



# **THE ATTACK ON THE "LIBERTY" INCIDENT**

**8 JUNE 1967**

**ISRAEL DEFENCE FORCES  
HISTORY DEPARTMENT  
RESEARCH AND INSTRUCTION BRANCH  
JUNE 1962**

Israel Defence Forces  
History Department

Subject: The Attack on the "Liberty" Incident.

1. The tragic event of the attack on the American Intelligence ship "Liberty (8 June 1967) became, over the years, an instrument in the hands of journalists and authors, with which to contend that Israel attacked the ship maliciously.
2. Recently, with the publication of the book, Assault on the Liberty, the American Congress appointed a committee, headed by Adlai Stevenson, for the purpose of investigating the affair and publishing the results of the investigation.
3. Immediately upon learning of the appointment of the committee, it was decided that the History Department would research the affair and submit the official version of the State of Israel.
4. This research is based upon all the primary and secondary evidence available.
5. This article is the official version, written by Lt. Col. Matti Greenberg - Head of the Combat Research Branch.

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I N T R O D U C T I O N

On 8 June 1967, at the height of the "Six Day War," the American electronic-intelligence ship "Liberty" approached the Sinai coast. In the afternoon hours of the same day, the ship was attacked by air and naval forces of the Israel Defense Forces (IDF). Thirty-four crew members were killed in the attack while 164 were wounded, and the ship suffered damage.

The tragic attack on the "Liberty" was an innocent mistake, caused by incorrect target identification and faulty data analysis, due to the ambiguities and pressures of the situation in which Israel was involved. It is important to note that the actions of the "Liberty" itself were also a contributing factor to the mistaken attack.

Immediately the Israelis appreciated their mistake, they halted their attack and took steps to provide assistance to the damaged ship (their offers were rejected). Israel expressed her regrets over the incident and explained that the attack was unintentional. The IDF undertook the task of determining the facts and to this end a Court of Inquiry was formed and an examining-judge was appointed. The findings of the investigation brought to light the circumstances of the case and revealed a series of mistakes which led to the attack. However, the investigation did not uncover a single finding which could point to either malicious intent or criminal negligence. The Israeli Government made available the findings of the investigation to the American authorities and agreed, out of humanitarian considerations, to make immediate compensation payments to wounded crew members and the families of those who were killed.

Despite Israeli declarations and explanations, accepted by the Johnson administration, the issue occasionally makes newspaper headlines and excites rumours. All those who seek to revive the episode share one thing in common, they all claim that Israel premeditatedly and maliciously attacked the "Liberty" with the intent of sinking her. In order to substantiate this claim a list of explanations is presented, some of which may be classified as "science fiction", some of which result from an erroneous presentation and interpretation of the facts or unfounded assumptions.

The object of this paper is to present an authoritative version of the circumstances and chain of events which led to the "Liberty" incident and to respond to some of the claims made regarding Israel's intentions.

CHAPTER ONE

THE "LIBERTY" AND HER MOVEMENTS UP TO ISRAEL'S COAST<sup>1</sup>

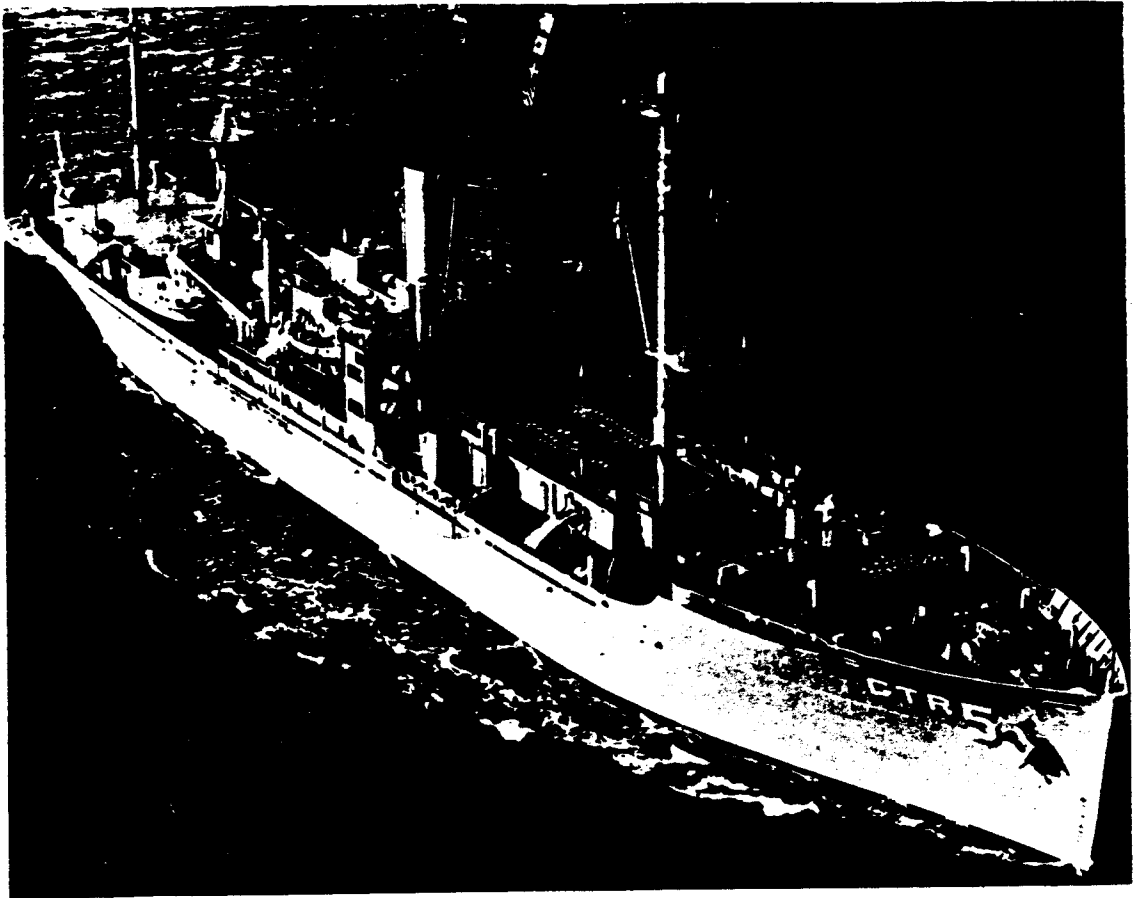
"Liberty" was built at the Portland, Oregon Shipyards towards the end of the Second World War. The ship was christened "Simmons Victory". She was launched in May 1945, and served as a cargo ship on the Pacific Ocean lane. Her mission functions did not change after the war, and the ship was used for transporting equipment and supplies during the Korean War. In 1958 the vessel was decommissioned and anchored at the national reserve fleet anchorage. In February, 1963, the U.S. Navy purchased the vessel and, in the course of 22 months of repair work at the Portland shipyards, had the craft refitted as an electronic-intelligence ship, and rechristened as the USS "Liberty". The ship was classified as Auxiliary General Technical Research-5 (AGTR-5) -- i.e. an auxiliary ship (noncombat), designated for general technical research. "Liberty" was the fifth U.S. Navy vessel so classified.

In December 1964, "Liberty" was commissioned and after a series of sea trials was assigned to missions along the African coast, in the area between Cape-Town and Dakar. On 25 April 1966, Commander William McGonagle was given command of the "Liberty". He was the ship's commander at the time of the attack.

On 2 May 1967, the "Liberty" sailed from her home port in Norfolk to her patrol area off the African coast, and towards the end of the month entered the port of Abidjan, on the Ivory Coast, for resupply purposes. On her second night at port, a telegram arrived ordering the ship to put to sea immediately and sail "at best possible speed" to Rota, Spain<sup>2</sup>.

There, the "Liberty" was to take on supplies and equipment and continue to a new operations area off Port Said. Detailed orders were to follow later. Within a few hours, the "Liberty" sailed for Rota and arrived on 1 June 1967. An additional order, which arrived while still at sea, instructed the "Liberty" to proceed from Rota to the eastern shore of the Mediterranean and to patrol 13 miles off the Gaza Strip coastline.

Upon arrival in Spain, supplies and equipment were loaded on the ship. Three enlisted Marines and three civilian technicians joined the crew for her new mission. However, the ship was delayed due to an hydraulic leak in the antenna system. The "Liberty" set out on its mission to the Mediterranean on 2 June 1967. In this area the ship came under command of the Sixth Fleet.



Intelligence-Ship "Liberty" GTR-5

We have no clear information as to the exact mission of the "Liberty" along the shores of the Middle East and publications which appeared on the subject could not fully answer this question. However, it is significant that the "Liberty" was dispatched immediately after the U.N. force was withdrawn and Egypt's Gamal Abdul Nasser blockaded the Straits of Tiran. Thus, it appears the U.S. wanted an "electronic ear" in the area, which could monitor unfolding developments in the crisis, gather information and provide first-hand reports. The "Liberty" was equipped with the necessary means for gathering, processing and analyzing the required intelligence data.

While the "Liberty" was speeding its way to its patrol area, the Six Day War erupted. This development created a certain tension aboard ship, and the crew were cognizant of the danger involved in an undefended vessel's approaching a combat zone. The Office of the Joint Chiefs of Staff (JCS) was also aware of the "Liberty's" situation; on the night of 7-8 June, the Office of the JCS issued an order limiting the ship's approach to 20 miles from the coast and afterwards instructed the vessel to distance itself 100 miles from the coastline. But these instructions did not reach the "Liberty" and she continued on her original mission.

The "Liberty's" commander was also concerned about the order to operate within visual range of the coast, and apparently considered distancing the ship from the dangers inherent in such a station.

On the evening of 7 June (a few hours before the ship reached the area), the commander of the "Liberty" checked with the officer responsible, as to how the mission would be affected if the "Liberty" were to stay farther out at sea. The officer responded that his personnel intended to operate on UHF frequencies which necessitated line-of-sight with the coast; a positioning below the horizon would reduce mission efficiency by 80%.<sup>3</sup>

In the light of this professional opinion, the ship's captain determined to approach the coast, notwithstanding the danger, in order to execute his mission more efficiently.

SEE 1/2 10 MILES  
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CHAPTER TWO

ATTACK ON THE "LIBERTY"

THEATRE OF BATTLE AT THE TIME OF THE "LIBERTY'S" APPEARANCE.

The "Liberty" made its appearance at the theatre of operations on 8 June at the height of the war. Although it was clear that the scales were shifting in favor of Israel's rapidly advancing forces, on the Egyptian and Jordanian fronts, the end of the war was still not in sight and the Arab states had not yet agreed to a cease-fire.

The Syrians continued to shell civilian settlements all along Israel's northern front. Israeli artillery returned the fire, and artillery duels continued the entire day. Israel Air Force planes also attacked Syrian fortifications and artillery positions.

On the Jordanian front, Israel had succeeded in gaining complete control of the Jordan Valley up to the Jordan River, and Jordan declared its acceptance of a cease-fire at 1025 hours.

The naval theatre was also active. Three Egyptian submarines were cruising in the theatre of operations but their exact position was as yet undetermined.<sup>4</sup> At approximately 0900 hours, submarine "tracks" west of Atlit were discovered and the enemy submarine was attacked by vessels of the Navy.<sup>5</sup> After three hours, a report was received about the appearance of a submarine periscope off Rosh Hanikra. (The border checkpost between Israel and the Lebanon, on the coast). Thus, the "Liberty" had entered an arena in which hostilities were being conducted between two belligerent parties. Moreover, Egypt herself on 23 May 1967 declared as prohibited to maritime traffic, the area off the coast, up to a distance of 14 miles from the shore.<sup>6</sup>

DETECTION AND IDENTIFICATION OF THE "LIBERTY".

On 8 June, at 0410 hours, an IAF "Nord" aircraft took off with a naval officer aboard serving as an aerial observer. This air reconnaissance patrol was part of the routine coastal security measures. The patrol set out at first light, parallel to Israel's shores and over the open sea. (An additional patrol of the same type proceeded from 1530 hours until nightfall). The patrol's mission was to detect ship movements before vessels could enter coastal radar detection

*Handwritten notes at the bottom of the page, including the word "STILL" and other illegible scribbles.*

range. The airborne observer would make a brief report of each detection at the moment visual contact was made; additional information would be transmitted in the debriefing, after the plane's landing. At approximately 0545, an unclear message was received from the plane at Central Coastal Command (CLC-Combat Information Center-Central Coast). After clarification with the Navy representative at Air Command, the observation plane was reported to have sighted a ship, apparently a destroyer, sailing 70 miles west of Gaza. The ship was designated as "Skunk-C" on the Control Table, and marked red - i.e. an unidentified target.

Later, at 0603 hours, an additional report arrived from the plane, which described the vessel as a supply ship of the US Navy. The report was not unusual. Aerial observers had often reported on the presence of this type of craft, but such vessels would always change direction and disappear far from the coast.<sup>7</sup> Although the ship had been identified by the aerial observer, the target remained colored in red since the team at Central Coastal Command (hereafter referred to as CCC) were not positively sure of the ship's identity.<sup>8</sup>

At approximately 0900 hours, following the discovery of the enemy submarine off Atlit, GOC Israel Navy arrived at the (CCC) bridge. During a break in the activity surrounding the submarine, GOC Navy inquired about "Skunk-C", and after receiving an explanation concerning the vessel, instructed that the ship be marked green - i.e. a neutral craft.

At about the same time, a report arrived at Regional Control 501; the report stated that an IAF pilot, returning from a mission in Sinai, had spotted a ship 20 miles north of El-Arish and that when he had tried to identify the vessel it had opened fire upon him.<sup>9</sup> Reacting to this report, Head of Naval Operations Section/3 (a section in the Naval Operations Department) instructed Israel Navy destroyers "Jaffa" and "Eilat" (who were patrolling along the coast) to turn south and verify the identity of the vessel. However, the destroyers were ordered to return to their patrol sectors at 0940 hours, after an additional report arrived from Regional Control 501, that in the light of the pilot's debriefing, there was no certainty that he had indeed been fired upon by the ship.<sup>10</sup> The report likewise stated that, "the ship is colored grey-blue, very wide and the bridge is in the middle."

Meanwhile, the "Nord" plane which had been patrolling the sea had landed and the observer was debriefed by Lt. Commander Pinchasi, a navy representative at Air Command. The observer reported spotting the marking GTR-5,

on the ship's side. Lt. Commander Pinchasi checked the marking in a "Janes" manual and learned that the reference was to the intelligence-ship named "Liberty". He reported the information to Naval Operations Section/3 and since the reference was to an intelligence ship he likewise reported to Naval Operations Section/4 (intelligence)<sup>11</sup>.

Commander Lunz had relieved the Head of Naval Operations section/3 (who retired to rest) and was the officer who received the report. However, he did not see anything new in the debriefing but rather a complementary report to the one received at 0500 hours. Since he did not have information as to the present location of the "Liberty" he gave the order (at 1100 hours) to erase the vessel from the CCC control table. This order was given in accordance with the accepted updating procedure for maintaining an up-to-the minute picture at the CCC control table.<sup>12</sup>

By this action, the "Liberty" was, for all practical purposes, removed from the agenda. The detection of the "Liberty" at that location (far from the theatre of battle) was not unusual and did not require special attention or tracking. Certainly no danger was discerned that might have necessitated a response and it was reasonable to assume that the ship would turn round and sail away. In addition, it was common practice to erase targets which had disappeared from range.<sup>13</sup> These were almost certainly the considerations which guided commander Lunz when he ordered the erasure of "Liberty" from the CCC control-table.<sup>14</sup>

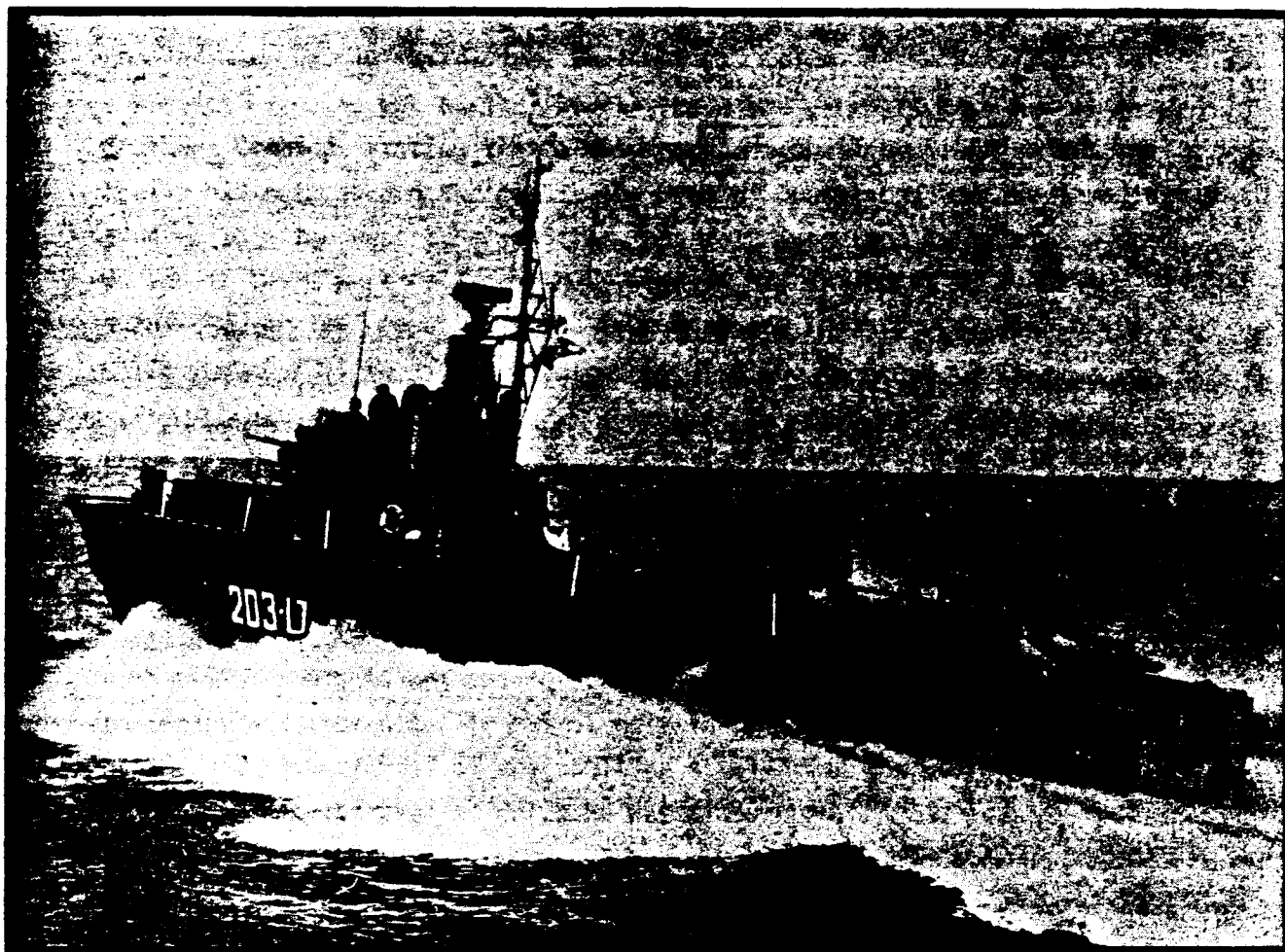
A short time after the erasure of "Liberty" from the CCC control table, a series of events transpired which led to the detection of the ship a second time now under circumstances which led to a tragic mistake.

#### REPORT ON THE SHELLING OF EL-ARISH AND DISPATCHING OF THE TORPEDO BOATS.

At 1124 hours, the naval representative at Air Command reported to Naval Operation Section/3, on the shelling of El-Arish from the sea. Commander Lunz passed on the report to Chief of Naval Operations, Captain (Navy) Rahav, and he in turn instructed Lt. Commander Pinchasi, in no uncertain terms, to check the source of the report.<sup>15</sup>

The inquiry into the source of the report was ordered because of the many reports which had been received concerning shelling from the sea and which were later proven to be false. The feeling was that this report was probably no different. Lt. Commander Pinchasi was told by Air Operations Section/3

Naval Torpedo Boat.



Specifications:

<u>Size:</u>	Length - 28.4 meters.	Width - 7 meters.
<u>Arms:</u>	One 40 mm Cannon. Four 20 mm Cannons Two Torpedo tubes.	
<u>Maximum Speed:</u>	42 knots	
<u>Crew:</u>	15 men.	

2

that the source of the report was an Air-Ground Support Officer in El-Arish; the Navy representative at the Supreme Command,<sup>16</sup> Lt. Commander Tal, also informed Lt. Commander Pinchasi that a similar report had been received enquiring to Naval Operations/3<sup>17</sup>.

Meanwhile the shelling of the coastline also aroused interest at Supreme Command. The Head of Operations Section, Lt. Colonel Haim Nadel, (during a meeting with the COS at 1127 hours), received a report from G Branch-Southern Command, stating that a ship had been shelling El-Arish but the shells had not reached the coast. The Head of Operations Section immediately ordered that the report be verified, and more important instituted a check to see if there were no Israel Navy vessels off the coast of El-Arish.<sup>18</sup> Meanwhile, another report arrived from Southern Command (at 1145 hours), which stated that two ships were approaching the EL-Arish coast.<sup>19</sup>

These reports were passed to Fleet Operations Control Center - to commander Lunz and Captain (Navy) Rahav. The accumulation of reports from various sources and the involvement of Supreme Command in the matter, indicated that these reports were not baseless and should be taken seriously.<sup>20</sup> Therefore, the chief of Naval Operations ordered<sup>21</sup> (at 1205 hours) torpedo boat Division 914 to set out for El-Arish. At this point, the Division commander was instructed to patrol only in the direction of El-Arish but he was not yet informed of the shelling of El-Arish nor was he told what to look for in the area to which he was dispatched.<sup>22</sup>

Division 914 ("Pagoda" on the radio code), under the command of Commander Moshe Oren, consisted at that time of three torpedo boats - T203, T204 and T206; the flagship was T204, with the Division commander aboard. The Division had left Ashdod Port at 1120 hours, with the task of patrolling between Ashdod and Ashkelon. At 1215 hours, the Division received an order from Naval Operations/3 to change course and to assume a position 20 miles north of El-Arish and to patrol that region.<sup>23</sup>

Meanwhile, the enquiry at Supreme Command into the shelling of El-Arish continued and the Head of Operations Section was informed that no Israel Navy vessels were in the area but that three torpedo boats were on their way. The Head of Operations Section concluded that when the torpedo boats made contact with the vessel responsible for shelling the coast, they should request close air support from the IAF.<sup>24</sup>

Division 914 continued on her way to EL-Arish and after an hour's sailing (at 1317 hours) she was informed (by Naval Operations/3) of the shelling from the sea, of EL-Arish. The Division commander was told to listen to the air-sea-liaison radio channel (86 and 186) and that IAF planes would be dispatched to the area after the target had been detected by the Division.<sup>25</sup>

At 1341 hours, the Division detected the target on its radar - 20 miles northwest of El-Arish and 14 miles off the coast of Bardawil. The officer at the CIC on the flagship, Ensign Yifrach Aharon, reported that the target had been detected at a range of 22 miles, that her speed had been tracked for a few minutes, after which he had determined that the target was moving westward at a speed of 30 knots.<sup>26</sup> These data were forwarded to the Fleet Operations Control Center.

The speed of the target detected by the Israel Naval Division was significant in that it indicated, beyond doubt, that the target was a combat vessel - since only combat ships can develop such high speeds. Standing Israel Navy operation procedures state explicitly: "When there are reports of an enemy in the theatre, and radar detects one or more ships sailing at a speed above 20 knots, they shall be considered hostile and no further identification shall be carried out."<sup>27</sup>

The given data created the impression at Naval Operations, of an enemy ship, turning to escape in the direction of Port Said. The Chief of Naval Operations asked the Division to double-check their calculations. A second check confirmed the direction of the target, but her speed was corrected to 28 knots. Since the Israel Navy Division was cruising at the same speed as the target, and therefore could not intercept it the Division commander requested that IAF planes be dispatched.<sup>28</sup>

25 knots  
27  
28

In retrospect, it is clear that the data dealing with target speed were incorrect since the "Liberty" was not capable of cruising at such high speeds. However, it is astounding that the same target speed was measured independently by two torpedo boats: T204 (with the Division commander aboard) and T203 which estimated target speed at 25 - 28 knots.

The CIC officer on torpedo boat T204 later presented several possible explanations for the mistaken estimate of the target's cruising speed. Either the radar screen "jumped", or the radar operator read the information incorrectly, or the statistics were incorrectly recorded on the CIC plot - or a combination of all the above. (The detection of the target at a range of 22 miles was also unusual, since normal detection range was considered to be 12 - 15 miles).<sup>29</sup>

The GOC Navy at the time, Rear-Admiral Shlomoh Arel noted that torpedo boats are prone to error in determining the speed of a ship moving in front of them, especially if the measurements are carried out with short, intermittent pauses.<sup>30</sup>

In view of the repeated reports on the shelling of EL-Arish from the sea, the detection of target by Division 914 and its report on the direction and speed of the target, a clear-cut picture emerged at Naval Headquarters of an enemy ship trying to escape and it was clear that all means available would have to be used in order to overtake and attack the vessel. Under the conditions at that time, the attack could be carried out only by IAF planes and the Chief of Naval Operations requested that planes be dispatched to the target.

At this point it is important to note that in accordance with the coordination procedures between the naval and air arms of the IDF, the naval theatre is under the sole jurisdiction of the naval arm and the IAF operates in this arena according to Navy instructions, in regards to identifying and attacking targets.

#### DISPATCH OF THE PLANES

At 1348 hours, the Chief of Naval Operations asked that the planes be dispatched. Lt. Colonel Kislev, the senior control officer at IAF Command, instructed the control unit to divert a pair of "Mirage" aircraft ("Kursa" formation), which were returning from a patrol along the Suez Canal. Although another aircraft formation ("Menorah") consisting of 4 "Mirage" aircraft, was closer to the region, Lt. Colonel Kislev ordered that those planes should not be diverted from their mission (an attack on surface-to-air missiles along the Suez Canal) which was considered to be more important.<sup>31</sup>

As stated above IAF operations at sea were conditional on the Navy's authorization, and Air Command therefore insisted on receiving a definite clearance if to attack the ship or not.<sup>32</sup> Lt. Commander Pinchasi passed on the question to Naval Operations<sup>33</sup> Section/3, and the Chief of Naval Operations granted permission to attack.<sup>33</sup> His intention was to have the planes attack the target ship and delay her until the torpedo boat division could arrive and enter combat.<sup>34</sup>

Lt. Commander Pinchasi forwarded the authorization to identify the ship as a combat vessel and then attack. The identification of the vessel was not intended to check the ship's nationality, but rather to emphasize the aim of attacking only a warship, and thus to avoid unnecessarily hitting Israel Navy torpedo boats.<sup>35</sup> To this end, he emphasized that contact should be established between the aircraft and torpedo boats.

Lt. Colonel Kislev passed the attack authorization and instruction to establish contact with the torpedo boats in the vicinity, to Regional Control 501 (on band 186) <sup>36</sup>. The control unit passed on the instructions to the IAF planes.

The two "Mirage" aircraft reached the ship at approximately 1400 hours. The formation leader, Captain Spector, descended to a height of 3000 feet and circled the vessel twice; his number two executed one identification run. These runs revealed to the pilots that the ship was not an Israeli vessel since she did not have the identifying markings (a white cross on a red background). The ship was colored battleship grey, had a foremast, one smokestack and two guns on her bow. No flag or other identifying sign was discerned. The formation leader reported this to the torpedo boats and Control and then the aircraft received permission to attack.

At 1400 hours the "Mirage" planes attacked the "Liberty" and executed four strafing runs, firing only with their guns since they had no other ordnance available. Good hits were scored by the strafing runs. Damage could be discerned on the body of the ship and fire broke out on her portside. <sup>37</sup> According to the commander of the "Liberty", the American flag, which was flying on the mast during the attack, was also knocked down. <sup>38</sup>

While the "Mirage" attack was proceeding, the Commander of Regional Control 501 experienced momentary doubts as to the identity of the vessel. It appeared that with the start of the attack, when the commander of Regional Control 501 informed the Navy representative at Regional Control of the ongoing operation the latter was not yet aware of the assault and immediately called Fleet Operations Control Center. Any doubt was immediately removed when the Navy representative at Regional Control announced that it was "okay". <sup>39</sup> The entire clarification lasted a short time and in effect the attack was not interrupted at all. Meanwhile, Lt. Colonel Kisslev directed an additional aircraft formation to the ship. This was a pair of Super-Mystere aircraft ("Royal" formation) on its way to the Mitla Pass. Control informed Lt. Kisslev that this formation was armed with napalm, not effective for attacking ships. But in spite of this fact he instructed the formation to join the attack with "whatever they have". <sup>40</sup>

The "Royal" formation passed over the ship at a height of 15,000 feet, as the previous formation was executing its last strafing run. The formation executed two attack runs with napalm, and one napalm bomb struck the ship.

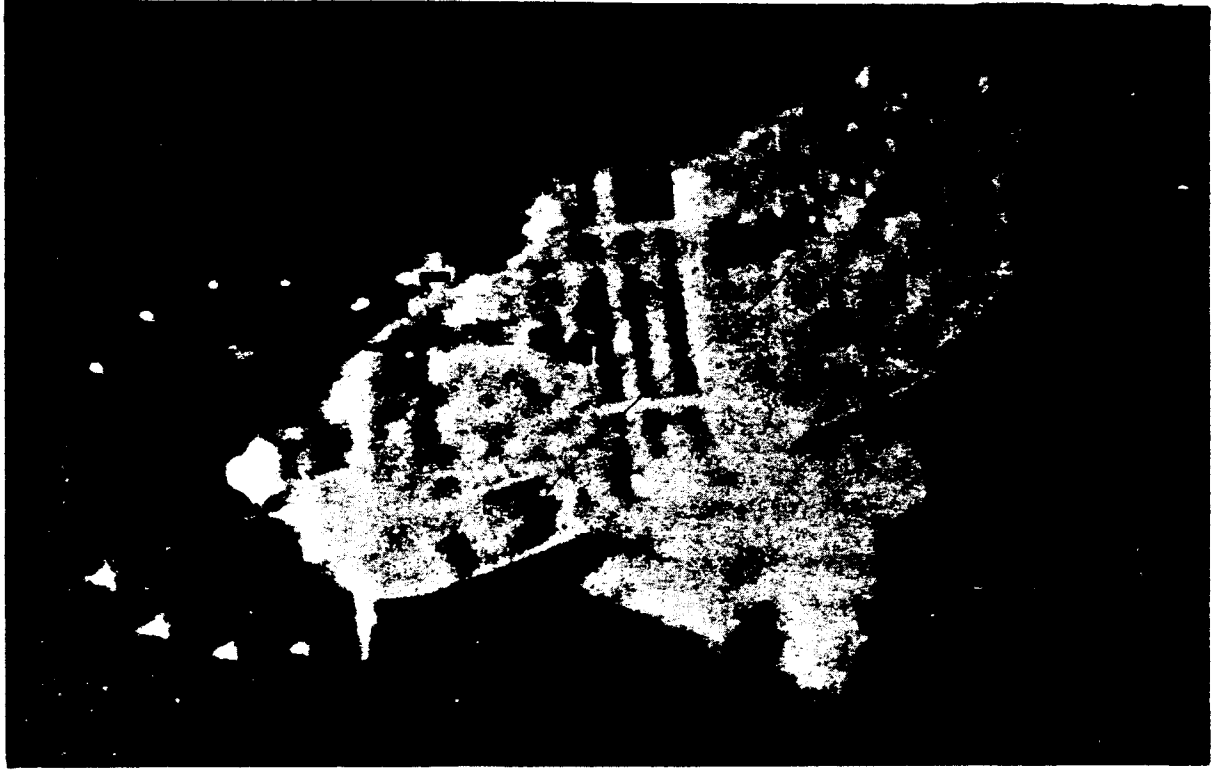


The strike on the "Liberty", as photographed by the gun-camera of the Mirage.



Key:

- 1 - Forward antenna.
- 2 - Mast (it is impossible to detect the flag).
- 3 - Smokestack.
- 4 - "Plate" antenna.
- 5 - The Bridge.



The lack of response from the ship raised suspicions in the mind of the formation leader and he decided to descend for an identification run. In this first run he discerned letters on the ship's bow but did not succeed in reading them clearly although the marking looked like P-30. In order to be sure the pilot descended for a second, slower identification run at a height of about 30 meters and then he was able to discern the letters CTR-5 ("Charley", "Tango", "Romeo") and reported this to control. Although he searched for a flag or other identification marking, he detected nothing. 41

When the pilot's report (on the letter identification) arrived, Lt. Colonel Kisslev immediately instructed the aircraft to "disengage" and requested a report on the damage caused to the ship. The pilot reported "many hits on the upper section" and that the ship was smoking, with personnel apparently jumping overboard. Lt. Kisslev dispatched helicopters to the ship in order to search for and retrieve survivors. 42

The aircraft left the area at 1416 hours. In the final analysis, "Liberty" was attacked by four IAF aircraft which flew over the vessel for approximately 20 minutes, executed four strafing runs, two napalm attack runs and a number of identification runs. However, this short attack caused damage to the ship, hit its machine-gun positions and the bridge, lit two fuel tanks which resulted in the outbreak of a large fire on deck, and also inflicted casualties among the crew.

#### THE TORPEDO BOAT APPROACH

As the IAF planes broke off the attack the Israel Navy torpedo boats approached the ship. The first aircraft formation contacted the Division; T206 maintained radio communication and forwarded reports to the Division Commander (T204 did not maintain contact with the planes). Thus, he was informed that the target was a destroyer of the "Z" or "HUNT" class. The smoke rising from the target, following the air attack, marked the spot and the torpedo boats closed in rapidly. 43 At 1411 hours, the Division Commander was told that the aircraft were finishing their final run and departing - and that now he was to attack. And indeed, after the planes departed, the Division Commander ordered the torpedo boats (at 1418 hours) to launch a torpedo attack.

However, this attack was delayed. Air Command informed Fleet Operations Control Center, of the discovery of the letters on the ship's side, and Naval Operations/3 instructed the Division (at 1420 hours) not to attack since there was possibly a mistake in the identification of the vessel.<sup>44</sup> The Chief of Naval Operations also ordered the attack delayed but for another reason. He wanted the Division to delay its attack until it was within effective firing range, and not to open fire from too far away. The letters on the ship's side appeared to him as an Egyptian deception tactic, an enemy effort to operate in daytime in spite of Israel's air superiority in the region. He did not believe that another ship could possibly be in the area. <sup>45</sup>

The Commander of Division 914, who was on the bridge, later testified that he did not receive the order from Naval Operations/3.<sup>46</sup> However, the Division approached the target to within visual range and immediately realized that the ship was not a destroyer but rather a merchant or supply ship. An attempt was made to identify the vessel, although this was difficult due to the billowing clouds of smoke which enveloped the vessel; only her bow, part of her bridge and the tip of her mast could be discerned. As a result, the Division Commander cancelled the attack order.<sup>47</sup> Even though the torpedo attack was delayed for a variety of different reasons, the end result was the same - the torpedo Division held its fire and approached the target in order to more clearly identify the vessel.

At 1427 hours the Division commander signaled the target ship requesting identification - "What ship?". The answer received was "AA" - i.e. "Identify yourself first". This appeared to be an evasive answer, which did not satisfy the identification request. This response was identical to the answer given by the "Ibrahim-el-Awal" (an Egyptian destroyer) during the Sinai Campaign, when she was asked to identify herself by the Israel Navy destroyers which had closed in on her. This fact was etched in the memory of the Division commander.<sup>48</sup> In addition, the latter discerned flashes of gunshot fire emanating from the ship, and the commander of T203 saw the fire and reported hits in the vicinity of T-206.<sup>49</sup> Since he still did not possess any clear confirmation of the ship's identity, he requested that the identification guide to Arab fleets be brought to him; After an examination of the pamphlet, he identified the target as an Egyptian supply ship, the "EL-Quseir". At the same time, the commander of T203 also tried to identify the vessel and without any connection to the Division commander's conclusions, likewise identified the vessel as the "EL-Quseir", due to the ship's silhouette and what appeared to be a gun mounted on her bow.<sup>50</sup>

THE TORPEDO ATTACK

This combination of factors - an evasive answer to the identification request the identification of the ship by two torpedo boats as the Egyptian "EL-Quseir", and the apparent gunshot fire emanating from the ship, indicated clearly at that time that this was an enemy craft. The Division commander reported his identification of the vessel to Naval Operations/3 and then ordered (at 1437 hours) a torpedo attack.

The torpedo boats moved in on the target, with guns firing and after a few minutes (at 1443 hours) opened with torpedo fire, according to the following sequence.<sup>51</sup>

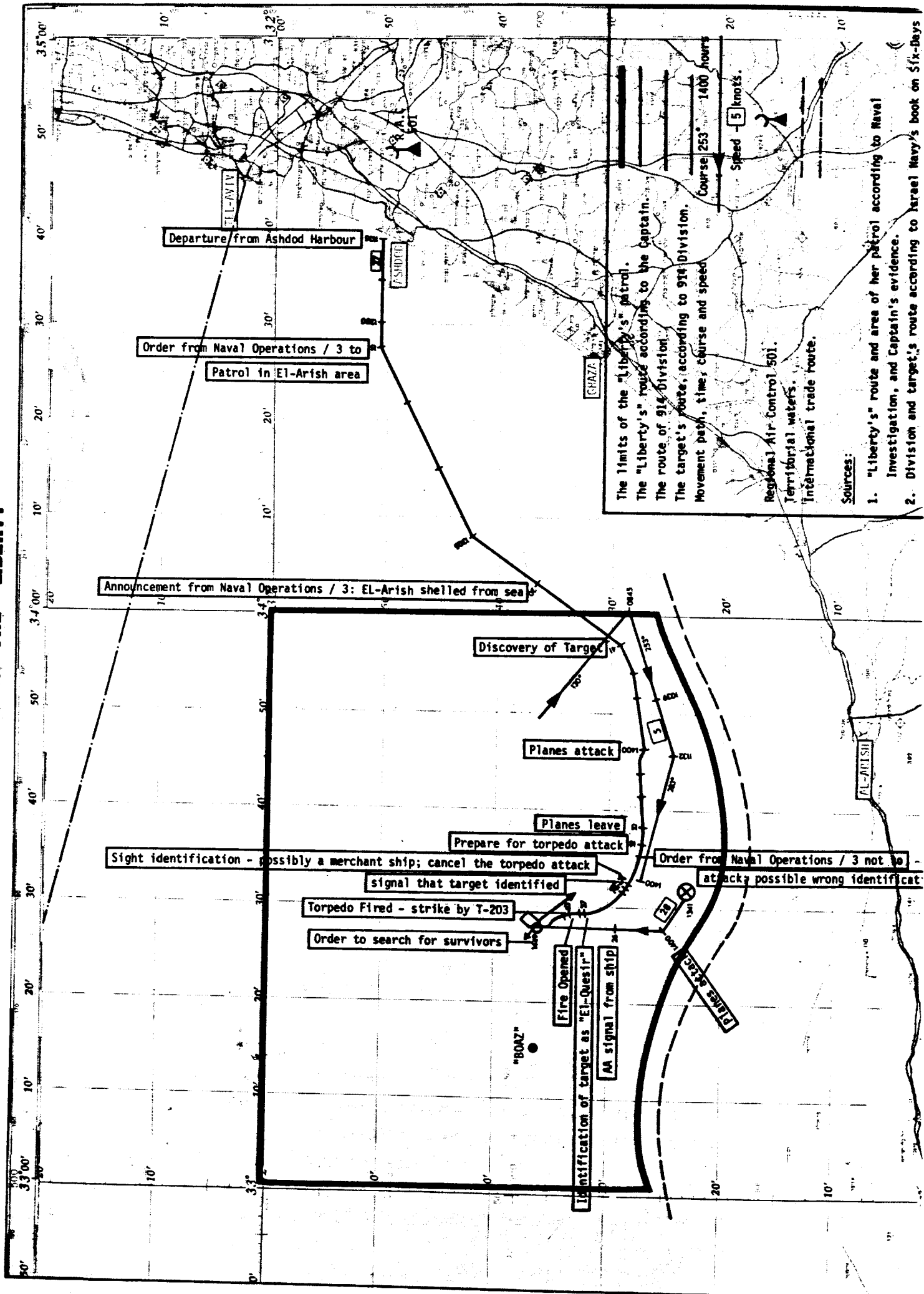
- A) T206 attacked first and fired one torpedo from a range of 1,000 yards and a second torpedo from a range of 550 yards; both were seen moving on course to the target but no hits were discerned.
- B) T203 attacked a minute later and fired two torpedoes from a range of 2,000 yards. The right torpedo went off course, but the second torpedo hit the target and exploded on the ship's starboard underneath the waterline.
- C) Finally, T204 attacked and fired only one torpedo which was not seen as travelling on target course at all.

The Division commander gave the order to prepare for an additional attack from the target's other side and the torpedo boats moved to the ship's portside, off the ship's bow and stern. While proceeding to the target's other side, the torpedo boats entered closer range and discovered the letters GTR on the ship's bow. The Division commander ordered the immediate cessation of all fire. The time was 1447 hours.<sup>52</sup>

Even at this stage, there was still no flag discernable on the ship, and only later, at closer range was the Division commander able to see a small flag and code flag which bore the ship's name.<sup>53</sup>

The Division commander immediately reported these facts to Naval Operations/3 and received instructions to search for survivors and identify the ship's nationality. In response, the Division commander (at 1451 hours) stated that the ship might possibly be Russian; this, due to the letters marked on the ship's side and the letters marked on the flag. The Division commander also reported that the ship was giving off smoke and pitching over on to its starboard side.<sup>54</sup>

# ATTACK ON THE "LIBERTY"



Departure from Ashdod Harbour

Order from Naval Operations / 3 to

Patrol in El-Arish area

Announcement from Naval Operations / 3: EL-Arish shelled from sea

Discovery of Target

Planes attack

Planes leave

Prepare for torpedo attack

Sight identification - possibly a merchant ship; cancel the torpedo attack

signal that target identified

Order from Naval Operations / 3 not to attacks possible wrong identificat

Torpedo Fired - strike by T-203

Order to search for survivors

Fire Opened

Identification of target as "El-Quesir"

AA signal from ship

"BOAZ"

The limits of the "Liberty's" patrol.  
 The "Liberty's" route according to the Captain.  
 The route of 914 Division.  
 The target's route, according to 914 Division.  
 Movement path, time, course and speed  
 Course 253° 1400 hours  
 Speed 5 knots.

Regional Air-Control 501.  
 Territorial waters.  
 International trade route.

Sources:

1. "Liberty's" route and area of her patrol according to Naval Investigation, and Captain's evidence.
2. Division and target's route according to Israel Navy's book on Six-Days

This report raised serious concern at General Staff Headquarters. The COS informed the Prime Minister and the Minister of Defence, and even convened a meeting in order to examine the possibility that the Russians would exploit the incident in order to intervene in force on the side of the Arabs.<sup>55</sup>

Fleet Operations Control Center first ordered the Division to return to El-Arish, but then changed the order and instructed the torpedo boats to make a close-up identification of the vessel. At 1520 hours, the Division commander reported that the ship was American. He noted that the ship was listing on its starboard side and that the crew had brought the fire under control and the vessel was moving slowly.<sup>56</sup> Beforehand (1503 hours), two helicopters had hovered near the ship in order to search for survivors and one of them had spotted an American flag on the ship's mast. The helicopters also reported on crewmen jumping overboard. After twenty minutes, the helicopters received orders to return.<sup>57</sup>

Naval Operations/3 ordered the Division to stay in place and await instructions. At the same time the Port of Ashdod was ordered to prepare two tugs for immediate dispatch to the ship. At 1536 hours, Naval Operations/3 ordered the Division to approach and search for survivors. As the torpedo boats approached, T206 fished out a rescue craft (of US manufacture), but with no personnel aboard. The search did not reveal any survivors. After ten minutes the Division received an order to start moving towards EL-Arish.

At 1602 hours, GOC Navy radioed the Division commander and told him that the tugs had been dispatched from Ashdod and he enquired into the possibility of towing the ship to Ashdod. GOC Navy instructed the Division commander to approach the ship and offer assistance over the loudspeaker, but not to board the ship. GOC Navy also emphasized the importance of saving lives and ordered out a helicopter to search for any wounded.<sup>58</sup>

The Division approached the ship at 1640 hours and was able to discern the ship's name. The Division's offer of assistance was immediately rejected; the Division commander wished the ship a safe journey and reported back to GOC Navy.

In accordance with the instructions received, the Division monitored the "Liberty's" progress for some time, and at 1704 hours, received an order to return to Ashdod. The Division returned to base and at 1750 hours the "Liberty" disappeared from her radar screen.

CHAPTER THREE

CAUSES OF THE ERROR

The attack on the "Liberty" by I.D.F. air and naval forces was the result of a chain of innocent misunderstandings and errors which occurred in the course of hostilities. Among these we may cite:

A. The "Liberty's" Scrape From The Control Table

Commander Lunz, who ordered the vessel's erasure, acted in accordance with the accepted procedure of erasing targets which lie beyond radar range. The reason for this procedure is to ensure that the control table gives a clear and up-to-date picture. In any case, Commander Lunz had every reason to assume that the Chief of Naval Operations and the GOC Israel Navy were aware of the "Liberty's" existence in the region, since both had taken her presence into account during the conduct of their operations against the submarine (Vide Supra p.7). The truth of the matter was, however, that the Chief of Naval Operations was unaware of the ship's existence and when the vessel was discovered by the torpedo boats he was convinced that it was a hostile target. In addition Commander Lunz, who was aware of the "Liberty's" existence, was led astray by the vessel's alleged high speed as reported by the torpedo boats. He therefore assumed that the target which was discovered was not the "Liberty" but rather an enemy craft. Later on, when the aircraft reported identifying the letters, Commander Lunz's suspicion was aroused. But at that time he was no longer in command. The Chief of Naval Operation, who was on hand, had heard the report along with him. He therefore did not consider it necessary to reiterate the report to the CNO. Lastly the identification of the vessel as the Egyptian "El Quseir" dissipated all further doubts.

B) The Report On The Shelling Of The EL-Arish Coast

The report was at first met with scepticism due to the plethora of such reports received during the previous day. The Chief of Naval Operations therefore ordered a check on the source of the reports. After the source was verified and additional reports were received, the Supreme Command

intervened, as the matter required serious attention. The Chief of Naval Operations therefore ordered Division 914 to abandon its patrol course and to investigate the situation off the coast of EL-Arish. The Chief of Naval Operations intentionally ordered the division to reconnoiter rather than assigning her a specific mission inasmuch as he was not fully convinced that the coast was indeed being shelled and wanted an objective confirmation. First it was for this same reason that he did not inform the Division that the coast was being shelled.<sup>59</sup> The report of the shelling (which was later proven to be incorrect) was the first element in the chain of events which resulted in the tragic attack on the "Liberty".

C. The Detection Of The Target By Division 914

The Division spotted the target on the radar screen at a range of 22 miles and measured its speed and course. The target's speed was measured separately by each of the Division's vessels - with identical results. The high speed of the target (30 knots) indicated clearly that the vessel was a warship, and, in accordance with standard navy procedures followed at that time, this information provided sufficient grounds upon which to identify the target positively as a hostile craft. Despite this, the speed was checked once again, and it remained high. Given the vessel's speed and its course towards Port Said, it appeared to the Division commander and to Naval Headquarters that the target was an enemy warship escaping to its home port. Given such circumstances, a fleeing enemy vessel and the inability of the Division to overtake it, the Division commander took the only effective step and ordered out aircraft. Later, at the time of the air attack, it was discovered that the vessel's speed had been reduced to 12 knots. However, the Division commander did not attribute importance to this fact, since it appeared that the reduction in speed was due to the air raid.

D. The Identification Of The Vessel By The Aircraft.

The aircraft headed for the vessel, and, while in flight, they were informed by Control that the target was an enemy ship and that they should proceed to attack her. When the aircraft arrived at the sight they perceived a large, grey-colored vessel, apparently a destroyer. What appeared to be a gun was mounted on its bow, a distinctive feature of a warship. Despite this, the aircraft carried out identification runs, in an attempt to discover any identifying markings. Only after they had failed to detect any such markings did they then proceed to attack the target.



E. The Identification Of The Target As The "EL-Quseir"

When Division 914 arrived within eyesight of the vessel, the division commander discerned that the vessel was not a destroyer but rather a mercantile or supply ship. Due to his doubts, he rescinded the order to torpedo the vessel and proceeded to identify the craft. The evasive answer which he received from the vessel in response to his demands of her to identify herself, as well as the gunshot flashes which emanated from the target, strengthened his belief that he was confronted with an enemy craft. The enemy vessel was identified by him and by the other torpedo boat as the "EL Quseir". While it is true that the "EL Quseir" and the "Liberty" are not identical in appearance, they do resemble each other. Given the conditions which prevailed at the time (the "Liberty" was enveloped in smoke), such an identification was made independently by two different officers on two different torpedo boats.

One of course may question the inherent contradictions between the various observations of the target identified as the "EL Quseir", a supply ship.. It should have been obvious that the vessel was incapable of sailing at a speed of 30 knots, or of shelling the coast. However, at the time of the battle, it was assumed that the target was a member of a naval task force which had succeeded in escaping and that the target had fallen behind due to the limitations on its speed.<sup>60</sup> The accumulation and interlocking of the above mentioned factors created the erroneous (though justifiable, given the circumstances of the incident) picture of an enemy attempting to flee at top speed after a hit-and-run raid. Under such circumstances it is natural for a pursuing Israeli force to do all in its power to strike and capture the vessel.

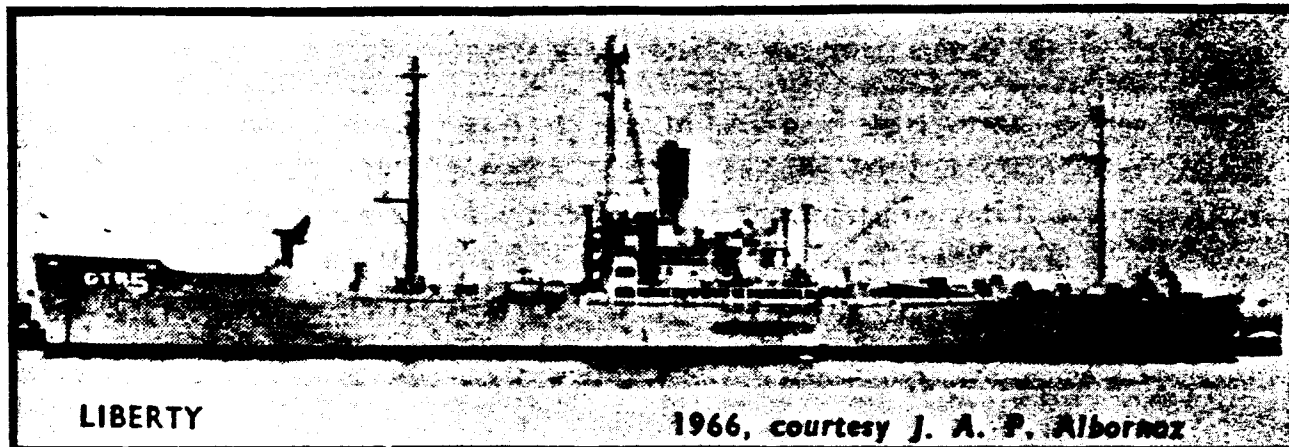
In addition to the above mentioned factors the conduct of the "Liberty" herself contributed greatly to the creation of the "chain of errors". The following aspects of the "Liberty's" behaviour helped create the impression that she was indeed an enemy craft:

A. The "Liberty's" Position.

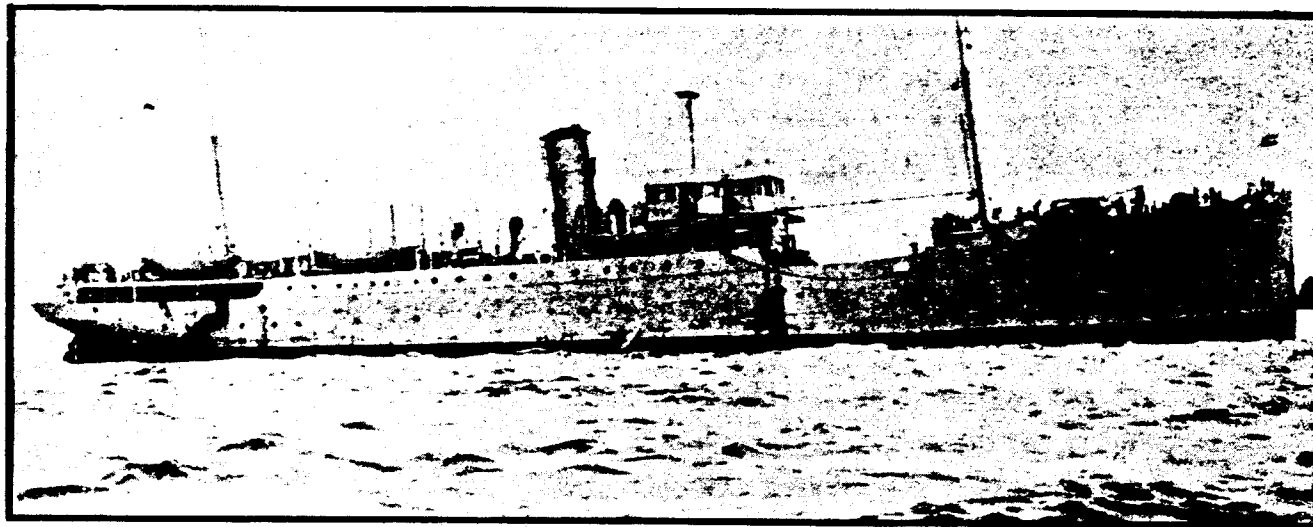
The "Liberty" was attacked in a combat zone, far removed from any recognized international shipping lane. Her very presence in the area provided grounds enough for the assumption that she was an enemy vessel. Furthermore, the Chief of Staff at the time Lieutenant General Yitzhak Rabin noted:

"On 5 June 1967, we approached the American naval attaché and said 'We shall protect our coastline against Egyptian attack by a combination of air and naval forces. We shall not be able to delay our reaction to the

"Liberty"



"El-Quesir"



We may note the following similarities between the two vessels:

- A. Similar deck line.
- B. The bridge structure is in mid-ship.
- C. A single smokestack is in mid-ship.
- D. The "Liberty's" antennae on the aft and fore decks resemble "EL-Quseir's" masts.
- E. The antennae on the "Liberty's" fore deck resemble a gun.

presence of Egyptian vessels in the proximity of our coast. We request you to withdraw all of your vessels from the Israeli coast or to inform us of their exact positions in the area close to our coastline."<sup>61</sup>

The American Command was, or at least should have been aware of the danger entailed by the "Liberty's" presence in the area. The Joint Chiefs of Staff in fact did order the vessel's withdrawal from the coast, only this order "lost its way" amongst the maze of bureaucracy and the military chain of command, and never reached the "Liberty."<sup>62</sup>

It is almost certain that had this order been carried out it would have been possible to avoid this tragic incident.

#### B. The Difficulty In Identification.

The "Liberty" bore the accepted identification signs for peace time. However these signs were insufficient for aerial identification. The vessel's color was battleship grey and the aircraft which carried out the identification runs did not discern any identifying signs or any flag which might indicate its identity. The U.S. Navy Court of Inquiry likewise established that the vessel's slow speed rendered it difficult for attacking planes to distinguish its flag.<sup>63</sup> (i.e. with little wind, the flag drooped, thus its markings were indiscernable) Even when the torpedo boats advanced to within eyesight of the vessel in an attempt to identify her, they did not see any flag. The "Liberty's" commander testified in fact that the flag had been knocked down in the course of the air raid and that he had ordered another flag hoisted.<sup>64</sup> Even if this flag was hoisted the torpedo boats did not see it, apparently due to the smoke which shrouded the vessel.

When the torpedo Division commander asked the vessel to identify herself, he received an evasive reply. Under such circumstances it would appear that the "Liberty" should have availed herself of all possible means to identify herself (e.g. by hoisting numerous flags and semaphores, lighting signal lamps and flares) in order to attract the attention of the attacking force. Such measures would have been all the more appropriate given the fact that the "Liberty's" commander believed that the air raid had been carried out by error.<sup>65</sup> He did, it is true, try to prevent his vessel opening fire on the approaching torpedo boats, but his machine-gunners did not receive the command to hold fire, and instead opened fire on the Israeli boats. The fire only strengthened the Israelis' impression that the ship was indeed an enemy vessel. The "Liberty's" behaviour leads one to conjecture "that she did all in her power to conceal her identity".<sup>66</sup>

These errors which were interrelated and stemmed from one another, led to the creation of the erroneous picture of the "Liberty" being a hostile vessel and to the inevitable result - the attack on the "Liberty."

## CHAPTER FOUR

### ISRAEL'S ACTIONS FOLLOWING THE INCIDENT.

As soon as Israel became aware of the error, she took actions whose immediate aim was to save human life, and, at a later stage, to investigate the incident and determine its causes.

#### Assistance Offered and The Search for Survivors

Immediately after the incident, Israel Navy torpedo boats and two Israel Air Force helicopters searched the area for survivors. At 1530 hours Israel reported the incident to the American Naval Attaché, Commander Ernest C. Castle, and at 1815 hours the attaché, along with a representative of the IDF's Foreign Attaché Liaison Bureau took off for the ship in a Super Frelon helicopter in order to land the attaché on board and evacuate wounded, if necessary. Commander Castle attempted to signal the ship's crew by hand, and they answered with hand signals and lanterns; however, neither side understood the other. The helicopter pilot was ready to lower the attaché aboard the vessel by means of a cable, but the ship was unable to halt and the lowering could not be carried safely as long as the vessel was in motion. Finally, Commander Castle wrote the following message on his calling card: "Do you have any casualties?", attached it to an orange and tossed it onto the ship. He was answered by signals from the "Liberty" which led him to understand that they had one wounded. But he was not certain of that. The helicopter hovered above the vessel for some thirty minutes, and, inasmuch as it was impossible to land or to lower the attaché on board, it returned to its base.

The next day, 9 June, the search for survivors continued by means of a light aircraft. However, there were no results. The American Naval attaché verified details concerning rescue operations and requested that they continue the following day, since he believed that the current might carry survivors or bodies back towards shore.

The search continued on 10 June, conducted by planes and torpedo boats. It lasted from 0500 hours until nightfall - again without any results. The search was not renewed. Commander Castle thanked the IDF for its rescue efforts and did not request that they be resumed, since it was assumed that the bodies of the missing men were trapped in those damaged compartments of the ship which had been sealed after the torpedo attack.

### Exchange of Letters Concerning the Incident

On 10 June the Israeli ambassador to Washington submitted a letter to the US State Department in which the Government of Israel expressed its regrets over the tragic incident and offered to pay compensation for the loss of life and damage to property. The American reply (which was received on the same day) stated that the "Liberty" had been attacked on the high seas, despite the fact that she flew an American flag and bore markings in accordance with the accepted practice, and that there was reason to assume that she had been identified as American. The American reply stated that the attack upon the "Liberty" was incomprehensible and should be regarded at the very least as a case of military negligence and malicious disregard for human life. The American government expected that the Government of Israel would take the necessary disciplinary measures which an incident of such a nature warrants and issue appropriate instructions that would prevent the occurrence of similar incidents in the future. The reply also indicated that the American Government expected full compensation.

The Israeli reply was submitted to the State Department on 12 June. In it Israel rejected the American accusations and stressed that such conclusions prior to the undertaking of a full investigation of the incident, were unjustified. The Israeli letter stated further that the Chief of Staff had appointed a Court of Inquiry and that its report would be forwarded to the United States Government. Israel's reply noted also its offer of assistance and the rescue operation which she had carried out. It also expressed her regret that information concerning the "Liberty's" presence had not been brought to Israel's knowledge beforehand. The Israeli letter concluded with a repetition of Israel's offer to pay compensation.

### The Appointment of the Court of Inquiry

On 12 June the Chief of Staff appointed Colonel Ram Ron as a one man Court of Inquiry, "In order to investigate the circumstances surrounding the attack carried out by IDF forces on the American vessel the "Liberty." The senior officer was entrusted with the responsibility for "establishing facts, drawing conclusions and making recommendations."<sup>67</sup> by the 16 June 1967.

Colonel Ram Ron heard the testimony of twelve officers involved in the affair, and in the end of his investigation he established the facts relative to the incident. He concluded that the attack on the

vessel was not perpetrated "out of malice or criminal negligence but out of innocent error..... The attack was perpetrated as a result of a chain of three errors each one of which individually, appeared to him, considering the circumstances, as a reasonable and innocent mistake." <sup>68</sup> According to Colonel Ron, the following were the three errors: <sup>69</sup>

- A) The erroneous report concerning the shelling of EL-Arish.
- B). The establishment of the ship's speed at 30 knots, which removed all possible doubt as to the "Liberty" not being a hostile target.
- C). The identification of the vessel as the "EL-Quiseir". Colonel Ron further concluded that he had no doubt as to the fact that the "Liberty" had attempted to conceal her identity and presence in the area. <sup>70</sup>

At the conclusion of his report, Colonel Ron proffered recommendations as to procedures for declaring areas to be "Danger Zones" as well as additional recommendations regarding the training of pilots in the identification of enemy vessels, and staff procedures.

The investigation file was forwarded to the Military Advocate General, Colonel Meir Shamgar for his opinion, which was submitted to the Chief of Staff on 20 June 1967.

The Military Advocate General reviewed the facts established by the Court of Inquiry, most of which were accepted by him, and analyzed the implications of the investigations. The Military Advocate General's recommendations were as follows: "It is impossible, regarding this incident, to establish clearly at this stage whether anyone involved in the matter should be brought before a court martial....I do not believe that there are grounds to complete the Court of Inquiry's investigation. However, given the importance of the incident and the gravity of the results, it would be proper to entrust the investigation to a judicial institution - - i.e. examining judge." <sup>71</sup>

#### Letter of GOC Israel Navy

On 17 June 1967, GOC Navy, R/Ad. Shlomo Erel sent a letter to his American opposite member, Admiral MacDonald. In his letter, the GOC expressed the Israel Navy's deep regrets concerning the terrible tragedy which had occurred to the "Liberty" and requested that his condolences be transmitted to the families of the victims. He expressed his admiration of the ship's crew

for the manner in which they had overcome the damage and succeeded in saving their vessel. He expressed his hope that future circumstances would enable seamen to carry out their work in peace and that such tragedies would not repeat themselves.

#### The Appointment of an Examining Judge

On 20 June 1967, in accordance with the powers granted him by the Code of Military Justice, the Military Advocate General instructed that a preliminary inquiry of the attack on the "Liberty" be carried out, inasmuch as in his opinion, an offense liable to require a court-martial, had been committed.<sup>72</sup>

In accordance with the powers invested in him, and by the decision of the Military Advocate General, the President of the Military Appeals Court, Col. Yaakov Perry, on the same day, appointed Lt. Col. Yeshayahu Yerushalmi (a judge and professional jurist) Examining-Judge for the "Liberty" affair.<sup>73</sup>

The Military Advocate General had reason to believe that an offense had been committed, although at this stage no one had been indicted. He therefore ordered the holding of a preliminary investigation before an examining-judge, to be conducted in the absence of an accused party.<sup>74</sup>

On 21 June 1967, the Chief Military Prosecutor, Major Yaakov Kedmi submitted a complaint to the Examining Judge without naming any defendant. The document specified seven points of negligence relevant to the actions of the various parties involved.

On 25 June 1967 the first session of the preliminary inquiry was held. During its sessions, which lasted until 4 July 1967, the Examining-Judge heard 34 witnesses for the prosecution (i.e. the Chief Military Prosecutor) and 14 exhibits were presented to him. When the hearing of the witnesses was completed the Chief Military Prosecutor presented a summation and requested to charge a number of naval officers with negligence in accordance with the written complaint.

On 5 July 1967 the Examining-Judge read out an interim decision according to which the material presented before him permitted the attribution of negligence to Commander Lutz. He therefore summoned Commander Lutz to appear before him to cross-examine witnesses who had already appeared and to bring witnesses on his own behalf. For this purpose Commander Lutz and his attorney were permitted access to the investigation file.



The preliminary investigation was concluded on 18 July 1967, after three additional witnesses on behalf of commander Lutz had been heard, and a number of exhibits presented.

On 21 July 1967 the Examining Judge read out his decision regarding the case. He specified the chain of events as depicted in the testimonies offered before him, and in the light of these he analyzed the charges brought by the Chief Military Prosecutor in his complaint.

The Examining Judge cited five factors which were responsible for creating the impression that the target was indeed an enemy vessel and should be attacked:

- A. The report concerning the shelling of EL-Arish for several hours in succession.
- B. The speed of the target which was tracked by the torpedo boats as 28-30 knots.
- C. The movement in the direction of Port Said.
- D. The report of the aircraft according to which the target was a military vessel which did not bear identifying naval markings or any other signs.
- E. The ship's position close to shore in a combat zone.<sup>75</sup>

In the summation of his decision the judge stated:

"Despite my regrets that our forces were involved in an incident with a naval craft of a friendly state and my regrets concerning the sad results of the incident, I must judge the conduct of each of the officers involved in any way with the affair, by the standard of conduct expected of reasonable officers at the time of military operations, when the Israel Navy was out-numbered by opposing naval forces and when foremost before the eyes of all those involved was the mission of protecting the security of the state, identifying every ill-intentioned enemy plotting against the state, and rapidly attacking and destroying him. The standard of reasonable behaviour under such conditions will perhaps differ from such a standard in time of peace. It may be possible for one who studies the compendious evidence presented before me to derive conclusions regarding the relations between the two I.D.F. services involved in the incident, the order of operations in a time of war, and especially the (relationship) between the various sections of the Navy. However such conclusions would transcend the scope of my investigation. I did not discover any deviation from the standard of reasonable behaviour which would justify bringing anyone to trial. Given the above, I hereby decide that there is insufficient prima facie evidence to justify bring any to trial."<sup>76</sup>

The decision of the examining judge was brought before the Military Advocate General who, after studying it, submitted his judicial opinion to the Chief of Staff on 24 July, 1967.

In his decision the Military Advocate General analyzed the chain of events and the decision of the Examining Judge. He weighed the possibilities available to him in accordance with the authority invested in him, and explained his decision "to accept the conclusions of the Examining-Judge and not to ask for an indictment."<sup>77</sup>

#### The Payment of Compensations

Immediately following the incident, Israel indicated her willingness to pay compensation both to the families of the deceased and to the wounded (letter of 10 June, 1967).

In June 1968 the Government of Israel paid compensation amounting to \$3,323,000 to the families of the deceased, and in April, 1969, she paid \$3,566,547 in the compensation to the wounded. In both cases Israel paid in full all claims issued against her. Her motivation was humanitarian.<sup>78</sup>

In respect to the claims for damages suffered by the vessel, Israel refused to meet the expenses for the repairs since "we did not consider ourselves responsible for the chain of errors."<sup>79</sup>

On 1 July, 1968 the Government of the United States of America filed claims totalling \$7,644,116. This total was based upon an estimate of the sum needed to restore the vessel to operational capabilities (although vessels of this type had already been withdrawn from active service in the US Navy).

On 5 August, 1968 Israel replied that she would not assume responsibility for the damages demanded. Due to American pressure this letter was withdrawn and in September, 1968, Israel likewise proposed that the US claims be withdrawn. On 26th July, 1971 Israel submitted another letter to the United States in which she offered to pay a token sum of \$100,000. The Americans refused this offer.

In the course of time the matter was forgotten until the Americans renewed their demands in the beginning of 1978. The Legal Advisor to the Government of the State of Israel appointed a small team to conduct negotiations with the claimant, and on 25 May 1978 the Americans were informed of the appointment of this team and of Israel's willingness to open negotiations.

In January 1980 the US Department of State announced its intention to propose in the near future a date for the start of negotiations.<sup>80</sup>

Contacts were renewed in December, 1980, during which it was agreed that Israel would pay compensation of \$6 million to the US Navy for the damage inflicted on the ship. This compromise was reached with the agreement of President Jimmy Carter and it was agreed that the sum would be paid in three equal instalments, beginning in January 1981.

CHAPTER FIVE

THE REVIVAL OF THE AFFAIR

It might have been assumed that at the end of the various investigations into the "Liberty" incident, the affair would have been cleared up, it having been established that the ship was attacked by mistake. But from time to time the affair crops up anew, for it involves the mystery of a spy-ship, the drama of war, and the tragedy of the killed and wounded.

The issue was revived first by the monthly "Penthouse". In June, 1978, there appeared an additional article in the monthly, U.S. Naval Proceedings. And in 1979 there appeared a book on the affair, written by an officer who was serving on the "Liberty" at the time of the incident.

Two common denominators can be detected in these publications:

- A. The categorical assertion that the "Liberty" was maliciously attacked by Israel, with the intention of sinking her.
- B. Weighty reasons are given to explain why Israel acted as maliciously as she did.

The story is woven around these two points, together with occasional flights of the imagination, missing facts, half-truths, or false conclusions.

In all of the publications mentioned above, Israel's malicious intention is not based on any proven, factual description, but instead is stated as an immediate assertion, as a truth which the author's description is intended merely to reinforce - the strike against the "Liberty" was maliciously deliberate; it was not a question of a mistake, or a misunderstanding, nor even of negligence.

Without entering into the details of each assertion, we may note several facts which in our opinion demolish the basis for any charge of malice.

It is a fact that the air attack on the vessel was halted immediately at the moment of mistaken identity (when the letters were discovered on the ship's side). The same is true in regard to the halting of the torpedo attack.

Immediately, the error was discovered, helicopters were dispatched to search for survivors and to aid in the evacuation of the wounded, and two tugs were dispatched from Ashdod to assist the vessel.

These actions prove that Israel possessed no malicious intentions whatsoever. If she indeed had harbored such intentions, her Air and Naval Forces were clearly in a position to complete their mission and to sink the "Liberty" had they wished.

As to the alleged motivation for Israel's actions against the "Liberty", various authors offer each his own set of motives. "Penthouse" suggests that the "Liberty" was in possession of recordings which proved that Israel had tampered with the telephone conversations between Nasser and Hussein. Israel allegedly intercepted the conversations of the two leaders and transmitted to Hussein a doctored message which it concocted on the spot. All this in the course of an ongoing conversation with neither of the two parties suspecting anything. According to the author, Israel prompted King Hussein to enter the war in force, and broadened the hostilities to include the Jordanian Kingdom. (Contrary to a prior agreement with the USA). The author contends that it was obviously necessary for Israel to destroy the evidence of her deed. We cannot treat this claim seriously. It would seem to be so absurd as to be self-defeating.

The motives which US Naval Institute Proceedings attributes to Israel's action ostensibly appear to be more logical:

"A vital part of Israel's war plans was preventing the rest of the world from knowing about its military victories until they could be presented together as a political fait accompli ... The Israeli leaders feared superpower pressures for a cease-fire before they could seize the territory which they considered necessary for Israel's future security. Any instrument which sought to penetrate this smoke-screen so carefully thrown around the normal 'fog of war' would have to be frustrated." 81

However this claim cannot withstand examination when one views the overall context of this event, and in order to refute it one does not even have to analyze the question of whether or not at the outbreak of the war Israel had predefined territorial objectives and a coherent philosophy of what constituted territory vital to her security. 82

The "Liberty" incident occurred in the afternoon of 8 June 1967. At that time Israel had not yet decided to attack on the Syrian front. The contrary was in fact the case. It had been decided that Israel would not attack Syria at that stage. Given such circumstances, Israel had nothing to hide at the time of the attack on the "Liberty".

Hostilities had already halted on the Jordanian front, and on the morning

of 8 June, Jordan officially announced her acceptance of the ceasefire. Israel's control over all of Judea-Samaria was already known and had been publicized throughout the world.

While it is true that on the Egyptian front fighting was still going on, it was clear that the outcome had already been determined and the dimensions of the Egyptian defeat and the Israeli victory were known. News of the destruction of the Arab Air Forces had been widely published throughout the world two days earlier.

One may therefore ask what other military victories or facts accomplished Israel had to hide. Moreover, when the "Liberty" appeared off Israeli shores on the morning of 8 June, the ship's crew had already learned of all the above events via the mass media. Thus, even had the "Liberty" been sunk, such an act would not have suppressed news of Israel's victory, and in any event there was no need to do so.

Israel had maintained a certain "smokescreen" on 5 June 1967. However, the smoke was dissipated for all practical purposes, on Israel's own initiative during the night of 5-6 June. No other "smokescreen" ever existed.

Ennes' book attempts to present a more limited but better established motive for Israel's allegedly malicious intentions:-

"The Israeli Government was acutely aware of President Johnson's warning that he would support Israel only in self-defence, not in attacks against her neighbors. It was important, then for Israel to be seen as an innocent victim fighting to ward off hordes of wild-eyed Arabs. Not surprisingly, Israel claimed that nearly everything she did was in self-defence.....now, with the war virtually over and the world crying for peace, could Israel put troops in Syria without being seen as an aggressor? Probably not. Not with the USS "Liberty" so close to shore and presumably listening. "Liberty" would have to go.....General Elazar was forced to delay the invasion until "Liberty" was dispatched." <sup>83</sup>

The author claims that the Israeli attack on Syria had been scheduled initially for the morning of 8 June, and due to the "Liberty's" appearance was postponed for 24 hours.

One may question whether a military action against a hostile nation which had taken an active part in the war against Israel, and which had been attacking her territory and shelling her settlements for several consecutive days, could indeed be labelled an aggressive act. Would not self-defence have been more appropriate ?

It was assumed by Israel that the USA would not unequivocally oppose her action against Syria. On the contrary, Chief of Staff Rabin testifies: "I requested a check on the Americans' position and their possible reaction to a broad offensive against Syria. The matter was examined and our impression was that from the American side there would be nothing to fear."<sup>84</sup>

The question remains as to the timing of the offensive on the Syrian front. In this context Ennes does present a number of correct facts. An Israeli offensive had in fact been planned for 8 June. This offensive was postponed and the "Liberty" did appear off the Israeli coast at that time. However, the relationship which the author infers between these facts and the "Liberty's" elevation to a central position, as well as the author's ignorance of other facts, necessarily lead him to a false conclusion.

The "Liberty" was not the main factor influencing Israel's deliberations, and her decision to postpone, and then finally to undertake the offensive against Syria was motivated by a completely different set of considerations.

Throughout the entire day of 7 June Operational plans for the offensive on the Syrian front were discussed at Supreme Command and at the Northern Command. In the evening G Branch-Operations issued a warning order for "Northern Hammer" (the offensive on the northern Golan). Battle procedure continued at the Northern Command, and H-hour" was set at 081400. However, before midnight 7-8 June, the Minister of Defence informed the Chief of Staff that action on the Syrian Front would be permitted up to the international boundary only.<sup>85</sup> The Chief of Staff opposed a limited operation, which would not be worthwhile and might be interpreted as a failure.<sup>86</sup> The GOC Northern Command was of the same opinion. However, despite the Defence Minister's instructions, battle procedure continued in the Northern Command in the hope that perhaps after all the restrictions might be lifted.

On the morning of 8 June, Israel Air Force Planes attacked the Syrian positions. However, these attacks were halted at approximately 1000 hours when the Minister of Defence repeated his instructions not to cross the international boundary. Throughout the day, Syrian artillery operated quite intensively, and Israeli artillery returned fire. The

Israel Air Force was also brought into action in the afternoon hours to silence Syrian fire.

The Minister of Defence and the Chief of Staff discussed the question of the offensive on the Syrian front once again on the evening of 8 June. This was followed by deliberations between the Prime Minister, the Minister of Defence and the Chief of Staff and eventually in the forum of the Ministerial Committee for Security Affairs. It was decided that in the meantime Israel should not attack on the Syrian front, and it was decided further to "authorize the Prime Minister and the Minister of Defence to monitor developments, and if they should come to the conclusion that conditions were favorable, they might instruct the IDF to cross the border and operate against Syria." <sup>87</sup>

Only on 9 June at 0700 hours was the decision changed. The change was made when it became evident that Egypt intended to institute a ceasefire (and had advised Syria to do the same): when it appeared that the Russians had no intention of intervening and after reports regarding the flight of Syrians from the border region had been received. <sup>88</sup> Only then did the Minister of Defence give the "green light" for the offensive on the Syrian front.

The above clearly demonstrates that the "Liberty's" appearance off the coast of Israel had no bearing whatsoever upon the cancellation of the offensive on the Syrian front, since orders to that effect had been issued by the Minister of Defence the previous night when the "Liberty" was still far away from Israeli shores. In any event it is evident that the damage to the "Liberty", and her elimination from the arena played no role whatever in those considerations which affected Israel's decision to attack on the Syrian front.



CONCLUSION

An examination of the facts in the "Liberty" incident, in their proper context proves beyond any doubt that the attack on the American intelligence ship came about as a result of innocent error by the forces which operated on the spot and the HQs which supervised them.

Though the attack on the armed forces of a friendly nation is a most regrettable and painful occurrence, incidents of this kind do occur in war-time.

It goes without saying that such an incident must be thoroughly investigated, that all the causes of the tragic encounter must be examined, conclusions drawn, and proper instructions issued which will prevent the occurrence of such an incident in the future. From Israel's point of view all these steps have been carried out in a most thorough and comprehensive manner. However, it is inappropriate to attribute malicious intent to Israel, when the evidence does not bear out such an attribution.

1. Details on the "Liberty" are taken from: J.M. Ennes, Assault on the Liberty, New York: Random House 1979.
2. Ibid; P.17
3. Ennes, Assault on the Liberty...p.44
4. "The Six Day War: Israel Navy" IDF History Department, December 1970 P. 197 (hereafter referred to as "SDW-Hst. Dept - Navy").
5. Ibid; P.201
6. Ibid; P.58
7. Testimony of Lt. Commander Pinchasi; Examining-Judge File, Special Investigation 1/67 P.49 (hereafter referred to as "Ex-Jdg.").
8. Testimony of Lt. Commander Elchanan Hatarsi; Ibid, P.201
9. Operations Log-CCC (Central Coastal Command).
10. Ibid.
11. "Ex-Jdg."; Pinchasi testimony, P.50.
12. Lutz testimony ibid, P.220
13. Ibid; Testimony of Chief of Naval Operations, P.44
14. Later, there were those who would claim that Israel had tracked the "Liberty" constantly and that IAF planes had carried out several reconnaissance overflights to identify the vessel. These claims have no foundation in reality. The IAF did not direct any sortie over the "Liberty" until 1400 hours. Even the plane which first identified the ship was on a routine patrol mission and was not specifically assigned to track the "Liberty". The only reasonable grounds for such claims (assuming that they were genuine) is the fact that a point, north-west of EL-Arish (designated by the IAF as "Boaz"), was the spot over which most IAF sorties would swoop into and out of Sinai. The flights via this route could have appeared to the ship's crew as directed to them.  
Ennes, in his book, Assault on the Liberty, describes sorties returning nearly every 30 minutes. On any account this description may be dismissed as exaggerated for even the "liberty's" log describes only three sorties overhead (at 0850,1056 and at 1126 hours).

15. "Ex.-Jdg" P.51
16. Ibid.
17. Later, at approximately 1300, Lt. Commander Tabak (Navy representative at Air Command) requested from Lt. Colonel Kisslev, at Air Command, to dispatch a plane in order to clear up the matter of the shelling. Lt. Colonel Kisslev responded that he could not dispatch a plane, and it was agreed between them that planes would be directed to the area when the torpedo boats (which had been sent to the area) identified a concrete target (see testimony of Lt. Ccommander Tabak, "Ex-Jdg" P.86).
18. "Ex.-Jdg".; P. 108
19. Ibid; P.4
20. Quite probably, the source of the report was explosions in the ammunition stores at El-Arish, as noted by the Chief of Staff, then, Yitschak Rabin, (Pinkas Sherut, Service Notebook - Ma'ariv Library, September, 1979, P.198). This version is supported by the Liaison Officer from Operations Headquarters, who was at the spot, and reported later on that he heard explosions, but didn't observe any shelling from the sea (testimony of Col. Nadel, "Ex-Jdg" P.109). Further support for this version comes from the Commander of the "Liberty", in his evidence before the Investigating Commission of the U.S. Fleet (P.2); he stated that at about 1300 hours, the crew noticed black smoke rising from the coast, about 15 miles west of EL-Arish, but they didn't manage to ascertain the exact location of, or cause of the explosion. Another possibility is that the source of the explosions was the clearing-up operations in EL-Arish, still not completed at that time.
21. War Log, Naval Operations Section 3.
22. "Ex.-Jdg."; P.13
23. Division 914 War Log.
24. "Ex.-Jdg"; P.108
25. War Log, Naval Operations Section 3.
26. Ibid; and "Ex.-Jdg." P. 139
27. Flotilla 1, Standing Operation Procedures; Order No. 50.003.
28. War Log, Naval Operations Section 3.
29. "Ex-Jdg "; P.140
30. Israel Court of Inquiry Report, Colonel Ram Ron (English version)P.13.
31. Decypher of weapon-system network, Air Command, 8 June 1967  
P. 1 (hereafter "w.s.n.").

32. "Ex. Jdg" P.82
33. Ibid P.25
34. Ibid P.45
35. Ibid; P.58
36. "w.s.n." P. 1
37. "Ex.-Jdg." PP.101-105
38. Testimony of the commander of the "Liberty", before the U.S. Investigating Committee, P. 6
39. "Ex.-Jdg" p. 154; "w.s.n." P. 5
40. "w.s.n." P. 4
41. "Ex.-Jdg."; P.149
42. "w.s.n." P. 8
43. At 1400 hours the speed of the target was corrected to 12 knots, but the Division Commander did not report the change since he attributed the slower speed to the attack by IAF aircraft. "Ex-Jdg."; P.27.
44. "Ex-Jdg."; P.18 and also War Log of Naval Operations Section/3 and War Log of Division 914.
45. "Ex-Jdg."; Testimony of Captain (Navy) Rahav, P.45
46. The order was written in the Division's War Log but it was not forwarded to the Division Commander on the bridge. "Ex.-Jdg."; Testimony of Commander Oren, P. 28.
47. "Ex.-Jdg."; P.28
48. Ibid.
49. Ex.-Jdg."; P.66 The Commander of the "Liberty" also notes in his testimony before the US Navy "Court of Inquiry" that fire was opened on the torpedo boats. See brief of US Navy "Court of Inquiry" - Appendix - testimony of "Liberty" commander, P.6 (hereafter USN Court og Inquiry).
50. "Ex-Jdg", P.28 and 66. (this, in spite of the fact that the "Liberty" is larger than the "EL Quseir").
51. SDW- Israel Navy, P.198.
52. "Ex.-Jdgc." P.29 and P.26.
53. Ibid; P.30 The commander of the "Liberty" testified (US Navy Court of Inquiry P.6) that when the torpedo boats approached, he noticed that the flag had falled down in the wake of the attack by IAF planes and he ordered a new flag raised.
54. Ibid; P. 29, and also War Log of Naval Operations/3, and War Log of Division 914.
55. Rabin-Memoirs, P. 197.
56. War Log of Division 914
57. War Log of Naval Operations/3
58. War Log of Division 914.
59. "Ex.-Jdg." P.45
60. Ibid; "Decision of the Examining Judge", P.8
61. Rabin, op.cit., P.198.

62. U.S.N. Court of Inquiry, P.8
63. Ibid., P.1
64. Ibid; Appendix: Commander's Testimony, P.6.
65. Ibid., P.5
66. Testimony Of R/Adm. Erel, "Ex. Jdg.", P.41.V. also conclusions of the Court of Inquiry headed by Col. Ram Ron, P.16. The author believes this conclusion to be too general and relevant only for the time when contact was made between the torpedo boats and the target.
67. Terms of appointment, Chief of Staff's office (ref. MN-30-2405 12 June 1967).
68. The Ron Report, P.9
69. Ibid; PP.10-15
70. Ibid; P.16. V. Reservations to this finding, above, note 66.
71. Letter from the Military Advocate General's Office. (ref. HK-21 (1) - 1372, 20 June 1967). Emphasis in the original.
72. "Ex. Jdg.", Exhibit 1.
73. Ibid., Exhibit 2.
74. Ibid., Exhibit 3.
75. "Ex. Jdg.", Decision of the Examining Judge, P.6.
76. Ibid; P.8
77. Military Advocate General's Office, ref. HK-21 (1) - 2265, 24 June 1967, Para 9.
78. Rabin, Op. Cit. P. 198.
79. Ibid.
80. The chain of events relative to the compensation issue has been established on the basis of a letter from the Israel Foreign Ministry's Office of the Deputy Director General to the IDF History Department, 31 October, 1980.
81. Robert K. Smith, "The Violation of the Liberty", US Naval Institute Proceedings, 5 June 1978 P. 64
82. The terminology of the article itself suggests that the author was concerned more with the polemic over territory and national security current in 1978 than with the situation which had prevailed in 1967.
83. Ennes, Assault...P.212
84. Rabin, Op. Cit., P.194
85. "The Six Days War: The Campaign on the Syrian Front", IDF History Department, June 1974, P222 ( hereafter "SDW")
86. Ibid.
87. Moshe Dayan, "Story of My Life", Tel-Aviv, 1976, P475
88. Ibid, and "SDW" P. 238.