

THE ATTACK ON THE USS *LIBERTY*

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THE ATTACK ON THE USS *LIBERTY*

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Abstract

of

THE ATTACK ON THE USS *LIBERTY*

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Over 43 years after the incident, the official stance of the U.S. government on the attack of the USS *Liberty* on 8 June 1967 is still unsatisfactory, as testimonies from survivors speak of a government cover-up. Being the only major maritime incident not investigated by Congress, this paper presents layers of evidence supporting this claim and questions the openly accepted version that it was an accident.

Research for this paper includes various international newspapers, personal files of the *Liberty* Alliance, including a letter from Senator John McCain, a BBC documentary by *Liberty* survivors with eyewitness accounts refuting government claims, a report on war crimes from the USS *Liberty* Veterans Association from 2005, recently published books, internet sources as well as phone interviews by the author.

Discrepancies of reporting this attack are significant and bring up a myriad of questions: why did Israel claim it was a case of mistaken identity, why did the Johnson

administration control the media reporting of the attack, why would Israel intentionally attack an ally vessel, why are some documents still classified, and most of all, why has every request for a congressional inquiry been denied?

The Navy Court of Inquiry's hasty investigation only lasted 5 days, missing vital testimony from survivors whose voices have yet to be heard in the mainstream media. Israel's undocumented claim of a threat contradicts scores of eyewitness accounts, justifying a real and uncensored investigation.

_____, Committee Chair
Joseph A. Palermo, PhD

Date

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Chapter 1

INTRODUCTION

Purpose of the Study

During the 1967 Six-Day War the USS *Liberty* was abruptly attacked by the Israeli Air Force and naval forces while she was patrolling international waters in the Mediterranean Sea. The *Liberty* is an unarmed electronic intelligence- gathering naval vessel. After her attack, the *Liberty* requested assistance and received none from the American Sixth Fleet that was in the vicinity. This paper will explore geopolitical conditions at the time, what happened, what the official American and Israeli responses were, and bring together other facts from interviews with surviving crew as well as memoirs of senior government officials in an attempt to develop a complete picture of events related to the USS *Liberty*. While personal testimony from those directly involved in the incident indicates that Tel Aviv may have deliberately targeted the American ship, the question of whether the attack was intentional or the result of a "perfect storm" of command and control failures on both sides remains unresolved. Information of new evidence from survivors and other military experts has been introduced in academia and some press outlets, but not in the mainstream media. As one of the *Liberty* survivors stated, "the more this story goes on the more evidence surfaces but also the more

frustrated we get.”¹ In the aftermath of the USS *Liberty* incident, many U.S. policy makers and some major newspapers in the U.S. and other countries have stuck to their original and erroneous narrative.²

¹ Joe Meadors, phone interview with author, 6 February 2010.

² Ibid.

Chapter 2

THE ATTACK ON *LIBERTY*

In May of 1967, the USS *Liberty* had been dispatched by the Sixth Fleet to monitor escalating Arab-Israeli tensions when it was attacked by Israeli forces. Although news of the attack on the USS *Liberty* was reported, some doubted the accuracy of this reporting. Most modern sources agree that the attack on the *Liberty* was not given the attention it deserved, despite the magnitude of the attack which claimed 34 American lives and left more than 170 wounded. President Johnson's initial response to the *Liberty* attack was that he "did not want to embarrass an ally."³ The Israeli government announced that the attack was a case of mistaken identity and apologized for the incident. The U.S. government accepted the Israeli narrative and their apology. Even though the majority of the mainstream media knew from reports of survivors that the government was inaccurately depicting the details of the attack, they continued to feed the public the very message the U.S. government was sticking to, which was an entirely different story. Not only did the U.S. government misrepresent the truth of the Israeli attack on the USS *Liberty* on June 8, 1967, but it also maintained this misrepresentation through the national newspapers.

³ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006), 225.

Due to the heightened tension between Egypt and Israel in May 1967, the U.S. Joint Chiefs of Staff had ordered the USS *Liberty*, an intelligence-gathering vessel, to depart Abidjan for the eastern Mediterranean to monitor the situation. The USS *Liberty*, a 7,725-ton *Belmont* class technical research ship, was built in 1945 as a civilian cargo vessel named *Simmons Victory*.⁴ She operated in commercial trade until 1958, when she was laid up in the National Defense Reserve Fleet. *Simmons Victory* was acquired by the Navy in February 1963 for conversion. In June 1963, she was renamed and classified as *Liberty* AGTR-5. The *Liberty* was then commissioned in December 1964. In February 1965, she steamed from the West Coast to Norfolk, Virginia, where she was further outfitted for a mission of collecting and processing foreign communications and other electronic emissions of possible national defense interest. In June 1965, the *Liberty* began her first deployment to waters off the west coast of Africa. She carried out several more operations during the next two years and went to the Mediterranean in 1967.⁵

On June 5, 1967, when Israel attacked Egypt and destroyed most of its air force, the *Liberty* was already on location. Captain William L. McGonagle of the *Liberty* immediately asked Vice Admiral William Martin at the Sixth Fleet headquarters to send a destroyer to accompany the *Liberty* and serve as its armed escort as well as an auxiliary communications center. The following day, June 6, Admiral Martin replied: “*Liberty* is a

⁴ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), xi. Entries were made as events occurred throughout the day of the attack on the *Liberty*. The ship’s bridge log, on the other hand, was reconstructed later. The author of this book is a survivor and a witness of the attack. I rely heavily on his testimony. The times given in this article will all be transcribed in military format.

⁵ Ibid.

clearly marked United States ship in international waters, not a participant in the conflict and not a reasonable subject for attack by any nation. Request denied.”⁶ Admiral Martin, however, promised that, in the unlikely event of an attack, jet fighters from the Sixth Fleet could be overhead in ten minutes.⁷ By the evening of June 7, the *Liberty* was 13 miles off the coast of Gaza, in international waters.

On 8 June 1967 at 0600, Israeli Nord 2501 Noratlas (a flying boxcar) reconnoitered the USS *Liberty*.⁸ Three minutes later reconnaissance aircrafts reported to Israeli naval headquarters that “GTR-5” was written on the ship, identifying it as an NSA intelligence vessel. At 0720, a fresh American flag was raised. At 1030, the Israeli “flying boxcar” which was clearly marked as belonging to Israel, circled the *Liberty* at about 200 feet. Crewmember Larry Weaver said, “I was actually able to wave to the co-pilot, a fellow on the right-hand side of the plane. He waved back, and actually smiled at me.”⁹

Minutes after this, Pinchas Pinchasy, the naval liaison officer at Israeli air force headquarters, reported to Naval Headquarters that the ship cruising slowly off El Arish was “an electromagnetic audio-surveillance ship of the U.S. Navy, named *Liberty*, whose marking was GTR-5.” Israeli reconnaissance aircraft circled the *Liberty* at 1100 and 1130. Not long after, three Israeli motor torpedo boats left Ashdod at high speed headed towards the *Liberty*. They were followed by Israeli air force fighters loaded with 30mm

⁶ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 351-2.

⁷ Ibid.

⁸ Joe Meadors, phone interview with author, 6 February 2010.

⁹ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 45.

cannon ammunition, rockets, and napalm. At 1215 and 1245 the Israeli reconnaissance aircraft again circled the *Liberty*.¹⁰ A little over an hour later, Israeli torpedo boats spotted the *Liberty*, and at 1358 two unmarked delta-winged Mirage jets attacked the *Liberty*. After taking out gun mounts, they targeted the ship's antennae and bridge with heat-seeking missiles and, minutes thereafter, three unmarked Dassault Mystère IIIC jets attacked with napalm and rockets.¹¹ The *Liberty* tried to contact the Sixth Fleet headquarters, but five of the *Liberty*'s six shore circuits had been jammed by Israeli fighter planes. A radio operator managed to send distress signals from Captain McGonagle: "Under attack by unidentified jet aircraft, require immediate assistance." At 1409 Captain Joe Tully of the USS *Saratoga* acknowledged the call for help, dispatched four F-4 Phantom jets, and informed the *Liberty* that help was on the way. Within minutes U.S. Secretary of Defense Robert MacNamara ordered rescue jets to return: "Tell Sixth Fleet to get those aircraft back immediately."¹² Rear Admiral Geis relayed the message and told them to re-launch jets in 90 minutes. Not long thereafter, three French-built 62-ton Israeli motor torpedo boats approached the *Liberty* in attack formation.¹³ Because the Israeli fighters had destroyed the American flag, Captain McGonagle ordered the signalman to hoist the "holiday ensign,"¹⁴ the largest flag the ship has. Minutes later, torpedo boats launched five German-made 19-inch torpedoes at the

¹⁰ Joe Meadors, phone interview with author, 6 February 2010.

¹¹ *Dead in the Water*, dir. Christopher Mitchell. 1 hr. 8 min., BBC, 2002. DVD.

¹² *Ibid*, 1hr. 8 min.

¹³ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979) 52-3.

¹⁴ *Ibid*.

Liberty. One torpedo struck the starboard side, directly into the NSA area, accounting for 25 of the 34 men who were killed. Torpedo boats attacked with armor-piercing projectiles for another 40 minutes.¹⁵

The Commander of the Sixth Fleet then ordered carriers USS *America* and USS *Saratoga* to send aircraft to defend the *Liberty*. At 1500, the NSA Sigint Command Center received first notice of the attack from either the *America* or *Saratoga*: “USS *Liberty* has been reportedly torpedoed by unknown source in Med near 32N 33E. Request examine all communications for possible reaction/reflections and report accordingly.”¹⁶ At 1505 a message was sent to *Liberty* from Sixth Fleet: “Sending aircraft to cover you. Surface units on the way.”¹⁷ The *Liberty* was off the air and did not receive the message. At 1511, the first “official” message that the *Liberty* was under attack reached the National Military Command Center in Washington. An “abandon ship” order came over the loudspeaker system, and the lifeboats were lowered into the water. Israeli torpedo boats moved in closer and fired on them, as well as those who were still on deck, making them all unusable. “I watched with horror as the floating life rafts were riddled with holes,” recalled Lieutenant Lloyd Painter, in charge of the evacuation. Petty Officer Rowley of the *Liberty*, who witnessed the attack, said, “They didn’t want anyone to live.”¹⁸

¹⁵ Ibid., 55.

¹⁶ Ibid.

¹⁷ Ibid., 57.

¹⁸ *Dead in the Water*, dir. Christopher Mitchell. 1 hr. 8 min., BBC, 2002. DVD.

After destroying the life rafts, the Israeli boats departed. At 1520 the Commander of the Sixth Fleet announced that 12 aircraft would be launched at 1545 to arrive near the *Liberty* at 1715. Walt Rostow, President Johnson's Special Assistant for National Security Affairs, notified the president of the attack, and at 1536 Israeli torpedo boats left. At 1545 the USS *Saratoga* and *America* launched second rescue flights. The *Liberty* regained its transmitter at 1555 but still had no receiver. At 1600 she transmitted: "Flash, flash, flash. I pass in the blind. We are under attack by aircraft and high-speed surface craft." Deputy Director Louis Tordella was informed by Deputy Director of Joint Reconnaissance Center, Captain Vineyard that, "consideration was then being given by some unnamed Washington authorities to sink the *Liberty* in order that newspaper men would be unable to photograph her and thus inflame public opinion against the Israelis."¹⁹ Tordella made an "impolite" comment about the idea, wrote a memo of the conversation for the record, and stored it away. At 1605 the *Liberty* transmitted the following: "Request immediate assistance. Torpedo hit starboard side."²⁰ At 1614, the American embassy relayed an Israeli apology to the White House, the Department of State, and the Sixth Fleet that an unidentified 'maybe Navy' ship has been erroneously attacked. At 1615 two unidentified jets approached the *Liberty*, and then veered off. At 1630, Israeli jets and three torpedo boats returned to offer assistance. Captain McGonagle refused their help. The boats left after 12 minutes. At 1639 the Secretary of Defense

¹⁹ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 82.

²⁰ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 57-8.

McNamara again ordered the recall of the rescue planes, an order confirmed by President Johnson who said, “we are not going to embarrass an ally.”²¹ At 1717 Deputy Secretary of Defense ordered that all news releases on the attack were to be made in Washington.²²

At 1729, Rear Admiral Lawrence Geis, commander of the Sixth Fleet in the Mediterranean, protested a decision to recall rescue planes to Secretary of Defense McNamara. At that point, President Johnson came on the phone and said he did not care if the ship sunk; he would not embarrass his allies. Admiral Geis told Lt. Commander David Lewis, head of the *Liberty*’s NSA group, of the remark, but asked him not to repeat it until after he died. It was a promise that Lewis honored. By mid-morning the dead and wounded from the *Liberty* were airlifted by helicopter. At 1450 Israeli Lt. Col. Michael Bloch telephoned Commander Castle that the *Liberty*, because it was not flying a flag, had been mistaken for the Egyptian supply ship El Queseir. The State Department assured Congress that the attack was accidental. On the 10 June, Vice Admiral McCain ordered Rear Admiral Isaac Kidd to conduct a Navy Court of Inquiry on the incident. On 11 June 1967, Admiral Kidd boarded the *Liberty* with a small staff to head the Navy Court of Inquiry. On 18 June, the Israeli Court of Inquiry exonerated the Israeli government and all those involved, saying that its torpedo boats erroneously reported the *Liberty*’s speed at 30 knots instead of 5, and that the *Liberty* flew no flag and had no

²¹ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006), 225.

²² Ibid.

identifying markings (see Figure 1).²³ This exoneration came despite a substantial number of available testimonies from eyewitnesses which all refute the above claim. In 2005, the Liberty Alliance group in a letter to the Secretary of the Navy, Gordon England, expressed their desire for another investigation citing new evidence which had been overlooked during the Navy Inquiry in 1967. Eyewitnesses on the *Liberty* accounted for aircraft surveillance, well prior to the Israeli attack, with the Israeli Star of David symbol clearly visible on one of those recon aircraft to the crew of the *Liberty*.²⁴ They also pointed to strong evidence that the *Liberty* herself was, except for her special antennas, “nothing more than a Victory ship converted for the U.S. navy purpose—a type which dominated the U.S. navy’s Service and Transport Forces at the time”.²⁵ The hull number of the *Liberty*, *AGTR-5*, was written in 10-foot high white letters on her gray sides at the bow, and in small letters on each side of the stern. This meant that the *Liberty* was an auxiliary, noncombatant vessel of general or miscellaneous type, assigned to technical research duty and, in this case, the fifth U.S. naval vessel so classified.²⁶ To carry out her Middle East duty, in June 1967, she carried a complement of 293 officers

²³ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 149.

²⁴ Liberty Alliance. *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty (AGTR-5)*, (Front Royal: 2005). Liberty Alliance was founded in 2002 by Admiral Thomas H. Moorer, retired Chairman of the Joint Chiefs of Staff, in support of the survivors of that 8 June 1967 attack on the *Liberty*. Rear Admiral Clarence A. (Mark) Hill, Jr., USN (Ret.), and Rear Admiral Merlin H. Staring, JAGC, USN (Ret.), Chairman and Treasurer, respectively of the Liberty Alliance – now write jointly in furtherance of the efforts that Admiral Moorer had pursued for many years after his retirement up to the time of his death in 2004. In addition, the Liberty Alliance is also made up of various types of people including survivors, senators, military experts and others all devoted solely to resolving the mystery of the USS *Liberty* attack.

²⁵ *Ibid.*, 8.

²⁶ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), xi.

and crew. The ship's paint, profile and bow designation were identical to those of a plethora of the U.S. Navy fleet that commonly sailed the seas during the 1960s, something that was not mentioned in the Navy's final report on the incident. Naturally, Israeli pilots would have been trained on such matters, especially since the nation was in a state of war with its Arab neighbors. Therefore, and based on the above characteristics, no Israeli pilot could have failed to identify her before the attack as an American vessel, without even considering all the other forms of identification the *Liberty* displayed at the time, including, especially, the U.S. flag.²⁷ At approximately 0600, the first of eight Israeli reconnaissance aircraft were noted by the USS *Liberty* crew. In the first reconnaissance fly-bys, the Israeli pilot communicated to his Naval HQ that a "US Navy cargo-type ship" with markings of GTR-5 was located just outside Israeli coastal radar coverage.²⁸ This information was forwarded to the Israeli navy intelligence directorate. Later in the morning, using *Jane's Fighting Ships*, the Israelis established the identity of the ship as the USS *Liberty*. Once the USS *Liberty* was identified, staff officers at Israeli HQ in Haifa changed the label from red (unidentified) to green (neutral) on the plot board.²⁹ The crew of the *Liberty* relayed to the Sixth Fleet that a reconnaissance aircraft circled the ship three times around 0900. Although the crew of the *Liberty* was initially unable to identify the airplane, they were later able to do so by noting that a French-built

²⁷ Ibid.

²⁸ *Report: War Crimes Committed Against US Military Personnel*, USS Liberty Veterans Association, 8 June 1967 <<<http://www.USSLiberty.org/report.htm>>>; accessed 10 February 2010. (This report was submitted by the USS *Liberty* Veterans Association, Inc. to the Secretary of the Army in his capacity as Executive Agent for the Secretary of Defense, 8 June 2005.)

²⁹ Ibid.

Noratlant NORC 2501 aircraft circled the ship and was later identified as an Israeli aircraft, since Israel was the only state in the region holding this particular platform in its arsenal at the time.³⁰ In addition, the crew of the *Liberty* assumed the reconnaissance flights were Israeli as they originated and returned in the direction of Israel.³¹

More than 36 years after the attack, Steven Forslund stepped forward to speak about his role in the 1967 War. Mr. Forslund expressed his frustration at not being able to speak about the “injustice that was committed.”³² He talked about what he observed as a young aviator in the U.S. Air Force. In a two-page declaration, Mr. Forslund stated that much of what happened to the *Liberty* was covered up by the U.S. government. Much discussion has gone on about what the NSA archives hold about the *Liberty* attack. Mr. Forslund stated that the only “tapes” that the NSA has released show “helicopters sent by Israel to the site of the attack on the *Liberty*, after the attack, were unaware of her nationality.”³³ Both the U.S. and Israel governments claim that these are the only tapes of intercepts during and after the attack. However, Mr. Forslund stated that he had heard more during his assignment as an all-source intelligence analyst for the U.S. Air Force during the 6-Day War. According to Mr. Forslund, other intercepts by the U.S. Air Force have not been archived by the National Security Agency (NSA).³⁴ In his testimony, Mr. Forslund stated that he read transcripts of the air-to-air and air-to-ground communications

³⁰ Ibid.

³¹ Ibid.

³² Declaration of Steven Forslund, 8 June 2006, <<<http://www.uslibertyveterans.org/files/forslund>>> date accessed 10 February 2010.

³³ Ibid.

³⁴ Ibid.

of the Israeli fighter jets that attacked the USS *Liberty*. On 8 June 1967, these intercepts were “preceded by many others we read that week that started with the opening attack by Israel in the war and included intercepts of messages between the USA and Israel in which our government stated their knowledge of the Israeli’s pre-emptive attack that began the war and warned Israel to cease their activities.”³⁵ The information that was obtained by the U.S. Air Force during the attack on the *Liberty* came from the NSA. It was a raw translation.³⁶

The teletypes were raw translations of intercepts of Israeli air-to-air and air-to-ground communications between jet aircraft and their ground controller. I read page after page of these transcripts that day as it went on and on. The transcripts made specific reference to the efforts to direct the jets to the target which was identified as American numerous times by the ground controller. Upon arrival, the aircraft specifically identified the target and mentioned the American flag she was flying. There were frequent operational transmissions from the pilots to the ground base describing the strafing runs. The ground control began asking about the status of the target and whether it was sinking. They stressed that the target must be sunk and leave no trace.³⁷

The Israeli pilots relayed to ground control that they had made several runs and the target was still floating. The ground control station reiterated the urgency that the target be sunk, without a trace. A detectable level of frustration became evident in the transmissions over the aircraft’s inability to accomplish the mission quickly and completely.³⁸ Mr. Forslund’s testimony corroborated the survivors’ own account. One

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

point in particular is the survivors' claim that the torpedo boats intended to sink the life rafts in order to prevent the crew from surviving the ordeal.³⁹ To his surprise, when the news broke to the media, Mr. Forslund recalled that the evening news gave "vague reference to a mistaken attack by Israel upon an American ship off Sinai The next day there was a small article buried in the A section of the paper stating that there had been an accidental attack on the USS *Liberty*."⁴⁰ Nothing, or only a little, was mentioned in the popular press. Mr. Forslund's final words were that he could not debate Israel's motivation, but "will carry the memory of those transcripts with me until I die. We all lost our virginity that day."⁴¹

Although the CINCUSNAVEUR endorsement to the *Liberty* Court of Inquiry "may have been stamped 'Top Secret' for reasons of 'State' we do not hesitate to observe here that had its contents become public knowledge at the time, it would have been greeted with derision and disgust by every officer and sailor in our fleet, world-wide."⁴² The story of the attack on the *Liberty* has not been at anytime a priority for the U.S. government in the long-standing and still continuing attempt by the U.S. government and the Navy to keep facts of the attack on the USS *Liberty* from general knowledge. In addition, efforts were directed by the U.S. Government to keep recognition from the crew

³⁹ *Dead in the Water*, dir. Christopher Mitchell. 1 hr. 8 min., BBC, 2002. DVD.

⁴⁰ Declaration of Steven Forslund, 8 June 2006, <<<http://www.uslibertyveterans.org/files/forslund>>>, date accessed 10 February 2010.

⁴¹ Ibid.

⁴² *USS Liberty Discrepancies*, U.S. State Department, 21 September 1967. Author obtained declassified government documents from Liberty Alliance group. Copies of documents clearly show "Top Secret" stamps with a "Declassified" stamp over it.

of the *Liberty* who deserve a rightful place in the Navy's annals of historic tradition – “Don't Give Up The Ship” – which the crew demonstrated courageously without any help, but were denied the recognition. “We submit that it is time – and there is still time to right a great wrong.”⁴³ It is important to point out that the lack of recognition was evident soon after the attack, at the burial of six *Liberty* crewmembers in Arlington National Cemetery: a monument was erected describing the six as having “Died in the Eastern Mediterranean.” *Liberty* survivors complain that the inscription is evasive and improper.⁴⁴ The office of the Secretary of the Navy responded to the Liberty Alliance's letter (see Figure 2):

The Government of Israel formally communicated its sincere expression of deep regret and subsequently paid U.S. claims for the deaths, injuries, and damage caused in the attack. In view of the facts cited above, I must renew the conclusions of previous Navy correspondents, to wit: there is no purpose to further investigation.⁴⁵

The *Liberty* Alliance members questioned the Secretary of the Navy's response, claiming that the Navy Secretary was not interested in another investigation and felt that the Israel government had paid its dues. The *Liberty* at the time of its conversion cost the U.S. government \$100 million. Israel's compensation did not exceed \$6 million. The Alliance members were dissatisfied as Israel's compensation only amounted to 6 percent of the

⁴³ Ibid., 9. It is important to note that the number of Americans who know about the USS *Liberty* attack is far lower than the number of Americans who do not.

⁴⁴ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 79.

⁴⁵ Patrick Neher Judge Advocate to Secretary of Navy, Washington DC, 22 September 2005, Personal Files of RADM Clearance, A. Hill, Jr. (Front Royal, Virginia).

actual cost of the ship.⁴⁶ The USS *Liberty*, a Navy technical research ship then operating peacefully in international waters was, at that time, the most sophisticated and best-equipped intelligence ship in the world. The ship itself was so badly damaged that it never again sailed on an operational mission. This of course does not even begin to account for the cost of lives, to which no dollar amount can ever equate.⁴⁷

On 8 March 2005, Congressman Rob Simmons, who is another advocate of the Liberty Alliance, requested that the Navy conduct an independent investigation into the *Liberty* attack. He requested an “Independent Commission of Inquiry into Israel attack on the USS *Liberty*, the recall of military rescue support Aircraft while the ship was under attack, and the subsequent cover-up by the United States Government.”⁴⁸ The Department of Navy denied his request, citing the following factors:

The attack on USS *Liberty* took place at approximately 1358 hours on 8 June 1967. It occurred during the height of the Six Day War between Israel and the Arab states of Egypt, Syria and Jordan. The attack was carried out by Israeli aircraft and torpedo boats, resulting in the deaths of 34 U.S. servicemen and injuries to 171 *Liberty* crewmen. The Government of Israel, which had no prior knowledge of *Liberty*’s mission, has consistently maintained that the attack was a result of an error induced in part by a misidentification of *Liberty* as the Egyptian ship ‘El Quseir’.”⁴⁹

⁴⁶ Liberty Alliance. *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty (AGTR-5)* (Front Royal: 2005).

⁴⁷ Ibid.

⁴⁸ Rob Simmons, United States Congress, Washington DC, 8 March 2005, Personal Files of Liberty Alliance.

⁴⁹ Jane G. Dalton, *Request of New Investigation*, Department of the Navy, Washington DC, 16 March 2005, Personal Files of the Liberty Alliance, Front Royal, Virginia.

It is important to point out that the Egyptian transport ship *El Quseir* is half the size of the *Liberty*. Moreover, Israeli surveillance airplanes had earlier identified the *Liberty* as an American vessel and conveyed this information to the Israeli Navy's headquarters in Haifa.⁵⁰ Another important factor was the Department of the Navy officially assuring the Congress that "the Court of Inquiry was the only United States Government investigation into the incident."⁵¹ This is important because throughout the years since the attack there have been many allegations that the attack has repeatedly been investigated by different entities and officials of the United States government and otherwise. None of these alleged "investigations," however, amounted to a genuine investigation of any facts of the incident, or to a thorough investigation. Many of those alleged investigations did not take into account any testimony from the 240 survivors of the *Liberty*, many of whom were seriously injured and were away getting medical treatment during the Navy Court of Inquiry. Moreover, these survivors were not among the only 17 survivors who were permitted to give testimony to the Navy Court of Inquiry in 1967.⁵² Despite these facts, the Navy denied the *Liberty* survivors' request for another investigation.

On 8 June 2005, the USS *Liberty* Veterans Association, Inc., submitted to Francis J. Harvey, Secretary of the Army, a documented report of war crimes committed by Israeli forces against U.S. Military Personnel on June 8, 1967. This report was submitted

⁵⁰ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 23.

⁵¹ Liberty Alliance. *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty (AGTR-5)* (Front Royal: 2005).

⁵² Ibid.

to the Secretary of the Army in the capacity as an Executive Agent for the Secretary of Defense under Department of Defense Directive No. 5810.01B.⁵³ It was mentioned that the Liberty Alliance had previously sent a detailed letter to the Secretary of the Navy in support of the efforts of the Liberty Veterans Association to obtain a full, fair, and objective U. S. government investigation into the Israeli attack on the *Liberty*. In both the report and the letter, the LVA presented facts of official record which demonstrated that the investigation conducted by that Navy Court of Inquiry had been incomplete. This was concluded on the basis of the foregoing:

With its [Navy Court Inquiry's] glaring defects and inadequacies, it would not constitute a reliable basis even for decisions by the Navy concerning operational or material matters...the issues presented by the Liberty Veterans Association in its formal Report of War Crimes submitted to you on 8 June 2005. The War Crimes issues now raised by the LVA had not even been formulated or substantially articulated at the time of the hasty Navy Court of Inquiry in 1967. In fact, among the very few of the LIBERTY survivors who were actually called and permitted to testify before that Court, some were silenced when they attempted to describe events which in retrospect would have fallen clearly within the War Crimes category; and the testimony of at least one who did enter that area – having witnessed the firing by the Israelis upon life rafts launched or

⁵³ Veterans, USS Liberty. *War Crimes Committed Against U.S. Military Personnel*. War Crimes, United States: the USS Liberty Veterans Association, 2005.

launching to accommodate wounded members of LIBERTY's company – has been found to have been deleted from the Court's original report of its proceedings.⁵⁴

In short, an official request – by the Liberty Veterans Association and the Liberty Alliance – for more detailed and objective investigation was placed. The Secretary of Army's office responded to the request in this way:

The Court of Inquiry, which heard testimony from several officers and enlisted men and including the commanding officer, produced an exhaustive record of proceedings over 650 pages in length. The military chain of command made appropriate findings and recommendations... The U.S. Government concluded that the Israeli government was culpable for the attack, and it formally communicated its sincere expression of deep regret and subsequently paid U.S. claims in full for the deaths, injuries, and damage caused in the attack, thus closing the matter between the two governments. Therefore, further investigation by the U.S. military is unwarranted.⁵⁵

The request for another investigation once again failed. The Navy Inquiry did not include statements from many of the survivors (see Figure 1). One must ask why? The War Crime report included the eyewitness accounts. One statement came from *Liberty* survivor Glenn Oliphant. In his testimony, Mr. Oliphant described how the ship came under attack:

Shortly after the torpedo hit, the order was received to abandon ship. I crawled back to the transmitter room and entered it. After some time, I heard no more explosions so I went back onto the main deck and proceeded aft to look at an antenna mount. I discovered that a shell had hit the mount. I then remember looking behind the ship and seeing three life

⁵⁴ Ibid.

⁵⁵ Letter from Richard J. Jackson, Special Assistant to the Judge Advocate General, to the Liberty Alliance, 15 May 2006, Personal Files of Liberty Alliance (Front Royal, Virginia).

rafts floating in the water, I would say about 150 yards behind the ship. Then I saw spurts of water around the rafts. I heard machine gun fire and then I saw the rafts deflating. A torpedo boat came into view and stopped and picked up one of the life rafts. The torpedo boat stayed in that position for some time and then proceeded to come along the port side.⁵⁶

Another survivor made an unequivocal and convincing testimony. Lloyd C. Painter who is now a retired U.S. Secret Service, said “I personally observed an Israeli MTB methodically machine gun one of the *Liberty*'s empty life rafts that had been cut loose and was floating in the water. I knew at that split second that the thrust of the IDF attack was to kill every American sailor on board. There were to be no survivors that day.”⁵⁷ Such statements are very important, but they were not entered in the Navy Inquiry final findings. It is a common practice that statements from eyewitnesses are taken into account in any type of investigation, so one must ask the question: Why were such statements left out? And why, when the issue was brought up by the survivors, did the reply always reference the findings of the Navy Inquiry?

Nonetheless, the continuous refusal by the U.S. government to start a new and independent investigation did not stop the *Liberty* survivors from gaining hope. The Liberty Alliance was determined to seek assistance from entities other than the government. In a memorandum addressed to Senator John Warner, Chairman of the Committee on Armed Forces, the Liberty Alliance expressed the sentiment that the Navy

⁵⁶ Veterans, USS *Liberty*. *War Crimes Committed Against U.S. Military Personnel*. War Crimes, United States: the USS Liberty Veterans Association, 2005.

⁵⁷ Ibid.

Inquiry conducted by Admiral John McCain in 1967 was not sufficient and, most importantly, did not include many of the survivors' testimonies.⁵⁸ Admiral Merlin Staring, the author of the memo, was at the time of the attack a senior Judge Advocate on the staff of Admiral John McCain, Jr. John McCain convened the Navy Court of Inquiry to investigate all the circumstances of the attack. Admiral Staring explained that he received the court's inquiry final report for his legal review, in which he had only 18 hours to review 650 pages. At the end of the 18 hours, Admiral McCain learned that Mr. Staring had difficulties finding evidence to support some of the court's findings, "I was having problems finding evidence . . . but was only a third of the way through it, the Admiral [McCain] had the record withdrawn from me, and I had no input into his action upon it."⁵⁹ The memo also said that the matter had been officially submitted by the Veterans Association as a War Crime and that it has never been "thoroughly investigated".⁶⁰ Admiral Staring went on to say that the fact that Israel had admitted to the attack after it happened, claiming that it was caused by mistaken identity, and that it ultimately paid some damage claims, was in no way responsive, or even relevant, to the Report of War Crimes – war crimes which, quite simply, have never been investigated.⁶¹ Those war crimes have been properly reported now, and they should now be investigated, at long last, with appropriate corrective action to follow in accordance with the system

⁵⁸ Liberty Alliance memo to Senator John Warner, 11 January 2006. *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty (AGTR-5)* (Front Royal: 2005).

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

implemented by the DoD Directives cited above. On 22 February 2006, Senator Warner replied to the Liberty Alliance with a denial for their request, “I [Senator Warner] forwarded your letter to the Deputy Secretary of Defense and former Secretary of the Navy, Gordon R. England, for his review. I recently received the attached letter in response from Assistant Judge Advocate General of the Navy for Civil Law on behalf of Secretary England, which concluded that further investigation is not warranted.”⁶² And, like every letter sent to the Liberty Alliance, Senator Warner’s letter ended by saying, “This is an important matter, particularly to the brave men who served in USS *Liberty*, who endured the attack and saved their ship.”⁶³ The Secretary of the Navy office replied to the forwarded message as follows: “The Government of Israel formally communicated its sincere expression of deep regret and subsequently paid U.S. claims in full for the deaths, injuries and damages caused in the attack. In view of those facts, further investigation is not warranted.”⁶⁴

In response to the Secretary of Navy’s refusal for another investigation, Mr. Merlin H. Staring wrote once again on 22 July 2006 to Senator John Warner explaining Secretary England’s reaction to the request. In his letter, Mr. Staring stated, “Officer in the Office of the Judge Advocate General of the Navy responded to us on behalf of the Secretary of the Navy. His response contained no acknowledgment of or response to the

⁶² Liberty Alliance memo to Senator John Warner, 11 January 2006. *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty (AGTR-5)* (Front Royal: 2005).

⁶³ Ibid.

⁶⁴ Letter from H.H. Dronberger, Department of the Navy, Assistant Judge Advocate General, to the Liberty Alliance, 6 January 2006, Personal Files of Liberty Alliance (Front Royal, Virginia).

blatant defects to which we had pointed in the Navy's hasty and superficial 1967 Court of Inquiry. He simply [renewed] the conclusions of previous Navy correspondents, to wit: there is no purpose to further investigation."⁶⁵ Faced with continuing refusal of the Secretary of Navy to consider the investigative discrepancies that the Liberty Alliance group had presented to him in the letter dated 27 July 2005, and despite the fact that the Secretary of the Army had, for almost a year, had before him the Report of War Crimes for his consideration, no response or known action was taken on his behalf. No response or known action was taken, despite the fact that a similar presentation was sent to him on 20 April 2006 for his consideration in his capacity as Executive Agent for the Department of Defense.⁶⁶ On 15 May 2006, in a letter to the Liberty Alliance group, a Special Assistant to the Judge Advocate General of the Army responded, on behalf of the Secretary of the Army, to the Alliance's request for considering the investigative discrepancies that pertained to the Court Inquiry. Once again the subordinate officer of the Department of the Defense "took no note whatsoever of the documented presentation of the superficial tone and the complete inadequacy of the Navy's hasty 1967 Court of Inquiry."⁶⁷ However, in passing he did acknowledge that the Convening Authority had given the Court, "a Wide mandate to investigate all pertaining facts and circumstances leading to and connected with the armed attack on USS *Liberty*,"⁶⁸ and that the

⁶⁵ Merlin H. Staring, Letter to Senator John Warner, *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty*, 22 July 2006.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

Department of Defense directive was not even close to fulfillment in the 650 plus pages of the Court's record to "Which the Convening Authority gave his hasty and highly vulnerable approval after consideration over a recorded period of little if any more than 24 hours."⁶⁹ It is important to point out that the subordinate officer – in the Office of the Judge Advocate General of the Army who was in charge of responding to the Liberty Alliance's request – had adapted, in his letter, a verbatim paragraph employed by the subordinate officer in the Office of the Judge Advocate General of the Navy, in her responding letter of March 2005 to the Congress, which read, "The Court of Inquiry which heard testimony from several officers and enlisted men from the LIBERTY, including the commanding officer, produced an exhaustive record of proceedings over 650 pages in length."⁷⁰

Again, neither of the respondents, both presumably highly trained, competent and experienced attorneys, took into considerations the fact that only 17 of the *Liberty* attack survivors, of a total surviving complement of 260 officers and men, and very few of the 172 wounded who would most likely have been at the center of the action, had an opportunity to testify.

It is important to point out that the Navy Court of Inquiry did not meet the guidelines the Department of Defense had put in place in regards to conducting any sort of investigation or when dealing with war crimes reporting. As mentioned above, the

⁶⁹ Ibid.

⁷⁰ Merlin H. Staring, Letter to Senator John Warner, *United States Government Investigation of the 8 June 1967 Israeli attack on the USS Liberty*, 22 July 2006.

report was submitted to the Secretary of the Army in his capacity as an Executive Agent for the Secretary of Defense under Department of Defense Directive No. 5810.01B. The Executive Agent's responsibilities include ensuring Department of Defense compliance with the law of war obligation to and by the United States of America.⁷¹ The Department of Defense Directive also states that the office of the Secretary of Defense applied the guidelines of the Directive to the "Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the DoD Components)."⁷² The combatant command in this case was Israel. It is important to point out that no Israeli personnel were investigated for the attack on *Liberty*. Although the Navy Court of Inquiry found Israel responsible for the attack, it did not attempt to discover whether the attack was deliberate. Finally, the U.S. government accepted Israel's claim and accepted its "sincere apology".⁷³

The Directive states, in its definition, that, "The law of war encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties and international agreements to which the United

⁷¹ Veterans, USS Liberty. *War Crimes Committed Against U.S. Military Personnel*. War Crimes, United States: the USS Liberty Veterans Association, 2005. <<<http://www.usslibertyveterans.org>>>, 10 February 2010.

⁷² Ibid.

⁷³ Ibid.

States is a party, and applicable customary international law.”⁷⁴ In the policy, the DoD

Directive clearly states:

All reportable incidents committed by or against U.S. personnel, enemy persons, or any other individual are reported promptly, investigated thoroughly, and, where appropriate, remedied by corrective action. All reportable incidents are reported through command channels for ultimate transmission to appropriate U.S. Agencies, allied governments, or other appropriate authorities. Once it has been determined that U.S. persons are not involved in a reportable incident, an additional U.S. investigation shall be continued only at the direction of the appropriate Combatant Commander. The on-scene commanders shall ensure that measures are taken to preserve evidence of reportable incidents pending transfer to U.S., allied, or other appropriate authorities.⁷⁵

None of the 650 pages of the Navy Court of Inquiry contained such implementation: nowhere can one find an Israeli official’s testimony, although after the attack the Israeli Government conducted its own two investigations, one by the Israeli Defense Force lines officer and the other by a military judicial official.⁷⁶ The first inquiry found that the attack on the *Liberty* was due to an erroneous report of enemy action, the speed of the *Liberty* mistakenly reflected on radar in excess of twenty knots, the mistaken identification of the *Liberty* as an Egyptian horse transport, and the *Liberty’s* intentional concealment of its presence in the area.⁷⁷ He recommended better procedures for declaring danger zones, better pilot training in ship identification, and better staff

⁷⁴ Ibid.

⁷⁵ Department of Defense Directive. In coordination with the Combatant Commanders, promptly report and investigate reportable incidents committed by or against members of their respective Military Departments, or persons accompanying them, in accordance with Directives issued under.

⁷⁶ U.S. Navy Court of Inquiry, *supra* note 3, at 161-62.

⁷⁷ Ibid.

training. The judicial inquiry similarly attributed the attack to an understandable mistake because of the ship's suspicious movements and its lack of identifying markings.⁷⁸ The investigating judge stated that, from the large amount of evidence before him, he did not discover any deviation from the standard of reasonable [wartime] behavior which would justify bringing anyone to trial. The U.S. Naval Court of Inquiry convened to investigate the attack on the *Liberty* found that the available evidence indicated the attack on the *Liberty* was a case of mistaken identity and, further, that no available information indicated that an intentional attack against a U.S. ship was intended.⁷⁹ In both inquiries, no American servicemen were interviewed. Israel was the judge and the jury. Nevertheless, the U.S. Court of Inquiry accounted for both Israeli inquiries and included them in the final fact-finding proceedings.⁸⁰

Another request for a new investigation was sent out by Mr. Moe Shafer, this time to the Secretary of Defense, Donald Rumsfeld. The narrative of Secretary Rumsfeld's reply was no different from that of everyone else who had previously turned down a new investigation request (see Figure 3):

As you [Mr. Shafer] are aware, Navy Court of Inquiry investigated the facts and the circumstances concerning the attack on *Liberty* soon after it occurred in 1967. In his endorsement of the investigation, Admiral McCain found that *Liberty* suffered an unprovoked attack by Israeli air and naval forces in international waters. The

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

Government of Israel formally communicated its sincere expression of deep regret and subsequently paid U.S. claims in full for the deaths, injuries and damages caused in the attack, thus closing the matter between the two governments...we recognize and honor the sacrifice and uncommon bravery demonstrated by you, the officers, and the other crewmembers in *Liberty* on that fateful day.⁸¹ This constitutes another failed attempt to investigate the attack on the *Liberty* in which the narrative is the same. Every response to a request for a new investigation is based on the findings of the Navy Court of Inquiry.

On 26 October 2006, on behalf of Mr. John Hrankowski, a survivor of the attack on *Liberty*, Judge Thomas Reynolds faxed the Department of the Navy a letter of request for a new investigation citing the War Crimes Report, in which the survivors claimed that the Israeli torpedo boats attacked the life rafts to prevent the crew from surviving the attack had they abandoned ship.⁸² According to the report, Israeli torpedo boats approached the *Liberty* only after a failed attempt by the Israeli war planes failed to sink it. Therefore, the torpedo boats approached with the purpose of sinking the ship. The crew of the *Liberty* fired in self-defense on the torpedo boats with the limited firepower that essentially and evidently was no match to the firepower of the torpedo boats.⁸³ The Department of the Navy replied on 31 October 2006:

⁸¹ Letter from J. E. Baggett, Department of the Navy, Deputy Assistant Judge Advocate General, to the Liberty Alliance, 24 February 2006, Personal Files of Liberty Alliance, Front Royal, Virginia.

⁸² USS Liberty Veterans, "War Crimes Committed Against U.S. Military Personnel," USS Liberty Veterans Association Website, 8 June 2006. <<<http://www.uslibertyveterans.org>>> date accessed 10 February 2010.

⁸³ Ibid.

Destruction of the life rafts prior to their use was a consequence of the overall attack on the *Liberty* from Israeli aircraft and torpedo boats...as far as the torpedo boats are concerned, I'm sure that they [Israeli forces] felt they were under fire from the USS *Liberty*. At this time they [Israeli torpedo boats] opened fire with their guns and in a matter of seconds, one torpedo was noted crossing astern of the ship at about 25 yards.⁸⁴

Even with new evidence and new testimonies, including that of an Israeli pilot who refused to participate in the attack, the U.S. government continued with its discourse.⁸⁵

Fifteen years after the attack, an Israeli pilot approached *Liberty* survivors and then held extensive interviews with former Congressman Paul N. (Pete) McCloskey about his role. According to this senior Israeli lead pilot, he recognized the *Liberty* as American immediately, so informed his headquarters, and was told to ignore the American flag and continue his attack. He refused to do so and returned to base, where he was arrested.⁸⁶

The cover-up continued years after the attack, as made evident in the Israeli pilot's testimony. Another piece of the puzzle that was never included in the Navy Inquiry or even examined is the prior warning that the U.S. Embassy in Tel Aviv had sent the day before the attack. By the time of the attack, Israel had control of both the sky and the ground and since Israel was the only effective military force left in the region, the only explanation for concern about the *Liberty's* safety was concern about the threat of Israeli military action. Despite the obvious urgency of the situation and the irregular action by

⁸⁴ Letter from J. E. Baggett, Department of the Navy, Assistant Judge Advocate General, to the Liberty Alliance, 31 October 2006, Personal Files of Liberty Alliance, Front Royal, Virginia.

⁸⁵ "USS *Liberty*-Israeli Pilot Speaks Up", 14 July 2003, available from <<<http://www.rense.com/general39/pilot.htm>>> accessed 17 February 2006.

⁸⁶ Ibid.

the JCS to pass word by telephone, word did *not* reach the *Liberty* before she was attacked at 2 p.m. local time the next day.⁸⁷ Representative Robert L. F. Sikes of Florida (who had been with the intelligence working group of the Defense subcommittee of the U.S. House of Representatives Committee on Appropriations) and other committee sources confirm that the frantic efforts by the JCS (and NSA) to move the *Liberty* on the evening of June 7, 1967, were prompted by a report from the USDAO in Tel Aviv that the Israeli Defense Forces planned to attack the ship if she continued to operate where she was. Their knowledge came directly from testimony on the subject of the *Liberty* made to the committee by a representative of the CIA.⁸⁸

As for Israel's account, the *Mysteres'* pilots realized the ship did not return fire and became suspicious. They attempted to identify the ship but saw no flag. Then they did see the markings GTR5 and realized Egyptian warships were almost always identified with Arabic lettering. This information was radioed to the command center and the *Mysteres* left the vicinity. General Rabin was concerned the ship was Soviet, not American, meaning Moscow could now intervene in the war.⁴⁷ The Israeli claim contradicted the CIA's own assessment that was formulated prior to the attack, which

⁸⁷ USS Liberty Veterans, "War Crimes Committed Against U.S. Military Personnel," USS Liberty Veterans Association Website, 8 June 2006. <<<http://www.uslibertyveterans.org>>> date accessed 14 February 2010. What had preceded this urgent direction to get the *Liberty* away from the Egyptian coast, then controlled by Israel, was a message from the U.S. Defense Attaché Office (USDAO) in Tel Aviv, telling U.S. authorities that Israel was planning to attack the *Liberty* if she was not moved.

⁸⁸ Ibid.

asserted that Israel would most likely attack the USS *Liberty* if she remained in the area of operation.

On 10 June 1967, two days after the attack on the *Liberty*, Admiral MacCain requested the Court of Inquiry. He was instructed to take the sworn testimonies of witnesses and to submit a verbatim record of its proceedings, including its findings.⁸⁹ As a preface of its findings, the Court of Inquiry stated that an “unusual difficulty”⁹⁰ it faced while conducting the investigation was “the necessity [thus imposed] of investigating such a major naval disaster of international significance in an extremely abbreviated time frame.”⁹¹

This horrific incident left a permanent scar in the minds of the ship survivors who all believed that the attack was deliberate, not accidental. For more than 70 minutes, Israeli jet fighters and torpedo boats pounded the vessel leaving 34 American sailors dead and 172 wounded. Although Israel acknowledged responsibility and apologized for the death of 34 Americans, the survivors of the *Liberty* view the official Israeli explanation as “incomprehensible and insulting.”⁹² The survivors maintain that the Israelis conducted the lengthy attack after conducting several surveillance missions over the *Liberty*, pointing out that the Israelis had most definitely identified the ship as American. The ship was in international waters, clearly marked by its unique configuration but, most

⁸⁹ USS Liberty Veterans, “War Crimes Committed Against U.S. Military Personnel,” USS Liberty Veterans Association Website, 8 June 2006. <<<http://www.uslibertyveterans.org>>> date accessed 14 February 2010.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

importantly, flying a very large American flag.⁹³ The Israeli Navy and Air Force claim to have misidentified the *Liberty* as an Egyptian freighter ship called *El-Quseir* that transported horses.⁹⁴ According to James Ennes, *El-Quseir* is about half the *Liberty*'s size and, further, that Israel knew the *El-Quseir* was an unarmed transport ship.⁹⁵ In addition, the Israeli intelligence service had prior knowledge that *El-Quseir* was docked in Alexandria the day of the attack.⁹⁶ Soon after it arrived at the port of Malta, the survivors of the *Liberty* told the Associated Press that Israel should have identified the *Liberty* because the American flag was flying and the weather was clear.⁹⁷ They told reporters that it was impossible for Israeli forces not to have identified the *Liberty*.⁹⁸ This happened before the arrival of Admiral Kidd. Soon after Admiral Kidd arrived on board the *Liberty*, he ordered the crew not to talk to the media and "say nothing to anyone," and threatened the crew with court marshal if his orders were disobeyed.⁹⁹ Survivor Ken Ecker recalled that, immediately following the attack:

I was threatened with court-martial if I discussed the incident with the press or anyone else. One of the warnings was also not to discuss the attack even with my immediate family or friends. In my case these

⁹³ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), ix.

⁹⁴ Ibid.

⁹⁵ <<<http://whatreallyhappened.com/WRHARTICLES/ussliberty.html>>> date accessed 15 February 2010. According to a 1981 NSA report on the incident, the *El Quseir* "was approximately one-quarter of the *Liberty*'s tonnage, about one-half its length, and offered a radically different silhouette."

⁹⁶ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 151-3. *El-Quseir* was half the size of the *Liberty*. Trained pilots would not have problems distinguishing a transport ship from a spy ship that has been riddled with communication antennas, ten foot designation letters, and a large flag.

⁹⁷ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 79.

⁹⁸ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006), 226-7. This report is very significant because the crew of the *Liberty* at this point was not prohibited from talking to reporters. (Author's translation from Arabic).

⁹⁹ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979) 245.

warnings were repeated upon my transfer from each duty station I left along with the standard security clearance debriefing. I was also periodically taken aside and reminded of the original threat even when not being transferred.¹⁰⁰

Although Mr. Ecker spoke out about his experience years after the attack; nevertheless, his testimony was never acknowledged by U.S. government officials. He insists that he seeks no personal recognition, but he will not rest until the 34 brave men who sacrificed their lives are finally given the long overdue honor they so justly deserve.¹⁰¹

In addition, evidence from the Israeli government's reports indicated that Israeli torpedo boats had initially reported the speed of the target at 1341 as 30 knots. This same speed was verified and confirmed a few minutes later as 28 to 30 knots. This information would have been important in determining whether the attacked ship was the *Liberty* as it was identified earlier by Israeli pilots or if it was the *El-Quseir*. According to *Jane's Fighting Ships*, the ship *El Quseir* should have been easily ruled out since she had a top speed of only 14 knots.¹⁰² According to James Ennes, the claim that Israel mistakenly identified *Liberty* as the Egyptian cavalry's 40-year-old horse carrier *El Quseir*, when in

¹⁰⁰ Personal testimony of Ken Ecker to War Crime Report Committee, USS Liberty Survivor, USS Liberty Veterans, "War Crimes Committed Against U.S. Military Personnel," USS Liberty Veterans Association Website, 8 June 2006. <<<http://www.usslibertyveterans.org>>> date accessed 14 February 2010.

¹⁰¹ Ibid.

¹⁰² <<<http://whatreallyhappened.com/WRHARTICLES/ussliberty.html>>> date accessed 15 February 2010.

fact *El Quseir* had been out of service for years, intelligence that must have been well known to the Israeli Air Force and the Navy, is absurd.¹⁰³

Another flaw in the Israeli report is the claim that the *Liberty* was related to a bombardment assault on El Arish, an Egyptian town, now occupied by Israel in the Sinai Peninsula. The Israeli report emphasized that the consequent attack started on the basis of reports that El Arish was under fire from the sea. This very claim contradicts other claims by Israel, which indicate that the *Liberty* was mistaken for *El Qusair*, a transport ship that was half its size. In the same report, Israeli pilots confirmed that in their last run they noticed on the hull the marking “CPR-5”.¹⁰⁴ The pilots transmitted this information to the torpedo boats division in order to tell them not to proceed with the attack. This order was recorded at 1420, more than 20 minutes into the attack. The torpedo boats, nevertheless, started their attack at about 1428. The Israel Division Commander later “claimed that no such message ever reached him.”¹⁰⁵ The Deputy Commander testified that “He received the message and passed it on to the Division Commander.”¹⁰⁶ This information was not available to be included in the Court of Inquiry. The Israeli report was concluded on 21 September 1967, three days after the Court of Inquiry concluded its final findings. The U.S. government obtained this classified Top Secret document and it remained classified Top Secret until 24 January 1983, when it was declassified and released in response to a

¹⁰³ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 28-9.

¹⁰⁴ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 151-3. *El-Quseir* was half the size of the *Liberty*.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

\$15,000 lawsuit filed in Minneapolis Federal District Court after the State Department refused to release it under the administrative provisions of the Freedom of Information Act¹⁰⁷ (see Figure 4).

Admiral Thomas H. Moorer stated that, based on his long experience as a pilot in the navy, both the United States and the Israeli governments share responsibility for the cover-up: "I cannot accept the claim by the Israelis that this was a case of mistaken identity."¹⁰⁸ Moorer, as top legal counsel to the official investigation, believed that Israel intended to sink the USS *Liberty* and blame Egypt for it, thus unnecessarily and recklessly dragging the United States into a war with the Arab world. "Why would our government put Israel's interests ahead of our own?"¹⁰⁹ Moorer asked from his wheelchair at the news conference. He was Chief of Naval Operations at the time of the attack.¹¹⁰ Admiral Moorer's statement does not stand alone. In a signed affidavit released at a Capitol Hill news conference, retired Capt. Ward Boston said Johnson and McNamara told those heading the Navy's inquiry to "conclude that the attack was a case of 'mistaken identity' despite overwhelming evidence to the contrary."¹¹¹ On 15 June 1967, U.S. Secretary of State Dean Rusk charged that Israel had deliberately attacked the

¹⁰⁷ Department of State, "The Liberty Discrepancies", 21 September 1967.

¹⁰⁸ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), ix.

¹⁰⁹ Paul Findley, *They Dare to Speak out: People and Institutions Confront Israel's Lobby* (Chicago: Lawrence Hill Books, 2003), 17.

¹¹⁰ Ibid.

¹¹¹ *Dead in the Water*, dir. Christopher Mitchell. 1 hr. 8 min., BBC, 2002. DVD. During the Six-Day War, Israel attacked and nearly sank the USS *Liberty* belonging to its closest ally, the USA. Thirty-four American servicemen were killed in the two-hour assault by Israeli warplanes and torpedo boats. The story is told in this documentary by both the survivors and government officials from the U.S. and Israel.

Liberty. His remarks were made to the NATO ambassador in Luxembourg. His charge never made the news in the United States.¹¹² Although Secretary Rusk's statement is a public acknowledgment, his acknowledgement was nevertheless intended for people outside the U.S.

There are two parallel narratives of the *Liberty* incident. With little attention paid to the context in which the *Liberty* was attacked, one would have noticed that this conflict has seemed to take place in two parallel fields. The first field is that of the U.S. government and the media discourse. The second is that of the Israeli government's official claim. The missing narrative is that of the survivors.

Prior to the Arab-Israeli war of 1967, and days before the attack on the *Liberty*, Israeli officials began a round of public relations campaigns in Washington. The Egyptian president, they said, was about to attack Israel and American support would be needed.¹¹³ This turned out to be untrue. Israel's Prime Minister Menachem Begin admitted in an interview in 1982 that Israel was planning a first strike against Egypt: "The Egyptian Army concentration in the Sinai did not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him."¹¹⁴ On 9 June 1967, the *Washington Post* published an article titled, "Israel Claims Proof Arabs Lied on Air Aid." The article was about an alleged intercepted conversation between

¹¹² James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 79.

¹¹³ James Bamford, *Body of Secrets* (New York: Random House, 2001), 186.

¹¹⁴ Ibid.

King Hussein of Jordan and Egypt's president Jamal Abd Al-Nasser.¹¹⁵ The article said that both leaders were planning to "fabricate a story" about claiming that the United States and Britain aided Israel in the air attack that caused the complete destruction of the Egyptian and Jordanian air forces.¹¹⁶ In the same article, it is noted that in another part of the "intercepted" transcript, the Egyptian president is heard telling King Hussein that Egypt would attack Israeli targets by air: "We are flying our planes over Israel today, our planes striking at Israeli air fields since morning."¹¹⁷ Prime Minister Begin's testimony showed a discrepancy in that Israel, prior to the 1967 War, had claimed that Egypt had initiated the war. Based on the provided facts one must question Israeli's credibility. The *Liberty* survivors believed that the cover-up began when the White House and the State Department handed the press the following:

A U.S. Navy technical research ship, the USS Liberty (AGTR-5), was attacked about 9 A.M. (EDT) today approximately 15 miles north of the Sinai Peninsula in international waters of the Mediterranean Sea. The United States has been informed by the Israel government that the attack was made in error by Israeli forces, and apology has been received from Tel Aviv. Initial reports of casualties report 4 dead and 53 wounded.¹¹⁸

A press presence was felt in the area, in particular on the carrier *America*. This ship alone had 29 news media representatives on board. Most were from the United States but many

¹¹⁵ "Israel Claims Proof Arabs Lied on Air Aid," *Washington Post*, 09 June 1967, sec A14. The Six-Day War began in the early hours on 5 June 1967, when Israel wiped out all of Egypt, Jordan and Syria's air forces. Thereafter, the Arabs were left with no choice but to accept the cease-fire request by the UN. [Author's translation from Arabic].

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 152.

were from England, West Germany and Greece.¹¹⁹ James Ennes points out that despite the heavy press presence, Admiral Martin “somehow managed to keep these men in the dark about the *Liberty* attack for more than five hours.”¹²⁰ Newsmen such as Bob Horton and Neil Sheehan complained back to their office that “very little” was being released to the media regarding the *Liberty* attack.¹²¹ Soon after these correspondents learned of more details on the attack, they began filing stories. Instead of sending these stories to their offices, however, the ship media office redirected their messages to classified traffic to the Pentagon.¹²² Essentially, reporters were restricted from reporting. Another example of information restriction occurred when a reporter tried to disguise his report as a personal letter to his family and the letter ended up in the Pentagon, as James Ennes mentions.¹²³ Captain McGonagle’s original report sent to the Six Fleet stated that, “attacked with unidentified jet fighters believed Israeli . . . approximately six strafing runs made on ship . . . took torpedo hit starboard side.”¹²⁴ As James Ennes points out, this early report eventually became the nucleus of the official story of the *Liberty*. Mr. Ennes reminds us of the fact that Captain McGonagle was badly wounded, delirious and, at times, unconscious, and this was not taken into account, to which later details are most likely to be revealed. Captain McGonagle’s initial report was taken into account only to support the “mistaken identity” hypothesis, without so much considering his mental state

¹¹⁹ Ibid., 153.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid., 154

¹²⁴ Ibid.

and the circumstances of the attack. The unprovoked attack on the *Liberty* caused a stir in Washington among a few prominent officials. Initially the Israelis claimed that the ship was unmarked and did not fly the American flag. According to Duty Officer John Scott the U.S. flag was flying at all times and that, even after the Israeli jets had destroyed the flag in their first run, Captain McGonagle ordered that a larger flag be hoisted.¹²⁵ "There's no way they couldn't have seen that flag," Ennes said. "When it got shot full of holes, we put up a new one."¹²⁶ Mr. Scott remembers vividly that, that morning, when the Israeli flying boxcar made its run to identify the ship, he glanced up at the American flag, "ruffling in a twelve-knot breeze, to check the wind direction."¹²⁷ Major newspapers in the U.S neglected to report this important fact about the attack.¹²⁸

¹²⁵ James Bamford, *Body of Secrets* (New York: Random House, 2001), 198-9.

¹²⁶ "Deadly attack on USS *Liberty* gets new attention," *Seattle Times*, 09 June 2010, A.

¹²⁷ Ibid.

¹²⁸ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 34-8.

The Context

In the months leading to the war, Egyptian officials were convinced that Mossad's Director Maneer Amit had a substantial role in Israel's foreign policy, and that the Israeli military was largely in charge of the country's fate. The leadership in Egypt also believed that the United States was coordinated with Israel's war efforts and that the U.S. was involved in arming and providing logistical support to Israel during the 1967 War.¹²⁹ On the second day of the war, Israel released photos of destroyed Egyptian airfields. This is a very significant fact: it is important to point out that the Israeli military at the time was unequipped with, and thus incapable of, aerial photography and satellite imagery technology. On the second day of the conflict, Israel released high-resolution aerial photographs showing destroyed Egyptian airfields to the media. As one of the *Liberty* survivors pointed out, these high-resolution photographs were a result of an American/Israeli collaboration. This is an important fact, since President Johnson supposedly refused to support Israel's war initiative if Israel had fired the first shot.¹³⁰

Recently released government documents reveal new evidence about Mr. Amit's involvement in the 1967 war efforts. The documents shed light on the steps taken by government officials on the Israeli and American sides. The new evidence shows that Mr.

¹²⁹ Mohammed Hyakel, *The 1967 Storm* (Cairo: Dar Al Elem Publishing, 1992), 644. (Author's translation).

¹³⁰ Ibid.

Amit was involved in the decision-making process at the highest level in government. In addition, they show his involvement as a war lobbyist in Washington.¹³¹

In a safe house outside Washington, a meeting took place between Amit and James Angleton, the CIA operational officer at the time. Although there are no official documents that could describe the contents of this meeting, there are copies of Amit's correspondence back to Tel Aviv extant. In his letters back to Israel, Mr. Amit outlined the official and unofficial American views. These views can be summarized as follows:

- 1- President Johnson was happy to see Israel taking the matter into its own hands.

Privately, President Johnson did not object to Israel's plans to start a war with its Arab neighbors. Publically, however, President Johnson condemned any preemptive Israeli attack on its Arabs neighbors.

- 2- Mr. Angelton was an outspoken supporter of Israel and did not object to Israel's plans to attack its Arab neighbors preemptively. Mr. Amit wrote, "Many in Washington and on top of the list Mr. Angelton, who are questioning why Israel had not yet attacked the Arabs." Mr. Amit wrote that Mr. Angelton had suggested that the United States was ready to help Israel by providing it with a shipment of three Sky Hawk squadrons. Moreover, these modern jet fighters were not part of the Department of Defense budget, but rather part of the CIA's budget, and that Secretary Robert McNamara had not objected to such transaction.

¹³¹ Ibid., 50.

- 3- Angelton also offered that 72 highly-trained American fighter pilots be on stand-by and ready to deploy to assist Israel in the fight against the Arabs.
- 4- Amit added, two weeks prior to the war, that the United States, through the CIA, had arranged a shipment of 62 Mirage French fighters to Israel. In addition, all of the ammunition requested by Israel a few days before the war were supplied and transferred by American planes from bases in Western Germany.¹³²

Mr. Amit asserted that Israel had all it needed for victory. The Americans were supportive of and coordinated with Israel's agenda, not only in the short term, but also in the long term. President Johnson was committed to support Israel and its agenda, which included the occupation of the West Bank.¹³³ Convinced that the Soviets were not interested in a military involvement, Amit assured Israeli planners and policy makers that if the Soviets were to get involve and support Egypt, the American president then would rightly be justified in openly convincing the American people and congress to support Israel. As for any political ramifications, Mr. Amit asserted that he had assurances from the United States. In the event of a Security Council decision to condemn Israel for the attack, the United States guaranteed Israel that it would use its veto. The United States was committed to stand in the face of any attempt to pressure Israel to withdraw from any occupied territories. The United States would not get involved in any type of reconciliation with third parties without consulting with Israel first. Mr. Amit emphasized

¹³² Ibid. 52-3.

¹³³ Mohammed Hyakel , *The 1967 Storm* (Cairo: Dar Al Elem Publishing, 1992), 645. (Author's translation).

that President Johnson insisted that President Nasser would not repeat the same mistake of 1956 this time, when the Arabs resorted to the United Nations and the Soviets for help. President Johnson wanted the message to be clear: Arabs should resort to the United States and Israel upon their defeat.¹³⁴

Despite Amit's great coverage of the Egyptian front, there was no mention of the Jordanian front in his testimony. One important factor was President Johnson's commitment to King Hussein of Jordan, who was considered, by many Americans, to be an ally, and was given much importance by Washington as being the buffer zone between Israel and Iraq and the Gulf countries. In Mr. Amit's meetings in Washington Jordan was excluded from the conversation despite evidence showing that Israel's main objective in the conflict was the capture of Jerusalem from Jordan.¹³⁵ Some Arab historians have suggested that Israel's main object was the occupation of the West Bank and Jerusalem for their religious and emotive value to the Jewish people. The Israeli emphasis on the Egyptian front was just a diversion from its main goal, which was the Jordanian front.

Israel claimed that the Egyptian troops' massed along the Israeli border was a certain threat to its security. This turned out to be a false claim as years later Prime Minister Begin and other Israeli officials admitted that this claim was presented only to

¹³⁴ Ibid.

¹³⁵ Mohammed Hyakel, *The 1967 Storm* (Cairo: Dar Al Elem Publishing, 1992), 649. (Author's translation). Donald Neif, a witness to Mariam Eshkol, the wife of Levi Eshkol, described that her husband, nights before the attack on the Arab countries, complained that he couldn't sleep because he was worried about the devastation that would come as a result of the war, but he was comforted believing that Israel would recapture Jerusalem.

gather American military and political support to start the war. According to one of Mr. Amit's messages back to Israel, he expressed the following to Secretary McNamara:

Israel does not object to taking the matter in its own hands knowing that the United States is ready to back and support Israel's actions. The United States is concerned about American casualties in the event of American involvement thus would turn public opinion against the Johnson Administration and Israel. Israel at this point could be concerned about its public opinion with the American people and world.¹³⁶

The Egyptian military intelligence was successful in penetrating the Pentagon. An Egyptian agent by the name Ali Isamil, posing as an MBA student at Columbia University in New York, was able to gather detailed Department of Defense documents. These documents reveal the American pro-Israel role and its involvement in the 1967 War and provide powerful evidence of the falsity of the American claim of neutrality.

Newspaper Coverage

Newspapers are second only to television in terms of influence on the American public. There are more than 1,843 newspapers in the United States with a total of 60 million newspapers sold every day.¹³⁷ The terminology used in headlines or in the article, and the way a topic is presented and the language used, may affect people's opinion.

¹³⁶ Ibid, 648. The idea that the American President and American policy-makers were considering assisting Israel militarily not only sheds light on American commitment to Israel but also validates the Egyptian claim that the U.S. was not acting as a neutral party in the conflict, something the Americans continually denied.

¹³⁷ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006), 240. This book covers a variety of topics pertaining to the power of Israeli lobby groups and their influence on the media in the United States. (Author's translation).

The *New York Times*, one of the most respected newspapers in the United States, accepted the Israeli claim that the attack was a case of mistaken identity.¹³⁸ Early reports of the *New York Times* showed a one-sided narrative in which the *Liberty* incident was downplayed by the editors. The *New York Times*' headlines read, "Israel in Error, Attack U.S. Navy Ship."¹³⁹ On June 18, the paper changed its coverage. The *New York Times* article titled, "Israel Accused at Hearing on U.S. Ship,"¹⁴⁰ mentioned that senior crew of the *Liberty*, "were convinced that Israel's air and torpedo boat attack which cost 34 American lives, was deliberate".¹⁴¹ The article also mentioned one survivor's account of the incident, "We were flying the stars and stripes and it's absolutely impossible that they [Israelis] shouldn't know who we were . . . this is a deliberate and planned attack and the remarkable thing about it was the accuracy of their air fire."¹⁴²

On 9 June 1967, the *Sacramento Bee* published an article titled, "31 May Be Toll in Israeli raid on US Ship."¹⁴³ The *Sacramento Bee* seemed to give a more accurate account of the number of dead. This could also be an indication that information was readily available to news reporters in Malta soon after attack. Another article the *Bee*

¹³⁸ "Israel in Error, Attack U.S. Navy Ship," *New York Times*, 09 June 1967, A.

¹³⁹ "Israel in Error, Attack U.S. Navy Ship," *New York Times*, 09 June 1967, A.

¹⁴⁰ "Israel Accused at Hearing on U.S. Ship," *New York Times*, 18 June 1967, 20.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ "31 May Be Toll in Israel Raid on US Ship," *Sacramento Bee*, 09 June 1967. A3.

published on June 10, titled, “Israel Offers Reparations for Shelling of US Ship,”¹⁴⁴ mentioned that the American flag was hoisted on the *Liberty* at the time of the attack.¹⁴⁵

The *Chicago Tribune* was less objective than the *New York Times* in covering the USS *Liberty* incident. The paper published an article on its main page titled, “Israel Rip, U.S. Ship 10 Killed.”¹⁴⁶ The paper also published another article on the second page, titled “Israel Torpedo U.S. Navy Ship.”¹⁴⁷ However, in both articles the *Tribune* downplayed the incident. Failing to mention that the attack was conducted by both Israel’s air force and navy only undermined the severity of the attack and thus downplayed the incident. The two waves of attacks on the *Liberty* by the Israeli air force and navy was information readily available to the media in the port of Malta the day after the attack.¹⁴⁸ Another article, published in the *Tribune* on 16 June 1967, was titled “Israel Jet Attack Told by Sailor.”¹⁴⁹ This may have caused the reader to think that the attack was implemented by jet fighters only, and ignore the role played by the torpedo boats. Reporters in Malta were aware that the attack by Israel was carried out by fighter jets and torpedo boats. In addition, the paper mentioned that the attack on the *Liberty* lasted only 15 minutes, which contradicts the survivors’ account, which stated that the attack lasted more than 70 minutes.¹⁵⁰ Finally, the paper did mention that helicopters and

¹⁴⁴ “Israel Offers Reparations for Shelling of US Ship,” *Sacramento Bee*, 09 June 1967, A2.

¹⁴⁵ *Ibid.*

¹⁴⁶ Fred Farrar, “Israel, Rip US Ship 10 Killed,” *The Chicago Tribune*, 09 June 1967, A 1.

¹⁴⁷ *Ibid.*, 2.

¹⁴⁸ James Bamford, *Body of Secrets* (New York: Random House, 2001), 197.

¹⁴⁹ “Israel Jet Attack Told by Sailor,” *The Chicago Tribune*, 16 June 1967, 2.

¹⁵⁰ James M. Ennes, *Assault on the Liberty*, (New York: IVY Books, 1979), 13.

rescue teams arrived at the scene, but it did not mention that the rescue crew arrived 16 hours after the attack took place, and that U.S. fighter jets were recalled after they were launched.¹⁵¹ This information was readily available to the media by 10 June 1967; the article was published on 16 June, 1967. Another newspaper that covered the *Liberty* incident subjectively is *The Christian Science Monitor*. The *Monitor* published the article on page 12 entitled (in small font) “U.S. Ship hit,” and, below that, in large font “Israel apologizes for attack.”¹⁵² The implication is that the incident was a case of mistaken identity, thereby assuring the reader that this was an insignificant event. First, the main theme in this article is the “Israeli apology” that followed the attack. Second, although the article mentions the loss of American lives, it only mentions the loss of ‘4’ American lives and only mentions ‘53’ Americans wounded in the attack.¹⁵³ The *Washington Post* on 9 June 1967, the day after the attack, published an article on the front page titled “U.S. Fleet in Mediterranean Warns Trailing Soviet Ships.”¹⁵⁴ The articles continued on page 29 with a new title, “U.S., Russia Used ‘Hot Line’.”¹⁵⁵ The article’s main point was not the attack on the *Liberty*, but the fact that the ‘hot line’ between the U.S. and the Soviet Union was used on 8 June 1967 for the first time. The article downplayed the incident by diverting attention from the USS *Liberty* attack to the Cold War politics, emphasizing the tension between the United States and the Soviet reactions. *The Washington Post*

¹⁵¹ Ibid.

¹⁵² “U.S. ship hit, Israel apologizes for attack,” *The Christian Science Monitor*, 09 June 1967, 12.

¹⁵³ Ibid.

¹⁵⁴ “U.S. Fleet in Mediterranean Warns Trailing Soviet Ships,” *The Washington Post*, 09 June 1967, A 1.

¹⁵⁵ Ibid., A 29.

published an article on 9 June 1967 titled, “Israel Hits U.S. Ship, Envoy Here Apologizes for Attack.”¹⁵⁶ The article’s implication was that the *Liberty* was mistaken for an Egyptian ship. Here again, the apology was the main theme, and that the reader should conclude that there should not be any doubt that the attack was accidental. Another article in *The Washington Post*, was titled, “Israel Claims Proof Arabs Lied on Air Aid.”¹⁵⁷ Aside from the inaccuracy of the claim itself, one must ask why the *Post* did not mention the USS *Liberty* attack in the article, which would have been the most truthful of news reported at the time. It seems unusual to cover a Middle Eastern event that was unrelated to an attack on a U.S. ship in the region.

Israeli Coverage of the *Liberty*

The Israeli newspaper *Al Etihad* in Haifa, which circulated in Arabic, made no mention of the attack whatsoever, instead publishing an article titled, “Johnson: Victory for the West.”¹⁵⁸ The article referred to President Lyndon Johnson praising the Israeli victory in the war campaign on the Arab nations. Moreover, the article claimed Israel to be a western power, a notion very familiar to the American public. It is not clear why *Al Etihad* did not publish the news about the attack on the USS *Liberty*, and one must ask why the Israeli paper made no mention of the attack. When Israeli papers decided to

¹⁵⁶ “Israel Hits U.S. Ship, Envoy Here Apologizes for Attack,” *The Washington Post*, 09 June 1967, 12.

¹⁵⁷ “Israel Claims Proof Arabs Lied on Air Aid,” *The Washington Post*, 09 June 1967, A1.

¹⁵⁸ “Johnson: Victory for the West,” *Al Etihad*, 09 June 1976. A1. Although this paper is published in Arabic, it mainly reflected Israeli views. During the 1960s the Arab population superseded the Jewish population, and thus the Israeli government felt the need to publish an Arabic newspaper that supported government positions.

publish the news a few days after the attack, their narrative was that of the Israeli government, which claimed that the USS *Liberty* was not flying an American flag.¹⁵⁹

British Coverage of the *Liberty*

The London *Times* coverage didn't differ from to the vast majority of American newspapers. The *Times*, one of the most prominent of British newspapers, declared in its headline "10 Dead, 100 hurt in U.S. Warship."¹⁶⁰ The article, however, did mention that the *Liberty* was flying the American flag while being under attack, contrary to Israeli accounts. Therefore, the paper's reporting of the incident was more objective in that it did not claim that the attack was a mistake; rather, it quoted the Israeli official account in reporting the attack "in error by Israeli forces".¹⁶¹ The *Times* seemed to downplay the incident by stating that the attack claimed the lives of only "ten" Americans.¹⁶² Information about the number of dead was initially low because of the chaos surrounding the incident. Nevertheless, newspapers in Europe reported the number of dead as it rose but this significant news did not make it all the way to the newsstands in the United States.¹⁶³ The British newspaper, the *Jewish Chronicle*, made no mention of the incident. Only one article from 9 June to 30 June 1967 referred to attacks on ships. The *Jewish*

¹⁵⁹ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006) 224-5. (Author's translation).

¹⁶⁰ "10 Dead, 100 hurt in U.S Warship," *Times*, 09 June 1967, A 1.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006) 224-5. The number of dead was reported to the AP by the *Liberty* survivors in Malta as soon as they arrived [Author's translation].

Chronicle published this article on 16 June 1967 entitled, “Egyptian ships sunk”.¹⁶⁴ This could be an indication that the *Jewish Chronicle* war correspondents were reporting from the war zone. One must ask what prevented the *Jewish Chronicle* from reporting the news of the attack. The British newspaper the *Manchester Guardian* published an article on its main page about the news of the attack, again downplaying the severity of the attack by claiming that “Ten killed in Israeli attack on US ship.”¹⁶⁵ The paper made no mention of the fact that the ship was sailing in international waters during the attack. This important omission could have influenced public opinion against Israel. The article also downplayed the length of time it took for the ship to seek help. More than 16 hours elapsed from the time of the attack to the time help. This information was readily available to the media in Malta the day the *Liberty* arrived.¹⁶⁶

Arab Coverage of the Attack

Arab coverage of the incident was different, being more in line with the survivors’ narrative. This was not because state-controlled media in the Arab world had more objective reporting; it was because Israel, their enemy, happened to be the aggressor in this incident, so Arab papers simply capitalized on the news. Egypt’s main newspaper, *Al Ahram*, published an article on 9 June 1967 titled, “Physical Evidence points to American Collaboration with Israel, the Pentagon announced that Israeli air planes and

¹⁶⁴ “Egyptian Ships sunk (is this correct?),” *Jewish Chronicle*, 16 June 1967. A 1 [The attack happened on 8 June 1967, no articles were found about the USS Liberty from 8 June to 16 June 1967.]

¹⁶⁵ Richard Scott, “Ten Killed Israeli attack on US ship,” *The Manchester Guardian*, 9 June 1967. A 1.

¹⁶⁶ Hussni Ayesh, *The Israel-America and the America-Israel* (Beirut: Dar Al Fares Publishing, 2006) 224-5. The number of dead was reported to the AP, by the Liberty survivors in Malta as soon as they arrived. (Author’s translation).

torpedo boats in error attacked a U.S. Ship.”¹⁶⁷ The Lebanese newspaper *Al Hayat* published the *Liberty* news on the front page on 9 June 1967 with the title “Israel attacks a U.S. Spy Ship north of Sinai.”¹⁶⁸ The article was quoting U.S. officials that the ship was attacked by “mistake”. In another article, published on 12 June 1967, by *Al Hayat*, the paper takes into account the possibility of deliberate intentions by Israel, “Israel Deliberately attacked the American Ship because it uncovered its (Israel’s) plot of invasion (of the Golan Heights).”¹⁶⁹ In addition, the article accurately accounted for the number of the missing and dead.¹⁷⁰

The Navy Court of Inquiry

On 10 June 1967, two days after the attack, Admiral John S. McCain Jr. ordered a Navy Court of Inquiry (NCOI) to inquire into all pertinent facts and circumstances leading to and connected with the attack, resulting damages, and deaths and injuries; and when complete, submits its findings of fact.¹⁷¹

The Navy inquiry was conducted two days after the attack and only lasted five days. By all accounts, this seems very short in terms of naval inquiries, or any inquiry, for

¹⁶⁷ “Physical Evidence points to American Collaboration with Israel, the Pentagon announced that Israeli air planes and torpedo boats in error attacked a U.S. Ship,” *Al Ahram*, 09 June 1967, A. [Egyptian newspaper, article translated from Arabic].

¹⁶⁸ “Israel attacks a U.S. Ship north of Sinai,” *Al Hayat*, 09 June 1967, A1. (Author’s translation). Only Arab newspapers that were involved in the Six-Day War were included, with the exception of Syria and Jordan, where newspapers were either not in circulation or were not available in the UC Berkeley archives.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 78.

that matter.¹⁷² About 19 hours of testimony was heard from 17 witnesses during two days, combined with six hours of testimony from two witnesses heard on 10 June and 16 June, totaling 25 hours of testimony from 19 witnesses. Compared with similar matters subject to NCOI hearings, such as the NCOI for the USS *Pueblo* incident, heard over 200 hours of testimony from 104 witnesses, this is absurdly brief.¹⁷³

In addition, the navy inquiry did not interview any Israeli officials nor did it include vital testimonies of the survivors.¹⁷⁴ Moreover, it concluded:

We found LIBERTY's situation being discussed at the highest command levels where decisions were made and instructions issued without taking concurrent precautions to inform the ship of the planned actions by the same most rapid means of communications available—in this case, telephone and voice radio systems....an overall conclusion that the attack was in fact a mistake.¹⁷⁵

The Navy JAG Manual states that the responsibility of Counsel for the Court is to exploit all practicable sources of information and to “bring out all facts in an impartial manner without regard to the favorable or unfavorable effect on persons concerned.”¹⁷⁶ Soon after the inquiry, the survivors immediately declared that the navy inquiry was not

¹⁷² Ibid.

¹⁷³ Paul Findley, *They Dare to Speak out: People and Institutions Confront Israel's Lobby* (Chicago: Lawrence Hill Book, 2003), 22-3.

¹⁷⁴ Ibid.

¹⁷⁵ U.S. Naval Forces, *Court Inquiry into the circumstances surrounding the armed attack on USS Liberty (AGTR-5) on 8 June 1967* (London: 1967). This is the only U.S. government official inquiry into the *Liberty* attack. It is brief and excludes testimonies from the survivors and Israeli armed forces witnesses. The investigation revolved around details of the *Liberty*'s crew respond to the attack.

¹⁷⁶ James M. Ennes, *Assault on the Liberty* (New York: IVY Books, 1979), 103.

sufficient and a cover-up by the U.S. government was launched. Even years after the attack, the U.S. Congress still refused to deal with the incident.

Captain McGonagle of the *Liberty* broke his silence in 1997 when he demanded a Congressional inquiry of the attack.¹⁷⁷ It is also imperative to note that the USS *Liberty* is the most decorated ship in U.S. history, and that the *Liberty* is the only ship in U.S. history that has been attacked yet never investigated by the U.S. Congress. Despite Captain McGonagle's demands, both witnesses and the media remained silent, and until the end of his life failed to achieve any closure. Many of the people who are in possession of information that might lead to a breakthrough of the incident are literally frightened to "contravene their oath of secrecy, or worry they might be in physical danger."¹⁷⁸ Today, in the United States, British and Israeli documents about the attack remain classified and much of a recent National Security Agency (NSA) analysis is censored.¹⁷⁹

The *Liberty* survivors claim that the U.S. and Israeli governments had covered up the incident, and the evidence supports their claim. No ship in U.S. history has ever received such damage and casualties by accident. The USS *America* and USS *Saratoga* were only 40 minutes away from the attack. Despite distress calls from the USS *Liberty*, it took 16 hours for rescuers to arrive on the scene. The U.S. government downplayed the intensity of the surveillance and the severity of the attack, and imposed a news blackout on the crew to keep the story under control. Today, the USS *Liberty* incident remains an

¹⁷⁷ Ibid.

¹⁷⁸ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 16-18.

¹⁷⁹ Peter Hounam, *Operation Cyanide* (London: Sheena Dewan, 2003), 19.

element of debate in American history. As the debate continues about this affair, more information is surfacing as a result of the increasing availability of media addressing the event.

Firstly, the media depiction has been unbalanced and biased. The United States played a role at the time by placing a blockade on the media and directing what news went out, thus preventing the public of its right to know. The victim is the USS *Liberty*, and the aggressor is Israel. In the past, whenever there has been an incident involving a military vessel or any military incident, the proper government protocol calls for an immediate Congressional Inquiry, using sources including documents, witness accounts and reports. More than 42 years after the incident happened there has still been no congressional inquiry filed in the Library of Congress. Resolution No. 420, adopted by the 109th National Convention of the Veterans of Foreign Wars of the United States, held in Orlando, Florida on 16-21 August 2008 declared that the attack on the *USS Liberty* by Israeli planes and torpedo boats was deliberate.¹⁸⁰ The mainstream media did not report on this convention. The resolution demands that the United States government investigate the incident through congressional inquiry. All survivors of the *USS Liberty* attack have provided the same story without contradictions. This information is very important; nonetheless, this very fact was not mentioned in the media, or even credited. Major newspapers in the U.S. were mainly concerned with the “error” factor. Mr.

¹⁸⁰ USS Liberty Veterans, “War Crimes Committed Against U.S. Military Personnel,” USS Liberty Veterans Association Website, 8 June 2006. <<<http://www.uslibertyveterans.org/>>> date accessed 10 February 2010.

Meadors, who suffered shrapnel injury, said the “psychological impact will stay with him for life”.¹⁸¹ In an interview with *Navy Times*, Mr. Meadors claims that efforts by the survivors to get congressional investigation into the USS *Liberty*’s attack have failed because of the powerful Israeli lobby’s continuous pressure on members of Congress and U.S. officials past and present. Mr. Meadors adds, “A war crime has been committed and there is no statute of limitation on murder. If we can get a federal prosecutor who is willing to convene a grand jury to investigate, that might be the way to go”.¹⁸² The major newspapers in the United States did not comment on Mr. Meadors’s request.

The only official inquiry conducted by the Navy’s Court of Inquiry on the USS *Liberty* incident was a week long and, by the survivors’ accounts, unsatisfactory, simply because the testimonies from the survivors of the attack or the witnesses were not included in the inquiry. U.S. Navy Captain Ward Boston, who served on the Navy inquiry as a court counsel, admitted in an interview in June 2002 with the *Navy Times* that people who served in the court, including Rear Admiral Isaac Kidd, who served as the president of the court, all privately avowed that “Israeli forces knew they were attacking a U.S. Navy ship”. Captain Boston added that he participated in the sham because “In military life, you accept the fact that if you’re told to shut up, you shut up”.¹⁸³

¹⁸¹ Eric Mohammed, “The Final Call,” *Navy Times*, 09 June 2006, 34.

¹⁸² *Ibid.*

¹⁸³ Bryant Jordan, “Key Investigators Express Belief That Israel Deliberately Attacked U.S. Ship,” *Navy Times*, 26 June 2002. 1-4.

In 2006, Senator John McCain of Arizona coldly turned down a request by Mr. Michael Trepp for a congressional inquiry into the *Liberty*. In his response to Mr. Tepp's letter, Senator McCain wrote, "as you may know, a U.S. Navy Court of Inquiry was convened on June 10, 1967. . . . the court did not rule on the culpability of the attackers I believe this matter has been thoroughly reviewed, and that we must now focus our attention on the critical U.S. security issues."¹⁸⁴ (see figure 5). It seemed that Senator McCain had no interest in this topic. As this may have seemed insignificant, it did not make the news. Is it possible to assert that John McCain did not want to anger his Jewish constituents?¹⁸⁵ In a similar situation concerning Israel's interests, in 1947 President Truman stated, "I am sorry, gentlemen, but I have to answer to hundreds of thousands who are anxious for the success of Zionism. I do not have hundreds of thousands of Arabs among my constituents."¹⁸⁶

Some U.S. officials opposed a congressional inquiry, as if new findings would jeopardize U.S. national security. Politicians often cite Jay Cristol's book, *The Liberty Incident*, whenever a congressional inquiry is requested by the survivors. "The book exonerates Israel from any wrongdoing and supports the Israeli official 'mistaken

¹⁸⁴ Letter from Senator John McCain to Michael Tripp and the Liberty Alliance, 31 October 2006, Personal Files of Liberty Alliance, Front Royal, Virginia. Mr. Michael Trepp, a survivor of the attack, had requested a congressional inquiry into the incident 35 years after the attack. The survivors reached for Senator John McCain hoping he would understand their plight since he himself is a navy veteran and POW.

¹⁸⁵ Richard Curtiss, *Stealth PACs: Lobbying Congress for Control of U.S. Middle East Policy* (Washington D.C.: American Educational Trust, 1996), 250. Although this book was published in 1996, it clearly shows that John McCain has been a regular recipient of Israeli lobby money since 1986.

¹⁸⁶ Howard M. Sachar, *A History of Israel from the Rise of Zionism to our Time* (New York: Alfred A. Knopf, 2007), 5-7. President Truman declared support for the State of Israel after 11 minutes of the UN announcement of the UN partition plan, which gave the minority Jewish population the majority of the land in Palestine. President Truman's comment reflects the power of the Jewish vote in the 1940s.

identity' claim."¹⁸⁷ Mr. Cristol's argument is initially persuasive; however, in making his case, he dismisses the survivors' accounts of the incident. In addition, he claims that he acquired one particular photograph from the Israeli Defense Ministry. The photograph, allegedly taken from one of the Israeli attacking fighter jets, shows the USS *Liberty* engulfed in smoke. Mr. Cristol argues that it was impossible for the Israeli pilots to identify the ship because there was no flag identifying it. The survivors, however, have questioned the photograph because, according to them, the *Liberty* was flying an oversized American flag. Mr. Meadors challenged the photograph and contacted the Israeli Defense Ministry to request a clarification of the photograph in question (see Figure 7A). The Israeli Defense Ministry denied that it provided Mr. Cristol the alleged photograph. Rachel Naidek Ashkenazi, a spokesman for the Ministry of Defense, wrote, "Dear Mr. Meadors, Jay Cristol's book was checked by our archive experts and they say that, apart from one photo, taken by the late David Rabinger (a photo of Moshe Dayan in Gush Etzion), all other photos were taken by a photographer of the American Navy"¹⁸⁸ (see Figure 7B). Mr. Cristol claimed to have studied the incident of the *Liberty* for 15 years. If Israel deny providing Mr. Cristol with some of the sources on which he bases his thesis, one must question the credibility of Mr. Cristol's book (see Figure 8).¹⁸⁹

¹⁸⁷ Joe Meadors, phone interview with author, 6 February 2010.

¹⁸⁸ State of Israel, The Ministry of Defense, *Liberty* (Tel Aviv: 26 May 2005).

¹⁸⁹ Joe Meadors, phone interview with author, 6 February 2010.

After further examination of Mr. Cristol's book, one can conclude that his narrative is no different from that of the Israeli Government. His book seemed initially convincing, but the survivors are also persuasive—and Mr. Cristol dismisses their eyewitness accounts, a very important part of the investigation. In his thesis Mr. Cristol, as many in the U.S. government who have previously exonerated Israel from any wrongdoing have done, bases his opinion on the final findings of the U.S. Navy Court of Inquiry.

A- The senior legal adviser to the Court of Inquiry reflected that, in his entire career, he has never seen a court of inquiry appointing letters with such limited authority, or an investigation made in such haste. The court's hearings began before the *Liberty* even arrived in Malta, and the report was completed just 10 days after the attack. The court commented on this haste in the official record: "The Court of Inquiry experienced no unusual difficulties incident to conducting the subject proceedings except for the necessity of investigating such a major naval disaster of international significance in an extremely abbreviated time frame."¹⁹⁰ Due in part to the required haste and the limitations imposed on the scope of the court's inquiries, "It was not the responsibility of the court to rule on the culpability of

¹⁹⁰ U.S. Naval Forces, *Court Inquiry into the circumstances surrounding the armed attack on USS Liberty (AGTR-5) on 8 June 1967*, London: 1967. This is the only official U.S. government inquiry into the *Liberty* attack. It is brief and excludes testimonies from the survivors and Israeli armed forces witnesses.

the attackers, and no evidence was heard from the attacking nation.”¹⁹¹ The court concluded that “available evidence combines to indicate [that the attack was] . . . a case of mistaken identity.”¹⁹² It is important to point out that no investigation can be considered concluded, regardless of the circumstances, without hearing from all of the parties involved. In the case of the attacking party, Israel is an ally and therefore it would have been relatively easy to request and obtain witnesses from them. One could ask, could one inquire into all of the circumstances without hearing from the attacking nation? In fact, the court did neither. According to Captain Ward Boston, chief legal counsel to the Court of Inquiry, the court found that “the attack was deliberate, but reported falsely that it was not because they were directed by the president of the United States and the secretary of defense to report falsely.”¹⁹³ If so, the findings are fraudulent. Yet these findings were the basis for several other reports that followed.

B- As for the Israeli government inquiries into the attack, The Ram Ron and Yerushalmi reports of 1967, these reports were not investigations. They were simply an element of a process. The process was to decide whether any Israeli official should be charged for a crime. From start to finish, the attack on the *Liberty* itself was dealt with as an accident. In other words, the notion that the

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ USS Liberty Veterans, “War Crimes Committed Against U.S. Military Personnel,” USS Liberty Veterans Association Website, date. <<<http://www.uslibertyveterans.org>>> date accessed 10 February 2010..

attack was a mistake or accident was taken as given.¹⁹⁴ Both final findings of the hearings decided that no Israeli did anything wrong, and that the USS *Liberty* was partly responsible for a number of contrived reasons, such as “failure to fly a flag” and “trying to hide”—which the Navy Court of Inquiry found to be untrue.¹⁹⁵

C- Mr. Cristol pointed to the Joint Chiefs of Staff Report of June 1967 as proof to exonerate Israel from any wrongdoing. This report was not in any way an investigation into the attack, but was rather an inquiry into the mishandling of several messages intended for the ship. It did not exonerate Israel, because it did not in any way consider the question of culpability.¹⁹⁶

D- The CIA amended a report from 13 June 1967: This report was completed only five days after the attack, and its finding stated, “our best judgment [is] that the attack . . . was a mistake.” This report cannot be considered an investigation into the attack for the simple reason that no first-hand evidence was collected. Nevertheless, Richard Helms, then-CIA Director, concluded and later reported in his autobiography that the attack was planned and deliberate—a fact ignored by Mr. Cristol.¹⁹⁷

E- The Clark Clifford report of 18 July 1967: Clark Clifford was directed by President Lyndon Johnson to review the Court of Inquiry report and the interim CIA report and “not to make an independent inquiry.” The Clifford report was

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

simply a summary of other fallacious reports, not an “investigation” as alleged by Mr. Cristol. The report reached no conclusions and did not exonerate Israel, as Mr. Cristol also claimed. On the contrary, Clifford wrote later that he regarded the attack as deliberate—a fact ignored by Mr. Cristol.¹⁹⁸

F- The two U.S. Hearings: The Committee on Foreign Relations meeting of 1967 and Senate Armed Services Committee meeting of 1968 were simply hearings on unrelated matters. They were not investigations into the attack. The typical questions were, “Why can’t we get the truth about this?” They were not “investigations” at all, but budget hearings, and reported no conclusions regarding the attack on the USS *Liberty*. They did not exonerate Israel, as claimed by Mr. Cristol.¹⁹⁹

G- The meeting of the House Appropriations Committee in April and May 1968: This meeting was a regular budget committee meeting which “explored the issue of lost messages intended for the ship.” It was not an investigation and reported no conclusions concerning the attack, as alleged by Mr. Cristol.²⁰⁰

H- The House Armed Services Committee Review of Communications, May 1971, explored the failure of the *Liberty* communications. This was discussed along

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

with other communications failures. The committee reported no conclusions concerning the attack, as alleged by Mr. Cristol.²⁰¹

- I- The Senate Select Committee on Intelligence, 1979/81: Mr. Cristol claimed that the committee investigated the attack and exonerated Israel, “yet he has been unable to provide minutes, a report or other evidence of such an investigation. Rules of the select committee require that any committee investigation be followed by a report. There is no report of such an investigation, ergo, there was no such investigation.”²⁰²
- J- The National Security Agency Report of 1981: Upon the publication in 1980 of Assault on the *Liberty* by James Ennes, the National Security Agency completed a detailed account of the attack. The report drew no conclusions, although its authors did note that the deputy director dismissed the Israeli excuse (the Yerushalmi report) as “a nice whitewash.” The report did not exonerate Israel, as claimed by Mr. Cristol.²⁰³
- K- State of Israel–Israel Defense Force History Department report of June 1982: This Israeli government report was a reaction to a published report by Sen. “Adlai Stevenson III claimed who believed the attack was deliberate and hoped to provide a forum for survivors to tell their story. It was primarily a summary of the

²⁰¹ Ibid.

²⁰² USS *Liberty* Veterans, “War Crimes Committed Against U.S. Military Personnel,” USS *Liberty* Veterans Association Website, 8 June 2006. <<<http://www.usslibertyveterans.org/>>> date accessed 10 February 2010.

²⁰³ Ibid.

Ram Ron and Yerushalmi reports. The Stevenson forum, which was the impetus for the report, was never held. The report supports the official Israeli position that the attack was a tragic accident.”²⁰⁴

L- House Armed Services Committee investigation of 1991/92: Though cited by Mr. Cristol as an investigation which exonerates Israel, the U.S. government reports no record of such an investigation.²⁰⁵ Mr. Cristol claims that the investigation resulted from a letter to Rep. Nicholas Mavroules from Joe Meadors, then-president of the USS *Liberty* Veterans Association, seeking Mavroules’ support. Instead of responding to *Liberty* veterans, however, Congressman Mavroules referred the matter to Mr. Cristol for advice. Survivors heard nothing further. Meadors’ letter was never answered. The U.S. government reports that there has been no such investigation.²⁰⁶

The Navy inquiry, which was the only official U.S. inquiry or investigation, was limited because it only dealt with the *Liberty*’s crew trainings, the adequacy of communication and the performance of the crew while under attack. The U.S. Navy was not allowed to question Israeli culpability and Navy investigators refused to allow testimony showing that the attack was deliberate or that Israel's excuse was untrue. Even though the legal counsel to the Navy Court of Inquiry Admiral Moore called the court a

²⁰⁴ Ibid.

²⁰⁵ Joe Meadors, phone interview with author, 6 February 2010.

²⁰⁶ Ibid.

“sham”, Congress remained unmoved.²⁰⁷ Despite contrary assertions by attackers and their supporters, nearly every serious researcher accepts, as an established fact, that the attack was deliberate.²⁰⁸

There are certain discrepancies in reports concerning what really happened in the USS *Liberty* incident. On the one hand, there was a media blockade by the Johnson Administration, preventing the truth of the incident from reaching the public, and on the other hand there are survivors who have testified that the *Liberty* was deliberately attacked by Israel and their voices have yet to be voiced by the mainstream media. Even unto this day, the government has not taken the responsibility of establishing a congressional inquiry, nor has the popular press and reported on the unfolding evidence throughout the years.

²⁰⁷ James Ennes, “USS *Liberty*: 38 Years and Counting,” *Washington Report on Middle East Affairs*, May/June June 2005. 30-1.<< <http://www.wrmea.com/component/content/article/8531.html>>> date accessed 18 July 2010.

²⁰⁸ Ibid.

Chapter 3

CONCLUSION

The USS *Liberty* survivors have, for more than 43 years now, claimed that theirs is the only major maritime incident not investigated by Congress. Apologists' response is to claim that no investigation is needed because the attack has been investigated repeatedly, and that each such investigation has exonerated Israel. This claim is pure fantasy. A recent request to the Congressional Research Service for evidence of any congressional inquiry into the attack on the USS *Liberty* brought a report that Congress has never investigated the attack. Israeli culpability for the attack on the USS *Liberty* has never been investigated by any United States government agency. This is a damaging and horrific oversight. The crucial question to be answered is: how could the public disbelieve the virtually identical eyewitness reports of scores of surviving fellow Americans and accept, instead, the undocumented Israeli claim, that of a foreign power that had tried to kill them? It is time for a real investigation.

DEDICATED TO THE CREW OF THE USS LIBERTY:

“The word ‘hero’ has been over-used by people such as athletes and actors. We're not talking about a football player with a sore leg who still scores a touchdown. We are talking about Americans on a ship that is under attack, being hit with rockets, cannon and machine gun fire, and even napalm. Then when it seems like things can't get any worse – it is hit by a torpedo! These men don't run and hide,

even though they have very little in the way of weapons to defend themselves. No
– they are fighting fires and pulling their wounded shipmates off the main deck
while being shot at themselves.”

Stan White, MCPO USN (Ret) Surviving crewmember of the USS *Liberty*. Arlington
National Cemetery

Figure 1 Navy Inquiry

~~TOP SECRET~~
~~DECLASSIFIED~~

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

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

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

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

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

~~TOP SECRET~~

Figure 2 Letter from Sec. England to RADM Hill



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON DC 20374-5066

IN REPLY REFER TO

22 September 2005

RADM Clarence A. Hill, Jr., USN (Ret.)
P.O. Box 663
Front Royal, VA 22630

Dear Admiral Hill:

Thank you for your letter to Secretary England concerning the Israeli attack on USS LIBERTY. I am responding on behalf of the Secretary.

In his endorsement of the Navy investigation, Admiral McCain found that LIBERTY suffered an unprovoked attack by Israeli air and naval forces in international waters. The U.S. Secretary of State communicated to the Government of Israel, "the attack must be condemned as an act of military irresponsibility reflecting reckless disregard for human life." The Government of Israel formally communicated its sincere expression of deep regret and subsequently paid U.S. claims for the deaths, injuries, and damages caused in the attack.

In view of the facts cited above, I must renew the conclusions of previous Navy correspondents, to wit: there is no purpose to further investigation.

As Captain Dalton noted in her letter of March 16th, we recognize and honor the sacrifice and uncommon bravery demonstrated by the officers and crew in LIBERTY on that fateful day. Although we may disagree on the matter of the Navy's investigation, there can be no disagreement about the heroism of the men on that fine ship.

Sincerely,

PATRICK J. NEHER
Captain, Judge Advocate
General's Corps, U.S. Navy
Deputy Assistant Judge Advocate
General (International and
Operational Law)

Figure 3 Letter from Sec. Rumsfeld to Mr. Shafer



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON DC 20374-5068

IN REPLY REFER TO

5800
10/325
February 24, 2006

Mr. Moe Shafer
Blazer Associates, Inc.
4994 Roswell Road, Suite 33
Marietta, GA 30068

Dear Mr. Shafer:

Thank you for your letter to Secretary Rumsfeld concerning a Report on War Crimes against USS LIBERTY.

The Department of Defense directive to which you refer concerning investigations into incidents such as that involving LIBERTY is dated 9 December 1998 and is prospective in application. However, as you are aware, a Navy Court of Inquiry investigated the facts and circumstances concerning the attack on LIBERTY soon after it occurred in 1967. In his endorsement of the investigation, Admiral McCain found that LIBERTY suffered an unprovoked attack by Israeli air and naval forces in international waters. The Secretary of State communicated to the Government of Israel, "the attack must be condemned as an act of military irresponsibility reflecting reckless disregard for human life." The Government of Israel formally communicated its sincere expression of deep regret and subsequently paid U.S. claims in full for the deaths, injuries, and damages caused in the attack, thus closing the matter between the two governments.

Further investigation with respect to the Report on War Crimes is not warranted, and there are no plans to do so.

We recognize and honor the sacrifice and uncommon bravery demonstrated by you, the officers, and other crewmembers in LIBERTY on that fateful day.

As always, if I can be of any further assistance, please let me know.

Sincerely,

J. E. BAGGETT
Deputy Assistant Judge Advocate
General (International and
Operational Law)

Figure 4 State Department Document

12

TOP SECRET This Document Consists of _____ Pages
 No. _____ of _____ Copies, Serial No. _____

DEPARTMENT OF STATE
 The Legal Attaches

16424

September 21, 1967

TO : U - The Under Secretary

THROUGH: S/S *felt*

FROM : L - Carl F. Salans *CFS*

SUBJECT: "The Liberty" - Discrepancies Between Israeli Inquiry and U.S. Navy Inquiry
INFORMATION MEMORANDUM

DEPARTMENT OF STATE - OFFICE OF THE UNDER SECRETARY

REVIEWED BY *[Signature]* DATE *11/24/67*

POSITION AND TEXT DATE

REASON(S)

EXISTING MARKINGS

OFFICIAL RESPONSIBILITY

AND DENIED

FOR SOI EXEMPTIONS

As you requested, we have compared the decision of the Israeli Judge, dated July 21, 1967, with the findings of the U.S. Navy Court of Inquiry, and the Clifford Report, concerning the Liberty incident.

The following discrepancies are noteworthy:

I. Speed and Direction of the "Liberty"

- The Israeli report indicates that the torpedo boat Division Commander reported and reconfirmed the target's (Liberty's) speed at 28 to 30 knots and that it had changed its navigational direction shortly after 1341 hours.
- The U.S. Navy inquiry established that the Liberty had been on a steady course at 5 knots from 1232 hours until the attack.

II. Aircraft Surveillance

- The Israeli report indicates that a ship was reported in the area by reconnaissance aircraft at 0600 and that another report was received of a contact between an Israeli aircraft and a surface vessel about 0900.
- The Navy Court finding of facts, plus testimony of various members of the crew indicate reconnaissance overflights of the Liberty at 0515, 0850, 1030, 1056, 1126, 1148, 1220, and 1245.

III. Identification by Israeli Aircraft

The Israeli report indicates that the fighter aircraft carried out a run over the ship in an effort to identify it.

16424

REFORMED
 1/1/68

Figure 5 Sen. McCain Letter

JOHN MCCAIN
ARIZONA

CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

United States Senate

September 8, 2006

Mr. Michael Trepp
14334 17th Avenue NE
Seattle, WA 98125

Dear Mr. Trepp:

Thank you for contacting me about the 1967 incident involving the USS Liberty. I appreciate your concern.

As you may know, a U.S. Navy Court of Inquiry was convened on June 10, 1967, to look into the circumstances surrounding the armed attack on the USS Liberty. Rear Admiral I. C. Kidd, USN, was President of the Court, and he was assisted in this investigation by Captains Bernard J. Lauff and Bert M. Atkinson.

The responsibility of the Court was to gather information on the attack and forward the data to the Navy Department for further review. As you may know, the Court did not rule on the culpability of the attackers, and the attacking nation did not submit any evidence or testimony on their behalf.

I understand your concern regarding the unprovoked attack on this U.S. vessel. I believe, however, that this matter has been thoroughly reviewed, and that we must now focus our attention on the critical U.S. security issues.

Again, thank you for contacting me.

Sincerely,


JOHN MCCAIN
United States Senator

JM/dch

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

5353 NORTH 16TH STREET
SUITE 105
PHOENIX, AZ 85016
(602) 952-2410

4703 SOUTH LAKESHORE DRIVE
SUITE 1
TEMPE, AZ 85282
(480) 897-6289

407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

Figure 6 Sen. Warner's Letter

JOHN WARNER, VIRGINIA, CHAIRMAN

JOHN MCCAIN, ARIZONA	CARL LEVIN, MICHIGAN
JAMES M. WHITTE, OKLAHOMA	EDWARD M. KENNEDY, MASSACHUSETTS
PAT ROBERTS, KANSAS	ROBERT C. BYRD, WEST VIRGINIA
JEFF SESSIONS, ALABAMA	JOSEPH L. LIEBERMAN, CONNECTICUT
SUSAN M. COLLINS, MAINE	JACK REED, RHODE ISLAND
JOHN ENGLISH, NEVADA	DANIEL K. AKAKA, HAWAII
JAMES M. TALANT, MISSOURI	BILL NELSON, FLORIDA
SAMMY CHAMBLISS, GEORGIA	E. BENJAMIN NELSON, NEBRASKA
LINDSEY O. GRAHAM, SOUTH CAROLINA	MARK DAYTON, MINNESOTA
ELIZABETH DOLE, NORTH CAROLINA	EVAN BAYH, INDIANA
JOHN CORNYN, TEXAS	HILLARY RODHAM CLINTON, NEW YORK
JOHN THUNE, SOUTH DAKOTA	

CHARLES S. ABELL, STAFF DIRECTOR
RICHARD D. DUBOIS, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

February 22, 2006

Rear Admiral M. H. Staring, JAGC, USN (Ret.)
2304 Haddon Place
Heather Hills-Belair
Bowie, MD 20716

Dear Admiral Staring,

Thank you for your Memorandum of September 2, 2005, regarding the Navy's investigation into the Israeli attack on USS LIBERTY (AGTR-5), which occurred on June 8, 1967. I respect your concerns as a leader of the Liberty Alliance and the points you raise about the investigation as a former Judge Advocate General of the Navy and the Staff Judge Advocate for Commander in Chief, U.S. Naval Forces, Europe, at the time of the attack.

I forwarded your letter to the Deputy Secretary of Defense and former Secretary of the Navy, Gordon R. England, for his review. I recently received the attached letter in response from the Assistant Judge Advocate General of the Navy for Civil Law on behalf of Secretary England, which concluded that further investigation is not warranted.

I appreciate that this is a matter of great importance, particularly to the brave men who served in USS LIBERTY, who endured the attack and saved their ship, and to the survivors and families of the wounded and those who died and their supporters. I noted from your Memorandum that they have filed a formal Report of War Crimes with the Secretary of the Army as the Executive Agent for the Department of Defense and view that as an appropriate course of action.

With kind regards, I am

Sincerely,



John Warner
Chairman

Enclosure

Figure 7 Mr. Meadors's Letter to IDF

----- Original Message -----

From: Joe Meadors <joe@ussliberty.com>
 To: dover@mod.gov.il <<mailto:dover@mod.gov.il>>
 Sent: Saturday, May 21, 2005 6:29 PM
 Subject: [Fwd: USS Liberty Photos]

Dear Mrs. Naidek-Ashkenazi:

In previous contacts with the IDF I was kept somewhat in limbo regarding a request for information until the information I requested arrived in the mail.

I would deeply appreciate knowing if my request is being acted upon and if I can expect to receive copies of the photographs I have requested.

Warmest regards,
 Joe Meadors
 USS Liberty Survivor

----- Original Message -----

Subject: USS Liberty Photos
 Date: Mon, 09 May 2005 19:12:22 -0500
 From: Joe Meadors <joe@ussliberty.com <<mailto:joe@ussliberty.com>>>
 To: dover@mod.gov.il <<mailto:dover@mod.gov.il>>

Dear Mrs. Naidek-Ashkenazi:

By way of brief introduction I was aboard the USS Liberty when the ship was attacked on June 8, 1967. I am also the co-web master of the USS Liberty Memorial Web Site at <http://www.ussliberty.com>
 <<http://www.ja5gyrufkshfik.ReadNotify.com/tg/ja5gyrufkshfilhttp/www.ussliberty.com>>

I am contacting you in hopes that you will be able to assist me in an area of research about the attack.

I'll be deliberately brief.

Jay Cristol's book, The Liberty Incident, contains a number of photographs that have been altered.

Judge Cristol claims that those photographs are published as they have been received from the IDF during his many trips to Israel.

Given the obvious and amateurish way in which the photographs were altered we find it hard to believe that that is the result of IDF actions.

I would appreciate it if you could arrange to have us provided with copies of the original photographs that were given to Judge Cristol. I appreciate any assistance you can be in this regard and look forward to your prompt response.

Warmest regards,
 Joe Meadors joe@ussliberty.com <<mailto:joe@ussliberty.com>>

Figure 8 Fake Gun Image

Gun Camera Film 5-4

325



Figure 9 IDF Statement/ Fake gun image



Dear Mr. Meadors,

Jay Cristol's book was checked by our archive experts and they say that apart from one photo, taken by the late David Rabinger (a photo of Moshe Dayan in Gush Etzion), all other photos were taken by a photographer of the American Navy.

Yours Sincerely

Rachel Naidek Ashkenazi
Spokesperson of the Ministry of Defense

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