U.S. NAVY COURT OF INQUIRY
to inquire into the circumstances surrounding
the armed attack on USS LIBERTY (AGTR-5) on 8 June 1967

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 forenoon.

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 [sic, five] torpedoes of the six presumed available (two on each PT boat), indicate these 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 delay 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 6 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 closes points of approach allowed to national maritime boundaries. The terminal point in this 1 through 8 June time frame was to be 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 reports of position and intent which advised superiors of her plans to anticipate arrival on station - that is,

to arrive somewhat earlier then 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 addresses.

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 had tasked LIBERTY, resulted in follow-up 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 the 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 (3 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. <u>Aircraft attack on LIBERTY</u>.
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. Motor 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 MTB's strafed the ship with machine gun fire as, at least, one MTB passed down the starboard side.

21. 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 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 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 proceeding 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 [sic] 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 ships 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 NAVSECGRUDET 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 out 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 NAVSECGRUDET 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 170001Z [sic, the report should probably read 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 of 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 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 the position of the platform itself in relation to those responsible for the embarked capabilities. Detailed testimony discloses that LIBERTY found absolutely no difficulties accommodating 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, parallelled on other circuits.

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

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 reconnaissance 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 combined first to wipe out defense and shipboard control 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 frame

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 MTB strafing (Ship was hit by more than 821 shells and rockets, many of the 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 storage. 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 holding shrapnel and wetting during fire-fighting.

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 Israeli government set forth 7 points of rationale to explain their position relative to the attack on LIBERTY is USDAO Tel Aviv message DTG 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 23 PARA 12 b. sub-paras (4) and (5). The Commanding Officer, USS LIBERTY is preparing a listing of eligible personnel to be recommended.

[signatures:]

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[Note: Spelling mistakes and a misnumbering have been corrected.]