

משרד החוץ

ירושלים

4079/27

אשר הואף (השלוח)



שם תיק: לשכת היועץ המשפטי תיק מסמכים בענין האוניה ליברטי

מזהה פני: חצ-4079/27

מזהה פריט 000mi3w

21/07/2016

תאריך הדפסה

כתובת 2-120-3-17-3

מדינת ישראל

גנזך המדינה

4079/27

חצ

משרד החוץ

30/8/67

כמה -

10301

כיוסף לעוז
בתאריך 15.6.02

מספרי הקו

מספרי הקו



כס' בטבת תשכ"ח
30 בינואר 1968



ספור
742

א ל : מנהל מאה"ב
היועץ המשפטי
פאת : הציר, וושינגטון

הנדון: ליברטי

.. לוטה בזה, בהתאם לבקשתכם, טבלאות של
משכורות של אנשי הכוחות הטוויינים של אה"ב.
טבלה אחת מראה מהן המשכורות אשר שולמו בעת
הקריית ה"ליברטי" והשניה, אשר נחקקה בדצמבר
1967, נמצאת בשימוש כיום.

אני מקווה להעביר לכם במשך השבוע יחד
הפרטים שבקשתם.

בברכה,

א. עברון

IN EFFECT IN JUNE 1967
PAY AND ALLOWANCES 37 § 203

§ 203. Rates

(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 305				
	2 or less	Over 2	Over 3	Over 4	Over 5
O-10 ¹	\$1,474.50	\$1,474.50	\$1,474.50	\$1,474.50	\$1,474.50
O-9	1,332.39	1,332.39	1,332.39	1,332.39	1,332.39
O-8	1,189.29	1,177.59	1,205.40	1,205.40	1,205.40
O-7	949.39	1,014.60	1,014.60	1,064.90	1,064.90
O-6	709.80	773.70	824.10	824.10	824.10
O-5	569.80	601.50	706.50	706.50	706.50
O-4	474.90	577.80	610.80	610.80	627.90
O-3 ²	441.60	493.29	520.80	582.50	611.10
O-2 ²	359.30	420.30	504.60	621.40	622.50
O-1 ²	309.90	336.30	420.30	420.30	420.30

Pay grade	Years of service computed under section 305				
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ¹	\$1,530.60	\$1,530.60	\$1,530.60	\$1,530.60	\$1,530.60
O-9	1,356.60	1,356.60	1,412.70	1,412.70	1,412.70
O-8	1,295.10	1,295.10	1,350.60	1,350.60	1,412.70
O-7	1,030.90	1,124.40	1,124.40	1,177.50	1,255.10
O-6	824.10	824.10	824.10	862.50	964.70
O-5	706.50	728.70	757.70	816.70	860.20
O-4	655.10	700.40	730.80	778.70	807.30
O-3 ²	633.20	667.20	700.50	717.60	717.60
O-2 ²	602.60	672.50	672.50	692.50	692.50
O-1 ²	420.30	420.30	420.30	420.30	420.30

Pay grade	Years of service computed under section 305				
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ¹	\$1,766.10	\$1,833.70	\$1,833.70	\$2,001.00	\$2,001.00
O-9	1,630.40	1,643.20	1,643.20	1,765.10	1,765.10
O-8	1,474.60	1,634.60	1,692.40	1,692.40	1,832.40
O-7	1,384.80	1,384.80	1,394.80	1,384.80	1,384.80
O-6	1,037.10	1,032.10	1,121.40	1,215.60	1,215.60
O-5	950.00	955.00	952.40	952.40	992.40
O-4	829.80	829.80	829.80	829.80	829.80
O-3 ²	717.60	717.60	717.60	717.60	717.60
O-2 ²	632.50	632.50	632.50	632.50	632.50
O-1 ²	420.30	420.30	420.30	420.30	420.30

¹ While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$2,001.00 regardless of cumulative years of service computed under section 305 of this title.

² Does not apply to commissioned officers who have been credited with over 4 years' active service as an enlisted member.

ARMED FORCES—BASIC PAY

For Legislative History of Act, see p. 3930

PUBLIC LAW 90-207; 81 STAT. 649

[H. R. 13510]

An Act to increase the basic pay for members of the uniformed services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Title 37, United States Code, is amended as follows:

(1) Section 203(a)²¹ is amended to read as follows:

“(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

*COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ¹	\$1,503.90	\$1,557.00	\$1,557.00	\$1,557.00	\$1,557.00
O-9	1,332.90	1,367.70	1,367.40	1,367.40	1,367.40
O-8	1,267.20	1,243.50	1,272.90	1,272.90	1,272.90
O-7	1,007.90	1,071.60	1,071.60	1,071.60	1,071.60
O-6	743.10	816.90	870.30	870.30	870.30
O-5	594.30	638.40	746.10	746.10	746.10
O-4	501.60	532.20	651.30	651.30	651.30
O-3 ¹	466.70	520.80	555.70	615.90	615.90
O-2 ¹	373.50	443.70	532.90	592.90	592.90
O-1 ¹	321.00	395.20	443.70	443.70	443.70

Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ¹	\$1,616.40	\$1,616.40	\$1,742.00	\$1,742.00	\$1,855.10
O-9	1,432.50	1,432.50	1,491.90	1,491.90	1,616.40
O-8	1,367.70	1,367.70	1,432.50	1,432.50	1,491.90
O-7	1,119.30	1,119.30	1,184.10	1,243.50	1,367.70
O-6	870.30	870.30	970.30	988.00	1,041.80
O-5	746.10	746.10	810.60	864.60	929.40
O-4	602.70	719.80	781.20	816.90	852.60
O-3 ¹	602.70	704.70	739.80	757.80	797.80
O-2 ¹	502.20	562.20	562.20	562.20	562.20
O-1 ¹	443.70	443.70	443.70	443.70	443.70

Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ¹	\$1,855.10	\$1,855.10	\$1,855.10	\$2,113.00	\$2,113.00
O-9	1,616.40	1,710.60	1,740.60	1,855.10	1,855.10
O-8	1,557.00	1,616.40	1,631.90	1,681.90	1,681.90
O-7	1,492.20	1,492.20	1,492.20	1,492.20	1,492.20
O-6	1,095.30	1,119.30	1,134.10	1,234.50	1,284.60
O-5	988.00	1,012.20	1,047.90	1,047.90	1,047.90
O-4	876.30	876.30	876.30	876.30	876.30
O-3 ¹	757.80	757.80	757.80	757.80	757.80
O-2 ¹	562.20	562.20	562.20	562.20	562.20
O-1 ¹	443.70	443.70	443.70	443.70	443.70

²¹ While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$2,327.20 regardless of cumulative years of service computed under sec. 205 of this title.²² Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted rearbears.

IN EFFECT IN JUNE 1967

37 § 203

PAY AND ALLOWANCES

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service computed under section 205					
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3.....	\$533.70	\$511.10	\$523.30	\$527.30	\$700.00	\$723.70
O-2.....	\$521.40	\$521.50	\$49.30	\$57.80	\$60.00	\$53.80
O-1.....	\$20.20	\$43.50	\$43.30	\$52.10	\$52.90	\$21.40

Pay grade	Years of service computed under section 205					
	Over 16	Over 18	Over 20	Over 22	Over 24	Over 30
O-3.....	\$723.70	\$723.70	\$723.70	\$723.70	\$723.70	\$723.70
O-2.....	\$15.80	\$15.80	\$15.80	\$15.80	\$15.80	\$15.80
O-1.....	\$21.40	\$21.40	\$21.40	\$21.40	\$21.40	\$21.40

WARRANT OFFICERS

Pay grade	Years of service computed under section 205							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4.....	\$440.40	\$432.10	\$432.10	\$432.10	\$531.70	\$531.70	\$550.40	\$550.00
W-3.....	\$38.60	\$43.10	\$43.10	\$43.10	\$43.10	\$43.10	\$43.10	\$43.10
W-2.....	\$37.60	\$37.60	\$37.60	\$37.60	\$37.60	\$37.60	\$37.60	\$37.60
W-1.....	\$20.20	\$42.00	\$42.00	\$42.00	\$42.00	\$42.00	\$42.00	\$42.00

Pay grade	Years of service computed under section 205						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 30
W-4.....	\$527.90	\$555.40	\$557.20	\$557.40	\$712.20	\$767.70	\$767.70
W-3.....	\$49.70	\$45.80	\$45.20	\$45.70	\$47.00	\$45.40	\$45.40
W-2.....	\$40.70	\$40.30	\$30.80	\$41.00	\$40.80	\$40.50	\$40.50
W-1.....	\$24.20	\$71.00	\$57.50	\$54.60	\$54.60	\$54.60	\$54.60

ENLISTED MEMBERS

Pay grade	Years of service computed under section 203							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9.....							\$610.00	\$652.20
E-8.....							\$410.40	\$410.40
E-7.....	\$395.40	\$392.80	\$394.80	\$395.50	\$395.20	\$428.40	\$428.40	\$428.40
E-6.....	\$32.20	\$31.70	\$31.40	\$31.40	\$31.40	\$31.40	\$31.40	\$31.40
E-5.....	\$20.40	\$20.60	\$20.60	\$20.60	\$20.60	\$20.60	\$20.60	\$20.60
E-4.....	\$19.00	\$21.30	\$22.60	\$20.60	\$22.40	\$22.40	\$22.40	\$22.40
E-3.....	\$21.80	\$21.10	\$21.10	\$21.10	\$21.10	\$21.10	\$21.10	\$21.10
E-2.....	\$100.50	\$14.00	\$14.00	\$14.00	\$14.00	\$14.00	\$14.00	\$14.00
E-1.....	\$4.00	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00
E-1 (under 4 months).....	\$6.40							

Pay grade	Years of service computed under section 203						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 30
E-9.....	\$534.20	\$534.00	\$534.00	\$534.40	\$534.20	\$537.20	\$537.20
E-8.....	\$42.80	\$42.30	\$42.30	\$42.30	\$42.30	\$42.30	\$42.30
E-7.....	\$411.00	\$411.70	\$411.40	\$411.40	\$411.40	\$411.40	\$411.40
E-6.....	\$305.60	\$301.30	\$301.60	\$301.60	\$301.60	\$301.60	\$301.60
E-5.....	\$28.60	\$28.80	\$28.80	\$28.80	\$28.80	\$28.80	\$28.80
E-4.....	\$22.60	\$22.60	\$22.60	\$22.60	\$22.60	\$22.60	\$22.60
E-3.....	\$193.80	\$193.80	\$193.80	\$193.80	\$193.80	\$193.80	\$193.80
E-2.....	\$141.00	\$141.00	\$141.00	\$141.00	\$141.00	\$141.00	\$141.00
E-1.....	\$29.00	\$29.00	\$29.00	\$29.00	\$29.00	\$29.00	\$29.00

*COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

*Pay grade	Years of service computed under section 205					
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3.....	\$615.90	\$645.30	\$681.70	\$704.70	\$733.00	\$759.50
O-2.....	550.50	562.20	581.20	610.20	633.60	651.30
O-1.....	443.70	473.70	491.40	509.10	526.80	550.50

*Pay grade	Years of service computed under section 205					
	Over 16	Over 18	Over 20	Over 22	Over 24	Over 30
O-2.....	\$769.50	\$789.50	\$799.50	\$799.50	\$769.50	\$769.50
O-1.....	651.30	651.30	651.30	651.30	651.30	651.30
O-1.....	550.50	550.50	550.50	550.50	550.50	550.50

*WARRANT OFFICERS

*Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 5	Over 6	Over 10
W-4.....	\$474.00	\$505.10	\$520.10	\$526.80	\$544.50	\$568.20	\$591.90
W-3.....	431.40	468.00	488.00	473.70	473.70	514.80	544.50
W-2.....	377.70	402.80	428.60	470.10	443.70	428.60	428.60
W-1.....	315.00	361.20	361.20	250.90	406.00	426.30	443.70

*Pay grade	Years of service computed under section 205							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 30
W-4.....	\$633.00	\$653.00	\$685.70	\$704.70	\$728.10	\$750.10	\$810.80	\$810.80
W-3.....	562.20	580.20	597.80	615.80	635.80	653.00	626.70	626.70
W-2.....	521.10	520.80	538.90	550.10	573.90	597.60	597.60	597.60
W-1.....	462.00	479.70	497.40	514.80	532.80	532.80	542.80	532.80

*ENLISTED MEMBERS

*Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 5	Over 6	Over 10
E-9.....						\$858.40	\$859.10
E-8.....						788.50	805.00
E-7.....	\$784.40	\$749.97	\$755.40	\$765.00	\$778.50	749.30	749.30
E-6.....	749.10	697.60	705.60	722.58	735.10	747.10	759.70
E-5.....	711.50	699.73	723.00	745.00	763.00	776.20	788.50
E-4.....	677.60	693.23	725.90	754.18	763.70	768.70	768.70
E-3.....	638.70	729.79	752.97	756.60	764.00	764.00	764.00
E-2.....	606.70	748.20	742.07	745.10	742.60	748.80	742.00
E-1.....	602.20	735.23	735.20	736.20	735.20	735.20	735.20
E-1 (under 4 months).....	\$5.70						

*Pay grade	Years of service computed under section 205							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 30
E-9.....	\$851.40	\$864.20	\$876.60	\$888.20	\$896.20	\$932.70	\$931.20	\$934.70
E-8.....	877.30	889.90	902.20	914.50	927.10	950.50	970.10	970.10
E-7.....	815.50	834.10	845.40	858.70	865.00	890.20	905.30	918.30
E-6.....	776.30	792.20	802.60	809.20	816.20	823.20	830.20	830.20
E-5.....	740.80	757.10	767.10	767.10	767.10	767.10	767.10	767.10
E-4.....	706.70	706.70	706.70	706.70	706.70	706.70	706.70	706.70
E-3.....	664.60	664.60	664.60	664.60	664.60	664.60	664.60	664.60
E-2.....	626.80	626.80	626.80	626.80	626.80	626.80	626.80	626.80
E-1.....	586.20	586.20	586.20	586.20	586.20	586.20	586.20	586.20

*While serving as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$944.20 regardless of cumulative years of service computed under section 205 of this title.

משרד החוץ

מחלקת הקשר

מברק נכנס - משווג

Handwritten signature/initials.

ס ו ד י

מס' 199

חומר: 281400 פבר 68

הודפס: 281400

אל : המשרד ירושלים

מאת: מפישראל יוסי גמון

דינשטיין, מאהב.

ליברטי.

היום בתקיימה התיווצרה עם הפגירי ופברון וסוכס לנהוג עמ"י
העקרון שנהיה סוכנים למסות אם מסארהב על התשלומים מהם חייבים
לסלם לסמחוח הגפגעים בהתאם לחוק ולנהוג לבגי בפגעים בשרות
סדיר שנפגעו בפעולה. במרם נציע העקרון בסו"ס רשמי אנו סבורים
באופן בלתי רשמי בכסה יסחכם הסכום לאחר הירון שטסארהב
חייבת בתשלומי כאסור. מיד לאחר מבלת הפרטים שהובטחו לגו חון
ימים ספורים נפתח כאן בסו"מ.

אלכסנדרובי

שהח 2 דוהס דיין מנכל 3 ססכל מאהב ספס דינשטיין אצור וס 2 דססכל אסן

מא/קל

31356

משרד החוץ

מחלקת הקשר

מברק נכנס-מסווג

ש מ ר

מס' 211

חבר: 291600 ינו 68
הודפס: 301230

אל: המשרד ירושלים
מאת: ממשלת ווייטנאם

מאת: ממשלת

ליברט

1. ברור בהחלט שאין שום כוונה להכנס בסוף עם מחסר או לעקום בצעדים שעולים להחפץ כר.
2. מקורה בסיס משרד גיבצנורג לשלוח במשך השבוע אינפורמציה על:
 - א. סבירות גובה תביעות בהתאם לנהוג בבתי דין אמריקנים.
 - ב. הנוהגים כאן במקרה של תקלות דומות בהן מעורבים הכוחות המזוינים האמריקנים.
 - ג. קנה המידה לתביעות שהוגשו לנו ואם מומד שפחה רק כציבור להעברת תביעות המספחות או עסקה גם בקביעת הסכומים.
3. מעביר בדיק הנתונים על רמת המסכורות בצי.

עברון

תמונה: שהח 2 רוחם 3 דיון מכלל 3 סמכל מאת משפט 2ט 14
רמכל 2ט
ט/דו

משרד החוץ

מחלקת הקשר

מברק נכנס-מסווג

ס ו ד י

ספ' 36

חובר : 061120 פבר 68

הודפסו : 071200

אל : המשרד ירושלים

מאת : מפישראל וושינגטון

מאהב, סשפט.

ליברסי.

שולח בדיפ' רשימת הקרבנות ודגותיהם ומסכורתם האחרונה.

1111

שהח 2 דיון סנכלס סנכלס מאהב סשפט רמ 2 רמטכל אמן

דכ/קל

ועדת החקירה אשר בתסנתה ע"י הרמטכ"ל בעקבות הפגישה באביה האמריקנית יי
הגישה את הדו"ח שלה לרמטכ"ל שהעביר את החומר לחוות דעתו של הפרקליט הצבאי
הראשי. הלה החליט לאחר בדיקת הראיות שיש מקום להורות על עריכת חקירה יי
אשר תקויים בהתאם לחוק לפני שופט צבאי מטעמי המוסמך לקבוע בסופה אם יש מקום
להעמדת סיבה לדין.

בשיא בין הדין הצבאי לערעורים סיבה את סא"ל ישפיהו ירושלמי שופט צבאי מטעמי
הדין הצבאי לערעורים לערוך את החקירה.

Preliminary InquiryBefore: Sgan-Aluf I. YerushalmiDECISION

1. On Thursday 8th June, 1967, at approximately 1400 hours, aircraft of the Israel Air Force attacked a vessel situated about 20 miles north-west of El-Arish, and some 14 miles off the shore of Bardawil. About half an hour later torpedo boats of the Israel Navy attacked the same vessel and struck it with a torpedo. Soon, during the attack by the torpedo boats it became clear that the vessel thought to be an enemy ship, was a vessel named "Liberty", of the United States Navy. The attack was immediately broken-off, but most regrettably, only after, as transpired, loss of life and material damage had been caused.
2. In order to understand the chain of circumstances which lead to this unfortunate incident, a number of the events which preceded it must be reviewed.
3. The incident occurred on the fourth day of the war. On that day the towns of Gaza and El-Arish, as well as the area extending to the Suez Canal were already in the hands of our forces. Although our command of the air was absolute, our forces were still conducting battles in Sinai and naval operations were being carried out on the day of the incident. In the hours before noon, naval engagements were taking place along the coast of the State and an enemy submarine ^{believed} was sunk by the Naval Forces (~~note: there is no confirmation for this from intelligence sources~~).
4. Before noon, between 1100 and 1200 hours, Navy H.Q. received reports from two separate sources, according to which El-Arish was being shelled from the sea. Whereas on previous days messages were received about sea-shellings which had later been proven erroneous, the Naval representative at Air Force H.Q. was ordered to check the credibility of the report. This

officer got in touch with Air Force Operations Branch, and was told that the source of the report was the Air-Ground-Support Officer. Immediately thereafter he was informed by the Naval representative at G.H.Q. that the information about the shelling received by them originated from the Southern Command.

It is also to be noted that the reports from Southern Command about the shelling were also accompanied by the information that two vessels had been observed approaching the coast.

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

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

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

7. As a result of the request of the Navy H.Q. through its representative with the Air Force, aircraft were dispatched to the target. The aircraft carried out a run over the ship in an attempt to identify it. According to their statements, they were looking for a flag, but found none; likewise no other identification mark was observed. As against this, it was established that the painting of the ship was grey (the colour of a warship), and two guns were situated in the bow. This was reported to H.Q.

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

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

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

The Division Commander was ordered to approach the ship in order to establish visual contact and to identify it. The order was carried out, and

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

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

9. Although at no stage of the inquiry was any evidence brought on the results of the attack, it is reasonable to assume, in view ^{of the} testimony as to the nature of the hits, that loss of life, as well as material damage to the ship, was caused. Nevertheless, according to the evidence presented to me, the ship succeeded in leaving the area of the incident under its own power, without requiring the assistance offered.

10. I have briefly described the incident, in consequence of which a plaint has been submitted to me by the Chief Military Prosecutor, in

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

11. On the day of the incident, at 04.10 hours, an aircraft with a naval observer on board, set out on an air reconnaissance mission, and reported, at approximately 06.00 hours, the location of a ship 70 miles westward of Tel Aviv. The ship was later identified as a supply vessel of the American Navy. At about 09.00 hours an Israel aircraft flying over the sea, reported that some 20 miles north of El-Arish it had observed a warship which had opened fire on him when he tried to identify it. During the debriefing of the pilot at 09.40 hours, it appeared that the report about the firing was unfounded, and that the ship was "coloured grey, very bulky and the bridge amidships".

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

12. Upon receiving the information from the reconnaissance aircraft about the location of the ship, as mentioned above, it was marked on the Combat Information Centre Table at Navy H.Q. At first the object was marked in red, meaning an unidentified target; afterwards, when the ship was identified as a supply vessel of the American Navy, it was marked in green, i.e. a neutral ship. At about 11.00 hours, after the Acting Chief of Naval Operations had received the report, as above stated, from the Liaison Officer at the Air Force, and had understood, as he testified, that it referred to the target,

the location of which was correct at 06.00 hours in the morning, he ordered its erasure from the table, since he had no information as to its location at the time of the report.

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

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

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

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

According to the third count of the plaint "the extent of the veracity and credibility of the reports on the shelling of El-Arish from the sea, which reached the Air Force the Senior Naval representative at the Air Force, and the Naval mission at G.H.Q., was not properly investigated."

The fourth and fifth counts are alternative, and allege negligence, in that an order to attack a target thought to be an enemy target, was given without checking its national identity and without taking into account that the ship "Liberty" was observed in the morning hours of that day sailing in the vicinity of the Israel coast.

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

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

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

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

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

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

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

17. I shall now deal with the counts of the plaint.

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

In view of the evidence of the Head of the Naval Department before me, that he did not know on the same day of the presence of the "Liberty" in the area, I thought at first that the Acting Chief of Naval Operations had not acted as a reasonable officer should have acted. But during the evidence for the defence, the Officer of the Watch at Navy H.Q. testified

that in the course of the fight with the submarine the Head of the Naval Department was present on the command bridge. At the same time an American supply ship was marked in red on the Combat Information Centre Table, and during a momentary lull in the fight, the O.C. Navy, who was directing the fight inquired into the import of the marking, and ordered it to be changed to green.

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

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

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

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

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

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

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

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

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

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

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

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

It is not disputed that the Liaison Officer clarified with Air Force H.Q. the source of the report concerning the shelling, and was told that the source of the information was the Air-Ground-Support Officer. Immediately thereafter he was informed by G.H.Q. that reports of the shelling were being

received from Southern Command. The Chief Military Prosecutor argued that as soon as the Head of the Naval Department had cast doubts upon the correctness of the report, it was the duty of the Naval Liaison Officer at the Air Force to establish its correctness by contacting the original source of the report.

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

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

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

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

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

22. It appears to me that the activity of our forces in the said incident, is divisible into three stages:

- (a) the first stage, in which the order was given to Air Force planes to attack the target, and their attack;
- (b) an intermediate stage, after the report of the aircraft about the marking of the attacked ship with the symbols "CTR - 5";
- (c) the identification of the target as the ship "El-Kasir" and its attack with torpedoes.

23. In my opinion, on the evidence I have heard, there were five factors as a result of which the assumption arose that the target was an enemy ship and should be attacked:

- (a) the report on the shelling of the El-Arish coast for hours on end;
- (b) the speed of the target, assessed by the torpedo boats as 28 to 30 knots;
- (c) the course of the target towards Port Said;
- (d) the report from the aircraft that the target was a

warship and carried no naval or other identification mark;

(e) the location of the ship -- close to shore in a battle zone.

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

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

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

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

It was therefore the speed of the target which led to the final and definite conclusion that this was a military vessel, and thus there was no room for surmising, in view of this datum, that the target could possibly be the ship "Liberty". If we add to this the other factors mentioned above, their cumulative effect was to negate any presumption whatsoever as to a

connection between the American supply ship reported on that morning in another location, and the target discovered by the torpedo boats.

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

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

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

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

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

26. There is no doubt of the fact that the refusal of the "Liberty" to identify itself to the torpedo boats largely contributed to the error of identification. The Division Commander testified that he signalled the "Liberty" after the aircraft attack and requested its identification, and was answered, "identify yourself first". If the conduct of the captain of the "Liberty" can still be explained by the custom existing, as I have heard in maritime tradition, that a vessel belonging to a power does not identify itself first to a smaller vessel, then such conduct, even if it is not

when the request for identification follows an aircraft attack. Such an event should have, in my opinion, made the captain realise that he had been attacked because he was regarded as an enemy target.

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

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

For all my regret that our forces were involved in an incident with a vessel of a friendly state, and its sad outcome, I ought to put the behaviour of each of the officers, who had any connection with the incident, to the test of the conduct of reasonable officers during war operations; when the naval arm of the Israel Defence Forces was confronted with maritime forces superior in numbers, and when all involved were conscious of the task before them -- to protect the safety of the State, to identify every enemy threatening from the sea, to attack it speedily and destroy it. The criterion for reasonable conduct under these conditions may possibly differ from that in times of relative quiet. Indeed, whoever peruses the ample evidence presented to me, may conceivably draw some lesson regarding the relations between the two arms of the Israel Defence Forces, which were involved in the incident, and the operational procedures in times of war, particularly between the different branches of the Navy -- but all this is certainly not within the

scope of my inquiry. Yet I have not discovered any deviation from the standard of reasonable conduct which would justify the committal of anyone for trial.

In view of what has been said above, I hold that there is no sufficient amount of prima facie evidence, justifying committing anyone for trial.

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

Y. YERUSHALMI, Sgan-Aluf

Examining Judge

רמטכ"ל

ביום 12 ליוני נהמניתי על ידך לשלם בודעת הקירה של יחיד להקור בנסיבות המביעה של כוחות צה"ל באניה האמריקאית "ליברטי". שיד לאחר קבלת המנזר ההחלתי בבניית עדויות מקציני חיל-האוויר וחיל-הים שבהתאם לאינפורמציה האספתי היה להם נביעה בלתי להקירה הנ"ל. ואלו הם-

1. סא"ל ביקת יעניחו-ראש מודיעין ה"א.
2. סא"ל זעלב רבאל - ראש ענף אוויר/3.
3. סא"ל כסלון זמאל - ראש ענף אוויר/6.
4. מלוג זמאל מלמה - ספקד חיל-הים.
5. אל"ם דהב יצחק - רמ"ח-יט.
6. סא"ל לונץ אברהם - מ"מ ראש ענף ים/3.
7. סא"ל ביק אריה - חיל-הים.
8. סא"ל ארן כזה - מפקד מלגה 914 (סט"רים).
9. רס"נ פנחסי מנחם - סד"ר בה"ד ה"י.
10. סא"ל טור אלכסנדר - ברקלים ה"י.
11. סא"ל לוי עבדאלי - ספקד בית-ספר הובלים.
12. סדן רשלי אברהם - ספקד טט"ר מ-203.

עדויות הקצינים הנ"ל רב"ב, והן ביחד עם הנספחים המפורטים אף הם, מהווים את היסוד ל-דו"ח זה, שנערך על ידי. לאחר שספקתי את עדויות הקצינים הנ"ל זהירות ועיינתי בהן ובנספחים הסוגים שהסתכנו עליהם העדים התגבשה במני פרט העובדות כדלהלן:-

פרט העובדות

בבקר ה-8 ליוני שנת 1967 בטעה 0550 דווח לענף ים/3 ממסוס נורד כי אניה שאותיות הזהוי שלה הן - 5 - G.T.R סבליגה לכוון עזה. לאחר זהוי האניה בג"נס (ספר הציים - נספח ט') ועל יסוד החקיר ממורט של הטייס, נקבעה זהותה של האניה כאניה חצי האמריקאית "ליברטי" (אניה אספקה לשעבר) שההירותה היא 18 קשר. (עדות סא"ל לונץ ורס"נ פנחסי) למי עדותו של רמ"ח ים לא חופנה השומה לבו לידיעה זו יעה ממסוס באוהר יותר להסוכה. בטעה 1124 נמסרה הודעה מה-מא"ע לים/3 (נספחים ד', יא) וכן לתא בשל"ט (עדויות סא"ל כסלון, סא"ל לוי ונספח יא) כי טטביזים את אל-טריש מן הים. הודעה זו הועברה על סך ידיעה שהתקבלה מפקוד דרום, והיא הזרה ונשגחה מעטים אחרות, על יסוד הודעות הודרות של המקור. אותן הודעות כללו גם דווח על כתי אניות, או אניה אחת המבניזות את אל-טריש. (נספחים ד', יא, ועדויות סא"ל לונץ, סא"ל לוי, אל"ם דהב, רס"נ פנחסי). הודעות אלה נחקבלו בהסתיגות על ידי רמ"ח ים אל"ם דהב במרווח לו על כך על ידי סא"ל לונץ

והוא דרש בתוקף כי הן הבדקנה סגורה. אל"ם רחב אף כוונה על כך איטיות עם רס"ג פנחסני אשר נמש כנציג בכיר של חיל-הים ליד מטל"ס חיל-האוויר ואשר נסר את ההודעה לבא"ל לונץ. בר בכר עם דרישתו לאיסוח הידיעות בענין ההפגזה הורה אל"ם רחב בסעה 1205 את בא"ל לונץ להורות לסלושה ה-סט"רים אשר נמצאו באחזקת ואשר עמדו לצאת לים, שיצאו לבוון אל-ט"ים על סנה לבדוק את הידיעות (נספח ד' נקודות אל"ם רחב). רס"ג פנחסני חזר וברר את הידיעות על ההפגזה עם אויר/3 ועם נציבות חיל-הים ב-מבט"ע והידיעות אשר נסכרו לו טוב היו כי מקור דרום מודיעים כי מפגזים את אל-ט"ים כהים וכי ברחוק נראות אתי אניות. ידיעה זו הועברה על ידו לרס"ח ים באמצעות בא"ל לונץ. בסעה 1317 הודיע בא"ל שבוואי לוי (נציג ח"י ב-מבט"ע) ל-סא"ל לונץ כי מפגזים את אל-ט"ים בכר כ-4 שעות. בעקבות הודעה זו הורה סא"ל לונץ את בא"ל אדרן - במקד מלגה סט"רים 914 לבדוק את האזור כ-20 מיל מזונה לאל-ט"ים.

בסעה 1341 נחגלה על גבי סכ"ב ה-סט"רים טהרה בדרחק כ-20 מילים מזונה-מערבית לאל-ט"ים וכ-14 מילים מזונה לבדבוריל (נספח ב', עדות סא"ל אדרן). הודעה על כך נמסרה מיד ל-סא"ל לונץ והועברה על ידו ל-אל"ם רחב, ביחד עם ההודעה כי מטוסים מחקים לחזקה. כאן נכנס אל"ם רחב למי"ק חופי מרכזי (מרכז השליטה של חיל-הים) וראה טוונה שלמה שלוש ה-סט"רים מטוסנים על גבי ההקן וכך מסוכנת מטה הדומה כהיא סימן למטרה בלתי מזונה.

בסעה 1347 דווח מ-מטל"ב 914 לים/3 כי מהירות המטרה הבלתי מזונה היא 30 קטר והקורס הוא 260 (נספח ד', עדויות אל"ם רחב, סא"ל לונץ, טרן רמאלי). למחיכנות קביעה זו הייתה חשיבות מכרעת מאחר שמהירות העולה על 20 קטר היא מהירות המזונה אניה כאנית מלחמה. ביחד עם הודעה זו הודיע מטל"ב כי לרגל מהירות המטרה אין הם יכולים להשיגה ובקשו לשלוח מטוסים (נספח ד'). בגלל החשיבות שבקביעת המהירות הורה רס"ח ים לבדוקה כעס נוספה ובסעה 1350 דווח ה-מטל"ב כי מהירותה של המטרה היא - 28 קטר, שהיא מהירות זהה למהירות ה-סט"רים, וחזר על בקשתו להזניק מטוסים. מאחר ולדעת רס"ח ים לא היה סכוי שה-סט"רים יסיבו את המטרה וטקיים היה חשש שהיא תכליק להחלק לפורט-סעיר ניתן אזור יל ידו להזנקת המטוסים. על פי עדויות חיל-האוויר (סא"ל כאליו, סא"ל הדלב וסא"ל בריק) ההוראה הראשונה שנחנה למטוסים הייתה לאחר את האניה בלבד ולנסות לזהותה או להכתיף לזהות על ידי חיל-הים. לפי הודעה נציג חיל-הים ב-מטל"ס, רס"ג פנחסני, ראשי חיל-האוויר לחקוף את האניה את מזונה כאנית מלחמה (ראה עדויות סא"ל הדלב ו-רס"ג פנחסני).

לדברי סא"ל כאליו ניתנה ההוראה לאויר/3 לחקוף את האניה על ידי המטוסים לאחר זהויה כאנית מלחמה מצרית - על ידי ים/3. מעדויות חיל-הים אין נקודה זו ברורה ונראה כי ההוראה שנחנה הייתה לחקוף את האניה לאחר שהזונה כאנית מלחמה ואין זה ברור האם הכוונה הייתה שהויה המהלך כאנית מלחמה בריך להעטות ע"י זהויה נוסף על ידי הטייסים, או שרי היה בזהויה כאניה מלחמה על ידי חיל-הים לפי מהירות הנזקה. על כל פנים, מתדמים הקלטות, שיה הטייסים אשר הקמו את האניה (נספח יב) כסחבר מהוך שיה הטייסים אשר נמצאו בזמן ההקפה בקשר-אלחוט עם ה-סט"רים על עורק 186, כי האניה זוהתה על ידי המטוסים כאניה צבאית עם תורן אחד (מוחה?) וארובה אחד. ב-דו"ה החקיר הטייסים שלאחר הפעולה (נספח ח') נאמר במפורט כי "גורל המטרה נראה להם כמשתנה או קצה יותר קטנה וכן כי קבלו אשור לחקוף את האניה מאה

ה-סט"רים"ומבקר אויר" כנראה כנסתה לב' כי אסור ה-סט"רים להקיפה הסטוסים ניהן לאחר שהטייסים נחבטו מעט נוסטת לזהות את הסטרה ונאמר להם כי הסטרה בורחה כנראה לכוון פורט-סעיר וכי היא אניה צבאית מבלי שהטייסים יכלו להכחין בכל סמני זהוי או בדגל. על כל פנים אין ודאות כי שיהא זו התנהלה לפני הקיפה ולא הוך כדי הקיפה עצמה. כאשר להקיפה השניה עצמה על ידי הסטוסים מחבר סהוך עדותו של טא"ל כסליך שטש כ"בקר בכיר" בתא ה-מסל"ט כי על פי בקשת חיל-הים נלקח על ידו דוג מיראז'ים שהיה באויר בהסירי מטרול בסיני לשם אחור האניה והקיפהה במקרה הצורך. לאחר שניתן להם האשור תקמו המיראז'ים אה הסטרה במצוות וביעסי אליהם. העגמרת להם התחמסות הסנה "בקר אויר" רביצית מטוסי סמב"ד אל הסטרה והם תקמו אותה ב-מסל"ט הוך כדי הקיפה או סיר עם סיומת דווחו הטייסים כי הם רואים על דופן האניה אוחיות 30- ולאחר מכן 5-10- (נסמכ ד' וערות טא"ל כסליך). דווח זה שהעבר ל-מסל"ט אויר וליס/3 עודר חששות לגבי זהויה של האניה אך לדברי אל"ט רהב נראה היה לו כי הכתובת על הספינה כסי שנמסרה על ידי הטייסים היתה כתובת הטוואה על מנת לאסוד לספינה מצרית להכנס לאזור. על כל פנים, בין שהיו אלה החששות לזהוי הספינה כסי שטוענים אנשי חיל-האוויר ובין שהיה זה רצון חיל-הים להכנס לפעולה מיד לאחר היעמים של מטוסי חיל-האוויר כסי שהדבר עולה מנסמכ ב', מנסמכ ד', מעדויות טא"ל לונץ ואל"ט רהב נחנה בטעה 1406 הוראה למטוסי חיל-האוויר לעזוב את המקום ול-סט"רים לרדוף אחרי האניה ולהתכוון להקיפה.

אחרי שנמסרה הספינה על ידי מטוסי חיל-האוויר היא המשיכה לנוכ כשהיא מכוסה בעשן שחור לכוון מערב.

בטעה 1417 הודיע יס/3 ל-מסל"ג לא לתקוף את הסטרה נוכח ההודעה שהתקבלה מחיל-האוויר כי נחבלה סימון על דסנות האניה 5-10- וכי ימכן זהוי לא נכון (נסמכ ד'). ה-מסל"ג (טא"ל ארן) טוען בעדותו שהודעה זו לא הועברה לו מטום מה אל גשר הפקוד. בחלב זה המשיכו ה-סט"רים להתקדם לכוון האניה אך הודיעו כי זהוי עין כל סימנים איננו אפשרי מחמת הסרחק והעשן הסמך שכסה את האניה כחוצאה מפניעת הסטוסים.

בטעה 1426 זהו ה-סט"רים (עדויות טא"ל ארן וטרן רפאלי) כי האניה איננה כשהתח אלא אניה מלחמה (שצבעה אפור) מסוג אניה הסטקה או ברופה לכך. כחוצאה מכך ניתנה ע"י טא"ל ארן הוראה לפלגה לבטל את ההתקפה. (עדויות ארן ורפאלי) ומיד החלו בנסיון לזהות את האניה על ידי שאתחו לה סימני אור *What shape* בהטובה לכך השיבה ה"ליברטי" באמות היינו דרישה כה-סט"רים ידדחו תחילה. מאמת העטן הסמך שכסה את האניה, אין ודאות מחלטה כי אכן קלטת ה"ליברטי" את פיתוח האור של ה-סט"רים.

בטעה 1435 דווח ה-מסל"ג כי הוא רואה הבזקות ירי ככוון הספינה (נסמכ ב') לדברי טא"ל ארן היתה הספינה מכוסה כולה בעשן שחור ונראה רק בכרור הרטום האניה כאשר בקצהו משחו שנראה היה ל-טא"ל ארן כעשרת חותה. אותה טעה כבר הסטו טא"ל לונץ בים/3 ורס"נ פנחס ב-מסל"ט שטא האניה אינה אלא האניה "ליברטי" שנחבלתה בשעות הבוקר. אולם באותה עת ניסו ה-סט"רים לעבוע את זהותה של האניה על פי הסילואטת שלה בהעדרם בסטרון מזהוי של ציי אויב (נסמכ ט'). הוך כדי זהוי האניה על ידי טא"ל ארן בהור אניה האספקה המצרית "אל-קציר" קבל הודעה כה-סט"ר ט-203 כי מפקד ה-סט"ר טרן רפאלי דחה אף הוא כנפרד את האניה כאניה "אל-קציר" ולפיכך נראה היה לו הזהוי כבטות והוא הודיע עליו ליס/3 ויחד עם זאת הודיע כי

הוא נכנס להחקקה סודרנו. אל"ם דוד אחד קבל את הדעות בדק אף הוא בספר "זהו אני" ארז"ה וזהו נראה לו מהקבל על הדעת.

בשנה 1440 פתחו ה-סט"רים לעבר הסמינה באם הנהלים וסודרנו בטוחים ענין 1000-2000 יארד. ה-סט"רים ירו 4 סודרות כסנדרה אחד בהם מבק במסרה. כשהכוננו ה-סט"רים לירי בזמן הבחין אחר האנשים בדגלון קטן שהיה מונף על ראש תורן הסמינה וסנדרה בדגל רוסי. ה-סט"ל"ב נתן הוראה לעצור מיד את האש ודווח לים/3 שהבין והאניה היא רוסית (נסמך ב' ו-ד'). לאחר מכן נתנה ל-סט"ל"ב הוראה על ירי ים/3 שעל ה-סט"רים לסייר בסמינה ולנסות לגלות נבולים. באותה עת ניתנה ההוראה לנמל אשדוד להכין שתי גוררות ויותר מאוחר נשלחו 2 הליקופטרים לאזור הסמינה. ההליקופטרים ובן ה-סט"רים זהו את האניה כאניה "ליברטי" האמריקאית. באזור הסמינה לא הצליחו לראות אנשים בהורן המים.

במשך כל זמן הדיפה והירי והחל בשעה הגילוי בשעה 1345 הסמינה ה"ליברטי" במאמצים להסתלק לכיוון מקרב ולא עשה אף נסיון להט סיכונים ביוחדים כי היא תיגף אניה אמריקאית. בשנה 1640 התקרב סא"ל ארן עם ה-סט"ר למרחק קרוב ל"ליברטי" והוא כאל בדמיון האם היא דוקה לעזרה והחסימה הייתה שלילית.

שקוה כספר לאחר המקרה בקט קומנדר קאסל הנספה הימי האמריקאי לעלות על סמונה של ה"ליברטי". הליקופטר של חיל-האוויר הטיס אותו ואת רס"נ אבי דגן מקנף נסכחים בבאים ובחיותם בקרבת האניה נחזו סיכונים שהם מהכוננים לנחות על גבי הסמונה. אנשי ה"ליברטי" סיכנו לו סיסתלק מהאזור. קומנדר קאסל שלל סכאב אל סמונה ה"ליברטי" בכחב ידו ובחתימתו ולאחר מכן הסתלק ההליקופטר מהאזור.

מסקנות

המסקנה הברורה וחדה שמעמית העולה ממסרת העובדות הנ"ל כפי שגובשה על ידי סמוך הסוואת העדויות השונות ועיסותן עם יומני המלחמה של היחידות הנוגעות בדבר הינה, כי הקיפת האניה הנ"ל על ידי כוחות צה"ל, לא בוצעה בזדון ואף לא ברשלנות פרטית אלא סמוך טעות שבחוס לב. ליתר דיוק יש לומר כי הקיפת האניה על ידי כוחות צה"ל ארעה סמוך שלשלת רבומה של טעויות, שלוש במספר, שכל אחת מהן לכעצמה נראית לי סבירה לכדי בנסיבות המקרה.

במה דברים אמורים?

1. הטעות הראשונה והמכריעה ביותר, הייתה בדווח המוטעה שנהקבל ספקוד דרום על המבזה אל-ט"י סן הים. דווח חוזר זה (כסיבתו לא הובהרה) הועבר על ידי ה-ממ"ע להיל-הים ולחיל-האוויר והוא אשר שמש ללא ספק, רקע וגורם עיקרי להסתללות המאורעות שהביאה להקיפת ה"ליברטי". מאותו רגע ה-רמ"ח ים אל"ם רד"ב ו-מ"ם דע"נ ים/3 סא"ל לונץ נשחכנפו כי אכן טוטבזה אל-ט"י סן הים (ועובדה זו חזרה ונבדקה על ידם הן עם רס"נ מנחסי נציג חיל הים ב-סט"ל"ט חיל-אוויר, והן עם סא"ל עבתי לרי נציג חיל-הים ב-ממ"ע). לא היה מנוס מן ההנחה כי המבזה זו קטורה באותן אניות או אניה בלתי מזוהה שנחללה אותה שעה ליד חופי אל-ט"י. הנחה סבירה זו, בנסיבות המקרה, היא היא שגרמה לכך שבט אלו סכין הקצינים שהייתה להן ידיעה על גילויה של ה"ליברטי" בשעות הבוקר המוקדמות, לא העלו בדעתם כל קשר בינה לבין האניות הבלתי מזוהות המפגזות כביכול את אל-ט"י.

חיל חים אינו נושא באחריות כלשהי לטעות היסודית בענין הדו"ח על האמצע, ולעובדה זו הסיבות רבה, כיון שהאחריות להקמת מטרת בים, בין טכנולוגי על ידי חיל-האוויר על פי הוראות חיל-הים, ובין טכנולוגי על ידי כוחות חיל-הים, הלה על חיל הים לבדו.

2. הטעות השניה אשר בהבטחה לטעות הראשונה הרצה את בורל האניה והביאה להוראה לחיל-האוויר להזניק מטוסים ויחסיין גם להקוף את האניה, היתה הטעות שבקביעת מהירות המטרה למחירות של 30 קשר. לטעות זו היתה משמעות במולה:

א. במחירות של ה"ליברטי" נקבעה במקור אורח יום על סמך זהויות בספר הצייט (נספח ט') במחירות של 18 קשר, מסום כך גם אילו התקדד ספק בלבו של מיטחו כי האניה תלת מזוהה עלולה להיות אנית המדנה אמריקאית - ה"ליברטי", הרי שבקביעת מהירות של 30 - 28 קשר, היה כדי להזים כל המטרה בזאת.

ב. נספח ו' שהוא פברק חיל-הים הכולל הוראות דחומות לפני מרוץ המלחמה קובע בסעיף

13 כי יש להטטר בכל מחיר מהקמת אניות סוחר או מלחמה ניטרליות. נשאלה אימא

השאלה כיצד נקבעה זהוהה של אניה כאניה מלחמה של אויב שסוחר להקיימה.

בקובץ הוראות קבע חיל-הים (נספח א') נקבע בסעיף 7 (ב'):

"יש להקוף כלי שייט טאיי האויב בכל מים בסידה וכלי שייט זה הוקף כלי שייט

ישראלאו מפניד הוקף כל מדינת ישראל".

במקורה מספר 50.003 מחוך הוראות קבע שייט 1 (נספח ה') נקבע בסעיף 10:

"כאשר יסנן ידיעות על אויב בזירה ומתגלה ב-מכ"ם, אניה אחת או אניות מספר מתפלגנה

במחירות שמעל ל-20 קשר, התחבנה הן לאריב ולא יברוע זהוי נוסף"

הוראה זו היא חד סמעיית ולמיה יש לקביעת מהירות האניה הסיבות מואלמה וסומית אם

קיימות ידיעות על אויב בזירה. למיכך, משהה שבקבעה מהירות המטרה ל-30-26 קשר

היה חיל-הים רטאי להקוף את המטרה, נוכח הידיעות החוזרות ונשנות על המבזות מן הים,

ללא צורך לכל זהוי נוסף.

השאלה היחידה שיש לשאול עוד במקרה זו היט: האם לא היה מסום רטלנות מושעה במקרה

שבקביעת מהירות 28-30 קשר במסופעל לא יכלה האניה להמליג במחירות העולה על 18 קשר.

במידה ושאלם זו כתיאסה לרב"ח ים ולים/3 לא יכלה להיות בקבלה קביעה זו מסום רטלנות

כלשהי (וזת לאחר שהקביעה נעשה על ידי המלגה) כיון שהם לא חזדדו לקבלה אלא היו

זהירים למדי להבוע מהמלגה מהמהירות פברק ותקבע בשנית. רק לאחר שהמהירות נבדקה

בסניה נהקבלה הקביעה על ידם כמתימנה ונתימנה המדנה למטוסים לזנק.

בנסיבות המקרה, כאשר קיים היה חשש שהאניה בורחה למורט-צ'יד וה-ספ"רים אינם יכולים

להדביקה, למי דווחם, נראה לי כי הכן לא היה מקום להמחיות ולבדיקות נוספות, וכי

הבדיקה הנוספת שנערכה למי דריסה רב"ח ים העידה על זהירות וסקול דעת.

ג. באטר לשאלה האם לא היתה המלגה עצמה רטלנית בקביעת מהירות של המטרה - הרי שלצורך

השובה על שאלה זו יש צורך בעדות סכניות של מומחים. העדות המקצועית היחידה שבפני

בשאלה זו היא עדות ספקד חיל-הים אלוף שלמה אדאל אשר אמר כי ב-ספ"ר יכולים להיות

אי דיוקים גבולים בקביעת מהירותו של כלי שייט הנע לפניו ובעיקר אם המדידות נעשות

בהבדלי זמן קצרים וכן כי יכולה מהלטה להיות טעות באימות המרחק גם אם מודדים את

מהירות ככלי השיט שלפני ה-סט"ר מעטים או יותר. מכאן, גם אם יש מקום לבדוק אם זהו אניה כאנית אויב על ידי קביעת מהירותה הוא שיטה יעילה וכמאית, הרי במידה והדבר מתייחס לשאלת שלטנו, וכל עוד קיימת ההוראה שבנספח ה' - אין להסיל על הפלגה חובה רשלנות כלשהי בקשר עם קביעת המהירות הנ"ל בנסיבות האמורות.

3. הטעות השלישית אשר הביאה לבצוע השלב הסבי של הקיפת ה"ליברטי" - והפעם בטורפדות של הפלגה - הייתה הטעות שבזהויות כאנית האספקה מצרית "אל-קציר". כאן איני יכול להזכיר מסמך אם זהו על פי "ספר זהויות אניות אויב" לא נעשה במדידות מסוימות מאחר שנעשה לאחר שנחקרו כבר ספקות המורים לגבי זהויות של האניה כאנית מצרית. אמנם לפי עדותו של סא"ל ארן הידיקה כי יהאן שהמסמכים טעו בזהויות, לא הגיעה אל גשר המיקוד שעליו נמצא באותה שעה, ברם העובדה כסתתבר לו עצמו שהאניה אינה משהתח אלא אניה אספקה או אניה סוחר היה בה לשעצמה כדי להיב יתר זהירות בזהויות. "תגלית" זו הייתה הייתה להעמיד בסיסן שאלת אם כל ההנחות וההערכות הקודמות לרבות זהויות הקודם של האניה על פי מהירותה, וכן את ההנחה כי אניה זו היא שהפגיזה בביכול את אל-קציר.

כנגד ספקות אלה אני חייב לציין את הנסיבות המקלות ואם הקשים שבהויות בהנאים הבאים: האניה כולה הייתה מכוסה עשן סמיך כשנבקשה להזדהות השתמשה בלעשות זאת והתנהגה באופן חשוד. ל-סא"ל ארן גם נראה היה שהוא רואה בברור חותם בהרטום האניה, וכן כי האניה יורה הבזקי אש לעברו. (עובדות אלה אף נרשמו ביומן ה-סט"ר נספח ב').

אם להוסיף לכל הגורמים הנ"ל את הגורם המכריע כי בנסיבות הסיועיות, מהאניה הייתה כולה מכוסה עשן, היה אמנם דמיון רב אחד, כנראה בינה לבין סמינת האספקה המצרית "אל-קציר" (נספחים 10, 11) וכי שני אנשים בשני מקומות שונים וללא קשר ביניהם (סא"ל ארן וסרן רפאלי) זהו אותה בעת ובעונה אחת באל-קציר, ואדם שלישי - אל"מ רחב שבדק אף הוא את זהויות לאחר שדווח לו מצאו מתקבל על הדעת - הרי שהייבסם להגיע לפחות למסקנה רשלנות מועקה או חמורה ודאי שלא הייתה כאן.

4. לאחרונה עלי להוסיף כי טעות גסה נוספת - ולא פחות מכרעת מטלשת הטעויות הנ"ל שנעשו על ידי כוחות צה"ל - נעשתה על ידי האניה "ליברטי" עצמה. בדיון זה יש בטיע עדותו של האלוף אדאל וכן חוות דעתו ועדותו של סא"ל אלכס נדר - מיקליט חיל-הים המסלימה זו את זו ושטחן נראה בברור כי האניה האמריקאית נחבה בחוסר זהירות וחור סכון עצמי מרהיב לבח בכך שהתקרבה במידה מופרזה לחוף באזור שהיה ידוע לה כזירת כלחמה, וזאת שעה שאזור זה איננו אזור חייט שעוברים בו נחייבי ספנות ושאניות רבילות מהלכות בו, מבלי שהודיע על נוכחותה לסלטנות ישראל ומבלי שדאגה לזהות עצמה בסימנים בולטים. אדרבה נראה שהאניה עשתה כל מאמץ להסתיר את זהותה, הן על ידי הנפת דגל קטן ובלתי ניתן לזהויות מרחק והן על ידי שהחלה בכריחה שעה שנחגלה לה שנחגלה על ידי כוחותינו, הן על ידי שנמנעה להזדהות מיד ומיודממה על ידי איתות אור וגם נמנעה בלעשות זאת שעה שנבקשה לכך כל ידי איתות מהפלגה. מכל אלה, אין אני מסיל ספק בכך שהאניה "ליברטי" בקשה להסתיר נוכחותה וזהותה מהדור תד ליתר שנחגלה על ידי המצרים והמלית לאחר שהותה הן על ידי חיל-האוויר והן על ידי ה-סט"ר ובכך הייתה מרובה מרובה לזהויות כוונת אויב זהותה בכך את בוריה.

החלטה

א. הכרזה על אזורים מסוכנים:

1. עם פרוץ מלחמה יש להכתיב על אזורים הקרובים לחוף בו מתנהלות פעולות הלחימה "כאזורים מסוכנים" האסורים לשיט אניות ביטחון. באזורים אלה יש לקבוע נתיבי מעבר לאניות ביטחון.
2. כל אניה ביטחון המהקדמת לנתיבי המעבר חייבת להיות להודיע על כך כשהיא נמצאת במרחק של 50 מילים לפחות.
3. כל אניה ביטחון המהקדמת את נתיבי המעבר חייבת לסמן עצמה בסמנים בולטים הן על גבי הרמנות והן על גבי הסטון.
- ב. הוראות לחילות צה"ל. מוסלך בן:
 1. יוקדש זמן רב יותר ללסוד השייטת כיבד לזאת אניות אויב.
 2. ייקבעו נוהלים לפיהם לסטחגלות על ידי גורם צה"ל כלשהו אניות ביטחון בקרבת החומים בהם מתנהלת הלחימה - יוקבר הדבר במהירות לידיעתם של כל גורמי צה"ל הנוגעים בדבר.
 3. ייקבעו יחד עם חיל-הים דרכים ושיטות מהימנות יותר לקביעת כהירותו של כלי שיט בלחי מלחמה.
 4. ייקבעו שיטות מהימנות לבהינת הודעה על הפגזות הסונחתות על חומי ישראל או על חומים אחרים בהם נמצאים כוחותינו.

ד"ר דרן - אל"ם

SUMMARY OF PROCEEDINGS

A Navy Court of Inquiry has determined that USS LIBERTY was in international waters, properly marked as to her identity and nationality, and in calm, clear weather when she suffered an unprovoked attack by Israeli aircraft and motor torpedo boats June 8 in the Eastern Mediterranean.

The Court produced evidence that the Israeli armed forces had ample opportunity to identify LIBERTY correctly. The Court had insufficient information before it to make a judgment on the reasons for the decision by Israeli aircraft and motor torpedo boats to attack.

LIBERTY fired her .50 cal. machine guns at the aircraft and torpedo boats, but only after she had been attacked and hit.

The Court, convened by Admiral John S. McCain, Jr., USN, Commander in Chief of U.S. Naval Forces in Europe, conducted classified hearings in London and aboard LIBERTY in Malta June 11-17. Rear Admiral I. C. Kidd, USN, was president of the Court, which consisted of himself and Captains Bernard J. Lauff and Bert M. Atkinson, both attached to Admiral McCain's headquarters.

A Court of Inquiry is a formal fact-finding body which takes testimony under oath. It is not a disciplinary court. Convening of such an inquiry is a normal procedure, commonly employed after any serious accident or incident resulting in substantial loss of life or damage to a ship. The fact of its convening does not, of itself, indicate an assumption by the Navy that anyone within the Navy is at fault.

The Court's findings were presented to Admiral McCain and approved by him on June 18, and forwarded to the Navy Department for further review.

It was not the responsibility of the Court to rule on the culpability of the attackers, and no evidence was heard from the attacking nation. Witnesses suggested that the flag may have been difficult for the attackers to see, both because of the slow speed of the ship and because, after five or six separate air attacks by at least two planes each, smoke and flames may have helped obscure the view from the motor torpedo boats. The Court heard witnesses testify, however, to significant surveillance of the LIBERTY on three separate occasions from the air at various times prior to the attack -- 5 hours and 13 minutes before the attack, 3 hours and 7 minutes before the attack, and 2 hours and 37 minutes before the attack.

Inasmuch as this was not an international investigation, no evidence was presented on whether any of these aircraft had identified LIBERTY or whether they had passed any information on LIBERTY to their own higher headquarters.

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The Court affirmed LIBERTY's right to be where she was. A neutral nation, the Court stated, has a legal right to dispatch a ship into international waters adjacent to an area of hostilities. So long as such a neutral ship maintains the impartial attitude of neutrality, the Court pointed out, each belligerent has a duty to refrain from attacking her.

The Court found that LIBERTY entered the Mediterranean June 2, after stopping briefly at Rota, Spain, where she took aboard fuel and provisions. Her orders were to steam at best possible sustained speed to an operating area in the Eastern Mediterranean north of the Sinai Peninsula.

Testimony before the Court showed that LIBERTY arrived in her assigned operating area the morning of June 8. Her orders were to steam in an area bounded on the north by latitude 32N, on the east and west by Longitudes 34 East and 33 East, and on the south by a curved line following the contour of the coast 12.5 nautical miles off the coast.

The U. A. R. claims a 12-mile territorial sea, Israel six miles. The United States claims and recognizes claims of three miles. Thus LIBERTY's operating area was defined to ensure that she would remain in international waters as that term is recognized by all parties concerned, and with some margin to spare. The Court found that she was, in fact, well within her assigned operating area at the time of the attack, and that at no time before or after the attack did she approach closer than 13.6 nautical miles to land. She was under the operational control of Commander Sixth Fleet at the time of the attack.

LIBERTY steamed in her operating area the morning of June 8 in a "modified condition of readiness three." This meant that she had her normal steaming watch on deck, plus one man standing by the forward gun mounts. LIBERTY carries four pedestal-mounted .50-cal. Browning machine guns -- two single mounts on her forecastle and identical mounts on either side of the deck-house aft of the bridge. Under "modified condition three," bridge lookouts would man the two after guns until the crew manned general quarters stations.

LIBERTY steamed southeasterly (130° true) until 8:49 a.m., when she reached the eastern boundary of her operating area and turned to a southwesterly course (253° true). At 8:50, a single unidentified jet crossed her wake, an estimated three to five miles astern, then circled the ship and retired in the direction of the mainland. No signals were exchanged between the ship and the plane. LIBERTY was flying her normal size American flag (5 feet by 8 feet) at the masthead. Her name was painted on her stern in English, and her U. S. Navy distinguishing letters and number on her bow. (Egyptian naval ships carry their names in the cursive Arabic script.) Her

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configuration, as shown in the international standard naval identification book, "Jane's Fighting Ships," and her standard markings⁵, were clearly sufficient for the aircraft to identify her properly as the non-combatant ship LIBERTY. She was then steaming at 10 knots.

Jet and propeller aircraft circled the ship again at 10:56 and 11:26 a.m. At these times, the ship was steaming at only five knots.

At 11:32 the ship changed to a west-northwesterly course (283° true). She was on this course and steaming at five knots when the attack began.

From 1:10 p.m., until 1:48 p.m., before the attack, LIBERTY's crew was exercised at general quarters. This was a routine procedure, part of the ship's mandatory training program, established by the Commander Service Force, Atlantic Fleet, and was not related to her mission in the Eastern Mediterranean. Upon completion of the drill, the ship returned to her "modified condition three." At 2:00 p.m., the ship's Commanding Officer, Commander William L. McGonagle, Norfolk, Va., fixed her position by radar as being 25.5 nautical miles from the minaret at El Arish, which was to the southeast (bearing 142° true).

In the Commanding Officer's words: "About 1400 (2 p.m.) the look-outs, who were stationed on the 04 level (above the bridge), reported that jet aircraft were sighted in the vicinity of the ship. At that time, I went to the starboard wing of the bridge with my binoculars and there observed one aircraft of similar characteristics, if not identical, to the aircraft which were sighted earlier in the day and upon which a sighting report had been submitted. The relative bearing of this plane was about 135°, its position angle was about 45 to 50 degrees, its elevation approximately 7,000 feet, and it was approximately five to six miles from the ship. It appeared to be on a parallel course traveling in the same direction as the ship. While I observed this aircraft, I did not see it approach the ship directly in a hostile attitude. Within a couple of minutes, a loud explosion was heard that appeared to me to come from the port side of the ship. (This apparently was a rocket launched by a second aircraft.) I immediately ordered the general alarm to be sounded, and this was done. I went from the starboard wing of the bridge to the port wing to see the area of damage. I immediately noticed that the two 55-gallon gasoline drums stowed on the 01 level (one level above the main deck, two below the bridge), portside amidships, were burning furiously.

"It was evident that it would not be possible to reach the quick release lever by proceeding down the outside port ladders of the ship. I ordered the Executive Officer (LCDR Philip M. Armstrong of Norfolk, Va., later killed in action) to go to the starboard side of the ship and proceed down

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to the 01 level, cross over to the port side, and there release the gasoline cans. Lieutenant O'Connor, (LT James G. O'Connor, USNR, of Norfolk, Va.) was still on the bridge and he joined the Executive Officer and both proceeded to the starboard wing of the bridge, 03 level. Approximately the time they reached the top of the ladder to proceed down, the ship received an apparent bomb hit in the vicinity of the whaleboat stowed on the 02 level, starboard side, immediately aft of the bridge. Mr. Armstrong, Mr. O'Connor, and others in the bridge area were thrown back into the bridge and other personnel in the pilothouse were blown from their feet. At this time, I grabbed the engine order annunciator and rang up all ahead... flank... (this is an order for maximum speed)... At this time I ordered a person, who I believe to have been LT Bennett, (LT Maurice H. Bennett of Pittsburgh, Pa.) to report to CNO (Chief of Naval Operations) via the hicom (high command radio circuit) that LIBERTY was under attack by unidentified jet aircraft and that immediate assistance was required."

For the next five or six minutes, aircraft made criss-cross attacks on the ships, hitting her with rockets and machine gun fire. A later count entered into the Court's record, showed 821 separate hits on the ship's hull and superstructure.

Testimony failed to establish an exact number of aircraft involved in the attack. The Court's findings state: "In five or six attacks, from various angles, two or more jet aircraft at a time conducted strafing, rocket, and incendiary attacks."

During this period, the ship gradually built up speed from five knots. Her exact speed during the subsequent minutes -- until she lost all power at about 2:36 -- is not known. Her maximum speed is 18 knots, but it is doubtful that she exceeded 11 or 12 while under attack.

The ship's public address system and many of her internal communication circuits were destroyed by the air attack. The helmsman was seriously injured by the bomb hit on the starboard side. He was immediately replaced by Quartermaster Third Class Francis Brown, of Troy, N. Y., who later was killed. A few moments later, while on the starboard bridge wing, Commander McGonagle received a serious leg wound from shrapnel. "I was not knocked off my feet. I was only shaken up and it made me dance around a little bit, but my injuries did not appear to me to be of any consequence," he told the court of inquiry. "I noticed slight burns on my starboard forearm and I noticed blood oozing on my right trouser leg. Since I could walk and there was no apparent pain, I gave no further consideration to these minor injuries."

At about 2:24, look-outs sighted three high speed boats approaching the ship from the northeast (from the ship's starboard quarter, relative

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bearing 135°), heading for the ship in a triangular formation at a speed of 27 to 30 knots. Since the boats appeared to be making a torpedo run, Commander McGonagle ordered a man from the bridge to man the forward starboard gun mount and take the boats under fire.

It was at this time that Commander McGonagle discovered that LIBERTY's American flag had been shot down. He immediately ordered a signalman to hoist the "holiday ensign" -- the largest flag aboard (approximately 7 by 13 feet) from the yardarm, the normal flag halyard having been destroyed. There was smoke from the burning whale boat and other topside fires in the vicinity of the bridge.

Commander McGonagle passed the word, "Stand by for torpedo attack." He held his course, since turning away from the boats would bring the ship closer to land, and turning toward them would swing the ship broadside toward the attackers, giving them a larger target.

When the boats were approximately a mile away, the center boat was seen to be flashing a signal light. Because of smoke and flames just aft of his starboard bridge wing -- in the direction from which the boats were approaching -- Commander McGonagle could not read the signals, but he was able to see what he believed at the time to be an Israeli flag. As the air attack had knocked out LIBERTY's starboard signal light, he attempted to signal with a hand-help Aldis lamp. This may not have been powerful enough to penetrate the smoke pouring from the fires started by the attackers. Believing that the air attack might have been an error, he immediately shouted to the starboard forward gun to withhold fire. The gunner fired a short burst at the PT boats before he understood the Commanding Officer's order. At the same time, the after gun on the starboard side opened fire.

Because of the whaleboat fire on the starboard side, between the bridge and the gun mount, it was necessary to send an officer aft on the port side to pass the word to the starboard gunner to cease firing. ENS. David G. Lucas, USNR, of Virginia Beach, Va. (who was wounded earlier and, unknown to himself, had a piece of shrapnel lodged in his forehead) ran aft on the 03 (bridge) level portside. "The first thing I noticed," he testified to the Court, "was that the mount 54 (on the port side) was vacant. The flames ... (from the burning gasoline cans) ... had reached mount 54 and chased everyone out of there. I ran back to mount 54, looked over the skylight from the engineering spaces." (This skylight is on the centerline of the ship just aft of the stack. It stands about three feet high and is perhaps ten feet wide, dividing the 03 level at this point into port and starboard areas which meet several yards aft of the gun mounts, aft of the skylight structure. It is possible to look over the skylight, but not to cross it. There is no deck above the 03 level aft of the bridge.)

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ENS. Lucas continued: "I had a clear view of mount 53 (the starboard mount, which was firing) from, say, the waist level up, and there was no one on mount 53. The flames from the motor whaleboat were coming over the lip of the mount. I assume that the bullets that were in the gun, or bullets that were in the ready service ammunition box, very near there, were cooking off and firing." Apparently by accident, this gun was firing in the direction of the attacking boats.

At this time, the PT's opened fire with their gun mounts, killing the Quartermaster Brown at the helm, and in a matter of seconds one torpedo was noted crossing astern of the ship at about 25 yards. The time was then 2:34. A minute later, a second torpedo struck the ship on the starboard side, immediately forward of the bridge and a few feet below the water line.

The torpedo explosion tore a hole in the side of the ship that extended from a few feet above the water line to below the turn of the bilge. It was shaped like a tear-drop, and was 39 feet across at its widest point. Its immediate effect was to flood all compartments on two decks below the water line, from frame 53 to frame 66. These frames support water-tight bulkheads, and mark the location of what was "number two hold" when LIBERTY was a merchant cargo ship before her conversion for Navy use. LIBERTY used the spaces for store rooms and her research department.

Twenty-five men died in the blast. Those few not killed outright escaped from the compartments. The Court heard testimony from witnesses, including a salvage expert, who stated that beyond a shadow of a doubt those who died there were killed instantly by the blast. None could have survived, trapped in the compartment, to die of suffocation or drowning.

The torpedo did not start a major fire, probably because of the immediate flooding of the affected area. LIBERTY immediately took on a nine-degree list to starboard. Power and steering control were lost temporarily, and the ship came to a dead stop.

The three torpedo boats also stopped, less than a half mile astern of the stricken ship. One signalled in English, "Do you need assistance?" Commander McGonagle, not being able to signal by light, ordered a signalman to hoist the international flag signal for "not under command," meaning that the ship was out of control.

Two or three minutes later, two helicopters bearing a Star of David marking approached and circled the ship several times. At 3:19, power was restored, but steering control could not be regained from the bridge. It was necessary to give rudder orders by telephone to men in the "after steering" compartment, and for some time they operated the ship's heavy rudder by hand. The helicopters departed, returned, and departed again, and a pair of jet aircraft circled the ship, but there were no further attacks.

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By 4 p.m., Commander McGonagle's wounds were giving him a great deal of pain and he was suffering from loss of blood. The ship's doctor had seen him on the bridge, but had made no effort to get him below to a battle dressing station. "The Commanding Officer at that time was like a rock upon which the rest of the men supported themselves," the doctor told the court. "To know that he was on the bridge grievously wounded, yet having the conn and helm and through the night calling every change of course, was the thing that told the men 'we're going to live.' When I went to the bridge and saw this, I should say that I knew that I could only insult this man by suggesting that he be taken below for treatment of his wounds. I didn't even suggest it."

Ensign Lucas told the court, "It would have taken ten men the doctor's size to even begin to get him off the bridge."

"He was in great pain," Ensign Lucas testified, "there were several times when he was still walking around, but it was obvious that he was in great pain. He had lost a considerable amount of blood. At several times he felt dizzy. He would not leave, but if he started to get dizzy he would turn to me, or if Mr. Bennett or Mr. Painter were there, he would say this is what course we're on, what speed to make. He would give instructions."

At about 4 p.m. he lay on the deck while others applied a tourniquet to his thigh. At other times, when he felt faint, he lay on the deck of the bridge wing with his leg propped high, and continued to conn the ship, sometimes by watching her wake.

Lieutenant Richard F. Kieper, MC, USN, of Brooklyn, New York, the ship's medical officer, performed one major operation and gave emergency treatment to wounded men as best he could. He manned the main battle dressing station, together with one hospital corpsman, while the other corpsman operated a secondary battle dressing station in the forward part of the ship. Both stations were flooded with seriously injured men, and for a time there was little opportunity to do more than give first aid. Bleeding was stopped, men were given morphine for pain and treated for shock. Lung wounds were treated to ease breathing. The most seriously wounded men were transferred to the aircraft carrier AMERICA the following day. By that time the doctor and his two corpsmen had been on their feet, giving emergency treatment, for 28 hours. "Any time we needed one volunteer, we'd get ten," he testified. "If anything had to be done... there were hands everywhere. When we asked for two pints of blood for transfusion, we had people on the adjoining tables who were saying, 'If you need some, I have this type.' These were people already wounded."

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The Court found that "from the time of the 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 the entire topside, including ship control and internal communications -- sound powered -- network. Well directed initial air attacks had wiped out the ability of the four .50 cal. machine guns to be effective."

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

"It is the opinion of the convening authority that USS LIBERTY was operating in international waters in conformance with the most recent guidance received by her; provided by competent authority," Admiral McCain wrote in his endorsement forwarding the Court record to the Department of the Navy.

Admiral McCain's endorsement continued:

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

Early on the 8th, the Joint Chiefs of Staff had issued orders for LIBERTY to move farther from the coast, even though such a move would partially degrade her mission. The messages were misrouted, delayed, and not received until after the attack. LIBERTY's Commanding Officer also had the authority to move farther to sea on his own initiative, had he any reason to believe that his ship was in danger of attack, or for any other cause. The Court found, however, that since he was in international waters, his standard identification symbols were clearly visible, and foreign aircraft had inspected him three times that day, he had no reason to believe that his ship was in danger of attack. The convening authority specifically concurred that "no indication was received by the ship prior to the attack which would have dictated a need for emergency measures."

LIBERTY continued to carry out her assignment at the location which her Commanding Officer considered optimum for that purpose. The Court reached no judgment on whether earlier arrival of the messages would have reduced the likelihood of the attack.

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In an appendix to its findings, the Court noted that LIBERTY might have been mistaken for the Egyptian supply ship EL QUSEIR. In commenting on this possibility, the Court stated: "While EL QUSEIR bears a highly superficial resemblance to LIBERTY, she more closely resembles the majority of older tramp steamers operating in ocean shipping. EL QUSEIR is less than half the size and lacks the elaborate antenna array and distinctive hull marking of LIBERTY. The location of the superstructure island, a primary recognition feature of merchant type ships, is widely different. By this criteria as a justification for attack, any ship resembling EL QUSEIR was in jeopardy."

The Court also noted reports of rumors that the town of El Arish had been bombarded from the sea, but pointed out that neither LIBERTY, with four .50 caliber machine guns, nor EL QUSEIR, which is armed with two 3-pounders, could logically be suspected of having conducted a shore bombardment.

USS LIBERTY arrived at Malta, under her own power, at 6 a.m. (local time) June 14, escorted by the destroyer USS DAVIS and the fleet tug USS PAPAGO. She was drydocked the same day.

The hole in LIBERTY's side is being patched and other repairs are being made to make it possible for her to return to the United States safely under her own power. She is expected to be in Malta until about July 10. Her home port is Norfolk, Va.

Note: Discrepancies in times in the summary and the Commanding Officer's testimony were caused by battle damage which caused clocks in various parts of the ship to stop at different times or to behave erratically. All times given are ship's local time 6 hours ahead of Washington time.

UNCLASSIFIED TRANSCRIPT OF TESTIMONY

Commander William L. McGonagle, U.S. Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by counsel for the court:

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

A. Commander William L. McGonagle, U.S. Navy, Commanding Officer, USS LIBERTY (AGTR-5).

Let the record show that although the witness is experiencing considerable pain from shrapnel wounds in his leg, that he willingly appeared at this hearing.

Q. Captain McGonagle, as you are well aware, this court of inquiry has been convened to inquire into the circumstances attendant with the armed attack on the U.S. naval vessel which you command, USS LIBERTY, which occurred on 8 June 1967. Will you please describe to the court the circumstances of that incident as you recall it?

A. At the time of the incident, LIBERTY was operating under the operational control of Commander, U. S. Sixth Fleet. The ship had arrived in its assigned operating area on the morning of 8 June 1967 after having departed from Rota, Spain on 2 June 1967. The ship was steaming in international waters and was so at all times. A "condition of readiness three, modified," was set. The "condition three, modified" watch consisted of normal steaming watch, with the exception that one man was stationed in the forward two .50 caliber machine guns, 51 and 52. Lookouts on the bridge were designated to man machine guns 53 and 54 in the event of surprise air or surface attack. Each machine gun had a box of ammunition attached to the machine gun with a round up to but not in the chamber of each mount.

During the 0800 to 1200 watch on the morning of 8 June, at about 1030, a flight of two unidentified jet aircraft orbited the ship at about 10,000 feet, three times at a distance of approximately two miles. It was not possible to identify any insignia on the aircraft and their identity remains unknown. It was also possible to see on the 8 to 12 watch in the morning the coastline of the Sinai peninsula. Aircraft activity of an apparent propeller patrol type flying at very low altitude and parallel to and over the coast in the vicinity of El Arish was noted. It is estimated that the

altitude of this plane was approximately 500 feet. At no time did this plane approach the ship in any fashion. His distance remained approximately 12 to 15 miles.

It was possible to visually sight the minaret which is quite conspicuous at El Arish. This was used as a navigational aid in determining the ship's position during the morning and afternoon of 8 June. It became visible at about 0930 and the ship's position was verified, and was within our established operating area. Radar ranges were taken on the nearest land on the same bearing as the minaret. The minaret was also identifiable by radar. There were no other conspicuous or outstanding navigational features in the area. At about 1056 in the morning of 8 June an aircraft similar to an American flying boxcar crossed astern of the ship at a distance of about three to five miles. The plane circled the ship around the starboard side, proceeded forward of the ship and headed back toward the Sinai peninsula. This aircraft continued to return in a somewhat similar fashion approximately at 30 minute intervals. It was not possible to see any markings on the aircraft and the identity of this aircraft remains unknown. This aircraft did not approach the ship in any provocative manner. It made no attempt to signal the ship. The ship made no attempt to signal the aircraft.

At 1039B the minaret at El Arish was bearing 189°T, 17 miles. At the time the ship was on a course of 253 at speed five knots. At 1132, the ship changed course to 283 true, speed five knots and was on this course and this speed at the time of the attack. At about 1310, 8 June, the ship went to general quarters for drill purposes to conduct training for a mandatory noncompetitive exercise to exercise the crew in chemical attack procedures. The drill was performed in a satisfactory manner. At the commencement of the drill it was possible to see a large billowing cloud of black smoke rising from approximately 15 to 20 miles to the west of El Arish on the beach. The exact identity of the cause and the location of this explosion is not positively known, although it was believed to be near the beach in that area. This was noted at about 1300. Before dismissing the crew from general drills, I gave the crew a short talk on the PA system, reminding them of the importance of expeditiously responding to general quarters and the setting of condition Zebra for drills and in the event of an actual attack. So that they would be impressed I pointed out to the crew at that time that the column of black smoke on the beach should be sufficient evidence that the ship was in a potentially dangerous location. I had no evidence or indication that an attack would actually be made on the ship at the time that statement was made to the crew. After conducting general drills, it is my usual practice to go to the wardroom and have a cup

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of coffee and critique the drill with the Executive Officer, Lieutenant Commander Armstrong, the Engineering Officer, Lieutenant Golden, and the Damage Control Officer, Ensign Scott, if I have not been particularly satisfied with the drill. If the drill has been satisfactory, usually I contact the officers on an individual basis at some later time during the day and indicate to them that I was satisfied with the drill and point out some of the errors in which improvement could be made and point out also to them the things that I felt had been done properly. I was satisfied with the performance of the crew for the afternoon drill and did not assemble the above-mentioned officers in the wardroom for a critique.

After general quarters was over from the drill, I lingered on the bridge for a few minutes. As I recall, the following officers were present on the bridge: LCDR Armstrong, Lt. Ennis, Lt. O'Connor, who is normally officer of the deck during general quarters, Lt. Toth, the Operations and Navigator, and Intelligence Officer. Lt(jg) Painter came onto the bridge after general quarters to assume the watch as the officer of the deck. At that time, and the time was approximately 1400, I personally sighted the minaret at El Arish to be on a bearing of 142 from the ship and the range as I recall from the radar was approximately 25.5 miles. I do not know that this radar range can be verified from the records available at this time. I had also earlier in the day established a danger bearing on the minaret at El Arish to be 119 degrees true from the ship. The danger bearing was established to insure that the ship remained clear of shoal areas to the south of the southwesternmost edge of our operating area.

At this point in the preparation of my statement, I referred to the quarter master's notebook, 12-1600 watch, Thursday, 8 June 1967. I referred to this log for the purpose of refreshing my memory as to the initial moments of the unexpected attack. The log shows that at 1355, Lt(jg) Painter relieved Lt. O'Connor as officer of the deck. The log also shows that at 1355, Ens. O'Malley, as junior officer of the deck under instruction, assumed the conn. The 12-1600 watch on Thursday, 8 June 1967 has no entry from the time frame 1356 until 1446. I shall relate in my own words and to the best of my knowledge and belief all events of which I have personal knowledge which occurred during that time frame.

About 1400 the lookouts, who were stationed on the 04 level, immediately above the bridge, reported that jet aircraft were sighted in the vicinity of the ship. At that time, I went to the starboard wing of the bridge with my binoculars and there observed one aircraft of similar characteristics, if not identical, to the two aircraft which were sighted earlier in the day and upon which a sighting report had been submitted. The relative bearing of this plane was about 135, its position angle about 45 to 50 degrees, its elevation approximately 7,000 feet, and it was approximately five to six miles from the ship. It appeared to be on a parallel course traveling in the same direction as the ship. While I observed this aircraft, I did not see it approach the ship directly in a hostile attitude.

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Within a couple of minutes, a loud explosion was heard that appeared to me to come from the port side of the ship. I immediately ordered the general alarm to be sounded, and this was done. I went from the starboard wing of the bridge to the port wing to see the area of damage. I immediately noticed that the two 55-gallon gasoline drums stowed on the 01 level, portside amidships, were burning furiously. It was evident that it would not be possible to reach the quick release lever by proceeding down the outside port ladders of the ship. I ordered the Executive Officer to go to the starboard side of the ship and proceed down to the 01 level, cross over to the port side, and there release the gasoline cans. Lieutenant O'Connor was still on the bridge and he joined the Executive Officer and both proceeded to the starboard wing of the bridge, 03 level. Approximately the time they reached the top of the ladder to proceed down, the ship received an apparent bomb hit in the vicinity of the whaleboat stowed on the 02 level starboard side, immediately aft of the bridge. Mr. Armstrong, Mr. O'Connor and others in the bridge area were thrown back into the bridge and other personnel in the pilothouse were blown from their feet. At this time, I grabbed the engine order annunciator and rang up all ahead flank.

Up to this time, the ship had one boiler on the line steaming at speed five knots. The other boiler was not on the line but pressure was being maintained in order to be able to respond to speeds in excess of that which is capable with one boiler, approximately 11 knots, should it be necessary. Earlier in the day, the Engineering Officer had requested permission to let number two boiler cool so that he could replace a steamline gasket. This permission had been granted and the boiler had started to cool from about 1200 on 8 June. I do not know whether the engine room acknowledged by the engine order telegraph the flank bell or not, but smoke immediately commenced coming out of the stack and I assumed that they did. It seemed to me that shortly thereafter the ship increased speed.

At this time I ordered a person, who I believe to have been Lt. Bennett, to report to CNO via the highcom that LIBERTY was under attack by unidentified jet aircraft and that immediate assistance was required. I do not recall whether I ordered any course changes to have the ship zig-zag or not. One helmsman was seriously injured in the starboard bridge bomb blast, and he was replaced by Quartermaster Third Brown. I do not recall who had the helm at the time of the initial attack.

The response of the crew to general quarters was very expeditious. I do not recall whether all of the bridge personnel ever arrived on station or not, but the public address system, the 21 MC, (an electrically-powered inter-com system) and most sound powered phone circuits were severed or destroyed during the initial first or second of the total number of six to eight strafing attacks that occurred.

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It seemed to me that the attacks were made in a crisscross fashion over the ship, with each attack coming at approximately forty-five second to one minute intervals. After the starboard bridge bomb hit, I ordered personnel to be organized for a fire-fighting party to put out the fire in the vicinity of the whaleboat. The whaleboat was burning furiously. It is estimated that the total air attack was completed in approximately five to six minutes. About midway during the attack, Ensign Lucas was noted on the bridge and at that time he became my assistant and assisted me in every way possible. Runners were used to relay my orders to the repair parties, to main control and other vital stations.

Sometime after the starboard bridge bomb hit while on the starboard side of the pilothouse, another attack from the starboard quarter proceeding forward was made and I was hit with flying shrapnel. I was not knocked off my feet, I was only shaken up and it made me dance around a little bit, but my injuries did not appear to me to be of any consequence. I noticed slight burns on my starboard forearm and I noticed blood oozing on my trousers right leg. Since I could walk and there was no apparent pain, I gave no further consideration to these minor injuries.

Shortly after this I opened the bridge safe and took out a camera which was maintained on the bridge to take pictures of foreign ships and aircraft. I immediately took the camera to the port wing of the bridge and there was able to take several pictures of the planes as they had passed over the ship after their attack. In an effort to obtain documentary evidence to establish the identity of the aircraft, I retained this camera in my possession throughout the remainder of the attack. Later I took pictures of the torpedo boats before and after the torpedo attack, also the helicopters which approached the ship after the attack was over. This film has been turned over to the USS AMERICA for development and further disposition.

On what appeared to be the last air attack on the ship, I observed a cylindrical object dropped from one of the aircraft as it was passing from port to starboard ahead of the ship. This object landed in the water an estimated 75 to 100 yards directly ahead of the ship. There was no explosion from this object, but it shattered into several pieces. It appeared to me that it might have been an empty wing tank but I am not certain of this.

In the latter moments of the air attack, it was noted that three high speed boats were approaching the ship from the northeast on a relative bearing of approximately 135 at a distance of about 15 miles. The ship at the time was still on course 283 true, speed unknown, but believed to be in excess of five knots. At no time did the ship stop during the air attack. It is believed that the time of initial sighting of the torpedo boats was about 1420. The boats appeared to be in

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a wedge type formation with the center boat the lead point of the wedge. Estimated speed of the boats was about 27 to 30 knots. They appeared to be about 150 to 200 yards apart. It appeared that they were approaching the ship in a torpedo launch attitude, and since I did not have direct communication with gun control or the gun mounts, I told a man from the bridge, whose identity I do not recall, to proceed to mount 51 and take the boats under fire. The boats continued to approach the ship at high speed and on a constant bearing with decreasing range.

About this time I noticed that our Ensign had been shot away during the air attack and ordered David, signalman, to hoist a second Ensign from the yardarm. During the air attack, our normal Ensign was flying. Before the torpedo attack, a holiday size Ensign was hoisted.

I alerted the crew as best I could to stand by for torpedo attack from starboard. I did not have an accurate ship's position at this time, but I knew that to the left of the ship's course at that time lie shoal waters and by turning to the left I would be approaching land, closer than had been given me in directives which I held in that instant in time. I realized that if I attempted to turn to starboard, I would expose a larger target to the torpedo boats. I elected to maintain a heading of 283 at maximum speed.

When the boats reached an approximate range of 2,000 yards, the center boat of the formation was signalling to us. Also, at this range, it appeared that they were flying an Israeli flag. This was later verified. It was not possible to read the signals from the center torpedo boat because of the intermittent blocking of view by smoke and flames. At this time, I yelled to machine gun 51 to tell him to hold fire. I realized that there was a possibility of the aircraft having been Israeli and the attack had been conducted in error. I wanted to hold fire to see if we could read the signal from the torpedo boat and perhaps avoid additional damage and personnel injuries. The man on machine gun 51 fired a short burst at the boats before he was able to understand what I was attempting to have him do. Instantly, on machine gun 51 opening fire machine gun 53 began firing at the center boat. From the starboard wing of the bridge, 03 level, I observed that the fire from machine gun 53 was extremely effective and blanketed the area and the center torpedo boat. It was not possible to get to mount 53 from the starboard wing of the bridge. I sent Mr. Lucas around the port side of the bridge, around to the skylights, to see if he could tell Quintero, whom I believed to be the gunner on machine gun 53, to hold fire until we were able to clarify the situation. He reported back in a few minutes in effect that he saw no one at mount 53.

At this time, they opened fire with their gun mounts and in a matter of seconds, one torpedo was noted crossing astern of the ship at about 25 yards. The time that this torpedo crossed the stern is believed to be about 1426.* About 1427*, without advance warning, the ship sustained a torpedo hit starboard

*Times subsequently adjusted to 1434 and 1435, respectively

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side forward, immediately below the waterline. The ship immediately took a 9 degree list to starboard. Oil and debris were noted coming from the starboard side following the explosion. There was no major resultant fire from this explosion. The explosion caused the ship to come dead in the water. Steering control was lost. All power was lost. Immediately, I determined that the ship was in no danger of sinking and did not order any preparations to be made to abandon ship. It was my intention to ground the ship on shoal areas to the left of the ship's track to prevent its sinking, if necessary.

Immediately after the ship was struck by the torpedo, the torpedo boat stopped dead in the water and milled around astern of the ship at a range of approximately 500 to 800 yards. One of the boats signalled by flashing light, in English, "Do you require assistance?" We had no means to communicate with the boat by light but hoisted CODE LIMIA INDIA.** The signal intended to convey the fact that the ship was maneuvering with difficulty and that they should keep clear.

Reports received from damage control central indicated the location of the torpedo hit and that flooding boundaries had been established and that the flooding was under control. During the strafing by the torpedo boats and immediately prior to being hit by the torpedo, quartermaster third Brown, who was acting as helmsman at the time, was felled at his station.

The mess decks were designated casualty collection station and casualties were taken to the collection station by repair party personnel and other members of the crew able to assist. Following the torpedo hit, those personnel from that area who were able to do so, left their stations.

One of the torpedo boats was identified by a hull number of 204-17. Pictures were taken of the torpedo boats prior to and subsequent to the attack.

About 1515, two helicopters approached the ship and circled around and around the ship at a distance of about 100 yards. The insignia the Star of David was clearly visible. Hull number on one of the helicopters was 04 or D4. The other had a hull number of 08 or D8. It was not known whether these helicopters intended to strafe the ship or not. However, they did not approach the ship in a hostile manner, but kept pointed parallel to the ship as they continued around and never made a direct approach as such. They were not taken under fire by LIBERTY, nor did they fire at us. The torpedo boats left the general area of the ship at about 1515. About 1537, after they had departed the ship and gone to a range of about five miles, they again headed toward the ship at high speed. Their intentions were unknown. At about this same time two unidentified jet aircraft were also noted approaching the ship from our starboard side, in

** "I am not under command" (not able to control movements of ship).

(MORE)

similar fashion to that which preceded the initial attack. All hands were again alerted to the possibility of repeated attacks. No attacks occurred however, and the jets disappeared from the scene. To further assist in identification of the ship, at 1611 I ordered the ship's international call sign hoisted.

Both boilers had been put back on the line at approximately 1520, but at 1523 lube oil suction was lost to the main engines and the ship again became dead in the water. The heading of the ship at this time is not known. About 1530 communications were restored, and at 1600 a message was sent providing additional information concerning the attack by unidentified aircraft and the fact that the torpedo boats had been identified as Israeli. Preliminary estimate of the number of dead and casualties, as well as the condition of the ship, was also provided.

At the time this message was being dictated to Lieutenant Bennett on the port wing of the bridge, I was lying on the deck with a tourniquet being applied to my right leg at the thigh. A few moments prior to this I felt myself blacking out from loss of blood, and called for assistance of CT1 Carpenter to apply a tourniquet. I had assumed the conn immediately upon the air attack and retained the conn until rendezvous was effected with the destroyers about 0630 on the morning of 9 June 1967, leaving the bridge only about 3 times during the night hours to make brief head calls on the 02 level.

No bodies were noted in the area of ship following the explosion. Several life rafts, however, were released and placed into the water by various crew members whom I was unable to communicate with prior to their placing the boats in the water. They exercised their initiative on the scene, and no fault can be found with their estimate not having the information that I had. When the messenger was sent to tell them to leave the lifeboats alone, that the ship was in no danger of sinking at that time, but that the lifeboats might be needed at a later time, no additional lifeboats were placed in the water.

At about 1637, the torpedo boats commenced retiring from the area without further signal or action. At this time, the ship was attempting to make good a course of 340 magnetic, at speed 8 knots. Emergency manual steering was being conducted from after steering. The amount of rudder was given to after steering over emergency rigged sound powered telephones. They would apply the rudder. When the ship had come to the approximate magnetic heading the rudder would be shifted to attempt to maintain that heading. It was possible to maintain within plus or minus 30 degrees of the ship's heading most of the time. The exact position of the ship was not known at this time. At 1653 an attempt was made to steer and make good a course of 000 magnetic. It was not known what effect the nearby explosions might have had on the pilot house magnetic compass. The gyro compass was out. It was not known what the

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azimuth of the setting sun was, but this was used as a rough guide and it appeared that the magnetic compass had not been unduly affected. The ship's fathometer in combat was working following the attacks.

At about 1655, the fathometer sounding reported approximately 26 fathoms under the keel. Since I was not positive of the ship's position, I ordered Mr. Lucas to round up as many personnel as he could, and proceed to the forecastle and standby and anchor. My intentions was to anchor until it became night so that I could visually sight the North Star to see whether the magnetic compass had been unduly affected or not. Once I was able to sight the North Star, then I would know in which direction the ship was actually proceeding. Mr. Lucas and personnel did go to the forecastle, and at one point I did order the port anchor to let go. But before the port anchor could be let go I reversed my decision and backed all engines two-thirds to see if I could back clear of the apparent shoal area. I commenced backing the ship at about 1704 and continued backing until 1722, at which time the fathometer reading was approximately 48 fathoms under the keel. With the ship going ahead two-thirds and right full rudder we quickly came to a magnetic heading of about 350 magnetic and continued on to a heading of 025 magnetic about 1729. The ship was at this time making a speed of about 8 knots. At 1730, the ship lost lube oil to the main engines, and all engines were stopped. At 1731, the ship was on a heading of 022 magnetic with 50 fathoms of water under the keel. Lube oil pressure was regained to the main engines within a very short period of time, and the ship continued right to a magnetic heading of 040 at 1737, at which time 72 fathoms was indicated under the keel. At 1743, the ship's heading was 068 magnetic and 82 fathoms of water under the keel. At this time I considered the ship to have stood clear of the immediate danger of grounding and at 1748 increased speed to ten knots on a magnetic heading of 050.

The ship remained at general quarters, and reports from damage control central were to the effect that all watertight boundary bulkheads were holding satisfactory. Dr. Kiepfier, and the two corpsmen, were doing outstanding work in assisting injured crew members. They advised me from time to time of the number of casualties, the extent of injuries, and efforts being made.

At 1750, a message was received from COMSIXTHFLT to the effect that escorts were on the way and that the ship was to proceed on a course of 340 magnetic at maximum speed until 100 miles from present position, then turn 270 magnetic. The ship attempted to carry out this directive. At 1757, COMSIXTHFLT advised that escorts were proceeding to rendezvous with us at maximum speed of destroyers.

At 1841, an Israeli helicopter approached the ship and hovered at bridge level approximately 30 feet from the ship. They made various attempts to

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indicate by visual means that they wished to land a man on board. At one point, I considered granting the request, but considering the obstructions in the area of the forecastle, signalled a wave-off to them. Lettering on the tail of the helicopter was SA32K. On the fuselage were the numerals 06 or D6. At 1857, the helicopter dropped a message on the forecastle. The message was written on the back of a calling card, identified as Commander Ernest Carl Castle, Naval Attache for Air Embassy, USA. The message on the back read as follows: "Have you casualties?" We attempted to advise them by flashing light with an Aldis lamp that, "affirmative," we did have casualties. It was evident that they were unable to understand what we were saying. After some ten to fifteen minutes of unsuccessful efforts to communicate between the helicopter and the ship, the helicopter departed from the area, at a time unknown, but as dusk was approaching the ship.

Three musters were taken during the night to identify the dead, the seriously injured, and to determine those who were missing. As of 1900, 11 June, two of the persons previously reported missing, have been recovered, one by removing him directly from the space on board ship. The other was recovered by the PAPAGO, a Fleet tug steaming approximately six miles astern of the ship on the morning of 11 June. It is not known at this time whether any of the other individuals reported missing have drifted free of the space through the torpedo hole and vanished from the area. It will not be possible to determine until the ship has been drydocked and the compartment dewatered and remains recovered. Preparation of casualty messages were completed as expeditiously as possible upon the completion of the musters, and necessary message notifications sent.

The ship rendezvoused with the two destroyers on the morning of 9 June. Commander Destroyer Squadron Twelve reported on board to inspect damage and confer with the Commanding Officer. Personnel from the USS DAVIS immediately boarded the ship to render assistance with damage control and treatment of injured personnel.

I have no complaint to lodge against any officer or man on board USS LIBERTY for any acts of commission or omission during the attack and post attack phase. I have nothing but the greatest admiration for their courage, their devotion to duty, and their efforts to save the ship. As the result of my personal knowledge of the manner in which the following personnel performed their duties during the attack and post attack phase, I intend to commend Ensign Lucas; Signalman Davis; Quartermaster Third Brown; Lieutenant George Golden, Engineering Officer; and Ensign Scott, Damage Control Assistant. I have requested the officers and the petty officers of the ship to advise me of any other individuals, who, to their personal knowledge, performed in such a manner as to warrant special recognition. I also intend to address a letter of appreciation to Lieutenant Commander Bill Pettyjohn, Chief Staff Officer, COMDESRON Twelve, for the outstanding manner in which

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he has assumed the responsibilities of assisting the Commanding Officer in sailing the ship from point of rendezvous to destination of Malta. A message of condolence from the ship has been sent to BUPERS with the request that it be delivered to the next of kin at the funeral or memorial services conducted for the deceased and those missing in action. A personal letter from the Commanding Officer to the next of kin will be prepared and sent at the earliest possible time. Dr. Diepfer, and the two pharmacist mates will also be awarded letters of commendation from the Commanding Officer.

The court recessed at 1620 hours, 14 June 1967.

The court opened at 1645 hours, 14 June 1967. All persons connected with the inquiry who were present when the court recessed are again present in court. Commander William McGonagle, U. S. Navy, resumed his position on the stand as a witness.

DIRECT EXAMINATION

Questions by counsel for the court:

Q: Captain, will you please continue with your description of the incident?

A: On further recollection of the event involving machine gun 53 firing; the effectiveness of the firing leads me to believe that a person, whom I believe to be QUINTERO, Boatswain Mate Seaman, to have been on station at machine gun 53 and took the torpedo boats under fire. It is possible that he evacuated his station as a result of the fire and flames from the motor whaleboat prior to Ensign Lucas' arriving to determine who was on the mount. For clarification purposes, the 50 caliber machine guns that are on board USS LIBERTY are Browning machine guns, M2, heavy barrel, with a rate of fire of 450 to 500 rounds per minute. These machine guns are mounted on a pedestal and are aircooled weapons. Two men can effectively serve the gun. One as gunner, who uses an open sight; the other individual, the leader, who keeps ammunition up to the chamber. These machine guns are manually controlled. There is no director means of controlling the fire. The limiting stops for arc of fire of these weapons consist of piping, bent in a shape to prevent the gun barrel from being pointed at a direction which would harm the ship or any portion of its structure, and the outer edge of the gun tubs themselves which offer very limited splinter protection. The machine guns themselves do not have any splinter shield attached. These machine guns are not considered mounts in the normal Navy terminology of a mount. They should be considered more as pedestal mounted machine guns.

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The time gap in the Quartermasters notebook resulted from the fact that there were insufficient number of people in the bridge area to maintain an accurate record of events as they occurred and execute the orders of the Commanding Officer simultaneously. With communications to various stations limited, various personnel, as they were noted on the bridge, were used as messengers. At one time during this time frame, the only individuals seen on the bridge were Quartermaster Brown, who was on the helm, Ensign Lucas, and myself. Ensign Lucas was busy relaying my instructions to the various battle stations. The smooth log will be a reconstruction of events as recalled by the Commanding Officer, who was present on the bridge throughout the entire incident and maintained his faculties at all times during the incident.

At this time, I have related all of the events that are considered pertinent and should be brought to the attention of the board of inquiry. One additional fact, which should be noted by the board, is the fact that the chart used for plotting the ship's position and for laying out the operating area is identified as Portfolio A3259, Chart DC3924 Nov, Second Edition, September 30, 1963 (revised 5/4/64). This chart shows the approach to the operating area that the USS LIBERTY made, a diagonal transit from northwest to southeast. It lists point A, B, and C as the proposed southernmost limit of the operating area and the intended track of LIBERTY.

Q. Captain, you mentioned in your testimony that a helicopter hovered over LIBERTY and that an object was dropped which you recovered. I show you this card, and ask you if you recognize it?

A. Yes sir, I do recognize this card. It is a calling card.

Counsel for the Court: I'd like to offer this into evidence as exhibit number 89, and to serve as identification, if there is no objection, I would like you to read it now.

A. I read from the card I now hold in my hand. It is a calling card from "Commander Ernest Carl Castle, United States Navy, Naval Attache for Air, Embassy of the United States of America, Tel Aviv." This is on the face of the card. On the back of the card is written, "Have you casualties?" It's noted that this card is smeared with oil smudges on both sides.

Q. Thank you very much. You also mentioned in your testimony that you took a camera out of your bridge safe and were able to start to take some pictures. I show you developed pictures and ask you if you recognize them?

A. Yes, I recognize most of these pictures as having been taken by myself during the attack. Some had been taken by another individual unknown, but I do recognize the scenes depicted therein.

(MORE)

Q. Therefore, will you mark the back of the pictures for record purposes so that identification will be known? and I offer them in evidence as Exhibit 9.

A. Yes sir, I will mark them so that they, the scene or object depicted will be clearly indicated.

President: I'd like to, at this point ask the Captain -- did you not have wounded still lying about the deck at the time this helicopter was hovering over the ship?

A. Admiral, if you mean the helicopter which the attache was in, I'm not sure that the wounded were still lying around the deck, as such. By that time, most of our wounded had been taken to the casualty collection stations. But there were people that were wounded. Whether they were evident to the Naval Attache from his position in the helicopter I do not know. There were injured on deck, however.

Counsel for the Court: In amplification of the Admiral's question, was there not a considerable amount of blood on the decks that would be obvious from a reasonable distance?

A. That is correct. There were numerous blood streams the full length from the 01 level on the forecastle to the main deck, at machine gun mount 51, where one body was still lying. I do recall that now. As I recall now, there was also another body in the vicinity of mount 51. The seriously injured were cared for before those obviously beyond help; were taken care of and removed from the place where they were hit.

Counsel for the Court: You have in your custody, USS LIBERTY charts that were used on the day of 8 June 1967?

A. Yes sir, I do.

Counsel for the Court: Will you please read the information relative to this court?

A. This is a chart of the Mediterranean Sea from Antalya Korfezi to Alexandria including Cyprus. It is further identified by Chart No. BC3924 November, second edition, September 30, 1963, revised 5--4-64. This chart shows points A, B, and C. These three points limit the southern operating area in which LIBERTY intended to operate.

Captain Lauff: Do I understand those to be the southernmost limit of your operating area?

A. These points represent a point greater, a distance from the beach, greater than that specified. The lines between point A, B, and C were the intended track of LIBERTY during the forenoon and afternoon watch of 8 June 1967. The latitude and longitude of these points are as follows: Point A --

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31-27.2N 34-00E. This point is thirteen nautical miles from the nearest land. The coordinates of point B are: 31-22.3N 33-42E. This point -- is 14.6 nautical miles from nearest land. The coordinates of point C are: 31-31N 33-00E. This point is 18 nautical miles from nearest land. Closest point of approach to nearest land on a line between points A and B is 13 nautical miles. The closest point of approach to nearest land between points B and C is 14.1 nautical miles. Verbal instructions to the officers of the deck were that the ship was not to be to the south of a line connecting these points at anytime. Exhibit number 12 is a chart. The course between point A and B is 253 true. The course between point B and C is 283 true.

Counsel of the Court: Do any of the members of the Court desire to question the witness?

No response.

Witness: Exhibit number 13 is a Mediterranean Sea chart of Egypt and coastline from Damietta to El Arish. This is further identified as chart No. 3975, seventh edition, March 1931, revised 2/3/64. This chart has on it the previously described points A, B, and C. It also has on it the danger bearing established on the conspicuous minaret at El Arish of 119 degrees true from the ship. The shoal areas of five fathoms or less are circled in red to easily call attention to their location.

Counsel for the Court: Captain, do you have with you in your custody, a CIC log and the radar bearing book for USS LIBERTY?

A. Yes sir, I do.

Counsel for the Court: Request the recorder mark the radar bearing book as exhibit number 13 and the CIC log as exhibit number 14. I now offer these exhibits into evidence.

Counsel for the Court: Do any members of this Court desire to question the witness concerning the charts, exhibits 11 and 12, or the radar bearing book and the CIC log, exhibits 13 and 14.

No response.

The witness was duly warned and withdrew.

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

DIRECT EXAMINATION

Questions by Counsel for the Court.

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

A. Yes sir, I did.

Q. Is this it?

A. Yes sir, it is.

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

Q. Will you please read pertinent extracts from that.

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

Q. Is that 30 March 1967 a timely inspection?

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

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

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

A. Admiral, after a time on the bridge, when I had received minor injuries, I lost considerable blood and attempts to stem the flow of blood by self-help were unsuccessful, I noticed myself beginning to lose consciousness. I immediately lay down on the deck flat on my back on the port wing and raised the bleeding leg as high as possible, resting it on my port bridge chair, and there a first class communications technician by the name of Carpenter and other persons who I don't recall at this time, applied a tourniquet to my right leg which effectively

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stopped the flow of blood. I, at no time, lost consciousness and had my full faculties at all times. I realized by that time I had lost considerable amounts of blood because it was sloshing in my shoes and my right leg was completely soaked with blood. They cut the right pant leg off to get it out of the area of the wounds. I looked at my wounds at that time and they still did not appear to me to be serious and since the flow of blood had been stopped I gave no further consideration to -- I didn't consider I had any more problem in that area. I asked them to bring me coffee, fluids, a couple of salt tablets, and so forth. I conned the ship by locking aft and by being able to see the wake of the ship I was able to tell after steering which way to apply the rudder and how long to leave it on to attempt to average out the best course that I felt the ship should travel on to stand clear of possible shoal areas. I remained on my back for approximately an hour and a half. I then felt that I had regained sufficient strength that I was able to get up from the deck and con the ship from the wing of the ship and from the pilot house. I couldn't get my leg in a comfortable position so I moved from one place to the other. I couldn't stay in any one place for too long a period of time. It seemed to me that my remaining on the bridge, this would be able to lessen the shock that the rest of the crew had received.

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

A. Yes sir, we have.

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

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

A. Yes sir, I do.

Q. Would you provide it, please?

A. Here it is.

REQUESTED 8 JUNE CHRONOLOGY FOLLOWS:

1. APPROACHING LAND FROM THE WEST DURING THE EARLY MORNING HOURS OF 8 JUNE, PROJECTED OPERATIONS OF LIBERTY FOR THE MORNING AND AFTERNOON OF THE DAY WAS TO PROCEED TO A POINT 13 NAUTICAL MILES FROM THE COAST OF UAR AT 31-27.2N 34-42E (POINT ALPHA) THENCE TO 31-32.3N 33-42E (POINT BRAVO) THENCE TO 31-31N 33-42E, (POINT CHARLIE) RETRACING THIS TRACK UNTIL NEW ORDERS RECEIVED, SHIP WOULD OPERATE NORTH OF THIS TRACK LINE AT ALL TIMES, IF FIXES COULD NOT BE ACCURATELY OBTAINED AS POINT CHARLIE WAS APPROACHED IT WAS INTENDED TO HEAD

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DUE NORTH UNTIL THE 100 FATHOM CURVE WAS CROSSED AND THE TRACK MOVED TO THE NORTH TO MORE OR LESS MOVE BACK AND FORTH ON THE GENERAL AVERAGE OF THE 100 FATHOM CURVE. NORMAL STEAMING SPEED WAS TO BE FIVE KNOTS. NORMAL STEAMING COLORS WERE FLOWN AND NORMAL NAVIGATIONAL LIGHTS LIGHTED AT NIGHT. THERE WAS NO INTENTION TO STEAM AT DARKEN SHIP AT ANY TIME AND THE SHIP DID NOT EVEN EXERCISE AT DARKEN SHIP DRILL DURING THE DEPLOYMENT.

2. ALL TIMES BRAVO UNLESS OTHERWISE INDICATED

0754 STEAMING ON 130T, SPD 10 KNOTS

0849 PASSED THROUGH POINT ALPHA CHANGED COURSE TO 255T

0850 SINGLE JET A/C (UNIDENTIFIED) CROSSED ASTERN DISTANCE 3 - 5 MILES -- CIRCLED SHIP FROM STBD TO PORT AND RETURNED TO UAR MAINLAND.

0905 DECREASED SPD TO 5 KNOTS

1056 ANOTHER A/C CIRCLED SHIP-HIGH

1126 ANOTHER A/C CIRCLED SHIP

1132 PASSED THROUGH POINT BRAVO C/C TO 283T

1310 EXERCISED AT G.Q. DRILL

1348 SECURED FROM G.Q. DRILL.

1351 3 SMALL SURFACE CONTACTS HELD ON RADAR 32,000 YARDS BEARING

082T -- REPORTED TO BRIDGE AS 3 SURFACE CONTACT

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

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

A/C PASSED DOWN TRACK OF SHIP

1403 LOUD EXPLOSION -- PORT SIDE AMIDSHIPS

1405 SOUNDED GENERAL ALARM -- LARGE FIRE IN VICINITY OF FRAME 85,

01 LEVEL WHERE FUEL FOR MOTOR DRIVEN FIRE PUMPS ARE LOCATED.

1405 ALL AHEAD FLANK SIGNALLING BY ENGINE ORDER TELEGRAPH.

1405 - 1410 SHIP UNDER REPEATED AIR ATTACK WITH TWO OR MORE A/C MAKING COORDINATED STRAFING, ROCKET, AND INCENDIARY RUNS OVER SHIP. THREE MAJOR FIRES TOPSIDE COVERING LARGE AREAS OF SHIP WITH FLAMES AND HEAVY SMOKE A TOTAL OF EIGHT MEN WERE KILLED OR DIED AS A RESULT OF INJURIES RECEIVED DURING THE AIR ATTACK, ONE KILLED AND ONE MORTALLY WOUNDED ON BRIDGE, TWO KILLED AT MACHINE GUN 51, ONE KILLED AT MACHINE GUN 52, ONE DIED FROM WOUNDS RECEIVED ON THE MAIN DECK STARBOARD SIDE AND TWO DIED OF WOUNDS RECEIVED ON THE 01 LEVEL PORT SIDE. APPROXIMATELY SEVENTY FIVE WOUNDED, INCLUDING COMMANDING OFFICER, THROUGHOUT TOPSIDE AREA FROM SHRAPNEL AND SHOCK OF EXPLODING ROCKETS.

1410 BEGAN MAKING TURNS FOR 18 KNOTS.

1424 3 MTB'S SIGHTED AHEAD STARBOARD -- BEAM DISTANCE 4 - 5 MILES

1426 NOTICED NORMAL STEAMING ENSIGN SHOT AWAY DURING AIR ATTACK

HOLIDAY SIZE ENSIGN HOISTED ON PORT YARDAEM.

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

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

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

1431 WORD PASSED TO STANDBY FOR TORPEDO ATTACK TO STARBOARD.

MTB COMMENCED STRAFING STARBOARD SIDE OF SHIP

1434 TORPEDO PASSED 75 YARDS ASTERN OF SHIP.

1435 TORPEDO HIT STARBOARD SIDE AMIDSHIPS.

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

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1435 LOST ELECTRICAL POWER THROUGHOUT THE SHIP.
 1436 LOST STEAM PRESSURE -- SECURED ENGINES AND BOILERS -- MANY GAUGES AND METERS IN FIREROOM AND ENGINE ROOM WERE KNOCKED OUT.
 1440 MTB'S STANDING AWAY FROM THE SHIP. ONE MTB HAS HULL NUMBER 206-17.
 1503 ONE MTB RETURNED TO SHIP AND SIGNALLED "DO YOU NEED HELP" IN ENGLISH C.O. SIGNALLED "NEGATIVE"
 1505 MTB'S RETIRED TOWARD SHORE
 1507 HELICOPTER BEARING STAR OF DAVID MARKINGS APPROACHED SHIP, PORT SIDE, HOVERING AT ABOUT 500 YDS DISTANCE.
 1508 SECOND HELICOPTER APPROACHED SHIP.
 MARKINGS ON HELICOPTERS ARE 04 and 08 OR D4 and D8. HELICOPTER MADE REPEATED PASSED AROUND AND OVER SHIP. THEY WERE NOT OBSERVED TO PICK UP ANY BODIES, PERSONS OR DEBRIS.
 1519 POWER RESTORED TO BRIDGE BUT RUDDER DID NOT ANSWER -- CONTINUED STEERING FROM AFTER STEERING.
 1536 MTB'S APPROACHING SHIP STARBOARD SIDE 7-8 MILES DISTANT.
 DURING NEXT HOUR AND A QUARTER THE MTB'S RETURNED TO THE SHIP AND BY 1713 THEY HAD RETIRED OUT OF SIGHT OVER THE HORIZON.
 1615 TWO UNIDENTIFIED JET A/C APPROACHED SHIP FROM THE STEB SIDE AND RECONNOITERED FROM A DISTANCE.
 1620 ATTEMPTING TO CLEAR AREA STEERING NORTHERLY COURSE AT SPEEDS VARYING FROM 0 to 8 KNOTS. PERSONNEL CASUALTIES WERE TREATED IN THE WARDROOM ON A CONTINUING BASIS, DAMAGE CONTROL AND FIRE FIGHTING CONTROLLED FLOODING AND DAMAGE, ENGINEERING CASUALTIES WERE RESTORED BUT STEERING WAS BY HAND FROM AFTER STEERING.
 1845 ISRAELI HELICOPTER APPROACHED SHIP -- CIRCLED CLOSE ABOARD AND ATTEMPTED TO SIGNAL -- THEY APPEARED TO DESIRE TO LOWER SOMEONE TO THE DECK -- C.O. CONSIDERED RECEIVING HIM ON FORECASTLE BUT RULED THIS OUT AS TOO HAZARDOUS REPEATED ATTEMPTS TO COMMUNICATE WERE UNSUCCESSFUL. AND AT 1852 COPTER DROPPED A MESSAGE PACKET ON FORECASTLE, THE MESSAGE, WRITTEN ON A CALLING CARD OF THE U.S. NAVAL ATTACHE TEL AVIV, ASKED "HAVE YOU CASUALTIES"

SHIP TRIED BY SEVERAL MEANS TO INDICATE, DURING NEXT TEN MINUTES THAT THERE WERE MANY CASUALTIES BUT THERE WAS NO INDICATION THAT THE MESSAGE WAS UNDERSTOOD, THE MUTILATED BODIES OF THREE DEAD CREW MEMBERS HAD NOT YET BEEN REMOVED FROM THE FORECASTLE AND MUST HAVE BEEN OBSERVED FROM THE HELICOPTER. THE HELICOPTER DEPARTED THE SHIP SHORTLY BEFORE SUNSET (ABOUT 1905) SHIP CONTINUED STEAMING THROUGH NIGHT TO RDVU WITH ESCORTS DISPATCHED BY COMSIXTHFLT.

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

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

A. Yes sir, I have.

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

(MORE)

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

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

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

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

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

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

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

A. The open fire doctrine is that, except in a melee, all fire will be controlled by the Commanding Officer through his normal gunnery control organization. At surprise air and surface attacks, the gunnery personnel on the mounts are authorized to open fire if they are unable to communicate with gun control or the bridge.

- E N D -

מדינת ישראל

משרד הבטחון - מחלקת באסי והביעות

חל אביב, סד' כשבת חשב"ח
17 לינואר 1968

מס'
טל: 230-206

לכבוד
היועץ המשפטי
משרד החוץ
ירושלים

א.נ.,

הנדון: הביעות "ליברטי"

אבקשך להעביר את השאלות הרצ"ב לסגרירות בארצות -
הברית.

נראה לי ששאלות וההשוכות לא סגריעות לכל הסדר
סתוכנן ברוח הצקחו של היועץ המשפטי לממשלה.

בכבוד רב, *נע*

מ. קצנלנבוגן
סגן השר

העתק: פרקליט צבאי ראשי.
רצ"ב העתק.

מק/ב

- 1) What are the rights to pensions of
 - (a) soldiers
 - (b) civilian employees of U.S. Government killed or wounded on board warship at sea.
- 2) Right to sue in torts : does it exist in case of a dependent who is also eligible for pensions as dependent of soldier/civilian killed or wounded on board ship.
- 3) Right to sue in torts : does the dependent have the right to sue for the full sum of the damage claimed or only for the difference between the pensions and the full sum.
- 4) Does there exist a right of compensation, i.e. a right of action by U.S. Government in order to be reimbursed by a third party for pensions paid by the U.S. Government to soldier/civilian employee killed or wounded by the a/a third party?
- 5) How do the sums claimed compare with the average claim in torts in U.S. civil courts?
- 6) What is the definition of "dependency" in respect of right of action in torts; is there a difference in "dependents" according to their rights for pensions and in their rights of actions in torts?

24.1.68

הסכ"ל

שלמה ארגוב

הצדון ל י ב ר י

כל הגורמים הנוגעים בדבר דהיינו, שטרד החוץ, שטרד הנסחון ושטרד האוצר
שומעים לדעה שאכן יש להחייב ככל האפשר את הפיטול בנושא. כמו כן קיימת חסימות
רעים בין כולם לגבי הנחת היסוד שהצגנו לפיה יש לתת עדיפות עליונה לסיפוק
התביעות האישיות, כלומר בעבור משפחות החללים ובעבור הנפגעים במסגרת:

א. לסגור פתרון מהיר לאותו חלק מן הנפגעים שלגביו קיימת רגישות ציבורית
בדולה.

ב. ע"י הסדר חירובי של חלק זה ליצור כלפי סמארה"ב פתרון של רצון טוב
שבמזמרו ניתן יהיה להתמקד אתם לגבי יתר סעיפי התביעות שלגביהם החובע
הוא ממשלת ארה"ב (דהיינו הנזקים לאזיה, לחיל הים האמריקני וכדומה).

בשלב זה צופרים אנו לבדוק בארה"ב סבירות התביעות האישיות מבחינת הגובה
הסקובל עם בפיצויים סטוג זה. מיידי לכשתתקבל חוות הדעת, יוצא הדבר בפני
רוח"ט, שר האוצר ושר החוץ על סנת להגיע להחלטה מסשית. אני צופה שהדבר יקח
עוד כשבוע עד 10 ימים. אחסול הדרתי ואסרתי לוייל בהזדמנות ביקורו אצלנו
שהנושא נמצא בטפול מזורז מוך כוונה להגיע לסיכום מהיר ככל האפשר. דייל
קיבל דברי בטביעות רצון ולבקשתי הבטיח לדווח בהתאם לפחם"ד.

סצ"ב תזכיר שהגשתי בנושא לשר החוץ טרם שובך ארצה.

ב ב ר כ ה,

שלמה ארגוב

הנחקר לשכת השר
היועץ המשפטי

Mr. Miller

3442 W. 1st Ave.

Chicago, Ill.

Dear Mr. Miller:

I am writing you today.

Sincerely,

Robert M. La Follette
16-2
U.S. Senator
Wisconsin

10/9/63 תאריך

סוג

מזכר

אל

ב"ר י. ליבון

מאת

י. ליבון

Liberty

הנדון:

מאמצי לקבוע הסכם זכויות
למקומות לימודים
המיועדים לילדים
המיועדים לילדים
המיועדים לילדים

EMBASSY OF ISRAEL
WASHINGTON, D.C.

שגרירות ישראל
ושינגטון

משרד ראשי
דואר ימים
14.VII.1967

July 12, 1967

To: Moshe Bitan
From: Avraham Harman

Enclosed is the original and two copies of the revised Note on the SS Liberty dated June 10, 1967, and of the separate document (which does not form part of the Note entitled "The USS Liberty: Chronology on the Morning of June 8, 1967.") I wish to draw your attention to the changes between this Note and the previous version which has to be withdrawn from the files and disregarded.

1. In the opening the new version states that the attacks by Israeli aircraft and torpedo boats were carried out shortly after 1400 and 1430 hours local time respectively. The original version stated that the attacks were carried out at 1605 and 1625 hours local time.

2. The original version stated: "At 1450 hours local time two Israeli aircraft circled the USS Liberty three times with the evident purpose of identifying the vessel. Accordingly, there is every reason to believe that the USS Liberty was identified, or at least her nationality determined by Israel aircraft approximately one hour before the attack." This is changed in the new version in a number of material ways. The new version states that beginning at about 0515 hours local time, and at intervals thereafter prior to the first attack

"aircraft believed to be Israeli circled the USS Liberty on a number of occasions." The version does not say that the purpose of these flights was to identify the Liberty, or that it was identified, or at least her nationality determined. What is said now is that the "USS Liberty was, or should have been, identified or at least her nationality determined."

3. The main change is in the following sentence in the first version: "As a minimum the attack must be condemned as an act of military recklessness reflecting wanton disregard for human life." In the new version this now appears: "As a minimum, the attack must be condemned as an act of military irresponsibility reflecting reckless disregard to human life."

For the sake of good order I enclose a copy of the original version of our reply of June 12, 1967. I append hereto the full text of the new version for which I request your approval.

I have left in in the above text the statement "in an area in which the UAR had warned neutral vessels to avoid." I would ask you to make a thorough check that this was in fact the case. This is a very pertinent point and if there is the slightest doubt about the accuracy of this statement we should exclude it from the Note, and in that case we should delete the whole paragraph beginning with "The Government of Israel regrets that it was not given prior information by the Government

the Government of Israel the findings of its own investigation.

of the United States...etc." I cannot over-emphasize the importance of absolute accuracy in this matter. If our authority for this matter of a UAR warning is a UAR broadcast I hope that we have in our possession the exact hour and content of this broadcast through our monitoring. We should not include this detailed information in the Note but we should have it in our possession for later use.

Finally, I would point out that in addition to presenting the above revised version of our Note of July 12, we are now in a position where we owe the United States Government a reply about the new version of its Note of June 10th. Clearly this reply must direct itself towards the following points:

- (1) Our account of the facts as determined by our own judicial enquiry.
- (2) Whether we are taking disciplinary action (please note that in regard to this the United States Note talks about "disciplinary measures which international law requires in the event of wrongful conduct by a military personnel of the State." I take it that someone is checking the international law on this subject.)
- (3) We have to give an answer to the United States Government's request that the Government of Israel is expected to issue instructions necessary to ensure that United States personnel and property will not again be in danger, etc. I assume that our Chief-of-Staff will be taking into consideration the recommendations made to him by Colonel Ron in regard to new procedures

the Government of Israel the findings of its own investigation.

4.

on a number of points. I assume also that the judicial enquiry may have something to say about the need for new procedures. In the light of the decisions taken by the Chief-of-Staff on this point (which is a separate point from the question of disciplinary action and which is entirely within the competence of the Chief of Staff himself) you will consider whether we should inform the United States Government in our reply of such new procedures, and, if so, in what terms.

- (4) My recommendation is that we should agree fully to the last paragraph of the American Note in regard to our readiness to provide compensation.


A. H.

Mr. Moshe Bitan,
Misrad Hakutz,
Jerusalem.

Enc.

... of Israel the findings of its own
investigation.

Old Version of Israel Reply
12 June 1967

The Ambassador of Israel presents his compliments to the Honorable the Secretary of State and has the honor to refer to the Secretary of State's Note of June 10, 1967, concerning the attack by Israeli aircraft and torpedo boats on the United States naval vessel U.S.S. Liberty.

The Government of Israel feels that the statement that "there is every reason to believe that the U.S.S. Liberty was identified, or at least her nationality determined, by Israeli aircraft approximately one hour before the attack" is unfounded.

Nor can the Government of Israel accept the statement that "the attack must be condemned as an act of military recklessness reflecting wanton disregard for human life."

The Government of Israel is of the view that the drawing of such conclusions before a full investigation has been made is unwarranted.

The Government of Israel has already announced the establishment by the Chief-of-Staff of the Israel Defense Forces of a Commission of Enquiry to make a full investigation of all the facts and circumstances. The Government of Israel will make available to the Government of the United States the findings of this investigation, and, for its part, would hope that the Government of the United States will make available to the Government of Israel the findings of its own investigation.

The Government of Israel recalls that as soon as this tragic error occurred it immediately informed the Government of the United States of what had taken place. The Government of Israel immediately assumed responsibility for this error and conveyed its apologies and deep regret for what had occurred and for the grievous loss of life.

Subsequently, as mentioned in the Secretary of State's Note of June 10, 1967, the Government of Israel took the initiative to offer to make amends for the tragic loss of life and material damage. Further, all assistance was offered by the personnel of the Israel Defense Forces to the U.S.S. Liberty, but these personnel were informed by the U.S.S. Liberty that such help was not needed. The area around the U.S.S. Liberty was immediately searched by Israel Defense Forces personnel, by plane and boat, and subsequently search efforts were renewed.

The Government of Israel has standard instructions of the most stringent nature to all its military personnel that the personnel and property of the United States as of all countries not involved in hostilities, shall not be endangered. These instructions have been renewed.

The Government of Israel regrets that it was not given prior information by the Government of the

United States of the presence of a United States vessel in an area which the United Arab Republic had warned neutral vessels to avoid, as it was an area of hostilities. The area was in fact being used by the United Arab Republic for purposes of hostilities against Israel. It would be appreciated if the Government of Israel could be given timely information of the approach by United States vessels to shores where the Israel Defense Forces are in authority.

X { The Government of Israel renews its offer to make amends and has instructed the Ambassador of Israel to reiterate its profound regret for the consequences of what was admittedly a tragic error.

The Ambassador of Israel avails himself of this opportunity to renew to the Honorable the Secretary of State the assurances of his highest regard.

Washington, D.C.
June 12, 1967.

U.S.S. LIBERTY

CHRONOLOGY ON THE MORNING OF JUNE 8, 1967

- 0515 hours -- Double-fuselage twin-engine aircraft circled the LIBERTY three or four times and departed in the direction of Tel Aviv.
- 0850 hours -- Single jet aircraft passed astern and then circled the U.S.S. LIBERTY.
- 1030 hours -- Flight of two jet aircraft circled the U.S.S. LIBERTY three times.
- 1056 hours -- Single aircraft circled the ship at high altitude.
- 1126 hours -- Single aircraft circled the ship.
- 1150 hours -- Single aircraft flew over the ship.
- 1220 hours -- Single twin-engine aircraft circled the ship.
- 1245 hours -- Single aircraft flew over the ship at an altitude of 5 to 8,000 feet.

157.2
Thomas Reilly and Lorraine Reilly, et al,
Plaintiff

-vs-

The Government of Israel, et al,
Defendant

MOTION FOR JUDGEMENT

We the Plaintiff's, Thomas Reilly and Lorraine Reilly, did on the 23rd day of June 1967, file a COMPLAINT against the Defendants, the Government of Israel and did accomplish service on the parties concerned via the U.S. Mails. Registered Receipt No. 7347 and Certified Mail Receipt 418257.

Since The Government of Israel has failed to comply with the accepted rules of procedure and practice; by neglecting to ANSWER this COMPLAINT nor acknowledge receipt of service of same.

WE THE PLAINTIFF'S THEREFORE AND HEREBY PRAY THAT JUDGEMENT BE GRANTED TO US IMMEDIATELY.

Thomas Reilly
Thomas Reilly

Lorraine Reilly
Lorraine Reilly

cc: The Government of Israel

The United States Secretary of State

The United States Secretary of Defense

The United States Permanent Mission to the United Nations

The United States Attorney General

The Israeli Permanent Mission to the United Nations

The United States House of Representatives

The United States Senate

מגדל פקליט צמאי ראשי
לחכה
המפקד
2511
טל.
הק/21(1)-
אב המכ"ז
אוג' 67


המגדל פקליט צמאי ראשי
18/7/77

רב-אלוף צבי צור - עוזר סר הכסחון

הנדון : תביעות פיצויים כספיות ל"ליברטי"

1. יש להניח, שממשלת א"ה"ב תביט דרישה לפיצויים אשר תתייחס הן לנזק שנגרם לאנשי ולמתקנים אשר עליה, והן לנזק הכספי שינבע מחובתה של ממשלת א"ה"ב לשלם תפוליס למשפחות החללים והנפגעים האחרים. לא מחזור/מאריך, בהקשר זה, אם השלום שלנו לממשלת א"ה"ב, יפגע העלאת דרישה פיצויים כספית משפחת הנפגע.
2. אין להניח, שנהריין עם ממשלת א"ה"ב בערכאות. מאריך נצטרך להסדיר שכל הסדר עם ממשלת א"ה"ב, ימנע הגנה תביעות נפרדות ע"י המשפחות או יוודא את השפוי שלנו על ידי ממשלת א"ה"ב, אם תביעות כאלה תוגשנה לאחר מכן.
3. מכאן מסקנותי -
א. רצוי לקבוע, כבר עתה, את הרשות שתטפל בתביעות הפיצויים, לרבות בתביעה כספית ממשלת א"ה"ב אשר יש לצפות לה עתה, מאחר ומסרנו לה לפני פגשם כספי, את החלטת השופט החוקר.
ב. רצוי שהרשות הנ"ל שתקבע, הקבל הדרכה מפרקליט השגרירות שלנו בא"ה"ב בדבר האפשרות, כי תוגשנה נגדנו תביעות בא"ה"ב, מה הן תוצאות השקום האמריקאית הנובעות לנושא ועוד.
4. הנני מציע, שהרשות שתקבע תהיה צוות, שיורכב, מראש מחלקת בטוח ותביעות במשכ"ש, וגורם מוסמך במשרד החוץ. לפתור להרגיש שכל הסדר צריך להיות מעון אישור הממונים.
5. לאור האמור לעיל והואיל ומדובר בשלב זה. בפניות מגורמים פרטיים, רצוי לדעתי. להשיב בשלב זה תשובה בלתי מחייבת ככל האפשר, עד שנודע יותר על עמדה ממשלת א"ה"ב ועל מהות תביעתה.
הנני מציע לכן, כי יושב לשני המונים הפרטיים, ש"פנייתם הועברה לידיעת הגורמים הנוגעים בדבר בישראל ועם קבלת תשובתם יודיעו להם תוכנה.

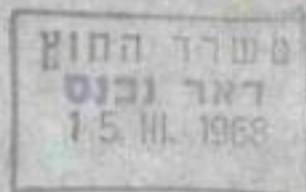
6. האסור לעיל נפסב כחוק הנחה, שטרם קיים פגע עם ממשלה או א"י"ב. אם הנחתו זו
מושעים וקיים כבר פגע, תרי חשקה החשובה של עברון נראית לי .



סויר שמר, מ"מ
פקליט צבאי ראשי

ש מ ר

EMBASSY OF ISRAEL
WASHINGTON, D. C.



שגרירות ישראל
ושינגטון

OFFICE OF THE ECONOMIC MINISTER

850 THIRD AVENUE
NEW YORK, N. Y. 10022

סודי - נד"פ

PLAZA 2-5800
CABLES: MEMISKAL NEW YORK

8 במרס 1968

אל: דר' צבי דינשטיין, סגן שר האוצר, ירושלים
✓ המחלקה המשפטית, מאה"ב, משרד החוץ, ירושלים
העתק: השגריר, ושינגטון
א. עברון, ושינגטון

מאת: ש. אלכסנדרוני, ניו יורק

הנידון: ליברטי

אני מצרף בזה חסוב של החשבוניות שמסלת ארה"ב חייבת לשלם למסמכות המלחים שנהרגו על הליברטי בצרף הערות שהוכנו ע"י עורכי הדין שלנו בניו יורק. כפי שכבר הודעתי לכם במסמך הסכום הכולל הוא 1,054,527 דולר.

היום התקיימה התייעצות אצל השגריר בהשתתפות דיכ גינזבורג, עוזרו עו"ד מרקס, השגריר, עברון וחח"מ. כפי שהבריק השגריר לאחר הפגישה הסיכום היה לפנות ולקבל פרטים על התביעות המתיחסות לפצועים ואולי גם לגבי האניה. הרושם של עו"ד מרקס שקיים סגס בגושא עם המסל, שתביעות אלה כבר הוכנו אך הם מעכבים את הגשתם עד להסדר התביעות ביחס להרוגים. אף אחד מהמשתתפים לא יכול היה לאמור את הסכומים הכרוכים באותן תביעות, אך הדעה נותנת שמסכומים אלה גדולים בהרבה מהתביעה הראשונה שהוגשה והמתייחסת להרוגים.

בדיון שהתקיים סוכם לא לקבוע בשלב זה עמדה ביחס לעקרון שלפיו יחנהל המו"מ, דהיינו, אם אנו צריכים להציע שינוי למסמלה האמריקאית כסכום השווה לסכום שהם היו צריכים לשלם למסמכות הנפגעים, או לנסות להקטין את הסכום של תביעתם על ידי הסענה שהוא כולל בחוכו פריטים שלגביהם אין אסמכתא חוקית גם במשפט האזרחי, (כגון השלום עבור צער להורים, סכום העולה במקרה הקונקרטי על 1,2 מליון דולר). בנידון זה ישנן בינינו השקפות שונות, אולם מאחר וכולנו מסיימי דעים שעדיף לנהל המו"מ כאחד יהיו בפנינו התביעות כולן (לפחות התביעות ביחס להרוגים והפצועים) הרי בשלב זה אין צורך להחליט.

לאור האמור התקיים טגיה ביסוס הקרובים בין קצנברך לבין דיכ גינזבורג ועברון ומטרת הפגישה היא כפולה, דהיינו, מצד אחד לבקש גלוי הקלפים לגבי שתי הקטגוריות האחרות של התביעות, ובצד שני הפצועים, ומצד שני להראות שאנו מטפלים בתביעה ואיננו "סוחבים" אותה. לאחר שנשמע על תוצאות הפגישה האמורה תקויים התייעצות נוספת.

ב כ ר כ ה

THE SECRETARY OF THE
NAVY



DEPARTMENT OF THE NAVY
WASHINGTON, D. C.

OFFICE OF THE SECRETARY OF THE NAVY

NAVY DEPARTMENT
WASHINGTON, D. C.

NAVY DEPARTMENT

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NAVY DEPARTMENT
WASHINGTON, D. C.

NAVY DEPARTMENT

NAVY DEPARTMENT

משרד החוץ

מחלקת הקשר

מברק נכנס-מסווג

ש ש ו ר

פס' 186

חזרון 251800 יבר 68

הודעת 261130

אל: המשרד ירושלים

מאת: ממונה וושינגטון

סאבו קצת דינמיין האובר.

ליברסי

א. נפגשתי היום עם בינצבורג והעליתי הנושא ברוח סברקייב

וסכתב ארגוב לשהח ס-11/1.

ב. בינצבורג מחליט בהחלט הגישה המוצעת על ידכם. קיבל על עצמו

כיוצא המספסי המוסטר של השגרירות לברר עם היוצץ המספסי של

מסד המפתח לתביעות הפיצויים האישיות.

ג. אבא העבר בדיק הקורב הספונים והספנות הנזכרים בסייפא

של ספיף ב' בסכתב ארגוב לשהח.

ד. סכניס אלכסנדרובי לחסונה.

עברון

החוצה: שחח 2 דיון דוהטל סנבלל סנבלל מאת ספס רט 2 אמן דמסכל

שח/ור

משרד החוץ

מחלקת הקשר

מברק יוצא-מסווג

סודי ביותר

מס' 335

נשלח: 28.1.68

אל: מסישראל וושינגטון

מאת: המשרד ירושלים

ליברטי.

שלך 186.

א. לסעיף ב'. לדעתנו ניתן לרכז הנתונים סבלי לבוא בסגף עם היועץ המשפטי של מחסר דבר שיש בו משום כניסה לסו"ס. תפקידו של גינסבורג להכין חוות דעת הנוגעת סבירות גובה התביעות בהתאם לנהוג בבתי המשפט האמריקניים על כל פנים בראה לנו שהסגף עם מחסר צריך להיות בצינורות סגור החוץ והסגרירות ולא באמצעות גינסבורג ולסגף זה סרם הגיעה הפעה. כזכור לך, סגמחנו להסגף ככל האפשר סויכות וסיקות בסעיפים האישיים ובודאי שלא בשלב זה.

ב. לסעיף ג'. הספול עכשיו צריך להתרכז לדעתנו בנושאים האישיים. לאחר שנסכם סעיפים אלו ולאור הסכום בדרך באחרים ולקראת זאת נגבש יחדיו סגובים.

ג. סרם קבלנו נתונים על רמת המשכורות בצי לפי הדרגות. אבא.

ד. בדיפ' רשימת שאלות של יועץ משפטי סגור הבטחון.

סאהב - סספס

שהח 2 רוחם 3 דיין סנכל 3 סנכל ויגסאהב סספס 20 אמן ססכל

29.1 קל/מ

ירושלים, ח' בשבט תשכ"ח
7 בפברואר 1968

אל היועץ המשפטי לממשלה, משרד המשפטים, ירושלים

מאת היועץ המשפטי, משרד החוץ, ירושלים

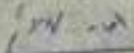
הנדון: ל י ב ר ט י

בהמשך לשיחותינו ולחומר אשר כבר מסרתי לך בנדון, הנבי
מתכנן להמציא לך רצ"ב העתק מכתבו של צירבו ברוסינגטון סיום
1.2.68 על בטחון. חוות הדעת של עו"ד השבירות סביעה למסקנה
הכללית שהתביעות אשר הוגשו ע"י ממשלת ארה"ב מטעם משפחות
נפטרי ליברטי עולות בקנה אחד עם מכוני פיצויים המוענקים בבתי
המשפט בארה"ב, והן מבירות באורה כללי. החומר שצורף לחוות הדעת
כולל בין היתר את המסמכים המראים באופן קונקרטי כיצד חושבו
הפיצויים במקרה של תביעה ארטסטרווג, שהיא התביעה לסכום הגבוה
ביותר מבין התביעות השונות.

אנו מקווים עדיין לקבל פרטים על דרגות המשכורת של כל
הנפטרים. בהקשר זה הנבי לציין שחוות הדעת קובעת (בעמוד 4)
כי צוות האגיה היה צוות בעל הכשרה מקצועית גבוהה.

חושבני שהחומר שנתקבל מאסטר עתה את קידום הבריקה של המבירות
הכלליות של התביעות שהוגשו. הייתי מוקיר לך תודה על נתינת דעתך
בשאלה זאת. עם קבלת דעתך כי אסבם גובה הפיצויים הוא סביר באורה
כללי, נוכל לפתוח בהקדם במגע עם ממשלת ארה"ב במטרה להגיע ליישוב
התביעות. כידוע, מבחינת יחסינו עם ארה"ב חשוב לנו מאוד להגיע
לפשר מוקדם של כל הפרשה.

בבדכה,


ת. פירון

העתק: מאה"ב

10 ק"ל
היה זה מכתב ידו של אבא

היה זה מכתב ידו של אבא

היה זה מכתב ידו של אבא

היה זה מכתב ידו של אבא

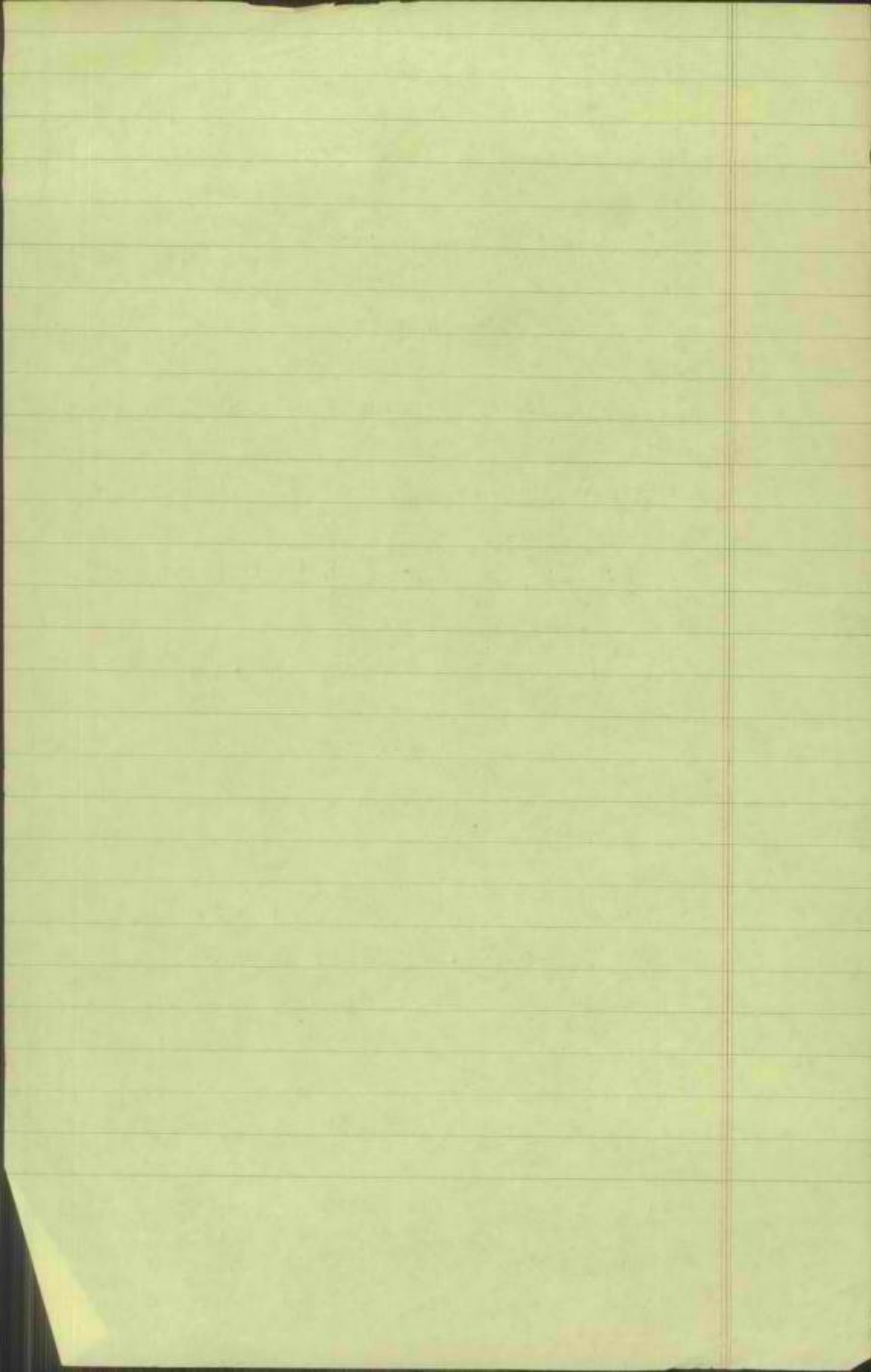
היה זה מכתב ידו של אבא

היה זה מכתב ידו של אבא

היה זה מכתב ידו של אבא

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היה זה מכתב ידו של אבא
היה זה מכתב ידו של אבא
היה זה מכתב ידו של אבא



לגן ז'בוטי

משרד החוץ

מחלקת הקשר

מברק יוצא-מסווג

ס ר ר ר

חוזם 264

בשלה: 20.2.68

אל נסמישראל ורשינגטון ניו יורק

סאת: המשרד ירושלים

ס ר ר ר

עברון. הפתק אלכסנדרובי.

ליברסי.

לקראת החיפצות בשבוע הבא לסיכום עמדתנו אחרונה כי חוות הדעת של משרד גינזבורג סכסה גם את הפאולה הכלולה בשלנו חוזם 732 כלומר האם הסכומים הנתבעים מאתנו תואמים תשלומים שסמארהב חייבה בהם במקרה של מוח או פציעה של חיילים אמריקניים תוך סילוי הפקידים: א. כאשר בפגיעה כרוך סעשה נזיקין (TORTS) של סמאהב. ב. כאשר החייל נהרג או נפגע בידו האויב. במקרה שחוות הדעת איננה סכסה את (ב) שלחונא מיר הסבלאות הסמאיסות. נבקש כי תשובתכם תישלח אלינו תוך תיאום עם אלכסנדרובי.

סאת: סשפס

שהח2 דיין סבכל3 ססבכל סאהב סשפס אמן רמס

רכ/מ 20.2

ס ד ו
ל י ב ר

1. בראשית יבואר קבלנו טעגוריות ארה"ב אגרת (הנושא האריך 27.12.87) אשר אליה צורפו 34 תביעות הסתכמות בסך כ-3,3 מיליון דולר על טענות בפרטי ליברטי. מטעלת ארה"ב סצינת כי מוגשת תביעות בוסטון, הסתלקות ל-5 קטגוריות והן:

תביעות בגין כ-162 מצופים;

תביעות של מטעלת ארה"ב בגין בזק לאבית;

תביעות של מטעלת ארה"ב בגין הוצאות רפואיות;

תביעות של מטעלת ארה"ב בגין שירותים של הסגל הנפגע;

תביעות של מטעלת ארה"ב להחזרת סכומים אשר שילמה לצוות על רכוש איטי מאבד.

2. מטעלת ארה"ב מזכירה באגרתה את הבטחתנו הרשמית מ-10.6.67 לפנות על אבדן החיים ובזקים חסריים, ומוסיפה שבתגובתו מאותו היום ציין מזכיר המדינה כי מטעלת ארה"ב מצפה שהפיצויים ישולמו בהתאם למשפט הבינ"ל. מאז קבלת התביעות ביקש מטע"ח, בתיאום עם משרד הבטחון וסגן מר האוצר, חומר אינפורמטיבי ומשפטי בוסף מארה"ב. חומר זה הועבר ליועץ המשפטי לממשלה, אשר חווה את דעתו כי "בדרך כלל אפשר לשאת ולתת על בסיס התביעות כפי שהוגשו תוך הדגשת הטענות שיש לבזק לגבי ראש הבזיקין של הלם...". היועץ המשפטי לממשלה הוסיף כי היות ויש ברעת מטעלת ארה"ב להגיש תביעות בוסטון מסיכומן הכולל יעלה ללא ספק פי כמה וכמה על סכום התביעות שכבר הוגשו "בראה זה סביר ביותר לחפש פשרה - כפי שמתכוון גם משרד החוץ - בצורה של package deal".

3. התביעות הצפופות בגין 162 המצופים הסתכמה בסכומים גבוהים מאד, גם אם התביעה המוצעת בגין מצופ לא תעלה על, נביח, 100.000 או 50.000 דולר. לאחרונה בתפרסם בעתונות ידיעה לפיה האבית ליברטי נפגעה עד כדי כך שאין גימן להחזירה לשרות, ומטעלת ארה"ב מספוגנת להגיש תביעה בגין האבית בסך כ-11 מיליון דולר.

4. בהתייפצויות עם משרד הבטחון נתגבשה הדעה כי חשוב ליישב בגדינות לב ובסתירות את התביעות האישיות ולשאוף לזיתור אמריקני על סרבים התביעות "הממשלתיות", ז.א. בגין האבית, הציור וכו'. מוסכם על כל הגורמים שמטעלת ליברטי מהווה מיסוד ליחסים החיוביים עם ארה"ב, וחשוב על כן ליישבה בהקדם. קיים חשש מאחרי הגשת תביעות מפורסות לסוגיהן יאבדו האמריקנים ובאבד אבחנו אפשרויות של גמישות במשא ומתן בינינו. אי-לזאת יש חשיבות ליוזמה מהירה ביותר בכרוון של היוברות והסדר. אם לא נגיש להבנה, עלולים אבו לעמוד בפני תביעות הסתכמות ביותר מ-30 מיליון דולר. לעומת זאת סביר להשוב כי על רקע היחסים הכלליים הטוררים בין שתי הממשלות ולאור שאלת פראבלו וכו' בוח אף לארה"ב לחסל את הבעיה.

1. The first part of the report is a summary of the work done during the year. It is a brief statement of the results of the work, and is intended to give a general impression of the progress made.

2. The second part of the report is a detailed account of the work done during the year. It is a full and complete statement of the work, and is intended to give a detailed account of the progress made.

3. The third part of the report is a summary of the work done during the year. It is a brief statement of the results of the work, and is intended to give a general impression of the progress made.

4. The fourth part of the report is a detailed account of the work done during the year. It is a full and complete statement of the work, and is intended to give a detailed account of the progress made.

5. The fifth part of the report is a summary of the work done during the year. It is a brief statement of the results of the work, and is intended to give a general impression of the progress made.

5. מכיוון שאף התביעות האישיות הנרשמות לבדן (בגין הפצועים) עלולות להסתכם בסכומים גבוהים ביותר, סבבתנו צריכה לאתגר להגיע להבנה עם ממשלת אר"ב על תשלום גלובלי שבו יישב את כל התביעות - הן אלה שלא הוגשו עדיין (והן הרוב) והן אלה אשר כבר הוגשו אלינו. לשם כך רצוי לפתוח בהקדם במגעים מתאימים בוויטינגטון. אולם לפני כן חשוב לקבל אישור ממשלתי על הסכומים שאפשר לדבר עליהם עם האמריקנים במסגה ליישב את כל התביעות באורה כולל. מוצע איפוא לבקש מועדת השרים להקציב עד 10 מיליון דולר כדי לאפשר לגשת להיזכרות אם כי לחיזוק עמדת הפיוקח שלנו יש להתחיל בבקבת סכומים יותר גסוכים בראשית המגעים.

16.2.68

1. The first of the four main points is that the
second of the four main points is that the
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20.1.1951

ירושלים, א' בסיון תשכ"ח
28 במאי 1968

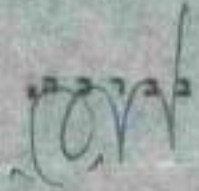
מסמך

א ל : סגן שר האוצר
הפרקליט הצבאי הראשי
הציר, וושינגטון
הציר הכלכלי, ניו יורק

מאת : מיכאל אליצור, מחלקת צפון אמריקה

הנדון: ל י ב ר ט י

- ר"ב הנבי מילח לך העתקי שלושה מיסמכים: ...
1. סכתב השגריר ברבור אל טר ביתן מיום 23.5.68.
 2. איגרתנו מיום 27.5.68 לשגרירות ארה"ב.
 3. איגרת חשובה אמריקנית מאותו תאריך.

ב ב ר כ ה

מיכאל אליצור

העתקו משפט ✓

Tel Aviv, Israel

May 23, 1968

The Honorable
Moshe Bitan
Assistant Director General
Ministry of Foreign Affairs
Jerusalem

Dear Mr. Bitan:

This will confirm our conversation today in regard to the death claims in connection with the incident involving the USS LIBERTY, in which, in response to your inquiry, I stated that I was authorized to say that the United States Government will not claim for "emotional anguish" in the personal injury claims, when they are presented.

It is my understanding that it is on the basis of this assurance that you were able to inform me that the Government of Israel is prepared to pay in full the death claims already submitted to it.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Walworth Barbour', written in a cursive style.

Walworth Barbour

The Ministry for Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the Embassy's Note No. 26 of 27 December 1967, concerning the USS Liberty, and to Notes No. 27 through No. 60 of even date, detailing individual claims.

Following various conversations which have taken place between the Governments of Israel and the United States of America, the Ministry for Foreign Affairs has the pleasure to transmit herewith a cheque in the sum of Three Million Three Hundred and Twenty-Three Thousand and Five Hundred U.S. Dollars, in full and final settlement of United States claims on behalf of those suffering loss as a result of the deaths of thirty-four members of the crew of the USS Liberty, those claims covering the first category of claims as set out in the Embassy's Note No. 26 referred to above.

This settlement should not be taken to express the agreement of the Government of Israel to the principles which have guided the Government of the United States in the calculation of the claims, and is made without prejudice to the legal position of the Government of Israel.

The above settlement does not in any way prejudice the position which the Government of Israel may take with respect to the other categories of claims mentioned in the Embassy's Note No. 26.

The Ministry for Foreign Affairs avails itself of this opportunity to render to the Embassy of the United States of America the assurances of its highest consideration.

M.

Jerusalem, 27 May 1968

The Embassy of the United States
of America,
in Israel.

No. 71

The Embassy of the United States of America
presents its compliments to the Ministry of Foreign
Affairs of Israel and has the honor to acknowledge
receipt of the Ministry's ^{unnumbered} Note ~~number~~
of May 27, 1968, together with a check in the amount
of \$3,323,500.00, which is in full settlement of
the thirty-four USS LIBERTY death claims presented
in Embassy Notes numbers twenty-seven through
sixty of December 29, 1967.

TW 5/28/68

Embassy of the United States of America,

Tel Aviv, May 27, 1968.

B

סנהל ספס"א
היועץ הספסטי

הברון: ל י ב ר ט י

כמבעים ספין סגן שר האוצר, ד"ר צבי דינשטיין לכין הסבריר
האפריקאי ובעקבותיהם כמבעים שפין שר כיתן וסגן שר האוצר, ושבהם
הוטכם על התשלום המלא של הפיצויים אשר נתבעו ע"י ארה"ב בגין
החללים, הוכחה ע"י הסבריר האפריקאי כי בתביעות בענין פצועים לא
נתבע ארה"ב בגין Emotional anguish. הסבריר ברכור חזר
על כך במכתבו לשר כיתן ס-23.5.68.

לאור הנ"ל ברצוני להטב את השוואת הלב כי בתזכיר פנימי
סיום 27.3.68 קובע סנהל ספס"א התביעות כמס"ד כי בחישוב הסכומים
עבור הפצועים תיתבע ארה"ב בגין חומרת הפגיעה, כאב וסבל הפצוע,
ופגיעה בכושרו להתפרנס. סנהל ספס"א התביעות קובע כי בחישוב
הפיצויים אין ספרידים למי התקדימים בין כאב וסבל סחר לכין
חומרת הפגיעה ספידן, ואילו את הפגיעה בכושר להתפרנס סחשבים
לחוד. אין התזכיר של סנהל התביעות מזכיר כלל את ראש הבזיקין של
סבל נפשי. בריקה מהירה אשר נעשתה בעזרת הד"ר אלסס סטסור הספסטי
העלתה כי בטסט האפריקאי קיימת אפשרות לתבוע לא רק בגין סבל וכאב
כי אם גם בגין סבל נפשי שבגרם כתוצאה מהפגיעה וכי תביעה כזו יכולה
להיות פוגשת לא רק ע"י הנפצע כי אם גם בנסיבות ספויסמות ע"י צד
שלישי.

לאור סכתבו של ברכור נראה כי בתביעה העתידה של ארה"ב בענין
הפצועים בוכל לשלול את זכות ארה"ב לתבוע בגין סבל נפשי הן של המלח
הסצוע בעצמו והן של צד שלישי - משפחתו. אך הוויחור האפריקאי אינו
חשוב ביותר כי בתביעות של פצועים כאב וסבל הם אשר עלולים להיות
סרכיב סרכיב לחישוב הפיצויים. כשיחתי עם הספ"ד סוכס כי אין סעם
להטיב על הסכתב של ברכור ולנסות לתת לו עתה פידוש סרכיב גכתב
(כמכסה כאב וסבל) כי אם לא להטיב על הסכתב ולנסות ככוא העה לתת
לסכתב פידוש דחב ככל האפשר. סיכום זה נתחזק עוד כתוצאה מסיחה דייל-
אליצור אשר הבהירה כי דינשטיין, כיתן וברכור התכוונו לסבל נפשי.
סכיוון ספסיכות סריגיות לא כיתן לעכב את עצם ההסדר של התביעות בגין
החללים, נצטרך, איפוא, להסתפק באגרת שבה ספייגים אנו את הספסעות
הספסטיס של הענותנו לתביעה האפריקאית בגין החללים. כאסור, כל הנ"ל
על דעה הספ"ד. כן ססרתי על ההתפתחות ליועץ הספסטי לסמסלה.

בברכה,

ת. סידון

6/9/67 תאריך

מזכר

סוג

אל

מאח

הנדון

Liberty
6/9/67

מאשר לא נמצא רשמי
מאשר את אצט - התקבל
המלצת א. יואל, ודאגה
למי אמרן מ. יואל, גמול
ראש הממשלה, התקבל
אל, ויך אצט הארץ
כי לא נמצא ממשלה
הממשלה נמצא
רשמי מאשר נמצא
הממשלה נמצא, אצט
היא לא נמצא

5/9/67

מחיר

מחיר 100

18 ח'ה

מחיר 100

מחיר 100

מחיר 100

מחיר 100

מחיר 100

מחיר 100

משרד החוץ

מחלקת הקשר

מברק נכנס - מסווג

פ פ ר

✓! ~~~~~

פס' 14

חומר : 051800 ספט 67

הודפסו : 061000

אל : המשרד ירושלים

מאת : מפישראל וושינגטון

מאהב.

לשלך 83.

ליברטי. לסעיף ב'.

אינני מבין מרשם הממשל "מבקשים שתיחתך האחרונה עם קצנבך ב-30

דנא מיפאר סוף פסוק בנרשם זה לפחות". היוזמה לשיחה הייתה של

קצנבך ואינני רואה כיצד גם בפתיח אוכל לאסוף לו על מה לדבר אתי

ועל מה לא.

עברון

שהח 2 דוהמץ סבכלץ סמכלל מאהב משהס רמס 2 רמסכל אמון 4

ממ/קל

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משרד החוץ

מחלקת הקשר

מברק נכנס - משווג

ס ו ד י

המשרד ירושלים
ממלא

פס' 207

חומר 31205 ארג 67

הודפס 011100

ס י י ד י

ארגוב.

ליברטי.

בהתחשב בעובדה שיטבן כל מיני דלימות בקשר לחקירה שלנו
מוטב לדעתנו לפרסם תמצית מוסמכת של מאור העובדות שהעלה
השופט החוקר ושל מסקנותיו.
גבע שומף להמלצה הזו.

עברון

תפוצה: שח2 סנכל3 דוחס3 סנכל 2רס2 רסנכל סשפס כחב אסן
חא/סס
דיין

◎ 1 2 3 4

507 705

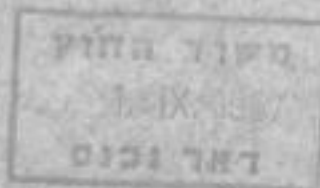
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כרים

כ"ג באב תשכ"ז
29 באוגוסט 1967

אל : מאה"ב, המשרד

מאה: הציר, וושינגטון

הנדון : ליברטי

ל"ב העתק מכתב שנחקבל מנציגם של משפחות הקרובות באניה
ליברטי והעתק השובחי.

ברור בהחלט שעלינו לעמוד על כך שהמגע שלנו יהיה עם ממשלה
אח"כ בלבד ושכשום פנים איננו יכולים להכיר בחביקות של המשפחות
או של נציגיהן.

אני מציע שבשלב זה נדחה ככל האפשר מהן חשובה נוספת
למר Dooley, היות ואין ספק שהאנשים אותם הוא מייצג
ינצלו מיד טרובנו לעמוד אתם במגע ישיר בכדי לנסות להפעיל עלינו
לחץ באמצעות העתונות, סנטורים ואנשי קונגרס. עם זאת עלינו להבהיר
לנציגי ממשלת אח"ב, כפי שקשיתי זאת בשליחתי האחרונה עם מר באטל
בנושא זה, שממשלת ישראל העמוד בקניין זה במגע אך ורק עם ממשלת
אח"ב. דבר נוסף שצריך להיות ברור הוא שכל סכום עליו נסכים בסופו
של דבר יהיה סכום גלובלי אוהו נשלם לממאה"ב שתדאג לחלוקתו בין
הנוגעים בדבר. נמכל מקום גם החשלוס הזה אין ממשלת רואה עצמה
כחייבת לשאח בו מבחינה משפטית אלא כמחווה expression.

ב ב ר כ ה ,

א. עברון

העתק משפט

1914

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FRANCIS J. DOOLEY
ATTORNEY AT LAW
PROCTOR IN ADMIRALTY
790 BROAD STREET
NEWARK, NEW JERSEY 07102

August 14, 1967

Embassy of Israel
1621 22nd Street, N. W.
Washington, D. C.

Attention: Hon. Avraham Harman

Dear Sir:

On August 10, 1967, I had the pleasure to speak on behalf of the Committee For Immediate Action - Families and Friends of the Victims of the U. S. S. Liberty with Mr. Nissim H. Yaish of your staff.

At that meeting it was suggested that I correspond to you with regard to my representation of the committee members. The committee was organized by the families of those seamen who died or were injured as a result of the Naval and Air action by the Armed Forces of the State of Israel. This committee selected certain attorneys to represent its members in bringing claim for loss of life and injuries and other resultant losses.

I have been in touch with the Department of State of the United States and was made familiar with their activities on behalf of the U. S. Government and nationals involved.

The individual claimants wish to have their own legal representative participate in the various discussions and negotiations and resolution of their claims. The committee has instructed its counsel that its members will not be bound by any negotiations to which their representative has not been a party.

The existence and purposes of this committee have been made known to President Lyndon B. Johnson and all of the members of the Congress of the United States, many of whom have

Embassy of Israel
Att.: Hon. Avraham Harman

-2-


expressed support and cooperation with the committee.

It is my desire to meet personally with the Legal Assistant to the Foreign Minister who, I understand, is the person representing the State of Israel in this matter. Such meeting should take place as soon as possible.

It should be understood that I will be cooperating with the State Department in every possible manner; however, only through personal communications with your government can the committee members' views and interests be fully explained, as well as your position fully explained to them. This dialogue is strongly urged in order to foreclose those parties who may seek to use this unfortunate incident as a means of embarrassment to the State of Israel and/or the United States Government.

On sufficient notice I will make myself available in Israel or in any part of the United States to meet with your representative. I thank you for your anticipated cooperation in this matter.

Very truly yours,


FRANCIS J. DOOLEY

FJD/tjt

August 23
1967

Dear Mr. Dooley,

In the absence of
Ambassador Avraham Harari I wish
to acknowledge receipt of your
letter of August 14, 1967.

I am transmitting your
letter to the appropriate
authorities in Israel for their
information and comment.

Sincerely yours,

Ephraim Eylon
Charge d'Affaires ad Interim

Mr. Francis J. Dooley,
Attorney-at-law,
790 Broad Street,
Newark, New Jersey 07102

מוזכר

אל :

מאת :

אל : ד"ר ג. לוי

מאת : י. יענקל'ס

Liberty יענקל'ס ויאטם

א. ד"ר ג. לוי - הודעה בדבר חוק הלב :

✓ ✓ a) Note of Secretary of State to Ambassador of Israel dated 10/6/62

✓ ✓ b) Chronology on the Morning of June 8, 1962

✓ ✓ c) ^(tent of) Final Note of Ambassador of Israel to Secretary of State dated June 12, 1962

✓ ✓ d) 16/6/62 - הודעה בדבר חוק הלב - ד"ר ג. לוי

✓ ✓ e) 16/6/62 - חוק הלב - ד"ר ג. לוי

2/.

תאריך 29/8/67

מנוח

מזכר

אל

מאת

הנדון

Liberty

Final act - 12/6/67

1. תוספת תחומים בסכנים

2. תחומים שגם בוצעו

3. תחומים שהתקדמו יותר

4. תחומים שהיוו את המרכז

5. תחומים שהיוו את המרכז

6. תחומים שהיוו את המרכז

ירושלים, יז' במסכת חשכ"ח
16 פברואר 1968

ס ד י

59

א ל : הציר, רושינגטון

מאת : ס. אליצור, מאה"ב

הנדון: ל י ב ר ס י

ר"ב ביר המסכת התיעצות בין מטה ביהן, מדי מירון
והח"ס, לקראת פניה לועדת הערים שצריכה לאשר את
הסכומים הדרושים לסילוק התביעות, או לפחות כדי לאפשר
פתיחת הסגרים.

אני מקווה כי תוך ימים אחדים נוכל להבריק לך
הנחיות לפעולה. נתיחס לגייר הר"ב; בינתיים הוא
לידיעתך בלבד.

ב ב ר כ ה,

מיכאל אליצור

העתק: תיועץ המשפטי.

ס ו ד י

ספ' 195

חומר ו 301830 ארוב 6'

הודפס: 511000

אל : המשרד ירושלים

מאת: מליטמאל וושינגטון

ס ו ד י

מאת, טסט העתק ר' אמן (הוצבר).

דו"ח הליברטי - סיחה עם קצבאך לפי בקשתו. נכחו לטברקיס, סגן

היועץ המשפטי באגף סדע WEHMEYER בן אהרן.

1. קצבאך הודיעני שד"ח השופט החוקר שלנו נטסר ליושבי ראש

ועדות החוץ, הערומים המצויים בהם וההקצבות בשני בתי הקונגרס. באסר

להם מהדו"ח סודי, אך קצבאך מצדיק שעצם קיומו של הדו"ח יידלף החוזה.

2. קיים לחץ צבורי כבד על חברי הקונגרס וייתכן שיאלצו לפרסם

האגרות שהוחלטו בין ארתור וישראל בעקבות החקירה, מהכובניט לעשות זאת

כסוף בסוף ביותר ורק אם יהיה הכרח בכך. קצבאך מבקש מהגורמים

והבטחתי לבקש הוראות מתבית.

(הפרה: אינני חושב שבוכל להתנגד לבקשתו). הבעתי הערכהנו לתבונות

המוסביות המאומקות של הממשל.

3. קצבאך ביקש שאם נחליט אי פעם לפוסט דו"ח השופט החוקר, מצויין

האניה כ- COMMUNICATION VESSEL בלבד.

4. אשר לפוכנו של דו"ח החקירה אשר קצבאך שהוא פהטם היבטים שנאסרו

באגרת הראשונה כלומר שהיה כאן TERRIBLE AND CULPABLE NEGLIGENCE

מצד כוחות צה"ל שהיו פעורבים בענין ושמעלו בצורה פזיזה. מהדו"ח

מצטיירת תמונה של אי סדרים בהיקף בלתי רגיל. לאור פאור העובדות בדו"ח

איננו יכול להבין החלטת הסכום של השופט, הוא איננו מצדיק במערכת

- 2 -

המקור הפנימי של צה"ל, אך קשה לו להטלים עם המנהגות של המערבים
בתקרים. קצנבאך ביקש שבנקודת הצעדים הדרושים למביעת הישגות של
סקרים כאלה בעתיד, כי לא נראה לו שצורת ההתנהגות במקרה הזה צולה
בקנה אחד עם הנהגת המקובל בצבא מאורגן כשלבר.

5. הנסחתי לקצנבאך להעביר ארצה תגובתו למסקנות הדו"ח, הזכרתי
סממישראל ופקוד צה"ל ידעו היטב דעתה של סמארט. השופט החוקל גבתי
בקפדנות והיה ברור שהרשטכל יצטרך לפעול בהתאם למסקנותיו. ברור
לנו ההכרח לפנות הישגות של סקרים כאלה בעתיד. המטפלה והעם בישראל
היו מוועזעים סחמקרים שגרסה לנו בזק אולי ושי יומי גדול מאשר
לארוב כמדינה.

6. פרט סיימו רכוז המביעות לפיצויים. מוסדן הנזק לרכוש שנעשה
אך פרט השלימו פרט המביעות המיטיות. בכורבתם להגיה לו תביעה
אחת כוללת. אפרתי שאם כי קבלנו מספר מניות מיטיות אגבתי סתכונבים
לסמל בעניין אך ורק בציבור סמארטב ואנו זמים עם הטגמה שלהם לדיון
בתביעה כוללת אחת.

עברון

שחח 2 רוחמץ סוכלץ סמככל סאחב סממט

חח/קל

משרד החוץ

מחלקת הקשר

מברק נכנס - מסווג

ס ו ר י

מס' 158

חומר : 251050 אוב 67
הודפסו : 260900

אל : המשרד ירושלים

מאת : מפישראל וושינגטון

מאהב, משפט.
קצבבאך הזמינני לשיחה ביום רביעי בענין הליברטי. מניח שיגיש
התביעות לפיצויים. הבריקר אם יש הבחירות מיוחדות, וכיצד אנו רואים
המשך הפיפול. בינתיים בקשתי מבינזבורג להכין עבורנו תזכיר על
האמפקטים המשפטיים של הנושא.

עברון

שהח 2 רהס 5 מכלל 3 דיון סטכל מאהב משפט 20 רמכל ר' אמן
מס/קל

תוכן התיק של מר י. ביתן

(א) החקירה

- (1) דו"ח מאת הקצין החוקר היחיד אל"מ רם רון אל הרמטכ"ל, מיום 16.6.67
- (2) סיכום מדיון (באנגלית) של בית דין ימי לחקירה במלטה (11.6.67 - 17.6.67) שנמסר לשגריר ע"י קצנבך.
- (3) "החלטת" של השופט החוקר (סא"ל י. ירושלמי) מיום 21.7.67 (בעברית ובחרגום לאנגלית) בגמר החקירה המוקדמת.

(ב) הדיונים עם צד השני

מברקים שונים על פגישות וחוצאות החקירות וההכנות פנימיות.

(ג)

(1) איגרת מחלקת המדינה אל השגרירות מיום 10.6.1967 על צרופו.

(2) איגרת חשוכתנו מיום 12.6.67 (שלמשה נשלחה ביום 18.7.67)

(ד) חסר מקשר לועדה החקירה שלנו.

(ה) מכתב החמצלות מאת אלוף ש. אב"ל אל האדמיראל האמריקאי בווישינגטון מיום 16.6.67.

(ו) הערות של פרקליט הצבאי הראשי מיום 10.8.67 על החביעות הצפויות.

2.

ירושלים, 18.8.1967

THE HISTORY OF THE

CHAPTER I

THE first thing that I saw when I came to the city of London was a very great city. It was a city of many people, and of many houses. It was a city of many churches, and of many schools. It was a city of many shops, and of many streets. It was a city of many things, and of many people.

CHAPTER II

THE second thing that I saw when I came to the city of London was a very great city. It was a city of many people, and of many houses. It was a city of many churches, and of many schools. It was a city of many shops, and of many streets. It was a city of many things, and of many people.

CHAPTER III

משרד החוץ

מחלקת הקשר

מברק נכנס - מסווג

ט ו ר ו

תס"ו 16

הרצרו: 151E00 פרב 27

הודעת: 161150

אל: תכשרת ירושלים

מאמ: מסימטאל ברושינגטון

ביטן

במסגרת לשלך 65, סעיף 2 בסדרת היסוס לבאשל סאבו סוכנים
לשטות הבצורתיתם על דרך הטיפול במיזבויים וסאבו סוכנים
המסיפול יחיה סוכני נאיגור סמאח וסמאחאל בלכר.
בשאל אסר סמאחאל בראים לו וסמאחאל סליו באה בזמן אסר
וסמאח סליו סוכנים בבבחה בקטור סמאחאל סליו.
בסמאחאל סמאחאל אסר לסוכנים סמאחאל סמאחאל סמאחאל
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קברון

המסגרת סמאחאל סוכני סוכני סוכני סוכני סוכני סוכני סוכני סוכני

סמ/רן

משרד החוק

מחלקת הקשר

מברק יוצא - מסווג

טורי ביותר

מס' 114

בשלח 15.8.67

אלו סמישראל ורשיבטון

סאת: המשרד ירושלים

ב ה ו ל

גברון. שלך 65.

פצויים - ליברטי. בתאום עם ר/אלוף צור ומספס.

1. פצויים מתעבו לטבי הופבים ש"פצויים הופברה ליוצת הגורמים הנובעים בדבר בישראל ועם קבלת תשובתם יודיעו להם תוכנה". בנוסף לזה פצויים מתעטמו הקטע המוצע באגרתו לסמארהב מה-20.6 ולתוסיף לזה סמישראל בסמאת עתה בסג בענין זה עם סמארהב.

2. אי לזאת יש צורך להודיע בדרג מתאים לסמארהב שאנו סוכנים למסוע הצעותיהם על ספול בפצויים ושאנו סעוביגים שלא יתקיים ספול בפרך בתביעות של כל מנפחה אלא שהטיפול יהיה סרוכז ויתקיים בלי סמארהב ובין סמישראל בלבד.

3. אין לבו, כסובן, ענין מיוחד לזרז הספול.

4. מניחים שגיבצבורג יכין מזכיר פנימי עבורנו שיסביר, בין היתר מהן הוראות החוק האמריקני הנוגעות לנושא. בדר עם היועץ המשפטי למערכת הבטחון ועם היועץ הספסי למפעלה בקשר לתביעות מיוגטו בבתי ספס ישראלים.

5. פצ"ר פציע שבפרך תסמל בנושא רשות שתורכב מראש מח' בפרח ותביעות במשרד הבטחון ובציב משרד החוץ.

ביתן

תפוצה: שהח2 רוחס3 דיין סנכל3 סמכל סאהב ספס רמ2

רמכל ר/אסן

חח/דו

↑

(5.8.67)



14 באוגוסט 1967
או"ם/שר/67/530

אל: מר שמואל יערי, שגרירות ישראל, האג
העתק/משפט, המשרד, ירושלים
מאת: שבחאי רוזן

אני מצרף העתק של מסמך שהניע לידינו ב-11.8.67.

...

אבקשך בצורה דיסקרטית ככל האפשר, בלתי-רשמית, לשאול את רשם
ביה"ד הבינלאומי או את סגנו מה ידוע לו על העניין הזה.

ההנחה היא שהעניין מתייחס בצורה זו או אחרת לתקרית עם האניה
האמריקאית **Liberty**.

אוסף לידעתך כי אין לביה"ד הבינלאומי כל סמכות לגבי חביעה
מן הסוג הזה. הנוהג שמזכירות ביה"ד נוכח חביעות מן הסוג הזה לתוריע
לפונים אליה כי ביה"ד מוסמך לדון רק בסכסוכים בין מדינות.

בברכה,
שבחאי רוזן



ח' באב תשכ"ז
14 באוגוסט 1967

משרד החוץ
מס' 657
1.8. VIII. 1967

שם
657

מאיר ויזל

א ל : מאה"ב
מאח : הציר, ושינגטון

הנדון: עליברסי

י"מ
1) משרד חוץ
2) משרד ראש ממשלה
3) משרד משפטים

.. ל"ב העתק מזכרו של נ. יעיש, מיום
10.8.67, על ביקורם של שני עורכי דין
במשרדו.

בברכה,
א. עברון

EMBASSY OF ISRAEL
WASHINGTON, D.C.
ד' אב, תשכ"ז
10 אב, 1967

שגרירות ישראל
ושינגטון

א ל : השגריר - הציר
מאת : ג. יעיש, ושינגטון

הגדרות: אונייה "ליברטי"

היום הופיעו אצלי האדונים מר פרנסיס דולי Francis J. Dooley
וברט מילטון יורמק Milton Yormark. שניהם עורכי דין
שפענו כי הם מיצגים את ועד נפגעי האונייה "ליברטי".

לדבריהם פנו כבר למתמ"ד והיום, אחרי ההכתבות
והתברקות הייתה להם ישיבה בת 3 שעות מתמ"ד. הם מבינים
טענין הפיצויים ידון בין ממשלת ישראל לממשלת ארה"ב, אולם
הנפגעים אינם טומכים על יכולתה של מתמ"ד להגן כראוי על
האינטרסים שלהם, על-כן התארגנו לוועד וסינו אותם כנציגיהם
בתביעותיהם.

רצון שני האדונים הנ"ל לעמוד בקשר עם הנציגים
המוסמכים של ממשלת ישראל כדי לעזור בפתרון בעיה הפיצויים
בצורה אשר תספק את הנפגעים אשר אותם מיצגים.
הסבירו כי הנפגעים מטבע הדברים ואמינו יותר
לנציגיהם מאשר לפקידות הממשלתית ועל-כן הם יוכלו למלא הפקיד
כל טכנוע והרבעה בזמן הטא וסתן.

אסרתי שאינני מוסמן לשוחח אהם על הנושא והצעת
כי יפנו מכתב מפורט אל השגריר ויסבירו בקשתם.

אמרו שיעשו זאת בהקדם. הציעו לנסוע לירושלים כדי
לשוחח עם שכרד אשר יספד במשא ומתן לפיצויים. ביקשתי
שיכללו את ההצעה במכתבם.

בברכה,
ג. יעיש

משרד החוץ

מחלקת הקשר

מברק יוצא - מסווג

ס-ג-ב

מס. 86

נשלח: 11.8.67

אל: ממשלת ישראל ורשימת
מארג המשרד ירושלים

ב ה ג

עברו.

פלך 65.

תביעות פיצויים - ליברטי.

נשיב לאחר המיצוה עם הירושל הממשל על סמכותו.

ביתן

שהח 2 רוחם מכלל סמכל סמכל סמכל 20

מ/ס 11.8

משרד החוץ.

מחלקת הקשר

מברק נכנס - מסווג

ס ו ר

מס' 65

חומר : 091100 אוג 67

חודש : 091930

א ל : המשרד ירושלים

מאת : מסישראל וושינגטון

מ ו ר ד י

ביתן. מספס.

ליברטי.

1. קבלנו מכתב מהורי אחד הקרבנות המתעניין בפיצויים וכן פניה של עורך דין המייצג משפחה אחת מהמבקש פנויה לו עם הנציג המספסי שלנו, אתו יכול לבוא בדברים בקשר לתביעה לפיצויים.
2. בהתייעצות עם שבתאי רוזן וג'נצבורג נסחנו פירוט לתשובה האמרום תוך ציטוט הקטע באנרתנו למסארה"ב ב-10/6 IS PREPARED TO MAKE AMENDS וכו' מסישראל בסצאת עתה בסג בענין זה עם מסארה"ב.
3. אנו יוצאים מהנחה שכוונתנו היא לנהל סו"ס עם מסארה"ב בלבד ולא עם כל משפחה לחוד. ג'נצבורג אומר שעלינו להביא בחשבון כי בוודאי תהיינה תביעות מספסיות הן בבתי דין אמריקנים וישראלים גם יחד ושנצטרך לגקוס בצעדים להבטיח עצמנו מפניהן.
4. גא הבריקו אישורכם למסלות התשובות הנ"ל.

ע ב ר ו ן

שהח 2 רוחס 3 סנכל 3 סנכל מאהב מספס 20

שח/נפ

תאריך

סוג

מזכר

אל

מאת

הנדון

ש ש ר

סס' 65

חובר : 091100 אוג 67
הודפס : 091930

א ל : המשרד ירושלים
מאת : ממישראל וושינגטון

ס י ר י

ביתן. מספס.

ליברסי.

1. קבלנו מכתב מהורי אחד הקרבנות המתעניין בפיצויים וכן פביה של צורך דין המייצג משפחה אחת מהמבקש שגודיע לו שם הנציג המשפטי שלנו, אתו יכול לבוא בדברים בקשר לתביעה לפיצויים.
2. בהתייעצות עם שבתאי רוזן וגינצבורג נסחנו סיוסות לתשובה האוסרות תוך ציטוט הקטע באגרתנו למסארה"ב ב-10/6 IS (PREPARED TO MAKE AMENDS) וכו' שמישראל נמצאת עתה במגע בענין זה עם מסארה"ב.
3. אנו יוצאים מהנחה שכרוונחנו היא לנהל סו"ם עם מסארה"ב בלבד ולא עם כל משפחה לחוד. גינצבורג אומר שעלינו להביא בחשבון כי בוודאי תהיינה תביעות משפטיות הן בבתי דין אמריקנים וישראלים גם יחד ושנצטרך לנקוט בצעדים להבטיח עצמנו מפניהן.
4. בא הבריקו אישורכם למסלוח התשובות הנ"ל.

פ ב ר ו ן

C O P Y

Dear Mr. President,

I was deeply grieved by the tragic loss of life
on the U.S. Navy Ship Liberty.

Please accept my deep condolences and convey my
sympathy to all the bereaved families.

May all bloodshed come to an end and may our God
grant us peace evermore.

Levi Eshkol

Dear Mr. President,

I am deeply grieved by the tragic loss of life
on the U.S. Navy ship Liberty.

Please accept my deep condolences and convey my
sympathy to all the bereaved families.

My airship was down to sea level and my air
craft was down to sea level.

Sincerely,
Dwight D. Eisenhower

ד ת ו ר

מחלקת בשחון והסברה

טל' 2455

סיון חשכ"ו

יוני 67

סיני 511

מטה"ח - מר ביהן.

הגידון: מכחבו של מפקד ח"י אל מפקד הצי האמריקאי.

1. רצ"ב עוזק המכחב של מפקד ח"י למפקד הצי האמריקאי.
2. חוכן המכחב הוברק ב-17 ליוני לנספת צה"ל בושינגטון אשר העבירו למפקד הצי האמריקאי.
3. העזק המכחב הועבר לנספת הימי האמריקאי בארץ.

מיכאל בלוד - סא"ל
ע' דמ"ח בשחון והסברה



Commander-in-Chief
ISRAEL NAVY

Hellas, 16 June 1967...

C O P Y

Admiral D.L. McDonald, USN.
Chief of Naval Operations,
Washington, D. C. USA.

Dear Admiral McDonald,

Although the Court of Inquiry appointed to investigate the circumstances of the attack on the USS Liberty has not yet concluded its work, I feel that I should no longer postpone writing to you personally.

Regardless of the circumstances, the Navy, and especially those directly involved, are overcome by grief and deep regret at the appalling tragedy which befell USS Liberty on the 8th of June.

Although words cannot express the sorrow we feel I would be much obliged if you would convey to the families of the deceased our deep regret at their losses.

I wish to express our admiration at the fortitude of the crew of the USS Liberty, and their exemplary conduct, in overcoming the damage and saving their ship, in spite of heavy casualties.

I hope sincerely that the nature of world affairs will soon permit men of the sea to engage in the peaceful performance of their profession and that tragedies, like that which we have just experienced, need not recur.

Very Sincerely Your

(-) S. ERELL Aluf

משרד החוץ

מחלקת הקשר

בלתי מסווג

מברק נכנס

Liberty File

סס" 135

תאריך: 211645 ססס 67

הודפסו 220900

אל: המשרד ירושלים

מאת: מפישראל רושינגטון

סאחב.

להלן ידיעת אסופייסד פרס על הפיצויים ליבריטי.

THE US IS PREPARING TO BILL ISRAEL FOR COMPENSATION FOR THE
TORPEDOING OF THE COMMUNICATIONS INTELLIGENCE SHIP LIBERTY DURING
THE ARAB-ISRAELI WAR JUNE 8. BUT OFFICIALS SAID IT WILL TAKE
SEVERAL MORE WEEKS TO COMPLETE THEIR WORK.
THE PROBLEM IS TO COLLECT 205 INDIVIDUAL CLAIMS STATE DEPARTMENT
OFFICIALS SAID
THIS NUMBER INCLUDES CLAIMS OF FAMILIES OF 34 NAVY OFFICERS AND WHO
DIED AND THE CLAIMS OF 171 WHO WERE INJURED WHEN ISRAELI JET FLIGHTERS
AND TORPEDO BOATS ATTACKED THE SHIP
IN ADDITION TO THE INDIVIDUAL CLAIMS THE US GOVERNMENT EXPECTS COMPE
NSATION FOR DAMAGE TO THE VESSEL
IMMEDIATELY AFTER THE ACCIDENT THE ISRAELI GOVERNMENT EXPRESSED A
QUOTE DEEP REGRET UNQUOTE AND DECLARED IT IS QUOTE PREPARED TO MAKE
AMENDS FOR THE TRAGIC LOSS OF LIFE
AND MATERIAL DAMAGE UNQUOTE

AD KAN

תפיר

תמונה א שח/אכ