant with the attack upon USS LIBERTY on 8 June 1967. You have been called as a witness, to answer certain questions you may be able to answer. At this time, the President, Admiral Kidd would like to ask you a few questions.

Q. Mr. Wickham, your reputation is known to me in the salvage business, and if I recall correctly you have been involved in salvage operations, the recovery of the remains, and lengthy details incident to marine salvage for some 20 years. Is that correct?

A. That is correct, sir.

Q. The question that I am going to ask you will be included in the medical portion of this report, and it goes like this. In your professional experience and based thereon what would be your opinion, from your duties yesterday incident to the recovery of the remains from the torpedoed compartment of the USS LIBERTY, as to the possibility or probability of any of those remains having been alive after the explosion?

A. In my experience with explosion of this type aboard naval vessels, I have no doubt of any kind that any person could have survived the initial explosion down there. I think death was instantaneous for every person in the immediate area.

Q. Now, to extend just a bit. Some of the people down there got out. There is the ever present possibility in the minds of next of kin, that in our determination to button up the ship quickly, that we might inadvertently trap men below. Now, would you comment on this aspect of this situation. As I understand it, from what you said, those who got out, got out because they were able to get out, and the rest were dead on the explosion?

A. Yes sir, that is my opinion.

Q. And from previous discussions with you, I understand that this opinion derived from the degree of dismemberment and like facts which caused this conviction?

A. Yes sir. Every body that I observed down there, there is no doubt in my mind that that person was dead at the time of the explosion.

President: Thank you very very much, Mr. Wickham.

The witness was duly warned and withdrew.

Commander William L. McGonagle, was recalled as a witness, reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court.

Q. Captain, did you bring with you today the gyro compass record for USS LIBERTY?

A. Yes sir, I did.

Q. Is this it?

A. Yes sir, it is.

I request the recorder to mark this as exhibit number 26 and offer it into evidence as exhibit number 26.

Q. Will you please read pertinent extracts from that.

A. The ship's gyro was last inspected by the USS VULCAN qualified gyro inspection and repair personnel on 30 March 1967.

Q. Is that 30 March 1967 a timely inspection?

A. Yes sir, it is. The ship's gyro is required to be inspected whenever possible by tender or yard personnel specifically trained in this responsibility once each quarter. I would like to indicate that the log shows that the error at the time of this inspection was .1° westerly.

Counsel for the Court: I have no further questions. Does any member of the Court desire to question the witness?

President: Captain, in our previous discussions, you told me a story which I have since come to identify as remarkable humility and selfeffacement on your part which I presume has caused you not to mention in testimony the way you navigated this ship out of dangerous waters after the attack. Will you please tell the Court how, while lying on your back, with no compass except the magnetic compass, and based upon your recollection of

your magnetic compass error in relation to the gyro compass book, you used the sun and subsequently the North Star to clear the area.

A. Admiral, after a time on the bridge, when I had received minor injuries, I lost considerable blood and attempts to stem the flow of blood by self-help were unsuccessful, I noticed myself beginning to lose consciousness. I immediately layed down on the deck flat on my back on the port wing and raised the *ble* as possible, resting it on my port bridge chair, and there a first class communications technician by the name of Carpenter and other persons who I don't recall at this time, applied a tourniquet to my which effectively stopped the flow of blood. I, at no time, lost consciousness and had my full faculties at all times. I realized by that time I had lost considerable amounts of blood because it was sloshing in my shoes and *ble* was completely soaked with blood. They cut the *bb* pant *ble* looked at my wounds at that time and they still did not appear to me to be serious and since the flow of blood had been stopped I gave no further consideration to - I didn't consider I had any more problem in that area. I asked them to bring me coffee, fluids, a couple of salt tablets, and so forth. I conned the ship by looking aft and by being able to see the wake of the ship I was able to tell after steering which way to apply the rudder and how long to leave it on to attempt to average out the best course that I felt the ship should travel on to stand clear of possible shoal areas. I remained on my back for approximately an hour and a half. I then felt that I had regained sufficient strength that I was able to get up from the deck and con the ship from the wing of the ship and from the pilot house. I couldn't get my *ble* a comfortable position so I moved from one place to the other. I couldn't stay in any one place for too long a period of time. It seemed to me that my remaining on the bridge, this would be able to lessen the shock that the rest of the crew had received.

Counsel for the Court: Captain, predicated on your testimony at the last hearing in which you testified, the Court propounded certain questions for you to answer. Will you please now give the Court the answers to those questions?

A. Yes sir, I will. The questions concern the following:

Q. The basic directives for your operations in the Eastern Mediterranean appears to be those contained in JCS message 011545Z which indicated you would operate south of 32°N during the period 9-30 June. Did you receive any directive to commence these operations before 9 June?

A. Directives received both before and subsequent to JCS 011545Z indicated the urgency of initiating operations in the Eastern Mediterranean as soon as possible. For example: COMSERVRON 8 message 240020Z directed LIBERTY to depart Abidjan immediately and proceed at best speed to Rota for logistics and subsequent employment in the Eastern Mediterranean. My 241732Z indicated ETA Port Said area about 061400Z June. This estimate allowed five hours at Rota to fuel, reprovision, and again get underway. Heavy seas and a boiler casualty delayed LIBERTY's arrival Rota. Repairs to an antenna system were undertaken at Rota and the ship was directed to remain at Rota until repairs were completed. On the basis of telephone authorization LIBERTY departed Rota at 021230Z for the Eastern Mediterranean and reported that best speed would be utilized enroute (LIBERTY 022108Z).

LIBERTY 021330Z indicated that the ship would arrive at 32-00N 3300E at 080300Z and commence operations within 50 miles from 32-00N 33-30E.

LIBERTY SITREP 070908Z indicates that pim would be stationary at 072300Z and operations would be within 30 miles of 31°45N 33-30E.

CINCUSNAVEUR 061357Z, which refers to both LIBERTY 021330Z (MOVREP) and 022108Z (SITREP on departure Rota), directed that COMSIXTHFLT operate LIBERTY to derive maximum benefit from special capabilities.

LIBERTY chopped to COMSIXTHFLT by message at 070001Z.

No messages were received which would indicate that the expressed intentions of LIBERTY was at variance with the implied desires of all higher commands concerned to effectively employ the unique capabilities of LIBERTY at the earliest possible time. Daily SITREPS/PIM reports were

submitted LIBERTY messages: 032020Z June, 042050Z June, 051934Z June, 061844Z June, 070908Z June, 080634Z June pertain.

In spite of the fact that outgoing transmissions were undesirable for research purposes in view of the operational importance of these messages to the ship's technical/operational commanders I directed that the SITREPS that these messages be sent irregardless of their undesirable effects on the effectiveness of the research mission, especially in view of the increased precedence for transmission directed and prior length of time to obtain TOD for further routing of the SITREPS submitted 3, 4 and 5 June.

JCS 062050Z June Priority (TOR 08/0555Z Jun) contains procedure to be utilized in developing and promulgating LIBERTY schedule and changes while operating in USCINCEUR's area of responsibility. Note that LIBERTY is not included in the framework of developing the schedule or changes and a specific note was included in paragraph 3 of that message to the effect that "... on all messages pertaining to skeds for (sic or) sked changes ... USS LIBERTY is not an addee on these msgs." Since LIBERTY was not privy to background of schedule of changes there was no reason to believe that the reported actions and intentions of LIBERTY were not acceptable to operational/technical commanders nor was there any way to know that they were considering revisions to that schedule until a message is received which directs the ship to change its area of operation.

President: During your testimony yesterday, in relation to the loss of your quartermaster, the loss of your navigational capabilities, and related circumstances making it difficult to reconstruct navigationally and cronologically exactly what occurred, you were asked to develop in conjunction with your ships officers and through the assistance of any other assets available, such as your engineer's bell book, the CIC log, recollections of ships personnel the best available story, cronological in words and pictorial on charts and wayfers what happened. Have you done this?

A. Yes sir, we have.

President: Would you be kind enough to submit into evidence at this time, those documents?

Counsel for the Court: I ask you if you have the chronological listing of events relative to USS LIBERTY on 8 June.

A. Yes sir, I do.

Q. Would you provide it, please?

A. Here it is.

Counsel for the Court: Request this be marked exhibit number 27 and request that it be introduced into evidence. Will you please now read exhibit number 27 to the Court?

A. Exhibit number 27 is COMDESRON TWELVE Secret Message 150016Z JUN 67 to CINCUSNAVEUR.

FOR ADMIRAL MCCAIN FROM KIDD. DELIVER AT _____
~~XXXXXXXXXX~~, YOUR 141740Z NOT RCVD AS OF 142355Z; HOWEVER
 REQUESTED 8 JUNE CHROMOLOGY FOLLOWS:

A. APPROACHING LAND FROM THE WEST DURING THE EARLY MORNING HOURS OF 8 JUNE, PROJECTED OPERATIONS OF LIBERTY FOR THE MORNING AND AFTERNOON OF THE DAY WAS TO PROCEED TO A POINT 13 NAUTICAL MILES FROM THE COAST OF UAR AT 31-27.2N 34-~~00~~E (POINT ALPHA) THENCE TO 31-22.3N 33-42E (POINT BRAVO) THENCE TO 31-31N 33-~~00~~E, (POINT CHARLIE) RETRACING THIS TRACK UNTIL NEW ORDERS RECEIVED, SHIP WOULD OPERATE NORTH OF THIS TRACK LINE AT ALL TIMES, IF FIXES COULD NOT BE ACCURATELY OBTAINED AS POINT CHARLIE WAS APPROACHED IT WAS INTENDED TO HEAD DUE NORTH UNTIL THE 1~~00~~ 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 1~~00~~ FATHOM CURVE. NORMAL STEAMING SPEED WAS TO BE FIVE KNOTS. NORMAL STEAMING COLORS WERE FLOWN AND NORMAL NAVIGATIONAL LIGHTS LIGHTED AT NIGHT. THERE WAS NO INTENTION TO STEAM AT DARKEN SHIP AT ANY TIME

AND THE SHIP DID NOT EVEN EXERCISE AT DARKEN SHIP DRILL DURING THE DEPLOYMENT

2. ALL TIMES BRAVO UNLESS OTHERWISE INDICATED

0754 STEAMING ON 130T, SPD 10 KNOTS

0849 PASSED THROUGH POINT ALPHA CHANGED CSE TO 253T

0850 SINGLE JET A/C (UNIDENTIFIED) CROSSED ASTERN DISTANCE 3 - 5 MILES - CIRCLED SHIP FROM STBD TO PORT AND RETURNED TO UAR MAINLANT. LOCATING TWO TRANSMITTED (LIBERTY 080742ZJUN).

0905 DECREASED SPD TO 5 KNOTS

1056 ANOTHER A/C CIRCLED SHIP-HIGH

1126 ANOTHER A/C CIRCLED SHIP LOCATING THREE DRAFTED FOR TRANSMISSION AT 081022Z (BUT MAY NOT HAVE BEEN TRANSMITTED)

1132 PASSED THROUGH POINT BRAVO C/C TO 283T

1310 EXERCISED AT G.Q. DRILL

1348 SECURED FROM G.Q. DRILL.

1351 3 SMALL SURFACE CONTACTS HELD ON RADAR 32,000 YARDS BEARING 082T - REJURED TO BRIDGE AS 3 SURFACE CONTACT

1353 RADAR REPORTS POSSIBLE A/C PASSING OVER SURFACE CONTACTS.

1358 SINGLE A/C SIGHTED APPROACHING SHIP FROM 135 DEG RELATIVE 5 - 6 MILES DISTANCE, ALTITUDE APPROXIMATELY 7000 FT.

A/C PASSED DOWN TRACK OF SHIP

1403 LOUD EXPLOSION - PORT SIDE AMIDSHIPS

1405 SOUNDED GENERAL ALARM - LARGE FIRE IN VICINITY OF FRAME 85, 01 LEVEL WHERE FUEL FOR MOTOR DRIVEN FIRE PUMPS ARE LOCATED.

1405 ALL AHEAD FLANK SIGNALLED BY ENGINE ORDER TELEGRAPH.

1405 - 1410 SHIP UNDER REPEATED AIR ATTACK WITH TWO OR MORE A/C MAKING COORDINATED STAFING, ROCKET, AND INCENDIARY RUNS OVER SHIP. THREE MAJOR FIRES TOPSIDE COVERING LARGE AREAS OF SHIP WITH FLAMES AND HEAVY SMOKE A TOTAL OF EIGHT MEN WERE KILLED OR DIED AS A RESULT OF INJURIES RECEIVED DURING THE AIR A

ATTACK, ONE KILLED AND ONE MORTALLY WOUNDED ON BRIDGE, TWO KILLED AT MACHINE GUN 51, ONE KILLED AT MACHINE GUN 52, ONE DIED FROM WOUNDS RECEIVED ON THE MAIN DECK STARBOARD SIDE AND TWO DIED OF WOUNDS RECEIVED ON THE ϕ 1 LEVEL PORT SIDE. APPROXIMATELY SEVENTY FIVE WOUNDED, INCLUDING COMMANDING OFFICER, THROUGHOUT TOPSIDE AREA FROM SHRAPNEL AND SHOCK OF EXPLODING ROCKETS.

1411 BEGAN MAKING TURNS FOR 18 KNOTS.

1424 3 MTB'S SIGHTED ABAFT STARBOARD

1 BEAM DISTANCE 4 -5 MILES

1426 NOTICED NORMAL STEAMING ENSIGN SHOT AWAY DURING AIR ATTACK HOLIDAY SIZE ENSIGN HOISTED ON PORT YARDBARM.

1428 MTB SIGNALLING BY FLASHING LIGHT FROM STBD QUARTER. LIGHT OBSCURED BY DENSE SMOKE FROM BURNING MOTOR WHALEBOAT.

1430 ONE ROUND FIRED BY MACHINE GUN 51. C.O. ORDERED HOLD FIRE.

1431 MACHINE GUN 53 OPENED FIRE. C.O. SENT ENS LUCAS AROUND PORT SIDE OF BRIDGE TO GET MACHINE GUN 53 TO CEASE FIRING

1431 WORD PASSED TO STANDBY FOR TORPEDO ATTACK TO STARBOARD.

MTB COMMENCED STRAFING STARBOARD SIDE OF SHIP

1434 TORPEDO PASSED 75 YARDS ASTERN OF SHIP.

1435 TORPEDO HIT STARBOARD SIDE AMIDSHIPS.

TWENTY SIX MEN DIED AS A RESULT OF THE TORPEDO HIT AND MTB STRAFING FIRE.

1435 LOST ELECTRICAL POWER THROUGHOUT THE SHIP.

1436 LOST STEAM PRESSURE - SECURED ENGINES AND BOILERS -

MANY GAUGES AND METERS IN FIREROOM AND ENGINE ROOM WERE KNOCKED OUT. TORPEDO HIT IN RESEARCH COORDINATION CENTER WHERE

APPROXIMATELY TWENTY MEN WERE AT G.Q. STATIONS. THESE SPACES

FLOODED INSTANTLY AND MOST PERSONNEL IN THIS SPACE DIED OF

EITHER BLAST OR DROWNING. NO SIGNS OF LIFE EMANATING FROM COORDINATION CENTER AND ADJACENT SPACES WHICH COULD NOT BE OPENED WITHOUT

DANGER OF FLOODING OTHER SPACES.

1440 MTB'S STANDING AWAY FROM THE SHIP. ONE MTB HAS HULL NUMBER 206-17

1503 ONE MTB RETURNED TO SHIP AND SIGNALLED "DO YOU NEED HELP" IN ENGLISH C.O. SIGNALLED "NEGATIVE"

1505 MTB'S RETIRED TOWARD SHORE

1507 HELICOPTER BEARING STAR OF DAVID MARKINGS APPROACHED SHIP, PORT SIDE, HOVERING AT ABOUT 500 YDS DISTANCE.

1508 SECOND HELICOPTER APPROACHED SHIP.

MARKINGS ON HELICOPTERS ARE 04 AND 08 OR D4 AND D8. HELICOPTER MADE REPEATED PASSES AROUND AND OVER SHIP. THEY WERE NOT OBSERVED TO PICK UP ANY BODIES, PERSONS OR DEBRIS.

1519 POWER RESTORED TO BRIDGE BUT RUDDER DID NOT ANSWER - CONTINUED STEERING FROM AFTER STEERING.

1536 MTB'S APPROACHING SHIP STARBOARD SIDE 7-8 MILES DISTANT. DURING NEXT HOUR AND A QUARTER THE MTB'S RETURNED TO THE SHIP HOVES AND BY 1713 THEY HAD RETIRED OUT OF SIGHT OVER THE HORIZON.

1615 TWO UNIDENTIFIED JET A/C APPROACHED SHIP FROM THE STEB SIDE AND RECONNOITERED FROM A DISTANCE.

1620 ATTEMPTING TO CLEAR AREA STEERING NORTHERLY COURSE AT SPEEDS VARYING FROM 0 TO 8 KNOTS. PERSONNEL CASUALTIES WERE TREATED IN THE WARDROOM ON A CONTINUING BASIS, DAMAGE CONTROL AND FIRE FIGHTING CONTROLLED FLOODING AND DAMAGE, ENGINEERING CASUALTIES WERE RESTORED BUT STEERING WAS BY HAND FROM AFTER STEERING.

1845 ISRAELI HELICOPTER APPROACHED SHIP - CIRCLED CLOSE ABOARD AND ATTEMPTED TO SIGNAL - THEY APPEARED TO DESIRE TO LOWER SOMEONE TO THE DECK - C.O. CONSIDERED RECEIVING HIM ON FORECASTLE BUT RULED THIS OUT AS TO HAZZARDOUS, REPEATED ATTEMPTS TO

COMMUNICATE WERE UNSUCCESSFUL. AND AT 1852 COPTER DROPPED
A MESSAGE PACKET ON FORECASTLE, THE MESSAGE, WRITTEN ON A CALLING
CARD OF THE U.S. NAVAL ATTACHE TEL AVIV, ASKED "HAVE YOU CASUALTIES"
SHIP TRIED BY SEVERAL MEANS TO INDICATE, DURING NEXT
TEN MINUTES THAT THERE WERE MANY CASUALTIES BUT THERE WAS NO
INDICATION THAT THE MESSAGE WAS UNDERSTOOD, THE MUTILATED
BODIES OF THREE DEAD CREW MEMBERS HAD NOT YET BEEN REMOVED
FROM THE FORECASTLE AND MUST HAVE BEEN OBSERVED FROM THE
HELICOPTER. THE HELICOPTER DEPARTED THE SHIP SHORTLY BEFORE
SUNSET (ABOUT 1905) SHIP CONTINUED STEAMING THROUGH NIGHT TO
RDVU WITH ESCORTS DISPATCHED BY COMSIXTHFLT

3. FOREGOING CONSTITUTES DETAILED RECONSTRUCTION FROM QM NOTEBOOK,
CIC LOG, BELL BOOK AND BEST RECOLLECTION OF CO/CHIEF ENGR/
GUN OFF/BRIDGE PERSONNEL. ALL CONCUR

GP-3

BT

Counsel for the Court: Captain, do you have with you today your readiness file and your gunnery procedures?

A. Yes sir, I have.

Counsel for the Court: This will be exhibit number 28, the modified condition of readiness three. Exhibit number 29 will be the guide for gunnery officers. I request that they be admitted in evidence.

Counsel for the Court: Captain, do you have with you today another chart which was requested by the Court of your projected track in relationship to the prescribed areas of operation.

A. Yes sir, I have, and the information requested by the Court has been placed thereon.

Counsel for the Court: I request this chart be marked by the reporter as exhibit number 30 and be admitted in evidence at this time. I also request that the reporter mark the following three exhibits, 31, 32, 33, exhibit 31 and 32 are maneuvering boards, exhibit 33 is bullet and projectile mark photographs. I request that these exhibits be entered into evidence as exhibits 31, 32 and 33.

Counsel for the Court: Captain, do you have with you information as to the number of bullet marks on USS LIBERTY as a result of the attack on 8 June 1967?

A. Yes sir, I have had a topside inspection of the ship made and have recorded the number of projectile hits in various areas of the ship.

President: What was the total number of hits you took, Captain?

A. We took a total of 821 plus one torpedo hit.

Counsel for the Court: That does not include shrapnel marks?

A. No sir, that does not include shrapnel marks which are innumerable.

Counsel for the Court: Does the Court desire to question this witness further?

Captain ATKINSON: One question, on your open fire doctrine, what is your open fire doctrine?

A. The open fire doctrine is that, except in a melee, all fire will be controlled by the Commanding Officer through his normal gunnery control organization. At surprise air and surfact attacks, the gunnery personnel

on the mounts are authorized to open fire if they are unable to communicate with gun control or the bridge.

President: Let the record show at this point that the grizzly business of recovery of remains from the torpedoed compartments yesterday and last night resulted in starting out looking for 22 unrecovered bodies. We actually recovered 18 of whom we are reasonably confident that we identified accurately 15. Wholesale dismemberment resulting in many remains virtually being blown to bits made the recovery particularly difficult and identification even more complicated. It cannot be conclusively determined that the four missing of the 22 being sought are not in pieces in the spaces themselves. On the other hand, it is possible that we did lose four floating free after the attack or we may have lost those four immediately at the time of the attack dropping through the hole in the bottom. The degree of dismemberment was so extreme as to be typified by the fact that the last few cases we packed in the small hours this morning contained for example, a head, and an arm in one and similar partial bodies.

The Court recessed for lunch at 1200 hours on 15 June 1967.

After recessing at 1200 hours on 15 June, the Court met again at 1330 hours on 15 June 1967.

Counsel for the Court: All persons who were present when the court recessed are again present in court. The Captain, USS LIBERTY is still on the stand and under oath. Commander, do you have anything else you'd like to present?

Commander McGonagle: I gave the list of recommendations to the yeoman and I hadn't completed writing out the last one, but the last one in substance that I would recommend that ships that are engaged in special operations of this type or others of which I'm not aware but that may be of critical importance that they be advised of the decisions of higher authority which are under consideration and could be of value to the ship in being able to respond to the desires of higher command in more timely fashion.

Counsel for the Court: Do any of the members have questions of this witness?

Assistant Counsel for the Court: Yes, I have a question, Captain, if I may. In general, could you tell me what the normal everyday procedures are, as relates to determination of when to come up on a transmitter for the purpose of establishing a ship-shore circuit.

A. Usually, the number of messages - of course, we have no way of knowing what the contents of a missing message number is. I check with the communicators, it is my usual practice to go to the research spaces every morning. At about 0815 there, I receive a sort of informal briefing on the research operations, I review the special traffic. The general service board is usually brought to me before I go down to the research spaces. And, the decision as to whether to come up on a transmitter or not would depend on the urgency of the message that I wanted my superior to be aware of. Generally, I try to deal with routine messages to the maximum extent possible. There are many items which cannot be handled at this level of course. With our defcon operation there were times where there would be only a few hours difference when it was working between coming up on a normal transmitter and reducing our research effectiveness, or waiting a matter of a couple of hours until we got moon time to relay via the moon. In this case I might say wait and send this one by the trsscon if possible. There were a couple of times after minimize was imposed in the area where I felt that I could send a

message not meeting minimize criteria by the trsscom system because it would not involve any of the mediterranean ships that were a transmitter receive station. I was discussing the matter of that I had authorized release of a routine message which would not normally qualify for transmission under minimize conditions. I specifically put on the bottom of this message "transmit via trsscon equipment only" and it was for a spare part for the trsscon system and we knew that this would go from the ship direct to Washington via the moon in fact the relay station.

Assistant Counsel for the Court: I was wondering, Captain, in your routine scanning the traffic, was it a normal function for the Comm officer or what have you some personnel to inform you or to keep you cognizant about numbers of missing messages from broadcast files?

A. Not as an everyday occurrence. I did check to see what the backlog of outgoing messages were, sometimes two or three times a day. As usual there would be many times when we would have a backlog of several messages without specifying the number. They would usually let me know in the morning also what the backlog of messages for the night was. This leads me to believe that if we were able to get out we usually had no problems with incoming traffic.

Assistant Counsel for the Court: Would there have been any reason, Captain, on the days of 6,7, and 8 June for it to be unwise to transmit on a ship-shore circuit terminating with a NAVCOMMSTA?

A. I'm not sure what you mean by unwise.

Q. You are steaming along doing your job, at 1500 on June 7th, let us say, would it have hurt things if all of a sudden you came up with a 500 watt transmitter on the line?

A. I can't answer that question specifically because I'm not an expert in that area, although my research officer requested that we hold the number of transmissions to an absolute minimum because we did know that whenever we transmitted our research capability was reduced, and I did this for the most part and the primary exception was the messages which I directed to be sent, PIM reports specifically, that I knew my operational and technical commanders were vitally concerned with receiving in a short period of time. I directed

the transmitters come up and transmit those messages regardless of the consequences upon the research function.

Q. The comm officer is deceased, I understand?

A. Yes, he is.

Q. Was he an Ensign?

A. No sir, he was a Lieutenant. A very capable individual. He had been in his particular specialty for a considerable period of time, the exact number of years I'm not sure, but he had been associated with tem for ten or fifteen years anyhow. The last seven or eight as an officer, and he had been on the ship approximately 11 months at the time.

Q. He was more of specialist than an operational type of officer, is that right?

A. Yes, he was and LDO and quite competent in his duties, and very thorough and conscientious.

Q. President: Captain McGonagle, before you is a message (Defense Attache Tel Aviv 091520) provided by the Court of Inquiry, purporting points advanced by the Israeli Government as justification for their unprovoked attack on USS LIBERTY on 8 June. Would you be kind enough to address yourself to those points.

A. Yes sir, LIBERTY never approached the nearest land closer than 14 NM. The ship was in international waters at all times prior to, during and after the unprovoked attack. To my knowledge there was no declared war zone recognized or sanctioned by the United States Government. I had heard on VOA various statements broadcast by Mr. Rusk and Mr. Goldberg in the UN to the effect that the U.S. attitude of the U.S. Government was neutral in the conflict between Israel and UAR and did not intend to take a position for or against either side. The VOA broadcast and BBC indicated that Israël indicated a willingness to abide by the cease fire that the UN had asked for to be effective about 072000 local time. The above considerations coupled with the right of innocent passage recognized in international law refutes this allegation categorically.

As counsel for the Court, I have in my possession a file containing messages from the official records of Commander in Chief, U.S. Naval Forces, Europe. I received these messages from the communications officer, CINCUSNAVEUR, and they are available for the use of the Court relative to this case. Do any of the Court members desire to examine this file at this time?

Captain ATKINSON: This file contains all pertinent messages concerning USS LIBERTY operations from 24 May to 11 June, is this correct?

Counsel for the Court: Yes.

The President of the Court adjourned the Court at 1445 hours, 15 June 1967, and will meet at his call in London, England.

Counsel for the Court: This Court of Inquiry is in session again after having adjourned on 15 June 1967 on board USS LIBERTY in Malta. Today the date is 16 June, the time is 1345, the place is London, England Headquarters Commander in Chief, U.S. Naval Forces Europe.

Captain Leonard Robert RAISH was recalled as a witness, reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. Captain RAISH will you now advise the court of information that you have to present in amplification of your prior testimony.

A. At the beginning of the court of inquiry I was directed by Admiral KIDD to prepare sets of questions to obtain detailed information on the attack of the LIBERTY. I did prepare sets of questions for NAVCOMMSTA PHILIPPINES, NAVCOMMSTA GREECE, NAVCOMMSTA MOROCCO, Army Communication Facility Asmara, and NAVCOMMSTA ASMARA and I produce now the messages that answered the questions.

Counsel for the Court: These messages that I have received from Captain RAISH will be marked by the reporter as exhibits numbers 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, I now offer them into evidence, and hand them back to you Captain RAISH to read to the court.

FROM: CINCUSNAVEUR TO NAVCOMMSTA PHILLIPPINES CONFIDENTIAL 141631Z JUN 67
SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY NOW IN SESSION:

A. DID YOU RECEIVE JCS 072230Z JUN AND JCS 080110Z JUN FOR RELAY?

IF ANSWER TO 1 IS YES:

B. FROM WHOM AND AT WHAT TIME DID YOU RECEIVE THEM? TO WHOM DID YOU RELAY THEM AND AT WHAT TIME?

2. SUBMIT REPLY ASAP BY PRIORITY MESSAGE. GP-4

FROM: NAVCOMMSTA PHILLIPPINES TO CINCUSNAVEUR CONFIDENTIAL 150346Z JUN 67

A. YOUR 141632Z JUN 67

DECLASSIFIED

B. JCS 072230Z JUN 67

CONFIDENTIAL

C. JCS 080110Z JUN 67

D. NAVCOMMSTA PHIL 130041Z JUN 67

1. REF B OR 133E/08 FROM NAVRELSTA KUNIA TOD 1700Z/08 TO DCS RELSTA DAGIS
2. REF C TOR 0400Z/08 FROM NAVRELSTA KUNIA TOD 0449Z/08 TO NAVCOMMSTA GUAM
3. REF D TRACER ACTION BY NAVCOMMSTA PHIL PERTAINING TO REF C.

FROM: CINCUSNAVEUR TO NAVCOMMSTA GREECE CONFIDENTIAL 141629Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY NOW IN SESSION:

- A. FROM WHOM DID YOU RECEIVE COMSIXTHFLT 080917Z JUN 67? AT WHAT TIME?
 - B. WHO WAS NAVCOMMSTA GREECE TO PROTECT FOR IN REGARD TO THIS MESSAGE AS ASSIGNED BY THE ROUTING INDICATORS?
 - C. WHAT ACTIONS DID YOUR PERSONNEL TAKE WITH REGARD TO COMSIXTHFLT 080917Z?
 - D. HOW LONG DID IT TAKE FOR YOUR PERSONNEL TO RECOGNIZE THAT COMSIXTHFLT 080917Z JUN HAD BEEN MISROUTED TO NAVCOMMSTA GREECE AND START ACTION TO RECTIFY?
 - E. COULD YOUR PERSONNEL, ONCE THE MISROUTE WAS RECOGNIZED, HAVE RECOUPED SOME OF THE LOST TIME BY REROUTING DIRECTO TO NAVCOMMSTA ASMARA? IF SO, WHY DIDN'T THEY?
 - F. HOW DOES THE MESSAGE TRAFFIC HANDLED BY NAVCOMMSTA GREECE FOR THE WEEK 3-9 JUN 67 INCLUSIVE COMPARE WITH THE PREVIOUS WEEK (I.E., 29 MAY - 2 JUN INCLUSIVE) AS REGARDS VOLUME AND PRECEDENCES USED? HOW DOES IT COMPARE TO A REPRESENTATIVE WEEK, SAY IN FEB 67?
 - G. WHAT IS THE PERSONNEL ALLOWANCE OF NAVCOMMSTA GREECE? HOW MANY DO YOU HAVE ON BOARD?
 - H. WHAT IN GENERAL IS THE LEADERSHIP AND EXPERIENCE LEVEL OF PERSONNEL ENGAGED IN MESSAGE HANDLING OPERATIONS?
 - I. SUMMARIZE IN NARRATIVE STYLE COMMUNICATIONS PROVIDED AND ACTIONS OF NAVCOMMSTA GREECE INCIDENT TO AND FOLLOWING THE ATTACK ON USS LIBERTY.
2. SUBMIT REPLIES ASAP BY PRIORITY MESSAGE. GP-4

FROM: NAVCOMMSTA GREECE TO CINCUSNAVEUR CONFIDENTIAL 150731Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS

A. YOUR 141629Z JUN 67

1. LAW REF A FOLLOWING INFO FORWARDED. SUB-PARAGRAPHS KEYED TO REFERENCE.

A. COMSIXTHFLT 080917Z RECEIVED FROM MAJRELSTA ASMARA (AEZ) AT 081238Z.

B. NAVCOMMSTA GREECE WAS INADVERTANT RELAY POINT. NORMAL DELIVERY PATH FROM ORIGINATOR TO ADDEE WOULD HAVE BY-PASSED THISTA. ONCE RECEIVED, HOWEVER, NAVCOMMSTA GREECE HAD TO PROTECT FOR RUQPNA NAVCOMMSTA ASMARA. THIS WAS THE ONLY ADDEE IN THE ROUTING LINE WHEN RECEIVED THISTA.

C. HANDLED AS ANY OBOE MSG ALONG WITH OTHERS OF EQUAL AND HIGHER PRECEDENCE. DCS RELAY HANDLED 251 FLASH MSGS ON 08 JUN RADAY. OBOE TRAFFIC COUNT SUBSTANTIALLY HIGHER, ESTIMATE 1500. EXACT COUNT WOULD REQUIRE SEVERAL DAYS EFFORT. TOTAL TRAFFIC HANDLED IN THIS TORN TAPE RELAY ON 08 JUNE WAS 5718 MSGS.

D. NO PERSONNEL RECOGNITION OR SPECIAL ACTION REQUIRED ON THE PARTICULAR MSG AS IT CARRIED A VALID ROUTING MULTIPLE ADDRESS PROCESSING UNIT (MAPU) AUTOMATICALLY RE-ROUTED MSG BACK TO MAJRELSTA ASMARA (AEZ) SEND POSITIONS. MAPU IS A MEMORY CORE DEVICE PROGRAMMED WITH PRE-DETERMINED ROUTING INDICATORS. ALL RUQP TRAFFIC, REGARDLESS OF RECEIVE ORIGIN, WILL BE DIRECTED TO THE AEZ SEND POSITIONS BY THIS DEVICE.

E. DUE TO EXTREMELY HEAVY TRAFFIC CONDITIONS, IT IS DOUBTFUL THAT THE MISSENT (NOT MISROUTED) MSG WAS EVER CONSIDERED FOR RE-ROUTE ACTION. THISTA HANDLES MANY OBOE MSGS TO NAVCOMMSTA ASMARA WITHOUT REQUIREMENT TO PASS VIA DIRECT CIRCUITRY. DIRECT CIRCUITRY CARRIES A DIFFERENT ROUTING THAN DCS COMMON USER CIRCUITRY AND DELIVERY MEANS IS DETERMINED BY THE ORIGINATOR; NOT THE RELAY STATION. RE-ROUTE ACTION DIRECT TO NAVCOMMSTA ASMARA WOULD HAVE ENTAILED CUTTING A NEW PILOT ON THE MSG BY HAND, THEN PASSING TO A COMPLETELY SEPARATE RELAY (NAVCOMMOPNET) AT THISTA FOR DELIVERY VIA DIRECT CIRCUITRY. CONSIDER NEGATIVE RECOUP OF LOST TIME BY THIS METHOD.

F. TRAFFIC VOLUMES 29 MAY - 2 JUN WERE APPROX THREE-FOURTHS AS HEAVY AS PERIOD 3 - 9 JUN. PRECEDENCES 29 MAY - 2 JUN MUCH LOWER. VERY LITTLE FLASH AND OBOE TRAFFIC PASSED. VOLUMES FEB VERSUS JUNE LESS THAN TWO-THIRDS AS HIGH. NO HIGH PRECEDENCE TRAFFIC OF CONSEQUENCE IN FEB. DIRECT COMPARISON FIGURES CAN BE FURNISHED BUT WILL REQUIRE TIME FOR COMPILATION.

G. TOTAL PERSONNEL ALLOWANCE FOR NAVCOMMSTA GREECE IS 299. ON BOARD COUNT IS 292. RM/CYN COMMUNICATIONS PERSONNEL ALLOWANCE IS 175. ON BOARD 139. THESE ALLOWANCE FIGURES ARE FOR BOTH RECEIVER AND TRANSMITTER SITES. CONTROL/TRAFFIC PERSONNEL HAVE BEEN IN A THREE SECTION WATCH STATUS FOR THE PAST 14 MONTHS.

H. LEADERSHIP AND EXPERIENCE LEVEL CONSIDERED MARGINAL BUT NOTHING LACKING IN ENERGY AND ENTHUSIASM. EXAMPLE: 54 RM2 ALLOWED, 27 ON BOARD; 12 RMSN ALLOWED, 25 ON BOARD.

I. AT 081234Z JUN NAVCOMMSTA GREECE INTERCEPTED INITIAL LIBERTY ATTACK REPORT FROM THE USS SARATOGA ON THE CINCUSNAVEUR EO4,04 VOICE HI-COMM NET. THIS WAS PUT IN TTY FORMAT AND RELAYED VIA NAVCOMMOPNET AND XRA BCST AS A NO DTG MSG, NAVCOMMSTA GREECE TIME OF FILE 1239Z/8 JUN. SUBSEQUENT TO THE INITIAL REPORT, SARATOGA AND NAVCOMMSTA GREECE PASSED ALL AMPLIFY INFO OBTAINED VIA XRA BCST, HI-COMMNET, AND DIRECT TTY CIRCUITRY. DUE LIBERTY DESTRUCTION OF CLASSIFIED MATERIAL ALL COMMUNICATIONS TO/FROM SHIP WAS LIMITED TO VOICE TRANSMISSIONS. AFTER INITIAL ATTACK REPORT THIS STA SHIFTED TO BEAMED ANTENNAS SEND/RECEIVE TO IMPROVE SIGNAL QUALITY UNDER EXTREMELY NOISY CKT CONDITIONS. RELIABLE COMM WITH SARATOGA AND LIBERTY WERE MAINTAINED BY THIS ACTION ALTHOUGH CIRCUIT DEGRADATION OCCURED TO OTHER STATIONS ON THE NET. NAVCOMMSTA GREECE ASSUMED RELAY RESPONSIBILITIES FOR LIBERTY AND COORDINATED SPEED, COURSE, AND ESCORT RDVU INSTRUCTIONS FROM COMSIXTHFLT. COMDESRON 12, ASSIGNED AS ESCORT, TERMINATED FULL PERIOD ORESTES THIS STA AT 0030Z/9 JUN AND RDVU AFFECTED 0424Z/ 9 JUN. COMDESRON 12 ASSUMED COMM GUARD FOR LIBERTY AND MAJORITY OF TRAFFIC PASSED AFTER RDVU WAS VIA DIRECT SHIP/SHORE TERMINATION.

2. COMDESRON 12 REMAINS TERMINATED NAVCOMMSTA GREECE UNTIL FURTHER NOTICE. GP-4

FROM: CINCUSNAVEUR TO NAVCOMMSTA MOROCCO CONFIDENTIAL 141628Z JUN 67
SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY NOW IN SESSION:

A. AT WHAT TIME DID YOU RECEIVE JCS 072230Z, JCS 080110Z, AND COMSIXTHFLT 080917Z ALL JUNE AND FROM WHOM?

B. FOR WHOM WAS NAVCOMMSTA MOROCCO ASSIGNED TO PROTECT ON THESE MESSAGES? HOW AND WHEN DID YOU DELIVER THEM?

C. DID YOU RECEIVE THESE MESSAGES FOR DELIVERY TO USS LIBERTY? IF SO, AT WHAT TIME AND FROM WHOM?

D. WHAT WAS THE GENERAL COMMUNICATION LOAD FOR THE MEDITERRANEAN AREA DURING THE WEEK OF 4 JUNE? HOW DOES THIS COMPARE TO AN AVERAGE WEEK OF, SAY, FEB 1967?

E. WHAT IS YOUR WATCH SITUATION? IF ANSWER IS LESS THAN 1 IN 4, HOW LONG HAS IT BEEN AT THIS TEMPO?

2. SUBMIT REPLIES ASAP BY PRIORITY MESSAGE. GP-4

FROM:NAVCOMMSTA MOROCCO TO CINCUSNAVEUR CONFIDENTIAL 142255Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

A. YOUR 141628Z JUN 67

B. MY 131659Z JUN 67

~~C.~~ MY 091745Z JUN 67

1. LAW REF A, THE FOLLOWING SUBMITTED:

A. JCS 072230Z INITIALLY RECEIVED FROM SAN PABLO AT 080523Z. RECEIVED AGAIN FROM WASHDC 081959Z. JCS 080110Z RECEIVED FROM WASHDC AT 080430Z. COMSIXTHFLT 080917Z RECEIVED FROM COMSIXTHFLT AT TPZ.

B. JCS 072230Z: NAVCOMMSTA MOROCCO DELIVERY RESPONSIBILITY FOR COMSIXTHFLT ON INITIAL RECEIPT AND SENT TO COMSIXTHFLT VIA DIRECT CIRCUIT AT 080724Z. SECOND RECEIPT, MOROCCO HAD DELIVERY RESPONSIBILITY FOR LIBERTY AND CTF 67. SENT TO SAN PABLO FOR FURTHER DELIVERY TO ASMARA AT 082012Z FOR LIBERTY, AND TO NAPLES FOR DELIVERY TO CTF 67 AT 082135Z. JCS 080110 MOROCCO HAD DELIVERY RESPONSIBILITY FOR COMSIXTHFLT. SENT TO COMSIXTHFLT VIA DIRECT CIRCUIT AT 080639Z. COMSIXTHFLT 080917Z: MOROCCO HAD DELIVERY RESPONSIBILITY FOR USS LIBERTY. SENT TO SAN PABLO FOR FURTHER DELIVERY TO ASMARA 081100Z.

C. JCS 072230Z: AS NOTED ABOVE SECOND RECEIPT WAS FOR LIBERTY AT 081959Z FROM WASHDC. COMSIXTHFLT 080917Z RECEIVED 081050Z FROM COMSIXTHFLT.

D. DURING PERIOD 4-10 JUNE HIGH PRECEDENCE MESSAGE TOTALS MOUNTED RAPIDLY WITH PEAK OCCURRING 8 JUNE. DUE TO IMPOSITION OF MINIMIZE BY USCINCEUR ON 5 JUNE THERE WAS A SIGNIFICANT REDUCTION IN ADMINISTRATIVE TRAFFIC WHICH PARTIALLY COMPENSATED. AS NOTED IN REFERENCE B, FLEET RELAY TRAFFIC WAS ALMOST THREE TIMES THAT OF AN EQUAL PERIOD IN FEBRUARY 67.

E. COMMENCED ONE IN THREE WATCHES ON 5 JUNE IN ANTICIPATION INCREASED COMM LOAD.

F. REF C REFERS ALSO. GP-4

FROM: CINCUSNAVEUR TO USASTRATCOMFAC ASMARA CONFIDENTIAL 141627Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. ON BEHALF OF AND TO ASSIST NAVY COURT OF INQUIRY NOW IN SESSION PLEASE FURNISH ANSWERS TO FOLLOWING QUESTIONS:

A. AT WHAT TIME WAS COMSIXTHFLT 080917Z JUN RECEIVED AT YOUR STATION FOR RELAY TO NAVCOMMSTA ASMARA? AND FROM WHOM?

B. WAS YOUR STATION HANDLING AN ABNORMALLY LARGE AMOUNT OF HIGH PRECEDENCE MESSAGE TRAFFIC ON 8 JUNE 67? IF SO, STATE ROUGHLY THE PERCENTAGE INCREASE OVER A ROUTINE DAY.

C. AT WHAT TIME DID YOUR STATION RELAY COMSIXTHFLT 080917Z JUN 67 TO NAVCOMMSTA GREECE? AT WHAT TIME DID YOU RECEIVE IT BACK FROM NAVCOMMSTA GREECE? AT WHAT TIME DID YOU RELAY IT TO NAVCOMMSTA ASMARA?

2. REQUEST REPLY ASAP BY PRIORITY MESSAGE. COMMENTS IN ADDITION TO ABOVE QUESTIONS INVITED. GP-4

FROM: CO USASTRATCOM FAC ASMARA ETHIOPIA TO CINCUSNAVEUR CONFIDENTIAL 150520Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

REF: CINCUSNAVEUR MSG 141627Z JUN 67 (PASEP)

1. COMSIXTHFLT MSG 080917Z JUN 67 WAS RECEIVED BY THIS STATION FOR RELAY TO NAVCOMMSTA ASMARA AT 081200Z JUN 67. IT WAS RECEIVED FROM MAJOR RELAY STATION SEVILLE SPAIN.

2. THIS STATION WAS HANDLING AN ABNORMALLY LARGE AMOUNT OF HIGH PRECEDENCE MESSAGE TRAFFIC ON 8 JUN 67. THE FOLLOWING IS THE MESSAGE TRAFFIC RATE

FOR A ROUTINE DAY AND 8 JUN 67:

	ROUTINE DAY (4 MAY 67)		8 JUNE 67		PCT OF INCREAS
	NR OF MSGS	PCT OF DISTR	NR OF MSGS	PCT OF DISTR	
FLASH	0	0	198	2.5	INDETERMINATE
IMMEDIATE	649	12.7	2388	30.2	268
PRIORITY	1778	34.8	3860	49.0	117
ROUTINE	2682	52.5	1447	18.3	-85
TOTAL	5109		7893		54

3. COMSIXTHFLT MSG 080917Z JUN 67 WAS RELAYED TO NAVCOMMSTA GREECE AT 081215Z JUN 67. IT WAS RECEIVED BACK FROM NAVCOMMSTA GREECE AT 081503Z JUN 67 AND RELAYED TO NAVCOMMSTA ASMARA AT 081510Z JUN 67. GP-4

FROM: CINCUSNAVEUR TO NAVCOMMSTA ASMARA CONFIDENTIAL 141626Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY NOW IN SESSION:

A. AT WHAT TIME WERE THE FOLLOWING MESSAGES RECEIVED AT YOUR STATION FOR PLACING ON THE NAVCOMMSTA ASMARA BCST BEING GUARDED BY USS LIBERTY:

- (1) JCS 072230Z JUN 67?
- (2) JCS 080110Z JUN 67?
- (3) COMSIXTHFLT 080917Z JUN 67?

B. FROM WHAT RELAY STATION DID YOU RECEIVE THE MESSAGES IN QUESTION AND AT WHAT TIME?

C. WHAT WERE YOUR "IN-HOUSE" HANDLING TIMES FOR THE ABOVE MESSAGES?

D. ACCORDING TO YOUR INFO, AT WHAT TIME DID USS LIBERTY SHIFT TO THE ASMARA FLEET BROADCAST (JRFT)?

2. SUBMIT REPLIES ASAP BY PRIORITY MESSAGE. GP-4

FROM: NAVCOMMSTA ASMARA TO CINCUSNAVEUR CONFIDENTIAL 141956Z JUN 67

USS LIBERTY COMMUNICATIONS

A. YOUR 141626Z JUNE 67

1. IAW REF A FOLL DATA IS SUBMITTED

A. JCS 072230Z JUNE 67 WAS RECEIVED BY THLSTA AT 082125Z JUN 67

B. JCS 080110Z JUN 67 CANNOT LOCATE ANY RECORD WHICH WOULD TEND TO INDICATE RECEIPT OF THIS MESSAGE TO DATE. HAVE INSPECTED FILED PAGE COPIES AND TAPE REELS OF ALL CIRCUITS TERMINATING THLSTA FROM

080000Z TO DATE WITHOUT SUCCESS.

- C. COMSIXTHFLT 100917Z JUN 67 WAS RECEIVED BY THISTA AT 081510Z.
2. JCS 072230Z JUNE 67 AND COMSIXTHFLT 080917Z JUNE 67 WERE RECEIVED FROM THE MAJOR DCS RELAY STATION ASMARS (U.S. ARMY STRATEGIC COMMUNICATIONS FACILITIES, ASMARA) AT THE TIMES LISTED PARAS 1A AND C ABOVE.
3. IN HOUSE HANDLING TIMES WERE:
- A. JCS 072230Z JUN 67 -- 10 MINUTES
- B. COMSIXTHFLT 080917Z JUN 67 -- 15 MINUTES
4. USS LIBERTY SHIFTED TO JRFT AT 070001Z JUNE 67.

GP-4

BT

Q. Captain, will you now give your conclusions drawn from the answers received from your queries?

A. Yes sir, the queries have confirmed information already available that the LIBERTY did not receive JCS 080110Z; that JCS 072230Z, being a priority message in competition with all the FLASH and OP IMMEDIATE messages, did not get on the Asmara Broadcast until too late; that COMSIXTHFLT's 080917Z also did not get on the Asmara Broadcast until too late. I conclude also that there was a tremendous surge of high precedence traffic injected into the communication system. For example, on 8 June alone NAVCOMMSTA Greece handled 250 Flash messages, about 1500 operational immediate messages, and a total of 10,499 of all types of messages. Although the communication system was heavily loaded, it did not breakdown and undoubtedly we had reader saturation rather than communications saturation. My final conclusion is that the queries confirm previous information as regards personnel in that the communication system continues to be short in both manning level and experience level.

CAPT RAISH: Gentlemen, in addition to the foregoing, I have here additional information that was assembled at the request of the JCS Fact finding group headed by MGEN Russ. This information is in the form of complications of messages handled by NAVCOMMSTA Greece, NAVCOMMSTA Morecco, NAVCOMMSTA Asmara, NAVCOMMUNIT London. This information was compiled for the first 12 days of June for comparison purposes. We have compiled similar information for a similar period, namely 1-12 Feb. This is to give you an illustration of the burden on the system during this critical time as compared to normal operations, for example for the first 12 days in February NAVCOMMSTA Greece handled 69,122 messages, for the first 12 days in June NAVCOMMSTA Greece handled 1,190 flash messages. Gentlemen, the same comparison is made on all the stations and the objectives is to demonstrate to you the strain on the system at this time. I shall now read these into the record.

MEMORANDUM FOR RADM KIDD DATED 16 JUNE 1967 FROM CAPT L. R. RAISH, USN,
ASSISTANT CHIEF OF STAFF, COMMUNICATIONS.

1. ENCLOSED ARE COMMUNICATIONS MESSAGE HANDLING FIGURES FOR SELECTED
NAVAL COMMUNICATION STATIONS IN THE EUROPEAN AREA DURING THE PERIOD 1 JUNE-
12 JUNE 1967. FOR COMPARISON PURPOSES A COMPILATION HAS BEEN MADE FOR A
SIMILAR PERIOD IN FEBRUARY 1967.
2. THE ATTACHED INFORMATION WAS ASSEMBLED AT THE REQUEST OF THE JCS FACT
FINDING GROUP HEADED BY MGEN RUSS. IT IS FORWARDED TO YOU AS A MATTER
OF INTEREST.

Very respectfully,

/s/ L. R. RAISH

ASSISTANT CHIEF OF STAFF

COMMUNICATIONS

NAVAL COMMUNICATION STATION GREECE

I. MESSAGE HANDLED

1 FEB	5,901	1 JUN	10,178
2 FEB	6,775	2 JUN	10,702
3 FEB	6,240	3 JUN	10,119
4 FEB	5,506	4 JUN	8,113
5 FEB	3,892	5 JUN	8,414

6 FEB	5,160	6 JUN	19,906
7 FEB	5,941	7 JUN	9,750
8 FEB	6,652	8 JUN	10,074
9 FEB	6,539	9 JUN	9,959
10 FEB	6,935	10 JUN	10,499
11 FEB	5,293	11 JUN	8,073
12 FEB	<u>4,419</u>	12 JUN	<u>7,835</u>
TOTAL	69,122	TOTAL	113,622

II. FLASH MESSAGES HANDLED

5 JUN	96
6 JUN	206
7 JUN	114
8 JUN	251
9 JUN	182
10 JUN	<u>341</u>
TOTAL	1,190

III. SERVICE MESSAGES HANDLED

5 JUN	134
6 JUN	218
7 JUN	162
8 JUN	181
9 JUN	181
10 JUN	<u>179</u>
TOTAL	1,055

NAVAL COMMUNICATION STATION MOROCCOI. MESSAGES HANDLED

1 FEB	7,596	1 JUN	11,317
2 FEB	7,663	2 JUN	10,871
3 FEB	8,083	3 JUN	9,991
4 FEB	7,870	4 JUN	8,049
5 FEB	6,283	5 JUN	8,794

6 FEB	6,943	6 JUN	9,636
7 FEB	7,361	7 JUN	9,512
8 FEB	8,153	8 JUN	11,195
9 FEB	8,058	9 JUN	9,878
10 FEB	8,355	10 JUN	9,192
11 FEB	7,393	11 JUN	7,722
12 FEB	<u>5,205</u>	12 JUN	<u>8,771</u>
TOTAL	87,963	TOTAL	114,928

II. FLASH MESSAGES HANDLED

5 JUN	23
6 JUN	16
7 JUN	25
8 JUN	124
9 JUN	12
10 JUN	<u>3</u>
TOTAL	203

III. SERVICE MESSAGES HANDLED

5 JUN	109
6 JUN	107
7 JUN	133
8 JUN	258
9 JUN	52
10 JUN	<u>90</u>
TOTAL	749

NAVAL COMMUNICATION STATION SPAINI. MESSAGES HANDLED

1 FEB	6,873	1 JUN	9,023
2 FEB	7,182	2 JUN	9,418
3 FEB	7,639	3 JUN	8,184
4 FEB	6,645	4 JUN	5,990
5 FEB	4,467	5 JUN	7,224
6 FEB	5,906	6 JUN	7,073
7 FEB	6,620	7 JUN	7,191

8 FEB	7,351	8 JUN	8,409
9 FEB	7,796	9 JUN	7,342
10 FEB	7,716	10 JUN	6,768
11 FEB	6,909	11 JUN	5,885
12 FEB	<u>4,999</u>	12 JUN	<u>6,561</u>
TOTAL	80,103	TOTAL	89,068

II. FLASH MESSAGES HANDLED

5 JUN	37
6 JUN	29
7 JUN	31
8 JUN	95
9 JUN	13
10 JUN	<u>18</u>
TOTAL	223

III. SERVICE MESSAGES HANDLED

5 JUN	163
6 JUN	155
7 JUN	119
8 JUN	89
9 JUN	773
10 JUN	<u>93</u>
TOTAL	692

NAVAL COMMUNICATION UNIT LONDONI. MESSAGES HANDLED

1 FEB	968	1 JUN	1,538
2 FEB	927	2 JUN	1,705
3 FEB	969	3 JUN	1,278
4 FEB	872	4 JUN	909
5 FEB	846	5 JUN	1,406
6 FEB	842	6 JUN	1,717
7 FEB	695	7 JUN	1,648
8 FEB	704	8 JUN	1,775

9 FEB	818	9 JUN	1,589
10 FEB	858	10 JUN	1,382
11 FEB	914	11 JUN	1,030
12 FEB	<u>954</u>	12 JUN	<u>1,268</u>
TOTAL	10,367		17,245

II. FLASH MESSAGES HANDLED

5 JUN	2
6 JUN	2
7 JUN	20
8 JUN	17
9 JUN	8
10 JUN	<u>28</u>
TOTAL	77

III. SERVICE MESSAGES HANDLED

5 JUN	153
6 JUN	148
7 JUN	176
8 JUN	292
9 JUN	201
10 JUN	<u>244</u>
TOTAL	1,214

NAVAL COMMUNICATION STATION ASMARAI. MESSAGES HANDLED

1 FEB	1,019	1 JUN	1,568
2 FEB	1,233	2 JUN	1,891
3 FEB	1,229	3 JUN	1,696
4 FEB	1,054	4 JUN	1,652
5 FEB	974	5 JUN	1,570
6 FEB	828	6 JUN	1,575
7 FEB	1,039	7 JUN	1,579
8 FEB	1,094	8 JUN	2,228
9 FEB	955	9 JUN	1,837

10 FEB	880	10 JUN	1,430
11 FEB	772	11 JUN	1,394
12 FEB	<u>925</u>	12 JUN	<u>1,275</u>
TOTAL	12,002	TOTAL	19,695

Captain RAISH was asked the following questions from court members:

Q. What is the significance relative to the Naval communications system's capability of this increased volume of message traffic?

A. This reflects in my opinion the manner in which the Navy personnel rise to the occasion when called upon because this tremendous traffic load was handled by the same personnel without augmentation. The gratifying thing is that under this surge of traffic, I am not prepared to say how much of a surge we could have taken before the system had become saturated; however, considering the circumstances, the communication system was clearly responsible to the operational requirements of the time.

CAPT RAIS: Gentlemen, to assist you in evaluating all these high precedences from ACP 121, an official Defense Department publication, is available.

COUNSEL TO THE BOARD: This will be marked exhibit 46 and received into evidence as exhibit 46. Captain Raish, I will not ask you to read exhibit 46 as it will be appended to the record.

CAPT RAISH: I would like to call your attention to one point to illustrate what I mean by definit flash. Flash is reserved for initial enemy contact messages of extreme urgency, brevity is mandatory.

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PAGE 153 BLANK

If one station handles 251 flash messages in one day it is obvious that the use of precedences is being abused. I call this subject to your attention because it was not unusual for high precedence messages to be of a very lengthy character going back to the queries and answers a conclusion can be drawn that is confirmed that the experience level and the manning level is low in the NAVCOMMSTAs probably academic throughout the services and must be taken into account when a crisis developes.

Questions from Capt Lauff:

Q. Of the total traffic load indicated of Radio Armara during the period 4 to 9 June approximately how many of those messages had to be introduced on to the JIATF circuit which provided the principle means of communications with the USS LIBERTY?

A. The JIATF broadcast was relatively light during this time and had no more than 500 messages that is 300 to 500 total first run traffic daily during that period.

Q. Even though the load on the broadcast Asmara was light this does not mean in itself that a priority message would get on that broadcast in a priority fashion. Such a message would first have to compete with all the flash and op immediate traffic and priorities ahead of it in the system before it gets to Asmara.

Captain Raish was warned not to discuss his testimony and excused.

CDR C.G. JORGENSEN? USN? Staff CINCUSNAVEUR was called as a witness, was sworn in and advised of his rights pursuant to Article 31, UCMJ and testified as follows:

Q. What is your duty on CINCUSNAVEUR Staff?

A. I am a Command Center Duty Officer, sir.

Q. Directing your attention to 8 June 1967 at or about 2330 through 0800, where you at this time?

A. I was the Command Center Duty Officer.

Q. In the capacity of Command Center Duty Officer were you advised of any incident involving the USS LIBERTY?

A. Yes, sir.

Q. I ask you now if you have a chronological incident report of the

watch that you stood on that day?

A. I have a chronological run down of incident to the LIBERTY.

Q. Request the reporter mark this exhibit 47 and I introduce it into evidence as exhibit 47. CDR will you now read exhibit 47.

A. MEMORANDUM From: Contingency Watch Team, To: CINCUSNAVEUR, VIA: Deputy Chief of Staff, dated 12 June 1967/N62 FOR OFFICIAL USE ONLY
Subj: USS LIBERTY Incident

1. The following is a reconstruction of the sequence of events prior to and after receipt of JCS 080110Z by the Contingency Watch Team composed by Captain R.D. STEELE (Duty Captain), Commander G.D. JORGENSEN (Command Center Duty Officer), and Lieutenant E.L. GALAVOTTI (N3 Duty Officer) for the period of 2230Z, 7 June to 0630Z, 8 June.

TIMES

EVENTS

072350Z Major BREELOVE, JRC WASHDC, called the CINCUSNAVEUR Command Center on the VCOM and asked to speak to the Operations Duty Officer. LT GALAVOTTI, the N3 Duty Officer, took the call. Major BREELOVE gave him a verbal directive to have the USS LIBERTY comply with the latest COMSIXTHFLT operating area restrictions as delineated in the last sentence, paragraph 2, of COMSIXTHFLT message 071503Z until further notice; that is, not to operate closer than 100 nautical miles to Israel, Syria, UAR, or closer than 25 nautical miles to Cyprus. Major BREELOVE, when questioned, did not have a message date/time group, but said a message would follow later.

LT GALAVOTTI then informed the Duty Captain, CAPT STEELE. The Command Center Duty Officer was aware of the message, and that LT GALAVOTTI, under CAPT STEELE's direction, was originating a message to COMSIXTHFLT.

080001Z LT GALAVOTTI and CAPT STEELE were ready with their message to COMSIXTHFLT.

TIMESEVENTS

080010Z CDR JORGENSEN and CAPT STEELE advised CAPT HANLEY of the call from Major BREELOVE, and of the message which had been drafted for release to COMSIXTHFLT.

CAPT HANLEY directed us to hold up release of the message. He was concerned because JRC came direct to CINCUSNAVEUR with only a verbal directive and without a date/time group of a message and had by-passed USCINCEUR. He wanted something more concrete than just a phone call since we had been burned in the past when a phone call directive was not backed up with a message. CAPT HANLEY directed the Command Center Duty Officer to call USCINCEUR, advise them of the phone call from Major BREELOVE, and that we were ready to comply, and requested that USCINCEUR confirm this directive with JRC and get us a date/time group. CAPT HANLEY further stated that we were to release our message to COMSIXTHFLT if we received the date/time group from USCINCEUR.

080030Z The Command Center Duty Officer, as directed, called USCINCEUR and advised LCOL WAGNER of the call from Major BREELOVE. The above information from CAPT HANLEY was passed. LCOL WAGNER said he would call back.

080325Z The Command Duty Officer called USCINCEUR, LCOL RUSSELL, and asked what action had been taken on the USS LIBERTY. LCOL RUSSELL asked what action CINCUSNAVEUR had taken and was advised that we were still waiting for a call back from LCOL WAGNER. The Command Duty Officer then suggested that LCOL RUSSELL call Major BREELOVE, get a date/time group, or give us a directive (date/time group) from USCINCEUR.

LCOL RUSSELL called back shortly with JCS date/time group 080110Z. As he was relaying this information the Duty Yeoman handed the JCS 080110Z message, which had just been received, to CDR JORGENSEN.

<u>TIMES</u>	<u>EVENTS</u>
080325Z (cont'd)	The Command Center Duty Officer then had communications set up a Telecon to COMSIXTHFLT so that he could talk to COMSIXTHFLT's staff duty officer.
080355Z	Considerable delay was caused by atmospheric difficulties. After being unable to establish a Telecon circuit CDR JORGENSEN had the radio operator contact COMSIXTHFLT by SSB and request a Telecon with the Staff Duty Officer as soon as possible.
080410Z	Two way Telecon was established, with COMSIXTHFLT still having difficulty receiving CINCUSNAVEUR. CDR SLUSSER, COMSIXTHFLT Staff Duty Officer, informed CDR JORGENSEN they did not hold JCS 080110Z. CDR JORGENSEN passed it to him three times before receiving an acknowledgement at 0440Z. He followed this immediately with a wirenote "FROM CINCUSNAVEUR COMMAND DUTY OFFICER TO COMSIXTHFLT DUTY OFFICER BE ADVISED TAKE JCS 080110Z FORAC. OFFICIAL MESSAGE FOLLOWS." CDR SLUSSER advised CDR JORGENSEN didn't hold JCS 7337/072230Z (Reference A to JCS 080110Z) and requested a copy. Since CINCUSNAVEUR did not hold JCS 072230Z CDR SLUSSER was advised that we would call USCINCEUR for it.
080507Z	CDR SLUSSER was advised that CINCUSNAVEUR FORAC message was 080455Z.
080515Z	After talking to LCOL RUSSELL at USCINCEUR, CDR JORGENSEN sent the following message to CDR SLUSSER "RECEIVED FROM USCINCEUR FOR YOUR INFO JCS 072230Z WAS GENERAL GUIDE LINES CONCERNING "USS LIBERTY" OP AREA WITH DISTANCE RESTRICTIONS FROM MID EAST COUNTRIES. HAS SINCE BEEN OVERTAKEN BY EVENTS AND THUS CANCELLED. THE RESTRICTIONS IN JCS 080110Z ARE MORE STRINGENT."

TIMES

EVENTS

080521Z Received receipt for above.

2. The times and events listed in paragraph 1 indicate every action the watch team took within its authority to insure that the USS LIBERTY received the new operating restrictions as expeditiously as possible.

3. This statement is submitted after a careful review of all logs kept by each individual watch team member and constitutes the events as they took place. Signed: CAPT R.D. STEELE, USN CDR G.D. JORGENSEN, USN

LT E.L. GALAVOTTI, USN

The witness was duly warned and, withdrawn.

Gentlemen: The JAG Manual provides that the responsibility of Counsel for the Court is to exploit all practicable sources of information and to bring out all facts in an impartial manner without regard to the favorable or unfavorable effect on persons concerned.

I believe that the record of proceedings of this Court of Inquiry will reflect that all facts and information which are available concerning the unprovoked attack on USS LIBERTY on 8 June 1967, have been brought to your attention.

The only remaining responsibility which I have, while this Court is in session, is to give summation of the evidence introduced observing the caveat that the summation must be an impartial argument and not amount to partisan advocacy.

Even though I intend to temper my remarks within the peripherial limits of such a guide line, I must confess however, that after living intimately with the facts of this case for the past week, I have become more and more appalled that such a tragedy should have ever occurred. Therefore, I shall attempt to synopsize those salient facts which have influenced my judgement in this summation.

You have heard testimony and viewed incontrovertible documentary evidence which established the following factual setting:

USS LIBERTY, pictured, defined and described in James Fighting Ships as an unarmed U.S. Navy technical research ship, deployed to the Mediterranean pursuant to official orders and, on 8 June 1967, was on station in accordance with such orders. However, the Commanding Officer, USS LIBERTY, had not been appraised that LIBERTY's orders had been modified, apparently because of the Middle East War so, instead of the previously assigned area of operation being in international waters contiguous to the coast of the United Arab Republic, the modification provided for removal to an area of operation 100 miles from the coast. The evidence clearly reflects that any dereliction for USS LIBERTY not having knowledge of the modification in orders is not attributable to LIBERTY. Nor is there any evidence of probative value establishing culpability in non-receipt.

Accordingly, no matter what conclusions are reached as to the cause of the incident, the horrendous impact of the effect should disturb even the most impassioned.

I will not depict again the awesome combined firepower of the aircraft and torpedo boats which was brought to bear on this helpless vessel resulting in inordinate injuries and loss of life to her personnel.

In conclusion, I respectfully submit that USS LIBERTY wrote another chapter in the great heritage of Navy gallantry and that her personnel, from Commanding Officer to the most junior seaman, deserve the highest accolades and acknowledgement it is possible to bestow for their valor and acts of courage.

No further witnesses were called and the President closed the Court at 1645, 16 June 1967 in order to deliberate and prepare findings of fact.

PROCEEDINGS

The Court of Inquiry experienced no unusual difficulties incident to conducting the subject proceedings except for the necessity of investigating such a major naval disaster of international significance in an extremely abbreviated time frame. However, because of the high degree of cooperation and assistance rendered by USS LIBERTY personnel in conjunction with the outstanding performance of duty evinced by clerical personnel assigned to the court, it was possible to complete the preparation of the record of proceedings in the allotted period of time. In regard to the aforementioned exemplary performance by clerical personnel, special recognition is given to Jeeray SPENCER, YNC, CINCUSNAVEUR Staff and Robert W. JOHNSON, YN2, COMFAIRMED Staff.

The following FINDINGS are enumerated as a recitation of those facts established by the evidence of record; however, in those areas of interest wherein the Court could not affirmatively establish a fact per se, an ostensible supportable inference was stated.

The Court, after inquiring into all the facts and circumstances connected with the incident which occasioned the inquiry, and having considered the evidence, finds as follows:

FINDINGS OF FACT

1. Available evidence combines to indicate the attack on LIBERTY on 8 June was in fact a case of mistaken identity.
2. The calm conditions and slow ship speed may well have made the American Flag difficult to identify.
3. The ship's westerly heading at the time of attack - in the general direction of Egyptian ports may have reinforced elements of doubt in the minds of the several Israeli pilots who looked the ship over in the afternoon.
4. The colors were shot down early in the action and were replaced prior to the PT attack.
5. The immediate confused milling around astern followed by peaceful

overtures by the attacking surface forces after launching only two torpedos of the six presumed available (two on each PT boat), indicate these craft may well have identified the colors for the first time when they got in close enough to see clearly through the smoke and flames billowing, at times above the mast head.

6. There are no available indications that the attack was intended against a U. S. Ship.
7. LIBERTY's position at the time of the attack has been previously ordered changed farther to seaward by JCS; however, the messages relating to these changes were not known to the ship before the attack took place. The reasons these messages were not known to the ship can be determined in all instances except for one. Since LIBERTY records and knowledgeable personnel were lost in the action, it is impossible to determine the disposition of the message.
8. The communication delays and mis-routing errors which caused these several non-deliveries combined with delays in initiating follow-up actions on operational instructions received, all contributed to the ship itself being unaware of plans and decisions made for her repositioning. A detailed accounting of the five pertinent messages are attached as appendices one through five.
9. The absence of any identifiable threat to the ship apparently caused the foregoing referred to operational actions to be taken and implemented in routine manner, i.e., without resorting to highest precedence (Flash) traffic.
10. USS LIBERTY was assigned technical research tasks to be performed in the eastern Mediterranean by the Joint Chiefs of Staff. LIBERTY first became aware of this new tasking when she received sailing orders from Abidjan on the Ivory Coast on the 24th day of May 1967. The precise tasking by which LIBERTY was ordered to depart Abidjan is significant. In this tasking language, LIBERTY was directed to proceed to her new operating area in the eastern Mediterranean via Rota for pick-up of specifics at "best speed."

11. LIBERTY received her basic operational and mission guidance from the JCS through her new operational chain in JCS 011545Z. LIBERTY proceeded to comply.

12. The Commanding Officer, USS LIBERTY conducted the operations of his ship in accordance with the intent of directives received by him. The operating area of LIBERTY on 8 June was in accordance with the announcements of intended movement promulgated by the Commanding Officer USS LIBERTY. Such operating areas were normal to the accomplishment of LIBERTY's mission. These announcements were addressed to, and presumably received, by all seniors in the chain of LIBERTY's operational command. LIBERTY received no directive, prior to the attack, that higher authority desired that the ship operate at least 100 miles from the coastline of the UAR.

13. LIBERTY responded to her newly assigned mission by departing Abidjan promptly within some four hours from the time of receipt of her sailing orders. LIBERTY experienced minor engineering difficulties enroute Rota which caused her arrival there somewhat later than originally planned. On departure Rota, LIBERTY filed her movement report and declared therein her intention to make best speed in compliance with the JCS detailed tasking assignments set forth in JCS message dtg 011545Z June 1967. It is significant to note that in this JCS tasking, two time frames were identified, one covering the period between 1 June through 8 June, the second covering the period 9 June to 30 June. During the first period (1 through 8 June), LIBERTY's movements were prescribed by the JCS to cover her transit along the north African littoral; and therein were prescribed minimum closest points of approach allowed to national maritime boundaries. The terminal point in this 1 through 8 June time frame was to be a navigational position at latitude 32 North, longitude 33 East. The second time frame addressed by the Joint Chiefs of Staff, assigned LIBERTY an operating area bounded on the North by latitude 32 North, the north African/Israeli littoral on the south and between longitudes 33 East and 34 East. It might well occur to some that LIBERTY's attack occurred on 8 June, which would have placed her considerably farther to the North of the African coast, had she conformed explicitly with the aforementioned JCS directive. However, as LIBERTY proceeded eastward through the Mediterranean from Rota, she filed three separate message

TOP SECRET

reports of position and intent which advised superiors of her plans to anticipate arrival on station - that is, to arrive somewhat earlier than prescribed by the Joint Chiefs of Staff. Moreover, LIBERTY advised superiors of her specific intentions to proceed to and operate in the closer of the two areas to the north African coast - that is south of latitude 32 north. Finally in this regard, LIBERTY reported her arrival at her final destination to appropriate addressees.

14. It is understood from representatives of the JCS Fact Finding Group that it was receipt of LIBERTY's 7 June SITREP/POSIT report which stated her final destination which prompted concern in the JRC as to her proximity to the African coast on the night of June the 7th. This concern by responsible authorities, who initially has tasked LIBERTY, resulted in follow-on actions and directives to the ship which were either never received or were transmitted on the fleet broadcast from NAVCOMMSTA Asmara after the attack has taken place.

15. Pertinent to the findings of fact is the matter of communication conditions regarding USS LIBERTY during the period 1 and 8 June. The ship is known not to have received at least five messages sent prior to the attack, each of which was not only important but, in that respect, critical to ^{the events} which terminated in the aggravated attack on this ship on June the 8th.

16. Higher authority modified LIBERTY's original operational guidance between June first and the attack on the eighth, which, if she had received it, would have resulted in her being further off-shore.

17. Combination and compounding of many delayed communication deliveries related to LIBERTY incident denied the ship the benefit of command decisions actually made prior to the attack which, among other things, would have caused the ship, as a minimum, to be heading further off-shore from her 081200Z actual position.

18. Pre-attack overflights of LIBERTY:

(First air attack occurred at 1403 local)

Unidentified aircraft circled LIBERTY at:

0850 (5 hours 13 minutes prior to attack) (080742Z refers)

1056 (3 hours 7 minutes prior to attack)

1126 (2 hours 37 minutes prior to attack) 081022Z refers

Hull markings were clean and freshly painted - ensign was flying from a foremast halyard.

19. Aircraft attack on LIBERTY.

Attack initiated by single aircraft, making a run similar to previous overflights. First warning that this aircraft had attacked ship was a rocket explosion abaft the bridge, port side. In five of six attacks, from various angles, two or more jet aircraft at a time conducted strafing, rocket and incendiary attacks.

20. Meter Torpedo Boat attack on LIBERTY.

Twenty minutes following air attack, MTB's closed ship to a position 2000 yards on starboard quarter and signalled ship by flashing light. At this time ship had been making turns for FLANK speed for 9 minutes (Estimated SOA 15-17 knots). Holiday ensign was flying from the starboard yardarm for at least five minutes before torpedo attack was launched. LIBERTY 50 cal. guns opened fire while the MTS was signalling. The torpedo attack was launched shortly after the MTBs were fired upon, and MTBs strafed the ship with machine gun fire as, at least, one MTB passed down the starboard side.

24. Offers of assistance.

Post air attack signalling by MTSs (before torpedo attack), may have been an offer of assistance.

Thirty minutes after attacking LIBERTY the MTBs signalled in English, "Do you need help?"

Two hours and 10 minutes after torpedo attack (2 hours 40 minutes after air attack) an Israeli helo apparently offered assistance.

Israeli defense forces reported they conducted air and surface searches for survivors at the scene of the attack responding to a U. S. request.

22. Groups of up to two and three jet and propeller aircraft began coming

out from shore and circling ship at altitudes ranging from 500 up to several thousand feet at about eight hundred local on day of attack. Planes in question were otherwise active over El Arish on Sinai north coast which was plainly visible from the ship some sixteen miles off shore.

Ship's navigation was sound and practical, using bearings on minaret in El Arish and radar range to beach at that point.

23. The ship had exercises at full G. Q. and secured only a short time prior to the unprovoked attack. After securing from G. Q., the Commanding Officer had admonished all hands over the PA system that large billowing clouds of black smoke ashore were evidence of intense military activity, therefore, crew should be "heads up ball players" as long as she was in that close.

24. From the time of first air attack onward, attackers were well coordinated, accurate and determined. Criss-crossing rocket and machine gun runs from both bows, both beams, and quarters effectively chewed up entire topside including ship control and internal communications (sound powered) network. Well directed initial air attacks had wiped out the ability of the four 50 cal. machine guns to be effective.

25. PT attack first developed from starboard side and was identified as a high speed run in. Center and lead PT began flashing signal light and very shortly thereafter the Commanding Officer identified the Star of David flag on this lead boat. LIBERTY's signal light had been shot away requiring dependence upon an Aldis lamp to try and penetrate the smoke on the bearing of the PTs.

26. The Commanding Officer had passed word to stand by for torpedo attack and the forward starboard 50 cal. fired a very short burst in the direction of the boats on the gunner's own initiative. Having seen Israeli flag on the PT, the Commanding Officer waved to the forward gunner to cease firing. The after starboard gun, opened up at this point, with apparently no one pulling the trigger. The bridge could not see this gun for smoke and flame on the starboard side, so the Commanding Officer sent a runner to tell him cease fire. Before this runner could reach the after starboard

gun, effective high volume fire from this gun was peppering the water around the middle PT. It appears as though 50 cal. ammunition was cooking off from intense fire. The gun was seen to be firing with no one manning it.

27. The reaction of all three PTs immediately after launch, when they stopped and milled around close aboard LIBERTY and then offered help by signal light, combine to indicate this was the first time the U. S. large colors flying were actually positively identified. Not having signal lights available, the Commanding Officer then made the international flaghoist meaning, "Not Under Command."

28. Flat, calm conditions and the slow five knot patrol speed of LIBERTY in forenoon when she was being looked over initially may well have produced insufficient wind for steaming colors enough to be seen by pilots.

29. USS LIBERTY had installed communications equipment whose reliability and degree of sophistication produced a feeling of maximum confidence in operators, the Communications Officer, and the Commanding Officer regarding the reliability of reception on fleet broadcasts which minimized the number of missed numbers.

30. In amplification of the preceding statement, the superior communication capability inherent in LIBERTY's embarked element for technical research purposes combined with interests of economy in personnel have dictated that during LIBERTY's operation in her present configuration she used the best embarked equipments and personnel available to serve both her technical research requirements as well as operational and administrative requirements for the ship itself. The resulting consolidation of functions found LIBERTY organized internally in a way such that, in the person of a single officer we find both LIBERTY's Communication Officer and the Assistant Director of Technical Research. This system had worked well. After the attack, those LIBERTY personnel left alive who had been serving in combined capacities of this sort reported their conviction that such practices should continue.

31. The aforementioned facts relative to communication procedural peculiarities unique to ships of LIBERTY's mission resulted in the ship transmitting under the scheduling control of the research department. This practice permitted optimum performance by the research department, scheduling outgoing transmissions during lull periods of research activities; furthermore, when available research lull periods were short, the practice had grown up, quite naturally, to combine into single transmission packages all of the outgoing traffic which had accumulated. Such procedures necessitated transmission of each ship's communication package under a classification applicable to the highest classification of any single element within the package itself. Such transmission packages would frequently contain research material, ship position reports, and, periodically, requests for messages missed on the regular ship broadcast schedule. A built-in delay factor exists in this procedure however, inasmuch as not all shore-based terminals are equipped to accommodate research material. In the case of LIBERTY during the time period under consideration, the closest available eligible terminal for LIBERTY research material was NAVSECGRUDEF Morocco, rather than NAVCOMMSTA Asmara, which happened to be serving LIBERTY as a subscriber at the time of the attack. The above conditions are detailed to point up occurrence of delays which must be anticipated in any such system. In summary, if LIBERTY had a normal outgoing message requesting missing sked numbers, it would first have to wait, under normal circumstances, for transmission during a lull period. It would next, by virtue of leaving the ship as part of a package containing research data, go to NAVSECGRUDEF Morocco where the combined communication package would be broken down in its component parts; thirdly, the element of the package requesting retransmission of missed fleet broadcast numbers would then have to be sent from NAVCOMMSTA Morocco back to NAVCOMMSTA Asmara for action, Asmara being the transmitting station serving LIBERTY at the time.

32. Detailed questioning of available surviving communication witnesses disclosed that LIBERTY had never before found missing messages, subsequently requested and received, to have been critical to the ship's operational commitments.

This fact was explained by ship's personnel as being due to the very few messages ever missed. This condition was attributed to superior equipment in the ship coupled with the fact that the ship operated independently as a regular practice and had not found herself wanting at any time previous.

33. It is important to be aware at this point that there are no logs and or records available in LIBERTY. There are no communication officers left alive with first hand knowledge of the missed message backlog on 8 June. It could only be determined from testimony that the ship had been copying transmissions from NAVCOMMSTA Asmara with no apparent difficulty from 070001Z and the time of the attack. One witness who was on watch on the Asmara broadcast between the hours of 0645 and 1615 on 7 June stated that he had logged no missed message numbers during the period of his watch and that the reception of the JRAIT broadcast was excellent.

34. LIBERTY's technical mission was one that made it necessary, in exercising the aforementioned close cooperation, to use minimum electronic transmissions and radiations on certain frequencies - radio transmissions particularly. LIBERTY was continually subjected to and used to the prejudicial effects such transmissions would have on the degree of efficiency of her primary functions. In summary on this point, ships of LIBERTY's configuration, like submarines, are members a "silent service" all their own.

35. It is found that it has been, and continues standard practice, in ships of this type to cultivate great patience with regards to desires to get electrical traffic off the ship because of the prejudicial effect on the ship's mission.

36. It is evident that communications procedures for ships of this type would be improved were they to be considered in a communication category analogous to submarines.

37. On the matter of operational control of LIBERTY vis a vis the precise directives to the ship governing the application of her embarked capabilities, it is important to understand LIBERTY's situation as a mobile platform, under naval command, transporting capabilities belonging to a service or agency other than the Navy. This condition and situation, while not unique to naval platforms, requires a complete awareness and understanding of the very close coordination and cooperation between those responsible for operation of and positioning of the platform itself in relation to those responsible for the embarked capabilities. Detailed testimony discloses that LIBERTY found absolutely no difficulties accomodating to this condition, unique within the navy to ships of this particular type.

38. The on-line crypto capability has engendered a dangerous willingness to send more classified traffic than in days of manual decoding without required proportionate increase in experienced supervisory personnel to ride herd on traffic quantum increases. Conversely, we find often very inexperienced personnel being the first to give attention to misrouted messages such as those in question.

39. Key messages critical to international relations were not in this case, paralleled on other circuits.

40. High precedence of operational messages is too often not enough to overcome circuit choking resulting from large volume of such as FBIS of the same precedence competing for inexperienced operator attention at the same time.

41. LIBERTY's embarked "warning" capabilities apparently gave no indication of impending danger during the period prior to the attack.

42. LIBERTY had experienced periodic reconnaissnce on this and other operating stations which tended to create a feeling of "acceptance without undue concern" conditions as they were on 8 June 1967.

Reconnaissance experiences known to LIBERTY and other ships of LIBERTY's class in other parts of the world minimized concern by LIBERTY personnel

over recon efforts on 8 June.

43. Commanding Officer LIBERTY appropriately reported recon early on A.M. of 8 June through her "locating two". This report was transmitted promptly by ship despite temporary interruption of her mission, at the direction of the Commanding Officer.

44. Up to the time of the attack, testimony disclosed no reasons to abort LIBERTY's mission in accordance with paragraph 1A of Appendix B to SM 676-66 of 19 August 1966.

45. The degrees of coordination and accuracy of the air and surface attacks first to wipe out defense and shipboard ^{COMBAT} capabilities, followed by the crippling blow of a torpedo.

46. The Israeli aircraft rockets penetrated topside steel easily, leaving roughly five inch holes, with innumerable shrapnel pock marks on the inside of spaces penetrated.

47. The heroism displayed by the Commanding Officer, officers and men of the LIBERTY was exceptional. The Commanding Officer is being recommended for the Congressional Medal, and the ship for an appropriate unit citation. These planned actions are fully supported by testimony to the Court.

48. LIBERTY apparently experienced a phenomenon identified as electronic jamming of her voice radio just prior to and during air attacks. This jamming was described as a steady carrier without modulation.

49. Disparities in reported times relating to sequence of events can well be attributed to the number of ship's clocks on board hanging askew and often stopped from shock at various times. It was necessary to reconstruct time sequences because QM notebook was incomplete from 1355 to 1446 since the QM was killed during the first attack.

50. Extent of Damage. The major material damage to LIBERTY resulted from the torpedo explosion, as follows:

A. SHELL DAMAGE: Hole centered at FR 60 and extending 24 ft. downward from just below second deck and longitudinally from fram 53

to frame 66 (39 feet). The hole was teardrop in shape, larger at bottom.

B. Interior structural damage: Outboard 15 feet of first platform and associated structure badly damaged. Lesser damage to second platform deck (tank top). Second deck and frames buckled from frame 52 to frame 62 and extending inboard 15 feet.

C. Major damage to all interior joiner bulkheads below second deck frame 52 to 78, entire width of ship.

In summary of above, the two research compartments, which extend the entire width of the ship, suffered severe structural damage and were flooded. Installed equipment and fittings were reduced to twisted wreckage.

Topside damage resulting from aircraft strafing and rocket attacks and from MIB strafing (ship was hit by more than 821 shells and rockets, many of them incendiary) summarized as follows:

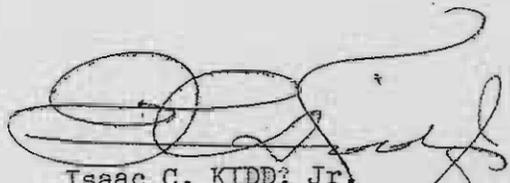
Pilot house and signal bridge forward deck house, all gun tubes, many antennas including radar antenna, numerous bulkheads and decks holed by explosive rockets. Whale boat destroyed in davits by incendiary rockets and many life rafts holed or burned in their stowages. Flag bags burned and numerous fires resulting from incendiary munitions.

The gyro compass, air conditioning plant and many minor items of equipment, located in superstructure spaces, were damaged or destroyed. Numerous living spaces and personnel effects damaged by holing, shrapnel and wetting during firefighting.

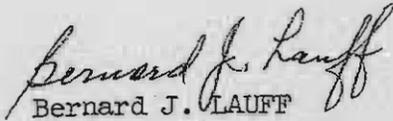
Cost estimated - Value of destroyed research equipment \$6-8 million, 12 months lead time. Structural repairs to ship and ship's equipment \$2-4 million, 3-4 months.

51. The Israel government set forth 7 points of rationale to explain their position relative to the attack on LIBERTY in USDAO Tel Aviv message DPG 091520Z. Legal opinion and other comments on each is appended hereto (Appendix VI).

52. That any killed or wounded personnel attached to the USS LIBERTY during the attack are eligible for the Purple Heart under the provisions of SECNAVINST. P1650.1C Chapter TWO SECTION THREE ARTICLE 231 PARA 12 b. sub-~~para~~paras (4) and (5). The Commanding Officer, USS LIBERTY is preparing a listing of eligible personnel to be recommended.



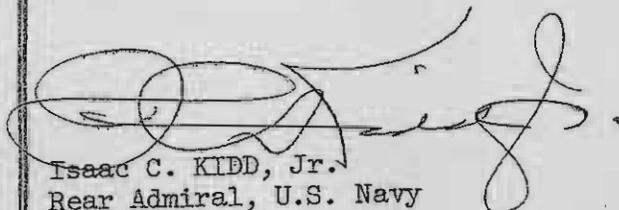
Isaac C. KIDD, Jr.
Rear Admiral, U.S. Navy
President



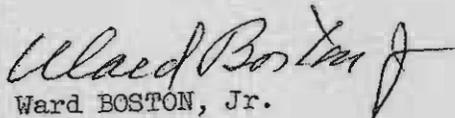
Bernard J. LAUFF
Captain, U.S. Navy
Member



Bert N. ATKINSON, Jr.
Captain, U.S. Navy
Member



Isaac C. KIDD, Jr.
Rear Admiral, U.S. Navy
President



Ward BOSTON, Jr.
Captain, U.S. Navy
Counsel for the Court

That at 062349Z June 67 COMSIXTHFLT in part directed that LIBERTY would:

A. Maintain a high state of vigilance against attack in view of the Arab/Israeli situation.

B. Report by Flash precedence any threatening or suspicious action directed against LIBERTY.

C. Advise if local situation dictates change in area of operations assigned by JCS 011545Z June 67.

D. Report contact with ships, aircraft, and submarines which are unidentified, hostile or engaged in harassment.

E. Copy the KRATT fleet BCST.

This message was not received until after the attack for reasons as follows:

A. Received at Naval Communications Station Morocco from COMSIXTHFLT at 070115Z.

B. Naval Communications Morocco entered the msg into the DCS for delivery to NCS Asmara at 070131Z.

C. DCS Seville (San Pablo) transmitted to DCS Asmara at 070300Z. DCS Asmara claimed message was received from DCS Seville (San Pablo) at 070550Z (2 hours and 50 minutes time difference is unexplained).

D. DCS (STRATCOM) Asmara relayed to Naval Communications Station Asmara at 070525Z.

E. Naval Communications Station Asmara transmitted message on JRATT as JR NR 2077 at 070529Z.

F. COMIDEASTFOR reports message was received at approximately 070531Z as JR NR 2077.

G. LIBERTY personnel do not recall receiving message .

APPENDIX I
TO LIBERTY COURT
OF INQUIRY
DECLASSIFIED

TOP SECRET

That at 072230Z JUN 67 JCS directed that LIBERTY CPA to UAR and Israel be changed to 20 and 15 NM respectively and modified his basic directive concerning LIBERTY operations (JCS 011545Z JUN 67), "Ref for guidance only and may be varied as local conditions dictate." This message was not received until after the attack for reasons as follows:

A. Dept of the Army communication center (DACC) erroneously routed message to NAVCOMMSTA Philippines. This error resulted in critical time being expended for identification, recovery and correction.

B. Received at Naval Communications Station Philippines at 081330Z from DCS relay Kenia.

C. Naval Communications Station Philippines relayed to DCS relay DAVIS at 081700Z.

D. Message was received at Naval Communications Station Asmara at 082125Z for transmission to LIBERTY.

DECLASSIFIED

APPENDIX II

TO LIBERTY COURT
OF INQUIRY

TOP SECRET

That at 080110Z JUN 67 JCS directed that LIBERTY CPA to UAR and Israel be changed to 100 NM. This message was not received until after the attack for reasons as follows:

A. Dept of the Army Communication Center (DACC) erroneously routed message to Naval Communications Station Philippines. This error resulted in critical time being expended for identification, recovery and correction.

B. Received at Naval Communications Station Philippines at 080400Z from DCS Relay KUNIA.

C. Naval Communications Station Philippines relayed to Naval Communications Station Guam at 080449Z.

D. Received at DACC at 080502Z.

E. DACC routed message to NSA.

F. Naval Communications Station Asmara never received message for transmission to LIBERTY.

DECLASSIFIED

APPENDIX III

TO LIBERTY COURT
OF INQUIRY

TOP SECRET

That at 080625Z JUN 67 USCINCEUR officially confirmed by message a telephone conversation between the USCINCEUR and CINCUSNAVEUR Duty Officers for CINCUSNAVEUR to take JCS 080110Z JUN 67 for action. This message was transmitted on the JRATT BCST at 081059Z as JR NR 2402. LIBERTY personnel have no knowledge of receipt of this message.

DECLASSIFIED

APPENDIX IV

TO LIBERTY COURT
OF INQUIRY

TOP SECRET

That at 080917Z JUN 67 COMSIXTHFLT directed that LIBERTY CPA to UAR and Israel be changed to 100 NM in response to CINCUSNAVEUR 080455Z JUN 67 which directed COMSIXTHFLT to take JCS 080110Z for action. This message was not received until after the attack for reasons as follows:

A. Message received at Naval Communications Station Morocco from COMSIXTHFLT at 081050Z.

B. Naval Communications Station Morocco entered the msg into the DCS for delivery to NCS Asmara at 081100Z.

C. DCS Seville (San Pablo) transmitted to DCS Asmara at 081238Z. DCS Asmara reports receipt at 081200Z.

D. DCS Asmara erroneously relayed message to Naval Communications Station Greece at 081215Z.

E. Naval Communications Station Greece returned message to DCS Asmara at 081503Z.

F. DCS Asmara relayed message to Naval Communications Station Asmara at 081510Z for transmission to LIBERTY.

TOP SECRET
DECLASSIFIED

APPENDIX V

TO LIBERTY COURT OF
INQUIRY

Comments on the seven points provided by IDF FLO, LCOL MICHAEL BLOCH; as "Futher Information on Yesterday's Incident with the American Ship".

Point 1 - Ship was sighted and recognized as a naval ship 13 miles from coast.

Comment - From 0849 on 8 June LIBERTY was steaming in international waters on a track generally parallel to the coast of the UAR. At one point the ship was, in fact, 13.6 miles from the coast.

Point 2 - The presence (of a neutral-nation naval ship) in a fighting area is against international custom.

Comment - The duties of a neutral under international law do not include a duty to ensure that its ships or personnel leave or refrain from entering an area of hostilities or an area adjacent to an area of hostilities. Nationals of a neutral country who may happen to be in belligerent territory nevertheless retain their right to protection by their neutral home state; and a belligerent must grant to neutral diplomatic envoys -- including those accredited to the enemy -- the right to quit the territory unmolested. A neutral nation, in this respect alone, thus has a legitimate reason and a legal right to dispatch a ship into international waters adjacent to an area of hostilities, in fulfillment of its obligation to protect its nationals and to evacuate those who desire evacuation. It was in fulfillment of such a mission that USS LIBERTY was engaged. Far from being contrary to international custom, the presence of neutral ships on just such missions as LIBERTY's is a common, if not a universal, incident of situations involving the outbreak of hostilities. So long as such a neutral ship maintains the impartial attitude of neutrality, each belligerent has a duty to refrain from attacking her. Action by such a neutral ship to repulse an unlawful belligerent attack by force, where the neutral has not first attacked the belligerent, does not constitute "hostilities" against the belligerent and does not constitute an abandonment or a violation of neutrality.

APPENDIX VI

TO LIBERTY COURT OF INQUIRY

~~CONFIDENTIAL~~

Point 3 - The Area (Where LIBERTY was steaming when attacked) is not a common passage for ships.

Comment - Given the conceded proposition that a ship of a neutral is steaming in international waters, the question of whether or not such waters are a "common passage" is totally irrelevant to its right to be there.

Point 4 - Egypt (An opposing Belligerent) had declared the area (where LIBERTY was steaming when attacked) closed to neutrals.

Comment - Closing certain adjacent waters including those otherwise considered to be high seas, has some precedent in history as a belligerent practice, notably in World Wars I and II when most of the belligerents, including the United States, declared "war zones", "Military areas", and "defensive sea areas" and either attempted to close such areas completely and to severely circumscribe passage through them as a neutral the consistent position of the United States has been to reserve generally all of its rights in the premises, including the right not only to question the validity of such "war zones" but to present demands and claims in relation to any American interests which may be unlawfully affected, directly or indirectly, by virtue of their enforcement. ^{except for a previously announced blockade or other maritime control measure} As a general proposition, closing or attempting to restrict any portion of the high seas has not been recognized in international law as a belligerent right.

Point 5 $\frac{3}{4}$ LIBERTY resembles the Egyptian supply ship EL QUSEIR.

Comment - While EL QUSEIR bears a highly superficial resemblance to LIBERTY, she more closely resembles the majority of older tramp steamers operating in ocean shipping. EL QUSEIR is less than half the size and lacks the elaborate antenna array and distinctive bull markings of LIBERTY. The location of the superstructure island, a primary recognition feature of merchant type ships, is widely different. By this criteria as a justification for attack, any ship resembling EL QUSEIR was in jeopardy.

Point 6 - Ship was not flying flag when sighted. She moved at high speed westward toward enemy coast.

Comment - LIBERTY flew a size 9 (approx 5 feet by 8 feet) U.S. ensign from her foremast throughout the morning of 8 June and until it was shot down by the Israeli air attack. At least 5 minutes prior to the torpedo attack a size 7 ensign (approx 7 feet by 13 feet) was hoisted at the main yardarm. At 0849 LIBERTY changed course from 130°T to 253°T. At 0905 LIBERTY reduced speed to 5 Knots and continued to steam at that speed until after the initial air attack. At 1132 LIBERTY altered course to 283°T and continued on this course until after the ship was attacked.

Point 7 - IDF Navy had earlier reports of bombardment of El Arish from sea.

Comment - It is inconceivable that either the IDF Navy or Air Force would associate LIBERTY? with her ⁴⁻⁵⁰~~52~~ caliber machine guns, or EL QUSEIR, armed with two 3 pounders, with a shore bombardment.

TO LIBERTY
COURT OF INQUIRY
DECLASSIFIED
CONFIDENTIAL

DISCLOSURE SHEET

080110Z JUN 67

DTG/MONTH/YEAR

FROM: JCS

TO/INFO: CINCUSNAVEUR

REPRODUCTION OF THIS MESSAGE IS PROHIBITED. CONTACT NAVCOMMUNIT TOP SECRET CONTROL OFFICER FOR ADDITIONAL COPIES.

DATE	SIGNATURE	RANK/RATE
1. _____	_____	_____
2. _____	_____	_____
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9. _____	_____	_____
10. _____	_____	_____

26 - 27
COPY ~~10~~ of 10 COPIES

EX(3) *initials*

EXHIBIT 3 TO LIBERTY COURT OF INQUIRY

VV KXC156VV AGB832V

BW

YMFPII
OO RUDLKD
DE RUTPRC 052 1611205
ZNY SSSS
O P 01205Z JUN 67
FM COMSIXTHFLT
TO RUDLKD/CINCUSNAVEUR
INFO RUTPRC/COMDESPON THEIVE

COMM NOTE: UNDERLINED PORTION RECEIVED GARBLED
MESSAGE IS IN SERVICE. CORRECTED COPY WILL BE
ROUTED WHEN RECEIVED, W2/RB/10JUN67
//CORRECTED COPY//
DESTROY ALL OTHERS

~~SECRET~~

NNNNVV KXC152VV AGB520VV PRC065

OO RUDLKD
DE RUTPRC 052 1590917
ZNY SSSS
O P 080917Z JUN 67
FM COMSIXTHFLT
TO RUTPRC/USC LIBERTY
INFO RUEPJS/JCS
RUFPEK/USCINCEUR
RUEKAAA/CNO
RUEDNKA/CINCLANT
RUEDNKA/CINCLANTFLT
RUDLKD/CINCUSNAVEUR
RUFPRD/CTF SIX FOUR
RUCIJUA/HQ NDAEUR
RUFHOL/NSAEUROFF GERMANY
RUEPWS/DIRNSA
RUEPWS/DIRNAVSECGRU
RUEPWS/ADIRNAVSECGRU
RUCIJUA/DIRNAVSECGRNLANT
RUF...
47500/CTF SIX SEVEN
RUFRT/CTF SIX SEVEN
BT

DECLASSIFIED

PAGE TWO RUTPRC 052 S E C R E T
S E C R E T

USS LIBERTY OPERATIONS

- A. JCS 079545Z JUN 67 (NOTAL)
- B. JCS 080110Z JUN 67 (NOTAL)
- C. COMSIXTHFLT 062349Z JUN 67

1. PARA 1 REF C IS MODIFIED BY REF B. PROCEED IMMEDIATE TO OPERATE WITHIN A 25 MILE RADIUS OF POSIT 33-40N0/32-30E8 UNTIL FURTHER NOTICE. DO NOT APPROACH COAST OF UAR, ISRAEL, SYRIA OR LEBANON CLOSER THAN ONE HUNDRED MILES, AND CYPRUS CLOSER THAN TWENTY-FIVE MILES.
2. NO TASK ORGANIZATION ASSIGNED TO LIBERTY.
3. ACKNOWLEDGE.

GP-3
BT

ORIGINATOR SECTION	CINCLANTFLT																			
ACTION DEPARTMENT																				

1 PAGE (OF _____)
CON
TOR 110818
SSN
SSN R

DTG 080917
DECLASSIFIED
SECRET

EX 4 (WHEN FILLED IN)
SECRET

NAVEUR NCU LON 2100/3 (REF 10 10 65)
EXHIBIT 4 TO LIBERTY COURT OF INQUIRY

