

every possible effort to assure that the Strait and the Gulf will remain open to free and innocent passage?" I assured him he would not be wrong.

At the end of our talk I believed we had a clear understanding: In the days ahead both governments would concentrate on finding a way to open the Gulf of Aqaba; he could report back to Prime Minister Eshkol that I would, within the limits of my constitutional position, be making a maximum effort to that end. Eshar returned to Israel. On May 28 the Israeli Cabinet decided to postpone military action.

On May 30 Prime Minister Eshkol sent me a message confirming that there had been a meeting of the minds on May 26. Eshkol's cable assured me that Eluan's conversation with me had had "an important influence on our decision to await developments for a further limited period." He went on to say: "It is crucial that the impression must never be given that through the Soviet writer a threat or war...

As my advisers and I interpreted it, the phrase "within a week" meant that we had about two weeks to make diplomacy succeed before Israel took independent military action. This judgment was strengthened by information from other diplomatic sources.

Early in June we sensed that the Israeli might be moving toward a decision to reopen Aqaba on their own, but we still believed that we had time to reach a settlement through diplomacy. On the morning of June 2 a high-ranking Israeli diplomat called on Walt Rostow. He sent me a report immediately afterward containing the following information:

I then asked . . . how much time did they think they had? He replied that they had made a commitment to hold steady for about two weeks. He would repeat ours that from the Cabinet meeting last Sunday, therefore, he was talking about things that might happen in the week after next; that is, the week beginning Sunday, June 7 — although he indicated that there was nothing ironclad about the time period being exactly two weeks.

On the same day, before leaving for Israel, Ambassador Avraham Harman told Rostow that the test in the Gulf of Aqaba should be made in the course of "the next week." In the meantime, Robert Anderson * was in Egypt on business. He met with Nasser on May 31. Their conversation produced no arrangement for UAR Vice-President Zakaria Mohieddin to confer with us in Washington on Wednesday, June 7. His visit would have provided another opportunity for personal diplomacy, but it never took place. His trip was canceled by the outbreak of war. We would never know what purpose, if any, that meeting might have served.

During those trying days I used all the energy and experience I could muster to prevent war. But I was not too hopeful. I sensed that Nasser believed he had achieved an easy reversal of the humiliation of 1956-1957 at the expense of Israel and the United Nations. He was again in the role

* Secretary of the Treasury under President Eisenhower.

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'the most cherished hero of the Arab world. I knew that persuading him to reverse himself and reopen Aqaba would not be easy. As I read the reports from Israel, I felt the actions growing there. If it came to a crunch, I believed the American Big would have to sail the waters of Aqaba alongside Israel's and, we hoped, many other flags as well. We had to prepare for that possibility, and prepare urgently.

Before U.S. military forces could be involved in any way, I was determined to ask Congress for a resolution supporting such a move. I was convinced that Congress would approve the resolution if there seemed to be no alternative, but such a vote of confidence would not be easy to obtain. There were those on Capitol Hill who would willingly exploit the situation for political advantage. In a joint memorandum to me Rusk and McNamara observed: "While it is true that many Congressional Vietnam doves may be in the process of conversion to [Israel] hawks . . . an effort to get a meaningful resolution from the Congress runs the risk of becoming bogged down in acrimonious dispute."

At the very least, I knew that the Congress would not move until we had exhausted all other diplomatic remedies, through the United Nations and outside it. This was also true of the White House. I was opposed to using force until I was persuaded that every other avenue was blocked. And we were moving rapidly to explore every possibility. The week of June 5, 1967, would have been one of intensive diplomatic and congressional ratiocination, if we had had our way.

Besides Great Britain and the United States, two other nations had agreed to take part in a naval task force—known informally as the Red Sea regatta—if events proved this necessary. The Dutch had expressed their intention to us in writing. Harold Holt, Prime Minister of Australia, assured me personally in a visit to Washington on June 1 that his country would assign two of its frigates to the joint task force. We will never know how successful that "regatta" might have been. But I am convinced that Congress, as well as the President, would have honored President Eisenhower's 1957 commitment on Aqaba when it was clear that every alternative had been exhausted, and that other nations, even a few others, would have done with us. The reopening of Aqaba was important for several reasons: because hostilities were certain to erupt if it were not reopened; because of President Eisenhower's solemn promise; and because Israel had a right to that access to the sea.

With the deadline nearing, we pressed the search for a peaceful solution with all our energy. We asked the UN Security Council to endorse the appeal U Thant had made, after his return from Cairo, calling on all countries involved to avoid violence and provide time for further diplomatic and UN efforts. Because France abstained, we were unable to get nine votes in the Security Council to force the issue—a dismal comment

on the ineffectiveness of that body. With the British, we sought widespread support for a declaration affirming the right of innocent passage through the Gulf of Aqaba. This was slow work—by June 4 only eight countries had agreed, and they included the United States, Great Britain, and France. The others were the Netherlands, Australia, Ireland, Belgium, and New Zealand. Five other nations—West Germany, Argentina, Portugal, Costa Rica, and Panama—were still studying the proposition, but we knew they were nearing agreement.

During that final weekend of uneasy quiet Rusk sent messages to all our Ambassadors in Arab capitals urging them to "put all odds to possible solutions which can prevent war." He informed the Ambassadors that we had thus far been able to convince the Israelis to hold back, but that they might be nearing a decision to use force. "It would be good," his message said, "to ask Israel simply to accept the present status quo in the Strait, because Israel will fight and we could not restrain her. We cannot throw up our hands and say, in that event, let them fight while we try to remain neutral." The central point involved, the United States, the message said, was this: "We cannot abandon, in principle, the right of Israeli flagships to transit the Strait."

That same weekend, Saturday, June 3, I went to New York to speak at a dinner given by the New York State Democratic party. I spoke briefly of the subject that was on everybody's mind:

I know that you share my deep concern tonight about the situation in the Middle East. We have been working on this problem day and night.

We are keeping in very close contact with all of the leaders of both of the parties in the Congress. . . . We are doing everything we can to assist the United Nations Security Council. And you may be sure, also, that we are keeping in very close touch with all the capitals concerned.

To go beyond that tonight would not serve the cause of peace or would not be helpful, but you may be assured that this matter is foremost in our thoughts at all times—even at this hour.

That was the weekend the Israeli Cabinet decided to move. Only the Israelis themselves can describe and assess the reasons for their decision. Perhaps even they cannot sort out all the factors that motivated them. They may have feared that the week ahead would bring about a significant relative weakening in their military position, since Iraqi forces were moving into Jordan, a UAR commander took over the combined Arab forces, and Arab commanders threatened Israeli airfields. Our military men did not share this fear, and their judgment of relative Israeli-Arab strength proved amazingly accurate as the battle turned out.

The economic strains of Israeli mobilization were, we knew, severe; but I did not believe it was wise to seek relief from them in war. The Israelis

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may also have been afraid that further diplomatic moves would erode their position on Aqaba. I did not share that judgment, because I was determined to honor President Eisenhower's 1957 pledge on Aqaba. Finally, the Israelis may have concluded that it was necessary for Israel to solve the crisis on its own rather than rely on the United States and the international community.

I have always had a deep feeling of sympathy for Israel and its people, gallantly building and defending a modern nation against great odds, against the tragic background of Jewish experience. I can understand how men might decide to act on their own when hostile forces threaten across their frontiers and cut off a major port, and when antagonistic Arab leaders fill the air with threats to destroy their nation. Nonetheless, I have never concealed my regret that Israel decided to move when it did. I always made it equally clear, however, to the Russians and to every other nation, that I did not accept the overvitalized charge of Israeli aggression. Arab action—in the weeks before the war started—forcing UN troops out, closing the port of Aqaba, and assembling forces on the Israeli border—made that charge ridiculous.

When I was first called early on the morning of June 5 with news that war had broken out, the available information was sketchy. The only clear fact was that Israeli and Egyptian forces were fighting. Each side had accused the other of aggression. Whatever the truth proved to be, I knew that tragic consequences could follow.

I decided first to gain touch with the leaders of the Soviet Union. I talked to Rusk at 3:09 A.M. and approved a message to Soviet Foreign Minister Andriy Gromyko. It expressed our dismay and surprise at the reports of conflict and concluded: "We feel it is very important that the United Nations Security Council succeed in bringing this fighting to an end as quickly as possible and are ready to cooperate with all members of the Council to that end."

The activity log for those early morning hours reflects the character of the day:

- 4:30 A.M. telephone call from Moscow
- 5:09 A.M. telephone call from Rusk
- 6:15 A.M. telephone call from Moscow
- 6:25 A.M. telephone call from Christian
- 6:40 A.M. breakfast in bedroom (George Christian in and out)
- 6:49 A.M. telephone call to Rostow
- 6:53 A.M. telephone call to Rostow

By 7 A.M. the facts were beginning to come into focus. The Arabs had attacked Egypt's major airfields, and with measurable effect.

- 7:30 A.M. telephone call to Ambassador Goldberg in New York
- 7:37 A.M. telephone call from McNamara

McNamara's call brought the news that the hot line was activated. I later learned that when McNamara first told Moscow we were calling on the hot line, he instructed his communications people to pipe it into the White House. To his amazement, they advised him that it could not be done, that the hot line ended at the Pentagon. McNamara said sharply that all the money we had invested in military communications there had to be some way to send Moscow's message directly to the White House Situation Room, and they had better figure it out. They quickly did so.

I was informed that Chairman Kosygin was at the Kremlin. [He had agreed to wait until I was on hand before sending his message.] I went quickly to the Situation Room, joining Rusk, McNamara, and Director Kasegian. [Kosygin's message began to arrive in a matter of minutes.]

[I expressed Soviet concern over the fighting. Kosygin said that the Russians intended to work for a ceasefire so that they hoped we would exert influence on Israel. I replied, in part, that we would use all our influence to bring hostilities to an end, and that we were pleased the Soviets planned to do the same.]

We set about immediately to find a way to resolve the explosive issue in the United Nations. The details of diplomacy were complex, as they always are. But the heart of the matter was simple: We were prepared to support an immediate ceasefire, and we made certain that all UN delegations understood that. We were also prepared to support Moscow's proposition that Israeli troops withdraw to the 1956 armistice lines, but we insisted that such a withdrawal be accompanied by a commitment of all parties to refrain from "acts of force regardless of their nature." Ambassador Goldberger made clear that our resolution had two objectives: lifting the blockade of the Gulf of Aqaba by the UAR and compelling the withdrawal of all military forces, both Egyptian and Israeli, from the Sinai.

At the suggestion of Soviet UN Ambassador Nikolai Fedorenko, Goldberger met with the UAR representative, El Kony. He urged the Egyptians to move quickly. He assured that this might be the last chance for a quick settlement and mutual withdrawal from the Sinai. But Cairo was not prepared to make commitments on June 5. The Arabs hoped to obtain a ceasefire and withdrawal of Israeli forces only. They pushed Moscow hard to work for that, and that alone. So there was no action in the General Assembly on the first day of war. But there was plenty of action in the war zone. Israeli forces pushed forward hour by hour.

Our problems that day were complicated by an error made by a bidding officer in the State Department. Pressed for a statement of American policy, he wザke well: "I am in no position to speak specifically beyond the President's statement of May 23." But as he continued, speaking in the language of the Arab-Americans: "A veritable riot in Arab countries and of danger to Ameri-

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880 citizens there, he said: "Our position is neutral in thought, word, and deed." Perhaps the remark was designed to reassure the Arabs that we were not engaged in the hostilities, but within minutes those words were carried in radio news bulletins to an unfriendly nation. The statement was an oversimplified approach to a complicated situation. We were certainly not belligerents, but our successive statements since 1950 to the independence and territorial integrity of all the states in the area made "neutral" the wrong word. This remark stirred unnecessary reverberations among many Americans. Later in the day, in the White House Press Room, Secretary Rock put the matter straight by recounting the history of our Middle East commitments and our active role in searching through the United Nations at that very moment.

The next day, June 6, who began with activation of the hot line. I went to the Situation Room at 8:10 a.m. Already assembled there were the Vice President, Secretaries Rusk and McNamara, General Keaneback, Walt Rostow, McGeorge Bundy,¹ Clark Clifford (then Chairman of the President's Foreign Intelligence Advisory Board), and Ambassador Llewellyn Thompson, who had come from Moscow for consultation.

I spent many hours in the Situation Room throughout the Middle East crisis. During some very trying days the USSR served as headquarters for the U.S. government. On this particular occasion, as we sat around the conference table at dawn, Lady Bird brought breakfast to us. She had followed me from the Executive Mansion, helped prepare the food for us in the White House staff mess, and aided the steward in serving it. Over scrambled eggs, in the crack center of America, we reviewed the message from Moscow. The Soviets tell the Security Council should press for a ceasefire.

James M. [redacted]
Meanwhile, Connelly charged that U.S. carrier-based planes had taken part in attacks on Egypt. On 10-7 in response to this accusation, Egypt, Algeria, Syria, Iraq, the Sudan, and Yemen broke diplomatic relations with the United States. Kroc left the Situation Room and went to the West Lobby of the White House, where the reporters were assembled, to label the charge a lie. I mentioned the false Arab allegation in my answer to Kroc over the hot line. I told him that since his intelligence knew where our carriers and planes were, I hoped he would emphasize the facts to Cairo.

As Israeli forces moved forward steadily into Jordan and the Sinai desert, the Russian delegation in the United Nations decided to accept a simple ceasefire resolution. As the "first step" toward peace the Security Council adopted that resolution, and an appeal to stop the fighting went to Israel and the Arab states. In a brief UNRWA statement, I welcomed the

* See earlier sections. Franklin Research has no ownership interest.

11. Who will benefit most from the new *Journal of Financial Crises*?

resolution. I said that it "opens a hopeful path away from danger in the Middle East." We hope the parties directly concerned will promptly act upon it."

June 7, the third day of the war, began with the Israelis announcing that they were willing to accept a ceasefire, provided the Arabs agreed. But the Arab states did not respond. They apparently could not accept the reality of their situation in the field. The Arabs were unwilling to reverse the two steps that had done so much to move the fighting: the closing of Aqaba and the moving of Egyptian forces into the Sinai. They still believed they could achieve more through diplomacy than a simple ceasefire.

In the absence of an Arab response, the Israelis kept moving forward. They dashed their way across the Sinai. They opened the Gulf of Aqaba. To suppress Jordanian artillery fire into the Israeli sector of Jerusalem, they captured the Old City of Jerusalem from Jordan. Israeli soldiers in battle dress prayed at the Wailing Wall, the first Jews to do so in nineteen years.

At a National Security Council meeting that day, it was generally felt that Nasser had suffered a "stunning military and psychological" loss. There was a belief that the Egyptians too had suffered a loss in prestige, for they had badly misjudged Arab ability and strength. I warned the NSC that I was all but sure we were out of the woods. I was convinced that the problems of that region would plague us for a long time. "One thing we should do now," I said, "is to develop as few bases and as few havens as we can."

I told the NSC that our goal should be to find an acceptable long-range solution to the Middle East's problems. I asked McGeorge Bundy to serve as executive secretary of a special group that would not only deal with the current crisis but work at building a lasting settlement. In this effort, his group in the White House would complement the work Eugene Rostow had been doing for months, and continued to do, as chairman of an inter-departmental control group we had organized to prepare policy proposals to effect their execution.

Before the day ended, the good news arrived that a ceasefire was in effect between the armies of Jordan and Israel.

Thursday, June 8, began on a note of tragedy. A morning news bullet reported that a U.S. Navy communications ship, the *Liberator*, had been torpedoed in international waters off the Sinai coast. For several tense minutes we had no idea who was responsible, but at eleven o'clock we learned that the ship had been attacked in error by Israeli gunboats and planes. Thirty men on the *Liberator* crew were killed and a hundred were

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wounded. This heartbreaking episode grieved the Israelis deeply, as it did us. There was a possibility that the incident might lead to even greater misfortune, and it was precisely to avoid further confusion and tragedy that I sent a message to Chairman Kozгин on the hot line. I told him exactly what had happened and advised him that carrier aircraft were on their way to the scene to investigate. I wanted him to know, I said, that investigation was the sole purpose of these flights, and I hoped he would inform the proper parties. Kozгин replied that our message had been received and the information had been relayed immediately to the Egyptians.

Ambassador Llewellyn Thompson reported, after his return to Moscow, that this particular exchange had made a deep impression on the Russians. Use of the hot line for this purpose, to prevent misunderstanding, was exactly what both parties had envisioned.

On the afternoon of June 8, the UN Secretary General announced, at last, that the UAR had accepted the ceasefire. But the Soviet Union then muddied the waters by introducing a new resolution condemning Israel's "aggressive activities" and its "violations" of the ceasefire resolutions of June 6 and . This was the beginning of a long campaign, still not ended as these words are written, to force Israel to withdraw from the positions it occupies without a peaceful settlement. As far as the ceasefire was concerned, only the question of time remained, but that proved difficult and even dangerous. The Soviet Union was obviously extremely sensitive about Syria, which it appeared to regard as a rather special protege. We suspected that in addition to large shipments of Soviet military equipment being sent to Syria, substantial numbers of Soviet advisers were present in the country. We also knew Israel's military intentions toward Syria, and the situation remained tense on June 9. A ceasefire had been announced, but each side accused the other of violations. Fighting erupted in Syria; soon Israeli forces proceeded to clear the Golan Heights. There were rumors of Israeli raids on Damascus.

I used every diplomatic resource to convince Israel to work out an effective ceasefire with Syria. Finally, at 3 a.m. on June 10, we received assurance that the Israelis would implement the ceasefire resolution. They informed the UN Security Council that arrangements were being made in the field. We received more reports throughout the morning. Some information was premature, and there was confusion about timing, but we were reasonably confident that a ceasefire was being arranged.

On the morning of June 10 we thought we could see the end of the road. But new word from Moscow brought a sudden chill to the situation. I was told that the hot line was active again, and that "Mr. Kozгин wants the President to come to the equipment as soon as possible." I hurried to the Situation Room. Already there were McNamara, Rostow, Clifford,

Buddy, Katsenbach, Thompson, and CIA Director Helms. At 9:05 A.M. I received the first rough translation of the Kosygin message.

The Soviets accused Israel of ignoring all Security Council resolutions for a ceasefire. Kosygin said a "very crucial moment" had now arrived. He spoke of the possibility of "independent decisions" by Moscow. He foresaw the risk of a "grave catastrophe" and stated that unless Israel unconditionally halted operations within the next few hours, the Soviet Union would take "necessary actions, including military." Thompson, at Rusk's request, read the original Russian text to make certain that the word "military" was indeed the correct translation. Thompson said it was. In an exchange between heads of government, these were serious words: "very crucial moment," "catastrophe," "independent decision," "necessary actions."

The room was deathly still as we carefully studied this new communication. I turned to McNamara. "Where is the Sixth Fleet?" I asked him. I knew our ships were circling somewhere in the Mediterranean but I wanted to know the exact location.

McNamara picked up the phone and spoke directly. Then, cradling the phone, he said to me: "It is approximately three hundred miles west of the Syrian coast."

"How fast do these carriers normally travel?" I asked.

"About twenty-five knots. Traveling normally, they are some ten to twelve hours away from the Syrian coast," McNamara said.

We knew that Soviet intelligence ... were electronically monitoring the fleet's every movement. Any change in course or speed would be signaled instantly to Moscow. There were times when the wisdom and rightness of a President's judgment were critically important. We were at such a moment. The Soviets had made a decision. I had to respond.

The fleet was under orders to stay at least one hundred miles from the Syrian coast, increasing patrolling. I told McNamara to issue orders at once to change my course and cut the distance to fifty miles. The Secretary of Defense gave the orders over the phone. No one else said a word.

Some of the men in the Situation Room later recorded their memories of that morning. Thompson recalled it as a "time of great concern and uneasiness." Helms remembered that "the atmosphere was tense" and the conversation was conducted "in the lowest voice I had ever heard in a meeting of that kind."

We all knew the Russians would get the message as soon as their monitors observed the change in the fleet's pattern. That message, which no translator would need to interpret to the Kremlin leadership, was that the United States was prepared to resist Soviet intrusion in the Middle East. But I had to reply directly to Chairman Kosygin. I knew my message must be temperate and factual. As we understood the situation, the No-

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wegian UN negotiator, General Odd Bull, was very close to completing a ceasefire agreement between Syria and Israel. I told Konygin that was where we thought things stood and that we had been pressuring Israel to make the ceasefire completely effective and had received assurances that this would be done.

Throughout the morning I had additional exchanges with the Chairman over the hot line. Konygin's messages later in the morning became more tempestuous. Israel and Syria moved to a ceasefire. The tension in the Situation Room subsided. My last message to Chairman Konygin went over the hot line just before noon. I pointed out that military action in the Middle East was apparently ending. I expressed my hope that the efforts of both our countries in the time ahead would be devoted to achieving lasting peace throughout the world.

The hot line proved a powerful tool not merely, or even mainly, because communications were so rapid. The overriding importance of the hot line was that it engaged immediately the heads of government and their top advisers, forcing prompt attention and decisions. There was unusual value in this, but also danger. We had to weigh carefully every word and phrase. I took special pains not only to handle the crisis deliberately but to set a quiet, unbroken tone for all our discussions.

As for the substance of what happened during the Six Day War, I regretted that the Israelis had chosen to attack at the Arab forces assembled on their frontier, just as I regretted Nasser's refusal to accept promptly our proposal for a ceasefire accompanied by the reopening of Aqaba and mutual withdrawal from the canal. It is much easier to start a war than to make a peace. If Nasser had accepted our proposal, the complex factors that led to the Six Day War could have been quickly unraveled. The Sinai would have been freed, and we could have moved promptly toward developing a peaceful settlement in the Middle East, with some hope of early success. Such delay resulted in the war, ending with Israeli forces occupying Jordan, Syria, Jordan, and the UAR.

We achieved a ceasefire, but it was clear that the road to peace would be long and hard. Nevertheless, a true peace in the Middle East was the only appropriate objective for us to pursue. Twenty years of fragile truce, of fear and anxiety, had yielded three dangerous armed conflicts. This time, I was convinced, we could not afford to repeat the temporary and hasty arrangements of 1957. As we worked for a ceasefire, we began to frame principles of a settlement on which the United States could stand. Framing those principles meant facing some hard, basic truths about the Middle East.

I was aware of the deep resentment Arab leaders felt over Israel's emergence as a nation-state. I knew that many Arab refugees in the area still had not been absorbed into community life. But I also knew that valid

Arab leaders had used the issue of Israel and the tragic plight of the refugees to advance personal ambitions and to achieve the dominance of Arab radicals over Arab moderates. I knew that resentment and bitter memories, handed down from generation to generation, could only endanger all those who lived in the Middle East. I was convinced that there could be no satisfactory future for the Middle East until the leaders and the peoples of the area turned away from the past, accepted Israel as a reality, and began working together to build modern societies, unhampered by old quarrels, bitterness, and enmity.

While I understood the special problems of the people of Israel, those in a harassed and beleaguered fortress, I believed the leaders would have to reach out and help provide a basis of dignity for their neighbors. The Arab nations were humiliated by their defeat in the war of June 1967, and that is a poor psychological foundation for building a stable peace. An Israel overconfident in victory would only weaken the region further. These were the stubborn facts from which we determined principles that we thought could shape a peaceful Middle East. I chose those principles—the Five Great Principles of Peace in the Middle East—at the National Foreign Policy Conference for Educators on June 19, 1967. They were:

- First, the recognized right of national life;
- Second, justice for the refugees;
- Third, innocent maritime passage;
- Fourth, limits on the wasteful and destructive arms race; and
- Fifth, political independence and territorial integrity for all.

I asked a question: "Who will take this peace where all others have failed?" Twenty years or more?

The answer, I said, was:

Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a commitment in the area. It is hard to see how it is possible for nations to live together in peace if they cannot live together.

After all, the tragic accident involving the *Liberty*, no American died in the Middle East war in 1967. But the peace of the world walked a tightrope between June 5 and June 10, 1967, as it does today. Through recommitments from June 1967 to January 1969 we never diminished our efforts to bring stability to the region where our civilization began. We did not succeed completely, but I hope that history will assess our efforts as a long step toward that goal. I am confident that the lessons we drew from the crisis of June 1967, and the principles we set forth when the shooting stopped, will stand the test of time.

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James M. Ennes, Jr. Research Papers

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20500

11 OCT 1977

Mr. James M. Ennes, Jr.
[REDACTED]

Dear Mr. Ennes:

This is in response to your request, dated 20 September 1977, requesting copies of documents recently released under provisions of the Freedom of Information Act.

Enclosed are copies of the six items listed below, concerning the attack on the USS Liberty.

1. Data Sheet, dated 1966, for modified "Victory" ships, Belmont & Liberty.
2. FBIS article, dated 14 June 1967.
3. OO-B-322/20404.
4. OO-B-322/20536.
5. TD-600-313/02297/67.
6. CIA Intelligence Memorandum: The Israeli Attack on the USS Liberty, dated 13 June 1967.

Please note that the first two items were released in their entirety. Deletions in the others were made under the exemption provisions of subsections (b)(1) and (b)(7) of the Freedom of Information Act. Additional deletions in items 3 and 4 were made under provisions of subsection (b)(6).

We would like to explain that items 3, 4 and 5 are those reports which the Director of Central Intelligence characterized as raw intelligence data during a recent appearance on the "Good Morning America" television program. On the other hand, item 6 is the release to which he referred as an evaluated overall document, and pages 4 and 5

thereof reflect the grounds on which he based his further comment that it was this Agency's considered opinion that the Israeli Government had no knowledge at the time of the attack that the vessel was in fact the USS Liberty.

The applicability of the Freedom of Information Act subsections cited earlier is explained as follows:

(b)(1) applies to material which is properly classified pursuant to Section 1 of Executive Order 11652, and is exempt under Section 5(B) of the same Order;

(b)(3) applies to the Director's statutory obligations to protect from disclosure intelligence sources and methods as well as the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency, in accord with the National Security Act of 1947 and the CIA Act of 1949, respectively; and,

(b)(6) applies to information release of which would constitute an unwarranted invasion of the personal privacy of other individuals.

Sincerely,


Gene F. Wilson
Information and Privacy Coordinator

Enclosure:

Letters to the editor

'Calculated murder'

'I was aboard the USS Liberty'

Regarding recent stories and letters on the USS Liberty, I was aboard the Liberty on June 8, 1967, and I feel the public has the right and the need to be reminded of the treachery then involved.

The Liberty was steaming in international waters about 12 miles off the Sinai Peninsula when the Israelis attacked her. In less than 20 minutes, a fine ship was reduced to a bullet-riddled, captain-savaged and helpless floating graveyard. In those 20 minutes, boys brought up in the peaceful aftermath of a horrendous world war experienced their first, and for some their last, trial by fire.

Each man knew his responsibility. For years, they had practiced the game, and now that liberty was a reality. The lives of the crew, the very life of the ship, depended upon their correct and positive reaction.

The tragedy was beyond recall. What odds there may be, however small, due to the magnificient performance of the officers and men of the Liberty in an action of heroic stature in the face of an unprovoked attack. Under the most difficult and trying circumstances, not only did the ship defend itself valiantly, but through superb seamanship on the part of all hands, she was brought safely into port.

The Liberty was in international waters, properly marked so no to her identity. A 3'x5' U.S. flag flew at the masthead and most surely had been seen by Israeli planes which surveyed the ship during that morning. Her name was lettered on all stars in English, which could not have been confused with any other ship.

Moshe Dayan claims complete innocence. He and other Israeli officials credited the attack to swarthy Arab commandos who had hijacked a ship they mislabeled as an Egyptian tanker. They further claim that no flag was flying, and that there were no discernible markings. All of these claims have proven false by alibi's, logbooks and eyewitness accounts.

Liberty logs record both surface craft and aircraft leaving the same Israeli port and heading directly for the Liberty. At 1338 hours, three aircraft were sighted, and moments later there began what was to be a half hour of studied destruction.

On the first pass, the unarmored jets shot reduce the deck area of the Liberty's four maindeck gun mount. The next pass saw a .50 cal. hit at each of 20 or more anti-air. After launching return fire and silencing reengagements, the jets con-



An Israeli torpedo boat erupts by the Liberty.

centrated fire on the ship's control center and on all means of escape for the crew. When the stricken ship later reached Malta, an inspection disclosed that all lifeboats and rafts had been destroyed, and that most watertight hatches implode had received at least one rocket penetration.

After the "softening up," two boats flying the Star of David launched three torpedoes, one a hit with one. It was just after this torpedo hit that the Israeli aircraft to have realized take-off. The jets retired to the safety of shore and the PT boats continued in a safe distance, in company of land.

Israel claimed one of its boats had received a torpedo labeled "G-17," and this convinced them of their mistake. It is interesting to note that this sudden withdrawal in the face of victory occurred only seconds after armed aircraft had left the United States carrier America in response to the only distress call received from the Liberty.

Planes and boats coming from the same Israeli-held port to launch a murderous attack. Fire directed so accurately that it is obvious that all planes had been well briefed on precise location of targets, a day admittedly clear with visibility maximized, a well-marked ship and a proud flag flying overhead all represent but a small part of the evidence. A close examination of the now-realized Israeli objectives in the Middle East, and the timetable associating them with Liberty show, then and now, that the infamous attack was calculated, premeditated murder.

J.W. Pritchett, then chairman of the Senate Foreign Relations Committee, called the incident as "unprecedented violation of the principles of international law." To this day, CIA and DIA government documents in my pos-

sition agree. They are unprinted in the successive effort to "downplay" American treachery. Israeli rape of an American military vessel has not been changed. I believe it is now for the decision-makers to accept the responsibility and to apologize our citizenry.

Joseph C. Lesci
Oxon Hill, Md.

Hostilities commenced between Israel and the United Arab Republic on June 8, 1967. On that same date, at 0001 hours, the commander of our 6th Fleet ordered all his surface craft and air units to stand off at least 20 miles from the coast of the belligerent nations. At the time of the order, the Liberty was not assigned to the 6th Fleet, but under the operational control of CINC Europe.

On June 7, at 0001 hours, the Liberty was transferred to the operational control of the Commander, 6th Fleet. His operational orders directed that the closest permissible approach to the coast of the U.A.R. would be 12.5 nautical miles, while she could approach as close as 4.5 nautical miles to the coast of Israel.

The Joint Chiefs of Staff sent a total of five messages to the Liberty to reposition her in conformance with the Commander, 6th Fleet, order. None was received by the Liberty in time for her to escape.

As a result of the Israeli attacks, 34 officers and men were killed, and 75 others wounded. The ship never was restored to duty.

Considering the time of the attack and the methods used, it is extremely difficult to believe that the Israeli government didn't know what it was doing. Mr. Dayan may have only one eye, but he sees quite well.

The only controlling element that prevented the Liberty from returning fire was that she did not have authority to do so under her rules of engagement. She was not at fault, in

NY TIMES
1950-77

THE NEW YORK

Are We Welcoming The Murderer Of Our Sons?



On June 8, 1967, an American naval vessel, the USS *LST-325*, was attacked by Egyptian planes and torpedo boats in international waters off the Suez Canal of Egypt. Thirty-four Americans died, 13 were wounded and \$7,644,546 damage was done to the ship.

Although the attack followed six hours of total surveillance in bright sunshine, during which time the ship's markings and the American flag it flew were clearly visible, the Israelis have always claimed that the attack was an honest mistake on their part.

BUT . . .

As a result of action taken by this Committee under the Freedom of Information Act, we have just obtained from the CIA copies of three intelligence information documents in its files from which the following excerpts are presented for the information of the American people:

- * No. 1, dated 31 June, 1967 Title: "Turkish General Staff Opinion Regarding The Israeli Attack On the USS LIBERTY"

"The Turkish Military Attaché in Tel Aviv recently returned to Turkey and briefed the Turkish General Staff concerning the Arab-Israeli War. The Turkish General Staff is convinced that the Israeli attack on the LIBERTY was deliberate. It was done because the ship's communications (communications) activity was having the effect of jamming Israeli military communications . . ."

- * No. 2, dated 27 July, 1967 Title: "Comment On Known Identity of USS LIBERTY"

"(Deleted) attack on USS LIBERTY by Israeli airplanes and torpedo boats. He said that 'You've got to realize that in this campaign there is neither time nor room for mistakes,' which was intended as an oblique reference that Israel's forces knew what flag the LIBERTY was flying and exactly what the crew was doing off the coast. (Deleted) implied that the ship's identity was known six hours before the attack but that Israeli headquarters were not sure as to how many people might have access to the information the LIBERTY was intercepting. He also implied that (deleted) was a certainty all communication to where the intercepted information was going and again reiterated that Israeli forces did not make mistakes in their operations. He was emphatic in stating to me that they had no desire to sink the USS LIBERTY nor did they ever do anything offensively."

- * No. 3, dated 9 November 1967 Title: "Attack on USS LIBERTY Ordered by Dayan"

(Deleted) commented on the sinking of the U.S. communications ship LIBERTY. They said that Dayan personally ordered the attack on the ship, and that one of his generals adamantly opposed the action and said: 'This is pure murder!' One of the commanders was present who disapproved the action and it was he who ordered it stopped. (Deleted) believe that the attack against the U.S. vessel is (redacted) attributable to any political ambitions Dayan may have."

Under the Constitution, Americans have the right to petition their government. Accordingly, we now petition our government—and we ask our fellow-Americans to join us in petitioning that government—to provide publicly the answers to the following questions:

1. If for ten years you have had information indicating that the bombing and torpedoing of the USS LIBERTY—in which 34 Americans lost their lives and 164 others were wounded—was a deliberate attack by Israel on an American naval vessel, why have you kept it secret?
2. If for ten years you have had information indicating that the ~~whole world~~ ~~whole world~~ ~~why didn't you reward the attacker with~~ millions of our tax dollars in the form of economic and military aid?
3. If for ten years you have had information indicating that the attack was deliberate, why have you permitted the Israeli to promise to pay \$7,644,148 in reparations for the damage done to the ship . . . and never actually pay a cent of it?
4. If for ten years you have had information disclosing the identity of the individual who deliberately ordered the attack which killed or maimed so many of our sons, why have you never demanded that he be brought to justice? While you have been deporting persons suspected of war crimes against Europeans 35 years ago, why have you done nothing about the perpetrator of this heinous war crime against American service men ten years ago?

It is time for the U.S. Government to end its silence on the LIBERTY tragedy. It is time the American people were given the truth!

Published in the public interest by

THE AMERICAN PALESTINE COMMITTEE

Norman F. Dacey, National Chairman
P.O. Box 1401 • • • • Bridgeport, Conn. 06601

The search by Israeli planes and torpedo boats in the Mediterranean went placidly until 24 January.

However, it was learned that the C.I.A. also has a staff memory of the Liberty intelligence data that includes the fact it did not know the Liberty was an American ship until AFTER [REDACTED].

The American Palestine Committee, described as "a nationwide committee of Americans trying to help the Palestinians to get back into their homeland," said it would publish parts of the three documents in an advertisement in today's edition of The New York Times. [The statement appears on Page 26.]

Called "Unpublished Information."

The publication coincided with Mr. Dagan's arrival in the United States for talks with President Carter and Secretary of State Cyrus R. Vance.

A C.I.A. spokesman, Dennis Bond, said the three documents, obtained by the Palestine group from the Freeoms of Information Act, contained "unpublished information."

He said the agency could not judge "the possible legal ramifications of the material." It included "memoranda and transcripts of varying origin, some of it written."

John L. Ehrman, a spokesman for the Israeli embassy in Washington, said the Palestine group was trying to smear Israel with a "calculated concoction." He denied that, he said, when Israel's military commander had deliberately injured an attack on an American ship.

The Liberator, armed by jet aircraft and hit by torpedo torpedoes, was heavily damaged. Israel's spokesman called the attack "an unavoidable accident." He denied that, he said, when Israel's military commander had deliberately injured an attack on an American ship.

According to one of the documents based on intelligence supplied by an unidentified source, Mr. Dagan ordered the attack over the assumption of an Israeli agent who informed him.

A second document suggested Israel used the other Liberator to cover the attack. "The Liberator," it said, "was the cover for the other Liberator which carried out the bombing."

Both planes were flying toward

James M. Enness / Research Papers

Senator raps CIA findings in Israeli attack on Liberty

By David Satterfield
Staff correspondent of
The Christian Science Monitor

Washington. The U.S. Central Intelligence Agency (CIA) has been called on to give a "complete clarification" of its findings in the controversial "Liberty" affair of 1967 in which Israeli planes attacked an American communications ship.

In a tough letter to CIA Director Stansfield Turner, U.S. Sen. James Abourezk (D) of South Dakota questioned a CIA analysis — produced only five days after the June 8, 1967, incident — which called the attack accidental. The CIA analysis was written before a court of inquiry could be convened and before extensive interviews of witnesses and survivors could be carried out.

The controversy over the attack on the USS *Liberty* once again made headlines recently when the American Palestine Committee — a privately funded group based in Bridgeport, Connecticut, which holds that Palestinians have been treated unjustly — published intelligence reports received by the CIA on its initial analysis of the attack on June 8. These reports, obtained by the committee through freedom-of-information actions, indicated that the attack on the *Liberty* was deliberate.

Sen. Abourezk, who is of Lebanese origin and one of the framers of Congress' pro-humanitarian resolutions and interests, said in his letter that he had given the American Palestine Committee and its Washington attorney assurances that CIA files contained nothing which would discredit the reports suggesting that the Israeli attack was deliberate. Yet, he pointed out, within hours of the publication of the three documents in the New York Times on Sept. 18, Admiral Turner said in a television interview that the attack had been an honest mistake.

Sen. Abourezk's office said last a CIA official had informed an aide to the Senator that an answer to the Senator's letter might be forthcoming by the end of this week.

One of the three CIA documents published by the American Palestine Committee quoted unnamed sources as saying in late May 1967, Moshe Dayan, now Israeli Foreign Minister and then Defense Minister, personally ordered the strike on the *Liberty*.

Foreign Minister Dayan visiting Washington in September when the CIA report was published, reiterated his earlier demand the attack had been deliberate.

According to some sources, the only plausible explanation for the strike came in two Pechiney magazine articles written last year by British journalist Anthony Pearson. Mr. Pearson, who has since published a book on the subject, contend that the combined air and sea assault on the *Liberty*, in which 34 men were killed and 160 wounded, was intended to prevent the *Liberty* from reporting that Israeli forces had advanced beyond the limits of a secret agreement reached between the United States and Israel before the Six-Day Arab-Israeli War of 1967.

According to Mr. Pearson's reports, the Americans had learned that Jordan's King Hussein was encouraged to fight beyond the containment plan by a deliberate "masking" of his communications by the Israelis, who had surreptitiously breaking Arab codes and were altering messages between the Arab forces. Mr. Pearson said that on June 8, only three days away from their final objectives, the Israeli leaders feared that the continued presence of the *Liberty*, monitoring their activities, might wreck their plans.

Survivors of the attack on the *Liberty* have pointed out that the ship was in international waters and properly marked by a large flag on its masthead and English letters on its stern. Yet the Israelis claimed that despite six hours of surveillance of the communications ship in bright sunlight by their reconnaissance planes prior to the attack, they had mistaken it for an Egyptian tanker, a tanker which at that time was in port at Alexandria, Egypt.

James A. Enhurst
Research Papers

The American Palestine Committee

P O BOX 1001 - BRIDGEPORT, CONNECTICUT 06601 - (203) 374-6226

Norman F. Dickey
Chairman

January 26, 1978

The President
The White House
Washington, D.C.

Dear Mr. President:

This letter is addressed to you as the only individual to whom the Central Intelligence Agency appears to be accountable. Because our correspondence with that Agency indicates careless and even misleading activities in the handling of our Freedom of Information requests, I ask that this letter be dealt with at the White House level and not be referred to the Agency for routine handling.

Our Committee's five-year effort to get to the bottom of the 1967 Israeli attack on the USS LIBERTY culminated last July with the release to us by the CIA of three intelligence reports dated June 23, July 27 and November 9, 1967, which disclosed that the attack had been deliberate and had been ordered by Moshe Dayan personally. When our Washington counsel, Carl Marcy, questioned the Agency as to whether it had anything else in its files which might be considered as contradicting the documents released to us, he received assurances that it did not.

On the strength of such assurances, on September 19, 1977, we published the text of the three documents in The New York Times. Later that day, Admiral Stansfield Turner, on national television, questioned the validity of the documents, asserting his belief that the Israeli attack had been an honest mistake. His press aide, Dennis Brand, told reporters that our Committee had deliberately withheld the text of another CIA document which effectively refuted the June 23, July 27 and November 9 documents we had published -- without disclosing that the document to which he referred was dated June 13, 1967 and obviously could not have reflected the intelligence information contained in those bearing the later dates.

Enclosed are examples of the newspaper headlines generated by the public statements of Admiral Turner and his press aide. Also enclosed is a copy of a telegram which we sent to Admiral Turner on September 20 in which we requested that he clear up the misunderstanding engendered by his agency's public relations activities, with their serious reflection upon our Committee's integrity. Receiving no response, ten days later we addressed a letter to Admiral Turner, citing the text of the telegram and again asking him to clear

DEDICATED TO THE RETURN OF THE PALESTINIAN PEOPLE TO THEIR HOMELAND

The President

-2-

January 26, 1978

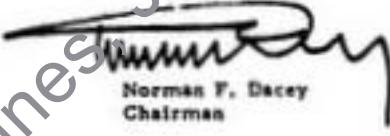
our name. Subsequently, the writer telephoned the Director twice only to be told that he was "unavailable."

More than four months have now passed and this "public servant" has not even deigned to acknowledge our letter or telegram. Senator James Abourezk has interested himself in the affair and has written Admiral Turner a stiff letter demanding that he explain the Agency's mishandling of the matter. To this the CIA has responded that the questions raised "were so complicated" that it would take some time for the Agency to reply to his letters.

We suggest, Mr. President, that your old friend, Admiral Turner, would benefit from some counseling. Incidentally, as a former Navy man, you will be interested to know that our publication of the documents has brought an outpouring of support from active and retired Navy men who have long felt bitter about the cover-up of the affair which cost the Navy 34 killed and 100 wounded.

* A revealing book on the subject is to be published in Britain in the Spring -- but should the American people have to look abroad for the truth about the LIBERTY?

Very respectfully,


Norman F. Dacey
Chairman

NFD/dko
encls.



DIRECTORATE OF
INTELLIGENCE

Intelligence Memorandum

The Israeli Attack on the USS Liberty

Contact UHCU/ASINTD
per #058375
Date 31 August 1977

27

13 June 1967
SC No. 01415/67

SANITIZED COPY

SC No. 01415/67

CENTRAL INTELLIGENCE AGENCY
Directorate of Intelligence
13 June 1967

INTELLIGENCE MEMORANDUM

The Israeli Attack on the USS Liberty

The US Naval technical research ship Liberty was attacked by Israeli aircraft and torpedo boats off the Sinai Peninsula on 8 June. The following account of the circumstances of the attack has been compiled from all available sources.

1. The Liberty reported at 9:50 a.m. (2:50 a.m. Washington time) on 8 June that it had been orbited by two delta-wing jet fighters, presumably Israeli Mirages. At 1:05 p.m. (8:05 a.m.) the Liberty was strafed by unidentified jet aircraft. The Liberty apparently was not able to establish communications with other units of the US Sixth Fleet during the air attack, and the first information available to the US commanders was after the subsequent attack by unidentified torpedo boats, which occurred at 3:25 p.m.

3. At 4:11 p.m. (9:11 a.m.) the US Commander in Chief, Europe, notified the National Military Command Center in Washington that the Liberty was under attack and was listing to starboard after being struck by a torpedo. The Commander of the US Sixth Fleet declared the attacking units hostile and sent attack aircraft from the carriers America and Saratoga to protect the Liberty. A good part of the ship's communications equipment was destroyed by the crew during the attack but emergency communications were soon established with the Saratoga and with the naval communications station in Greece. Because of the tenseness of the situation and the communications delays, the initial reports from the Liberty were sketchy and somewhat confusing.

Specifics of the Attack

3. According to these reports, however, the sequence of events took place as follows. The ship was attacked at 3:05 p.m. (8:05 a.m.) by unidentified jet fighters, believed to be Israeli, at position 31-35N, 33-29E. Six strafing runs were made by the jets. Twenty minutes later three torpedo boats closed at high speed and two of them launched torpedoes after first circling the Liberty. One torpedo passed astern, and the other struck

the starboard side of the ship |

| One of the boats was later
identified as Israeli and the hull number of one unit
was noted as 206-T. Some 50 minutes later two Israeli
helicopters arrived on the scene.

Israeli Identification of the Ship

4. None of the communications of the attacking air-
craft and torpedo boats is available.

EXCISED IS A SECRET OR
COMMUNICATIONS BETWEEN
THOMAS HELD AND MASON
STANLEY FROM JUST AFTER
1000Z TO 1300Z.
LIBERTY WAS UNKNOWN
TO CIA.
FILTERED UPON POLARIS
THIS THROUGHOUT
THE JOURNAL

Although the Liberty is some 200 feet longer than the Egyptian transport El Qusair, it could easily be mistaken for the latter vessel by an overzealous pilot. Both ships have similar hulls and arrangements of masts and stack.

6. The weather was clear in the area of attack, the Liberty's hull number (GTR 5) was prominently displayed, and an American flag was flying. /

7. Thus it was not until 4:22 p.m. (9:12 a.m.)
that the Israelis became convinced that the Liberty

CONFIDENTIAL
PL/MSI
EVIDENCE

was Amerikan. This was about 44 minutes after the last attack on the ship and the attack had apparently been called off, not because the ship had been identified, but because it seemed to be sinking. (The US Defense Attaché in Tel Aviv reports that Israeli helicopters and the three torpedo boats searched the area until 4:04 p.m. (11:04 a.m.). The Israeli offer of assistance was declined because of the sensitive mission of the ship. According to US Navy reports, the ship was saved only through the efforts of her crew.

Damage and Personnel Losses

B. The ship suffered heavy material and personnel casualties. A hole estimated to be 39 feet wide at the bottom and 24 feet wide at the top near the waterline was opened by a torpedo. The ship is flooded below the second deck between frames 52 and 78 (36-inch frame spacing). The crew carried out emergency destruction of classified communications and radar equipment, but the ship's engineering plant is intact. Several flash fires and cannon holes throughout the superstructure caused some minor damage and the ship's motor whale boat and

virtually all of its life rafts were lost. Personnel casualties include 10 killed, 98 wounded, and 22 missing, most of whom were probably trapped in the flooded compartments. The wounded and the dead have been removed from the ship and some additional crew members put aboard. The ship is expected to arrive in Malta on 14 June for dry docking and hull repairs. Security precautions are being taken to protect the classified intercept equipment in the flooded spaces. The US Navy has convened a board of inquiry to look into the incident.

The Ship and Its Orders

9. The USS Liberty is

AN INTELL SHIP
BUT THE STORY IS THAT

IT IS

an electronics research

ship which had been diverted to the crisis area to act as a radio relay station for US embassies.

10. The Liberty sailed from Rota, Spain, on 2 June under orders to patrol no closer than 12.5 miles of the UAR coast and 6.5 miles of the Israeli coast. A modification of orders issued by the commander of the US Sixth Fleet at 13:17 p.m. (5:17 a.m.) on 8 June had not been received aboard the Liberty, according to the ship's commanding officer, before the Israeli attack. This change, together with messages from other commands which ordered the Liberty to approach no closer than 100 miles of the coasts of the UAR and Israel and 25 miles of the coast of Cyprus, was delayed in transmission in part because of a misunderstanding of responsibilities for delivery.

11. At annex is a listing of events in chronological order.

6

CHRONOLOGY OF EVENTS

(Stated times are local; Washington times in parentheses)

- 2 June 1967 Liberty departed Rota, Spain en route to position 32-00N, 33-00E, to remain 12.5 miles from Egyptian coast and 6.5 miles from Israeli coast.
- 3 June 3:30 a.m.
(17 June 7:30 p.m.) CINCUSNAVEUR Duty Officer received phone instructions from Joint Reconnaissance Center directing Liberty to comply with COMSIXTHFLEET 100-mile operating area restriction.
- 3 June 9:30 a.m.
(2:30 a.m.) Liberty was orbited by two unidentified delta wing single engine jet fighters, presumably Israeli Mirages.
- 3 June 12:17 p.m.
(5:17 a.m.) COMSIXTHFLEET orders Liberty at least 100 miles away from coast of UAR and Israel and 25 miles from Cyprus. This message apparently not received by Liberty prior to Israeli attack.
- 3 June 3:05 p.m.
(8:05 a.m.) Liberty attacked by unidentified jet fighters which made six strafing runs. Ship at position 31-35.5N 33-29.0E (25 miles northeast of nearest land).
- 3 June 3:25 p.m.
(8:25 a.m.) Three torpedo boats, one identified as Israeli, approach ship. One boat bore number 206-T.
- 3 June 3:27 p.m.
(8:27 a.m.) Liberty fires at torpedo boat at range of 3,000 yards.
- 3 June 3:28 p.m.
(8:28 a.m.) Ship hit by torpedo. Torpedo boats cleared to east about five miles.
- 3 June 3:30 p.m.
(8:30 a.m.) COMSIXTHFLEET reports Liberty hit by torpedo at position 31-23N, 33-25E. Three unidentified gunboats approaching.

8 June 3:50 p.m.
(8:50 a.m.) COMSIXTHFLEET orders carriers to provide air cover for Liberty.

8 June 3:52 p.m.
(8:52 a.m.) Liberty reported under attack to COMSIXTHFLEET.

8 June 3:55 p.m.
(8:55 a.m.) Liberty reported hit by torpedo starboard side.

8 June 3:55 p.m.
(8:55 a.m.) Two Israeli helicopters orbited ship at range of 500 yards. Israeli torpedo boats offered assistance which was refused.

8 June 3:59 p.m.
(8:59 a.m.) Liberty still under air attack |

8 June 5:14 p.m.
(10:14 a.m.)

Tel Aviv reports Israeli aircraft and patrol boats attacked ship at 3:00 p.m. (8:00 a.m.) at position 31-25N, 33-33E. Suspecting a US ship, Israel rendering assistance and expresses deep regret.

8 June 4:04 p.m.
(11:04 a.m.)

The US Defense Attaché in Tel Aviv reports that Israeli helicopters and the three torpedo boats searched the area until 4:04 p.m. (11:04 a.m.). The Israeli offer of assistance was declined because of the sensitive mission of the ship.

USIXTFLEET then recalled the aircraft launched from the carriers America and Saratoga and sent two destroyers to assist Liberty. Liberty proceeding northwest at eight knots.

There was no further contact between Liberty and Israeli forces. Two Soviet ships have trailed the Liberty, which proceeds under escort to Malta.



SEP-23-77
**Central Intelligence Agency Spokesmen Refute
 Old USS Liberty Canard Against Moshe Dayan**

*CIA Cites Cover-Up By Pro-Arab
 Group On Dayan's Order*

**CIA Gives Lie To
 Arab Accusation
 Against Dayan**

*CIA Documents Twisted Report
 Pro-Arab Group on U.S. Liberty*

**CIA Documents
 Prove Anti-Israel
 Accusations Untrue**

Attempted Smear Attack On Dayan Backfires

SEP-23-77
**CIA Says Pro-Arab Group Withheld
 Other Version of 1967 Ship Attack**

James M. Elmer Jr. Research Papers

TUESDAY, SEPT 20, 1977

ADMIRAL STANSFIELD TURNER, DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C.

"WITH REFERENCE TO YOUR AGENCY'S STATEMENT PUBLISHED TODAY REGARDING VALIDITY OF CIA DOCUMENTS RELATING TO INI ATTACK ON USS LIBERTY RELEASED BY US TO PRESS, WE DRAW YOUR ATTENTION TO THE FACT THAT UNDER FREEDOM INFORMATION ACT WE HAD REQUESTED RELEASE OF ALL REPEAT ALL DOCUMENTS RELATING TO THE ATTACK. IN RESPONSE YOUR AGENCY WROTE US ON JULY 14, 1977 SAYING QUOTE WE HAVE COMPLETED A THOROUGH AND EXTENSIVE SEARCH OF OUR RECORDS AND WERE ABLE TO LOCATE ONLY THE MATERIAL DISCUSSED BELOW UNQUOTE. THIS LETTER TRANSMITTED TO US THE THREE REPORTS WHICH WE HAVE JUST RELEASED TO THE PRESS DATED 23 JUNE, 27 JULY AND 9 NOVEMBER ALL 1967. SUBSEQUENTLY, ON SEPTEMBER 1, 1977 YOUR AGENCY RELEASED TO US A SANITIZED COPY OF A CIA INTELLIGENCE MEMORANDUM DATED 13 JUNE 1967, AND WITHHELD IN ITS ENTIRETY A SECOND INTELLIGENCE MEMORANDUM DATED 21 JUNE 1967.

"THE PRESS HAS NOW BEEN GIVEN THE IMPRESSION THAT YOU HAVE IN YOUR POSSESSION DOCUMENTS REFUTING THE STATEMENTS CONTAINED IN THE THREE RELEASED TO US. THIS CONTRADICTS YOUR LETTER OF JULY 14. IF THE ONLY UNRELEASED DOCUMENT IS THAT OF 21 JUNE, THEN YOU HAVE NOTHING REFUTING THE DOCUMENTS OF 23 JUNE, 27 JULY AND 9 NOVEMBER AND IT WAS IMPROPER OF YOUR SPOKESMAN TO IMPLY THE EXISTENCE OF DOCUMENTATION WHICH CONTRADICTED THE SUBSTANCE OF THOSE JU 7 RELEASED TO US. OBVIOUSLY DOCUMENTS DATED JUNE 1967 COULD NOT HAVE REFLECTED INFORMATION EMBODIED IN THE LATTER DOCUMENTS JUST RELEASED TO US. WE MUST INSIST THAT YOU PROVIDE PROPER EXPLANATION YOUR AGENCY'S MILITARY HANDLING OF OUR FREEDOM INFORMATION REQUEST AND THAT YOU TAKE IMMEDIATE STEPS TO CORRECT THE UNFORTUNATE IMPRESSION THAT HANDLING HAS CREATED.

NORMAN F. DACEY
CHAIRMAN
AMERICAN PALESTINE COMMITTEE
BRIDGEPORT, CONNECTICUT

CARL MARCY
ATTORNEY AT LAW
LEGISLATIVE COUNSELOR
1200 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20005
PHONE 222-1120

WHITE HOUSE WIRELESS:
P. O. BOX 5407
WASHINGTON, D.C. 20506
401150000000

October 13, 1977

The Honorable Stansfield Turner
Director of Central Intelligence
Washington, D.C. 20505

Dear Admiral Turner:

This letter refers to press reports regarding the recent release of CIA documents relating to the 1967 Israeli attack on the USS LIBERTY.

When you read the enclosed press headlines and compare them with the information which the CIA pursuant to the terms of the Freedom of Information Act released to the American Palestine Committee (which I represent) I believe you will agree this letter deserves your personal attention. A representative headline reads: CIA DOCUMENTS PROVE ANTI-ISRAEL ACCUSATIONS TRUE. As officers of the CIA know, the opposite is true.

Documents released by the CIA to the Palestine Committee reported that the Israeli attack on the LIBERTY, with the loss of 34 American lives, was deliberate, not accidental as the American people have long believed. When those documents were published by the American Palestine Committee, public statements by CIA officials, and your statement on television on September 19, cast doubt on the CIA's own documents and in so doing, reflected on the integrity of the American Palestine Committee and its Chairman, Mr. Davis, who had accepted those documents at face value and continue to do so.

* The CIA has a moral and legal obligation quickly and publicly to set the record straight. Otherwise, perpetuation of misleading statements of this kind will reflect on the CIA and seriously damage the reputation of the American Palestine Committee and its Chairman, and will keep from the American people information essential to decisions in democracy.

* On September 20, 1977, the Chairman of the American Palestine Committee, sent you the following telegram which has not yet been acknowledged or answered:

The Honorable Stanfield Turner

Page 3

TUESDAY, SEPT 20, 1977

ADMIRAL STANFIELD TURNER, DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C.

"WITH REFERENCE TO YOUR AGENCY'S STATEMENT PUBLISHED TODAY REGARDING VALIDITY OF CIA DOCUMENTS RELATING TO 1967 ATTACK ON USS LIBERTY RELEASED BY US TO PRESS, WE DRAW YOUR ATTENTION TO THE FACT THAT UNDER FREEDOM INFORMATION ACT WE HAD REQUESTED RELEASE OF ALL REPEAT ALL DOCUMENTS RELATING TO THE ATTACK. IN RESPONSE YOUR AGENCY WROTE US ON JULY 14, 1977 SAYING QUOTE WE HAVE COMPLETED A THOROUGH AND EXTENSIVE SEARCH OF OUR RECORDS AND WERE ABLE TO LOCATE ONLY THE MATERIALS CITED BELOW UNQUOTE. THIS LETTER TRANSMITTED TO US THE THREE REPORTS WHICH WE HAVE JUST RELEASED TO THE PRESS DATED 23 JUNE, 27 JULY AND 9 NOVEMBER ALL 1967. SUBSEQUENTLY, ON 27 SEPTEMBER 7, 1977 YOUR AGENCY RELEASED TO US A SANITIZED COPY OF CIA INTELLIGENCE MEMORANDUM DATED 13 JUNE 1967, AND WITHHELD IN ITS ENTIRETY A SECOND INTELLIGENCE MEMORANDUM DATED 21 JUNE 1967.

"THE PRESS HAS NOW BEEN GIVEN THE IMPRESSION THAT YOU HAVE IN YOUR POSSESSION DOCUMENTS REFUTING THE STATEMENTS CONTAINED IN THE THREE RELEASED TO US. THIS CONTRADICTS YOUR LETTER OF JULY 14. IF THE ONLY UNRELEASED DOCUMENT IS THAT OF 21 JUNE, THEN YOU HAVE NOTHING REFUTING THE DOCUMENTS OF 23 JUNE, 27 JULY AND 9 NOVEMBER AND IT WAS IMPROPER OF YOUR SPOKESMAN TO IMPLY THE EXISTENCE OF DOCUMENTATION WHICH CONTRADICTED THE SUBSTANCE OF THOSE JUST RELEASED TO US. OBVIOUSLY DOCUMENTS DATED JUNE 1967 COULD NOT HAVE REFLECTED INFORMATION EMBODIED IN THE LATTER DOCUMENT JUST RELEASED TO US. WE MUST INSIST THAT YOU PROVIDE PROMPT EXPLANATION YOUR AGENCY'S MISLEADING HANDLING OF OUR FREEDOM INFORMATION REQUEST AND THAT YOU TAKE IMMEDIATE STEPS TO CORRECT THE UNFORTUNATE IMPRESSION THAT HANDLING HAS FAILED.

NORMAN F. DACKY
CHAIRMAN
AMERICAN PALESTINE COMMITTEE
BRIDGEPORT, CONNECTICUT

The Honorable Stansfield Turner

Page 3

On the basic question of whether the Israeli attack on the LIBERTY was deliberate or accidental, the information which follows shows that the press and the public have apparently been misled by CIA officials who have stated and implied, first, that the American Palestine Committee had relevant information regarding the attack which it withheld, and second, that the CIA on the other hand had relevant and reliable information about the attack on the LIBERTY which contradicted documents the CIA had released to the American Palestine Committee and which that Committee had published.

On the first point, the CIA information which the American Palestine Committee did not publish was irrelevant, as shown below; on the second point, the CIA itself has stated to the American Palestine Committee in writing that all its relevant documentation had been released to the Palestine Committee.

Here are the facts:

- 1) On October 19, 1976 under the terms of the Freedom of Information Act, Counsel requested all relevant documentation related to the attack on the USS LIBERTY.
- 2) On July 14, 1977 - eight months later - a letter signed by Mr. Gene F. Wilson, Information and Privacy Coordinator of the CIA, stated: "We have completed a thorough and extensive search of records and were able to locate only the materials discussed below. (Underlining supplied)

Five documents were discussed; a data sheet on the modified USS LIBERTY, a FBIIS article of June 21, 1967 which was unclassified (both of which were released to Counsel), and three documents described as "Intelligence Information cables" or "Intelligence Reports" dated June 23, July 27, and November 9, 1967, which were released to the American Palestine Committee.

The only other material discussed in the letter of July 14, 1977 was a reference to some items sent to the Departments of Defense and State and to the N.S.A. "for their review and direct response".

- 3) On September 3, 1977, a letter signed by Mr. Wilson was sent to Counsel. It referred to the letter of July 14, 1977, and the material which had been sent to Defense, State, and N.S.A. The letter of September 3 stated that a CIA Intelligence Memorandum dated 21 June 1967 was withheld in its entirety and a CIA Intelligence Memorandum dated 13 June 1967 was released to a sanitised form.

The Honorable Stanfield Turner

✓ Page 4

The memorandum of June 13 was described by the CIA as "an account of the circumstances of the attack. . . . compiled from all available sources." Dated only five days after the attack on the LIBERTY, paragraph seven of that memorandum stated: "It was not until 4:13 p.m. that the Israelis became convinced that the LIBERTY was American. This was about 44 minutes after the last attack on the ship. . . ."

This June 13 memorandum was by its very nature incomplete. The USS LIBERTY had scarcely reached port; the Naval Board of Inquiry had not been convened; Press accounts were confused.

It should be noted further that both the June 13 Intelligence Memorandum and the June 11 memorandum which was withheld, pre-date the three Intelligence Reports of June 23, July 27, and November 9. It was these later reports from the field which stated that the Israeli attack on the USS LIBERTY was ~~an~~ deliberate. Therefore, the two earlier Intelligence Memoranda - the highest form of CIA evaluation received by the American Palestine Committee -- could not have taken into account the reports received which described the Israeli attack as deliberate. Furthermore, the CIA gave the American Palestine Committee no indication that it had any additional documentation whatsoever related to the attack on the LIBERTY.

Thus, when preparations were made to publish the three Intelligence Reports representing the latest information the CIA had received from the field, the American Palestine Committee decided not to publish the memorandum of June 13 inasmuch as it was prepared prior to receipt of the field reports, could not have taken those reports into account, and was therefore irrelevant.

Furthermore, in order to be completely accurate in presenting this information to the public, Counsel on September 7 asked the CIA what the phrase "unevaluated information" means inasmuch as that phrase appeared in each of the Intelligence Reports to be published. Counsel was informed by a Mr. Anderson of the CIA in a phone conversation that all reports received by the CIA remain "unevaluated" until they have been compared with other relevant information by an analyst in order to prepare an Intelligence Memorandum. To state that a report is "unevaluated," according to Mr. Anderson, does not pass on its validity.

4) On September 18 and 19, 1977, the American Palestine Committee made public the three Intelligence Reports referred to above. Press accounts of the information contained in these reports stated that Admiral Turner had "brushed aside" a television inquiry as to whether the Israeli attack on the USS LIBERTY had been deliberate. Furthermore, a CIA spokesman, Denis Berend, was quoted in an AP dispatch as stating the material released was "unevaluated information" and that

The Honorable Stanaford Turner

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he could not judge "the possible merits and demerits of the material". The CIA "receives and handles intelligence material of varying degrees of veracity some of its unauthenticated".

6) On September 19 when officers of the CIA were quoted in the press as belittling the significance of information released by the CIA and suggesting there were more reliable CIA analyses of the LIBERTY incident available, Counsel made a further check with the CIA regarding information in possession of the CIA. Counsel's notes made at 3:15 p. m. on September 19, read as follows:

" 3:15 p. m. 9/19/77

" After a 10:30 a.m. phone call to Mr. Kelt, I called again at 3:15 and talked to Mr. Denis Berend (351-7878)

" After a discussion of the press reports, I stated to Mr. Berend that if I were asked to comment - or my client - we would state that any references which the CIA might have made to intelligence memoranda or evaluated information must refer to the analyses dated June 13 and June 21, 1967 - both of which were issued prior to the receipt of the "unevaluated information" which had been released to the Committee. So far as we know, and as the letter from the CIA of July 14, 1977 states, there is no other CIA analysis in existence on this issue which took account of the unevaluated information received subsequent to the June dates.

" Berend said he could not dispute that statement, but that he had not himself conducted the research."

In summary, of the six documents released to the American Palestine Committee, three reported that the Israeli attack on the USS LIBERTY was deliberate, one prepared five days after the attack and before filed reports had been received and the Navy Board convened concluded the attack was an accident, and two were irrelevant.

In fairness to Mr. Daney and the American Palestine Committee as well as in the public interest in the integrity of the CIA in current dealings with the press, a full public report by the CIA is essential. Ten years have elapsed since the attack.

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The Honorable Stanfield Turner

Page 6

on the USS LIBERTY. It is time that the full story be known and that the American people not be further subjected to releases of information identified as incomplete but which if embarrassing when made public, are then characterized as phoney.

An early reply will be appreciated.

Sincerely yours,

Carl M. Hey
Carl M. Hey, Counsel
To The American Palestine Committee

P.S. A copy of this letter is being sent to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence.

Also enclosed are copies of the three Intelligence Reports -- in printed form as the copies originally received from the CIA were virtually illegible.

Enc: 1) Sample headlines 2) Copies of three intelligence documents

cc: Senator Daniel K. Inouye, Chairman
Senate Select Committee On Intelligence

Senator Barry Goldwater, Vice Chairman
Senate Select Committee On Intelligence

18

JOHN D. EASTLAND, JR., CHAIRMAN
JOHN C. STENNIS, MS.
THOMAS J. COOPER, MS.
EDWARD G. BROWN, MS.
ROBERT C. BYRD, MS.
WILLIAM F. DALE, MS.
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JOHN M. GOLDBECK, MS.
ROBERT C. BYRD, MS.
JOHN C. STENNIS, JR., MS.

FRANCIS X. KENNEDY,
SPECIAL ASSISTANT AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

October 18, 1977

Honorable George F. Kennard
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Admiral Turner:

This letter to you is regarding what I consider to be a most disturbing incident concerning the CIA documents on the Israeli attack on the USS Liberty in 1967 and their release to the American Palestine Committee. I am specifically referring to your Agency's release of the "analysis" of June 13, 1967 made before extensive interviews of witnesses, survivors and a court of inquiry could be made and three other documents dated respectively June 23, July 27 and November 9, 1967. One document was withheld but at the time of release of the others and even later you gave the American Palestine Committee and their Washington attorney assurances that CIA files contained nothing that would discredit the latter three documents, which strongly suggested that Israel's attack on the USS Liberty was a deliberate one.

On the basis of your assurances that the papers would not be contradicted by the one withheld, the American Palestine Committee printed the texts in the New York Times and within hours you told the national press that the Committee was mistaken and that the attack had indeed been an honest mistake on the part of the Israelis. There were even further charges from within your Agency that the American Palestine Committee had intentionally withheld another document which would have refuted those published in the New York Times.

There is no doubt in my mind that the American Palestine Committee acted in good faith and that it was entirely fair in delaying publication of the documents until it was satisfied there was nothing to refute the validity or credibility of the CIA documents on the attack.

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- 2 -

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But consequently, the American Palestine Committee has been swamped with charges of misrepresentation and its credibility has been all but destroyed because of this unfortunate incident and because of what I perceive as your Agency's unwillingness to so far provide an adequate and public explanation for the CIA's actions and discrepancies in the situation.

I trust you will provide a complete clarification for the record on the release of these sensitive and controversial documents to the American Palestine Committee and I look forward to hearing from you very soon.

Sincerely,

James Abourezk

United States Senate

James M. Ennes Jr. Research Papers

BRIDGEPORT POST, Wednesday,

November 18, 1987

CIA is criticized on USS Liberty files

Senator James Abourezk (D-S. Dak.) recently dispatched a strong letter to Admiral **Stansfield Turner**, director of the Central Intelligence Agency, expressing sharp criticism of the Agency's handling of the release several weeks ago of three CIA intelligence reports which stated that the June 1967 Israeli attack upon the USS **Liberty** was deliberate and had been personally ordered by **Moshe Dayan**, now the Israeli foreign minister but then the country's defense chief.

Through a Freedom of Information action filed last year, the American Palestine Committee, organization of American citizens who back the Palestine people, have been trying recently, in recent months, to obtain release of CIA intelligence reports which ascribed responsibility to Israel and called for a deliberate attack which killed 34 Americans, wounded 184 others, and did \$1.5 million damage to the ship.

The American Palestine Committee is headed by **Norman F. Dacey** of Bridgeport.

Senator Abourezk said the Committee made the documents public on Sept. 18 only after its Washington counsel had obtained assurances from the CIA that the Agency had nothing in its files refuting their validity or credibility.

Yet, the senator charged, "within hours of their publication you told the national press that the Committee was mistaken and that the attack had indeed been an honest mistake on the part of the Israelis."

Senator Abourezk criticized the Agency's "willingness to fail to provide an adequate and public explanation for the CIA's actions and discrepancies in its statement." He demands that Admiral Turner provide a "complete clarification of the record."

On Aug. 18, Admiral **Turner**, appearing on a national television program, absolved the Israelis of blame. Later that same day his press aide, Dennis Abend, told reporters that the Committee had withheld another document which had been released to it which expressed the conclusion that the attack was a mistake. Neither Turner nor Abend disclosed that the document to which they referred was prepared on June 13, only five days after the attack and before any intelligence reports had been gathered, before the survivors had been interrogated and before the naval court of inquiry had taken testimony in London and was, in fact, based entirely on news reports.

The documents published by the Committee were dated June 13, July 17 and Nov. 8, 1967.

The Nov. 8, 1967 document published by the Committee said: "Dayan, personally entered the ship on the ship, and Captain Clegg, an admiral, opposed the action," he said. "This is pure [expletive]!" One of the men who was present disagreed with the action and it was he who ended it stopped."

The Committee has disclosed that in another Freedom of Information action it obtained from the Navy department a previously-classified document in which a U.S. Navy Lieutenant Officer reported an earlier claim by the Chief of Intelligence of the Israeli Air Force to attack any American ship or aircraft which accidentally strayed into Israeli waters or airspace.

Carl Marcy, the Committee's Washington lawyer, has demanded of Admiral Turner that he correct the impression he and the Agency had given that the Committee had withheld a document which cleared the Israelis of blame for the deliberate attack. Mr. Marcy, former staff director of the Senate Foreign Relations committee, cited to Turner the efforts by the Committee to confirm that the CIA had nothing in its files contradicting the documents released by the Committee.

The American Palestine Committee

P.O. BOX 1001 - BRIDGEPORT, CONNECTICUT 06601

The American Palestine Committee

P.O. BOX 1001 - BRIDGEPORT, CONNECTICUT 06601 - (203) 374-8228

Norman F. Dorey
*Chairman*FOR IMMEDIATE RELEASE:**SENATOR ABOUREZK CALLS
ON CIA TO DISCLOSE FACTS OF
1967 ISRAELI ATTACK ON USS LIBERTY**

Senator James Abourezk (D-S. Dak.) has dispatched a strong letter to Admiral Stanfield Turner, Director of the Central Intelligence Agency, expressing sharp criticism of the Agency's handling of the release three weeks ago of three CIA intelligence reports which stated that the June 1967 Israeli attack upon the USS LIBERTY was deliberate and had been personally ordered by ~~now~~ the Israeli Foreign Minister but then the country's Defense Chief.

Through a Freedom of Information action filed last year, the American Palestine Committee, an organization of American citizens who hold that the Palestinian people have been treated unjustly, in recent months obtained release of CIA intelligence reports which ascribed responsibility to Israel and Dayan for a deliberate attack which killed 34 Americans, wounded 164 others, and did \$7.6 million damage to the ship.

Senator Abourezk cited the fact that the Committee had made the documents public on September 19 only after its Washington attorney had asked for and obtained assurances from the CIA that the Agency had nothing in its files refuting their validity or credibility. Yet, he charged, "within hours (of their publication) you told the national press that the Committee was mistaken and that the attack had indeed been an honest mistake on the part of the Israelis. There were even further charges from within your Agency that the American Palestine Committee had intentionally withheld

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another document which would have refuted those published in The New York Times. Citing the Committee's good faith in delaying publication until it was assured of the document's validity, Senator Abourezk criticized the Agency's "unwillingness so far to provide an adequate and public explanation for the CIA's actions and discrepancies in the situation." He demanded that Admiral Turner provide a "complete clarification of the record."

On September 19, Admiral Turner appeared on the national television program "Good Morning America," and absolved the Israelis of blame. Later that same day his press aide, Dennis Abend, told reporters that the Committee had withheld another document which had been released to it which expressed the conclusion that the attack was a mistake. Neither Turner nor Abend disclosed that the document to which they referred was prepared on June 13, only five days after the attack and before any intelligence reports had been gathered, before the survivors had been interrogated and before the naval court of inquiry had taken testimony in London and was, in fact, based entirely on news reports. The documents published by the Committee were dated June 23, July 27 and November 9, 1967. Obviously, the information they contained could have played no part in the conclusion stated in the June 13 document.

The November 9, 1967 document published by the Committee said in part: "Dayan personally ordered the attack on the ship, and one of his generals adamantly opposed the action and said 'This is pure murder!' One of the admirals who was present also disapproved the action and it was he who ordered it stopped."

Moche Dayan, questioned by the press in Washington the day the documents were published, insisted that the attack was an accident and added that Israel had "negotiated payment of the damages to the ship." He failed to mention that "negotiations" were all that there was: Israel has never paid a penny of the \$7.6 million damages.

The Committee has disclosed that in another Freedom of Information action it obtained from the Navy Department a previously-classified document in which a U.S.

23

Navy Liaison Officer reported an earlier threat by the Chief of Intelligence of the Israeli Air Force to attack any American ship or aircraft which accidentally strayed into Israeli waters or airspace.

Carl Marcy, the Committee's Washington lawyer, has also demanded of Admiral Turner that he correct the impression he and the Agency had given that the Committee had withheld a document which cleared the Israelis of blame for the deliberate attack. Mr. Marcy, long-time Staff Director of the Senate Foreign Relations Committee, cited to Turner the efforts by the Committee to confirm that the CIA had nothing in its files contradicting the documents released by the Committee.

-30-

For further information:

Norman F. Dacey, Chairman
The American Palestine Committee
Bridgeport, Conn.
(203) 374-5226

Senator James Abourezk
224-3121

Carl Marcy, Esquire
346-1700

2 "Victory" Conversion

AGTR 4 (ex-AG 167) BELMONT (ex-Iran Victory)

AGTR 5 (ex-AG 168) LIBERTY (ex-Simmons Victory)

Displacement: 7,190 tons light (10,680 tons full load)

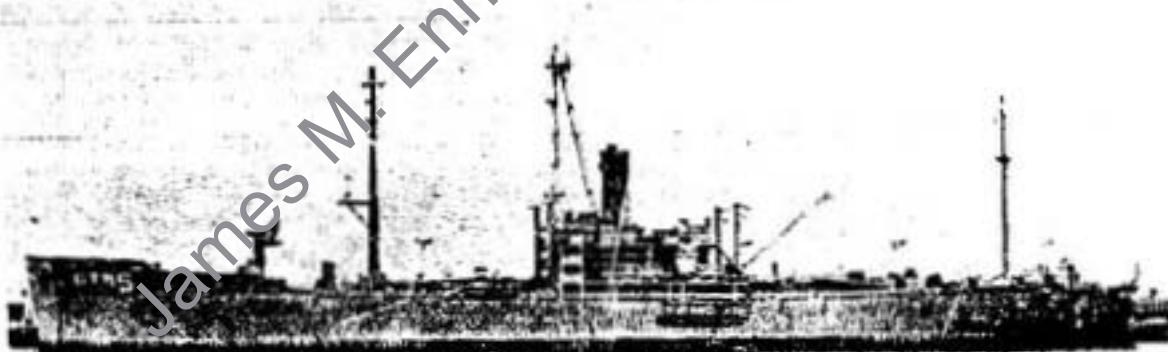
Dimensions: 455 (o.a.)×62×24 feet

Machinery: Turbine. S.H.P.: 8,500=18 kts.

Complement: 280

General

Modified "Victory" ships. Conversion completed by Willamette Iron & Steel, Portland, Ore., in Sep. and Dec., commissioned 2 Nov. and 30 Dec. 1964, respectively. Mobile bases for research in communications and electromagnetic radiation.



LIBERTY

1966, courtesy J. A. P. Albornoz

~~CONFIDENTIAL~~

LIBERTY'S ACTIVITIES

DATED JUNE 18 ARABIC MONTH 19 JAH 1411

(STEVES) UNDER THE HEADING "THE LIBERTY'S DUTY AS AN INDEPENDENT EDITOR SAWS IN THE LIGHT OF THE HUMANITY HERSELF HAS MADE AN AFFIRMATION OF THE LIBERTY'S DUTY AS AN INDEPENDENT EDITOR OF THE NEW FLEET AND ITS ABILITY TO CONTACT ANY PART OF THE WORLD THROUGH EARTH SATELLITES, AND IN THE LIGHT OF THE OPERATIONS OF THE TWO SUPERIOR BATTLE REGIMES BY THE EVIL AGGRESSOR AN HOURAGO, A JUNE, 1948, ASSESSED INFORMATION AT HAND, I AS A WINGLESS AND CANON PRIMARILY AND PROFOUNDLY CAN CONFIRM THAT THE AMERICAN FIGHTING SHIP PLAYED A DECISIVE AND EFFECTIVE ROLE IN THE TRIPARTITE INVASION OF GAZA LAND AND EGYPT. THIS INCLUDED SIMULTANEOUS STRIKES ON ALL THE AIRPORTS HELD BY THE ENEMY.

THE AL-AHRAR EDITOR SAWS-NYUWA SAYS THE LIBERTY TAKES OFF POSITION OFF THE EGYPTIAN COAST IN ORDER TO PROVIDE THE FOLLOWING ELECTRONIC SERVICES TO THE TRIPARTITE:

1--THE SHIP SPED ON ALL DARK NIGHTS AND OTHER NIGHTS FROM THE MIDDLE EAST AREA.

2--THE SHIP STOOD INNOCUOUS IN A SPECIFIC POSITION NEAR THE EGYPTIAN COAST. THE SHIP WAS PARADE READY TO FIGHT, IT WAS THE GATHERING POINT FOR PLANEZ GOING OUT UPON TO STRIKE ALONG THE COAST. THIS ALSO HELPED THE PLANEZ REACH THEIR DESTINIES IN EASIERER GROUPS ACCORDING TO A STRICT THRETE.

3--THE SHIP DISCOVERED THE AIR COMMUNICATIONS OF ENEMY COMMUNICATIONS AND THE ELECTRONIC NETWORK USED BY ENEMY IN FACILITIES AT THE AIRPORTS. EXPLOITING THE NETWORK USED TO FORCE PLANEZ TO HAVE PORTAGE INSTRUMENTS IN THE HIGH SKIES. THIS IMMEDIATELY FACILITATED STRIKES ON THESE AIRPORTS BY THE FIRST FLIGHTS OVER THEM.

4--THE SHIP CARRIED OUT SEA SEARCH AND RESCUE OPERATIONS WHICH WERE ADVANCING AGAINST THE ARAB NAVY.

5--THE SHIP JAUNED THE ARAB NAVY EQUIPMENT WITH SPEED AND AFTER THE AGGRESSION ON THE ARAB CHIEFTAIN SHILL HAS LEAVE THE SMALL PLANEZ AND ASCERTAIN THEIR NUMBER, POSITION AND ACTIVITY IN ORDER TO NOTIFY THE AIR DEFENSE TO INTERCEPT AND DESTROY THEM.

18 JUN 1948 ROMYE

Liberator

F. B. I.
INVESTIGATING, RECEIVING, INFORMATION REPORTS

3-374-100 CENTRAL INVESTIGATION AGENT

DATE: 10/10/67 TIME: _____
NAME: /Address on file
 Address Desired by Suspect

TYPE: #3
FBI DATE: 10 Dec 67
NO. INDEX: 1
SERIAL NO.: _____

DATE OF INFO: Oct 67

REMARKS:

SEARCHED

INDEXED

SERIALIZED

FILED

2. Commented on the subject of the CB assassination plot, particularly said that DeLoach had approached him about the plot and that one of his persons "strongly opposed the action and that he was pure number." One of the individuals who was present when DeLoach proposed the action, and it was his own opinion that DeLoach was sincere, believes that the others, including the two agents, had been instrumental in his position with respect to DeLoach and the plot.

APPROVED FOR RELEASE
BY 3 JUNE 1977

James M. Ennes, Jr. Research Papers

*Mr. J. W.
Garrison* *Journal*
1833-1834 *in three vols.* *12mo* *1870*
Vol. I *1833* *Vol. II* *1834*
GARRISON

RESEARCH

Small "pioneer and "youths" books. To add. May "you" remember that it is this company there is not other like one in Australia. Which you described as "so-called" reference books. Now there (Eng. Wks.)¹ have flying and sailing boats, including "Sea" "Boatmen," & (Eng. Wks.)² "Australia's Great Rivers." Books "Australia's Rivers." There is also a book on "Australia's Great Rivers" by John, which is a light, portable book. In the last mentioned the "Australia" was published. The "Australia" book is now available at the "Australia" bookshop, Paddington, Sydney, New South Wales, Australia. And the "Australia" book is now under the name of "Australia" and "Australia" is still in existence. The "Australia" book is now under the name of "Australia" and "Australia" is still in existence.

THE FEDERAL BUREAU OF INVESTIGATION / U.S. DEPARTMENT OF JUSTICE

1976-3 RELEASE
Bob - 20 June 1977

SENT AS INTELLIGENCE ADVISER
Intelligence Information Cable

ROUTINE

NET 12 JULY 1957

ISRAEL/TELETYPE/TELE

JULY 1957

YUGOSLAV GENERAL STAFF OFFICER REBARKA
ON ISRAELI ATTACK ON THE TIA AIRPORT

(22 JULY 1957)

1. THE YUGOSLAV MILITARY ATTACHE IN THE AVVY DIRECTORATE REPORTED TO TODAY AND RECEIVED THE YUGOSLAV GENERAL STAFF (YGS) COMMENDATION FOR BRAVE WORK.
2. IT IS STATED THAT THE ISRAELI ATTACK OF THE TIA AIRPORT ON 8 JULY 1957 WAS DELIBERATE. IT WAS DONE IN ACCORDANCE WITH THE YUGOSLAV'S COMING ACTIVITIES IN A COUNTRY NEAR THE EFFECT OF ISRAELI AIR AND MILITARY COMBINATIONS. (FIELD COMMANDERS IN CHARGE FOR THE APPROXIMATE TIME THE MILITARY ATTACKS IN THE APPROXIMATE DATES OF THIS REPORT.)

3. FIELD COMMANDER TIA.

UNCLASSIFIED FOR RELEASE
to 7 June 1972

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James M. Ennes, Jr. Research Papers

SELECTED MESSAGES
FROM FILES OF
COMMANDER 6TH FLEET
JUN & JULY 1967

MESSAGES SHOW DETAILS OF
EARLY "PRESS GUIDANCE," RESCUE
EFFORTS, DAMAGE CONTROL, TROOPS
LOST, XAR OF WOUNDED, ETC.

ABOUT 1,000 MORE MESSAGES
FROM THIS FILE CAN BE
SEEN IN THE HOOVER LIBRARY

FOLDER 23

F PPMV PRCPM
OO RUMBLE
OO RUMBLE
OO COCO
REFUGEE/REFUGEE-65
TO NMIC/DC/INTELLIGENCE
RUMBLE/COMINT/HB
BT

CONFIDENTIAL
TEN AND TWENTY AND ADT HAVING RECEIVED FROM ADT TELLER
1, 200 POSITION AS STORY FROM AMERICA ALLIED SEAS OF HER OFFICERS
TOLD HER THAT LIBERTY WAS A SPT SHIP LINE. HUNGARIAN OWNED AND OWNED
BY HER IT WAS CARRIED ON HER FORGE AND HAS RECEIVED UP QUITE
A FEW. "SPT INFORMED PARTS IN ADT WAS AND COULD BELIEVE THAT
THE SPT WAS A PHONY DEFENSIVE. HATZI COULD HAVE LIED IN ADT
PARAGRAPH NOT IN LAST PARAGRAPH. HATZI IS WELL INFORMED ON
MILITARY PLANE AND SHIPS AND COULD STATE "HISSELF". GENERAL
MILITARY REPORTERS LIKEWISE WILL INFORMED AND SETTLEAR STATES
CAN BE EXPECTED. WITHOUT WORKING THEY CANNOT BE AVOIDED,
38-4
23 CEN

SHOULD

DOWNLOADED AT 2020/07/2018
RELAISHED 2018/07/2018
BY JAMES M. ENNIS JR.

VISUAL
P 1800Z JUN 67
FM USA AMERICA
TO ALL SHIPS IN VISUAL COMPANY
INFO CONSISTENT
CIT SIX ZERO
BT
UNCLAS
AMERICA WILL HOLD ATTORIAL SERVICES FOR OPENING OF
U.S. LIBERTY AT 1215 TODAY.
BT

FLAG ACT..... H

SHIP ACT... SHREWD...

TER 8945E/18 JUN 67

TR 437/18

FWD..... VJS

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W FPP0918
F 180000Z JUN 47
FM USIS DAVIS
TO RUTING/CORPS/CONSLP/LT
INFO RUE KRE/CGFT SIX ZERO
RUE PPN/CTS SIX ZERO PT TWO
EIGHT/CPTS SIX ZERO PT FIVE
NINE/DPA/CONCRETE PLANT
RUEAAA/CHICAGO INFO
RUEAII/CINCUSHA/VEIR

100-48

1. REQ FOL STORY BE CLEARED FOR RELEASE IN NEWSPAPERS AREAS OF
NEWPORT, PROVIDENCE, BOSTON AND FALL RIVER AND ANY OTHER MEDIA
DETERMINED APPROPRIATE BY YOU OR INFO ADER.

Kress
R. HEADLINE, NEWPORT DESTROYER AIDS STRICK NAVY SHIP
AT 9:19 P.M. (LOCAL) JUNE, COMMANDER DESTROYER SQUADRON TWELVE,
CPT., W.G. LEATH, WAS DIRECTED BY COMMANDER TASK FORCE SIXTY
PROCEED AT MAXIMUM SUSTAINED SPEED TO USS DAVIS (DD-53) AND
WBS RESET (DD-778) EDEMEUS (WHEC-53)

AS SOON AS POSSIBLE TO RENDER ASSISTANCE. LIBERTY HAD BEEN ACCIDENTALLY STRAFED BY SIX INVISIBLE JET FIGHTERS AND

SUBSEQUENTLY ATTACKED BY THREE ITALIAN MOTOR TORPEDO BOATS IN INTERMEDIATE WATERS. SHE SUFFERED ONE TORPEDO HIT AND WAS LISTING HEAVILY TO STARBOARD.
DAVIES AND HIS STAFF REMAINED AT 30 KNOTS THROUGHOUT THE NIGHT, ARRIVING ON THE SCENE SOONLY AFTER DAYLIGHT AT 6:15 A.M., CLOCKWISE. BOTH SHIPS DISPATCHED MEDICAL ASSISTANCE TEAMS AND DAMAGE CONTROL PARTIES AS SOON UPON ARRIVAL. THE BOARDING PARTIES WERE LED BY LIEUTENANT CORCORAN, EXECUTIVE OFFICER OF DAVIS. DAVIS THEM, MOVED DIRECTLY ALONGSIDE LIBERTY AND MADE FAST TO HER TO EXCHANGE ASSISTANCE. OVER 100 OFFICERS AND MEN FROM DAVIS WENT ABOARD TO ASSIST IN REPAIRING DAMAGE, REESTABLISHING VITAL SHIP FUNCTIONS AND ASSISTING IN CLEANING UP AS WELL AS PROVIDING HOT FOOD, COFFEE AND WATER. WHEN DAVIS PULLED AWAY ABOUT THREE HOURS LATER, THREE OFFICERS AND 19 ENLISTED MEN REMAINED ABOARD LIBERTY. ONLY 100 SUFFERED 3 KILLED, 25 MISSING, 15 SERIOUSLY WOUNDED AND APPROXIMATELY 35 OTHER WOUNDED. DAVIS PERSONNEL ASSISTED IN EVACUATION OF KILLED IN ACTION AND SERIOUSLY WOUNDED TO THE AMERICA. FIVE-555 BY AMERICA'S MEDICS.

ONE AMERICAN KILLED BY AMERICA'S HELICOPTERS.
LT CDR WILLIAM R. PETTYJOHN, CHIEF STAFF OFFICER FOR COMCOFOR LEANTH,
REMAINED ABOARD AS ACTING EXECUTIVE OFFICER TO REPLACE LIBERTY'S
EXECUTIVE OFFICER WHO HAD BEEN KILLED IN ACTION. LT PAUL TOSIN,
DAVIS CHIEF ENGINEER, REMAINED TO COORDINATE REPAIR ASSISTANCE
IN BAYIS. DAVIS ENLISTED MEN INCLUDED ENCS ROBERT P.
DICKETT, SFC WILLIAM F. RASON, PFC JOHN F. CORRIGAN, EFC LINTON J.

PLAIS ACT.....¹⁵

700 11 01 092 JUNE 67

HR 232/11

CVO.....PA.....CAGP
18-62 347 JUNE 41

CONTRVET, DCI RAYMOND T., RICHARDS, MM1 ANKER J., RATHBURN AND
MM JOHN V. LIBBY.
LIBERTY IS NOW ENROUTE PORT FOR REPAIRS, EXCORTED BY DAVIS AND THE
FLEET TWO PAPAGO. THE THREE SHIPS ARE EXPECTED TO ARRIVE
JUNE 13 OR 15, WHEN DAVIS WILL RETURN TO NORMAL DUTY
AS A UNIT OF THE U.S. NAVY FLEET.

PAGE TWO OF TWO

18 29 342 JUNE 47

PPNGS619
P 1014 17Z JUN 87
FM COM15WFORBIAINTFLT
TO COM15AINTFLT
INFO G-F SIX ZERO

CONFIDENTIAL

1. 40. 0915 180 NED HANCOMMUT. YAPLES AND PASSED TO GULF AIR NEWS
CONCERN. UNDER THIS AIRCRAFT IS CHOSEN EXECUTIVE INTERVIEW. PREPARED
TO 40. 0915 180 SEPARATE QUITE COMPETITION TODAY AIRED REPORT FROM
ARE I C. REGARDING LIBERTY ATTACK AND SURVIVORS. 100. 00 UNKNOWNPND THERE

PASSIN - APET F DOWN OFF AMERICA TO ATHENS, STOP. HOW COME NOTHING FROM YOU MINT LEPPING SALE SUBMITT U'D DAVID BUNKER? WE'VE HAD STOP ATHENS SIX ZERO ONE CALLING STOP THAT, DON'T REPORT. AND I FEW HAVE DIFFICULTY SAYS LIBERTY PARK, EXCLUDING COMMITTEES, SWAY, STOP. SEE WHAT YOU CAN DO CONFIRM OR DENY UNQUOTE.

卷八

REINFORCED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS.
DOB 08-20-1982

FLAG ACT...
1964 12632 JUN 57

TOM 17432 JUN 67

KBR-614713

DFO 191437Z JUN 67

CHIEF OF STAFF

44-143819W 44C373 08030
03 PHTBRC
04 RUSSIAN 201117Z
05 CCCCC
06 161117Z JUN 67
07 CTO SIX ZERO PT FIVE
08 RUSSIAN ONE SIX EIGHT
09 THREE PT SIX ZERO
10 RUSSIAN NINE
11 THREE PT ONE FIVE
12 RUSSIAN ONE EIGHT
13 RUSSIAN ONE EIGHT
14 RUSSIAN ONE EIGHT
15 RUSSIAN ONE EIGHT
16 RUSSIAN ONE EIGHT
17 RUSSIAN ONE EIGHT
18 RUSSIAN ONE EIGHT
19 RUSSIAN ONE EIGHT
20 RUSSIAN ONE EIGHT

**REVALIDATED AT 3 YEAR INTERVALS.
REVALIDATE AFTER 12 YEARS.
DOH 1988 REGLES**

FLAGACT
T 2200Z/18 JUL 67 NM 213-218- CWD ...P... /MIG

10 15 502 3101 67

CONFIDENTIAL

DECLASSIFIED AT 3 YEAR INTERVALS
RECLASSIFIED AFTER 12 YEARS.
END OF SOURCE

ANSWER

目錄 222 附錄 67

108 / 111

CIVIC, 1991-1995, CAP

IP-20 672 JUN 67

CHIEFEST

CONFIDENTIAL

CONFIDENTIAL

www.ijerpi.org

70. 哪個國家

◎ 人物

PEOPLE APPROVE ASSISTANCE FOR USED EQUIPMENT

- AM Envelope

 1. TELETYPE COMM SITES AND COM CIRCUITS.
 2. THIS COMM-FWD RPT A. REQUEST THAT YOUR SBU TO FLOCED TO MALTA TO ARRANGE FOR MEETING LOCAL TO YOU OR US AMEMBASSY IN PUBLIC AFFAIRS MATTERS. PERIOD OF DATA AS REQUESTED BY THIS STATEMENT.
 3. FOR ALSO TAIWANSE PROJECT DO NOT ATTEND TO GENERATE ANY MEDIA INTEREST IN THIS SUBJECT. IF QUERIES ARE RECEIVED CONCERNING THE SHIP'S MISSION, REFER THEM TO CONDUCT TECHNICAL RESEARCH OPERATIONS IN SUPPORT OF USA-ROVTE ELECTRONIC RESEARCH PROJECTS WHICH INCLUDE ELECTROMAGNETIC PROPAGATION STUDIES AND ADVANCED COMMUNICATIONS SYSTEMS SUCH AS SATELLITE COMMUNICATIONS UNITS. NAME OF COMMANDING OFFICER IS: CAPTAIN WILLIAM DALE HODGINS. BASIC DIMENSIONS OF THE SHIP ARE: LENGTH 405 FEET; BEAM 62 FEET; DRAFT 13 FEET 9 INCHES.
 3. REQUEST FOR APPROXIMATE INTEL INFORMATION FOR 1000 AND EVENING OF 12 JUNE, DOWNLOADED AT 3 YEAR INTERVALS.
NOTES: UPDATED AFTER 12 YEARS.

卷之三

CONFIDENTIAL

中国科学院植物研究所
植物学报编辑部

卷之三

REF ID: A65111
NATIONAL SECURITY
INTELLIGENCE
SERIAL NUMBER

CONFIDENTIAL

CONF

CLASSIFICATION
EXPIRES

ROUTINE

029

090515Z

INFO: OBJECTIVE

TO: LIBERTY

INFO: ON BOARD LIBERTY

CONF

1. PARIS AND LIBERTY HAVE RENDEZVOUSED
WITH LIBERTY MEDICAL PERSONNEL
HAVE BOARDED LIBERTY.

2. POINT OF RENDEZVOUS LAT 33-01N,
LONG 31-59E.

3. AT 0455Z LIBERTY WAS 138 MILES FROM
NATIONAL SECURITY INFORMATION
Navy Closure Speed 30 KTS.
EXPIRED AT 3 YEARS
CLASSIFIED AFTER 12 YEARS
DOD DIA 1988

GP-4

Recd 1/2
jnl 0525Z

CONFIDENTIAL Return to 13

COMMUNICATION

James M. Ennes, Jr. Research Papers

| | | | |
|---------------------------|--|----------------------------|--------|
| RADIO MESSAGE | | CLASSIFICATION UNCLAS EFTO | |
| TYPE: TELETYPE (CIR, NMW) | | DATE: 1000Z 21 NOV 1967 | |
| ORIGINATOR: CTF 60.5 | | TO: CTF 60.5 - PINTKRF | |
| NAME: CTF 60.5 | | SUBJ: 21 NOV 1967 | |
| MESSAGE NUMBER: 075 | | TIME: 090905Z | |
| PRIORITY: REGULAR | | PULL DATE: 21 NOV 1967 | |
| RELEASE DATES: | | PULL TIME: 090905Z | |
| | | PULL BY: | NAME: |
| | | AMMUNITION: | CODE: |
| | | DATA: | ROUTE: |
| | | TIME: | NOTES: |

FROM COMSIXTHFLT
TO CTF 60.5 - PINTKRF
INFO AMERLICAN / CTG 60.5

COMSIXTHFLT HELD EFT

UNCLAS EFTO

1. HELD LIFT FOR COMSIXTHFLT TO LIBERTY
NOT DESIRED. THOSE KIA HAVE BEEN
REMOVED AND WOUNDED MOVED AS
REQUIRED.

2. REQUEST EFT OF HELD AT FLAGSHIP
FOR COMSIXTHFLT PICKUP

*ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 100-08-15 BY CPT KRM*

DISTRIBUTION:

Return to 13

CLASSIFICATION UNCLAS EFTO

000

IN RE P6593
P 091200Z JUN 67
FM CTF SIX ZERO
TO TF SIX ZERO
INFO COMINTINFO
RE

UNCLAS E F T O

FOLLOWING RECEIVED FROM COMINTINFO QUOTE
FROM COMINTINFO

TO CTF SIX ZERO

FOR RADM GREGORY VADM MARTIN

1. IN THE RUIN OF GETTING THE FLIGHT OFF TO RESCUE LIBERTY,
I WENT DIRECT TO YOUR CARRIERS BYPASSING YOU. THE ACTION WAS
INADVERTENT AND I APOLOGIZE FOR IT.

2. YOUR SUBSEQUENT ACTIONS CLEARLY INDICATED THAT YOU WERE ON
THE BALL AND HAD EVERYTHING IN HAND.

3. I PERSONALLY THINK TASK FORCE SIXTY'S RESPONSE WAS MAGNIFICENT
AND THE PERSONAL MESSAGE TO ME FROM ADMIRAL KELCH REFLECTS
THE SAME CONVICTION. UNQUOTE.

4. I ADD MY OWN APPRECIATION FOR MARTIN'S CHARGERS WHO JOIN ME IN
SAYING TO THE DODE QUOTE THE DICE CALL IS SO COMPLETELY
INAPPROPRIATE UNQUOTE.

RE

AIR ACT.....3.....

SHIP ACT.....OPS.....

TOKY 09/1445Z JUN 67

RNRN 398/89

CVO.....*ell*.....//OP03//

89 13 042 JUN

XR NR 86784
P #91458Z JUN 67
FM SEDDEF
TO RICIJUW/GIF SIX ZERO
INFO RICIJUW/GSEIXNHTLT
RUDLNU/TCRNUAEDR
REFUR/USCINCPAC
BT
UNCLAS DDF 7489 FROM DASD/PAD FOR PAD
REFERENCE YOUR RELEASE JUNE 67, DASD(PAD) CONCURS IN
MEDIA REQUEST TO SEND FILM OF PREPARATIONS AND LAUNCH OF AIRCRAFT
ABOARD AMERICA DURING LIBERTY INCIDENT ABROAD. IT FIRST AVAILABLE
CDD AIRCRAFT
BT

TDR 2245Z/69 JUN 67

MSB MM 814/83

卷之三

97145 000 67

SECRET

DD MR 65337
O 091400Z JUN 67
FM CINCUSHAVEUR
TO RUEIFRC/COMBIRTHFLT
INFO RUEHAAA/CNO
RUEKSA/DIRNAVSECGRUM
RUEKE/CDF SIX ZERO
RUEPP/CTG SIX ZERO PT FIVE
BT

SECRET

USS LIBERTY (CVA)

1. THERE IS INDICATION THAT PAPERS OF SOME DESCRIPTION ARE DRIFTING OUT OF THE HOLD IN LIBERTY'S STERN. FROM INFORMATION AVAILABLE HERE IT SEEMS AS THOUGH THE HOLD LEADS DIRECTLY INTO THE SECURITY GROUP OPERATIONS SPACE. IT IS PROBABLE THAT SOME OF THE PAPER WHICH GOES ADRIIT IS PARTICULARLY SENSITIVE.
2. DO WHATEVER IS FEASIBLE TO KEEP ALL SOVIET SHIPS OUT OF LIBERTY'S WAKE.
3. TAKE WHATEVER STEPS ARE PRACTICAL AND REASONABLE TO MAINTAIN OBSERVATION OF LIBERTY'S WAKE. IF POSSIBLE FIND OUT WHAT SORTS OF DOCUMENTS ARE BEING LOST IN THE WAKE.
4. RECOGNIZING THAT HER OWN WAKE CANNOT, AT THIS LATE HOUR, BE SEARCHED, TAKE APPROPRIATE STEPS THAT ARE REASONABLE AND APPROPRIATE TO REDUCE POSSIBILITY OF COMPROMISE, NOTING THAT A COMPROMISE COULD HAVE BOTH POLITICAL AND TECHNICAL ASPECTS.

GP-2
BT

DD FORM 149-1
15 APR 66
REPLACES DD FORM 149-1
15 APR 64
1. DATED AND NUMBERED AT 3 YEAR INTERVALS.
2. DESTROYED AFTER 12 YEARS.
3. USE UNTIL JANUARY 1971.

FLAG ACT 3 000 3/2/2

DD MR 1549/09 JUN 67

DD MR 614/09

CNO.....*CGM*.....RML

1 2 3 4 5 6 7 JUN 67

SECRET

RAFMVR2543
O P 001300Z JUN 67
FM USDAO TEL AVIV ISRAEL
TO RUEPNUV/WHITE HOUSE
RUEPNSA/DOD
RUEPNAA/CIA
RUEHC/DEPT STATE
RUHCF/COMINTRFLT
RUEPNSA/CINCPAC
RUHCF/CINCHAVEUR
RUHCF/JCS
INFO RUHCF/DIA
RUHCF/USUN
RUEPNSA/CINCPAC-NAVEUR
RUHCF/CTO SIXLETO PT TWR
RUEPNSA/USAFE
RUEPNSA/CINCPAC-AEUR
RUHCF/CTO SIX ZETO
BT
S E C R E T 0845 JUN 67.
AT 001300Z THE IDF ASSISTANT ARMY SPEAKER

DECLASSIFIED
By DIA No. of
14 May 1982

00 01
13
F-117 - 31/312
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

PAGE 2 RUEHCF 0845 S E C R E T
LT COL MICHAEL BLOCK TEL AVIV TO ALUSNA FOLLOWING
SEVEN POINTS AS QUOTED: FURTHER INFORMATION ON YESTERDAY'S
INCIDENT WITH THE AMERICAN SHIP, UNQUOTE.
1. SHIP WAS SIGHTED AND RECOGNIZED AS A NAVAL SHIP (1)
MILES FROM COAST.
2. PRESENCE IN A VICTIMIZING AREA IS AGAINST INTERNATIONAL
CUSTOM.
3. THE AREA IS NOT A COMMON PASSAGE FOR SHIPS.
4. EGYPT HAS DECLARED THE AREA CLOSED TO NEUTRALS.
5. LIBERTY REQUESTED THE EGYPTIAN SUPPLY SHIP EL QUSEIR.
6. SHIP WAS NOT FLYING FLAG WHEN SIGHTED. SHE MOVED AT
QUOTE HIGH SPEED.
UNQUOTE VICTIM TOWARD ENEMY COAST.
7. IDF NAVY HAD EARLIER REPORTS OF BOMBARDMENT OF
EL-QUSEIR BY SEA.
COMMENT: 1. AT FIRST COL BLOCK MERELY READ OFF SEVEN
POINT. ALUSNA REQUESTED FOR A LABEL FOR THE STATEMENT
REGARDING IF THIS WERE AN OFFICIAL EXPLANATION OF INCIDENT.
COL BLOCK COULD NOT SUPPLY A PREAMBLE OR HIS OWN AND
ALUSNA REQUESTED HE CONSULT WITH SOME AUTHORITY WHO
COULD. BLOCK CALLED BACK IN TWO MINUTES WITH THE ABOVE

PAGE 3 RUEHCF 0845 S E C R E T
QUOTED HEADINGS. 2. WHILE EL QUSEIR BEARS A HIGHLY
SUPERFICIAL RESEMBLANCE TO LIBERTY, ALUSNA CAN NOT
UNDERSTAND HOW TRAINED PROFESSIONAL NAVAL OFFICERS
COULD BE SO INEPT TO CARRY OUT YESTERDAY'S
ATTACK. CERTAINLY IDF NAVY MUST BE WELL DRILLED IN
IDENTIFICATION OF EGYPTIAN SHIPS. EL QUSEIR IS LESS
THAN HALF THE SIZE; IS SEVEN YEARS OLDER, AND LACKS THE
ELABORATE ANTENNA ARRAY AND NULL MARKINGS OF LIBERTY.
3. ALUSNA EVALUATES YESTERDAY'S FORTRESS-ATTACK
RESULTED FROM TRIGGERS HAPPY EAGERNESS TO CLEAN SOME PORTION OF
THE GREAT VICTORY SHIPS SPARED BY IDF ARMY AND AIR
FORCES AND IN WHICH NAVY WAS NOT INVOLVED. OF-1.

RR RUCIPAA
RE RUMIRE 895 160179Z
END-0000
R 091524Z JUN 67
FM 623 AMERICA
TO RUCIPAA/NAVALCENRSTA WASHDC

BT

DECLAS E F T 0
CIOO DIA COLLECT USA AMERICA /NRIN SUBJECT 160179Z
VIA WESTERN UNION

BT

DIA COLLECT
ASSOCIATED PRESS
WASHINGTON, D.C.

BT

ADDED CAPTION--ADD LIBERTY CASUALTIES.
NAVY SPOTLICERS DID NOT INFORM CIVILIANS, ATTEMPTING TO COUNT
INJURED CASUALTIES BY VISUAL INSPECTION, THAT 22 MEDEVAC WERE
UNACCOUNTED FOR.

NO EXPLANATION WAS MADE AS WHY THIS WAS NOT DISCLOSED NOR
AS TO THE POSSIBLE FATE OF THE MEDEVAC.

ABOUT 4 P.M. (1600Z) ON 16 JUN, WHEN THE DAY'S HELICOPTER
EVACUATION WAS COMPLETED, REPORTERS WERE TOLD PLAINLY THE OVER-ALL
TOTAL OF CASUALTIES STUCK AT 59 WHICH, BY THE WAY,

BT

RUMIRE

BT

Copy to Do
Jewin

180 PENTAGON
CG RUEMC
DE 190000 34 160100Z
INT CCCCCC
G 001010E JUN 67
FM BASE OPD ATHENS AB
TO RUEBAA/CHINFO NAVY CHIEF OF INFORMATION
INFO RUEPP/NAVY PICTORIAL CENTER
RUEOMRA/DAED PA
RUEPAC/CON SIXTH FLT
RUELO/CLIOUSKAVEUR
RUEPP/USCINCPAC
EE

CONFIDENTIAL
FOR CAPT KODDIE, HAVE FORWARDED LIBERTY
FOR 10K PICTURE FILM PACKAGE ADDRESSED CHINFO NAVY DEPT, WASH 20338
ATTN: CAPT KODDIE, ROOM 2E 343 FESTIVAL MARKED ON REVERSE WITH FURTHER
INSTRUCTIONS TO PHONE ON ARRIVAL AT JERS HOTEL.
SHIPPED VIA U.S. EMBASSY ATHENS DIPLOMATIC POST MAIL PACKAGE
IN POUCH RD. B1 A-7765 INV. NO. G-258 RECORDED LOCAL TIME
DEPART ATHENS SAT JUN 17 FLT PMJ T.W.A. WILL PICK UP AT
PUSH ROOM DEPT. OF STATE, NEW STATE DEPT., BOSTON. SHOULD ARRIVE
B-10 LOCAL TIME.
EE

DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS
EXCEPT FOR ANALYSIS

180 ACT 1352 160100Z JUN 67 NR 198/89 CNO/CIA/21432

EE 18 198 JUN 1967

CONFIDENTIAL

SECRET

W. JNC628 APH918AHESTECA938A
EE RUTPM
DE 101229Z JUN 67
ZM 20000
Z P001000 JUNK 67 0000
FM JCS
TO RUSSIAN USDAO TEL / TIV
INFO RUMPH/USCINCPAC
INFO JCS
RUMPH/CINCPAC
RUMPH-CINCPAC
RUMPH-CINCPAC
BT
S U C R L T WOT 7541 C 3 FEDS
SUBJECT: 105 LITERACY INCIDENT
1. TO END THE AVION BY DISE.
1. P ISSUE INFO FROM LITERACY INCOM. LITERACY AS TO
POSS. MILITARY MEN IN WATER.
2. IT IS RECOMMENDED THAT THE 10 PLANE OPERATORS
WHICH EXISTING ON EIGHT ASSISTED VESSELS DON'T AT
THE TIME OF THE INCIDENT.
3. DUE TO THE POSSIBILITY THAT PER CIVIL MAY SET L BE
IN THE WATER, ADDITIONAL 1000 BY ISRAELI FORCES WOULD
BE GREATLY APPRECIATED.
OP 4
BT

CORRECTED COPY NR: 1
CORRECTED AND RESENT
CORRECTED AND RESENT
CHIPS 828.

OPERATED BY 5 STAR INVESTIGATIVE
BUREAU
DRAFTED BY 5 STAR
DRAFTED BY 5 STAR

FILED 11..... 2..... 212.....
100 214902Z JUN 67 RCG.....
XSG NR. 797/69 CNO 28 "ABEE"

8 9 2 1 32 JUN 67

SECRET

W FPHG43NPH392MRA39NECTR6348

OO NUTPRO
DE RUEHPX 4886 15W2358
ZNY EEEZ
O 092232Z JUN 67

FM CINCPACFLT
SUB: CINCUSMACV
CINCPACFLT
RE
MICLAS E F T O
FOLLOWING ASSOCIATED PRESS WIRE STORY, AD13, SMC/FLEET-RIDGEAST 388
PASSED TO YOU FOR INFO
AD13

REATNFLT - RIDGEAST 388
BY BOB MONTON

ASSOCIATED PRESS WRITER
ABOARD THE CARRIER AMERICA /P - THIS 77,000-TON CARRIER
WAS ASSIGNED TODAY TO THE TASK OF REMOVING A HIJACKED 31 DEAD AND 75
VOULDED FROM THE CHIPPED U.S.S. LIBERTY.
DOCTORS AND MEDICAL CORPS MEN STOOD BY WAITING HELICOPTERS
SCHEDULED TO EVACUATE THE LIBERTY'S CASUALTIES TO THE AMERICA.
A BLOOD DONOR SOON WAS FOUND. THE CARRIER HAS TWO HOSPITAL
WINGS WITH ABOUT 65 BEDS AVAILABLE.
TWENTY OF THE INJURED WERE DESCRIBED AS IN SERIOUS CONDITION.
PLANS WERE TO HELP THE MORE SERIOUSLY INJURED ON BOARD UNTIL THE
CARRIER REACHED PORT.
BODIES OF THE LIBERTY'S DEAD-KILLED IN WHAT ISRAEL
CALLED AN ACCIDENTAL ATTACK THURSDAY BY ISRAELI NAVAL AND AIR
FORCES WERE TO BE TAKEN ABOARD THE CARRIER.
TWO DESTROYERS WERE DESPATCHED LATE THURSDAY TO MEET THE LIBERTY,
WHICH WAS ABLE TO MOVE AT ONLY EIGHT KNOTS BECAUSE OF
TORPEDO DAMAGE. THEY RENDEZVOUSED WITH THE LIBERTY, A NAVY
COMMUNICATIONS SHIP, TODAY AND DOCTORS BOARDED TO RENDER ASSISTANCE.
THE INCIDENT ALMOST PLACED U.S. PLANES IN THE WAR. THE ATTACK
DROPPED A FLIGHT OF A4 SKYWHAVERS AND F4 INTERCEPTIONS INTO THE
SEA, FOR WHAT FROM ALL INDICATIONS WAS A PLANNED STRIKE MISSION.
NO ONE DISCLOSED TO REPORTERS THAT INITIALLY THE NAVY BELIEVED

REATNFLT - 388
FLAG ACT.....
TO: INDIANAPOLIS JUN 67 - 15W 15N 40E 100
SUB: CINCPACFLT 388
PAGE 1 OF 6 TOTAL WORD COUNT 4000 0 092232Z JUN 67

RE: LIBERTY VENGEANCE AND U.S. AIR FORCE AIRCRAFT COLLISION, NO
ONE DISCLOSED TO REPORTERS THAT THE AIRCRAFT WERE DOWNED BY AN ISRAELI JET, 4:00A
THURSDAY LATER, TURNED OUT TO BE A CRASH OF A TELAVIV AIRPORT
SYSTEM TEST PLANE.
DISCUSSION WITH MR. COOK AND OTHER HIGH HEADM, INQUIRIES AS TO THE POSSIBILITY
OF AN ACCIDENT WERE MADE BUT NO CONCLUSION WAS REACHED.

Egyptian forces had hit the Liberty. Pilots assigned on the special flights to the scene were given descriptions of what Egyptian patrol boats look like.

But the planes, launched in an atmosphere of emergency aboard the carrier, were recalled without explanation in about a half hour. "We were getting ready for a healthy strike operation," an officer said.

The call to action broke days of long standing by which this ship and her contingent of six destroyers and a cruiser had spent during the Middle East fighting.

The six fleet ships were south of Crete and some 450 miles from the Liberty. Jets could have been at her side destroying an enemy in half an hour.

THE OFFICIAL EXPLANATION FOR THIS MONOCROFT SHIP, AND SO
NEAR THE FRONT OF ISRAELI - EGYPTIAN FIGHTING, IS THAT THE LIBERTY
WAS TO HELP PROTECT AMERICAN NATIONALS AS THE SITUATION NEED
TO EVACUATE BECAME APPARENT, THE LIBERTY WAS OUT 15 MILES OFF
THE SINAI COAST.
BUT AN OFFICER SAID,

"TO PUT IT BLUNTY, SHE WAS THERE TO SPY FOR US. RUSSIA DOES THE SAME THING. WE MOVED IN CLOSE TO MONITOR THE COMMUNICATIONS OF BOTH EGYPT AND ISRAEL. WE TELL YOU WE JUST BE INFORMED OF WHAT'S GOING ON IN MATTER OF INDUSTRIES, THE LIBERTY, THE OFFICIAL SAID WAS LOADED WITH ELECTRONIC EQUIPMENT CAPABLE OF RAPIDLY ACQUIRING DATA AND TRANSMITTING INTELLIGENCE REPORTS TO POSTS THROUGHOUT THE MIDDLE EAST."

M. Ennes

88-1
MURKIN, JOHN LEE DAVIS
1930-2000, BORN IN ALABAMA, LIVED IN ALABAMA AND TEXAS, WORKED AS A FARMER AND FISHERMAN, DIED IN TEXAS.

THE END

0 9 2 2 5 2 E JUN 87

CONFIDENTIAL

URG32
O 232234Z JUN 67
FM CINCINATI
TO CINCUSHAVEUR
INFO COMINTREFIT

BT

CONFIDENTIAL
SECURITY VIOLATION

1. ASSOCIATED PRESS WIRE STORY, AT13, SIXTHFLEET-MIDEAST 3886
ON US LIBERTY WRITTEN BY BOB NORTON FROM ABOARD THE CARRIER
AMERICA STATES, QUOTES THE OFFICIAL EXPLANATION FOR THIS WAR.
COMBAT-SHIP BEING SO NEAR THE SHORE OF ISRAELI-EGYPTIAN BOUNDARY
WAS THAT THE LIBERTY WAS TO HELP PROTECT AMERICAN SHIPS AS
AS THE POSSIBLE NEED TO EVACUATE BECAME APPARENT. "THE LIBERTY
WAS ONLY 12 MILES OFF THE SUEZ COAST, BUT AN OFFICER SAID "TO
PUT IT BLUNTLY, SHE WAS THERE TO SPY FOR US. AND SINCE THE
SAME THING, WE FOVED IN CLOSE TO MONITOR THE COMMUNICATIONS
OF BOTH EGYPT AND ISRAEL. WE HAVE TO, WE JUST DON'T KNOW OF
WHAT'S GOING ON IN MATTER OF MINUTES." IN OTHER WORDS, THIS OFFICER
SAID, WAS LOADED WITH ELECTRONIC EQUIPMENT CAPABLE OF RAPIDLY
ACQUIRING DATA AND TRANSMITTING INTELLIGENCE REPORTS TO POSTS
THROUGHOUT THE MIDDLE EAST. UNQUOTE.
2. THIS IS A SIGNIFICANT SECURITY VIOLATION IN VIEW OF IMPACT
OF SEVERAL LOTS OF LIKE SUSPENDED INTELLIGENCE. CONSIDER IMMEDIATE
AND THOROUGH INVESTIGATION OF CIRCUMSTANCES OF ALLIED STATE-
MENT LIAISONED WITHOUT DELAY.
3. ESTIMATE TIME OF AP STORY PARA ONE BEING SENT BY PRIORITY
MESSAGE
GP-4
BT

DOWNGRADING AT 3 YEAR CYCLES
DECLASSIFIED AFTER 10 YEARS
DOD DIA 1980

13
1 ACT.....
FOR PISSE JUN 67

MR 239/19

CVO.VV.....//00//

DBB P92234Z JUN 67

CONFIDENTIAL

CONFIDENTIAL

PPNC 446
0 893356Z JUNE 67
TO CONSOFOR SIXTHFLT
TO RUTPRO/CONSIRTHILT

BT

CONFIDENTIAL
REPAIRS TO USS LIBERTY

1. YOUR 715942

2. YOUR 090022

3. ARRANGEMENTS REQUIRED REF A AND B WILL BE MADE AS SOON AS PHONE CONNECTIONS CAN BE ACCOMPLISHED.

4. LOCAL HELLENIC NAVY WILL ARRIVE DURING TO LIBERTY DUE PRESS RELEASES AND POST SYMPLICITY, POST WILLING TO PROVIDE ASSISTANCE WHERE POSSIBLE. IN VIEW OF EXTENSIVE USE RHM FACILITIES SUGGEST CONSIDER GREEK SHIPYARD AS WELL AS MALTA OR CYPRUS FOR HULL REPAIRS.

END-4

BT

REFURBISHED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DDO 002 200000

3

FLAG ACT.....

10R 196807Z JUN 67

N R RIG/10 Ord.//LDW//

0 9 2 3 5 6 2 0 4 4 6 7

CONFIDENTIAL

YUQ DE YUZ
-T-Z-1-181248Z
-FM NORB
-TO CIRCUIT RANEUE
-INFO-YUZ / 8000 / 1000
AT 121248Z RECEIVED FROM RANEUE
JULIE ATTING AND H-T BAD/ RECD P/T BADY.
TOP 1238Z
BT
121248Z/18
AUTH IS CORRECT

43E
08

CONFIDENTIAL

RS1234Z JUN 67
FM COMSIXTHFLT
TO USS SARATOGA
USS AMERICA
INFO CTF NIK ZERO
CTO SEK ZERO PT TWO
BT

CONFIDENTIAL

1. AMERIA-LIBERTY FOUR ARMED A-4'S TO PROCEED TO 31-22N 131-05E TO
DEFEND USS LIBERTY WHO IS NOW UNDER ATTACK BY GUN BOATS. PROVIDE
FIGHTER COVER AND TANKERS. RELIEVE ON STATION. SARATOGA WHICH
FOUR ARMED A-4'S ASAP SOME MISSION.
2P-4
BT

DET 3 / *DD* HELT

TOC1234Z JUN 67 MSG NR STE/RE

CVO.....HAL

123456 Z JUN 67

ENCRAVED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 25 YEARS
DDG FOR SOURCE

Return to 13

CONFIDENTIAL

FLASH

Z 081052Z
FU ROCK STAR VIA SEDUCATION C TU (60.2.9)

1 AJ UNICR ATTACK 31.23N 33.25E HAVE DED: HIT REQUEST ASSISTANCE

DT

481
✓
48

F-A-3

Z 081052Z/HI-0311/PLATOON 52

Return to 13

Your plane traffic record. Pending
aircraft is cover you. Surface units en-
the way. Keep ships covering

~~CNL 131418~~

Return to 13

第10章

第二部分

W. de V.

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SECRET

XMAJ 481995
Z FG 3100Z JUN 67
FM CTF SIX ZERO
TO ZEROFIVE AMERICA
RUCKHIT/USNS SARATOGA
INFO HUTPRO/COMSIXTHFLT
TASK FORCE SIX ZERO
BT

SECRET
DEFENSE USS LIBERTY

1. FOR AMERICAS LAUNCH FOUR ARMED A/S'S ASAP TO PROCEED TO
31-0500N-120E TO DEFEND USS LIBERTY AND 30-Nov-1967-
4.000' OUTDAYS. PROVIDE TANKERS AND FIGHTER COVER.
2. FOR SARATOGA LAUNCH 4 ARMED A/S'S ASAP SAME MISSION.
LAUNCH TIME DETERMINED TO EFFECT A/S'S RELATION ON STATION ONE
LIBERTY.
3. FOR ALL PLAN TO RELIEVE ALL ACFT ON STATION OVER USS LIBERTY
AS REQUIRED.
4. DEFENSE OF USS LIBERTY MEANS EXACTLY THAT. DESTROY OR DRIVE OFF
ANY ATTACKERS WHO ARE CLEARLY MAKING ATTACKS ON LIBERTY.
NOT OVER INTERNATIONAL WATLMS. DEFEND YOURSELF IF ATTACKED.

CP-4
BT

FLAG ACT. 31.000.....

ZOR 1355Z JUN 67

MSG NR 310728

CNO..... 10

7 8 1 3 1 6 2 JUN 67

REINFORCED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DDO DIR 400008

SECRET

CONFIDENTIAL

Z 081322Z JUN 67
FM USS SARATOGA
TO RUFRAUD SEVENTHFLT
INFO JACK GATTF SIX ZERO
KUOPRIVIUS SIX ZERO PT TWO
RUFRAUD/USSE AMERICA
BT
C O D E F I C T U R E
FOUR ATTE, A / / S
DTE L 17 ON 160003Z ETA TARGET 150000Z
CP-4
BT

FLAG ACT *****

TOE ATTE 08 JUN 67

ZSD NR 438/68

CVO. TAL

0 0 1 3 2 2 2 JUN 67

DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DOD DIR 1300.12

Return to 13

CONFIDENTIAL

MENTAL DEFECTS
MENTAL DEFECTS
MENTAL DEFECTS
MENTAL DEFECTS

| | | |
|-----|-----------------|-----|
| 088 | 081335Z 34N 06W | 3.3 |
|-----|-----------------|-----|

From Glastonbury

10 AMERICA / SPRING 2009

ANSWER $C_{\text{Ti}}^{+} \text{ at } 60^\circ / C_{\text{Ti}}^{+} \text{ at } 60^\circ =$

UNCLES & FTS

1. ENTHÜLLUNG DER KUNSTSCHAU

DO NOT FILE OR INDEX.

James M.

卷之三

CHIEF OF STAFF, 3367, 14067.

REF ID: A6545
LIAK JEEK ZUJ ZUJ FOR FLASH FLASH - 7/2222222222222222

00
or.
3

XRAJ 1961P 3

Z CP34477 JUN 67

FM CIRCUMNAVOUR

TO BULGARIA/LIBERTY

LIAO KUEIPEH/PANAMA/STA. MOROCO

1000P/AVOCETTA GREECE

BULGARIA/VOLOVETSIA USSR

BT

UNCLAS

1. ESTABLISH IMMEDIATE COORDINATIONS WITH ALL FID AREA COMINTA,
2. ENCOMBRA CATS FORCED SAME TO AVAILABLE ACTICAS TO ESTABLISH
CONE WITH LIA LIBERTY REPORT AND ESTABLISHED.

3. FOR USE LIBERTY REQUEST OWN REPORT OF ATTACK.

BT

James M. Ennes, Jr. Research Papers

CONFIDENTIAL

NYC 691
Z 081349Z JUN 67
FM COMINTCOMFLT
TO CNO
CIRCUMSTANCES
CIT SIX ZERO
Z 081349Z JUN 67
FM COMINTCOMFLT
TO US6 AMERICA
USS SARATOGA
BT

USS LIBERTY INCIDENT

1. ANY CIRCUMSTANCES INST PADMIRAL FORCES ATTACKING LIBERTY ARE DECLARED HOSTILE
2. YOU ARE AUTHORIZED TO USE FORCE EQUAL TO DESTRUCTION AS NECESSARY TO CURE CS THE SITUATION, DO NOT FLY MORE AIR THAN REQUIRED, DO NOT PURSUE AND ELIT TOWARDS LIBERTY FOR REPRISAL PURPOSES. PURPOSE OF COINTEGRATEK IS TO PROTECT LIBERTY ONLY.
3. BRIEF ALL PILOTS CONTENTS THIS TEL. IN ADDITION BRIEF PILOTS THAT EGYPTIAN TERRITORIAL LIMITS ARE 10 MILES AND LIBERTY RECENT ON EGYPT, DO NOT FLY BEYOND LIBERTY AND 10 MILES EXCEPT AS REQUIRED TO CARRY OUT PROFESSIONAL DUTY. FIGHTER COVER THAT ANY ATTACKS OR ATTACK AT LIBERTY, OR THEMSELVES IN HOSTILE ACT AND PARAPHRASE ABOVE APPLIES.

GP-4
BT

DO ENCLASSED AT 2 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS
DOD DIR 5200.2

002 RELY
002

TOD 1412/08 JUN 67

ISSN NR 011/08

CONFIDENTIAL

Return 003
CVO NAL

003 003 003 003 JUN 67

CONFIDENTIAL

JVRS
O 281350Z JUN 67
FM USG SARATOGA
TO COMSIAIRFLT

BT

CONFIDENTIAL

THIS STATION RECEIVED ATTACK REPORT FROM STATION ROCKY STAR 4.
RADIO FREQUENCY CHALLENGED WITH VF ROCKSTAR AUTHENTICATED CORRECTLY.

WITH OG, PNP USED WAS KAA 33.

GP-4

BT

FLAG ACT. 3

TOK 1427Z 25 JUN 67

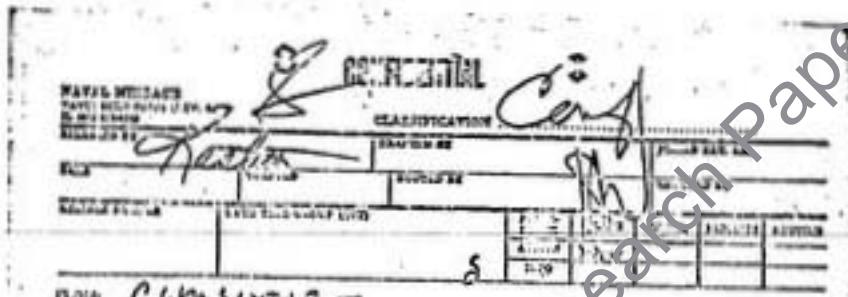
REG VR 511/78

CYOL 1427Z 25 JUN 67

P 1358Z JUN 67

DECLASSIFIED AT 3 YEARS ENCLAVES
DECLASSIFIED AFTER 10 YEARS
DDO DSR 2000/88

CONFIDENTIAL



THE CIRCUS WORLD

Digitized by srujanika@gmail.com

Digitized by srujanika@gmail.com

B. CEDARVILLE 081327Z July 63 Pres

9. ETE (14) கேள்வி 2- யாகும் பின்த

newspaper in the city, and the *Advertiser* in the country.

1. REFS A AND B. REQUEST ACTION TAKEN
TO JUSTIFY PILOTS IN RULES OF
ENGAGEMENT.

G.P.-3

新嘉坡總理
新嘉坡總理

Return to 13

第七章 計算方法

CONFIDENTIAL

卷之三

| | | | | | |
|----------------|-----------------|-----|------|----------------|-------------|
| NAME OF SOURCE | | CLN | | CLASSIFICATION | |
| KAYDEN | | | | TOP SECRET | |
| AMT | 100% | B-1 | W | C713 | DATE REC'D. |
| SUBJ. TITLE | ALL INFORMATION | | 100% | All | SEARCHED |
| 092/08 | 081359Z JUN 97 | | 100% | ✓ | INDEXED |
| | | | 100% | ✓ | FILED |

*J. M. F. : C. M. E. S. N. W. I. D. C.
W. H. G. S. G. F. I. U.*

VINCENT G. FIO

It has also been proposed to expand the Z. Dept.
Arling

I. 痘痘 (Acne): 原因及治疗

mesM
ACFT - MELBOURNE LAUNCHED FROM
ATLANTIS. DO NOT REPEAT OR NOT LAUNCHED
TILL VLS-2 ACFT UNTIL FURTHER
ADVISED. -103

第十一章

Página 15

卷之三

CE 1356 هـ ١١٦٧

סִבְרָא

Urgent
O-291486Z JUN 67
FM USE SIGHTING
TO CONFIRM HLT
BT
CONFIDENTIAL
1. ACKNOWLEDGE YOUR O-291336Z
2. INFO PASSED TO PILOTS
BT

卷之三

PSD 914/05

白俄罗斯国家图书馆

2014-52-39967

~~DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS.
DO NOT REPRODUCE~~

Return to 13

CONFIDENTIAL

ZP 1 ZP 2 ZP 3
XN MR 44719
Z 441416Z JUN 67
XN OF FIX ZERO
TO 200/1000 AMERICA
WORLDP/1000 SARATOGA
INFO WU1100/COMSEKTFPLT
SF

S E C R E T

DEFENDANT OF LITIGATION

1. COMSEKTFPLT 441330Z 441330Z AND OVERIDES BY 441316Z ON 441316Z
OF INVESTIGATION

3-1

4

DECLASSIFIED

TH MR 85795
2 081412Z JUNE 67 CDFB
IN 305
TO USINCEUR
INFO CONSISTHOLT
CLINQUAYEUR
UR
SECRET 305 305 305 SEND
YOU ARE AUTHORIZED TO USE WHATEVER FORCE REQUIRED
TO SEIZE AND LIBERATE POW FURTHER ATTACKS.
LT

PL 5 PCT.....100.....
100 100 100 JUN 67 500 500 500 500
500 500 500 500 500 500 500 500

5000 LOGGED.....HAL

DO.....
500 500 500 500 500 500 500 500

500 500 500 500 500 500 500 500

James M. Ennes, Jr. Research Papers

| | | | | | |
|------------------------|------------|----------------|---------|----------------|---------|
| NAVAL MESSAGE | | CLASSIFICATION | | UNCLASSIFIED | |
| PRIORITY HIGH PRIORITY | | EXPIRES BY | | MESSAGE DATE | |
| TELETYPE NO. | | SIX 14 1967 | | LAWRENCE | |
| NAME | WEIGHT | | | | |
| ROUTINE NUMBER | | ROUTINE NUMBER | | ROUTINE NUMBER | |
| 697 | 08 14 1967 | ROUTINE | ROUTINE | ROUTINE | ROUTINE |

FROM COMINTMPT
 TO CTF 67/CTF 67.2/CINCPAC/CINCPAC
 CTO CTF 67/CINCPAC/NATO

UNCLAS EFTD

VP REQUIREMENTS

1. INSISTANT TO EFT AIRBORNE AT THIS TIME OR PREPARED TO LAUNCH TO REMAIN WEST OF TWENTY ONE DEGREES EAST LONGITUDE AND REMAIN AT LEAST ONE HUNDRED MILES FROM PYRAM COAST AND BORDER OF EGYPT AND ISRAEL UNTIL FURTHER ADVISED.
2. BE PREPARED TO RESPOND IMMEDIATELY TO CTF 67/COMSIXTHF REQUIREMENTS.

Return to 13

EXPIRATION

*11 1967
14 7 1967*

16 14 1967

3

3

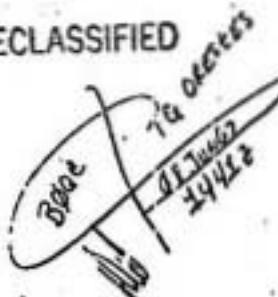
| | | | |
|-----------------|--------------|----------------|---------|
| NAVAL MESSAGE | | CLASSIFICATION | ROUTINE |
| 37746 | | CONFIDENTIAL | |
| TO | FROM | DATE | TIME |
| AMERICA/STRIKES | 100/08 | 081402 JUN 7 | 1144Z |
| INFO | ROUTINE | ROUTINE | ROUTINE |
| 100/08 | 081402 JUN 7 | XY | |

NOTE: COMPSIXTH FCT RIA
 TO: AMERICA/STRIKES TFGO /CTG 60.2
 INFO: CONFIDENTIAL

1. RECALL ALL STRIKES REPORT
 RECALL ALL STRIKES.

GP-2

DECLASSIFIED



DISSEMINATION BY THIS NUMBER
 NOT AUTOMATICALLY DECLASSIFIED
 00000000

DISSEMINATION:

CHIEF OF STAFF 081402 JUN 67

DECLASSIFICATION

PNG 298
0 00/1600Z JUNE 67
FM CTF SIX SEVEN
TO RUEPMR/COINCENTCOM
INFO EUSTROUS INCLURVEUR
RUEKOMCCT 00 0.2
RUEKOMPAKON SIGONELLA
RUEKOMPAKON ROTA
BT

RE RUEPMR FLASH 097 155100Z 000000 VP PERTINENT
I HAVE INSTRUCTED ALL VP ACFT NOT TO RESPOND TO EGYPTIEN INJURENT
UNLESS DIRECTED BY YOU OR HIGHER AUTHORITY AND NOT TO RETAIN
AT LEAST 100 MILES EGYPT/ISREAL BORDERS
BT

FLAG ACT.....³.....

TDR 00/1600Z JUNE 67

NR 071/08

CIO.....^{QD}.....JAD

181900Z JUNE 67

| | | |
|------------------------------|---------|-----------------|
| NAVAL UTAGACCS | | CLASSIFICATION |
| PATTERSON HARBOR TRUST, INC. | | |
| 100 BAKER ROAD | | EXPIRATION DATE |
| BIRMINGHAM, AL | | |
| <i>Kurtis</i> | | <i>12/12/08</i> |
| NAME | 1610108 | IN |
| REMARKS | | SEARCHED |
| 110/08 02/15022 J11/11 | | SEARCHED |
| SEARCHED | | INDEXED |
| SEARCHED | | SERIALIZED |
| SEARCHED | | FILED |

The Confucians

10 CTF 60

nia CTF 63 / CTF 67

سے نتائج اور فرمائیں

1. DESIGN TWO 2200 PASSING SHIPS OF FIVE SUSTAINED SPEED TO JOIN LIBERTY TO PROVIDE ESCORT AND ASSISTANCE. NAVIGATE BIRDS TO 10 PERCENT

2. LIBERTY ST 20515 31-35N2 33-29E7
AT 481405Z 8 COURSE 340/7 SPEED 92/8,
ENHANCED

5. PROVIDE AIR COVER TO DESTROYERS IF AND WHEN THEY IDENTIFY WITHIN 5-10 MILES OF UHR.

W. DIRECT DD TO ESCORT LIBERTY TO SUDAN
P.W.

~~SPED UP~~ ~~TO~~ ~~RECEIVE~~ ~~RECENT~~ ~~INFO~~
~~AND SPEED~~ ~~INFO~~ ~~TO~~ ~~YOU~~

11/14/47 *11/10* **CHIEF OF STAFF** *15032 JUN 47*
CLASSIFICATION

1 DECLASSIFIED 1

PPNG183
0 081512Z JUN 67
FM AMEMBASSY TEL AVIV
TO RUWAD/SECSTATE WASHDC IMMEDIATE 169
INFO RUWAD/COMINT/HQ IMMEDIATE
STATE GRNG
BT
SECRET TELAVIV 4814

EXDRB

REF ID: A6429

ATTACK BY ISRAELI NAVAL AND AIR UNITS ON AN ALLEGED
FLAG VESSEL REPORTED BY REFTFL. ISRAELES OBVIOUSLY
SHOCKED BY ERROR AND TENDER SINCERE APOLOGIES.
INVESTIGATION NOW UNDER WAY TO OBTAIN MORE INFORMATION.
ISRAELES DO NOT INTEND GIVING PUBLICITY
TO INCIDENT. UNLESS STRONGLY THAAT WE TOO WANT PUBLICITY,
IF IT IS US FLAG VESSEL ITS PLUMMETTY IN COLLECTIVE CONFLICT
WOULD FEED ARAB SUSPICIONS OF US-ISRAEL COLLUSION.

GP-3, HARBOUR
BT

DECLASSIFIED
By Dept. of State
Dra. 16 July 1972

2 000 312

000 17782 JUN 67

WA 520/18

000 17782 JUN 67

CITED

BB

RECORDED BY 000 17782
BY 000 17782
000 17782

DECLASSIFIED

SECRET

1
MAJ RR 2816
P REDEME JUN 67
FM USS TARANTO

TO CONSULTANT

RE

NO. 45 EFT O

RELEVANT TESTIMONY FROM USS LIBERTY

WE HAVE FRIENDS OF AEROMARINE MARINE VEHICLES.

DO YOU HAVE PLANS OF DEVELOPMENT

RE

R&D ACT.....

1051 10 130000 JUN 67

77 343/28 CDR.....//1703//

RBB

EE 15 2 72 JUN 67

CHIEF OF STAFF

3 B CONFIDENTIAL

DECLASSIFIED
By DIA Adm.
16 May 1980

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DECLASSIFIED

198 12322 JUN 67

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CHM-2018-11001

DETROIT 2000 AS 17 1970 METROPOLIS
DETROIT 2000 AS 17 1970 METROPOLIS
DETROIT 2000 AS 17 1970 METROPOLIS

CONFIDENTIAL

SECRET

PPHS 896
Z 281525Z JUNE 67 0733
FM JCS
TO RUEFUL/USCINCPAC
INFO RUEPAC/COMINT/PAC
RUEKHDIC/INQUIRER
BT
SECRET JCS1369 JCS SEND
INFO A. JCS 735470814162
1. TELETYPE AND REFER TO ZONE BOUNDARIES B-1B
1. CONFIDENTIAL REF TELETYPE BY CONTINUOUS USE OF
FORGE AUTHORIZED BY REP 94-07-4
RE

FLAG ACT.....
TO 08/15/67 JUNE 67
BY 347/18
CDS... HS.....
REF ID: A65494

REF ID: A65494
AUTOMATICALLY UPGRADED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DOD DIR 1300.2

132 92 JUNE 67

SECRET

D 081606Z JUNE 67
FM CTU 68.2.9
TO COMSIXTHFLT
UX C L A S
LAUNCHER 4 AJA AT #816329, ALL DIVERTED SIDE WAY
CREATE WITH HEAVY ORDNANCE.
BT

FILE ACT.....
3

TDR

NR 343/RS

CVO.....JSD

08162 67 JUNE 67

| | | | |
|-----------------------|--|----------------|-----------|
| NAVAL AIR FORCE | | CONFIDENTIAL | |
| BOSTON AIR FORCE BASE | | CLASSIFICATION | |
| MASSACHUSETTS | | CONF | |
| DD FORM | 100 | DATE | PLANE NO. |
| RECEIVED | Kadon | PLACE OF ISSUE | PLANE NO. |
| EXPIRATION DATE | | PERIOD OF USE | |
| 128 08 16 49 Z | | P/C 61 | |
| FROM | 03/19/62 | S/N 542 | |
| TO | MEDICAL | | |
| INFO | A29 901/2 2/24/62 00741M 2/C 60/000/62 | | |

CONF 1-3 1509 COUNTDOWN 01/145

1. ALL AIRCRAFT FROM AMERICA AND SOUTHERN HAVE BEEN RECALLED AND ARE ACCOUNTED FOR.
2. PAPAGO DIVERTED TO RENDER ASSISTANCE IF REQUIRED.

~~DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS
DDO DUE 2000~~

REFERENCES

CONCLUDING

舊約全書

CONFIDENTIAL
18

REF ID: A65149
SIGNALMAN 13
SIGNALMAN 13

172108Z

CLASSIFICATION

127 081642Z

TO: COMM SITREP

FROM: PRIMO/CL

INFO: CTF 63/C, JESSE JONES

10/10/1960/UNDECODED 120

CONF

1. PROCEED IMMEDIATELY TOWARD ECONOMUS
BLOCCING WITH 100% LIBERTY

AND STANDBY FOR AIRCRAFT ASSISTANCE IF

LIBERTY IS BREACHED.

2. CIVIL ASSISTANCE ON THE WAY TO RENDER

ASSISTANCE. ETA 100000Z

3. USE LIBERTY 081600Z POSITION 31-35N 2

33-32E1 COURSE 340/7 SPEED 10/1. WILL

SOLELY INCLINER DIRECTION UPON CLEARING

100 MILE FROM LAND.

4. DECODED, PIRLAUTH.

GP.4

Return to 13

CONFIDENTIAL
18

REF ID: A65149
SIGNALMAN 13
SIGNALMAN 13

172108Z

CLASSIFICATION

127 081642Z

TO: COMM SITREP

FROM: PRIMO/CL

INFO: CTF 63/C, JESSE JONES

10/10/1960/UNDECODED 120

CONF

1. PROCEED IMMEDIATELY TOWARD ECONOMUS
BLOCCING WITH 100% LIBERTY

AND STANDBY FOR AIRCRAFT ASSISTANCE IF

LIBERTY IS BREACHED.

2. CIVIL ASSISTANCE ON THE WAY TO RENDER

ASSISTANCE. ETA 100000Z

3. USE LIBERTY 081600Z POSITION 31-35N 2

33-32E1 COURSE 340/7 SPEED 10/1. WILL

SOLELY INCLINER DIRECTION UPON CLEARING

100 MILE FROM LAND.

4. DECODED, PIRLAUTH.

GP.4

Return to 13

CONFIDENTIAL
18

REF ID: A65149
SIGNALMAN 13
SIGNALMAN 13

172108Z

CLASSIFICATION

127 081642Z

TO: COMM SITREP

FROM: PRIMO/CL

INFO: CTF 63/C, JESSE JONES

10/10/1960/UNDECODED 120

CONF

XAII NHC 197
G 081700Z JUN 67
FM CIV SIX ZERO
TO ANEPUS/DOAD PA
INFO RELATIF A COMMISSION
AUTORISATION VILLEUR
RESERVE/SCINCEUR
RUEB, SUJES
BUENAS/CLD
RECHERCHER/CHINE

CONTENTS

1. FOLLOWING COPY F ON NEVEMBER LEARNED FOR YOUR INFORMATION
29. AGAINST THE CARRIER AMERICA IN THE MEDITERRANEAN AREA IS CAPT. R.
TUCH ACTIVITY APPEARED TODAY IN THESE SITUATIONS AS SOVIET
SHIPS - PARTICULARLY A SWIFT PATROL ESCORT CARRIED OUT SEVERAL
MINUTED FIRE FIGHT UNITS. AT ONE POINT, ONE RUSSIAN SUBMARINE
RECALLED AIRCRAFT WHICH HAD BEEN LAUNCHED AND HIT THE CARRIER.
THREE OR FOUR OF THESE AIRCRAFT LEFT THE CARRIER AND WERE DOWNED VEN
RECALLED TO LEAVE THE CARRIER'S AREA AND IMMEDIATELY PLACED OFF
LINES. FOR A RESPONDER HEARD A SU-17 MIGRATION WHICH WAS SAID TO HAVE
BEEN HIT. IT WAS NOT CLEAR WHETHER IT WAS AN ACCIDENT OR NOT.
STANFORD-ROSE REPORTS WHETHER IT WAS A HIT DUE TO ANY WHILE TIME. THIS
DURING ALL, THIS AMERICAN SHIP FORCE WHICH IS INCIDENT SHOULD BE SUB-
STANTIALLY THE POWERFUL CHIEF, WHICH FOR MONTHS HAD BEEN DARTING IN
TOWARD THE CARRIER BUT PHEW, DODGE DULLING CLOSE BY A HOSTILE
SLOWING AS IT LEFT. A-4, B-52, B-57, AND FOUR F-4 PHANTOM INSCRIPTIONS
WIRE BEING SET ALONG WITH THE RUSSIAN AND RUSSIAN, RUSSIAN

3. TO WASHINGTON NAVY COLLECTED PRESS BRAGGENT THAT IS AN UNCONFIRMED REPORT THAT A U.S. NAVY SHIP HAS BEEN TORPEDOED IN MEDITERRANEAN SEA. THERE WAS NO INFORMATION AVAILABLE IMMEDIATELY ON WHAT Vessel. IT MAY HAVE BEEN NOT HER IS THERE ANY INFORMATION OF HOW IT WOULD HAVE BEEN TORPEDOED. STOP THE COMMANDER OF THE SIXTH FLEET ADVISED AND STATED THAT A SUBMARINE WAS PROBABLY OPERATING IN MEDITERRANEAN AREA BUT THERE WAS NO INDICATION OF ITS POSSIBLE IDENTIFICATION. STOP THE USS AMERICA IMMEDIATELY WENT INTO CONDITION TWO, WHICH MEANS THE ARMING OF ALL AIRCRAFT. STOP THE FLEET AT NO STEAMING IN CLOUTER FORMATION THAN IS NORMAL WITH THE CAPTAIN SIRATON STEAMING WITHIN SIGHT OF THE USS AMERICA AS WELL AS APPROXIMATELY FIVE OTHER AMERICAN SHIPS STOP TWO RUSSIAN NAVAL SHIPS GOTTA, A POSSIBLY DESTROYER AND A PATROL CRAFT COMBINE ALSO OPERATING

PLAG ACT.....

1998-02473-409-67

PAGE ONE OF TWO

REMOVED AT 3 YEAR INTERVALS
LIVED AT 11 YEARS
PER 100 PEOPLE

HR Silver

CEP-2020-110011

DEC 1981 DATE JUN 87

CHIEF OF STAFF

IN CLOSE PROXIMITY TO THE SIXTH FLEET STOP DORALINE
4. UK ENT PRESS COLLECT TO NEWSCAST LONDON PM UNDISCLOSED EVENT
OCCURRED IN THE MEDITERRANEAN STOP NEWSMEN INCLUDING MYSELF BANNED
FROM BRIDGE OF USS AMERICA STOP UNCONFIRMED REPORTS HERE SUGGEST
SOME PLANES BOARD NOW ARMED AND READY FOR DISPATCH STOP POSSIBLY
CONNECTION COVANA CONTACT BY SIXTH FLEET VESSEL TWICE POSSIBLY AND
AS FAR AS I CAN TELL COUNTERING ENDURE FUCH SPECULATION ABOUT INDEPENDENT
STOP WE TOLD TO STANDY FOR THIS STOP PLEASE DON'T DO IT.
PLACED COMMUNICATIONS PROCEDURE IN THIS VESSEL WITH FIRST STOP
UNDER STAND BYING CHARLES GO VIA WASHINGTON STOP FLIGHT DECK RE-
SELECTED FLIGHTS BUT WILL EXCUSE YOUR CRUEL PIECE TO MEA LATER
CLOSERLY STOP FIGHTER STANDING BY TO DISPATCH FILM JOURNALISTS PARIS GOLD
5. U.S. AIR FORCE CARRIER GROUP "FIGHTER GROUP ONE" IN WASHINGTON D.C.
FLEET C/3 THE NIGHT 10 FLIGHT BY NAVY 1. STATIONED IN THE PRESS INTER-
NATIONAL AGAINST THE AIRCRAFT CARRIER USN AMERICA IN THE MEDITERRANEAN
CLIP)---THE U.S. SIXTH FLEET'S TASK FORCE 60 WHICH WAS UNDERTAKEN INTO
A HIGH STATE OF COMBAT READINESS, APPARENTLY BECAUSE OF THE YAC IN
THE MIDDLE EAST. AT 3 P.M. (1000 GMZ), FLIGHT OPERATIONS ABOARD THE
AIRCRAFT CARRIER USS AMERICA WERE AUTOMATIC SUSPENDED. THEN SO MINUTES
LATER, PILOTS WERE BACHED FROM THE DECK AND WERE ORDERED TO REPORT
TO THE PLANE ROOM. NO JET PILOTS OR HELICOPTERS HAD FLIGHT FOR TWO DAYS,
BUT THIS MORNING, FLIGHT OPERATIONS WERE RESUMED. AND THIS AT TENTUM,
SEVERAL OF THE WARPLANES WERE ARMED WITH SIDEWINDER AND SPAD-
NO AIR-TO-AIR MISSILES. NEVERONLESS DAY 225-POUND BOMBS BEING
DROPPED UP FROM THE MAGAZINES ON DECKS.
THE ENTIRE FLIGHT DECK SUCHE BECAME ALIVE WITH ACTION AND THE
77,677-TON AIRCRAFT CARRIER, 1000 FEET LONG, PILOT PLATES NICK-
NAMES "THUNDER," WERE READY TO TAKE OFF.
THE AMERICA HAS THREE SQUADRONS OF A-4 SKYWHALES AND TWO SQUADRONS
OF F-4 PHANTOMS.
THE AIRCRAFT CARRIER USS SARATOGA AND THE GUARDIAN MISSILE LIGHT
CRUISER CALVERTON, ALSO WITH SEVERAL DESTROYERS, JOINED UP THE
AMERICA, THE GUIDED MISSILE LIGHT CRUISER AND THE REST OF THE
DESTROYERS THAT MAKE UP TASK FORCE SIXTY.
6. NO RELIABLE STATEMENT HAVE BEEN MADE BY ORIGINATOR FEN
CINCUSNAVALIS OBJECTIVE
GP-4
BT

| | | | | |
|---|-----------------------------------|--|--|--|
| MAILING ADDRESS 1000 17TH STREET, N.W. WASH. D.C. 20006 | | 70 | CLASSIFICATION REF ID: A65242 | |
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REF ID: A65940
CONFIDENTIAL

- REF ID: A6515175

 1. COMMUNICATOR 091517Z FEBR.
 2. IAW USA 1150 DEF 73444 FORM. ASB(PA)
 3. SOUTHERN USA, IN TALKS TO ALLOW FOR DILUTION METHODS OF JOHN CAGLETT
ONE WOULD PREFER NOT TO MENTION KOREAN WAR, AND SOUGHT HIS ADVICE CONCERNING SECURITY
INVESTIGATION STATUS.
 4. IN VIEW REF A, REQUESTED THAT REPORT FORWARDED TO USAID (PA) BY CLASSIFIED
MESSAGE BY CTF-40.
 5. CTF-40 PROCEEDED WITH BRIEFING REPUTING
-ARAB CHARGES THAT SIXTH FLEET AIRCRAFT
PARTICIPATED IN RAIDS ON EGYPT, SYRIA
AND JORDAN, IAW REF. B.

DECLASSIFIED AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS.
DOD DIR 1300.1Q

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CONFIDENTIAL

~~MC 1917~~ 1742

SECRET

MAJ LESTER
C PREBIE JUN 67
FROM CINCPAC
TO RUFUS/JSC/NCO
INFO BUREAU/CHQ
RUE MC/COMINT/NPL
RUE MRY/CIND, AND ALT
REFUSION
RE

SECRET

PURCHASES AND POSITION OF LIBERTY

- A. JCS CIVP JAS 32000 DTC 011345Z JUN 67
- B. CINCPAC/VEUR 0/1357Z JUN 67
- C. COMINT/HOL 075000Z JUN 67 PASEP
- D. JCS TAI 000 000100Z JUN 67
- E. CINCPAC/VEUR 001000Z JUN 67 PASEP
- F. USMACV 001000Z JUN 67 PASEP
- G. COMINT/HOL 001000Z JUN 67
- H. USS LIBERTY 021530Z JUN 67
- I. BY REF A, JCS DIRECTED LIBERTY TO PROCEED
TO HAN KUNG SHI, CHINA.
- J. BY REF B, CINCPAC/VEUR PASSED WORDS TO
COMINT/HOL, TO STATE OF LIBERTY WERE SERIALIZED
AND 0 21.
- K. AT 000000Z JUN 67, LIBERTY DUTY OFFICER RECD MSG
FROM CINCPAC/VEUR P 000000Z, MSG WAS SERIALIZED
AND 0 21. LIBERTY COPIED ALREADY ALREADY.
LIBERTY DIRECTIVE OF 000000Z JUN 67 STATED:
LIBERTY WILL NOT GO FURTHER THAN 100 MILES FROM
DAI, THIS WAS VISIBLE IN DIRECTIVE OF 000000Z JUN 67.
NO AIRPORTS OR PORTS ARE AVAILABLE, EXCEPT HAN KUNG SHI, WHICH
IS UNREACHABLE.
- L. AT 000000Z JUN 67, LIBERTY DUTY OFFICER, LT COL WAGNER, W.S.
CALLED AND ADVISED OF NO PHONE CALL. IN VIEW OF
NO WRITTEN DIRECTIVE, AT THIS TIME, HE WAS REQUESTED
TO OBTAIN MSG OF MESSAGE FROM JCS BECAUSE A PREVIOUS
JCS DIRECTIVE WAS BEING MODIFIED.
- M. AT 000000Z JUN 67, LIBERTY DUTY OFFICER, LT COL RUSSELL,
LIB COMINT/HOL, AT RESULTS HAD BEEN ACHIEVED
IN PREVIOUS PHONE CALL, HE CALLED JFC WASHINGTON
NO GREAT DIFFERENCE, WHICH MODIFIED PREV RECD.

FLAG.....3..... COO.....312.....

000 000000Z JUN 67

000 000000Z JUN 67 CIO...../EPG/111

PAGE 1 OF 2

0 0 1 2 P 32 JUN 67

DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DOD DIR 1304.2

SECRET

S.E. JCS 00354543
THIS WIS READ TO CINCUNNAVEUR DUTY OFFICER.
6. AT 0741ZC CINCUNNAVU ESTABLISHED TELETYPE
CONFERENCE WITH CONSISTANT & 1 DUTY OFFICER, CDR
LUSKIN, AND RELAYED REFERENCE D, AND TOLD HIM
"TAKE PERIOD OFFICIAL MESSAGE FOLLOWING."
7. AT 0745ZC CINCUNNAVEUR SENT IMMEDIATE MESSAGE
TO CONSISTANT DIRECTING HIM TO TAKE REF D FOLAC.
8. AT 0749ZC CINCUNNAVEUR RECEIVED URGENT MSG
REFERENCE E, DIRECTING CINCUNNAVEUR TO TAKE REF D
TODAY.
9. AT 0752ZC CINCUNNAVEUR SENT A MESSAGE, REF F,
DIRECTING LIBERTY TO COMPLY WITH REF D AND RETURN
TO THE COASTS OF IRAN, ISRAEL, LEBANON, AND
TA. LIBERTY WAS ALSO INFO ADVISED ON REF G, SENT AT
0754ZC WHICH DIRECTED HER TO REMAIN 100 MILES FROM
MILITARY COASTS.
10. AN DIRECTING CINCUNNAVEUR TO INVESTIGATE THE CAUSE OF NON-RECEIPT OR
NON-COMPLIANCE BY LIBERTY TO RESPOND TO TWO
MESSAGES, REFS D AND G DIRECTING HER TO PROCEED 100
MILES FROM COAST.
11. LIBERTY'S FOLLOWUP REPORT REF H FOR FOUR SECONDS
INDICATED SHE WOULD ARRIVE AT POSITION REF I
D. AT 0807ZC 32-PER 33-PPER AT 0800ZC.

0744
S

P 8 19 P 32 JUN 67

FROM CCA-SIXTH FLT
TO CTF 60.5
PAIAGO/CTFG 60/CRS 60.5-2/CONSERV SIXTH FLT

CONFIDENTIAL

- A. USE ORIGINAL JUN'67

M. Ennes, Jr. K

 1. LIBERTY HAS BEEN DIRECTED TO OPEN COURSE
ON COURSE 340/7. WHICH ONE HUNDRED MILES
FROM LAND LIBERTY WILL HEAD WEST.
 2. INTERCEPT WITHIN THESE PARAMETERS
 3. AS YI LIBERTY HAS NO RFT NO CAPABILITY
RECEIVING OR TRANSMIT CLASSIFIED TRAFFIC
 4. LIBERTY GUARDING- CINCISNAEUR NICOMI

卷之三

CHIEF OF STAFF

08.19152
JUN 5 1

SEARCHED INDEXED
SERIALIZED FILED
8 JUN 1967
153 63 19 622

| | | | |
|------------|-----------|------------|-------|
| SEARCHED | INDEXED | SERIALIZED | FILED |
| 8 JUN 1967 | 63 19 622 | 153 | 153 |
| 153 | 63 19 622 | 153 | 153 |
| SEARCHED | INDEXED | SERIALIZED | FILED |

SEARCHED INDEXED

INDEXED FILED
1. THIS TELEGRAM WAS ATTACHED TO A REPORT OF THE
120TH FIGHTER PILOT TO PILOTS OF PLATOON WHO OUTSTANDING. I
DON'T ALL HAVE TO KNOW HOW TO ADJUST OF THIS INFORMATION.
WELL DONE.

FROM RAYMOND

*W/ 1000
C/ APPROVE*

Return to 13

SEARCHED INDEXED

CLASSIFIED UNCLASSIFIED UPTO

63 19 622

URGENT
REF ID: A777 JUN 67
TO CNO/CINCPAC
INFO RELAY/COMINT/HQ
NATO/DTTF SIX ZERO

~~CONFIDENTIAL~~

- REF ID: 8485 SUGGESTING CENSORSHIP IN SIXTHFLT AND
A. STOTER REF ID: 8485 CENSORSHIP JUN 1967 (PAPER)
B. UNIDENTIFIED CEAR WIRE REF ID: 8485 CENSORSHIP JUN 1967 (PAPER)
C. CINCINDLON CENSORSHIP JUN 1967 (PAPER)
1. REF A INDICATES THAT REPORTS HAVE REACHED HIM
THAT SOME FIFTY OF CENSORSHIP IS BEING IMPOSED ON
REPORTS EXAMINED IN SIXTHFLT SHIPS.
2. REF B REQUESTS INFORMATION TO CLARIFY AND
MINIMIZE THE EXTENT OF ALLEGED CENSORSHIP.
3. REF C REQUESTS PUBLIC AFFAIRS GUIDANCE TO
OFFICIAL NAVY SPONSORSHIP IN RESPONDING TO THESE
WATERS CONCERNING CONDITIONS OF READINESS OF ALONE
WITHIN SIXTH FLEET.
4. CDR 8 JUNE DURING NORMAL PRACTICE ABOUT THE
SHIP'S COPY EXAMINED IN AMERICA STATED INFOR-
MATION WHICH WAS CLASSIFIED CONFIDENTIAL. NONE OF
THIS WAS INCLUDED IN ORIGINAL COPIES OF THEIR COPY
AND THEY WERE REQUESTED TO EXAMINE COPY PRIOR
TO FILING CONFIDENTIAL COPY, EXERCISING HIS RESPON-
SIBILITY FOR SECURITY AT THE SOURCE, DELAYED TRAN-
SMISSION OF THE COPY UNTIL COMINT/HQ ARRIVED
BY WIRE TO PROVIDE GUIDANCE. THE COPY, AFTER REVIEW
BY CDR, WHICH WERE ADDED TO BY THE CORRESPOND-
ENT, WERE THEN TRANSMITTED.
5. THE NUMBER OF SHIPS IN AMERICA WERE THEN DETERMINED.
THEY WERE INFORMED
6. AS THEIR COPY WOULD CONTINUE TO BE TRANSMITTED
ANOTHER VIA NAVY COMMUNICATIONS.
(b) COPY WHICH CONTAINED CLASSIFIED INFORMATION
WHICH A COULD NOT CHOSE NOT TO DELETE WOULD
BE ASSIGNED A SECURITY CLASSIFICATION AND FORWARDED
UNCLASSIFIED IN NAVY CIRCUITS TO APPROPRIATE INSPECTOR
ATTACHMENT.
7. FOR MEMBERS WHOSE COPY WAS RECD PROCESSED IN
ACCORDANCE WITH THE PROCEDURE OUTLINED IN PARA

BOUGHT UP AT 3 YEAR INTERVALS,
DECLASSIFIED AFTER 10 YEARS.
DO NOT DESTROY

FLAG ACT.....

FOR 8485 JUN 67

1ST 227777
Return to 13 CNO *Reb*.....PL

PAGE ONE OF TWO PAGES **CHIEF OF STAFF** 2 JUN 67

- 36 ABOVE COULD USE NYCT COMMUNICATIONS TO INFORM THEIR EMPLOYER THAT A STORY HAD BEEN FILED IN SUCH A MANNER
- 6. RESPONSE TO THE REBRIEF INCLUDING THE PROCEDURES OUTLINED ABOVE WAS FAVORABLE BY SHEEHAN OF NEW TIDES AND NORTON OF AP COMPLAINED ABOUT DELAY IN FILING.
- 7. REPORTS INDICATE THAT SHEEHAN AND NORTON HAVE CONSISTENTLY FELT THAT ANY SUGGESTED CHANGE IN THIS FOR THE SAKE OF ACCURACY IS EQUIVALENT TO CENSORSHIP, AS A RESULT SOME OF THESE COPY AS TRANSMITTED MAY CONTAIN INACCURACIES.
- 8. THE CONTENT OF NYCT'S COPY TRANSMITTED AT 1840Z 1416, INCLUDING NORTON'S STORY OF 6 JUNE, IN WHICH HE INCLUDED A COMPLAINT OF NEWS RESTRICTIONS DISCREDIT AND INFLUENCE OR ALLEGATION OF NEWS DISORDERSHIP.

PAGE TWO OF TWO PAGES

66-28-132 JUN 47

TO ORESTES
R 06320Z JUN 67
FM CTF SIX ZERO
TO RUFPRO/CONSEITHFLT
BT

CONFIDENTIAL
BRIEFING OF NEVADA

A. CONSEITHFLT 0810Z JUN 67

1. EXECUTE NINETEEN ASSAULTS COMPLETELY TAKEN BY OTHER APACHES
THEY WERE NOT RECEIVING TO LAUNCHING EVENING 8 JUNE, THEREFORE
SPLINTER NEIGHBORHOODS F-2 PRIMED LOCAL.
2. INTEND TO BRIEFED WITH BRIEFING WITH PEGO RTL AVAILABLE
IN AMERICA PLUS ONE SUBORDINATE BRIEFER AND CALL TS. COULD
CAPTURE HASTIN'S MATERIAL HIGHLY DESIRABLE. WOULD LIKE TO HAVE
CAPTURE VEHICLE AVAILABLE, IF FEASIBLE PERSONAL ASSISTANCE
OF CONSEITHFLT ANTICIPATED BY NEVADA, BUT IF NO ACCORDING
WE WILL HANDLE.

GP-4
BT

NU-20 full, -

13
DAD ACT.....
TOPY 2116Z/08 JUN 67 NR17026/78

CV3.....
CB 28 22Z JUN 67

DOWNLOADED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 22 YEARS
DUE DUE 2018-12

~~CONFIDENTIAL~~

PP30021#
PP RUEPRC
DE RUEHNE 093 1592641
ZNY CCCCCC
PR 092641Z JUN 07
FM USS AMERICA
TO RUECPJW/0400 P4
INFO RUEPRC/COMSIXTHFLT
BT

CONFIDENTIAL
FLEET PRO-SERVICE

1. FOLLOWING THIS COPY FORWARDED FOR YOUR ACTION
2. STATE URGENT DIA COLLECT - WHEED PRESS INFORMATION - WHEED,
EVANSTON, ILL. 602 240 4515 LEAD FLEET OF HARRY J. STANTON AND PRESS
INTERNATIONAL AIRCRAFT THE AIRCRAFT CAPTAIN WAS ABOARD THE MED-
IEVIANICAN (USS) -- A U.S. NAVY SHIP WAS ATTACKED BY ISRAELI TIG-
FERO BOTS AND AIRPLANE BY KISRAE TIGER 4-0 FOUR ISRAELIS WERE
KILLED AND 10 INJURED. PARA
THE USS LIBERTY, A 450-FOLT-LONG TACTICAL RESEARCH SHIP, WHICH
HAD A CREW OF 19 OFFICERS, 219 TO 40 THREE CIVILIAN AGENTS, AND
WAS AT LEAST ONE TIGERDO 4500 FT. 15 MILES NORTH OF THE SINAL PEN-
INSULA IN THE MEDITERRANEAN PARA
U.S. NAVY OFFICIALS ABOARD THE AIRCRAFT CARRIER USS AMERICA DECLIN-
ED TO COMMENT ON THE REPORT. PARA
THE ISRAELI GOVERNMENT HAS REPORTED TO HAVE APOLOGIZED FOR THE
INCIDENT WHICH ALMOST TRIGGERED AN AIR STRIKE BY WARPLANES OF THE
SEVENTH FLEET CARRIER USS AMERICA.
NOTWITHSTANDING THE INCIDENT, SHORTLY AFTER THE ATTACK OCCURRED, ABOUT 3 P.M. (CISPA GTS),
TASK FORCE SIXTY OF THE SEVENTH FLEET, WHICH HAS BEEN OPERATING IN
THE EASTERN MEDITERRANEAN DURING THE MIDDLE EAST CRISIS, WAS ORDERED
INTO CONDITION TWO, A HIGH STATE OF COMBAT READINESS. PARA
KISRAE WERE BANNED FROM THE BRIDGE AS "GUN-FACED PILOTS", WITH
GUNBARRELS OF WEAPONS DRAPED AROUND THEIR NECKS, RUSHED TO FAN
THEIR AIRCRAFT. AT 1715 TWO F-4'S (PHANTOM II) ARMED WITH SIDEWINDER AIR-TO-AIR MISSILES WERE LAUNCHED
FROM THE AMERICA FOR AN AIR STRIKE BUT WERE PECCULED WHEN IT WAS
LEARNED THAT THE ATTACK BY THE USS LIBERTY WAS AN APPARENT ACCI-
DENT. PARA
THE LIBERTY WAS REPORTEDLY TO BE STEAMING TOWARDS THE TASK FORCE
AT A SPEED OF ABOUT EIGHT KNOTS (NAUTICAL MILES AN HOUR). THE
TACTICAL RESEARCH SHIP WAS REPORTED LISTING BUT NOT IN ANY DANGER
OF SINKING PARA
WHEN THE AIR STRIKE WAS ORDERED, BOTH SEGMENTS OF THE FORCE
SIXTY, IN FORMATION, KEPT CLOSELY WATCHED BY A SMALL SOVIET
PATROL CRUIT EIGHT. PARA
IT WAS THE FIRST TIME THAT CARRIER PILOTS ABOARD THE AMERICA WERE
TOLD BY KISRAE TO BE WEARING SIDEKARS AND CARRYING SIDEOLIERS
AMMUNITION. PARA
ONE PILOT SAID GRIMLY, "I GUESS THIS IS IT," AS HE RUSHED TO HIS
SPALL BOMBER A SKYWALK. PARA
OTHER PILOTS JUST RAN TO THEIR PLANES AND AWAITED FOR THEIR TURN
TO BE CATAPULTED FROM THE DECK OF THE 17,600-TON AMERICA.
PARA UNQUOTE DOWNGRADED AT 3 YEAR INTERVALS.

FLAG ACT...
TUE 01/25/00 200 67

CONFIDENTIAL

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36

VISUAL
P 052203Z JUN 67
FM USS AMERICA
TO COMINT/HFLY
BT
UNCLAS
TOUR D 1916Z
1. CAN ACCOMMODATE THREE TIE DOWN REMAINS IN CHILLER ENVIRONMENT
BT

FLAG 4/T.....
3

TOK B141203Z JUN 67

NY 275/88

CVOL 11 1965

8 8 2 1 5 3 2 JUN 67

O CONFIDENTIAL

8

MAJ HES148
O REC'DATE JUN 67
IN URGAO TEL AVIV ISRAEL
TO REC'DATE/DIA
RECD/DEPT STATE
REC'DS /JDP
RUCIO/Urgao AMMAN
BUCHOT/USAM
EFO REC'DSA/CIRCUMST.
REC'DSA/CONSEN JERUSALEM
BUFR/AMEMBASSY LONDON
BUCL/AMEMBASSY JERUSALEM
BUFR/AMEMBASSY
BUFR/AMEMBASSY SIX ZERO PT TWO
BUFR/AMEMBASSY
BUFR/AMEMBASSY
BUFR/AMEMBASSY JERUSALEM
BUFR/AMEMBASSY
BUFR/AMEMBASSY SIX E-70
BUFR/AMEMBASSY JORDA

O

C O N F I D E N T I A L 0134 JUN 67.
SUBJECT: ISRAELI POSITIONAL ATT/GK/URGAO PT. LIBERTY, 8 JUNE.
1. PLO HAS PASSED IDF AIR SHOTDOWN BY TEL AVIV TO
REDD AT 1930Z. ALSO: AN UNIDENTIFIED VESSEL APPROACHED THE
EL ARIEH (SHOBET)-SHABAK AREA AT 1400Z TODAY. FIRE WAS OPENED ON
THE VESSEL. AFTER IT WAS APPOINTED THAT THE VESSEL WAS NOT AN
ARMED VESSEL, ASSISTANCE WAS PROVIDED BUT THE VESSEL CONTINUED
UNDER OWN STEAM. THE VESSEL WENT TO THE U.S. NAVY AND THE
ISRAELI AUTHORITIES APOLOGIZED. THE VESSEL WAS IN MILES OFF THE COAST.

QUOTE.

2. LOCAL APOLOGIES FROM IDF PASSED TO ALUSTA EARLIER. SEE
DAD #829.
3. IDO HAS MADE NO COMMENT TO IDF, WHO ARE APPARENTLY VERY
CONCERNED AND WORRIED HOW ACCIDENTAL ATTACK WILL BE TREATED BY
US.
4. ISRAELI SHOULDED ATTACK FROM SEA IN GAZA AREA REPORTED BY
DF YESTERDAY. SEE DAD #816.
5. ASSISTANCE AFTER ACCIDENT OFFERED BY IDF NAVY WHICH
WE HAVE BEEN TOLD U.S. LIBERTY WAIVED OFF.
6. IN PHONE CONVERSATION (COL TAYLOR DIA AND COL PERIA DAD,

END ACT.....

TDR: C/S/2321E JUN 67

RR: TTB/BB

CVE.....//1P03///

CITE LOGGED... (PD)...

6 8 2 1 9 02 JUN 67

RECORDED IN URGAO
NOT AUTOMATICALLY RECORDED
BY RUE 4400

Return to 13

O CONFIDENTIAL

8. AVIHO ISRAELI HELICOPTERS NOT USED OR PREVIOUSLY CONSIDERED FOR RESCUE. WE UNDERSTAND FROM PHOLE CORP. JSC LIBERTY DOES NOT PRECISELY NEED ISRAELI ASSISTANCE, AND HAS SATISFACTORY RADIO CONTACT WITH USN AIR.

9. ALUERA OVERFLIGHT IN IDF HELICOPTER FOR INSPECTION AND ATTENDANT

CONTACT NOT PRODUCTIVE, EXCEPT TO OBSERVE SHIP UNDERWAY AT APPROX 8 KNOTS BOWHELD, COURSE 60 NM WEST OF ASKELOW AT 1930Z. LIBERTY LISTING APPROX 10 DEGREE, STARBOARD AD MAY BE HAVING SOME STEERING DIFFICULTY.

10. IDF WILL RESPOND IN RESCUE IF ADVISED. HOWEVER WE SHALL INITIATE AD REQUEST REPAIR NO REQUEST UNLESS ADVISED BY NYCO OR C-3 WASH AIRCRAFT.

11. IDF RECEIVES THAT IF ANY OTHER US SHIPS FOR APPROXIMATE TIME IN OR COORDINATE EXISTENCE TO CONCERNED AREA, BE PROVIDED APPROPRIATE ADVISORY. COORDINATED WITH ENCL. C-3.

BB

8-21-84 2 JUN 87

3 CONCLUSION

BBB-10-2169
O.R. 111-12 JUN 47
FM U.S.A. AIR FORCE
TO FIFTH AIR FORCE
INFO REINFORCING SOUTHERN

1 - 2008-07-01

AM 213278 JUN 47

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• 145 •

~~BONDED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS
EXO DUE NAME~~

CONTENTS

PAGE 1 OF 304 67

CONFIDENTIAL

EX-100 IR 6149
DR COLLEGE JUN 67
IN USA AMERICA

TO BUREAU OF INVESTIGATION
1700 BUREAU OF INVESTIGATION

T

CONFIDENTIAL

REF ID: A6509

1. FOLLOWING NEWS COVE RECORDED FOR YOUR ACTION:
a. "QUOTE FOR UNK COVET TALKS ISSUED TO NEW YORK TIMES"
NEW YORK TIMES
- b. "TOP SECRET DECODED AIR AND LAND SIGHTINGS REPORTED
HRA"
- c. "SECRET & D-527 PHOTOS, TS REC'D BY TELETYPE FROM
IN THE HUMAN-SATELLITE MISSIONS, AND OTHERS,
IS USED SHOTTS, USA, ATTACHMENT 2A TO THE THIS REPORT
THE LISTING OF SIGHTINGS REPORTED."
- d. "LITERATURE IS MADE AVAILABLE FOR THE
PUBLICATION OF THE AIR AND LAND SIGHTINGS REPORTED."
- e. "TOP SECRET, AIR AND LAND SIGHTS AND OTHERS MADE WITH
THE AIR AND LAND SATELLITES AND THE SATELLITE TECH FOR THE
PUB IN THE SIGHTS IN THE AIR AND LAND SIGHTINGS REPORTED, AND
TRANSMISSIONS MADE BY THE SATELLITES AND LAND SIGHTINGS REPORTED."
- f. "AS THE AIR AND LAND SATELLITES REPORT ON THE
SEEN SIGHTS IN THE AIR AND LAND SIGHTS IN THE AIR AND
LAND SATELLITES REPORT ON THE SIGHTS IN THE AIR AND LAND
SIGHTINGS AND OTHERS MADE BY THE SATELLITES AND LAND SIGHTINGS REPORTED FOR
HISTORICAL RECORD PURPOSES."
- g. "IT WAS ADVISED THAT THE SIGHTS WAS FOR AIR AND LAND
MOVING THE NUMBER OF PLANE'S DOWN THE LINE OVER THE LAND
DURING THE FLIGHT, GENERAL OFFICER USED THE TOP HIGH SPEED
QUOTATION DESCRIBING THE MISSION OF THE SATELLITES AND SIGHTINGS
FROM THE SIGHTS."

1700 BUREAU OF INVESTIGATION JUN 67

FBI WASH DC

CWC:JW

046

DOWNGRADED AT 3 YEAR INTERVALS
RECLASSIFIED AFTER 15 YEARS
B62 DAB JUN 68

CONFIDENTIAL 1211 16 JUN 67

James M. Ennes, Jr. Research Papers

CONFIDENTIAL

URGEE
08 011100Z JUN 67
TO USA AMERICA
TO TIC/DO/CND P.
INFO RUEB/DO/CONFIDENTIAL
01
CONFIDENTIAL
REF ID: A62009

1. FOLLOWING THIS COPY FORWARDED FOR YOUR ACTION
2. STATE FOR US AIR FORCE TRANSMISSION TO NEW YORK THAT NEW YORK PARA
3. TIC DO CND HEY FIRST AND NEW LEAD STANDARD METAL CO. INC.
4. TIC DO CND CHARTED WHAT WAS 4-154 A RETIRING AIRMAN OF
5. NEW YORK CITY AND AT TWO FORT-EIGHT P.M. LOCAL TIME ON 10 JUN
6. ARRIVED FO 011100Z JUN 67 THIS AIRPLANE LOST CONTROL
7. ACCIDENT VISITING THE COAST OF THE COAST OF NEW YORK
8. 1000 FT. HIGH IN WHICH A VOICE IN AMERICAN ENGLISH SAID "KILL
9. YOU ARE HIT GUYS"
10. VOICE WAS REPORTEDLY BY OFFICER AND THE CAPTAIN REPORTING THE
11. ACCIDENT BY SPANISH FLAMES AND THREW DOWN GUN
12. CO. 100 FT. HIGH AND IMMEDIATELY AS TO LAUNCH THE CRASH AND
13. CO. 100 FT. HIGH TO KILL PARA
14. 100 FT. OF THE FLAME COULD BE SEEN ANCHORED WITHIN A FEW
15. FEET OF THE CRASH WHICH IS RECOVERING ONE AND ONE HUNDRED
16. FEET AND LAUNCHED SHOTLY AFTER CRASHING TO THE MOUNTAIN
17. AGAINST THE GREEN ISLAND OF KAHNEA ON THE OTHER SIDE OF COAST PARA
18. WHICH WE WANT TO RECOVER AN AIRCRAFT IMMEDIATELY UNQUOTE AS SHOT
19. DOWN THE COASTSTEER TO THE DECK DICK DAW STOP REQUIRE THIS IS
20. A CRASH UNQUOTE PARA
21. WHILE THE DECK WAS SET ASIDE FOR THE INCOMING AIRCRAFT, P-4
22. PILOTS ON STATION TO DEFEND THE CARRIER AGAINST ANY
23. APPROXIMATELY TWO OTHER AIRCRAFT BEFORE THE CRASHES STOP
24. TWO OF THE PILOTS ON DECK AIRCRAFT ARMED WITH SIDEKICKS AND SPATROS
25. AND WERE LAUNCHING THEM A SHORT PERIOD OF TIME BEFORE THE LANDINGS
26. OF THE UNCRASHED AIRCRAFT REGATTA PARA
27. OVER SKYHAWK AND PHANTOM PILOTS WERE SUMMONED TO THE READY ROOM
28. FOR A PARASITE WHEELING WHILE ORDNANCE CREWS BEGAN WHEELING FIRE
29. SPATROS ON SUBDIVISIONS ACROSS THE DECK ON TRAILERS TO ANOTHER
30. PLATEFORM MORE SPATROS
31.

PLAT ACT.....

TIC 011100Z JUN 67

RSS NR 235/69

CVO/.....RL

DECLASSIFIED AT 3 YEAR INTERVALS
ELABORATED AFTER 12 YEARS
DOD DIR 1300.1

00 01 45 E JUN 67

CONFIDENTIAL

GALLERI

~~CONFIDENTIAL~~
~~EX-17 P-0 1005~~

RECORDED INFORMATION
FOLLOWS AND COPY FORWARDED FOR YOUR ACTION.
a. NAME OF ALLEGED CALLER SEEN REFERENCE TO RUE 16K IN TELEGRAM
RE RECEIVED 11 MAY 1945 FROM NEW YORK
b. NAME OF ALLEGED CALLER SEEN REFERENCE TO RUE 16K IN TELEGRAM
RE RECEIVED 11 MAY 1945 FROM NEW YORK
c. DATE OF ALLEGED CALLER SEEN
d. PLACE OF ALLEGED CALLER SEEN
e. DATE OF ALLEGED CALLER SEEN
f. DATE OF ALLEGED CALLER SEEN
g. DATE OF ALLEGED CALLER SEEN
h. DATE OF ALLEGED CALLER SEEN
i. DATE OF ALLEGED CALLER SEEN
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u. DATE OF ALLEGED CALLER SEEN
v. DATE OF ALLEGED CALLER SEEN
w. DATE OF ALLEGED CALLER SEEN
x. DATE OF ALLEGED CALLER SEEN
y. DATE OF ALLEGED CALLER SEEN
z. DATE OF ALLEGED CALLER SEEN

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新编 中国古典文学名著

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DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
EGG FOR ANNUAL

ס"ה ירושלים

CONFIDENTIAL

EX-RAJ 38 8178
O R 002147Z JUN 67
FM USS AMERICA
TO RUJPJS/0450 PA
E1FO RUEP/PA/001518HFT

REFERENCES

POLICE FAD E-508
1. FOLLOW THIS LEADS COPY FORWARDED FOR YOUR ACTION.
2. OME THE V-107 COLLEGE TRANSPORTER TO NEW YORK THREE NEW YORK
PARK PILOTS WERE KILLED IN AN AIR TRAFFIC COLLISION IN THE EASTERN HARRISBURG PARK
AND THE AIRPORT ON THE 12TH OF NOVEMBER IN THE EASTERN HARRISBURG PARK.
ONE OF THIS BIRDS FLIES CLOUDS TO THE EASTERN HARRISBURG PARK
IN THE NAVY AIRCRAFT CARRIER THIS AFTERNOON AND ONE OF THE AIR
EQUIPMENT PILOTS WAS KILLED IN A FLIGHT OF SIX PILOTS AND WITH HEDD-
LE AND L-3 FOLDERS. SEPARATELY AIRPLANE PILOTS
THE AIRCRAFT CARRIER IS THE CARRIER'S CAPTAIN AND THE PILOTS
AND FLIGHT DECK OFFICERS AND THE CREW. AND THE AIR-
CRAFT CARRIER IS THE AIRCRAFT THAT THE CARRIER IS IN
LAWRENCEVILLE, PENNSYLVANIA, AT FIVE P.M. AND THE AIRCRAFT
LAWRENCEVILLE, PENNSYLVANIA, AT FIVE P.M. AND THE AIRCRAFT
AFTER TWO HOURS OF FLIGHT IN THE AIRCRAFT CARRIER WAS
REMOVED FROM THE AIRCRAFT CARRIER AND WAS FLIGHTED
VIA AIRPORT CARRIER AND THEIR MACHINES TO THE PARK
THE FLIGHT DECK OFFICERS AT THE TIME OF THE AIR-TO-AIR COLLISION REPORTED
LES L-3 FOLDERS ON THE CARRIER WHILE THE TWO AIRCRAFT COLLISION AIRCRAFT JETS
KILLED WITH SEVEN PILOTS. THE PILOTS REFERRED TO THE CARRIER AIR FORCE THE
AT SEVEN P.M. IN THE AIRCRAFT CARRIER COLLISION IS DUE DUE TO THIS TO
LAND ON THE CARRIER WITH THE AIRCRAFT PARK.
SAKEM FLEET OFFICIALS REFUSED TO NAME ANY PILOTS ON THE ALERT AND
THE LAUNCHING OF THE AIRCRAFT PARKING SAKEM UNQUOTE

70-1192/89 JUN 47

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PSA: W 236
DR CAPTAIN JUN 47
TO US AIR FORCE
TO SUPERVISOR PA
INFO SECURITY SECTION
PA

CONFIDENTIAL

REF ID: A60489

1. PLEASE HAVE COPY FORWARDED FOR YOUR ACTION.
2. ANDREASSEN - 1010 CHIEF UNITED STATES INFORMATION BUREAU, WASHINGTON,
D.C. ADVISED THE US AIR FORCE STAFFER OF UNION TO USA
RECENTLY LOST HIS CO-PILOT AND IS CLEARED TO FLY THE EAST
TO HELP RESCUE AMERICAN NATIONALS AS THEY WERE HELD IN TUCH
THAT DAY. HE MADE APPROX. 1000' IN THE TWO HOURS SINCE THAT TIME, THIS
MAN HAS BEEN CONSIDERED THAT THE LIBERTY WAS ALIVE. 3. DR
ANDREASSEN TALKED WITH HIS PLANE. THE CO-PILOT WAS ONE OF THE
US AIR FORCE.
4. 1924 THE NIGHT BEFORE TAKEN, DR ANDREASSEN TALKED THE PLANE OF
THE CO-PILOT BECAUSE A PERSON WAS SEEN TO FLY OVER THE
3. DR ANDREASSEN WAS TALKED AND WAS TALKED AND WAS TALKED AND WAS TALKED
ONE FRIENDS AND RELATIVES WERE GOTTEN INTO ACTION AND THEY WERE
DAZZLED BY THE PLANE DICKINGLY AFTER THE MESSAGE WAS
REMOVED FROM THE ATTACHED SHIP. ABOUT 20 MINUTES LATER, THE
4. DR ANDREASSEN WAS CALLED OFF AND THE PLANE RETURNED TO THE AIRPORT.
5. CHECK UP AS REQUIRED.
THE US AIR FORCE (COPIES) IS COMPANDED BY DR R.P. VELTON, THE
PA SET (COPIES) IS UNCLERIALIZED, W.S. LEADS AND ADDRESSED. PAPER
ALSO ADDITIONAL THE DIRECTOR THE COMMANDER OF DESTROYER SQUADRON 12,
CAPT W.G. LEAHY, PA, WASH.

W

13
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10 11 1947 JUN 47

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DE USS AMERICA
TO RUEKRC/ONC PA
INFO RUEKRC/DO SIEKTHULU
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REF ID: A65288

1. FOLLOWING THIS COPY FORWARDED FOR YOUR ACTION,
2. CRUISE ASSOCIATED PRESS WASHINGTON, D.C. REPORTED 430000Z THE
CARRIER AIRCRAFT IN THE MEDITERRANEAN, JUNE 3 ADVISED U.S. "VALKYRIES"
TOOK OFF WITH BOMBS AND MISSILES WHEN THE ISRAELI AIR FORCE FIS-
TIGHTLY ATTACHED AN AMERICA TACTICAL RESEARCH SHIP JUST OFF COAST.

3. CRUISE MAY 170-EIGHTY-SEVEN DECLINED TO DISCUSS DETAILS ALERT

4. CRUISE WHICH GRIPPED THE EXCUSE THAT THE AIRCRAFT, THE
SIXTY AIRCRAFT WERE EN ROUTE FROM NOR EGYPT, PARA
THEY WERE RECALLED TO THE SHIP *ONE AND A HALF HOUR*, APPARENTLY WHEN
SIXTY BOMBS EXPLODED THE SIXTH FLEET, AT THE U.S. SHIP 445 A MIS-
TAKEN TARGET.

5. NEAR COAST ON VIRTUALLY AN IMPROVISED BASIS WERE FOUR F-4 PHANTOMS
EQUIPPED WITH AIR-TO-AIR ROCKETS AND TWO A-4 SKYWREX BOEING STRIKE

6. FIGHTERS WITH SEA SPURFIRE, PARA

7. THE CARRIER HAD BEEN HARASSED REPEATEDLY THROUGHOUT THE DAY BY
SOVIET SHIPS, FAIL TO SHIFT PRACTICING PATROL CRUISE PLANE,
AND WANT CRUISE ADVISED THE FLEET RIGHT BE RESPONDING TO THE
RUSSIAN ACT IONIAN SEA.

8. THE CARRIER WAS IN THE MIDDLE OF RESUMING TC SIGNAL TRAINING EXERCISES
WHEN ALL AIRCRAFT WERE SUDDENLY RECALLED FOR A LANDING, AND THE
HALF-DOZEN AIRS DISPATCHED WITH CRUISE, PARA

9. A CRUISE INCIDENT SPREAD ACROSS CRUISE WORKERS FRANTICALLY TO GET
THE PLANES LAUNCHED QUICKLY, WHICH WERE TEMPORARILY PLACED UNDER
ESCAPADE AND AWAY FROM CERTAIN AREAS OF THE SHIP, PARA
NOT CRUISE WOULD ANSWER NO QUESTIONS *ABOUT WHERE THE PLANES
WERE LOCATED, WHETHER THE BATTLE-FOOTING ANYWHERE WAS A DIRECT
RESULT OF THE ISRAELI ATTACK OR WHY THE PLANES WERE SHOTDOWN BACK PARA
10. CRUISE ROUTINELY DUMPED THEIR BOMBS AS A SAFETY MEASURE BEFORE
LANDING, PARA

11. EVEN AS THE AMERICA'S PLANES WERE CATASTROPHICALLY DOWNED,
THE SOVIET PATROL CRUISE, WITH A GUIDED MISSILE DESTROYER NEARBY, CONTINUED
ITS PERSISTENT ATTEMPTS TO PULL NEAR THE CARRIER, PARA
(PICK UP HOWTON QUOTE)

BT

12. FLAG ACT...13

TOP SECRET//NOV 2000 JUN 67

REF ID: A65289

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13. DECLASSIFIED AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 25 YEARS
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Return to 13

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O R EUBZDIZ JUN 47
FM USN AMERICA
TO RUEIPAC/DAO PA
INFO RUEIPAC/COMINT/HQ/TLT
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CONFIDENTIAL
FLEET AND AIRS

1. FULL COPY AND COPY FORWARDED FOR YOUR ACTION.
2. CHINE ASSOCIATED PRESS, WASHINGTON, D.C., FIRST ADVISED LEAD
PILOT THE CAPTAIN AMERICA IN THE MEDITERRANEAN, AND REPORTED ASSOC-
IATED PRESS REPORTER HEARD A RADIO TRANSMISSION DURING THE
CAPTAIN ABOUT 1710Z P.M., CT, THAT "WE'RE GOING TO PARA
IN COVINGTON SECRET WAS EXERCISED AND CAPTAIN ALLEN Wrote TOP
OFFICIALS ARE VETERANS WERE PLACED OFF-LOADING TO CAPTAIN PARA
THE CAPTAIN DROVE INTO PORT, WHICH ENDS. HE ADVISED THAT AIR-
CRAFT TACK OUT OF SILICONE VALLEY AND ARRIVED BACK IMM-
EDIATELY. THEY WERE NOT TOLD WHAT, BUT WERE IN CLEVELAND THE DICK
AND FIGHTING READY FOR RECONNING--HAD THIS EXPRESSED. DATA
THROUGH THE FLIGHT DECK, RADAR CREW WERE EXERCISING CUT SPOT-HOLD
SIX OR NINE EIGHT-FOOT BULLPUP AIR-TO-GROUND MISSILES READY FOR
LOADING UNDER THE PLATES. PARA
ABOVE DECK, LOW-PERIODIC SALVOES WERE RECEIVED FROM STAR SECURITY ARTAS.
DATA "THIS IS IT," WAS A CO-PILOT, MOST THOUGHT CONCERN WITH
THE SOLICIT REGHT BE EXERCISE PARA
SICK LPD HORTON UNKNOWN.

DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
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MSB NR 235/48

CVO.....DCB

092201Z JUN 47

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MAJ IRVING
O R 020200Z JUN 67
IN USS AMERICA
TO RUEKJCS/CASD PA
INFO RUMTRC/COMINTINFLT
BT

~~CONFIDENTIAL~~
~~FLEET AND SEEDS~~

1. FOLLOWING REWS COPY FORWARDER FOR YOUR ACTION.
2. COMINT ASSOCIATED PRESS, WASHINGTON, D.C., ADVISED THE SPONSOR AFER-
NOON IN THE MIDATLANTIC, JUN 6 1967 -- A NAVY SPOKESMAN SAID TONIGHT
TWO DESTROYERS, THE DAVID AND GASKET, HAD BEEN DETACHED FROM THE CAR-
CARRIER SARATOGA'S TASK GROUP AND WERE HEADING AT 30 KNOTS TO MEET THE
SHIPPED SHIPS. THEY WERE EXPECTED TO REUNITE AT 1600 17 JUN 67.
GASKET IS REQUESTING ASSISTANCE. PARA
THE SEVEN SHIPS OF THE TASK FORCE WAS OVER APP HALIBUT ON THE LIBERTY
EARLY TONIGHT. THE SHIPS HEADED EASTWARD. THE LIBERTY WAS MOVING
EASTWARD FROM THE SIRALI PENINSULA AT 7 KNOTS PER HOUR.
"I WOULD PRESUME SHE WOULD HAVE A PRETTY BIG HOLE IF SHE'S GOING ONLY
8 KNOTS," A SPOKESMAN SAID. PARA
THE DESTROYERS DAVID AND GASKET EACH CARRIED ONE DOCTOR AND TWO HOSPITAL

2. REWS TWO RUMORS 102 C C F F I D E M 1 A L
CONFIRMED, BUT THEIR SICK BAY FACILITIES WERE DESCRIBED AS SMALL. PARA
A NAVY SPOKESMAN SAID IT WASN'T DEFINITE WHERE THE MORE SERIOUSLY
WOUNDED WOULD BE TAKEN, BUT HE SAID SOME MAY BE BROUGHT ABOARD THE CAR-
CARRIERS SARATOGA AND AMERICA OR THE CRUISERS GALVESTON OR LITTLE ROCK.
PARA

3. ASKED WHAT THE LIBERTY ALLEGEDLY DID IN EGYPT DURING THE WAR, THE SPOKES-
MAN SAID: "BASICALLY, IT'S NOT A COMBAT SHIP AND SHE MOVED TO THE
MIDDLE EAST TO HELP PROTECT AMERICAN NATIONALS AS THE POSSIBLE NEED
FOR SUCH PROTECTION BECAME APPARENT." PARA
THE NAVY DESCRIBED THE LIBERTY AS AN AUXILIARY GENERAL TECHNICAL
RESEARCH SHIP USED TO SUPPORT ELECTRONICS RESEARCH PROGRAMS INCLUDING
ELECTRONIC WARFARE, PRODUCTION STUDIES AND ADVANCED COMMUNICATIONS
SYSTEMS SUCH AS SATELLITE COMMUNICATIONS. PARA NONE
BT

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DECLASSIFIED AFTER 15 YEARS
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REAJ WIRE
OR 0900Z JUN 67
FM USS AMERICA
TO RUEPJE/ONSD PA
INFO RUEPRO/OSNSIXTHFLT
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CONFIDENTIAL
FLEET FAD CDR

1. FOLLOWING THIS COPY FORWARDED FOR YOUR ACTION.
2. C-130 HER CLOUD TO EXCERPT ALREADY EXISTED. KICK THE AIR ASSAULT
ASST TO THE CHIEF OF STAFF -- LATE 66 -- THE TO F-4 PHANTOM AND
THE CLOUD OF A EAST ASIAN AIRPORT IN THOSE OFF THE COAST OF CHINA
TODAY CLOUD OF ATTACK PLANES TO BE LAUNCHED FROM CHINESE AIR-
CRAFT, FLA SHIP OF THE USAF, THE FIGHTER BOMBER FORCE
THE AIR ASSAULT FORCE INCLUDING BOMBING PLANE JETS, CONTAINING
AIR-TO-AIR MISSILES AND A-4 SKYHAWKS. APPROXIMATELY 100 OF THESE
Vehicles OF THE FIGHTER CLOUD OF APPROX. 100 TO 120 AIRCRAFT, THE LIQUIDITY,
WHICH REPORTED IT WAS IN TROUBLE AND THAT THE CLOUD WAS NOT, PREDI-
CTED DAY PREVIOUSLY, IN SIMILAR CLOUDS, WHICH WAS ALMOST AIR
SHOT OUT THE FLA CLOUD, PREDI-
TIC STRIKE PLANES L-10 CLOUD HAD ONE AND A HALF HOUR, WHEN THEY
WERE DOWNED EACH, IT WAS LATER LEARNED OF THE LIQUIDITY HAD BEEN
EASILY HIT IN A MISTAKE BY ATTACKING ALL AIRPLANES AND TORPEDO
BOATS, PREDI-
THE LIQUIDITY WAS REPORTED TO HAVE CODE ON STATIC ONLY THIS MORNING
ABOUT 10 MILES OFF THE COAST, THE SAME PREDI-
REPORTS CLOUDS OUT OF THE CHINESE ESTUARY WAS ALSO AND TO RELAY
INFORMATION PERTAINING TO THE EVACUATION OF AMERICAN CITIZENS.
PREDI UNQUOTE
BT

FLAG ACT.....

100000/19 JUN 67

MR. DENVER

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2. FOLIO 111-10 COPY FOLIO 111-10 863 X 11 100%
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LAWYER'S OFFICE, 111-10, 863 X 11, 100%
FOR LEGAL PURPOSES ONLY. PLACES OF THE NATION LAWYERS LINE
ARE NOT FILLED IN THE POSITION. REASON FOR EXCLUSION: PARA
THE ENDURE. ENDURE. ENDURE AND RANDOM COPIED TO TAD AT TD
PLACES OF THE NATION LAWYERS LINE AS PAVED UP. THE DEFENSE ALERT THE
SHIP HAD BEEN ONCE THE DAY BEGUN. PARA LINE UNKNOWN.

BT

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2015/11/09 JUN 67

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TO RUEPIQ/ONUHQ PA
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CONTENTS

1. FOLLOWING NEWS COPY FORWARDED FOR YOUR ACTION.
2. RUSSIAN PILOTS AND AIRCRAFT NEWS COPY ONE FLIER RUNNING OVER A
RUSSIAN FLEET DECKS SAID, "WELL, THIS LOOKS LIKE IT'S GOING TO THE
TWO OTHER OFFICERS EARNING THROUGH CO-PARTICIPANTS THAT WENT TO THE
FLIGHT DECK AND THEIR PLANES SHOT, ONE TO THE GROUND. I WISH THE
----- THEY'D TELL US WHO WE'RE GOING TO FIRE ON." 1944.
THE PLANES WERE LAUNCHED AND THESE ALONG WITH THE EARLIER TRAINING
MISSION WITH THE 800TH MISSIONS THAT FOLLOWS ACTIVITY
AHEAD OF THE SHIP. PARA
THE AIRCRAFT COULD NOT HAVE GONE FAR BECAUSE THE AIR 900 ANNOUNCED
THE STRIKE - IT SEEMS CALLED BACK, EXPLAINING THE NATURE OF THE
ATTACK ON THE LEGACY HAD BEEN QUICLLY ASERTAINED. PARA
ADDED TO THE EXCITEMENT ABOARD THE AMERICA WAS THE ASTONISHING
REAPPEARING OF 4 SMALL RUSSIAN PATROL CRAFT WHICH HAD BEEN
ROUSE TO THE CAT-EYED ESCORT BY MEMBERS OF THE AMERICA. PARA
AM HORNS, THE WHITE-COLORED RUSSIAN SHIP IN CLUSED TO THE
AMERICA, TRYING TO "FACE DOWN" THE DESTROYER IN ORDER TO COPE WITH
ALSO SIDE THE RED CORSAIR AIRCRAFT.
THE BIG-HELD DESTROYER TRYING TO ANTICIPATE THE SMALLER SHIPS
MUST ROSE, HEADED HURRIEDLY IN AIRCRAFT WHEELING TURNS AT FOUR-IN-THREE
CROSS-CROWNED EACH OTHER. PARA
HOWEVER, THE SMALL RUSSIAN WAS NOT DISCOURAGED. SEVERAL TIMES IT
JET SO CLOSE THAT HAD ABOARD THE AMERICA COULD SEE RUSSIAN CREWMEN
IN BLUE SHAPES AND WHITE HATS AND COULD HEAR ITS WHINING GAS
TURBINE ENGINES PARA NUMBER.

~~REISSUED AT 5 YEAR INTERVALS
REISSUE AFTER 12 YEARS.
PURCHASE SELLER~~

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TOP SECRET//NOFORN JULY 67

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TO RUEKPN/RDSD PA
INFO RUEKPN/COMSIXTHFLT
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CONFIDENTIAL
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1. FOLLOWING NEWS COPY FORWARDED FOR YOUR ACTION.
2. COPIE OFR COLLECT ASSOCIATED PRESS WASHINGTON, D.C. FIRST ADVISED THE CAPTAIN REPORTED IN THE MEDITERRANEAN, JUN 8-9, 1967. AIRCRAFT PLATES WERE SUDDENLY ARMED WITH 340-POUND BOMBS AND 100-TO-200KG MISSILES TODAY FOR A MISSION UNKNOWN. PARA
C-130J CLEARED THE FLIGHT DECK AS THIS AIRCRAFT CARRIER BEGAN RECALLING PLANES WHICH HAD JUST BEEN LAUNCHED OR FLOWN IN EXERCISES.
PARA
A-4 SKYWREN BOMBERS AND F-4 PHANTOM INTERCEPTORS WERE BEING RECALLED FOR UNIT APPEARED TO BE POTENTIAL AGGRESSOR. PARA
THE SMALL MEDIUM-SIZE SKYHAWK CARRIED SIX BOMBS AND TWIN 100-POUND AIR-TO-GROUND MISSILES. PARA
OFFICERS ON BOARD DIRECT SECRETORY OVER WHAT MAY HAVE BEEN #FOOT. PARA
A NAVY CAPTAIN RECALLED HEARING SHIPS PLACED UNDER ESCORT, A V-11 JETTISON OF ULTRAHIGH WHICH COULD NOT DISCUSS. BUT HE ADDED THAT THE FLIGHT OPERATIONS HAD NOTHING TO DO WITH ANY SHIPS IN THIS VICINITY." PARA
THE CAPTAIN OF SKYHAWK ABOUT AFTERNOON AFTER TWO SOVIET SHIPS--SPECIFICALLY A GUARDIAN AND PATRO, ESCORT CRASH--HAD SYSTEMATICALLY HARASSED THE AIRCRAFT, AND WHILE SEVEN FLEET UNITS STOOD VIGIL IN AN AREA WHICH APPARENT SUNKER WAS EXPECTED TO SURFACE. PARA
THERE WAS NO IMMEDIATE INDICATION THE SOVIET HARASSED AND THE ARRIVAL OF U.S. PLANES WERE RELATED. PARA
(PICK UP) MORTOR UNKNOWN
RBT

FLAG ACT.....

TOR/09/1967 RSG NR 415/89

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DTG 092132Z JUN 67

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TO RUTHMC/COMSIXTHFLT

BT
INCLAS E F T O

FOR CAPT COLEMAN SMITH FROM COM COONEY

1. FOLLOWING NEWS MEN WERE ALREADY ON BOARD 5 JUN: READ NAME,
COMPANY, NATIONALITY.

1. WILLIAM GILLY, AMERICAN, BROADCASTING CO., AMERICAN
2. CHARLES NAVARRO, AMERICAN, BROADCASTING CO., AMERICAN
3. ROBERT CHIRICO, AMERICAN, BROADCASTING CO., AMERICAN
4. ROBERT GORALSKI, NATIONAL BROADCASTING CO., AMERICAN
5. PETER STURMEN, NATIONAL BROADCASTING CO., AMERICAN
6. ALBERT PASQUINI, COLUMBIA BROADCASTING CO., ITALIAN
7. VINCENZO PIRANI, COLUMBIA BROADCASTING CO., ITALIAN
8. WILLIAM RAY, LIFE MAGAZINE, AMERICAN
9. PETER SHEEHAN, NEW YORK TIMES, AMERICAN
10. ROBERT HORTON, ASSOCIATED PRESS, AMERICAN
11. NIKOS SIASTHOS, UNITED PRESS INTL, AMERICAN
12. COLIN LANSDEN, LONDON DAILY EXPRESS, ENGLISH

PAGE TWO RUMBLE 6A INCLAS E F T O

13. HOWARD PATRICK, LONDON SIGHT TELEGRAPH, ENGLISH
14. ALBERT BLANDFORD, DETROIT NEWS, AMERICAN
15. ROBERT FOGLIZZI, A.P., ITALIAN

2. THE FOLLOWING NAME JOINED ON DATES INDICATED.

1. MARVIN ZIMA, TIME-LIFE, AMERICAN, 8 JUN
2. J.D. GRIGGS, NBC, ENGLISH, 8 JUN
3. EVERETT WALKINS, NBC, ENGLISH, 8 JUN
4. THEO PARISOU, TELEGRAPH, 1 JUN
5. JAMES ALLAN, CANADA WIRE TELEGRAPHY, ENGLISH, 8 JUN
6. J. MACHONITIS, ATHENOCOPOLIS NEWSPAPER, GREEK, 9 JUN
7. DR. TSAILIAS, TAIPEI NEWSPAPER, GREEK, 9 JUN
8. HELMUT SURGE, DER SPIEGEL, GERMAN, 9 JUN

3. THE FOLLOWING DEPARTED ON THE DATES INDICATED.

1. KAT, SPANISH, 4 JUN, RETURNED ESTIMABLY JUN
2. MATTHEW MARTELL, 4 JUN, RETURNED 4 JUN
3. TSAILIAS, 9 JUN
4. MACHONITIS, 9 JUN
5. ZIMA, 1 JUN
6. ALLAN, 8 JUN

4. ANY OTHER PRESS MEN INVOLVED ARE HOPED OF LIFE WHO ARRIVED

PAGE THREE RUMBLE 6A INCLAS E F T O

3. JAT DEPARTED 1 JUN, AND DON COOK OF L.A. TIMES WHO ARRIVED
4. KAT AND DEPARTED 2 JUN

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PPHQ 438
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TO CINCUSHAVER
TO RUFFPK/CINCPCEUR
INFO HUEYNA/CNO
HUEYNA/CINCLANTFLT
HUEYNA/CINCSIXTHFLT
HUEYNA/CINCPACFORSIKHEFLT
AT

CONFIDENTIAL

LIBERTY REPAIRS

1. AFTER VISITING LIBERTY THIS AFTERNOON, AND AFTER CONSIDERATION OF THE SEVERAL MATERIAL AND SECURITY FACTORS, TO EXPEDITE RECOVERY OF ILL SICKIES, CINCINNATI RECOMMENDED THAT LIBERTY PROCEED DIRECT TO HALTA FOR DAYDOCKING RATHER THAN GO TO SOUOA BAY FIRST.
2. I HAVE DIRECTED HER TO DO SO.
3. ARRANGEMENTS ARE NOW BEING MADE FOR HALTA DAYDOCKING.

GP-4
MT

W (2)
FLAG ACT

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CNOLES

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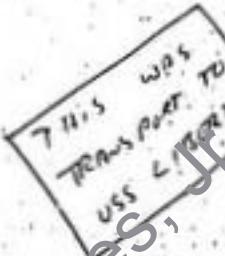
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M. Ennes

COR. REPORT 1900
BOSTON, MASS.
TELEGRAMS SUPPLY
OFFICE POLICE
DICK TAYLOR, who
WOUNDED -- BUT
RETURNED TO
NAPLES AFTER
TREATMENT.

卷之三

NET 2:10/19

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190811
F B 110000Z JUN 47
FM USN MEXICO
TO RUEMMW/CINCPAC
INFO REW/CTF SIX ZERO
RUEPRO/CINCPACFLT

~~CONFIDENTIAL~~
PUBLIC AFFAIRS INTERVIEW OF LIBERTY GREENE
2 AUGUST 1970 05700-10

PRINTED IN U.S.A. 07278.19
MCGRAW-HILL ORIGINAL JUNE 1987
CARTER'S 4728.23

上傳日期: 2012-05-10

THEY WERE PERMITTED TO INFLUENCE CIVIL RIGHTS DECISIONS WHICH COULD HAVE BEEN MADE BY THE USE OF LEGITIMATE DEMANDING TECHNIQUE FROM MUSLIM LEADERS IN THE RECENT ISRAELI STRIKE AGAINST JORDAN. MODERN HISTORY

U. P. R.
MEDICAL OFFICER. THE INTERVIEW WAS REQUESTED BY THE MEDICAL REPRESENTATIVE, PRESENT AT THE INTERVIEW, WHO IS AN ATTORNEY OF THIS, NURSE STATION OF UPI REPORTING UNDER THE PRESENCE OF THE MEMPHIS OFFICES STAFFED FOR CBS RADIO, WILHELM GORE OF THE PRESS, GENE COOPER OF COOPER BROS. CO., D.C. THOMAS OF MEMPHIS JOURNAL, DON HOLLOWAY OF AP AND WILLIAM MILLER OF UPI. THE INTERVIEW WAS TAPED BY TV PRESS CORRESPONDENTS BUT WAS RECORDED IN PART BY CBS VIDEO. MEDICAL OFFICER, WHICH WAS A TAPED RECORDING OF THE INTERVIEW WHICH WILL BE FURNISHED UPON REQUEST.

3. WHILE NOT REQUIRED THIS REPORT IS SUBMITTED IN REFERENCE TO THE SENSITIVE NATURE OF THE INCIDENT.

OF THE SENSITIVE AREA. DURING ECKER'S EXPERIENCES DURING THE ISRAEL-
YEMEN WAR, HE WAS ASKED TO RECOUNT IN DETAIL HIS OWN ACTIONS DURING
THE ATTACK - WHICH ATTENTION NOT BEEN FOCUSED ON HER BECAUSE OF
THE ATTACK - WHICH ATTENTION NOT BEEN FOCUSED ON HER BECAUSE OF

POLICE MEMO
HIS BATTLE HELMET, WHICH HE RETAINS. THE HELMET HAS BEEN CREDITED
WITH SAVING HIS LIFE SINCE IT HAS SEVERAL SHRAPNEL HOLES AND A PART OF
ONE ROUND PEWTER PLATED IN THE HELMET AT A POSITION NEAR THE TEMPLE
S. NO UNEXPECTED HOLLOWED AREAS WERE ENCOUNTERED IN THE INTERVIEW.
AT ONE POINT, WHEN ASKED OF THE GENUINE FEELING WONG LIBERTY
EXPERIENCED, HE SPENT THE NIGHT IN DISTRESS, ECKER ANSWERED RATHER
PUSHOVER QUOTE: "I WANTED TO GET THEM SOME OF PITCHES WHOMVER
IT WAS WAS UNQUOTE. WHEN PRESSRED FOR THE FEELING AFTER IT BECAME
KNOW THAT THE ATTACKERS WERE ISRAELIS, ECKER REPLIED QUOTE WE
STILL WANTED TO GET THEM. WE DIDN'T GIVE WHOMVER THEY WERE FRIENDS
OR ENEMIES. THEY WET OUR SHIP AND HE WANTED TO RAISE THEM PAT

17-4
REF BOWDERIZED AT 3 YEAR INTERVALS
RECLASSIFIED AFTER 12 YEARS.
DOD HS 38008

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8. 10. 1962
1. 12. 1962 JUN 47
1. 03. 1962 TEND PI FIVE
1. 05. 1962 SIX EIGHT
1. 06. 1962 SEVEN NINE
1. 07. 1962 EIGHT NINE
1. 08. 1962 NINE EIGHT
1. 09. 1962 TEN EIGHT
1. 10. 1962 ELEVEN NINE
1. 11. 1962 TWELVE EIGHT
1. 12. 1962 THIRTEEN EIGHT
1. 13. 1962 FOURTEEN EIGHT
1. 14. 1962 FIFTEEN EIGHT
1. 15. 1962 SIXTEEN EIGHT
1. 16. 1962 SEVENTEEN EIGHT
1. 17. 1962 EIGHTEEN EIGHT
1. 18. 1962 NINETEEN EIGHT
1. 19. 1962 TWENTY EIGHT
1. 20. 1962 TWENTYEIGHT

• 000 712 949 145

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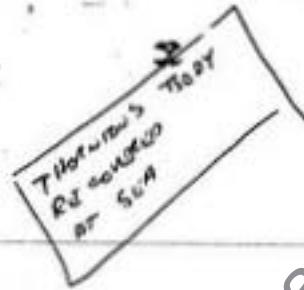
SUSTAINED AT 1 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS.
DDO DIR 5000

1-43 408 *****
1-43 408 218 86/48

3 1 3 8 9 42 323 67

P 111515Z JUN 47
IN USS LIBERTY
TO RUHARA/SECKAV
INFO REC'D/BUFERS
REC'D/BUED
REC'D/NAVFINCEN CLEVE
REC'D/NAVCONFIVE
RUHARA/OND
RUCKER/CINCUSNAVEUR
RUOKKA/CINCLANTFLT
REONKA/CONTINENTAL
JUODISPA/CONTINUATION EIGHT
RUMICA/CONTINENTAL
RECHKA/CONTFOUR
REC'LIA/RAVSTA NORVA
BT
CLASS E F T O
PERSONNEL CASREP PERTO THOMAS RAY THORNTON C13, 3313771, USN

A. AT 1618 Z JUN 47
1. REMAINS RECEIVED AT SEA BY USS PAPAGO, WHICH WAS LIBERTY AND
RETAINED FOR FURTHER DISPOSITION. WILL ADVISE.



FLASH ACT.....
662
TORP 61382/12 KX 223/12 CVB.....// 00
11 13 152 JUNE 47

SECRET

DECLASSIFIED

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STATE OF
COURT OF INQUIRY AND
BY 09-6322 NOT AL
SUSPENSE IS HERE BY

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Interrogatories
5. A COUNT OF INQUIRY HAS BEEN CONVENED TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING THE ARMED ATTACK ON USS LIBERTY ON EIGHT JUNE 1967. THE COURT IS DIRECTED TO INQUIRE INTO ALL THE PERTINENT FACTS AND CIRCUMSTANCES LEADING TO AND CONNECTED WITH THE HAND ARMED ASSAULT RESULTING THEREFROM; AND DEATHS AND INJURIES TO HUMAN PERSONNEL. THE COURT HAS BEEN DIRECTED TO INVESTIGATE THE MATTER OF FACT.

E S. 81-9. 1946-1947. CO., JR., DEN, IS PRESIDENT OF THE COURT.
CAPT. LEONARD G. LUFF, USN, AND CAPTAIN WENDELL M. ATKINSON,
USN MC MEMBERS OF THE COURT. CAPT. WARD BOSTON, USN, IS
COURT. CO. FOR THE COURT. LIEUTENANT COMMANDER ALLEN FEINBERG,
USN, IS CHIEF STAFF COUNSEL FOR THE COURT.

~~ALL~~ THE COUNSEL FOR THE DEFENDANT WILL CONDUCT THE PROCEEDINGS IN CLOSED SESSIONS.

RECORDED
a. THE COURT CONVENED AT 1600Z 2 JUN AT THE HEADQUARTERS OF
CINCPAC-HI. IT IS UNDERSTOOD THAT THE COURT WILL PROCEED
TO MEDITERRANEAN ON 11 JUN AND BOARD USS LIBERTY AT SEA
AS FEASIBLE.
b. COUNSEL FOR PLAINTIFFS NOT MAKE PRESS RELEASE UNTIL AFTER COURT

CONTINUING OUR WILL NOT MAKE PRESS RELEASE UNTIL AFTER WE DEPART LONDON AND THEN ONLY IF QUERIED. FURTHER PRESS GUIDANCE WILL BE FURNISHED NOT LATER THAN TIME OF LIBERTY'S ARRIVAL IN MALTA.

RE: A COPY OF THIS MESSAGE IS BEING FURNISHED TO THE PRESIDENT
OF THE COURT.

RE: THE BAIL BOND WAS ISSUED BY THE STATE BANK OF LIBERTY

TO CTG SIXTY FIVE (CODEWORD THIRTEEN DELIVER TO CTG
COMMUNIST POWS DELIVER TO RADM RENKIN, CONSOLIDANT, N
HAWAII. EXERCISE HALTS ON SUNDAY OR MONDAY.

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ESTATE

1200-CH

CONFIDENTIAL

XRM MPTIS
011202 JUN 67
FM CIO SIX ZERO PT FIVE
TO RUMPH/USN F T BERRY
INFO RUMPH/CINCPACFLT
RUMPH/CIO SIX ZERO
RUMPH/USN TIDEWATER
TEW/USN LIBERTY
SF

CONFIDENTIAL

RUM KIDS AND P WATT

1. LIBERTY'S EXCITED 240006Z POSIT JUN 2103. SUBJECT
TO RUM KIDS'S DESIRE RECORDED TRANS BY YOUR BOAT
TO LIBERTY WHERE INADEQUATE RECORDS 101701Z ARE AVAILABLE.
2. ADVISE ME OF ANY OTHER ARRANGEMENTS OR ADVANCE PLANNING
DESIRED BY RUM KIDS.
3. OFFICERS OFF LIBERTY TURNED-IN WITH LES ENAMEL VOTED.
MY CHIEF STAFF OFF LOR FETTYJOHN ACTING AD.

2. DRAFTING 01120, 00111, 00313.

DP-A

SF

DOWNLOADED AT 2 YEAR INTERVALS
DECLASSIFIED AFTER 15 YEARS
000 000 00000

3
RUM MPTIS
TO RUMPH/USN
FOR 10502/11

CONFIDENTIAL

NR 134/11

BB
OVO. 111256 Z JUN 67 //REN

~~CONFIDENTIAL~~

RR DIRECTOR
P 111111Z JUN 67
FM CTO SIX ZERO PT FIVE
TO RUEPIPC Q1616THPLT
RUEKRE/GPT SIX ZERO
INFO TURHAA/CHD
EICLNDAC SICQDIAHEUR
RUEPMVLC HICDUN
RUEPRACTO SIX ZERO PT TWO
RUEAAA/CHINFO
RUEPVNUU TIDEWATER
RUEPRAO/USAF/16THFLT RUEK
RUEPRACTF SIX THREE
BT

~~CONFIDENTIAL~~

SITREP 101010Z
1. 121713Z JUN 67 23-3507 C2-35 220/8 SPEED 10.5/6
CIRCUIT 10 1010 053309.
2. HAVE RECEIVED TWO NOTES. HALTON, P.J., R1 , 235 31 66
USN FORWARDED BY LIBERTY TO SPACES. PERIOD INDICATED
THURSTON, P.J., CT3, 235 31 66, USN FROM WAKE.

3. ONLY PAPER DOCUMENT IS NAME MICHAEL FOTEL.
4. AT ATTEMPTING TO CLOSE OFF UPPER PART OF HOLE WITH CANVAS
CLOTH WITH HOOKS AND EYES.
5. LIBERTY HAS ONE DOCKING PLANS AVAILABLE ON BOARD.

LP-4
BT

DOWNLOADED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DDO 082 2000/08

FLAG ACT.....
BT

TMN 1359/11

MSB HR1553/11

CVO.....

L8

~~CONFIDENTIAL~~

111111Z JUN 67

1000
TICKET NUMBER: 037-41/037-60/037-60/037-60/037-60/037-60/
037-60/037-60/037-60/037-60/037-60/037-60/037-60/
CONFIDENTIAL

Court

1. TAKE OFF AND FLYING AT SPEED OF 300 KNOTS ABOVE SEA LEVEL AT 1000 FEET.
2. USE APPROXIMATE ALTITUDE INDICATOR, P.T. CUBE SET INCLINOMETER FORDED AT 15 DEGREES TO ROTATE WITH AIR SPEED. ELEVATOR SURFACE POSITION 10-DEGREES 30-DEGREES GAINING 100 FEET PER SECOND.
3. USE APPROXIMATE THRUSTERS POSITION AND REPORT TO CPT 61 VIG 30-DEGREES 30-DEGREES FOR TRANSFER OF VIBES AND REPORT STATE.
4. POSITION OF 61 AIRCRAFT FLOOR DEFENSIVE WEAPONS SET NOT ON VIBES WITH REQUIREMENT TO DEFEND VIBES ALT IMMEDIATELY UPON APPROXIMATE AIR SPEED.
5. FOR TRANSMITTER, APPROXIMATE TRANSPORT AIR SPEED DIRECT FROM AIRFIELD TO P.T. HOME.
6. ACTIVATION OF 037 CAP TO APPROX.

~~DOWNGRADED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS.
EOD DB SIGNS~~

www.TANDEM.COM

Classmate.com

— 116 —

2000, THIS COULD BE EXPLAINED AS REASONABLE RESPECT FOR THE DEAD
OR BELIEVED TO BE IN COMPARTMENT.
5. PUBLIC AFFAIRS OFFICERS WILL BE DESIGNATED BY CINCHNAVEIR AND
WOULD ARRIVE MALTA ON MONDAY.
6. NAVAL SECURITY GROUP AND DIXMUS REPRESENTATIVES FROM NSA EUROPE
WILL BE SEPARATELY APPRISED FOR.
7. CINCHNAVEIR WILL SEPARATELY MAKE COOPERATIVE ARRANGEMENTS WITH
ROYAL NAVY IN LONDON.
8. CONNAVSEA WOULD BE SURE RADM PERRIN HAS THIS AS HE PASSES THROUGH
MALTA.
9. COMMINTFOR LIBERTY SHIP WILL REMAIN MALTA TO PROVIDE COMMUNICA-
TIONS FOR RADM PERRIN AS LONG AS HE NEEDS IT. INFORM THOSE WHO NEED
THIS INFO NAME OF SHIP.
10. FOR ALL PARTS TO APPLY IN VIEW OF RECENT PRESS COMMENT, IT IS
IMPORTANT TO REHEARSE CAPACITY OF LIBERTY'S CAPABILITIES AND MISSION.
SHE IS PRIMARILY DESTINED TO PUBLIC AS A COMMUNICATIONS RESEARCH
SHIP WHICH WAS DIVERTED FROM HER RESEARCH ASSIGNMENT TO PROVIDE
EMERGED COMMUNICATIONS RELAY LINE WITH THE SEVERAL U.S. ENVOYS
AHEAD THE EASTERN FRONTIERHEAD DURING THE CURRENT TROUBLES.

FINAL PAGE OF TWO

1100Z 2 JUN 67

CONFIDENTIAL

IS 1A PLSM
110000Z JUN 67
IN CONFIDENTIAL
TO CONFIDENTIAL
INFO CINCINNATI
USS SILVERDALE
UGD SHAWNEE
CTG SIX EIGHT PT TWO
SOG TIDEWATER
BT

CONFIDENTIAL

1. CINCINNATI APPROVE JUN 67 ESTABLISH
1. 110 A REVISED CHG PERIOD TRANSMISSION FOR
THE URGENT MAIL RATES TO US EMBASSY FOR THE
CPT TIDEWATER, AND JUN 1967 TO ALL
2. 110 VULV DELTA TWO AND THE LIAISON CLOTHING DIVISION
1. CPT TIDEWATER SURFACE TRANSMISSION TO EMBASSY SOLOMA
BT
BT

RAG 40.....
3

110 PEP/11 JUN 67

RR 277/11

CVO *PL* /RIO

11 PT 422 JUN 67

RETRANSMITTED AT 3 YEAR INTERVALS
EXCLAMATED AFTER 12 YEARS
DOO ONE NAME

CONFIDENTIAL

12-23 17E JUN 47

W 02 27090
P B 020202 JUN 67
IN CHARGED
TO PHILIP A CENDISH-AWEAR
PTE-HQD-CIA/HQD
INTELLIGENCE RESEARCHER
RESEARCHER IN ENGLAND
BRIEFING SICK ZERO PT ONE
BRIEFING SICK ZERO PT TWO
BRIEFING SICK ONE
BRIEFING SICK THREE
BRIEFING SICK TWO
INFO 31 MAY/CHINA/PALESTINE
INFO 17 JUN/SEVENTH FLEET
BT

INFO 48
INFO 48 FLIGHT HAMILTON REPORT 19 JUNE 1967
IN 1967 THE UNITED KINGDOM CARRIED OUT INTERVIEWS WITH LIBERTY
LINES AND LIBERTY'S OTHER MEMBERS SO AS TO BECAUSE THE
UNITED KINGDOM'S ADVANCE WARNING
OF THE LIBERTY LINE'S ACTIVITIES UNTIL THEY WERE ATTACKED. AND ALSO
LIBERTY LINE FILM OF LIBERTY'S CAMPS TAKEN FROM A HELICOPTER
DISCLOSED THE SHIP.
IN 1967 KELFAIRICK WRITING IN THE SUNDAY EVENING STAR
RECORDED AN EXPERIENCE HE HAD WHILE FLYING OVER THE MEDITERRANEAN
IN HIS FIVE SEAT. THE PILOT OF THE AIRCRAFT BANKED
SHARPLY AND ANNOUNCED THAT ANY AMERICANS ABOARD COULD LOOK BELOW
TO SEE THE SEVENTH FLEET. KELFAIRICK DESCRIBED WHAT HE WAS AND
THAT IT WOULD HAVE BEEN AN AMERICAN WHO DID NOT FEEL HIS
HEART LEAP UP AT THE SIGHT. THE WRITER GOES ON TO TALK ABOUT THE
KELFAIRICK AND HIS FRIENDS AND CONCLUDES THAT THE SEVEN
FLEET CAN HANDLE A SMALL COUNTRY. OF THE GREY WHICH HE DESCRIBES
AS FIRST CLASS. HE SAID THEY SERVE WORK DATES THAT WOULD IDENTIFY
A VICTIM. ONE OF THE THINGS THAT HE QUOTES THAT NO SELF
RESPECTING JAPANESE FLEET WOULD APPROVE. KELFAIRICK RECALLS THE
SOVIET UNION POLITICIAN COMPLAINT ABOUT THE FLEET IN THE
RED... HE SAID THAT HER PRESENCE THERE IS STRONG AND IT WOULD
BE A MAJOR SECURITY RISK. HE GIVING DECISIONS IN THE AREA FOR THE COMMUNIST
PEOPLES LIBERATION ARMY AT SEA.
INFO 48 PERSPECTIVE COVERAGE OF MIDDLE EAST NEWS CONTINUES BY ALL
INFO 48 PERSPECTIVE COVERAGE OF MIDDLE EAST NEWS CONTINUES BY ALL

INFO 48 ...13.....

FOR 244002Z JUN 67

W 250713 CVO ...PA..... //K10

12 22 312 JUN 67

CONFIDENTIAL

NSA/J NR 2201
010223ZEE JUN 67
FM GOLDENHORN TWELVE
TO COMSIXTHFLT

CONFIDENTIAL
LIBERTY STANDBYNESS

1. YOUR 122241Z RT 121900Z
2. ADDITIONAL INFO. T-33C/81 ARMED SHOOTING ALMOST COMPLETE.
LIVED DOWN TO ELEVEN SHOT AND SEEN TWO FEET. FLEW END OF DAY
3. FOUL WEATHER, SPEED AD 6.5. SPEED DEFENDS 10000 FT
GATE, AND RESULTS OF FIELD SHOOTING, AS NOT COMMUNICATED
4. INVESTIGATED AT FLIGHT SPOTS DURING HEAVY SEAS. NO USE
5. SIGHT TEST OF THESE PRODUCING INCREASED FLEXIBILITY OR CHATTERING
NOISE.

6. WILL REPORT EVERY TWO HOURS.

SP-4
RT

REF ID: A34253

TER #1085/15 JUN 67

NSG NR 224/13

CVO...*ell*...JNL

121928Z JUN 67

DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DUE DATE 12/01/2018

CONFIDENTIAL

CONFIDENTIAL

LPEVVV URC148VV APHE29TA0362C7NC618

PP RUTPRO
DE RUEH/MAA2413 1632118
ZNY CCCD0
P 1632118ZJUN 67
FM CNO
TO RUSSIA/USS LIBERTY
INFO RUSSK/JUSTICEUR
REU/OPR/US/AVIATION
RUSSIAN/CHIEF OF STAFF
RUSSIAN/CHIEF OF STAFF
RUSSIAN/CHIEF OF STAFF

BT

CONFIDENTIAL

ATTACK PLANE, B-57B CUD

A. ISS LIBRARY COPY/TIME

1. FORWARDED PHOTOGRAPH TO CO. NAVLABORATORY AND TECHNICAL
SUPPLY CENTER, 4301 NIMITZ ROAD, WASHINGTON, D.C. 20390 BY FASTEST
POSSIBLE METHODS.

2. FORWARDED PROJECTILES TO INC. NAVAL SCIENTIFIC AND TECHNICAL
INVESTIGATIONAL CTR, E103 52 U.S. NAVAL CONSOLIDATED, WASHINGTON, XV
D.C. 20390.

BT

FLRS NOT 2

TOK 200112/12 1000 67

757/12

END 000

REFURNISHED AT 5 YEAR INTERVALS
EXPIRED AFTER 12 YEARS
DO NOT DESTROY

CONFIDENTIAL

Return to 13

WV PPNOSTALAZIEN WOATSWV EOBIST
BB RUEBNC
SC RUEBNC 184700 8

ZEB DAVIS
R 182000Z JUN 67
FM US LIBERTY
TO ZEW COMDESTR ONE TWO
ZEW ISS DAVIS
INFO RUEBNC/CM 11X4PLT
RE

URG/AS

4. C RUEBNC 182000Z JUN 67 (CONT'D)
1. YOUR FORTY EIGHT ALL DAVIS PERSONNEL WILL BE RETURNED ON
ARRIVAL RUITA.
2. THE OTHER NO ASSISTANCE, MANY LONG HOURS OF HARD WORK AND
VOUDABLE ATTITUDE TO OFFICERS AND ENLISTED PERSONNEL. YOUR
COMMITMENT TO VET 2 GAP ITY'S NEW YORK CONSTANTLY SEEKS THINGS
TO DO, NOT JUST ESSENTIAL WORK, BUT ITEMS THAT COULD EASILY
BE ACCOMPLISHED BY LIBERTY PERSONNEL. IT IS FEEL AT LIBERTY
COULD NOT HAVE MADE IT THOUGH THE SECOND DAY WITHOUT THE
ASSISTANCE OF YOUR EXPERIENCED PERSONNEL. DON'T WORRY,
GARRET TALLEY OFFICER IS TO BE COMMENDED FOR THEIR OUTSTANDING
EXPERIENCE THROUGH THE LIBERTY.
3. WITH THE RELIEF TEAM WORK, IT IS UNDERSTANDABLE WHY DAVIS IS
FIRST TEAM RELIEF TO 11X4PLT.
4. DAVIS WILL LEAVE IN THE HANDS OF LIBERTY PERSONNEL
300 TEP PLT. ON 18 JUNE WHEN SAYING STEARING INTO VIEW TO
OUR ASSISTANCE WILL NEED BE FORGOTTEN. MY SINCERE APPRECIATION
AND THANKS TO U.

RE

FLAG ACT 3

FOR 184700Z JUN 67 18 431713 OWO 11X4PLT 11/10

12 28 00Z JUN 67

CONTINUATION

MAJ KI 1000
O 1800ZC JUN 67
IN CIO SIX ZERO PT FIVE
TO RUEKREFP SIX ZERO
INFO GUERRA/CED
PHOTOGRAPHIC UNIT
ELLA/AN/CHILFO
E. TROPICALIZAVEL
PHOTOCOMMISSION
TELEGRAMS WATA
EQUIPMENT SIX THREE
EQUIPMENT SIX ZERO PT TWO
LNUSS LIBERTY

~~CONFIDENTIAL RELEASE TO USA
EXCEPT TWO FIVE~~

卷一
目

1

九月 九日

2023-2024 学年 第一学期

卷之二

CVO...*CC*...198711

DOWNGRADED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
NOV 04 2018

12 19 392 JUB 67

СОДЕЙСТВИЕ

W 10 000
P 000000 JUN 67
RE CONFIDENTIAL SEE BAPLES
TO SUPPLY/COMINTION ONE TWO
INFO NEW/CONFIRMED
BENEFIT/FRIENDS VALLETTA MALTA
RUE/P/CONFIDENTIAL

BT

CONFIDENTIAL
PASS TO RUE/P AND IN USS LIBERTY

AT YOUR DISPOSSE JUN 67 ROTAL

A. PHO WIRE AND FIDO ALLEN AND VALLETTA 12 JUN CREDITED TO RPT TO
GAPT CHITELLO AS DER OF CONFIDENTIAL. BOTH ELIMINATED TOP SECRET.

B. IF THIS NOT ADEQUATE CAN PROVIDE ADDL FREQUENCIES

C-4

BT

PLANE # 3.....

FOR 1000Z/12 JUN 67 MR 590/12 CVO ... PA... /REC

DECLASSIFIED AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
END USE 2018

12 13 14 15 16 17 JUN 67

CONFIDENTIAL

W PPN0298
R 121450Z JUN 67
IN CIRCUMSTANCES
TO RUE PIC/CONSEILHOLT
INFO RUEPP/CONSEILHOLT TWELVE
RUEPP/RUEIC/CDU LIBERTY

CONFIDENTIAL
LIBERTY AWARDS (UD)

1. VIEW THIS PERMITS ASSEMBLING THE APPROPRIATE INFORMATION.
CIRCUMSTANCES WOULD BE VERY PLEASED TO FORWARD RECOMMENDATIONS
FOR AWARDS FOR THREE OFFICERS AND FOR LIBERTY WHICH
SERVING IN AND EQUIVALENT TO THE RECENT ACTION OF 12
TO HARRY HODGKINSON.
2. CERTAIN OF THE RECOMMENDATIONS SHOULD, OF COURSE, BE INITIATED
BY THE COMMANDING OFFICER OF LI 456. IT MAY BE OF THAT OTHERS
MIGHT PROBABLY BE INITIATED EITHER BY CONSEILHOLT TWELVE OR
CONSEILHOLT.

C-4
B

CORRECTED COPY

No.

13

RAB AC.....

121450Z JUNE 67

NR 552/12.

c/o. M....CAP

12 14 50Z JUNE 67

DOWNGRADED AT 1 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DO NOT USE AFTER

SEARCHED INDEXED SERIALIZED FILED
LIBERTY DRIVE
✓ YES. DRIVE JUN 61
✓ IN FILE REF 5. LIBERTY MVS COMPLETELY DESTROYED BY TIDE RESULTING FROM
WIND. DRIVING OF MVS LOST AT SEA.

$\pi \times 10^{-10}$ 3

106 1613(712) 210 57 49 5147 12

...fff... white

12-13 322 2 JUN 67

C. C. Aug-67

NR NR 00598
P 121240Z JUNE 67
PR NAVCUSTA ABMRA
TO COMSTAFHDLT

100

ATA 111100Z JUNE 67
C. RUE 00598 190000Z JUNE 67
1. REF 3 PEG BY REF A CONTAINED REF B.
2. REPORTING LI-FD CONTAINED REF B. REF C WAS RECEIVED THIS STA
GIRICL 221 111100Z JUNE 67 FROM KUOF. MSG 200 USE LIBRARY AS LR 17264
E DELIVER.
3. IN HOUSE THE C IS NOT CONSIDERED EXCESSIVE DUE
RECALLS.

II

NOTE ZONE STATUS CORRECTED COPY TO FOLLOW

RAD ACT

TUR 12 17 21 JUNE 67

NR 002/12

CDR. *P.L. CAP*

12 12 40Z JUNE 67

ADMIRAL

8848428

**DEGRADE AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS.
DOD DIR 5200.2**

COMMUNICATIONS CAPABILITY AND FORCED IT BY FORCE AND TO HIS A
VOICE TRANSMITTER TO CALL FOR HELP AFTER THE AIRCRAFT WAS HITTED
ON ALL FOUR INTERFACES, TO 15 TO LIBERTY'S CAPABILITIES OUTSIDE OF
WHICH VERY CAPABLE RADIO GROUP FOR COMMUNICATIONS EQUIPMENT. I
TOLD THEM THE SHIP WORKS ON A NUMBER OF FREQUENCIES, SUCH AS
MILITARY WAVE PROGRESSIONS WHICH ARE OF A ELECTRONIC AND EQUIP-
MENT WHICH I HAD NO KNOWLEDGE IN ADDITION TO THAT.
I RECOMMENDED THAT I HAD CLOUDS AIRCRAFT AT THAT TIME TO 15
TEED AND NOT TO ENGAGE HER LIBERTY IS TOO SO I WAS GOING
THAT A U.S. SHIP WAS REALLY UNDER ATTACK, AND CALLED OVER TO
DIRECTOR WHEN I KNEW WHERE THAT THEY WERE SET FORWARD OF U.S. NAVY
THE JETSON WAS ALSO INFORMED THAT SCROLL COULD NOT BE
PICKED UP. SO AT MY BRIEFS THE RELATING COPIES OF ALL INFORMATION
RELEVANT PROVIDED.

3. (3) WILL THE COURT BE OPEN TO INQUIRIES ON COURT'S
ROLE IN THE JOHN D. ROBERTS, JR., CASE? WILL THE COURT
OPEN, DURING THE COURSE OF A COURT OF MILITARY
INQUIRY, TO HEAR FROM THE DEFENDANT OR THE DEFENDANT'S
WIFE, JR., IS PRESENT, NOT SOLELY AT
THE END OF THE TRIAL, BUT ALSO DURING THE
TRAIL, IF HE WANTS TO SIT IN
THE INQUIRY AT THAT TIME, LATER IT IS
POSSIBLE AT THAT TIME, OR AT THE END OF THE
INQUIRY IN A FINAL, FACT-FINDING,
THE COURT WILL PRESENT ITS FINDINGS OR FIND TO DEFENDANT
HIMSELF. THE GOVERNING AUTHORITY IS 15. IT IS A DISCIPLINARY WORK.
GOVERNING OF 15. AN INQUIRY IS 15. THE GOVERNING, ORIGINALLY
PROPOSED AFTER COMMISSION ACCORDING TO INCIDENT PLANNING FOR 15. TO STAND
FOR LOSS OF LIFE OR MAJOR DAMAGE TO A SHIP. ITS GOVERNING DEED
WILL, OF ITSELF, INDICATE THE OFFICER THAT ANY INDIVIDUAL IS AT
FAULT. NOTWITHSTANDING IS 15. CHIEF OF STAFF FOR LIBERTY
IN THE STAFF OF THE COMMANDER IN CHIEF, MARINE FORCES SOUTHERN
COMMAND, AT NUGLES. HE WAS THEN BELIEVED OF THIS CASE. HE LEFT
TEMPORARILY IN 15. TO SERVE AS PRESIDENT OF THE COURT. OTHER
MEMBERS OF THE COURT ARE CAPTAIN ERNEST J. LEE, NEW YORK STATE
COMPTROLLER OF THE NAVAL FLEET; COMMANDER GREGORY GUNN, STAFF
FORCES ENGINEER; CAPTAIN RAY M. ATKINS, JR., USN, STAFF
COUNSELOR; CAPTAIN WARD BOSTON, JR., LEGAL OFFICER ON THE STAFF
OF COMPTROLLER OF THE NAVAL FLEET; MEDITERANEAN, AT NUGLES, IS COUNSEL FOR
THE COURT; AND LIEUTENANT COMMANDER ALLEN STEINBOCK, USN, STAFF
COUNSELOR, IS ASSISTANT COUNSEL FOR TECHNICAL MATTERS.

4. REFERS TO ADDITIONAL INQUIRIES:

(1) WILL COURT SESSIONS BE OPEN TO PUBLIC?

(2) WILL LIBERTY USE LIBERTY 405 OPERATING IN THE EASTERN MED-
TERANEAN IN SUPPORT OF COMMUNICATION REQUIREMENTS. AS SUCH,
THE 405 PART OF THE OVERALL UNITED STATES CONTROL AND CONTROL
SYSTEM, WHICH CANNOT BE DESCRIBED IN ANY DETAIL ON AN UNCLASS-
IFIED BASIS. TO MUCH EVEN OF PINKLY ROUTINE NATURE WHICH THE COURT
MAY HAVE TO DO INTO WILL BE CLASSIFIED THAT IT WOULD BE IMPRACT-
ICAL TO ATTEMPT TO HOLD AN OPEN HEARING.

(3) WILL THE COURT'S FINDINGS BE MADE PUBLIC AFTER NORMAL
REVIEW BY THE GOVERNING AUTHORITY AND HIS NAVAL SUPERIOR, IT IS
LIKELY THAT ANY UNCLASSIFIED FINDINGS WILL BE RELEASED.

ਪੰਜਾਬ ਮਿਸ਼ਨ

~~CONFIDENTIAL~~

- (4) WILL THE COVERTING ORDER BE MADE PUBLIC? IT IS RECOMMENDED
(5) IS THE COMMANDING OFFICER GOING TO BE AVAILABLE FOR
INTERVIEW AT MILITARY AND GOVERNMENT MEMBERS OF THE CREW NOT AT THIS
TIME.
(6) WHAT MUST ALL MEMBERS OF THE CREW BE POTENTIAL WITNESSES
BEFORE THE COURT. IT IS THE DESIRE OF THE COVERTING AUTHORITY AND
THE PRESIDENT OF THE COURT THAT THEIR RECOLLECTIONS REMAIN AS
FRESH AS P
COFFEE AND NOT BE INFLUENCED IN ANY WAY BY QUESTIONS
PUT TO THEM OUTSIDE THE COURT OR BY ANSWERS OF OTHER MEN HEARD
INTERVIEWED.
(7) CAN THEY BE INTERVIEWED ON UNCLASSIFIED MATTERS. UNDER
THE COURT HAS COMPLETED ITS WORK YET, IF THEY WISH TO
(8) WHAT WILL THE VARIOUS MEMBERS OF THE COURT ACTIVELY DEFEND
INTERESTS OF THE DEFENSE ATTORNEY'S OFFICE, AND HOW CAN THIS BE
BE A COOPERATIVE OFFICE IN THE STATE OF CINCINNATI.
G-1
5

PAGE 3 OF 3

1289582 JUN 67

~~CONFIDENTIAL~~

0840 070019Z JUN 87
FM CGF SIX ZERO PT FIVE
TO BRIGHT/CFF SIX ZERO
INFO RUMBLE/C21505THLT
RUMBLE/CFF
RUMBLE/CFFINFO
RUMBLE/CFF IN WINE
RUMBLE/CFFINGE R
RUMBLE/CFF SIX THREE
RUMBLE/CGF SIX ZERO PT TWO
RUMBLE/CFF MULT
BT
H A T O REQUESTED
BRIGHT INVEST TWO
1. 152700Z JUN 87 PT 075 20-2004
2. HIGH SIDE 100-150 FT LT LIGHT 35N18W6
3. CALIFORNIA HAD PINE, LE MET LOST TIME DUE NOT ATTEMPT
YESTERDAY AT 0700 HE DELAYED DRILL STOP SUCH AS PEPPERD
TRAIL 10 FT DEEP, HE DRIVE ABOUT 1000', WILL RUMBLE CONFIRM
ETA AFTER DRILLING STOPS.
BT

K-00
L-R-007
S-
10005

es
T-40 ST
T7 2442/JUL 67

2023 NF 338/12

卷之三

12 05 442 3000 67

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

CTW 541007 DACTS/CA/33W LEX3182
PP RICARD
RE 100001 21070 1030525
EST 00000
F 1030410 10 JUN 67
1 900 10 0 1 0000
TO 100001 21070 1030525
1030 1000 100001 TWELVE
BT
CONFIDENTIAL
F 1030410 10 JUN 67
1 900 10 0 1 0000
BT 100001 21070 1030525 TRANSFERRED TO LIBERTY 1030430
BT
BT

Liberty

PLAT 407.....
100 100001 10 JUN 67 230 50 40 202 ~~CONFIDENTIAL~~
12 34 10 2 JUN 67

RECORDED AT 3 YEAR INTERVALS
MAINTAINED AFTER 12 YEARS
END FOR SENDER

(12/04/502
12/06/103)

~~CONFIDENTIAL~~

REF ID: A91398CXDX3331888
PP-RUTPAC
DE RUEBLQ 1028 1638028
ZNY EEEEEE
P 102012Z JUN 67
FM CINCUSC/USMACV
TO RUTPAC/CORPSIXTHFLT
BT
UCLAS E F T O
VIRE 1016 FOR COM COKEY
A. COLDINHAWLT 112220Z
1. AN INFORMAL REQUEST TO REF A, PROPOSED REBATES TO QUERIES
CONCERNING THE INVESTIGATION OF USS LEXINGTON INCIDENT HAS BEEN
PREPARED BUT IS STILL SUBJECT TO FINAL APPROVAL BY USMACV.
ASSUMING USMACV APPROVES OUR PROPOSAL, A THREE MESSAGE CONTAINING
RESPONSE SHOULD GET TO YOU EARLY PM MONDAY. REGARDING FACILVAINE.
BT

COKEY
NOT COKEY

Liberty File

Ble Cde

B

James M. Ennes, Jr. Research Papers

REMARKS: Shows the
area where
was controlled
Cokey was everywhere,
first circumlocut
the civilian jet
Link China in number
and even the (110 70)
was keeping the (110 70)
The village went.

W FPM0483
PR 132234Z JUN 67
FM CHINFO
TO BUREAU/SECNAVRAVEUR
BUREAU/CODEX XWFLT
BUREAU/COMINCHIEASTFOR
BUDECOM/COMINCHIEFLT
COMINCHIEFLT IX EIRO PT ONE
COMINCHIEFLT IX EIRO PT TWO
COMINCHIEFLT IX ONE
COMINCHIEFLT IX TWO
COMINCHIEFLT IX THREE
LTC FORNAR ALINCPACFLT
PACOM/COMUSMACV-XWFLT

12

1. INCLAT
SIXTH FLEET HEADLINE REPORT 13 JUNE 1967
E. CHEMICAL REPORT AND BALTIMORE SUN CARRY ARTICLE DATED 14 JUNE 1967
NOTING THE AMERICAN NAVAL HEADQUARTERS IN LONDON CONVENED THE CON-
CERNING OF A COURT OF INQUIRY INTO THE ISRAELI VESSEL LAST WEEK ON THE
SAV SA'AR L LIBERTY. THE COURT CONVENED BY ADM MCNAUL MET BRIEFLY IN
LONDON DUE TO THE WEEKEND AND MEMBERS WERE ASKED TO FOAND LIBERTY
AT SEA. MR L SPERBERIAN IS QUOTED AS SAYING THAT THE INQUIRY IS
FORMAL FINISH DUE TO AFTER SERIOUS INCIDENTS, RESULTING IN HEAVY LOSS OF
LIFE.
2. VAR44 AT 11 LOCAL TV STATION WTTG LAST NIGHT IN NEWS HAD FILM
CONTRIBUTED BY RAY ALBARD AMERICA OF MEDICAL SERVICES FOR NAVY PERSONNEL
LOST IN LIB RIV. FILM ALSO SHOWED SOME OF THE WOUNDED ATTENDING THE
SERVICES.
3. RECENT - JACK GENERAL H-X JOHNSON, WRITING IN CURRENT ISSUE (19
JUNE) OF U. S. NEWS & WORLD REPORT DISCUSSED THE US STAKE IN THE MIDDLE
EAST. HE DEPICTS THE MEDITERRANEAN AS BEING AN "AMERICAN LAKE." HE
GOES ON TO SAY THAT COMMANDERS ALONG THE ENTIRE SOUTHERN FLANK OF NATO
ARE VERY MUCH CONCERNED ABOUT THE INCREASING PRESENCE OF SOVIET FORCES
IN THE BALKANS AND OVER THE SEA, AND THAT THIS PRESENCE CONTINUES TO GROW
WITH THE ADDITION OF NEW SOVIET NAVAL VESSELS. THE GENERAL CONCLUDES
THAT THERE IS ONE IMPORTANT POINT TO BEAR IN MIND...THAT ANY INCREASED
THREAT TO THE U.S. SIXTH FLEET OR TO US SUBMARINE OPERATION IN THE RED
REPRESENTS THE REDUCTION OF THE U.S. NUCLEAR COUNTER THREAT TO RUSSIA.
4. TIME MAGAZINE PRESS SECTION THIS WEEK IS DEVOTED TO DIFFICULTIES
ENCOUNTERED BY MEDIA REPRESENTATIVES IN COVERING THE MIDDLE EAST WAR,
DESPITE RESTRICTIVE CENSORSHIP AND GENERAL CONFUSION. NEWSPAPERS AND TV
SUPPLIED ONE OF THE MOST COMPREHENSIVE AND INTELLIGIBLE ACCOUNT OF A
CRISIS THAT HAS EVER BEEN DELIVERED. THE STORY POINTS OUT THAT ARABS
JAILED REPORTED CORRESPONDENTS AND ISRAELIS WERE SAID TO HAVE BEATEN
AND KILLED, HOWEVER, ACCORDING TO TIMES FOREIGN EDITOR STEPHEN
TOLSON, THE STRICTEST CENSORSHIP DURING THE WAR WAS IMPOSED BY THE
EGYPTIANS. THE PRACTICALLY NEWSPAPERS FROM REPORTING THAT THE CARRIER
CARRIER, AIR AMERICA HAD BEEN IN A ADVANTAGE STATE OF BOMB THREATENED

5. EVENING STAR 112 JUNES HAD FRONT PAGE PICTURE OF FIRST
TRANSPORT SHIP, A FREIGHTER, PASSING THROUGH THE STRAIT OF TIRAN
SINCE EGYPT CLOSED THE WATERWAY THREE WEEKS AGO.
6. ALL MEDIA CONTINUED WIDE COVERAGE OF THE MIDDLE EAST SITUATION

1140 171111Z JUN 67 ***** NR 220/14, 2VO.....PA.....CAP
1-61 13 22 341 JUNE 67

NOW THAT THE CEASE FIRE IS IN EFFECT, COMMENTATOR ERIC SEVAREID OF CBS-TV EVENING NEWS (12 JUNE) OBSERVED THAT THE PRIME MINISTER OF VICTORIOUS ISRAEL HAS NOW PUT WHAT HE CALLS THE INTERNATIONAL COMMUNITY ON NOTICE THAT ISRAEL AND NOBODY ELSE WILL DECIDE WHAT ISRAEL'S FUTURE BOUNDARIES ARE TO BE.

IN ALL NEWS MAGAZINES THIS WEEK ATTRIBUTED ISRAEL'S SMASHING VICTORY TO HER PREDAWN AIR STRIKES WHICH ERASSED AN EXPENSIVE DECIDE OF RUSSIAN MILITARY AID OF THE ARAB WORLD. ACCORDING TO TIME MAGAZINE, HISTORIANS MAY ARGUE FOR YEARS WHO FIRED THE FIRST SHOT... BUT THE FACT THAT SO MANY ARAB PLANES WERE TRAPPED IN THEIR PARKING AREA SUGGESTED THAT ISRAEL MUCH HAVE STRUCK THE FIRST BLOW. THIS WEEK ARTICLE SAID THAT IT CAME AS NO SURPRISE THAT ISRAEL MET NO OPPOSITION TO THEIR ATTACKS... BECAUSE SEVERAL TIMES IN THE PAST 40 HOURS EGYPTIAN RADAR PICKED UP HIGH FLYING ISRAELI SPY PLANES. BUT THE EGYPTIANS MARILY NOT THEIR SOVIET-MADE JETS AND DIED IN LESS THAN 24 PLATES. US NEWS AND WORLD REPORT DESCRIBED THE ATTACK AS ISRAEL'S MOST OUTSTANDING AIR BATTLE SINCE WHICH ISRAEL WAS 400-500 CERTAIN VICTORY.

PAGE TWO OF TWO

13 22 342 JUNE 67

| | | | |
|---|------------|----------------|------|
| NAVAL MESSAGE | | CONFIDENTIAL | |
| DRAFTED FROM INDEX AND S. L. INFORMATION | | RELEASER/TYPE | |
| NAME OF CITY | UR/11/1969 | DATE | 1000 |
| NAME | 1-D-7731 | TIME | 0000 |
| 15 JUNE 1967 | 70 | ROUTINE | 0000 |
| ROUTINE NUMBER | | ROUTINE NUMBER | |
| d43 | | 1242 358 | |

FROM: CONFIDENTIAL

TO: CONFIDENTIAL

INFO:

CONFIDENTIAL

- A. CONFIDENTIAL 1242358
- B. CONFIDENTIAL 145010

C. AS AN URGENT REQUEST TO MR. A, RECOMMENDATION IS MADE THAT AN EARLY RELEASE DATE BE MADE IF MAJOR REVALUATION HAS OCCURRED OR CODES ARE FORCED IN THE SENSE OF PARA 101 OF B. IN ORDER TO ESTABLISH ELIGIBILITY OF RELEASE PER PARAGRAPH D. IF LIBERTY FRANCHISE ELIGIBLE, WHETHER IT IS IN THE BEST INTEREST OF ALONE THAT ANSWERS BE MADE AS SOON AS POSSIBLE. THIS WOULD SECURE A POSITIVE ASSURANCE TO A VALUABLE CROP OF MR. THAT HE IS FULLY APPRECIATED BY THE NAVY AND THE NATION. AN EARLY RELEASE DATE WOULD ALSO AVOID MAINTENANCE OF THIS ESTATE AGAINST THE PAID AT A LATER DATE.

GP-4

REFORCED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
AND THE NAVY

*346
CNR
1764
13*

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James M. Barnes, Jr. Research Papers

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6 11-618
FM CTF ONE ZERO ZERO
TO CINCUS NAVFOR
INFO AFM'S MALTA
CONFIDENTIAL
CONTINUED
USCINCPAC
USCINCPAC
CINCPACFLT
CNO
USS LIBERTY
COMDEON TICLIVE
COMERANT
COMDEON EIGHT
ADM (PA)
A2XX

BT
NATO CONFIDENTIAL USS LIBERTY IN DOCKING MALTAS
a. CINCUSNAVFOR INFO TICLIVE
b. CINCUSNAVFOR INFO TICLIVE
c. If USA TO AND CNO DESIGNATIONS, SEE THE REF B1
d. 1. IF USA TO AND CNO DESIGNATIONS, SEE THE REF B1
e. 1. 127.1 PERSONNEL, P.V. BROOKS, W.H. USN
f. 127.2 PL PLIC AFFAIRS, CAPTAIN F.L. ARTHUR, USN
g. 127.3 PL PLIC AFFAIRS, CAPTAIN F.L. CASTILLO, USN
h. 127.4 TECHNICAL, CAPTAIN W.M. SMITH, USN
i. 127.5 ENGINE, LCDR E.J. MCGILLIVRAY, Jr., USN
j. 127.6 COMMUNICATIONS, CAPTAIN H.G. LEAHY, COMDEON TICLIVE
k. 127.7 USS LIBERTY, COMMANDER KLEINERLE, USN
l. 127.8 ADMINISTRATION/COORDINATION, CAPTAIN F.L. HOWE USN
m. 127.9 DUTIES ONE.
n. CONFIRMED WITH TICLIVE, AND ADVISED OFFICIALS AT MALTA THAT
TO SECURE THIS PORT HAS COMPLETED PLANS FOR DOCKING OPERATIONS TO
CONFIRM ON ARRIVAL LIBERTY ABOUT 0800 LOCAL TIME. ESTIMATE
SEA WOLTS TO COMPLETE DOCKING AND INSPECTIONS.
o. TWO PLANS TO MEET LOCAL AND OUT OF TOWN NEWSPAPER THIS MORNING
TO ADVISORY OF SHIPS APPROXIMATE TIME, DOCKING PLANS, AND
DOCKING PORT RULES.
p. NEXT SHIP ARRIVE TUESDAY
q. TICLIVE ONLY

128 ACT.....
TON 13/1234Z

NR 457/18

CVO...PLA

DTB 1 3 8 9 3 42 JUN 47

DOWNGRADED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DCO DUE APRIL

CONFIDENTIAL

REF ID: C9HFO 142422 Z

8 142142Z JUN 47.
FM CINCPD
TO RUEKRE/USN AMERICA
INFO RUE PRC/CONSEIL HOLT
RUEKRE/C INCHANGEUR
RUEKRE/CY SIX ZERO
RUEPAULS LIBERTY

RE

CONFIDENTIAL
PUBLIC AFFAIRS INTERVIEW OF LIBERTY CREWMAN SUB
AC USN AMERICA LIBERATE JUN 47
REQUEST BY FASH OF FILMS COPY OF TAPE OF SUBJECT

INTERVIEW AND ANY OTHER I"

REVIEWS ON THE USS LIBERTY
INCIDENT.

OP-4
SRN

FLAG ACT

TOR 14 12 192 JUN 47

NR 216/14

EXCERPTS

BONDED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
202 DIA ARQHS

14 21 42Z JUN 47

PNSITE
P 141750Z JUN 67
FM CINCUSARV...EUR
TO RENANACRO
REINHOLD
INFO RAPPROV DIRECHLT
RIFPAW/HIREDEA
RUDJFA/4PERS
WT

CONFIDENTIAL

QUALITY OF US LIBERTY CASUALTIES FOR PIRATE
WANTS AND OTHER AWARDS (CD)

A. SIGHTS SPOTTY ENCLAS

B. SECURITY PLSN 10

In FAR EAST A STATES CODE ALL CASUALTIES ARE
LIBERTY KILLED AS DEAD WERE KILLED IN ACTION
REF ID: 10. THE DIRECTOR, ALTHOUGH RECOMMENDED AS
NOT INDIVIDUAL, THAT ALSO AS TO WHETHER
OFFICER AUTOMOBILES ARE TO BE CONSIDERED STATE
OFFICER'S OWN VEHICLES EXCEPT FOR PURPOSES OF
REF ID: 11. THE PAIR OF REF 9 GOVERNMENT ELIGIBILITY
LIBERTY APPROVAL FOR AWARD OF PIRATE AWARDS
A. EVER INDIVIDUALS OF TERRIBLE FORCE AND THE
PIRATES FIGHT THE ERROR INTERNAL TO THEM IN
EVIDENT CLEAR THAT, SO FAR AS LIBERTY WAS CON-
CERNED, THE WAS INVOLVED IN ACTION WITH OPPONENT
ARMED FORCE OF A FOREIGN COUNTRY AND UNQUOTE
FIGHTS LIEUT. AT DEBITION, KOTIA LIBERTY'S
CASUALTIES WERE THEREFORE KILLED.

CD IS AN ACTION WITH AN OPPONENT ARMED FORCE OF A
FOREIGN COUNTRY IN WHICH THE ARMED FORCES OF THE
UNITED STATES WERE ENCL ID: 12 (PAR 231-IPR07), REF 13
OR

L'D 14. IF RESULT OF ACT OF ANY SUCH OPPONENT
ARMED FORCE (PAR 231-IPR04), REF 11 OR

CD IS THE RECOGNITION AS ACT OF ANY HOSTILE FOREIGN
FORCE (PAR 231-IPR05), REF 13.

3. SINCE NAME OF PIRATE WANT IS MADE BY CD OR
CD UNDER AUTHORITY EXERCISED BY DIRECTOR, REQUEST
CONCLUSIONS OF PAR 2 ABOVE BE CONFIRMED TO PERMIT
EARLIEST POSSIBLE INITIATION OF RECOMMENDATIONS FOR
AWARD OF APPROPRIATE CASES.

4. SIGHTS THAT FAILURE TO AWARD PIRATE WANTS
COULD LATER LEAD TO CROWN TO PRESS AND COLD
COULD INVOLVE PUBLIC DISCUSSION OF PROCEDURES
WHICH COULD BE INTERPRETED AS DISCRIMINATING AND ONLY
KILL THE DEAD AND WOUNDED BUT AGAINST CASES OF
DISPUTED PERSON IN ACTION WHICH ARE ONLY NOW
BEGINNING TO RECOGNIZE, OUCH,

OP-4

WT

FLAG ACT.....13.....

DOWNGRADED AT 3 YEAR INTERVAL
DECLASSIFIED AFTER 10 YEARS
DOD DIR 5200.2

TOKI 213700Z JUN 67

IRI 1670/14

CNO 1670/14

LC

REF ID: A65122
PP AUTREC
DE RUEBLIO 1099 BEIJING
ZNY CCCCCC
P 141000Z JUN 67
FM CINCPAC/CONSTRINFLT
TO RUEBPA/CONSTRINFLT
SUBJ
C O N F I D E N T I A L
VOICE RADIO LOG
A. YOUR 141000Z JUN 67
B. FOLLOWING IS EXTRACT OF PORTION INTO FROM CIRCUIT CENTER FOR
DAYS 8 AND 9 JUNE. COMPLETE LOGS FORWARDED VIA AIR MAIL.
8 JUNE
1032 SILENT (400) THIS IS CACTUS PETE (CP)
FOLLOWING RECEIVED FROM SOUTHERN (SC) 100 GUN
ROCK STAR 1000 WE ARE NOT RECEIVED
STARBOARD SIDE LISTEN. MY REQUEST
ASSISTANCE IMMEDIATELY X
ROR AR
RS CLO YOUR 081340Z
ROR AR
CP DE CP
CP DE CP
1411 CP DE FA FADE EFFI
I PASS FROM ME CHARGER (FC) TO RS INT
ATTACKING POSITION X
ROR 1000 AM (CP) PASSED FOLLOWING TO RS
I PASS FROM FC IN POSITION X
PASS FA CLO LINDAY RED ASSISTANCE
TORPEDO NET STARBOARD MIDSHIP REUNION BAMP
WE NOT TOO APPROX A DEAD 3 SEASIDE
WOUNDED SR WOUNDED UNDER FATHOMETER AND
NO OPERATIVE REQUIRE OF MEDICAL AID
COEXIST OF SEA AND AIR RESCUE POSITION
TIME APPROX 0135.3M SINCE ST ALSO AUTH
CHARLIE DUE TO EMERG DESTRUCTION X
ROR AR
ASSISTANCE IS ON THE WAY X
ROR AR
RS ADVISED ASSISTANCE HAS ARRIVED X
ROR AR
INT FORM OF ASSISTANCE ARRIVED TO RS X
I PASS FROM SR ESCORTED FA FROM RS
ASSISTANCE HAS NOT ARRIVED X
ROR AR
I PASS FROM RS THERE ARE UNIDENTIFIED
AIRCRAFT APPROACHING RS X
ROR AR
UNDERSTAND ESCORT ASSIST DAMAGE AND IF
DECLASSIFIED AT 3 YEAR INTERVIA
DECLASSIFIED AFTER 12 YEARS
DOD DIR 3300.8
FLAG ACT...
FOR 1035Z/14
PAGE ONE OF FOUR

CHIEF OF STAFF

NR 441/1A CVO.....//SER

141000Z JUN 67

POSSIBLE CONTINUE COURSE 340 MAX SPEED
UNTIL 100 MILES FROM PRESENT POSITION THEN
TURN 270
REQ U PASS TO FC INT SPEED OF ESCORTS TO RS E
RGR AR
1547 08 DE 09
RS DE CP
1557 08 DE NAVY 141821
A 0821 DE 09
1600 09 DE CP
1613 09 DE CP
1615 09 DE CP
17 DE 09
-424 17 DE 09
17 DE 09
.634 17 DE CP
1645 17 DE 09
17 DE 09
1755 09 5117 171000Z TO CP
1755 09 5117 171000Z TO CP
41 091117Z 1700Z WHO WAS UNABLE TO COPY DUE TO THIS BARELY
RECD. RE OF 171000Z HE WOULD RELAY 1700Z VIA OTHER MEANS
1816 09 DE FC
FC 09 RS
09 DE FC
09 DE FC
1920 09 171000Z 171000Z - WE ARE 300 MARS WE HAVE NO FACILITIES
AVAIL FOR POSSES E
FOR AR
1710 09 171000Z VIA ANOTHER MEANS
TO 09 171000Z
IN PROCESS OF BEINGD NOW E
FOR AR
1710 09 171000Z (MURKIL) WHO PASS FROM FG
THAT RS BELIEVES THAT HE CAN QSY FREQS BUT
IF GSD NOT ESTABLISHED HE WILL RETURN TO
THIS FREQ E
RS PASS TO DR IN THE RS KNOWN FREQ FOR 48 E
220 AR

142 TWO STORIES

PAGE 14 OF 1708

• 100 •

CHIEF OF STAFF

SEARCHED
INFORM ME IF NO GTO R.
FOR AN
I HAVE GTO BUT ZOU RS ALSO GTO HAS ZOU
WITH RS E
FOR UNDERSTAND IS GTO IN COMPANY WITH RS E
ZOU WILL CHECK UP
GTO ADVISED THAT HE HAS VISUR. CONTACT WITH
RS E
FOR HAVE ZOU PASS TOSR TO GTO THIS WED. &
LISTEN FOR HIM IF HE IN ZOU TEL TO 1100 AM
HE G ADVISE OF VISUR MEANS THRU GTO
WE ARE NOT ABLE TO ANSWER UP THIS CAT AN
I PASS FM GTO RS IS PRESENT F 1000 PM HIS
MTR ON QIAA BIF WITH DR E
ROM FIND OUT VIET GTO CAT THE 1100
SUMMER U CK 4 EX CHARLIE OFF C FOR
THAT CAT E
NOB RER TO END. WHAT TIME CALL THIS NET E
I PASS FM GTO 5 ZU TELC 1100 25MIND
400 AND GTO 400. HEZ EXP
S OF VOICE RAD 1000 124.21 CONCERNING

THE PINE-APPLE

141323 0000 47

EN BR 1969
D 19 19 19 JUNE 67
EN 205 AMERICA
TO CONFIRMED
BASE OPS ATHENS
INFO COMINTFLT
CINCUSKAVER
CTO SIX ZERO
HALOCURRER NAPLES
NAVSUPACT NAPLES
USS LIVETTY
CTO ONE ZERO ZERO PT THREE
CTO SIX SEVEN PT TWO
BT

C O M P T E R - T A L

LIBERTY WORKED FOR

A. CONSULTFLT 150335 JUNE 67

B. CINCUSKAVER 191332 JUNE 67

C. RLF'S APPROV. 1 PROPOSAL CONTAINED REF A FOR INCONTINENT AIRLIFT
LIBERTY LEAVING FROM AMERICA.

D. IN INTEREST OF REDUCING FLYING TIME IN C130 AIRCRAFT
SUGGEST C21 LIFT OF LIBERTY PERSONNEL TO SODA DAY VICE ATHENS
FOR FURTHER TRAVEL TO NAVSUPACTNAPLES AND NAPLES VIA HALO FLIGHT.
POSITIONING TO PREVENT HALO FLIGHTS IN SODA DAY WOULD BE
REQUIRED.

E. C205 CAN CONDUCT SHUTTLE AMERICA TO SODA DAY AT 1100Z BY
LINE FOR FIRST INCREMENT OF 24 PERSONNEL. INTEND USE MA C205 VR-24
ATKES AND 10TH FLG. CLEVER C21 LIFT.

F. RLF'S APPROV. 2 PROPOSED TO USE C130-24 COT ATHENS. INCREMENTAL
LIFTS ARE ORGANIZED AT 1400Z JUNE 67 BASED. FIRST LIFT WILL REQUIRE
140 CAS RIDING WITH LITTER STRETCHERS.

SP-4

BT

DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
200 DUE 2004

100 ACT.../3

TOR 15/1642Z

XX 311/19

CVO.67.../3

000 1 3 1 5 * 16 JUNE 67

CONFIDENTIAL

2R MR 19885
0 191530Z JUNE 67
FM MACCOURT NAPLES
TO COMINTFLT
INFO CONFIRMED
TASOPS ATHENS
USS AMERICA
GTO ONE ZERO ZERO PT THREE
GTO SIX SEVEN PT TWO
BT

CONFIDENTIAL
BATTLES ATHENS MUST TO SCHAV VR-94 RET ATHENS
LIBERTY WOUNDED PAK
A. YOUR 191530Z JUNE 67 (NOTAL PASER)
1. CAN FM AFOL C-13 ACFT SOIOMA RAT OR ATHENS IS SUITABLE FOR LIFT PARA
FIVE (5) AND NO SUCCESS SOIOMA RAT IN ORDER TO MAKE MAXIMUM USE
CSD SHUTTLE /NEUCHA/SUJOMA RAT, REG ADVISE.
B. ADDITIONALLY REG THAT SCHAV VR-94 RET ATHENS BE INCLUDED AS ADDEE
FOR PLANNING CSD SHUTTLE.
C.....
RE

RECLASSIFIED AND DECLASSIFIED
EXPIRATION DATE 12 YEARS
REGARDING SOURCE

FLAG ACT.....

TIN 19-17 15 JUNE 67

SR 3P 1/13

CVO.....*cc*.....1-8

19-15 212 JUNE 67

CONFIDENTIAL

~~CONFIDENTIAL~~

PHILADELPHIA 47
FM USAID TEL 4414
TO WHITE HOUSE
ODD
CIO
DEPT STATE
OMSINTHFLY
CINCPAC
CINCPAC-AIR
JCS
INFO DIR

USIA
CINCINNATI/HENDERSON
CIO SIX ZERO FT 140
NSA/NSC
CINCPAC-AIR
CIO SIX ZERO
PT

GO 4 F 1 D E K T I A L PR92 JUNE 67.
REF DAQ TEL 4414 PHM 1414 JUNE 67. SUBJECT LIBERTY INCIDENT.
1. COMMANDER IN CHIEF OF NAVY, COMMODORE ENNELL, ADVISED ON BEHALF OF NAVY, ASKED
CIA TO CALL UPON HIM EARLY EVENING 14 JUN. COMMODORE
PIE HEW D. WALTERS AND EXPRESSIONS OF REGRET IN REGARD LIBERTY
INCIDENT TO THE U. S. NAVY ON BEHALF OF ISRAELI NAVY AND SAID HE
WIS PREPARED LETTER TO CIO URG. HE SAID INCIDENT WAS GREAT
MISTAKE THAT OF NAVY PERSONNEL INVOLVED IN IT QUOTE TERRIBLE
INCIDENT AND THIS THE INCIDENT IS FACT ISROLEI ALL FEELING OF
VICTORY FOR IDT NAVY IN RECENT HOSTILITIES.
2. ENNELL STATED HE DID NOT WANT TO CONCERN OR ELEMENTS OF
INCIDENT WITH THE ISRAELI GOVT BY ENQUIRY AND REAGGED FINNISH.
HEA ASKED IF THESE FINDINGS WOULD BE TRANSMITTED TO THE UNITED
STATES THE CONFIDENCE SHOULD BE PRESERVED INHOLD PT.
3. AS IN EVERY CASE WHEN ISRAELI OFFICERS DISCUSS THE INCIDENT
COMMODORE ENNELL EXPRESSED ON HOW CLOSE LIBERTY WAS TO SHORE LINE.
4. COMMODORE ENNELL STATED LIBERTY WAS IN INTERNATIONAL WATERS.
5. HEED FOR AND AGAINST PIATING THEM ALONE WHICH MIGHT BE PART
OF EXPLANATION WHY THERE WAS SO LONG A DELAY BETWEEN EVENT AND
FIRST OFFICIAL IDT NAVY PRESENTATION OF ANALOGIES.
6. THE IDT AMBASSADOR HAS BEEN INFORMED OF OTHER CHANNELS
THAT ISRAEL GOVT OF ENQUIRY WILL SOONLY COMPLETE ITS ACTIONS
ON 16 JUN.
7. COORDINATED WITH ENNELL.

DD/NF
Declassified at 20 years
Information not
automatically declassified

R&R ACT 3**

FOR 13/1329Z JUNE 67

NR 435/13

CIO, *M. SSV*

DTG 131130Z JUNE 67

DECLASSIFIED CONFIDENTIAL

W_ PPR0389 8/17/2012 184236 CMC301

107

STATISTICAL ANALYSIS REPORT 19 JUNE 1967

- 1. ALL FEARS COULDED BY STERIOAT'S ARRIVAL OF LIBERTY IN THE PORT OF
VENEZUELA. "A. A. NEW YORK POST STORY INCLUDED PICTURE OF THE SHIP
WITH THE CAPTAIN POINTING OUT THE HOLES ON SIDE; WITH ANOTHER
PICTURE SHOWING LIBERTY'S CO ON THE BRIDGE. ANOTHER ARTICLE IN
CHICAGO TRIBUNE AND A TEL REPORT ON CBS-TV EVENING NEWS SAID THAT
- DUTY LIBERTY WARFARE WERE BEING IMPOSED UNTIL AN INVESTIGATION
OF THE INCIDENT HAD BEEN CONDUCTED.

2. CONSIDERABLE MEDIA COVERAGE CONTINUES ON AFTERMATH OF THE JAPANESE
EAST WAR. THIS SOVIET FRONT PAGE ARTICLE SAYS UN SECURITY COUNCIL
TAKED DOWN A RUSSIAN RESOLUTION ACCORDING TO ISRAEL FOR AUSTERITION AND
DEMANDS IMMEDIATE WITHDRAWAL OF ITS FORCES TO THE POSITION HELD ON
4 JUNE.

3. VICTIM OF JAPANESE EAST WAR (IN JUNE) SAYS THAT THE JAP EAST WAR
ALREADY COSTS THE FIELD TO THE NUCLEAR FLEET...AND WHILE THE RED EAST
O IS ALSO ENDING WITH A CRISIS THERE WILL BE NO SUCH CONCLUSION TO THE
BATTLE TO GET A NUCLEAR NAVY. ARTICLE GOES ON TO SAY THAT THE JAP EAST
STATION HAS BEEN PUT UNDER THE PRESSURE ON THE SECRETARY OF DEFENSE TO
JEANSON HIS STATION'S RESISTANCE TO CONGRESS ON THIS MATTER.

4. NEW YORK TIMES ARTICLE REPORTS THAT THE LEVEL OF FUTURE SOVIET
MILITARY RESISTANCE TO THE ARABS IS NOT CLEAR FOLLOWING A MEETING
BETWEEN SPECIALISTS OF BOTH NATIONS. PHILADELPHIA INQUIRER REPORTS THAT
THE NOVEMBER ARAB SUMMIT WAS NO HURRY TO REPLACE WEAPONS ARAB FORCES WERE UNABLE
TO MAKE.

5. CBS-TV EVENING NEWS HAD FILMED INTERVIEW FROM LONDON WITH CAPTAIN
CASTROL CONCERNING LIBERTY INCIDENT. INTERVIEW DEALT MAINLY WITH
DAMAGES TO THE SHIP.

ANSWER

問題

3 432/11

www.ijesd.org

12 18 04 2017 47

SAC 4974 GAC6974C VEN
RE RUEKRC #9151; 1602645
DNY 0000
S 192645Z JUN 67
M. U.S. LIBERTY
TO CINCINNATI
INFO CONFIDENTIAL
CONFIDENTIAL TWELVE
IF
CONFIDENTIAL
U.S. LIBERTY AWARDS (US)

MR 121450Z JUNE 67
IN AN AIR RUSH LIBERTY SUBJECT TO ARMED ATTACK IN HOSTILE ENVIRONMENT
LET APPROPRIATE QUOTE EXTRACT INDICATE DESTINATE WHO REQUEST ADVISE OF
APPROPRIATE TO RECOMMEND COMBAT AVIATOR.
IF A PERTAINING,
C-4
X

Revised
PUBLISHED AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS
EOD pub 2002

PLANO TEXAS
TICKET NUMBER 472-16 CIVILIAN//ROAD//1514C
13 22 432 JUN 67

CONFIDENTIAL

CONFIDENTIAL AGAIN

| | | | | | |
|---------------------------|--------------------------------|---------------------|-----------|--------------------|-------------|
| MAILED DOCUMENT | | CLASSIFICATION | | REF ID: A618 | |
| MAILING PERIOD: 1967-1968 | | CONFIDENTIAL | | SERIAL NO. 618 | |
| SAC [Signature] | | MAILER: [Signature] | | DATE: 14 JUNE 1967 | |
| 14 JUNE 1967 | THRU: 151 st ARD AB | 14 JUNE 1967 | 15 JUN 35 | 14 JUNE 1967 | 15 JUN 35 |
| MAILING ADDRESS | | RECEIVING ADDRESS | | TYPE | NAME |
| [Signature] | | [Signature] | | REGULAR | [Signature] |
| 023 | | 15 JUN 35 | | EXCISE | [Signature] |
| | | | | SHIP | [Signature] |

FROM: DIRECTORATE

TO: CONCURRENCE

INFO: US AND COALITION FORces RELEASE OF POWADS
LIBERTY / CTO 141.3 / CTG 67.3
CONFIDENTIAL

- P.R.C. TWO*
1. COLLECT NEEDED HOW AIRCRAFT AND HELICOPTERS ARE SUFFICIENTLY MANEUVRABLE TO BE
TRANSPORTED TO FACILITIES ASSEMBLED. ARRANGEMENTS MUST ENCOMPASS TO FREE BCD
SPACE IN AIRCRAFT'S BACK SEAT FOR TRANSPORT.
 2. IN VIEW REQUIREMENT THAT SERVICES NOT BE DISCOVERED BY PRESS UNTIL
CONCLUSION OF DIALEGE, CONCLUDING STATEMENT HOSPITAL SHIP MADE SUPPORT
OF RSA AND COALITION FORCES IS AVAILABLE TO HANDLE AMERICAN AND FOREIGN MEDIA
REPORTERS AND MEMBERS OF THE PUBLIC CAN BE MADE AVAILABLE TO COUNT WITH RELATING INFORMATION
BE BEST QUALIFIED PERSON.

- P.R.C. CONFIDENTIAL*
3. EQUIVALENT WILL RECEIVE SWEEPING FROM PLANE PRO PACIFIC TO THREE APPROXIMATELY
 4. SUBMIT YOUR CONCURRENCE ARRANGEMENTS FOR
TRANSFER AS OUTLINED BELOW.

DECLASSIFIED AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 10 YEARS
2000 SIGNS APPROVED

DISTRIBUTION

DATE 497
JUL 15 1967
TOD 61528

46

5. FOR CONFIRMATION/ADVICE IF CLEARED FOR TRANSFER, DISPOSITION
OF PATIENTS IN FOLLOWING INCIDENTS REPORTED:

A. FIRST INCIDENT

- (1) FIFTEEN PAT FOR FURTHER HOSPITALIZATION AS ~~ONE~~ FOUR PATENTS,
FOUR ON COTTONS AND SIX IN AIRPLANE. REQUIRES ONE MEDICAL ATTENDANT AND
PRESCRIBED CARE OR LESS THAN 5,000 FT ^{TO 10,000 FT} ALTITUDE FOR T-2, LITTLE PATIENTS.

(2) AIR RETURN TO DATE.

B. SECOND INCIDENT:

- (1) T-2 PATIENTS FOR FURTHER HOSPITALIZATION, ONE PATENT, ONE AIRPLANE.
(2) FOUR RETURN TO DATE. 6/11/7

C. THIRD INCIDENT

- (1) SIX PATIENTS FOR FURTHER HOSPITALIZATION AS T-2 LITTLE, TWO ON COTTONS,
TWO AIRPLANE. REQUIRES ONE MEDICAL ATTENDANT AND PRESCRIBED CARE OR LESS
THAN 5,000 FT ALTITUDE FOR LITTLE PATIENTS.

(2) SIX RETURN TO DATE.

4. REPORT FIRST INCIDENT (ALONE) ON 16 JULY, SECOND INCIDENT 17 JULY,
THIRD INCIDENT 18 JULY.

5. ~~RECOMMENDED~~ PUBLISHED ALONE AS PATIENTS ARE TRANSFERRED.

6. FOR CONFIRMATION ARRANGE TRANSPORTATION EARLY TO ALTA MEDICAL FOR
PATIENTS BEING RETURNED TO DUTY.

7. DELAY NOT EXCEED ONE DAY FOR FLIGHT ARRANGEMENTS.

8. ~~RECOMMENDED~~

13

IN 00 0000
0 1300Z JUNE 67
FM CIB ONE ZERO ZERO
TO CINCUSRAVEUR
INFO ZONE MULTA
CONFIDENTIAL
CONSERVFORGNSWHLT
INCLNSR
CONFIRMED
CNO
ADM (PA)
CINCPACFLT
CONSERVANT
CONSERVFOR EIGHT
LSS LIBERTY
BT

CONFIDENTIAL
DECLASSIFIED

BAT 000 CONFIDENTIAL.

L. SHIP ENTERED DRYDOCK AT 1400Z. AT 1530 CARVAN PLATE IN PLACE AND COMMENCED PUMPING OUT. DRYDOCK DRY AT 1915. SEVERAL DELAYS, BUT NO MAJOR DIFFICULTIES WERE ENCOUNTERED. MODERATE AMOUNT OF RAFTING MATERIAL, SOME OF WHICH WAS CLASSIFIED, WAS RECOVERED IN DOCK BY US NAVY ENGINEERS AND RAFT WATCH.

D. TORPEDO DAMAGE AS FOLLOWS:
A. LADDER DAMAGE AS FOLLOWING:
B. LADDER DAMAGE AS FOLLOWING:
C. LADDER DAMAGE AS FOLLOWING:
D. LADDER DAMAGE AS FOLLOWING:
E. LADDER DAMAGE AS FOLLOWING:
F. LADDER DAMAGE AS FOLLOWING:
G. LADDER DAMAGE AS FOLLOWING:
H. LADDER DAMAGE AS FOLLOWING:
I. LADDER DAMAGE AS FOLLOWING:
J. LADDER DAMAGE AS FOLLOWING:
K. LADDER DAMAGE AS FOLLOWING:
L. LADDER DAMAGE AS FOLLOWING:
M. LADDER DAMAGE AS FOLLOWING:
N. LADDER DAMAGE AS FOLLOWING:
O. LADDER DAMAGE AS FOLLOWING:
P. LADDER DAMAGE AS FOLLOWING:
Q. LADDER DAMAGE AS FOLLOWING:
R. LADDER DAMAGE AS FOLLOWING:
S. LADDER DAMAGE AS FOLLOWING:
T. LADDER DAMAGE AS FOLLOWING:
U. LADDER DAMAGE AS FOLLOWING:
V. LADDER DAMAGE AS FOLLOWING:
W. LADDER DAMAGE AS FOLLOWING:
X. LADDER DAMAGE AS FOLLOWING:
Y. LADDER DAMAGE AS FOLLOWING:
Z. LADDER DAMAGE AS FOLLOWING:

G. MAJOR DAMAGE TO ALL INTERNAL JOINTED BULKHEADS BELOW SECOND DECK, FRAME 40 TO THE ENTIRE WIDTH OF SHIP.
H. KEEL STRAIGHT AND APPARENTLY NOT DAMAGED.
I. MISSING MEN, SEARCH AND REMOVAL OF BODIES COMMENCED AT 1430Z.
SEARCH EXTREMELY DIFFICULT DUE TO MASSES OF DEBRIS THROUGHOUT FLOODED AREAS. AS OF 2200Z TWELVE BODIES ACCOUNTED FOR AND EXCAVED AND WILL BE

DELIVERED TO NARVIK TONIGHT FOR FINAL IDENTIFICATION AND PREPARATION.
SEARCH CONTINUES FOR REMAINING THIRTEEN BODIES. BEST ESTIMATE FOR
FINAL ACCOUNTING AND AIR SHIPMENT TO NAPLES IS 0600Z 13 JUNE.

J. STABILISATION OF LIBERTY ENTERING PORT. PREPARATIONS FOR
DRYDOCKING, TOPSIDE EXTERNAL DAMAGE, AND COMMANDING OFFICER POING
NOT DAMAGE ON BRIDGE AND IN STATEROOMS HAS BEEN FORWARDED
BY COMINLR. DELIVERY EXPECTED APPROX MIDNIGHT (LOCATED VED) /*****

K. ACT. /*****

DECLASSIFIED AT 3 YEAR INTERVAL,
DECLASSIFIED AFTER 18 YEARS,
100 DOCUMENTS
100 SUBJECTS
100 JEEPS/15. CNO. *lll* /*****

FOR 15 00 0000 JUNE 67

PAGE ONE OF TWO

A-N-PARAPHRASE NOT REQUIRED EXCEPT INUCH TO CATEGORY 3 ENCRYPTION
PHYSICALLY REMOVE ALL INTERNAL REF'S BY 0100Z TONIGHT TO DECLASSIFICATION.

CONFIDENTIAL

B. ONE ROLL 35 MM BLACK AND WHITE CONTAINING ABOVE SIX STILLS OF COMMANDING OFFICER AS ABOVE WAS DELIVERED UNDEVELOPED TO ASSOCIATED PRESS MALTA AT 1400HRS FOR PPOOL TO ALL.

C. ABC AND CVO HAVE SHIFTED OUR EXTERNAL DISTINT PHOTOGRAPHY TO LONDON FOR SATELLITE TRANSMISSION. IF PAD DID SHORT INTERVIEW AT REQUEST OF CVO.

D. PAD PROVIDING EMBASSY FREQUENT PROGRESS REPORTS FOR USE IN ANSWERING LOCAL INQUIRIES. CHIEF QUESTIONS, HOWEVER, ARE: WHEN CAN WE INTERVIEW CAPTAIN; WHEN CAN WE VISIT SHIP; AND HOW MANY BODIES ARE ABOARD? NONE OF WHICH CAN BE ANSWERED AT THIS TIME.

E. INEXISTENCE OF IF IBS HAS NOT ATTRACTED PUBLIC NOTICE. SO NOT RPT BUT INTEND TO MENTION PRESENCE OF HIGH RANKER UNLESS DIRECTLY QUESTIONED.

F. AS WRAP-UP, PRESENTLY INTEND TOMORROW MORNING INVITE NEWSPAPERS INCLUDING PHOTOGRAPHERS, FOR RIDDLY CONTROLLED TOUR TOMORROW AFTERNOON OF TOP SIDE AREAS PLUS ONE OR TWO COMPARTMENTS ON LOWER DECKS, GEAR POINT OF VIEW, FROM WHICH ALL CLASSIFIED EQUIPMENT HAS BEEN REMOVED.

G. AS TO PERMIT PHOTOGRAPHS OF EXTERIOR DAMAGE AND SECTION SHOWING AT THIS TIME, BUT EXTENTIVE ROLE IN HULL WILL BE COVERED BY CANVAS. COMMANDING OFFICER WOULD KEYSLINH AND BE PHOTOGRAPHED, BUT ASIDE FROM THIS TRIBUTE TO CDEV HE WOULD MAKE NO RPT SO COPIES ON JOURNAL AND WOULD NOT RPT NOT ANSWER QUESTIONS REGARDING IT. RECOGNIZE THAT IF NEWSPAPER KNOW CAPTAIN WILL CONTINUE TO BE AVAILABLE FOR SOME TIME, THIS TOUR WILL CLOSE OUR STORY HERE AND OUT OF TOWN NEWSPAPER WILL DEPART.

H. BY WORKING THROUGH THE NIGHT EXCEPT TO CLEAR THE DAMAGED AREA OF ALL REMAINS AND CLASSIFIED EQUIPMENT BY 1500HRS.

I. IN SUMMARY, THE USS LIBERTY FUNCTIONED EFFICIENTLY, COMMANDING OFFICER TO SAMAN, FROM ARRIVAL IN EASTERN MED OPERATING AREA, THROUGHT THE 21A TO 23A SAFELY DAYDOCK TODAY, WITHOUT SUCH REREMARKS THE SHIP MIGHT SOLELY HAVE BEEN LOST IN RELATIVELY SHALLOW WATER.

J. AM 1000HRS NEXT AND 1000HRS SITREP BY 1300HRS. WORDS PLAN DISSOLVE IF IBS AND DEPART ISRAEL IN PSA AIRCRAFT WITH CAPTAIN SMITH, CDR PLATZER, LCDR BOYD, PT LEVESQUE, CVO WICHAMO, LT LEE, AND LT EDMISTER. THE FOLLOWING WILL STAY WITH SHIP FOR PURPOSE INDICATED: CAPT ARTHUR AND SEVERAL OTHERS WHO ARRIVED TODAY, CAPT GABRIEL AND DESIGNERS WHO ARRIVED TODAY, CAPT HAGUE SEVERAL DAYS FOR ADMIN, CAPT GABRIEL ONE TO TWO DAYS TO WIND UP JS, CDR KELLY AND LCDR UNDERHILL FOR SEVERAL DAYS FOR SUPPLY MATTERS, COOPERATION IS UNTIL 29 JUNE FOR COMMUNICATIONS.

K. AFTER IBS, AGREEES ON JS

AM NR 020158
PR 16 2141Z JUN 67

TO CINCUSPAVEUR
COMINCHFOR
DS A&W
DT 61
DT 63
COMINTPLT
CINCLANTFLT
DS A&P
DT 61
INFO CINCPACFLT
HQSIAH "LT
IF

INCLAS

MAXIMALLY HEADLINE REPORT - 16 JUNE 1967

1. SEVERAL PAPERS CONTINUE REPORTS ON LIBERTY INCIDENT. BY PEARSON IN THE WASHINGTON POST SAYS OF THE ATTACK: "EITHER THE AMERICAN CAPTAINDER OF LIBERTY WAS NEGLIGENT OR THE ISRAELI MILITARY GOT HEADSTRUCK AND ATTACKED THE SHIP BECAUSE OF ITS FLAG." OR BOTH. THE COUPLE ADVANCES ANOTHER THEORY THAT LIBERTY, WITH A NAVY CREW, WAS UNDER THE CONTROL OF THE CIA...
AND THE CIA IS RESPONSIBLE FOR FAILING TO NOTICE THE INADEQUACY OF HER POSITION. ST. LOUIS DISPATCH ARTICLE SAYS LIBERTY IS ONE OF MANY INTELLIGENCE GATHERING SHIPS OPERATED BY THE NAVY FOR THE NATIONAL SECURITY AGENCY. BALTIMORE SUN ARTICLE QUOTES NEWS BLACKOUT VEILS ISRAELIS ATTACK WHICH KILLED SIXTY-THREE. SILENCE TO INVESTIGATION OF INCIDENT", WHICH WILL TAKE ABOUT A WEEK.

2. WASHINGTON DAILY NEWS & INDIANAPOLIS STAR SAY RUSSIA IS BUILDING UP ITS SEA FORCES IN THE MID EAST. REPORTS STATE THAT THREE MORE CONVOYS OF HEAVY SHIPS WILL PASS THROUGH THE SARDANELLES THIS WEEK ENROUTE TO THE MEDITERRANEAN.
3. SEVERAL PAPERS HAVE REPORTS THAT THE LISTIAN GOVERNMENT HAS ASKED THE UNITED STATES AND BRITAIN TO LIQUIDATE THEIR BASES IN LIBYA AND WITHDRAW THEIR FORCES AT THE EARLIEST POSSIBLE CONVENIENCE.

4. ALL MEDIA GIVING MAXIMALLY HEADLINE TREATMENT TO ANNOUNCEMENT THAT SOVIET PREMIER BREZHNEV IS TO VISIT THE UNITED STATES TO "PRESENT THE SOVIETS AT THE UNIN CONNECTION WITH PREDATOR DEBATES". ALL REPORTS SAY BREZHNEV IS STOPPING IN PARIS TO CONFIRM WITH DE GAULLE AND DE GAULLE PROPOSE A SUMMIT MEETING.

5. DUE TO LACK OF NEWS IT'S CONCERNING SIXTHFLT, THIS REPORT IS BEING DISCONTINUED. IN THE FUTURE, SIMILAR REPORTS WILL BE EXPUNGED WHENEVER SIXTHFLT UNITS RECEIVE MAJOR INTERNATIONAL NEWS VALUE.

13
TAB ACT.....

FOR RDRG/ST

NR 339/17

CNO.....//BEN

16 PR 412 JUN 67

W 10998
ROUTING
RE FIDDLER 181458Z
CAT 0000
R 171458Z JUN 47
FM CINCUSRAVEUR
TO USC LIBERTY
INFO CONSIDENTIAL
CONDECOR TWELVE
W

CONFIDENTIAL
COMBAT AWARDS CIO

A. USC LIBERTY 181458Z JUN 47
B. SECTION OF COMBINATION OF USS LIBERTY CASUALTIES
C. PICTURE REPORT AND OTHER AWARDS HAS BEEN POSED
TO HIGHER AUTHORITY. PENDING RESOLUTION OF POLICY
REQUEST YOU SEND PREPARATION RECOMMENDATIONS
FOR COMBAT AWARDS AND WHEN COMPLETE FORWARD TO
CONSIDENTIAL AND ORIGINATOR.

W-4
W

DECLASSIFIED AT 25 YEARS ZONE
DECLASSIFIED AFTER 25 YEARS
000 DIA APPROVAL

RMS APPROVED
100-171458Z JUN 47

MR 333/17

OVO. CIO APPROVED DRB

171458Z JUN 47

AGR JR 12074
P 181100Z JUN 47
FM CINCUS/MAYEUR
TO RUFPAK/USS LIBERTY
INFO RUFPAK/USCINCPAC
RUFPAK
PP RUFPAK
DE RULED 1203 10110
EAT COCCC
P 181100Z JUN 47
FM CINCUS/MAYEUR
TO RUFPAK/USS LIBERTY
INFO RUFPAK/USCINCPAC
RUFPAK/AMEM VELLETTA MALTA
RUFPAK/AMEM PA
RUFPAK/CORSMINTPLT
BT

CONFIDENTIAL

1. ASSOCIATED PRESS STORY FILED 17 JUNE FROM MALTA
BY U.S. NAVY FRONT STATES QUOTE SENIOR CREWMAN OF THE
U.S. NAVY SHIP LIBERTY ARE CONVINCED THAT ISRAEL'S
AIR AND TORPEDO ATTACK ON THEIR SHIP, WHICH COST
34 AMERICAN LIVES, WAS DELIBERATE. A RESPONSIBLE
SOURCE SAID FRIDAY IN VALLETTA, THEY HAVE TESTIFIED
TO THIS EFFECT TO THE NAVY INQUIRY COURT NOW IN
HEAVY SESSION ABOARD THE SHIP. THEIR BELIEF WAS
LARGELY ON THE FACE THAT THE ISRAELIS HAD LOOKING
TIME TO IDENTIFY THE SHIP AND ON THE INTENSI
THE ATTACK. UNQUOTE.

DOWNGRADING AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS
DDG DUE 020637

PAGE 2 RULED 1203 CONFIDENTIAL
2. STORY LATER STATES QUOTE OFFICIALLY, LIBERTY'S
TASK WAS TO MAINTAIN COMMUNICATION WITH AMERICAN
CITIZENS IN THE WAR-TORN MEDITERRANEAN. THEY WERE
PLANNING AN EVACUATION OF AMERICAN CITIZENS FROM
THEIR AREAS. BUT ALL MILITARY MEN IN THIS FORTRESS
ISLAND LONG VERSED IN THE WAY OF WAR TAKE IT FOR
GRANTED THAT THE LIBERTY WAS ALSO UNDER ORDERS TO
INTERCEPT AND EVALUATE RADIO COMMUNICATIONS OF
FIGHTING ISRAELI AND ARAB FORCES. FOR FOUR HOURS
BEFORE THE ATTACK THE SHIP HAD BEEN UNDER CONSTANT
SURVEILLANCE FROM ISRAELI PLANES CIRCLING OVERHEAD. AN
ISRAELI QUOTE WE WERE FLYING OLD GLORY AND IT'S
ABSOLUTELY IMPOSSIBLE THAT THEY SHOULDN'T KNOW WHO
WE WERE, END QUOTE. ONE SURVIVOR SAID QUOTE.
3. WHILE SOME OTHER MATERIAL IN STORY WAS RELEASED
BY OFFICIAL SPKERS, THE ABOVE QUOTES APPEAR TO
BE BASED EITHER ON AUTHORIZED INTERVIEWS OR THE
REPORTER'S CONJECTURE. SINCE HE EXPRESSED A STRONG
BELIEF THAT THE ATTACK COULD NOT HAVE BEEN ACCIDENTAL
TO THE IF 134 PM BEFORE LIBERTY ARRIVED AT MALTA.

PAGE 3 RULED 1203 CONFIDENTIAL
THE LATTER POSSIBILITY IS NOT UNLIKELY. AT THE SAME
TIME, THERE IS REASON TO BELIEVE HE ATTEMPTED TO
CONVERSE ON THIS SUBJECT WITH LIBERTY CREWMEN
ABOUT. BECAUSE OTHER REPORTERS MAY ATTEMPT TO
FOLLOW UP, YOU MAY FEEL IT APPROPRIATE TO REPEAT
PREVIOUS ADVICE TO YOUR FINE CREW TO REFRAIN
FROM SPEAKING ABOUT MATTERS UNDER INVESTIGATION
UNTIL FINDINGS OF COURT OF INQUIRY HAVE BEEN
ANNOUNCED.

GP-4
BT

do we
have this!

F.A.

(B)

OP NR 13549
P 191410Z JUN 67
FM CINCUSMACV
TO CNO
ORG
INFO CONFIDENTIAL
Urgent
SUBJ
REF

CONFIDENTIAL

ELEGIBILITY OF USS LIBERTY PERSONNEL FOR HOSTILE FIRE ENCLUMENT
FOR HOSTILE FIRE PAY AND INCOME TAX DEDUCT (C)
A. CINCUSMACV 141732Z JUN 1967
B. CNO 174612Z JUN 1967
1. REFS A AND B DISCUSSED DETERMINATION AS TO ELIGIBILITY OF USS
LIBERTY CASUALTIES FOR PURPLE HEART AND OTHER AWARDS. REF B
ADVISED THAT DECISION WOULD BE DELAYED UNTIL AFTER THE COURT OF INQUI-
RY HAS BEEN RECEIVED AND REVIEWED.
2. IN ADDITION TO DETERMINING ELIGIBILITY OF USS LIBERTY CASUALTIES
FOR PURPLE HEART AND OTHER AWARDS, IT IS REQUESTED THAT A DECISION
BE OBTAINED AS TO THE ELIGIBILITY OF USS LIBERTY FOR ENTITLEMENT
TO HOSTILE FIRE PAY AND INCOME TAX DEDUCTION FOR BEING IN HOSTILE
FIRE AREA. A FAVORABLE DETERMINATION WOULD BE FINANCIAL BENEFIT,
A BOOST TO THEIR MORALE AND TANDEM RECOGNITION OF THE HEROIC DEEDS AND
MO SACRIFICES OF THE OFFICERS AND MEN OF THE USS LIBERTY.

OP-4

RE

PLA ACT/.....(3).....

MR 191412/19

MR 5001/19

OR...12...RLB

19 16 107 JUN 67

DECLASSIFIED AT 5 YEAR INTERVALS
DECLASSIFIED AFTER 25 YEARS
COMINT BY SOURCE

Reb 17 phr fr i-sim
1030 3 27 Jun. *Liberty file*

RE CDR COONEY FROM LOOK SIMS
REF CHINFO 281930Z JUN 67
AT 1000 RICO'S REQUEST I CMAED
NO 103 LIBERTY THIS MORNING
AND ADVISED HIM THAT NO
103 LIBERTY SHOULD AVOID
ANY QUESTIONS FROM HULLMAN
UNTIL HE RECEIVED "POTENTIAL"
GUIDANCE FROM SIXTH
AUTHORITY AND UNTIL SIXTH
FLEET PUBLIC AFFAIRS OFFICER
WAS AVAILABLE IN MELBOURNE
TO ASSIST NO 103 LIBERTY. HIS
NOT RECEIVED TEXT NOR SUMMARY
OF 1000 HRS REB.

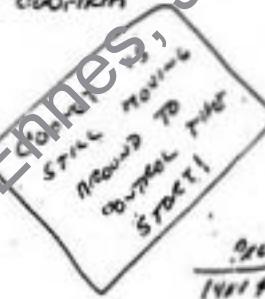
J. R. L. - 1

NOTE: COTTONWOOD ISLAND, CIRCUMSCRIBED / IN THE CANADIAN DISTRICTS.

Atlas 177

• 第4章 电子政务系统设计

2. *Platylestes* GOURVÉ



946 / 116
1488 47 / 10

四庫全書

V-CLASS UPTW

二〇〇三

14 10/11/04 SHOT 17C#M31TECHPAPER
PP HORN P-5
24 HORN / 101 IMPRINTS
251 EELCE
PP SHOT 17C JUN 03
PP SHOT 17C KARLES
PP SHOT 17C GENEVANNE SP
261 SHOT 17C GENEVANNE SP
411 SHOT 17C GENEVANNE SP

RECEIVED
1920 ENLISTED ON USS LIBERTY
LT. MEDICAL OFFICER SAYS 22 JULY
HE RECEIVED REPORT FROM REV. P. LIVINE, CAPTAIN, FOR INVESTIGATION
OF CASE OF LIBERTY AND EAST COAST OCEAN. HIS LIBTY IS TO TEST
P. LIVINE'S REPORTS. INVESTIGATES DATED 21 JUNE IN ACCORD WITH P. LIVINE,
IN EARLY AFTERNOON.
P. LIVINE SAID THAT IF C. L. LI WAS NOT KILLED
HE WOULD BE PARSED. INVESTIGATES TO KEEP HIM ALIVE AS WELL
AS THE VETERINARIAN AND HIS CREW THERE TO P. L. LIVINE.
ADVISED AND ADVISED 2200 LIBERTY OF SITUATION. T. WILL BE
HIS OWN RESPONSIBILITY.
THE AMOUNT OF HIS PAYMENT AND BY SEEDS WHICH HE SOLD
TO DAY IS \$10.00. LIBERTY WENT AHEAD
THIS IS THE SUM BETWEEN P. LIVINE & LIBERTY.

X-100 KILLS
TAC REQUEST
OPEN ITEM
S-100% P. COV.
RELATIVE 100%
NOW COMING
OUT THIS

4.45 AC.....10.....

1909.8.14.1749

38 / 29

25 21 817 334 67

URGENT
P. MESSAGE JUN 67
FM CHINFO
TO RUEDE DAC INCONNUEUR
INFO. RUE PRA/AS/SECUR
RUE/PRA/OS/DT/THLT
RUE/DIA/C/OBSERVANT
RUE/PRA/USSE-LINERTY
RUE/DIA/ANDRIS MALTA
RUE/DIA/CORINE
RUE/PRA/DAS/DPA)

BT

UCLAS

LINERTY INTERVIEW REQUEST

A. CHINFO 1710Z JUN 67

B. SECDEF 22015Z JUN 67

C. RUE A MEDICATED TELEPHONE INTERVIEW IS REQUESTED WITH
LINERTY C.G. AND GREYSON FOR POSITION AND TIME OF 12, 15 NOON, 18,
BOSTON GLARE, FOR A SUBSEQUENT INTERVIEW AT GREYSON DESIRE.
REQUEST AIRLINE CHINFO PROVIDED DATE AND TIME FOR INTERVIEW.

COMMERCIAL TELEPHONE NUMBER TO BE ADVISED, AND AIR PERMENANTES

BT

FLAG NOT.....

TRANSMITTING JUN 67

JN 255/33

NOV...
RE..... SUR

RE: URGENT FROM THE
W. FEDERAL BUREAU OF INVESTIGATION CIVIL DIVISION

PP RUE PMC
OF A DOCUMENTARY IN 1952
BY KEEKE ZORN HEDBERG
PARIS 65 JUN 47
IN CHINFO
TO RUDOLPH C. HEDBERG
RUE PRO/CORRIERI NLT
RUE RUE/47A PARIS
RUE KENNETH H. PLATT
RUE DAWSON L. LINDSTROM
RUE GUY DE LAURENT
RUE ANDREW CONFINE
RE

CLASSIFIED FT 6

RE: RELEASE ON OSS LIBERTY
S. M. It is anticipated that the subject will be departing on a temporary
account of the fact of his being held by the S. C. I. S. T. LIBERTY
will be released to the S. C. I. S. T. LIBERTY
S. M. With this information in mind, any full copy information contained
will be returned to the S. C. I. S. T. LIBERTY and will be released to S. M. That
all concerned will be advised.
S. M. FOR S. C. I. S. T. LIBERTY AND ADVISE DATA ADD AT CONVENTION.

RE: /K.H.

(B)

James M. Ennes, Jr. Research Papers

CONFIDENTIAL

*File
L&G*

RPH8347
 8 000010 JUNE 67
 TO CHIEF
 TO CIRCUMVENTURE
 INFO. OMC
 CONFIDENTIAL
 SECURITY
 REFERENCES
 RPH

CONFIDENTIAL
 C. INTEGRITY OF US LIBERTY PERSONNEL FOR HOSTILE FIRE PAY
 AND INCIDE TAX EXCLUSION (O)
 A. YOUR 191610Z
 B. 191610Z
 C. INTEGRITY ORDER 11216 SUMM COSEAT TAX EXCLUSION
 C. INTEGRITY OF A RECENTLY DETERMINATION ELIGIBILITY US
 LIBERTY PERSONNEL FOR ENTITLEMENT TO HOSTILE FIRE PAY
 AND INCIDE TAX EXCLUSION.
 D. DETERMINATION OF ELIGIBILITY FOR ENTITLEMENT TO
 HOSTILE FIRE PAY WITHIN FINDING COMPLETION AND REVIEW
 OF CODE OF SECURITY FIRE PAYENCE B.
 E. RECENT TO INCIDE TAX EXCLUSION AUTHORIZED, REFERENCE
 C ONLY APPLICABLE TO OCEAN AND WATERS ADJACENT THERETO,
 G-4
 E

DECLASSIFIED AT 5 YEAR INTERVALS
 DECLASSIFIED AFTER 15 YEARS
 END USE 120828

PLAN ACT... *002*

TEN 000010 JUNE 67

HP 323/28

CVO... *00*...08V

DTS 8 128 1 TE JUNE 67

CONFIDENTIAL

PP103389
O 277241Z JUN 67
FM SEC DEF
TO SURFACE-URGENCEUR
MILITARISCHER UNTERHALTER
RUFNR. CONNEX 100 LT
BT
UHCLAS DEF 8998 URGENCEUR ATTN DEPTAL BUREAU OF INVESTIGATION
SID GOLDRING
I HAVE SENT TO YOU BY COMINT A COPY OF YOUR STATEMENT TO BE
RELEASED HERE SUMMARIZING THE COURT OF INQUIRY PROCEEDINGS ON THE
MISS LEBRON. THIS IS FOR YOUR PERSONAL USE ONLY. WHEN THE
MATERIAL IS RELEASED IN WASHINGTON, ALL CONTINUATIVE QUESTIONS WILL
BE ANSWERED HERE. COPY OF THE OFFICIAL REPORT AND THIS WILL BE
PROVIDED TO YOU AS RAPIDLY AS POSSIBLE. AND REPEAT NO SUBSTANTIVE
QUESTION SHOULD BE ANSWERED BY A VOICE OTHER THAN AND THAT
BT



FLAG ACT.....13.....

TOR 0831/25 JUN 67

MSGNR 219/26

JCS.....AL.....RAL

27 22 412 JUN 67

File
Liberate

123/106-2

| | | | |
|---|------------------------|--------------------|------------------------------|
| NAVAL MESSAGE | 123/106-2 | DECLASSIFICATION | CONFIDENTIAL |
| TRANSMISSION DATE: 10 NOV 1967 | RECEIVED BY: 123/106-2 | REF ID: 106-2 | EXPIRATION DATE: 10 NOV 1968 |
| RECORDED BY: 123/106-2 | TELETYPE NO: 106-2 | TELETYPE NO: 106-2 | TELETYPE NO: 106-2 |
| DATE: 10 NOV 1967 | TIME: 11:37Z | DATE: 10 NOV 1967 | TIME: 11:37Z |
| ROUTING SHEET | | ROUTING SHEET | |
| 049 | 23/1125 12 | 3,1-3 | |
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| CONFIDENTIAL | | | |
| MILITARY FORCE CONFIDENCE | | | |
| A. CIV 123/106-2 JUN | | | |
| 1. DAY AND ALFA WILL BE AVAILABLE TO ASSIST AT CIVL INTERVIEW. | | | |
| 2. ITA TO BE IN IMMEDIATELY. | | | |
| GP-4 | | | |
| DECLASSIFIED AT 5 YEAR INTERVALS DECLASSIFIED AFTER 12 YEARS EOD PER NMRA | | | |
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James M. Ennes, Jr. Research Papers

DECLASSIFIED
Per DIA 6th.
214:34 AB2

File
7.
Liberty

~~RE~~
Bemerkungen
Referenz:
Autorenkennung:

CONFIDENTIAL FOR JUN 67
SUBJ: CRIME OF LIBERTY IN USE. STABBY INCIDENT.
VER: UDAD OUTLINE. 0928 JUN 67.

1. ALVIN CALLED TO PULASKI EVENING OF JUN. 27 ON PLOOR
PERIODIC PULASKI OFFICE STATION WHICH IS LOCATED IN THE CENTER OF
EXHIBIT 1414. DURING COURSE OF INVESTIGATION MADE BY THE OFFICE
OF THE GENERAL STAFF IN CONSEQUENCE OF THE TRIALS - CONVENT WITH THE
POLARISITY HAS RECEIVED ITS REPORT WHICH WAS THERE REFERRED TO THE
POLARISITY APPROXIMATELY 1414. AFTER EXAMINING THE EXHIBITS, THE

~~CONFIDENTIAL~~
LATTER WHO DECIDED ON THE HOLDING OF A PRELIMINARY OFFICIAL INQUIRY BY A MILITARY JUDGE, LEGALLY QUALIFIED, WHO IS EXCLUDED BY LAW TO DECIDE ON THE CONDUCT FOR TRIAL OF ANY PERSON. THE PRESIDENT OF THE APPEAL COURT MARTIAL IS ALSO HAS DESIGNATED LT COL ISRAEL JEPCHAIR, ONE OF THE LEGALLY QUALIFIED JUDGES OF THE APPEAL, WHO IS TO HOLD THE INQUIRY ENQUIRE.

2. COL RODER AND LT COL LENIN NEEDICK FILED THE FOLLOWING
EDITORIAL COMMENTS: THE COS HAS RECEIVED THE FINDINGS OF THE
OF INQUIRY (COL BOSS) APPOINTED BY MR. COS FORWARDED THE
LINES TO JAG COL STING JR. AFTER EXAMINING THE EVIDENCE JAG
CONCERNED THAT A PRELIMINARY JUDICIAL INQUIRY BE HELD. AS #

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TOP 104-617 JJB ST 4-1972 SP 325/23 A. F.

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1990-1991: *Journal of the American Academy of Child and Adolescent Psychiatry*, Vol. 29, No. 10, pp. 1612-1613.

THE ONE OF TWO

PAGE ONE OF TWO

10. The following table shows the number of hours worked by each employee.

and the author's name. The title of the book is also mentioned.

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RESULT THE PRESIDENT OF THE HIGHEST IDF MILITARY COURT, THAT IS,
THE APPEAL COURT-Martial APPPOINTED AS THE PROBABILITY JUDICIAL
INQUIRY, A PERMANENT MEMBER OF THE APPEAL COURT-Martial, LT COL
ISRAEL HERZBERG WHO IS A QUALIFIED LAWYER AND FORMER JUDGE OF THE
MILITARY COURT OF THE AIR FORCE. THIS INQUIRY WILL DETERMINE IF THERE
WAS AN INDIVIDUAL OR INDIVIDUALS AGAINST WHOM ANY CHARGES CAN
BE BROUGHT.

3. LT COL BLOCK FURTHER STATED THAT THE IDF WOULD BE SPARED TO HEAR
TESTIMONY OR WITNESS THE USA OR USSR IS INTERESTED IN PROSECUTING
IN THIS CASE.

4. COMINT: LT COL BLOCK SAID THAT SEVEN DELEGATES FROM ISRAELI
MILITARY ATTACHE TO USA DC, WILL PRESENT THE PURCHASE LIST IN
DRAFT TO THE USSR. OP-3

AMEMBASSY URGENT 20104
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INFO CINCUSNAVEUR
INFO NUCREACTF SIX ZERO
INFO COMUSCOMINT
INFO/USNS LIBERTY
INFO/AMEMBASSY VALLETTA
O 281043Z JUN 67
INFO CINCUSNAVEUR
INFO NUCREACTF/CNO
INFO/SECNAV
INFO/AMEMBASSY
INFO/SECINCEUR
R 190000Z JUN 67
INFO USDAO MORE
TO CINCUSNAVEUR
INFO

UNCLAS 74 JUN 67

ARTICLE FROM ROMA DAILY AMERICAN DAWN SUNDAY 19 JUNE
HEAD LINED QUOTE LIBERTY CHEVRON SAID ATTACK WAS DELIBERATE
INDUCE GATELINED VALLETTA, MALTA JHS CARRIED BY AF FOLLOWED
QUOTE VALLETTA, FALEN JADS - SUPER OPERATOR OF THE STRICKEN U.S.
NAVY SHIP LIBERTY ARE CONVINCED THAT ISRAEL'S AIR AND TORPEDO
ATTACK WHICH COST 34 AMERICAN LIVES WAS DELIBERATE, A RESPONSIBLE
SOURCE SAID IN VALLETTA SATURDAY.

THEY HAVE TESTIFIED TO THIS EFFECT TO THE NAVY INQUIRY
COURT HAD IN SECRET BEEN TOLD ABOARD THE SHIP AS THE VOICELESS
EMERGENCY BEEP UP IN THE DAY-OCT.

THEIR BELIEF WAS BASED ON THE FACT THAT THE ISRAELIS HAD
MILL TIME TO IDENTIFY HER AND ON THE INTENSITY OF THE ATTACK.

LIBERTY WAS IN PORT JUN 8 AS SHE LAY 15 MILES OFF THE
ISRAELI COAST. SHE IS A FORMER FREIGHTER CONVERTED THREE YEARS
AGO TO A MARINE COMMUNICATIONS AND RESEARCHSHIP.

EXCEPT FOR AN ARRAY OF AIRLINES SHE HAS THE CONTOURS OF A
MERCHANT SHIP AND SHE CARRIED 4.5 RACHINEOUS AS HER ONLY
ARMAMENT.

SHE CAME OUT INTO THE MEDITERRANEAN FROM HER BASE AT NORFOLK,
WHICH THE FIRST WEEK OF JUNE AND HAD BEEN IN POSITION OFF THE
ISRAELI COAST ONLY 24 HOURS WHEN THE ATTACK CAME.

OFFICIALLY, HER TASK WAS TO MAINTAIN COMMUNICATION WITH
AMERICAN EMBASSIES IN THE WAR-TORN MID-EAST THEN PLANNING AN
EVACUATION OF AMERICAN CITIZENS.

FLAG ACT/.....

TAB 1000289
INFO ONE OF TWO
CITE LOGGED

INFO 210/28

DOOR... P.P... BLW

19 18 RRU JUN 67

- James M. Hennessy Research Papers
1. William Gilt, American Broadcasting Co., American
 2. Charles Rapallo, American Broadcasting Co., American
 3. Robert Cuneo, American Broadcasting Co., American
 4. Robert Gordeau, National Broadcasting Co., American
 5. Peter Starken, National Broadcasting Co., American
 6. Alberto Pasquini, Columbia Broadcasting System, Italian
 7. Vicente Manzini, Columbia Broadcasting System, Italian
 8. William Ruay, Life Magazine, American
 9. Neil Sheehan, New York Times, American
 10. Robert Hunter, Associated Press, American
 11. Harry Stathes, United Press International, American
 12. Ronald Payne, London Sunday Telegraph, English
 13. Albert Blechert, Detroit News/Advertiser
 14. Marvin Zind, Time/Life, American
 15. J. A. Green, BBC, English
 16. E. G. Williams, BBC, English
 17. T. C. Margold, BBC, English
 18. James Allan, London Daily Telegraph
 19. Helmut Sarge, Der Spiegel, German

File
T-
Julian
Liaison
Liaison

IMMEDIATE

NO DTD

IN CIRCUMSTANCE
TO COMINT/HQ

RE:

UNCLAS E F T O

WIRE NOTE FOR COMMANDER COONEY, STAFF PAD. PLEASE DELIVER ASAP
UPON RECEIPT IN COMINT/HQ COMM CDR.

1. DIRECTOR TWO EIGHT TWO ZERO FIVE ONE ZERO ZERO CAPTAINS
SECOUF TWO SEVEN TWO TWO FOUR ONE JULU WHICH ACCORDING TO ITSELF
TO COUNTER-DISSEMINATED COPIES OF THE POG RELEASE IS THE UNPREDICTED
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WHICH CHINFO THAT RELEASE RECEIVED FROM AND VICE ADMIRAL RATTIN
IS UNCLASSIFIED AND YOU MAY PUBLISH COPIES FOR LIBERTY, N DFB
MILTA, HORN ADMIRAL KIED, AND THE AMOUNT OF INFORMATION IN
RESPONSE TO INQUIRIES, DISTRIBUTION OF COPIES TO THE PRESS
 ALSO OK.

2. ADMIRAL MCCAIN WANTS TO TALK TO YOU BY TELEPHONE TOMORROW,
SUGGEST YOU BE AVAILABLE IN ROGERS' OFFICE AT TWELVE HUNDRED
HOURS TIME. I WILL PUT THROUGH CALL TO YOU WHEN ADMIRAL IS
FREE. REGARDS, OVERBY.

RE:

Moore
Cooney
Release of
Sanitized
Version of
Court of Inquiry

(Cont'd)

James M. Ennes, Jr.
Research Papers

Liberty file

BUFILE LIBERTY AT DDF 476
14 NOVEMBER 69
TO: US LIBERTY AIRLINES
FROM: DDO
CITY: NEW YORK
MAIL: AIRPORT

RE: LIBERTY AIRLINES AND THE PERFORMANCE OF HIS LIBERTY AIRLINES.

DEAR MR. CHIEF OF STAFF: I HAVE THE OPPORTUNITY TO REVIEW COMPLETING THE NOTING
AS TO THE COMMAND AND AIR LINE. I DESIRE TO EXPRESS MY DDF
AS TO THE OUTSTANDING PERFORMANCE OF YOUR OFFICER AND AIR
LIBERTY, THE FATHER IN WHICH YOUR COUNTRY HAS BEEN WHILE
THE ATTACHED AIRLINES IS PERFORMING YOUR DUTIES. YOUR DDF IS A GREAT
IN THE 110 YEARS OF TRAINING AND YOUR LEADERSHIP. AND A GREAT
IN THE 100 YEARS OF THE AIR FORCE. IT IS CLEARLY EVIDENT THE
WITH THE GREAT FACILITY IN KEEPING LIBERTY AIRLINES AND CREATED WITH
S. HAVING AHEAD.

IT HAS BEEN BOLD TO HAVE LIBERTY IN THE EUROPEAN

THE CONFIDENCE OF LIBERTY AIRLINES HAS BEEN IN GROWING WITH THE
DODGE CONSTRUCTION OF THE AIR FORCE.
Sincerely, LEG-IZZER, GENERAL, USA

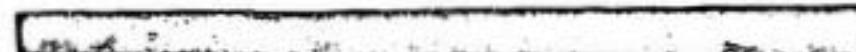
13

DD FORM 1410/EP

FD 48-426/EP

COPY.....TOP

63-17-167 JUL 69



77-48-75-771
P. 38841-1 J.L. 62
7M CTF 64-13
TO CINCPAC-NW
TO RUM PH CINCOPAC-NW

ANSWER

4. 算法设计

RECORDED BY
B. CONSISTENTLY INSISTED
I. SPEAKING FIRST ON SUBJECT OFFICER, MY INITIAL CONTACT WAS
ON BOARD 1311 UPON OUR ARRIVAL. HE WAS SICKLY TURNED BY
EVENTS WHICH HAD TAKEN PLACE AND WAS EXHAUSTED HAVING BEEN
UP SINCE TWENTY FOUR HOURS AGO UNDER STRESS FOR MORE THAN EIGHTEEN
HIS WORDS WERE A BLUR WHICH FLED PROFUSELY BUT FAIRLY
FAIRLY SHEDDING NO SECRET. IN HIS ADULT TISSUE DEFENSIVE
DISMISSED SITUATION WITH HE WAS PERFECTLY AWARE TO THE
ALLEGED TROUBLE WHICH PAIN. THIS FRAUD DOES NOT CEASE TO RE-
STATE DEFINITION OF RED HOOK AND WHAT I HAVE BEEN
DIAGNOSED SHIPS IN VARIOUS LOCAL

2. RELATIVE TO UPI 11, "COMBUSTIBLE FIREFIGHTING APPARATUS TO BE THE
UNSTANDING ACTION BY CRASH, THIS ACTION HAD BEEN TESTED
RECENTLY ON STANDING AND ALSO DIRECTLY INVOLVED IN FLOODING
CONTROL VAN ROUTINE IN THAT PREMISE THAT EXISTING EQUIPMENT
PREVENTED FUELING FLOODED RATHER THAN ANY MEASURE THAT WAS TAKEN
IN GOLD KNUCKLE FAIR. EVALUATION OF SEALABILITY WAS NOT FOR
THE LIQUID SHIFT MADE TO CORRECT THE UNLIT DOME BY ASSIST. PUMP.
FAILURE TO DO SO COULD KITE TWO AND THREE CONSEQUENCES IN ADVERSE
WEATHER. A PLATE TO RESTRICT WENTHILL TON ALSO GUARDED FIRE
KNUCKLE FROM HEAVY OIL FUELS AND FAULTS ISOLATE AND REPAIR TO BE
SELECTED CIRCUITS SUCH AS LIGHTING AND FIRE PUMP COMMITTED TO
PARENT VANDAVER. IN BULLARD, IT APPEARED TO HAVE UNDERTAKEN
SOME ACTION IN AN OUTSTANDING PARRIER SOME AVERAGE AND SOME
BELOW. SIXTEEN HOUR PUMP TIME DURING THE COMPLETION ATTACK UNTIL
DAVIS ALLOWED DATES SHOWN TO HAVE BEEN UTILIZED IN

10

17

R49 ACT 1A/3

~~DECLASSIFIED AT 3 YEAR INTERVALS
DECLASSIFIED AFTER 12 YEARS~~

T394 雷士德 1911-1912

DRG: 10 15°34' JR. 47

URGENT
PRIORITY JULY 67
FM CIO SIX ZERO PT FIVE
TO CIRCUMVENT
INFO CONSULTANT
CIO SIX ZERO PT
CONTRAPORT, ATHLIT

BT

CONFIDENTIAL

- A. CONFIDENTIAL P77754Z PARA FOUR C
- B. SECRETARY P 1300Z JUN
- C. US LIAISON
- D. IN PFP - CONSIDER THAT MY PRIMARY SUBORDINATE IS THE INTELLIGENCE OFFICER TO MY OWN AND OUR HELICOPTER CO. WHICH SHIP OVER KILLED BY HAD BEEN DESTROYED WHO WAS CERTAINLY TO BELIEVE DEAD. BUT OFFICERS AND ASSIST INCAPACITATED.
- E. IN PFP - ALL OF US HAVE STUDIED SOURCE DEEP IN WHICH CERTAIN

TO INFORMATION

- F. IN PFP - ACTION OF THIS AWARD MADE OF US VETERAN REGIMENT IN SHOT TO GET PERTINENT OR VALID IMPOSITIONS.
- G. WE WERE IN POSITION TO SEE RESULTS OF ACTION AND RESULTS OF TRADE CONTROL MEASURES.
- H. SINCE WE WOULD CONSIDER ON PARA FOUR ABOVE THIS, ETC

IN PFP - ALL OF US ARE PERTINENT.

- I. GENERAL - IT COULD BE NEGATIVE. THIS WOULD REACHES ON ABOUT FIFTEEN EFFECTIVE TRADE CONTROL. ALL RELATED PERSONNEL, WE ARE FIGHTING AGAINST AS STATING WOULD ALL BE AS EXPECTED. OVER EXISTING CONDITIONS.
- J. THIS NOT TO BE CONSIDERED AS ADVERSE TO UP SINCERE AGRARIAN NAME AND BE UNCHANGED FOR PREDATOR.

BT

CONFIDENTIAL AT 8 YEAR DURATION
AND 10 YEARS AFTER APPROVAL

TOP P77754Z JULY 67

FM 6333/P7

CIO, 6000, DMW

BTG P 7 1 2 1 PT JULY 67

Libby file
Confidential

Liberty fl

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MR RUEFRC
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DIY CCCCC
R D51697C JUL 67
PM CNO
TO RUEKHD/CIRCUITRUEUP
INFO RUEKHD/CNO
REFR/AMEMBASSY
REFR/AMEMBASSY
RUEKHD/AMEMBASSY
RUEKHD/AMEMBASSY

C O R R I D E N T I A L

A. ORIGINAL OF US LIBERTY PERSONNEL FOR PURPLE HEART
AND OTHER AWARDS (US)
B. CIRCUITRUEUP 141737Z JUN 67
C. CNO 171612Z JUN 67
C. SECRETARY P198, SEC
1. IN RESPONSE TO REF A, CIRCUITRUEUP WAS ADVISED BY REF B TO DEFER
INITIAL RECOMMENDATION OF AWARDS BEING PENDING FIFTH DEPARTMENT REVIEW
OF THE COURT OF INQUIRY.
2. RECOMMENDATIONS FOR PURPLE HEART, AND OTHER AWARDS AS APPROPRIATE,
SHOULD BE SUBMITTED FOR LIBERTY'S USE AND USMC PERSONNEL TWO,
OR THE CASE OF PURPLE HEART WHILE SERVICE UNDER COMPTEST AUTHORITY
IN ANY CAPACITY WITH AN ARMED FORCE OF THE UNITED STATES, HAS BEEN OR
SHALL HEREAFTER BE KILLED OR WOUNDED AS A RESULT OF AN ACT OF ANY HOSTILE
FOREIGN FORCE." (ART. 231, CIRCUITRUEUP REF C).
3. WITH RESPECT TO CIVILIANS WHILE THERE IS NO LEGAL BAR, SECRETARY
RECOMMENDED NOT TO MAKE MILITARY DECORATIONS. STATE DEPARTMENT
CONSIDERING DEVELOPMENT OF SEPARATE CIVILIAN MEDAL FOR AWARD UNDER CIRCUM-
STANCES SIMILAR THOSE PRESCRIBED FOR PURPLE HEART. ACCORDINGLY,
SUGGEST PURPLE HEART RECOMMENDATIONS FOR CIVILIANS BE SUBMITTED WITH
UNDERSTANDING AWARD OF THE SAME DECORATION MEDAL. IF DEVELOPED, COULD
BE CONSIDERED IN EVENT PURPLE HEART NOT APPROVED.

4. CNO CONCURE.

OPI-4

5.

RECOMMENDED AT 3 YEAR INTERVALS
EXCLUDED AFTER 12 YEARS
DOD DUE SANCTION

PLAG ACT 172.....

THE SECRETARY JUL 67

1 83 22/08

DOD.....ROLE

1 83 16 42 JUL 67

Liberty file

CONFIDENTIAL

ISRAEL 00 2468
P BEIRASSE JUL 67
TO ISRAEL AMBASSY TEL AVIV
RIGID/CD/CINCPERAVEUR
NSFDO RUSHC/PONSONW/LT
RUEPJB DIR

CONFIDENTIAL 1899 JUL 67
ISRAELI FOREIGN LIAISON OFFICIAL REPORTS EXISTENCE OF
RUDDER LIFE RAFTS POSSIBLY FROM USS LIBERTY OR SINAI
COAST ABOUT TEN MILES WEST OF EL ARISH. HAVE OFFERED
TO TRANSPORT AL-6644 TO SHIP EGYPTIAN NAVY 24 JULY FOR
PURPOSE OF INSPECTION AND IDENTIFICATION BUT SAY
DETERIORATION OF DEBRIS PROBABLY PRECLUDES REMOVAL FROM
AREA. IOF IS FORWARDING A CO-3
BOTTLE OF AMERICAN
MANUFACTURE TO ALUSHA. REQUEST ANY SPECIAL DIRECTION
BY PRIORITY MESSAGE. OPS.

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14 NOV 1982

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DTG: 01 10 45Z JUL 67

CONFIDENTIAL

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CONFIDENTIAL

URGENT
211634Z JUL 67
FM CDR

TO RUSSIA D/C DIRECTORATE
INFO & INTELLIGENCE
BUREAU OF THE LT
INFO/INTL DIRTY
RCI/JA/BU '9
RT

C R H F , U N I T A L
ELIGIBILITY OF USS LIBERTY PERSONNEL FOR HOSTILE FIRE PAY
A. YOUTH 1966IRE JUN 67
B. NY DIRECTIVE JUN 67
C. DOD DIRECTIVE 1348.6 OF 19 NOV 65 SUSTAINABLE FIRE PAY
D. TABLE 3-IP-1 DEC 66
E. IN REG USE TO REF A. CIRCUMSTANCE WAS ADVISED BY REF A
THAT DETERMINATION OF HOSTILE FIRE PAY FOR LIBERTY PERSONNEL
WAS TEMPORARILY WITHHELD.
F. IN ACCORD WITH PREVIOUSLY REFS C AND D HOSTILE FIRE PAY
AUTHORIZED THOSE LIBERTY MEMBERS
A. MEMBERS KILLED ENTITLED TO HOSTILE FIRE PAY
PRESUMED FROM 1 JUL 67 TO AND INCLUDING DATE OF DEATH.
B. MEMBERS WOUNDED ENTITLED TO HOSTILE FIRE PAY
FOR ENTIRE MONTH OF JUL 67.
C. MEMBERS HOSPITALIZED FOR TREATMENT OF WOUNDS
OR INJURIES ENTITLED TO HOSTILE FIRE PAY UNTIL
HOSPITALIZATION IS TERMINATED OR UNTIL 30 SEP 67,
WHICHEVER IS EARLIER.
D. SECRET STATUTORY LIMITATIONS PREVENT GRANTING HOSTILE
FIRE PAY TO OTHER MILITARY MEMBERS.
E. END CREDITS FOR HAND-DOCS PERSONNEL.
GP-4 * DISSEMINATED AT 3 TRUE INFORMATION
REF ID: A6446

THIS EDITION JUL 67

NR 65M/21

REF ID: A6446

CONFIDENTIAL

21 16 34Z JUL 67

PPN0749
P 22322E JULY 67
TO CINCLANTFLT
TO USS LIBERTY
INFO COMSEASCOM SIGHT
CONSECOINFLT
CINCUSNAVEUR
COMSEASCOMPLT

BT

UNCLAS E F T O

WELCOME HOME TO LIBERTY
IS THE COMMANDER IN CHIEF EXTENDS TO THE OFFICERS AND
MEN OF LIBERTY A WARM WELCOME HOME AND REUNITED
CONGRATULATIONS FOR A JOB WELL DONE. THE PRIDE THAT
WE ALL FEEL IN YOUR EXEMPLARY PERFORMANCE OF DUTY
UNDER MOST DIFFICULT CIRCUMSTANCES IS ALIAD WITH SORROW
AT THE LOSS OF MANY OF YOUR SHIPMATES. IT WILL BE THE
HOPES OF ALL OF US AS WE WELCOME YOU BACK TO YOUR HOMEPORT
THAT YOU HAVE SUFFERED GREAT LOSSES. THIS IS NOT TO SAY THAT
THE CREDIT FOR HEROIC AND EFFECTIVE WORK WILL BE UNDILUTED
NOR THAT THE ENTHUSIASM FOR THOSE RETURNING IS UNDILUTED
REGRETTABLY. BUT THIS RETURN DOES HAVE JOYMENT IN THAT SOME
SHIPMATES WHO LOVED ONES ARE NOT COMING BACK.

BT

FM 13
P 22322E/28 JULY 67

MR 675/28

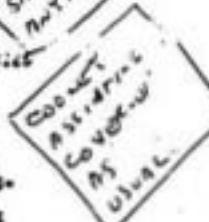
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P 22322E/28 JULY 67

070222Z JULY 67

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TO RUEPF/USNS LIBERTY
INFO RUEPF/USCINCPAC
RUEPA/COMINTHFLT
RUEPF/NAVSUPFACT RAPLEX
RUEPA/SECDEF
RUEHC/SECSTATE
RUEFM/AMEMB MALTA
RUERAAA/CHINFO
RUEDWTF/GINCLANT
RUEDWTF/INCLANTFLT
RUEDWTF/COMINTLANT
RUEDSF/COMINTFOR EIGHT
RUEFL/USDCOSOUTH
RUEPF/CONFIRMED
BT
UNCLAS E F T O
SEDEF FOR OASD(PA), USDCOSOUTH FOR REAR ADMIRAL
KEMP.

FA 13

Liberty



PAGE 2 RUQLED 111M UNCLAS E F T O
USS LIBERTY PRESS QUERIES/INTERVIEWS
A. USS LIBERTY DATED JUN 1967 PASEP
B. SECEDEF PDBS DIO SECDEF 12 JUN 1967 NOTAL
1. COMMANDING OFFICER AND ANY MEMBER OF LIBERTY
ON WHOM NO DESIGNATION ARE AUTHORIZED TO RESPOND TO QL-245
AND GIVE INTERVIEWS AT MALTA AT TIME CONVENIENT TO
COMMANDING OFFICER. NARRATIVE AND THE REPORT
REFERRED TO IN REF B ARE ONLY PORTION OF COURT OF
INQUIRY THAT HAVE BEEN DECLASSIFIED. NORMAL SECURITY
PROCEDURES ARE OTHERWISE APPROPRIATE. CREW MEMBERS
ARE LIMITED TO RESPONSES TO QUESTIONS ABOUT THE ATTACK
ONLY WITHIN GUIDELINES SET FORTH IN PRESS RELEASE DIS-
CUSSED REF B. ANY SUBSTANTIAL QUERIES CONCERNING
ATTACK OR ANY OTHER POINT OF LIBERTY INCIDENT MUST BE
REFERRED TO OASD(PA). RESOLUTION, AS DIRECTED PARA
TWO REF B.
2. COPIES OF APPENDED PRESS RELEASE ARE BEING
MAILED DELIVERED THIS DATE TO COMMANDING OFFICER, USS LIBERTY,
AND TO AMEMB MALTA.
3. IRVING L. LEVINE, NBC HOME, HAS REQUESTED INTERVIEW
WITH LIBERTY COMMANDING OFFICER AND REAR ADMIRAL.

PAGE 3 RUQLED 111M UNCLAS E F T O
REAR ADMIRAL, A COPY OF PRESS RELEASE WILL BE GIVEN TO
LEVINE TODAY IN ORDER TO DETERMINE IF HE WILL STILL BE
INTERESTED IN INTERVIEW WITH LIBERTY COMMANDING OFFICER
AFTER SEEING THE DETAILED ACCOUNT OF ATTACK ON
LIBERTY WHICH HAS ALREADY BEEN MADE AVAILABLE TO
THE PRESS. ALL CONCERNED WILL BE ADVISED OF RESULT
OF THIS DISCUSSION.
4. IF PRESS INTERVIEW IS REQUIRED, COMMANDER COMINT,
COMINTHFLT PUBLIC AFFAIRS OFFICER, WILL ASSIST
AS NECESSARY.
BT

24

James M. Ennes, Jr. Research Papers

SHIP DAMAGE CLAIMS
NEGOTIATIONS

SOME CORRESPONDENCE
TO AND FROM ISRAEL

CO. SIGHTS
STATE

U.S. ASSESSMENTS OR
SHIP DAMAGE

FOLDER 24

Metro news

Minneapolis St.

Monday
August 27/1984

Hunt for truth on ship attack proves costly

By Mike Koenig
Staff Writer

James Miller of Burnsville has developed an aggressive approach to his legal battle against the U.S. ship Liberty that killed 34 Americans 17 years ago.

Miller's attorney was arrested in 1980 when he "had a hand" in filing the attack. When it is appealed, an Army counterintelligence agent who is instrumental in the case will be interviewed again by the U.S. Court of Appeals during the 10-day trial next week.

He returned to the site in "this December" he described as a "mess," according to his lawyer, and Ms. Judy Miller, President of Information Inc., with the State Department, called for any government documents relating to the incident that may have been destroyed since the attack was discovered.

"I got involved and a little bit helped," 42-year-old Miller, who lives on one island off the Liberty, "I was fascinated ... it's kind of fascinating to see that."

Now Miller is in the \$125,000 legal battle, starting in June 1982, when he sued the State Department after it had been-only given documents during 11 months.

Last month a federal judge in St. Paul said that Miller, when he filed the suit, was demanding much more documents than were entitled to him because he had not been paid by the government. Robert Bissner, Miller's lawyer, said the judge denied the suit.



Short Photo by Steve Chown

Miller's lawyers have collected more than 900 documents on the strafing of the U.S. ship Liberty through Freedom of Information Act requests.

The law is designed to prove that the State Department responded to his request for documents much later than he had been entitled to them. Overhead lawyers from three organizations to attend three hearings on the case in Minneapolis, and State Department officials will give affidavits to explain why

numerous problems caused delays in providing the documents, in only a handful of cases did the government contend that national security prevented the release of certain documents.

The episode has left Miller, an amateur historian who's considering writing a book on the Liberty, em-

ittered about having to spend his own money to force the government to release documents the State Department had agreed to was entitled to anyway.

Miller is a 32-year-old mother with two children, but she will does not work outside the home. His decision to push ahead with an appeal

that will cost an estimated \$25,000 begins as being able raise still more money that he may never recover. Miller spent last week trying to raise a credit union loan and has written 10 letters appealing for money from organizations ranging from the American Civil Liberties Union to the Moral Majority.

The odds are against him. A Justice Department report of the Freeweb of Information cases that were referred to court in 1982 showed that of 81 cases where legal fees and costs were at issue the award was made to the plaintiff only 18 times; 21 or even more rare to be awarded legal fees on appeal.

The other problem is at home. Ms. Miller also faces the dilemma of trying to balance his family budget with his private and costly legal war with the government. Judy, his wife of eight years, has never been enthusiastic about wages that war and he admits there have been arguments.

"I've lost my freedom," Judy Miller said after Miller issued his ruling on July 11. "I can't take the uncertainty. It's real hard to be in debt that much money ... you don't buy the new carpet, you don't eat at the new cars. We certainly aren't shopping. You don't buy any of the luxuries."

But late last week, as her husband faced a Sept. 11 deadline to appeal his case, Judy Miller said she had reluctantly agreed to continue. She said she has thought about getting a job or opening a child-care center.

Liberty continued on page B8

LIBERTY: Man seeks funds to continue legal war

Continued from page 1B

wife is her home to help with the bills. "I don't really want to do it," she said.

"I guess I didn't realize as how really important this is to him," she said. "I respect him. It's more of a principle thing for him ... he has a real well-developed sense of responsibility between right and wrong."

Carol Southwest, a family friend who went to junior high with Judy Miller in south Minneapolis, said she sympathized with Jim Miller and had tried to get his wife to understand. "There have been times in the past — not in this context by any means — when he felt there was an injustice. She wouldn't let that slide by. I admire him, I think it's the fault of our system that the Millers are in the situation they're in."

For both the American and Israeli governments, the Liberty Attack has faded into history. "We haven't talked about the Liberty in a long time," said Lt. Cmdr. Marc Heidrich, a Navy public affairs spokesman in Washington, D.C.

The Israeli government paid about \$6.7 million to the surviving crewmen and families of the crew members by 1980, paid the last installment of a \$8 million arbitration award to the United States in 1982 and released its charges in the ship. An Israeli court of inquiry and a separate U.S. Navy investigation concluded that the attack, which left 171 crewmen injured, was a mistake.

"We believed the Liberty was an Egyptian vessel at the time," said Shelly Levy, a spokesman for the Israeli consulate in Chicago. "Friendship with the United States is the cornerstone of Israeli foreign policy."

But Miller and most of the surviving Liberty crewmen, who held their first reunion in 1983 and whom Miller has kept abreast of his case, believe the evidence says otherwise. At least four of the survivors live in Minnesota.



The U.S.S. Liberty, a Navy intelligence-gathering ship.



DEPARTMENT OF DEFENSE
APPROPRIATIONS FOR 1969

HEARINGS

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON DEPARTMENT OF DEFENSE

GEORGE S. NASON, Jr., Chairman

ROBERT L. BYRD, from
JAMES E. WEAVER, from
JOHN W. BREWSTER, from
DALE R. FOWLER, from
JOSEPH M. KELLY, Jr., from
JOSEPH P. ADDISIO, from New York
E. L. WIGGINS, from Alabama, from Florida, from Georgia, from South Carolina,
from Connecticut, from Massachusetts, from Rhode Island, from Vermont, from New Hampshire, from Maine

PART 4

OPERATION AND MAINTENANCE

Printed for the use of the Committee on Appropriations



U.S. GOVERNMENT PRINTING OFFICE
1968 O - 1000

... to conduct major report. We will question whatever costs we find since he inspects; but we will not inspect them.

Then they go to work and have a negotiation and out of that comes the decision about which will be paid and which will not.

Mr. Stark: Do you feel that 80 percent is a pretty high percentage?

Mr. Price: A rather unusually high percentage, I would say.

Mr. Stark: Mr. Lipscomb, do you have questions?

DEFENSE CONTRACTS AT DEFENSE CONTRACTOR INSTITUTE

Mr. Lipscomb: You mentioned in your opening remarks that you have at least two of the auditors which will take some type of training. Could you, for the record, give us the length of time they are trained?

Mr. Price: You mean training time, number of hours or days of training?

Mr. Lipscomb: Yes.

Mr. Price: Two days.

Mr. Lipscomb: How much time was spent by those two men and women in training?

Mr. Price: I think we can give some figures which we can get on training and days for training. We will be glad to provide those.

Mr. Lipscomb: Then you mentioned that fiscal year 1969 you have plans for a greater number of auditors.

Would you put also the estimate in the record for the number you plan to have in training in fiscal year 1969 and the number of auditors?

Mr. Price: We have here the number of auditors planned for fiscal year 1969 - 80,000 plus.

I think we had better put it on the record in writing days.

Let me provide this for both 1968 and 1969.

Mr. Lipscomb: All right.

(Information requested fully.)

DEFENSE CONTRACTOR INSTITUTE: TRAVEL AND RELOCATION COSTS FOR THE DIRECTORATE

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General Kraske. The only one I can think of is, I would say, some relatively minor upgrading of some of the ground terminals in the communications system.

Mr. Stiles. Is there a field for this kind of study?

General Kraske. Yes, sir. We are looking all the time as much as we can. There are several things. One is the upgrading of the ground terminals in the communications satellite program. Another one is being able to get more information through a larger size of space station park. This is a continuing development where we get sophisticated and improved gear and can actually get more information passed through the pipe which is available now, the same size pipe that we now have, in the vicinity of two times as much as we have.

Also, in some of the switch networks, by putting on a relatively small component, we can get several magnitudes-of improvement in the capacity of the system, such as in the AUTODIN system we have two data processors, and by adding a third we can considerably enhance or increase the capacity of the system as a whole.

Also, by programming techniques which were mentioned earlier, we have almost tripled the capacity of the AUTODIN system simply through the software programs.

This type of exercise is going on all the time. This is a part-time engineering service which is included in the 1963 budget.

Mr. Stiles. This is highly desirable. Can you tell, through this kind of activity, what some of the requirements for additional equipment in this budget?

General Kraske. Unfortunately, sir, the requirements are to update the hardware by about 2 years.

For instance, the phase 3 of the PTTX in Southeast Asia, which is just coming into being now, just being funded, will actually be all in place by this fall, is a reflection of a requirement which was originally calculated by CINCPAC in December August 1962. By the time the program is completed is about 2 years past the requirement. So, the equipment we are getting aboard today in some case has been overtaken even before it becomes ready, by the increased requirements of the forces.

We certainly keep a continuing look at the equipment and the expenditures that we have on the books, and are trying to cut down in every way we can.

One point I might make is that we are not too far off in our increase from the commercial world. I have a few figures here, trying to analyze for myself are we going in the right direction. I find, looking at A.T. & T., which is the largest communications in the United States, they have a revenue base, we will see this in increases their capital base, about as well, a total of \$6 billion in 1963. They are estimating conservatively for us, about by 1965, which is about a 15 percent increase each year in the Bell System.

On the other hand, we are increasing for the Defense Communications budget, goes from between 1962 and 1966, 15 percent. This was the initial large part of the new switch network. Between 1966 and 1970 we are increasing only 10 percent, which is 2 percent under the Navy.

So, we are not necessarily out of line with the United States as a whole in communications personnel.

Mr. Anderson. You are on a par with A.T. & T., 15 percent in 4 years and 10 another, which makes 15 percent each year. Will you be par to a similar rate by the end of the 2 years?

General Kraske. We will hope the majority.

Mr. Anderson. In 1963, how could your percentage of increase be?

General Kraske. Well, it is not projected that far out yet.

Mr. Anderson. You are on a par and in this case for I would guess about 15% or so, which is as far as we have looked.

Mr. Stiles. No questions.

Mr. Evans. No questions.

Mr. Anderson. Could you elaborate some of the messages which appear to be being processed and tightened upon message handling procedures and some of the expeditions that have been programmed?

General Kraske. I am not sure that cutting out the messages is really easy to control. I do not think, unless you cut out reasonable numbers of terminals and customers, that you would have an impact. The message volume, of course, has an impact upon the configuration of the system, but there is a certain basic system that you need if you have communications between two points. Cutting down a relatively small percentage of the message traffic, which is the part you would get in a controlled environment, would not really cut down much of the expenditure for equipment in the system as a whole.

Mr. Stiles. It seems to me you are telling me our equipment is at a higher level and not with you.

General Kraske. Thank you, sir.

Mr. Stiles. Mr. Anderson?

Mr. Anderson. No questions.

Mr. Stiles. Mr. Blodell?

THE LIBERTY INCIDENT

Mr. Brown. General, I shall ask one question on or a study by the staff of the Appropriations Committee on the effectiveness of the worldwide communications system, with particular reference to the U.S.S. *Liberty* incident. I do not have very many questions on it. I think mainly the questions posed by the staff study answer themselves.

However, I am very much disturbed over the fact that apparently in orders of the Joint Chiefs of Staff the investigators were not familiarized the messages which came in to the U.S.S. *Little Rock*, the flagship of the 7th Fleet, on June 8, 1962, so the committee staff could determine for itself whether or not the message to the *Liberty* was properly handled.

Do you know why this ruling was made? First, did you have anything to do with it?

General Kraske. Sir, sir; this is completely outside my bailiwick. I have not seen any of the messages. They would ordinarily not come into the DIA. They are under the release purview of the Joint Chiefs of Staff, sir.

Mr. Brown. Mr. Secretary, have you any light to shed on this?

Mr. Brown. There is no light to throw on that.

Mr. Brown. This study is full of instances in which, on the orders of the Joint Chiefs of Staff, the investigating staff were denied access to messages which concerned on that day. I assume that all members of the investigating staff were cleared for the receipt of classified material, classified at least to the point of the messages which are involved here.

I would feel, Mr. Chairman, that the committee should ask for some sort of explanation of why these messages were not made available to the investigating staff. That would stand as far as the handling of this message to the U.S.S. *Liberty*. It is a comedy of errors. You could have written it any better if you were writing it yourself.

It would be funny if it were not tragic. Here we are, with the most sophisticated communications system ever known to mankind, and maybe it is as sophisticated as we do not know how to operate it. To me, there definitely should be a statement requested from the Joint Chiefs of Staff, as to why these messages and the data reported were not fed to the staff of this committee and, in some sort of justification, if there is any, as to why this message was kicked around the whole world, as it was, and finally delivered after the attack had occurred.

The information requested follows:

ADM SECDEFINTEC BIMONTHLY FOR U.S.S. "LIBERTY" INCIDENT

QUESTION 3

With respect to question 1, the Joint Chiefs of Staff advised the committee of the valid and specific reasons that the original channels of communication of members of the Joint Chiefs of Staff, or an equivalent, as well as the Joint Chiefs of Staff through the Secretary of Defense, were not used to advise the committee, to begin their investigation of the U.S.S. *Liberty* incident, to insure that members of the House Appropriations Committee investigation Team were fully informed, on the beginning of their investigation, of the series of personnel errors which caused ultimate loss of the U.S.S. *Liberty* information copy of PDR message 080010Z June 1967, the U.S.S. *LIBERTY* message 080010Z June 1967, which was sent to the U.S.S. *LIBERTY*.

A letter from the Secretary of Defense to the chairman of the House Appropriations Committee, dated 13 August 1967, contains annex attachment 1, a summary of significant messages transmitted by radio to the *U.S.S. Liberty*, and to attachment 2 the details of significant messages to the U.S.S. *Liberty*.

PDR message 080010Z June 1967, and U.S.S. LIBERTY message 080010Z June 1967, were referred to the House Appropriations Committee by the House Appropriations Committee on 28 August 1967, in the course of PDR message 041342Z June 1967, and PDR message 072200Z June 1967, which are attached.

(*Newark's Note:* Information provided the committee indicate that the Joint Chiefs of Staff did not fully cooperate with the committee on its investigating staff's review of the U.S.S. *Liberty* incident. For instance, the two messages attached to the answer to question 1, namely, #012542Z June 1967, June 1967, were not forwarded until approximately one month after the investigation staff.

Also, during the inquiry the investigating staff was denied access to pertinent messages directly related to the *Liberty* incident and it was not permitted to receive messages transmitted and received on the day prior to the day of the attack on the *Liberty*. Information recently made available to the committee disclosed that, in addition to the messages discussed in the committee's investigative staff report, two other equally important operational messages pertinent to the *Liberty*'s assignment in the Mediterranean were sent to, but not received by, the *Liberty*.)

ANSWER TO QUESTION 3

Questioning question 2, in connection with the *Liberty* information copy of PDR message 080010Z June 1967, was forwarded by personnel in the Asia Command Center, Vladivostok, to the Naval Communications Station, Vladivostok, The Naval Communications Station, Vladivostok, referred the message to the Army Communications Radio Telephone Agency, Fort Meade, MD, where it was filed. This information copy of PDR message 080010Z was never delivered to the *U.S.S. Liberty*.

ANSWER TO QUESTION 4

Mr. Brown. In view of a requirement to move the position of a ship out of range from the shore, why is it necessary to send a message through channels, then to a naval communications station, and then to the ship? Why is it not possible, if indeed it is an urgent matter, because that it was to send a message directly to the ship? The operators do not have however, direct links to break radio silence, to the nearest 100 miles from the shore. That does not tell where they are going. Instead of having to go through all these channels, you can certainly pick up the command channel by information copy. You can keep the commander who is responsible notified as to the whereabouts of the ship by copy link. Why was it necessary to go through all this rigmarole to move that ship?

General Koenig. I will give you the conundrum-like answer to the question directly which you have asked, sir. There were two messages sent to the U.S.S. *Liberty*. The original message which was sent to CINCPACFLT was also sent information to the U.S.S. *Liberty*. This was the message which concerned, if it had not been sent and lost out to the Pacific, this was the personnel error that you mentioned, and it was personnel error. It would have arrived without matter of losing of the original dispatch of the message.

(The following additional information was provided:

At the time of transmission of PDR message 080010Z June 1967, there was nothing to indicate hostile action would be taken against the *Liberty* by any country. The retransmission of the *Liberty* was taken as a matter of procedure to insure confidence with the operator in other ships in the area. Had there been reason to anticipate potential danger to the *Liberty*, the command and control communications channels would have been used to pass emergency information directly to the ship via simplex.

Mr. Assange. Will you draw a little finer the personnel failure, did you say?

General Koenig. Sir. The message was sent to the Pacific instead of to the Atlantic.

Mr. Assange. By whom?

General Koenig. By the operator.

Mr. Assange. Was it his error?

General Koenig. Yes, sir.

Mr. Assange. Not the man who delivered the message, but the man who put it on the wire?

General Koenig. The message was never delivered to the U.S.S. *Liberty*, sir.

Mr. Assange. There were also some errors aboard the U.S.S. *Liberty* deck, apparently.

General Kinnear: This was the second message.

Mr. Larson: That was the second message. The message was received there, as I recall, at 0110. I think that is wrong. I believe it was received at 04 something, and delayed approximately 8 hours later.

General Kinnear: I have been told this, yes, sir.

Mr. Larson: It is in the study here.

Mr. Aspinwall: What page?

Mr. Larson: Page 43 of the study. It says:

Commander 6th Fleet officials refused to state why it took from 0405 to 0617, June 4, to draft and release an action message to the U.S.S. *Liberty*. The official who had the 6th Fleet and 3d division was an electrical engineer of that unit who was in charge of communications. The routing clerk showed the flagship U.S.S. *Caron* that failed to demand he find information available indicating the U.S.S. *Liberty* was carrying the fleet broadcast from the Naval Communications station, Kansas. As a result, the message was addressed to Naval Communications Station, Boston.

Here was the flagship of the 6th Fleet, and the routing clerk did not even realize which naval communications station the U.S.S. *Liberty*, under the control of the 6th Fleet, was copying for receipt of messages. He failed to route the 6th Fleet message to the proper naval communications station which the U.S.S. *Liberty* was listening to for all its message traffic.

So, the whole thing certainly cries out not only for some kind of presented action, but also for some means of simplified contact with ships at sea just to say, "Hey, fellow, get out way from the shore." It is almost incomprehensible.

I think that is all, Mr. Chairman, except I do hope that the Joint Chiefs of Staff will take note of the request for information and comply with it.

SUMMARY RECOMMENDATION APPENDIX

Mr. Larson: General and Mr. Secretary, after the opening of the discussion on the report which is before you today by the surveyors and investigating staff, on the effectiveness of worldwide communications, the chairman said:

A general conclusion could be drawn from the staff report that the use and operational capabilities of the Defense Communications System in getting low rate traffic, and that the strategy of the system needs to be completely rethought.

I must say in listening to the answers to the specific questions that have been asked, nothing that is hearing today has changed my mind about the chairman's conclusion.

I hope some time in the future we can give to a reevaluation and detailed interest in developing a plan about our communications system.

You have told us today that you are continually upgrading it, and that you are continuing to look at it. Maybe you are doing it in too much piecemeal. We do need an effective, comprehensive study of our communications system.

It has been like Topsy, and sometimes when things do, it requires an evaluation of this kind.

I understand that you are a little in the dark as to what our report contains, so I do not want to be unfair with my comments, but in view of the answers, the discussion and the questions about policy and who

makes the decision, really, as far as I am concerned, the second item is complete confusion.

General Kinnear: I might say in the making environment, I do not feel any confusion as to who is responsible setting the policy that we follow in DCA. Finding out who is responsible for the direction, etc., and the various actions that we take is one of my major problems.

Mr. Larson: I am not sure, but I have not determined yet who is to blame.

General Kinnear: The Secretary of Defense is the ultimate boss, and my intermediate bosses certain elements and for review and evaluation is the Chairman and the Joint Chiefs of Staff. I know to whom I go for what.

Mr. Aspinwall: You often do you communicate with the Chairman of the Joint Chiefs of Staff on communications matters, Chairman?

General Kinnear: Every day. There is a series of papers going on all the time.

Mr. Aspinwall: From the Chief to you?

General Kinnear: And from me to the Chairman of the Joint Chiefs of Staff, etc., mostly to the Director of the Joint Staff.

Mr. Aspinwall: Your mission is to carry out his orders?

General Kinnear: Yes, sir.

Mr. Larson: I cannot see it as a bad suggestion that all the various powers that be investigate their position and see if they cannot take an overall look at the whole system and see where we are going to this side of the table we have. I think, good reason to feel that there needs to be an overall study of the system, its operation, its rules and regulations, policy manuals, and everything. Maybe we are looking at this too closely. Maybe we do not understand all the problems.

Solden has suggested from your side of the table that this could be done or maybe should be done. It appears to me that you know you have some problems, but you do not think they are great. I feel that you have a lot of problems and that they are great.

General Kinnear: I hope I did not give the impression that we have no problems. I equal to have recognized an identified our problems. I know what they are, I do know. As soon as we discover or identify them, we set ourselves about to do something constructively about them.

I think the study which was recently made by Mr. Horowitz's office and the Defense Communications Agency and which was the prelude, as has been mentioned earlier, to Mr. Nitze's letter of September 18, was in fact a rather broad gaged look at the Defense Communications Agency, and called for subsequent evaluations of its manpower and the effectiveness of the organization over the next 12-month period.

I think this was, in fact, the type of study that you are looking for, sir.

Mr. Larson: We do not know the date it started, the date it was completed, what the recommendations were, or where the recommendations stand. That all will be put in the record, journal.

General Kinnear: Yes, sir.

It started January 1, 1968, with 6-month reports, and the last one due in June. There have been no reports yet.

Mr. Larson: I did not realize that until this moment.

Mr. Lipowich: There are two different studies. One is a study of the USSR's capability, and that is the one I talked to before. The second study began in 1985 and finished in 1987. I will provide the exact date. It reflected for complete order tracking certain changes in the arrangement of DCA. I can furnish that for the record.

(The information follows.)

Response to those telecommunications arrangements due 2001, DCA, USSR, Congressional Report

1. Mr. Chairman, there are two memorandums from Deputy Secretary of Defense subject: "Proposed arrangements for the Defense Communications System (DCS), dated September 1987, and the Study of the Defense Communications System, dated February 1988.

The DCS study was conducted to examine the mission and responsibilities of the DCS and to propose recommendations for the field activities of the DCS. The proposed field activities were designed to ensure the continued jurisdiction and operational control of the Defense DCS. Analysis was to be conducted of the objectives and characteristics of the proposed arrangement and if the current functional arrangements specific steps should be identified to insure the responsibilities of the Director DCS in requirements development and validation, in engineering, among the organizations and centralized operations of the DCS. The objectives of these steps were to insure responsiveness and operational effectiveness, compatibility and consistency of component, funding of equipment, cross training of personnel and overall economy.

The Study Group identified the major problem areas concerned with the implementation of the DCS.

Insufficiency of controls and procedures for preventing and detecting unauthorized access to all levels of DCS; lack of clear definition of responsibilities and authorities; lack of clear definition of communication, control and coordination.

Lack of formal coordination among offices and organizations involved in the communications management process to fully verify and validate.

A general lack of understanding by the communications community of the responsibilities and authorities of DCS.

A general lack of aggressive management by the communications community to insure, e.g., the DCS's success.

The Study Group's examination of DCS found that DCS had capitalized the advantages of implementing the proposed field arrangements, over them would be severe interface兼容性 problems between DCS and non-DCS activities conducted at the same location. In addition, the Study Group recommended that the Director DCS, in addition to the review of related organizations when necessary, the proposed the relevant responsible would have control of a portion of the communications. For these reasons, the Study Group concluded there was no need to do so as to the wisdom of retaining the DCS as a field command and the proposed command arrangement would not solve the interface兼容性 problems outlined earlier.

The Study Group's recommendations:

1. Do not adopt the proposed proposed arrangement; alternatively allow the communications community to conduct military departments under the "existing control" of DCS.

2. Retain the Director as predominant and authority above organizational changes to solve the communications problems.

3. Establish a Defense Communications Agency ("DCA") consisting of communications managers to classify and strengthen control and the provision of communications services to the military departments.

4. Do DOD Directive 5000.10, "Defense Communications Agency," to establish the DCA responsibilities and authorities.

5. Establish the telecommunications review capability of the ARDC.

6. Ensure the CDRDPA's participation in the DCS review process.

7. Establish:

(1) The Director DCA as the Director J-6(DCW).

(Reference has been previously furnished to relevant staff)

(2) A DCA of the Defense Communications Agency as the Head DCS area commander.

(3) The chief component communications officer as the vice-chair of the Defense service communications director organization.

8. Request the DDCR to review agency joint staff organization and structure as they apply to DCS.

9. Request ARDC, J-6(DC), to make available its defense department procedures for review of telecommunications arrangements before the threshold of operation on September 28, 2001, to facilitate the following discussions with respect to:

1. Not adopt the proposed proposed arrangement for the DCS as DDCR will not be able to provide any real and timely input on the performance of DCS during a period of about eight months due to the President's pre-term election.

Note: The ARDC has made available these reports along with the accompanying notes for review by the Deputy Secretary of Defense.

2. The proposed new commands would not be placed under the "head of control" of the DCS.

3. ARDC were requested to evaluate the utility of integrating selected communications functions into DCS.

4. DDCR have recommended that the DCS be:

a. Evaluate a revised DDCR DOD Directive 5000.10, "Direction of major telecommunications activities," for review and comment.

b. Proceed to final stages of drafting.

c. Review and strengthen DOD Directive 5000.10, "Defense Communications Agency," as approved and published.

d. Approve a successor agency of the Office of Telecommunications (OCT), ARDC, J-6(DC), to be conducted by 2001, in accordance with DOD Directive 5000.10, "Defense Management Agency," as proposed. Details are being studied.

e. Approve a management study on progression of tele-mission office requirements for ARDC, J-6.

f. Issue Army and Air Force Telecommunications priorities.

g. Withdraw final decisions on "DCS" and the "DCS area commander" position or otherwise amend the DCS and the DCS area commander position of the DCS and on the fourth last page of attachment 1, DOD Directive 5000.10, DCS.

Note: ARDC, J-6(DC) is to provide recommendations on this issue to the Deputy Secretary of Defense at the end of the fiscal year period.

h. Revisit the recommendations to double the authority component commanders as the commanders of their respective service field communications organizations by leaving the division to the military departments, i.e., Army, Air Force, Navy/Marine Corps.

i. Request the DDCR to study existing DCS organizational arrangements in 1998.

Note: DCS exists due to ODCI memorandum.

j. Requested that the CDRDPA insure the CDRDPA's participation in the DCS review.

k. Assign ARDC, J-6(DC), as the DDCR staff focal point for DCS requirements issues and other CDRDPA efforts to insure full DDCR staffing on these issues.

Mr. Larson: I get the feeling, too, during the hearings, that you thought we were just interested in the inter-service relationships, the U.S. Army and the USSR, Pacific and all that. We are interested in the overall effectiveness of our worldwide communications. We have been working to improve the much lately.

Thank you, Mr. Chairman.

Mr. Asanawa: That is all, gentlemen. Thank you.

OFFICE OF THE PRESIDENT OF ISRAEL

הַרְפָּאָה אֶתְבָּשָׂר

Jerusalem, June 6, 1982

Mr. Stan White
USS Liberty Veterans Association
Route 1, P.O. Box 458
Burbank, SD 57010
U.S.A.

Dear Mr. White,

Thank you for your letter of March 30, to the President, receipt of which is hereby acknowledged.

We have noted your request that a review of "The Attack on the Liberty" Incident be made in Israel.

The President has instructed us to transfer your letter with the attached material to the relevant Government departments for their consideration.

Yours sincerely,

Russia Weiner

Personal Assistant to the President

EW/ab

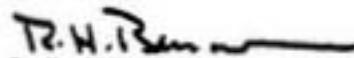

19 May 1983

Dear Master Chief Petty Officer White,

Thank you most kindly for your and James
Ennes' thoughtful and generous personalized gift
-- a truly just tribute to the USS Liberty.

With warmest personal regards and best wishes.

Sincerely,


R. H. BARROW
General, U. S. Marine Corps
Commandant of the Marine Corps

Master Chief Petty Officer Stan White, USN (Ret)
President,
USS Liberty Veterans Association
Route 1
P. O. Box 45A
Burbank, South Dakota 57010

JUNE 6, 1983

U.S. LIBERTY VETERANS ASSOCIATION
P.O. BOX 45A
WELD BANK, SD 57010

STAN WHITEJ

I RECEIVED AN INVITATION FROM M.P. BALIC OF AMERICA FIRST INCORPORATED ON JUNE 23, 1983 IN NYC AND AN ATTACHMENT FROM THE BALTIMORE SUN. I DON'T BELIEVE I CAN MAKE IT AND I ASK YOU MY WIFE COULDNT TAKE EVEN AFTER ALL THESE YEARS. HOWEVER, I WANT TO LET YOU PEOPLE KNOW THAT ALL YOUR ENDEAVOURS TO RIGHT THIS INJUSTICE ARE APPRECIATED.

MY SON WAS ONLY 21 YEARS OLD AND HAD HIS WHOLE LIFE BEFORE HIM UNTIL THAT FATEFUL DAY. MY WIFE AND HIS FIANCÉE WERE HAPPILY ADDRESSING WEDDING INVITATIONS WHEN THE NEWS CAME OVER THE RADIO. FOR US AND MANY OTHERS, THE WHOLE WORLD SHATTERED.

IN SHORT, MY SON WAS TAKEN, HIS FIANCÉE WAS DEVISTATED FOR A LONG TIME, AND MY WIFE WOKE UP CRYING EVERY NIGHT FOR OVER SIX MONTHS. MY WIFE DEVELOPED ACUTE ASTHMA AND RESPIRATORY PROBLEMS AFTER THAT WHICH SHE HAS NEVER RECOVERED.

10 YEARS AFTER THE TRAGIC INCIDENT, MY COMPANY WANTED ME TO LEAVE BECAUSE I WAS NOT AGGRESSIVELY ENOUGH PURSUING MY DUTIES. I WORKED TWO JOBS IN COLLEGE) AND WAS DEMOTED FOUR CLASSIFICATIONS FROM TITLE AND COMPENSATION AND ENDED UP IN A RATHER MENIAL POSITION AS A COLLEGE GRADUATE. HOWEVER, SINCE THEN I HAVE WORKED MYSELF VERY WELL BUT REALIZE I WILL NEVER ACHIEVE WHAT MY POTENTIAL WOULD HAVE BEEN IN THIS COMPANY.

AS AN EX NAVY MAN, I FOUND IT DIFFICULT TO CONCENTRATE AFTER MY SON WAS LOST SERVING HIS COUNTRY AND ESPECIALLY UNDER CONDITIONS HE HAD DONE SOMETHING WRONG AND TO KNOW OUR COUNTRY DID NOT CARE ABOUT HIM AND ALL HIS FELLOW CREWMEN BUT ONLY WANTED TO QUIET THE INCIDENT. WHO WAS IN CAHOOTS WITH WHO AND WHY?

MY LTD LYING HANDS WERE TIED BECAUSE ONE DIDN'T NEED MUCH INTELLIGENCE TO REALIZE HOW HUSHED UP THE SITUATION WAS. VERY FAKE NEWS MEDIA, THE SPLITUP OF THE CREW, ETC. NO, I WILL NEVER FORGET THE ATTACK ON THE USS LIBERTY AND THE WAY OUR GOVERNMENT HIDES BEHIND ITS PEOPLE.

I AM THANKFUL JAMES ENNIS WROTE HIS AND THAT MANY OF YOU ARE TAKING SUCH AN ACTIVE PART TO RIGHT THIS SITUATION.

YOURS TRULY,

FRANK HORTON
U.S. REPRESENTATIVE
20TH DISTRICT OF NEW YORK

SUBCOMMITTEE
GOVERNMENT OPERATIONS
HOMELAND SECURITY SUBCOMMITTEE

BROOKLYN, NEW YORK
A REPUBLICAN DECLARATION

MAILING ADDRESS:
2200 K Street NW
Washington, D.C. 20007
(202) 224-4712

RECEIVED BY
202-224-4712
POSTMASTER, BROOKLYN,
NEW YORK, 11201
(202) 224-4712

MAILING ADDRESS:
2200 K Street NW
Washington, D.C. 20007
(202) 224-4712

Congress of the United States
House of Representatives
Washington, D.C. 20515

February 24
19 83

Mr. John M. Frankowski
[redacted]

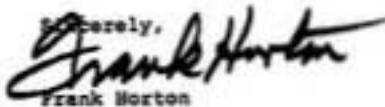
Dear Mr. Frankowski:

Thank you for your letter with regards to your efforts to open Congressional hearings on the USS Liberty.

I note by your address that you reside in the 30th Congressional District. I am therefore, referring your correspondence to the Congressman who represents you, the Hon. Barber B. Conable, Jr.

By copy of this letter, am indicating my willingness to be of support and help to him on this matter.

With kindest regards,

Sincerely,

Frank Horton

PH:dr
cc: Hon. Barber B. Conable, Jr.
237 Cannon House Office Bldg.
Washington, D. C. 20515

Enc.

BARBER B. CONABLE, JR.
New York, New York

—
WAYS AND MEANS
—
STANDING COMMITTEE
ON DEFENSE
—
JOINT COMMITTEE ON
TAXATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

RE: LIBERTY SHIP
601 Cannon House Office Building
Washington, D.C. 20515
(202) 225-3112

Senate Committee
811 Paul Cellar Building
One Senate Office Building
Washington, D.C. 20510
(202) 224-2112

Mr. Dan M.
Elmendorf Street
Albany, New York 14803
(716) 549-6712

February 22, 1983

Mr. John M. Brankowski
[redacted]

Dear Mr. Brankowski:

I have your letter which we received here on February 8. I very well recall the incident of the USS Liberty and the outrage that generally attended the attack on the ship. I am interested to know that you have an organization called Veterans of the USS Liberty.

However, I am not sure there is any great public purpose in trying to reopen this incident after 15 years. The incident was thoroughly examined at the time and our government decided to accept the Israeli apology. I understand, as well, settlements have since been reached by Israel with families of those who were killed. Our relations with Israel are strained at best by much more recent events and there has been virtually a complete turnover of Israeli and U.S. government officials since the time of the USS Liberty incident. Members of the House Foreign Affairs Committee tell me the Committee has received requests to hold new hearings on the incident, but they do not plan to do so.

I am willing to meet with you, as you requested, but could not offer you any encouragement that Congress is going to return to this unhappy event after 15 years. There was broad questioning in our country of the Israeli position in this affair, and there is broad agreement now that our national purposes would not be advanced by reopening the dispute.

Very truly yours,

Barber Conable

Barber B. Conable, Jr.

c/lm

ALFONSE M. D'AMATO
NEW YORK

United States Senate
WASHINGTON, D.C. 20510

February 24, 1983

John M. Brankowski
[REDACTED]

Dear Mr. Brankowski,

You will be glad to know that I am working on your recent request.

I have contacted appropriate officials in your behalf and will be back in touch as soon as I receive a reply. I appreciate having this chance to try to help.

Sincerely,

Al D'Amato
Alfonse D'Amato
United States Senator

AMD/mc


12 April 1983

Dear Master Chief Petty Officer White,

Thank you for your kind words, especially your approval and encouragement as well as generous praise of Brigadier General Hayen.

I am hopeful the results will be achieved. At least corrective measures have been promised.

Your interest in, and support of, the Marine Corps is deeply appreciated.

Many best wishes.

Sincerely,



R. H. BARRON
General, U. S. Marine Corps
Commandant of the Marine Corps

Master Chief Petty Officer Stan White, USN (Ret)
President, USS Liberty
Veterans Association
Route 1
P. O. Box 45A
Burbank, SD 57010

U.S.S. LIBERTY VETERANS ASSOCIATION
Route 1, P.O. Box 45A
Burbank, SD 57010

March 23, 1981

Commandant, U.S. Marine Corps.
Gen. Robert H. Barrow
Commandants House Marine Barracks
8th & I Streets, SE
Washington, DC 20380

Dear General Barrow:

We would like to offer our total support for your letter to the Secretary of Defense condemning Israel's actions in Lebanon. We can appreciate your feelings when an "ally" takes dangerous and threatening actions, which are obviously well planned, towards your officers who are serving there in their peace keeping role.

Sixteen years ago Israel, after several hours of close observation, "mistakenly" attacked the U.S.S. Liberty in a (to use your phrase, if I may) "well orchestrated" plane, motor torpedo boat and troop laden helicopter assault. After two hours of rocket, canon, napalm and torpedos, we were left with thirty-four dead and one hundred seventy-one wounded out of a crew of two hundred-ninety-four. The dead included two Marines, Sgt. Jack L. Raper and Cpt. Edward E. Nehmeyer, and the wounded included SSgt. Bryce F. Lockwood (the entire compliment of Marines). Sgt. Lockwood was later awarded the Silver Star for his heroic actions, which, in typical Marine Corps fashion, meant saving the lives of others in the torpedoed spaces without regard for his own life.

For a very accurate account of this "incident" I would like to recommend the reading of "Assault On The Liberty", by James M. Ennes, Jr. Mr. Ennes was officer of the deck when the attack started and was seriously wounded. We would like to send you a copy of this book, should you so desire.

In addition, we would like to take this opportunity to say a few kind words about one of your officers, Brig. Gen. Jerome T. Hagen. Gen. Hagen was present at both our first reunion in June, 1982, and for the new grave stone dedication in honor of six missing or unidentified Liberty crewmen (including Sgt. Jack Raper) at Arlington National Cemetery in October, 1982. Gen. Hagen is an excellent representative for the Marine Corps, and a true officer and gentleman.

Once again we praise your letter and support your position one hundred percent, just as I am sure, do all the United States Armed Forces, the VFW, American Legion, and a vast majority of the American public. Speaking out

- continued -

Gen. Robert H. Barrow
March 23, 1983
Page 2

against this particular "ally" is not a popular, nor easy, thing to do as we have found over and over. Never the less, your letter and the frank statements by Col. James Head, may draw enough public attention to Israel's attitude to prevent any future Liberty "mistakes", U.S. Marine Captain versus Israel tanks and the day to day confrontations between your troops and the Israeli Defense Forces in Lebanon.

Very respectfully,

Stan White
Stan White
MCPD USN (Ret)
President, U.S. Liberty
Veterans Association

cc: United States Senator Larry Pressler
United States Secretary of Defense, Caspar Weinberger
United States Marine Corps, Colonel James M. Head
(Copy enclosed, please forward)

USS LIBERTY VETERANS ASSOCIATION
Rt. 1, P.O. Box 63A
Burbank, SD 57010

March 15, 1981

Secretary of State George F. Shultz
Department of State
Washington, DC 20520

Dear Mr. Shultz:

The surviving crew members of the USS Liberty have made repeated efforts, both in the United States and Israel, to re-open, or at least review, the June 8, 1967 incident involving the Liberty and Israel.

We have read the U.S. Navy Court of Inquiry and do not believe that the facts presented agree with the conclusion arrived at. We also do not feel that all testimony and evidence were entered into the records nor were all pertinent witnesses called.

We have also read Israel's original investigation report and their most recent report on the subject. This recent report is entitled "The Attack On The "Liberty" Incident", published by the Israel Defense Forces History Department, Research and Instruction Branch. There are many, many points in this report that we disagree with. More important, this is the second such report issued with Israel interviewing one single Liberty crewman. In their investigation of the Japanese massacre, they did take the testimony of other parties involved, arrived at the truth and proved that honor can be maintained through honesty and openness.

We have received little or no response in our contacts with the military and government of both countries, probably through our not going through proper channels. I hope that we are now proceeding correctly in pleading for your assistance and intervention on our behalf with the proper people of both the United States and Israel.

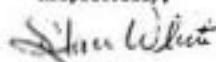
Without attempting to embarrass either country, there are several of us who would like to be involved and testify in the review of this incident by either or both of these great countries. If Israel so agreed, I am sure that transportation could be requested from the U.S. Navy for us to travel there.

I realize that you are extremely busy with world wide problems and that we are merely a sixteen old small part of history, but with all due respect to both the United States and Israel, a great injustice was done to a very heroic crew and Captain in 1967 and every year since. Once again I request

March 15, 1983
Page 2

your assistance in this matter and I thank you for your valuable time in
bearing me out on this subject.

Respectfully,



Stan White
MCPD USN (Ret)
President, USS Liberator
Veterans Association

cc: Israel Ambassador to the United States
United States Senator Larry Pressler

CONFIDENTIAL

Department of State

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INCOMING
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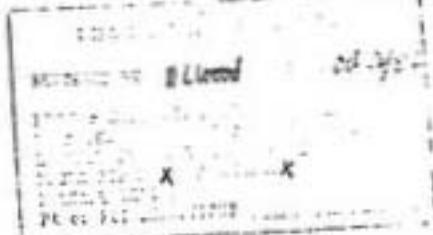
CDDIS

FOR ATHERTON FROM LEWIS

E.O. 11652 GDS
TAGS MILIT IS EG US
SUBJ SS LIBERTY CASE

REF STATE 87093

I RAISED THIS QUESTION WITH EVRON JANUARY 11 AND
SUMMARIZED POINTS IN ISRAEL. HE PROMISED TO PROVIDE
AN EARLY RESPONSE TO YOUR INQUIRY AND HE UNDERSTANDS
THAT WE WILL HAVE TO MAKE A FORMAL APPROACH IN THE
NEAR FUTURE IF WE DO NOT HAVE THEIR VIEWS. I ANTICI-
PATE HECKLING FROM HIM SHORTLY.
LEWIS



PS 8-4 U.S.-DSR

Department of State

TELEGRAM

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LIMITED OFFICIAL USE TEL AVIV 810

CONNECTED BY EDNA TEXT

第十一章 财务管理与资本结构

2000 STATE SURVEY

14. IF WE ASK SOI FOR SUBSTANTIVE REP T RE SHIP DAMAGE CLAIM
1 I WOULD ANTICIPATE RECEIVING A LEGALISTIC ARGUMENT PROBABLY
1 ALONG LINES OF ORIGINAL NOTE OF AUGUST 5 ITEL AVIV 47981
1 ENDEAVORING TO DISCLAIM LIABILITY WHICH ACTION WOULD NO
1 DOUBT INITIATE A LONG AND PROBABLY UNSUCCESSFUL NEGOTIATION.

B6
Hes M.

* CONVENTIONALLY BEFORE DOING SO SUGGEST THE DEPARTMENT
CONSIDER WHILE THERE IS, OF COURSE, NO REPEAT
NO QUESTION THAT THE ISRAELIS BEAR RESPONSIBILITY FOR THEIR
CRIMINAL ATTACKING THE SHIP AND THEY ACKNOWLEDGE SUCH
RESPONSIBILITY AND EXPRESSED WILLINGNESS TO PAY SUCH COMPENSATION
IN THEIR FIRST COMMUNICATIONS FOLLOWING THE DISASTER.
IT IS ALSO A FACT AND PUBLIC KNOWLEDGE THAT WE ISSUED
INSTRUCTIONS TO THE VESSEL, WHICH UNFORTUNATELY DID NOT
ARRIVE IN TIME TO MOVE OUT OF THE AREA IT WAS THEN OPERATING
IN. IT CAN BE ARGUED THAT THIS ACTION ON OUR PART CONFIRMED
OUR CONCLUSION THAT THE SITUATION IN THE SHIP'S AREA OF
OPERATION INVOLVED UNACCEPTABLE RISK AND THIS
RECOGNITION COULD BE CONSTRUED AS ATTENUATING AT LEAST
MORALLY IF NOT LEGALLY ISRAELI RESPONSIBILITY. FURTHERMORE
WE HAVE ALSO ANNOUNCED PUBLICLY THAT THE NAVY DOES NOT REPEAT
NOT INTEND TO REFUSE THE LIBERTY WHICH APPARENTLY WILL BE

LIMITED OFFICIAL USE



Department of State

TELEGRAM

LIMITED OFFICIAL USE

PAGE 02 TEL AV 02159 061245Z

SCRAPPED. FINALLY THE ISRAELIS HAVE PAID IN FULL OUR CLAIMS FOR DEATHS AND INJURY THUS DISCHARGING TO THE EXTENT COMPENSATION CAN DO SO THE CLAIMS WHICH HAVE A HUMANITARIAN PERSONAL BASIS.

3. IT IS RECOGNIZED THAT THE PRECEDENT INVOLVED IN THIS SHIP CLAIM MAY BE IMPORTANT TO US IN ITSELF IN THAT IF WE ARE UNABLE TO OBTAIN AT LEAST SOME COMPENSATION FOR MATERIAL DAMAGE TO THIS SHIP FROM A COUNTRY WITH FRIENDLY RELATIONS WITH THE USSR, IT MIGHT PREJUDICE OUR ABILITY TO COLLECT SIMILAR CLAIMS INVOLVING LESS FRIENDLY OR UNFRIENDLY STATES.

4. CONSEQUENTLY I SUGGEST THAT WE RECOGNIZE THAT OUR CLAIM IN THIS CASE IS IN FACT ATTENUATED AS SET FORTH ABOVE AND THAT AS A PRACTICAL MATTER WE ARE UNLIKELY TO OBTAIN ANYTHING LIKE FULL DAMAGES FOR THE SHIP CLAIM. AT THE SAME TIME AND IN VIEW OF THE DESIRABILITY OF OBTAINING SOMETHING IN SETTLEMENT I FURTHER SUGGEST THAT I BE AUTHORIZED IN THE FIRST INSTANCE TO GO OUT THE ISRAELIS INFORMALLY AS TO THE POSSIBILITY OF NEGOTIATING A SETTLEMENT INVOLVING ONLY SOME TOKEN PAYMENT.

5. DEPARTMENTAL DOCUMENTS WOULD BE APPRECIATED.
BARBOUR

LIMITED OFFICIAL USE

INCOMING TELEGRAM

YSS **Department of State**

POL 27 ARAO-ISR

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CONFIDENTIAL

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CONFIDENTIAL KUALA LUMPUR
REF: NL 4694
SUBJ: MIDDLE EAST

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1601 JUN 9 AM 0 29
DEPARTMENT OF STATE A/CDC/IR
REVIEWED BY *G. W. Ray* DATE *16 Jun 67*
ROD OF ISSUENT DATE *AT LUMPUR 4697* REASON(S)
ENDORSE EXISTING MARKINGS
DECLASSIFIED RELEASEABLE
RELEASE DENIED
PA OR FOI EXEMPTIONS *b7c*

1. UNLESS DEPT HAS OBJECTION, I PROPOSE SEND FOLLOWING
SELF-EXPLANATORY NOTE TO PRIME MINISTER. REQUEST
CONCURRENCE URGENTLY.

"DEAR TURKU,

DURING OUR DISCUSSION YESTERDAY AFTERNOON I TOLD
YOU THAT AIRCRAFT CARRIERS OF THE U.S. SIXTH FLEET
WERE SEVERAL HUNDRED MILES FROM THE AREA OF THE
FIGHTING BETWEEN ISRAEL AND SOME ARAB STATES. THE
PRESS THIS MORNING REPORTS AN ATTACK ON A UNITED
STATES NAVY RESEARCH VESSEL 15 MILES OFF THE COAST OF
THE SINAI PENINSULA. THIS VESSEL THE U.S.S. LIBERTY, IS
A CONVERTED CARGO SHIP AND HAS NO OFFENSIVE CAPABILITY.
IT WAS IN THE EASTERN MEDITERRANEAN TO ASSURE COMMUNICATIONS
BETWEEN U.S. GOVERNMENT POSTS IN THE MIDDLE EAST AND TO
ASSIST IN RELAYING INFORMATION CONCERNING THE EVACUATION
OF AMERICAN DEPENDENTS AND OTHER AMERICAN CITIZENS IN THE
COUNTRIES OF THE MIDDLE EAST."

2. SUGGEST SIMILAR STATEMENT BY DEPT SPOKESMAN, IF NOT
ALREADY MADE, WOULD BE USEFUL.

GP-3. BELL
BT

DECLASSIFICATION DATE *5/7/76*
PER *Burg* CINT *NCA*
FADRC FOI CASE NO. *620014*

CONFIDENTIAL

(3)

207-21 1002

G:Slow:51
(Q) (Ref ID: A6464)

SECRET

DEPARTMENT OF STATE

Approved in S/S
J. M. Thompson
6/9/67

Memorandum of Conversation
Telephone

10027

DATE: June 8, 1967
10:15 a.m.
11:00 a.m.

SUBJECT: USS Liberty

PARTICIPANTS: Mr. Yuri N. Tcherniakov, Soviet Chargé d'Affaires a.i.
Mr. Foy D. Kohler, Deputy Under Secretary

COPIES TO: S/SEC. EUR/SOV
SAC NEA Embassy Moscow
UCC HCC Embassy Tel Aviv ORIGINAL COPY TO RUEK FOR
GCC REC'D. RECORDING & DISTRIBUTION
EUR:

Mr. Kohler informed the Chargé that he had an urgent message for the Soviet Government. An American ship, the USS Liberty, was torpedoed a few hours ago off Port Said. We are not sure of the exact location where the incident took place. It is an auxiliary ship. We are sending eight aircraft from the Carrier Saratoga to investigate. We wanted the Soviet Government to know that this was the purpose and the only purpose of those aircraft approaching in that direction. The Chargé said he assumed these would be military aircraft since they came from the Saratoga, and he repeated his understanding that their purpose was solely to investigate.

Mr. Kohler called the Chargé again at 11:00 a.m. to inform him that we have now received the information that it was the Israelis who attacked the vessel. He emphasized, however, that this did not change the import of the message he had given the Chargé earlier to the effect that our planes are going to the scene of the incident in connection with the vessel and not for any other purpose.

3) SECRET

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MICROFILMED
BY S/S: CMS

G:Slow:ish: 6/8/67

Approved by G,
June 9, 1967

DEPARTMENT OF STATE

Memorandum of Conversation

SECRET

(6)

1003
FILE
RS/R

DATE: June 8, 1967
12:45 p.m.

SUBJECT: USS LIBERTY Incident (Telephone Conversation)

PARTICIPANTS: Deputy Under Secretary Foy D. Kohler
A Counselor of the Soviet Embassy in Washington

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WH/C
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Embassy MOSCOW/C

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RECORDING

Mr. Kohler asked to speak to Mr. Tcherniakov but was informed by the Counselor of the Embassy that the Charge was in a meeting. Mr. Kohler asked the Counselor to pass a message to the Charge informing him that the message Mr. Kohler had given him this morning was also sent to Moscow via the "Hot Line." We now have a reply from Chairman Kosygin acknowledging receipt of the telegram and informing us that the information was immediately passed to President Nasser. Mr. Kohler asked the Counselor to thank the Charge for his promptness and cooperation in passing the information to Moscow.

Mr. Kohler also noted that Chairman Kosygin had described the vessel concerned as a Liberty-type ship. In fact, USS LIBERTY was the name of the ship concerned.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY F.D.K. DATE 6/8/67

REF ID: A65429
REASON(S)
ENDORSE EXISTING MARKINGS
DECLASSIFY/REFINE RELEASEABLE
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MICROFILMED
BY S/S: CMS

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APP 1003

REF ID: A65429
CENSUS-SK

Felder (US Israel-USS Liberty) 1001
DEPARTMENT OF STATE
THE LEGAL ADVISER

ATT. NO. 2474

Final - 1001

July 11, 1967

1001
FDR

MEMORANDUM FOR THE SECRETARY

THROUGH: S/S

FROM: L - Leonard C. Meeker

SUBJECT: June 8 Attack on U.S. "Liberty"

The United States Navy Court of Inquiry on the attack against the Liberty was convened on June 10, 1967. Following the completion of its proceedings, a summary of them was issued in a Department of Defense press release on June 21. The summary was accompanied by the unclassified transcript of testimony by the Commander of the Liberty. Those two documents are attached at TAB A.

An Israeli military investigation of the attack was undertaken in June. Neither a transcript of the proceedings nor a summary of them has been made public or communicated to the United States Government. An Israeli military officer gave some explanations to our naval attaché in Tel Aviv as to how the attack came about through mistake, but these explanations were essentially unrevealing as to what the investigation brought out. It is reported that the Israeli Chief of Staff was dissatisfied with the initial investigation. He thereafter announced that the whole matter had been turned over to a legal officer in the IDF for further examination and to determine whether any court-martial should be held. There has been no indication as to the course of this second Israeli inquiry.

On June 10, 1967 the Israeli Ambassador in Washington delivered a note stating that "The Government of Israel is prepared to make amends for

REVIEWED BY ABD 7-12-67
THE GOVERNMENT OF ISRAEL
THE EMBASSY OF ISRAEL

SEARCHED INDEXED DATE _____
15 AUG 1967
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and material damage". On the same day Under Secretary Rostow handed to Ambassador Harman a United States note concerning the attack on the Liberty. This note contained certain errors in stating the times at which the air and torpedo boat attacks took place and the times of reconnaissance flights during the morning. An amended note, correcting these errors and incorporating other changes of language proposed by Nick Katzenbach and Nick Rostow, is being given to Ambassador Harman this afternoon. A copy of the corrected note is attached at TAB B.

Following the receipt of our initial note of June 10, the Israeli Embassy gave us a further note on June 12. This is attached at TAB C. Under Secretary Katzenbach has suggested to Ambassador Harman that the Israeli Embassy might wish to withdraw or change this note, and we understand that the Israelis are thinking of doing so after they receive our corrected note.

Since June 10, and as a result of examining carefully the full testimony before the United States Naval Court of Inquiry, we have learned a good deal more than we knew earlier about the reconnaissance flights on the morning of June 8. It now appears that there were at least eight ~~one~~ flights, spread over a period of seven and one-half hours between 0515 and 1245, local time. None of the reconnaissance planes was identified by observers on the Liberty; apparently they were not near enough for the markings to be made out. Analysis of the whole situation, including movements of United States aircraft on the morning of June 8, has led the Navy to conclude that the reconnaissance aircraft could only have been Israeli. Tabulation of the reconnaissance flights is attached at TAB D. The times indicated on this tabulation are being given informally to Ambassador Harman this afternoon.

The air attack commenced shortly after 1400 hours, local time, on June 8. The attacking planes made a number of bombing and strafing runs over the ship. Shortly after

1430 hours three motor torpedo boats closed on the Liberty. Two of them fired torpedoes; one passed to rear of the Liberty; the other hit the ship, opened a large hole in the hull, and killed a large number of communications personnel who were by that time at their general quarters station in the communications compartment. Further details about the attack and the events thereafter are given in the summary of proceedings of the Navy Court of Inquiry and in the testimony of the Liberty Commander.

There appeared in the Washington Star on July 6 an eye witness account of the attacks on June 8 by Micha Lior, a crew member on one of the Israeli torpedo boats. A copy of this story is attached at TAB E.

The Department of State is now assembling data from the Navy and other sources for the presentation of a monetary claim to the Government of Israel. This will include amounts for loss of life, injuries, and damage to the ship and its equipment. The total claim is likely to run into several millions of dollars. It will be presented as soon as we have the necessary information in hand and in shape to go ahead with making the claim.

Attachments:

- TAB A - Defense Press Release and T. script or Testimony by Commander of Liberty.
- TAB B - Corrected Note to be Delivered to Ambassador Haiman July 11, 1967.
- TAB C - Israeli Note of June 12, 1967.
- TAB D - Tabulation of Reconnaissance Flights.
- TAB E - Washington Star Article of June 8, 1967.



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buy it and... see

~~TOP SECRET~~

THE NATIONAL MILITARY COMMAND CENTER
WASHINGTON, D.C. 20330

DECLASSIFIED

Authority OSD WMM 1 MAY 1978

8 June 1967

By 4430 NARS, Date 8-21-75

1530 EDT

MEMORANDUM FOR THE RECORD OF PRELIMINARY INFORMATION

Subject: The USS LIBERTY (AGTR-5) Struck by Torpedo

1. At 080911 EDT June, COMUSMACV notified the NMCC by phone that the USS LIBERTY was under attack, had been hit by a torpedo and was listing to starboard. The ship was operating in the Mediterranean Sea approximately 60-70 miles east-northeast of Port Said.

2. The oral report of the incident was confirmed by a COMINT/HIPREP message reporting the USS LIBERTY had been hit by a torpedo on the starboard side at 080830 EDT. Three unidentified gunboats were reported to be approaching the vessel with the USS LIBERTY listing badly.

3. At 081013 EDT a message from COMINT/HIPREP stated the attack forces were declared hostile. COMINT/HIPREP also reported the following actions. The USS AMERICA had been directed to launch four A-6Es and the USS SARATOGA to launch four A-1s with fighter cover to defend LIBERTY. The pilots were directed to remain clear of land. In addition, TF-60 was directed to proceed toward the scene. Air refueling tankers were also ordered to launch, the first aircraft were on the scene at approximately 0845 EDT.

At 081515 EDT, a message was received from the USDAO in Tel Aviv stating that Israeli aircraft and motor torpedo boats had erroneously attacked a vessel in the Mediterranean Sea at 080000 EDT, which was thought to be a US Navy ship. Israeli helicopters were conducting rescue operations. The Israeli Government sent object apologies and requested information on other US ships near the war zone.

5. Late information discloses ten US killed and 75 wounded of whom 15 are in serious condition.

6. Two destroyers from TF-60 have been directed to proceed at full speed to the USS LIBERTY, now underway north on a northwesterly course at 8 knots. The rendezvous is estimated for 0901 EDT 9 June.

~~TOP SECRET~~

U.S. LIBRARY



DEPARTMENT OF THE NAVY
NAVAL SHIP SYSTEMS COMMAND
WASHINGTON D.C. 20380



From: Commander Naval Ship Systems Command
To : Judge Advocate General

Subj: Claims Pertaining to USS LIBERTY (AGTR-5)

Ref : (a) CRN ltr MAT OMC:ETK of 27 August 1967 w/encl.

Encls: (1) COMMENCLANT memo of 29 August 1967
 (2) COMNAVSHIPID NORVA ltr AUTR-5/4710 Ser 0196 of 29 August 1967
 (3) Copy of fixed price Contract No. N62678-67-C-0018
 (4) NAVFED (Code O&R) memo Ser O&R-452 of 28 August 1967
 (5) CO, USS LIBERTY (AGTR-5) ltr AUTR-5/4010 Ser 433 of 30 August 1967
 (6) Sworn Statement of Mr. Paul T. Saari, NAVSHIPSISCOMR, Code 527

1. Reference (a) requested this Command to furnish the Judge Advocate General with cost estimates for the repair of damages inflicted upon USS LIBERTY by Israeli Air and Naval units on 8 June 1967.

2. The estimated cost of restoring USS LIBERTY and its equipment to the same condition prior to the attack on 8 June 1967 is \$5,424,202. The following is a breakdown of this estimate:

| | |
|---|-----------|
| a. Actual Cost of Repairs Completed at Malta - enclosure (1). | 162,608 |
| b. Actual Cost of Norfolk Navy Shipyard Personnel Travel to Malta - enclosure (2). | 7,000 |
| c. Actual Cost of Oil Removal from Bulkheads and Overhead - enclosure (3). | 9,750 |
| d. Estimated Cost of Electronic Systems Restoration - enclosure (4). | 3,031,187 |
| e. Estimated Cost of Hull, Mechanical and Electrical Damage - enclosure (5). | 1,361,459 |
| f. Estimated Replacement Cost of Equipage, Allowance Items, Consumables, etc. - enclosure (5). | 141,656 |
| g. Estimated Cost of Labor Expended by LIBERTY Personnel in Excess of Normal Duties at a Rate of \$5.00 per hour. | 128,500 |

ABX 6-5
Ser 527-1450

1. It is noted that the actual cost of restoring and repairing the ~~LIBERTY~~ and its equipment will probably be increased to an undetermined amount because of the following conditions:
- a. The Norfolk Navy Shipyard estimates (enclosure 2) are based on current labor and overhead rates which are continuing to escalate.
 - b. The replacement costs (enclosure 4) of the electronic equipment destroyed by the attack are based on 1964 prices plus escalation. However, these models are no longer available and new equipment to provide the same capability is considerably more expensive.
 - c. The cost to eliminate the rubbing of the shaft, indicated in enclosure (2), cannot be determined until tests and inspections are made.
 - d. The Shipyard estimates (enclosure 2) for the repair of the ship's electrical system include the correction of only known damage at this time. The remaining tests to be conducted will probably uncover further damage.
4. This Command recommends that consideration be given to providing for a special payment to cover the above probable increases when the exact cost figures are known.

Copy to:
COMNAVFOR W/ENCL.
CNO (OP-04) W/ENCL.
CNO (OP-03) W/ENCL.
CNO (OP-94) W/ENCL.

E. A. GRANTHAM
Deputy Commander for
Fleet Maintenance & Logistics

Commander Service Force
U. S. Atlantic Fleet
Norfolk, Va. 83811

29 August 1967

MEMORANDUM FOR COMMANDER, NAVAL SHIP SYSTEMS COMMAND

Subj: USS LIBERTY (AGTR5) battle damage repairs: cost estimate

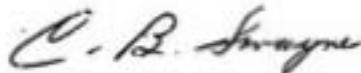
Encl: (I) Copy of Malta Drydocks invoice ser 3235, 14 July 1967

L. Enclosure (I) is a breakdown of the repairs accomplished by Malta Drydocks during the period 14 June 1967 - 14 July 1967 in order to make USS LIBERTY (AGTR5) seaworthy for transit to CONUS. Certain items in enclosure (I) are not associated with battle damage repairs as outlined below:

| | |
|--|----------------|
| Invoice price | \$163, 564. 50 |
| Less non-battle damage repairs, exceptions | |
| Item 128 | \$140. 00 |
| Item 505 | 532. 00 |
| Item 510 | 42. 00 |
| Item 512 | 32. 00 |
| Item 810 | 24. 00 |
| Item 811 | 10. 00 |
| Item 412 | <u>176. 00</u> |
| | \$956. 00 |

Total cost of temporary battle damage repairs: \$162, 608. 50.

2. It is certified that the costs outlined in enclosure (I) are those actually paid and that the estimates for the "exception" items are reasonable and just.



C. B. BRATTON
Ass't Chief of Staff
(Maintenance)

Enclosure (I) to NAVFAC 12
Ser 827- 1450

TO CAPTAIN, OWNERS AND ALL CONCERNED WITH

Serial No. 1720-173

July 20/7

CERTIFICATE

Dr. to
MALTA DRYDOCKS

Repaired
THE DOCKS MALTA LTD
SWAN, HUNTER & WILKAM RICHARDSON LTD.

Repairs Commenced 15. 6. 67
Repairs Completed 15. 7. 67

Vessel loaded, unloaded and ballasting
1st day outwards

Vessel loaded 15. 6. 67
Vessel unloaded 15. 7. 67

6000. 6. 67

Thirty (30) subsequent day drydock

The following work was carried out
as directed:-

120
Reconditioned and sterilized forty five (45)
bags and torpedoes (100 lbs bags and 50' x 22'
torpedoes).

221
To weld express 500 lbs P.C. steel cylinders
average size 12" x 12" x 2 1/2"

222
To renew express 100 feet lead roll wire

223
Remove express 50 lbs P.C. steel cylinders
average size 12" x 12" x 2 1/2"

ENCLOSURE (2)

| 124 | Repair approx. 12 in No. V/2 doors and hatch back on completion. | 15073 | 53 |
|-----|---|-------|----|
| 125 | | 15074 | |
| 126 | Rebox approx. 6 in No. V/2 doors complete with frames. | 15075 | |
| 127 | Rebox approx. 12 in No. hatch wire gratings. | 15076 | |
| 128 | To clean, wirebrush, apply emulsion (1) coat under coat epoxy. 300 sq. ft. damaged paint work (superstructure). Paint coat to be applied to entire topides including decks and mast (paint No. 700, Supply). | 15077 | |
| 129 | To crop & fit No. miscellaneous storage damaged beyond repair. | 15078 | |
| 130 | Manufacture 6 in No. galv. or P/B boxes without lids, but with 2 handles 10" x 10" x 10" high. & fit the 3" holes to be drilled in bottom. | 15079 | |
| 131 | Remove all traces of oil from bilgeaki and tank internally in way of damage, removing all debris, also hose down No. 8 deck. | 15080 | |
| 132 | Supply Services of U.S.A.V. Barber. To remove oil/water from following tanks. Clean internally and gas free. | 15081 | |
| | 1 - 32 - 8 - F 1 - 32 - 6 - F 1 - 32 - 1 - F 1 - 37 - 8 - F 1 - 37 - 1 - G 1 - 37 - 6 - F 1 - 37 - 1 - F | 15082 | |
| 133 | To manufacture and fit 1 in No. . inflatable aircraft storage complete with quickrelease gear, approx. size 5' x 5'. | 15083 | |
| 134 | Supply the following to the Engineer officer:- 3 Doz. pairs overalls. 3 x 6 pairs gloves. 3 doz. pairs sea boots. | 15084 | |
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| 113 | <u>Supply</u> | | | |
| 113 | Supply the Services of the Esso covered lorries (with drivers) at U.S.N. disposal as required. | | | |
| 114 | Supply liftboat stbd side stiff., hoisted in 10 in places. Fibre glass patching to be carried out in sites and liftboat after tested as completion. | | | |
| 115 | To supply 1 ton Esso 50 gall. drum of diesel oil and 1 ton 50 gall. drum kerosene gasoline and 4 ton Esso benzene filled with 2 gallons of gasoline each. | | | |
| 116 | Rail derrick port stiff., purchase price to be recovered. | | | |
| 117 | <u>Photographic Services, Esso Division</u> | | | |
| | (a) Take four (4) shots at different angle and supply 10 ton Esso of each, large glass prints. | | | |
| | (b) Take shots as instructed during various stages of removal and supply 4 ton Esso of each, large glass prints. | | | |
| | (c) Supply a 16 mm. colour film (10 exposures). | | | |
| | <u>Special Work</u> | | | |
| | 1. <u>Old Deck</u> | | | |
| | Deck part removed betw. 57 - 62 23' x 13' x 1/2" 2 in Esso deck house removed. 7' x 4' x 1' x 10° angle each. | | | |
| | Insert fitted on deck 24" x 24" x 1/2" Insert fitted on deck 36" x 36" x 1/2" Lower part of 3 in Esso. divisional bilged burned for access to deck plating. 8' x 25' Deep Girder part removed (stiff.) 10' x 2 1/4" x 1 1/2" Deep girder part removed (face plate) 10' x 1 1/4" x 10" | | | |
| | <u>New Deck</u> | | | |
| | No. 52 Transverse bilge. part 25' x 07' x 1/2" removed. No. 52 Transverse bilge. insert fitted. 24" x 04" x 1/2" 11 in Es. angle stiffener on bilge removed. 10' x 6" x 1" x 10' 3 in Es. brackets on stiffener to deck removed. 15" x 12" x 1/2" Deck part removed bet. 52 - 62 30' x 10' x 1/2" | | | |

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| | |
|---|-----------------------------------|
| 8 in No. deck beams recovered. | 9" x 4" x 3" |
| Four circular parts recovered (stbd) | 16" x 20" x 3/8" |
| Deck Circular part recovered face port | 14" x 19" x 1/2" |
| Deck beams on No. 53 Cross Fumigation. | 80" x 25" x 3/8" |
| Face plates | 16" x 10" x 3/8" |
| 8 in No. webs on beams and Circular | 24" x 10" x 3/8" |
| 3 in No. circular recovered bar | 32" x 32" x 3/8" |
| 32 - 53 | 9" x 4" x 3" x 10' single ends |
| Deck fairing bars. 52-53 (Centre line) | 80" x 10" each |
| Insert fitted on deck bar 52-53 | 61" x 23" x 3/8" |
| Insert fitted on deck bar 53 - 57 | 10" x 10" x 3/8" |
| No. 60 Circumference bilge recovered | 42" x 10" x 3/8" |
| 10 in Pn. G bars on webs recovered | 5" x 6" x 1/2" |
| | x 10' ends |
| Centre line pillar recovered 8 bar | 16" x 4" x 2 1/2" |
| | 12" |
| | 12" x 10" x 3/8" |
| | 12" x 10" x 3/8" |
| 8 in No. longi. bilge burned off | 12" x 10" each |
| No. 60 transverse bilge. | 10" x 10" |
| <u>(b) DECK PLATE</u> | |
| Longi. bilge on stbd side recovered bar 52 - 60 | 25" x 5" x 10" x 1/2" |
| Centre line bilge recovered bar 52 - 53 | 25" x 5" x 10" x 1/2" |
| Longi. bilge part side part recovered by 52 - 53 | 25" x 5" x 10" x 1/2" |
| No. 60 transverse bilge part recovered. | 25" x 10" x 1/2" |
| 6 in No. .8 bars on Centre line bilge | 25" x 5" x 10" (each) |
| 7 in No. .8 bars on longi. bilge part | 25" x 5" x 10" (each) |
| 1 in No. .8 bars on No. 60 bilge | 25" x 5" x 10" (each) |
| 3 in No. channel bars on 50 bilge | 10" x 25" x 10" |
| | 10" x 25" x 10" |
| 1 in No. angle on No. 52 bilge | 8" x 8" x 9" x 10" |
| Insert fitted as No. 57 bilge | 45" x 25" x 3/8" |
| 2 in No. T bars on 60 bilge part recovered. | 6" x 10" x 3/8" x 4" (each) |
| 3 in No. brackets on 60 bilge to deck 25" x 11" x 3/8" | 3" filg. (each) |
| Deck top part recovered last stroke (stbd) | 18" x 30" x 5" |
| Deckport part recovered last 8 feet stroke(s) (stbd) | 11" x 25" x 5" |
| Mangan plate bar. 53 - 64 recovered | 20" x 30" x 5" |
| Insert fitted on tank topbar 53 - 59 | 14" x 25" x 5" |
| 59 - 60 | 15" x 25" x 5" |
| 60 - 61 | 17" x 25" x 5" |
| No. 58 floor part recovered | 60" x 10" x 5" |
| No. 57 - 59 - 60 & 61 floors removed fairing material. | 60" x 10" x 5" each |

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AP 6049 23

REPAIRS LISTED.

(a) REMOVALS.

5 struts removed bet 53 - 63 7'6" x 41" x 3/8"
E 5' - 63 6'8" x 32" x 3/8"
G 53 - 63 7'6" x 32" x 3/8"
F 53' - 63 3'9" x 32" x 3/8"
H 53 - 63 6'9" x 32" x 3/8"

No. 53, 54, 55, 56, 57, 58, 60, 61, 62, 63 and
64 frames removed from tank top to 1st deck.

3" x 9" x 6" x 3/8" single web (chopped)

No. 65 & 66 frames removed bet 1st and 2nd decks

3" x 9" x 6" x 3/8"

No. 50 web frame removed

3" x 6" x 6"

Face plate

12" x 27" x 1"

3 in No. webs on 53 frame

11" x 35" x 3" (new)

3 in No. damaged plates fitted on

No. 50 web

frame to deep beam on 1st and 2nd decks 35" x 16" x 3/8"

2 in E. doublers fitted on No. 50 frame

to deep beam on 1st and 2nd decks 11" x 16" x 3/8"

10 in No. brackets on damage plate

to frame 53 - 63

3" x 9" x 6" fl. each

10 in No. brackets on frame No.

53 - 63 to 2nd deck removed. 3" x 15" x 12" each

10 in No. brackets on frame

No. 53 - 63 to 1st deck removed. 3" x 15" x 12" each

13775

119

To remove approx. 20 tons of miscellaneous
lockers, fittings, cables, pipes etc.
(removals in conjunction with Item 118)

539

120

To carry out daily check of ships furn
whilst vessel is in dock.

2025

121

To supply 100 fathoms of 1½" rope as per
pattern supplied.

270

122

Locality arrangements.

155

123

New structure - 1 coat red lead to be
applied as indicated and oilled.

375

124

New shell plating (damage repair)
all external welding to be X rayed.

515

125

To investigate oil leak between 52 - 53
stanchions.

Survey report forwarded.

75

4/7 11000 50

ENCLOSURE (2.)

| Job No. | Description | Rate | Amount | Time |
|---------|--|------|--------|------|
| 125 | Four (4) mast wires to be removed. | 3/7 | 180.00 | 23 |
| 127 | Compassence on Poles 110 (Damage required) New shall plotting to be painted externally i.e. 1 coats anti-corrosive paint (aluminate colour) and 1 coat antifouling. | | 1375 | |
| 128 | with wire, water inlet fitting, 8 in. & securing lugs and bolts to be fitted. | | 120 | |
| 129 | To fit a welded bracket 15" x 6" x $\frac{1}{2}$ " (in connection with Job No. 128) | | 120 | |
| 300 | Remove approx 300 ft miscellaneous upper deck piping. | | 25 | |
| 301 | In view of found damage, fit approx 5 ft. of welded brackets, average size 12" x 12" x 1/2". | | 25 | |
| 302 | Supply and load the following to the Engineer Officer: 8 in. D. salvage pump 4 in. D. air extractor pipe. | | 625 | |
| 303 | To remove from dock bottom approx 20 tons of miscellaneous scrap. | | 175 | |
| 304 | On <u>Kathmandu</u> , during port to shore search and tank re circulation 1 in. D. stern tube flushing scupltle pump. | | 225 | |
| 305 | To cut lengths in 15" dia shafts. | | 225 | |
| | The following work to be carried out in connection with damage require (Item 110) indicated by Mr. Marshall. | | 25 | |
| | Diesel oil supply and return for diesel generator. | | | |
| 307 | Ball water discharge from diesel generator. | | 60 | |
| 308 | Air exhaust and scumming tubes to fuel tanks. | | 55 | |
| 309 | 35 lbs Steam supply and drains. | | 65 | |
| 310 | Feed pump shaft coupling to be machined as indicated. | | 1225 | |
| | | | 45 | |

| R.A.S. Job No. | | U.S.S. LIBERTY | - 7 - | O | M | 140708 | 79 |
|-------------------|-----|--|-------|---|------|--------|----|
| | 511 | Portable Deck Rubber pipe to sun. Generator to be replaced. | | | | | |
| 10 ✓ | 512 | To manufacture 1 in Ds. gear wheel as per pattern. | | | 45 | | |
| | 513 | Revert (6) C.O.2 bottles to be externally closed or oil and recharged | | | 33 | | |
| | 603 | Overhaul ^{1/2} in Ds. gyro repeaters. | | | 519 | | |
| | 604 | Overhaul and fit emergency steering binnacle. | | | 519 | | |
| | 605 | Gyro compass to have carbogenites removed. | | | 45 | | |
| | 606 | To clean overhauled and test one compass 1 in Ds. Emergency fire pump motor. | | | 45 | | |
| | 607 | Clean water circ. pump motor to be also overhauled. | | | 713 | | |
| | | The following work to be carried out in connection with damage repairs (item 215) as indicated by Mr. Barbosa. | | | 519 | | |
| 10 ✓ | 608 | Cable glands in 1/2 structure to be made good. | | | | | |
| | 609 | Electric lighting to be installed. | | | 13 | | |
| 10 ✓ | 610 | To manufacture 6 in Ds. coils as per pattern (for U.S.S. CHINCHILLA). | | | 1616 | | |
| 10 ✓ | 611 | To rewind 5 in Ds. solenoid coil as per pattern (for U.S.S. CHINCHILLA). | | | 51 | | |
| 10 ✓ | 612 | One fire meter to be also overhauled. | | | 10 | | |
| | | <u>Other Services</u> | | | 175 | | |
| | | Hire of tugs provided for docking, undocking and departure of vessel. | | | | | |
| | | Services of firewatchmen provided on board vessel for duration of repairs. | | | 311 | | |
| | | Services of qualified chemist provided certifying vessel free from gas. Tests carried out and certificates issued during repairs. | | | 213 | | |
| | | Cables laid, connected up to vessel, and shore electric power supplied during repairs. Cables disconnected and removed on completion 450m max @ 0.006 per unit. | | | 443 | | |

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U.S.A. SERVICES

Temporary electric lighting installed and services maintained during repairs. Cables disconnected and removed on completion.

Short telephone installed on board for ship's use. Service maintained during repairs, disconnected and removed prior to vessel's departure.

Hoses laid, connected up to vessel and freshwater water supplies. Service maintained during repairs, disconnected and removed on completion.

Hoses rigged and coupled up. Circulating cooling water supplied to refrigeration machinery. Hoses unrigged and removed on completion.

One thousand six hundred (1600) tons of fresh water supplied to vessel.

Short items supplied to vessel for duration of repairs.

Garbage removed and disposed of daily.

U.S. THIS ACCOUNT IS EXEMPTED IN AND IS
PARABLE IN PAYLOAD



EC

DEPARTMENT OF THE NAVY
NORFOLK NAVAL SHIPYARD
PORTSMOUTH, VIRGINIA 23010

In reply refer to
ACTRS/4710/2261
Ser: 0194

29 AUG 1967

From: Commander, Norfolk Naval Shipyard
To: Commander, Naval Ship Systems Command
Subj: Cost Estimate to restore, USS LIBERTY (AGTR-5) to original configuration
Ref: (a) Your 241520Z Aug 67
Enccl: (1) Certification of estimator's ability
(2) Certification by Estimators

1. As requested by reference (a), estimates have been prepared for repair of all battle damages inflicted on the USS LIBERTY (AGTR-5) by aircraft and naval units.

2. A breakdown of the estimates is furnished in enclosure (2). Totals for specific areas are:

| | |
|--------------------------------------|-------------|
| a. Structural | \$238,887 |
| b. Electrical | \$525,731 |
| c. Piping | \$93,620 |
| d. Sheet metal | \$235,838 |
| e. Machinery | \$50,108 |
| f. Two-year Services and dry docking | \$117,225 |
| g. Total | \$1,261,459 |

3. Above dollar figures are computed on the basis of current Norfolk Naval Shipyard labor and overhead rate of approximately \$60 per man day. Above machinery estimate includes only inspection and alignment check of shafting, reduction gears and turbines. Problems have been reported with rubbing of shaft after attack, but scope of repairs are unknown until above inspection is completed.

4. Estimates do not include costs of electronic equipment, antenna or allowance items, such as life boats, mattresses, blankets, pillows, etc. Also not included is cost of repairs made at Malta which are considered permanent repairs.

5. In addition to above estimates, five Norfolk Naval Shipyard personnel inspected the LIBERTY in Malta at a cost of \$7,000 which has been paid by the Type Commander.

J. G. Nixon
J. G. Nixon (2) to NAVSHIPS
By Director Ser 527-1450

CERTIFICATION OF ESTIMATORS' ABILITY

I certify that the below listed planners and estimators are qualified through experience to prepare estimates to accomplish work in their area of technical specialty:

Robert V Watkins
Kenneth E. Dice
Bonnie L. Hardison
Jack S. Grimes
Frank Herrington
Joseph H. Filand

Structural
Electrical
Piping
Sheetmetal
Machinery
Temporary Services

Jonathan A. Sisson
Jonathan A. Sisson
Planning and Estimating
Superintendent

Enclosure (1)

STRUCTURAL ESTIMATES

1. Structural repairs main deck and above including holes and dents
in shell plating above water line.

Labor: 2788 mandays Matl: \$13,545 Total: \$100,400

2. Structural repairs below main deck in torpedo damage area

Labor: 918 mandays Matl: \$4,780 Total: \$59,400

I certify that the above estimates have been prepared in the best of
my ability and constitute reasonably accurate estimates to perform
the stated tasks.

03271/7647
Robert V. Watkins

Enclosure (2) page 1

ELECTRICAL ESTIMATES

1. Replace cabling and equipment main deck and above with exception of cost of antennas and AN/SPS-10 equipment.

Labor: 1300 mandays Matl: \$21,480 Total: \$100,748

2. Install cable and electronics equipment in crypto 1 and 2 and research room number 1 not including hook up of electrical equipment in research room number 1.

Labor: 4380 mandays Matl: \$43,815 Total: \$301,170

3. Install power, lighting and I.C. equipment in crypto 1 and 2 and research room number 1.

Labor: 1,711 mandays Matl: \$30,333 Total: \$123,993

I certify that the above estimates have been prepared to the best of my ability and constitute reasonably accurate estimates to perform the stated tasks.

Kenneth E. Dice
Kenneth E. Dice

Enclosure (2) page 2

PIPING ESTIMATE

1. Piping repair - main deck and above as a result of aircraft damage.
Labor: 487 mandays Matl: \$3,710 Total: \$34,012
2. Piping repairs below main deck as a result of torpedo damage.
Labor: 400 mandays Matl: \$5,335 Total: \$29,715
3. Repairs to air conditioning compressor topside.
Labor: 179 mandays Matl: \$3,375 Total: \$14,194
4. Repairs to smoke stacks as a result of aircraft damage.
Labor: 239 mandays Matl: \$1,100 Total: \$15,679

I certify that the above estimates have been prepared to the best of my ability and constitutes reasonably accurate estimates to perform the stated tasks.

Bonnie L. Hardison
Bonnie L. Hardison

Enclosure (3) page 3

SHEET METAL REPAIRS

1. Repair - - - lation below main deck:
Labor 667 mandays Matl: \$8253 Total: \$49,098
2. Repairs to work benches, stowage bins and safe lockers below main deck:
Labor: 1426 mandays Matl: 13,353 Total: \$99,361
3. Repairs to furniture main deck and above:
Labor: 43 mandays Matl: \$1307 Total: \$607
4. Repairs to bulkheads, metal joiner doors, secure door insulation
and deck covering below main deck.
Labor: 493 mandays Matl: \$11,982 Total: \$54,037
5. Repairs to bulkheads, rugs, metal joiner doors, insulation, lockers
and stowages, main deck and above.
Labor: 234 mandays Matl: \$5,400 Total: \$19,320
6. Repair ventilation main deck and above.
Labor: 134 mandays Matl: \$573 Total: \$8613

I certify that the above estimates have been prepared to the best of
my ability and constitutes reasonably accurate estimates to perform
stated tasks.

Jack S. Grimes
Jack S. Grimes

MACHINERY REPAIRS

1. Removal and alignment of shafting (Does not include access to remove shaft)

Labor: 438 mandays Matl: \$1050 Total: \$27,120

2. Inspect and repair propeller, outboard shaft bearing and rope wind.

Labor: 193 mandays Matl: \$570 Total: \$10,000

3. Take tape readings and reassessable main reduction gear, C and R.P. sides (No repairs included in estimate).

Labor: 149 mandays Matl: \$125 Total: \$8,975

4. Check alignment R.P. and L.P. turbine couplings (No repairs included in estimate).

Labor: 30 mandays Matl: \$75 Total: \$1,921

I certify that the above estimates have been prepared to the best of my ability and constitutes reasonably accurate estimates to perform the stated tasks.

Frank Harrington, Jr.
Frank Harrington

Enclosure (2) page 3

SERVICES

1. Temporary services (water, steam, electricity, telephone, fire alarm, etc.)

| | | |
|---------------------|------------|-----------------|
| Labor: 739 man-days | Matl: \$25 | Total: \$31,735 |
|---------------------|------------|-----------------|

2. Removal of debris and crane operators

| | | |
|---------------------|---------|-----------------|
| Labor: 900 man-days | Matl: - | Total: \$36,000 |
|---------------------|---------|-----------------|

3. Dry Docking

| | | |
|---------------------|-------------|-----------------|
| Labor: 187 man-days | Matl: \$300 | Total: \$11,320 |
|---------------------|-------------|-----------------|

I certify that the above estimates have been prepared to the best of my ability and constitutes reasonably accurate estimates to perform the stated tasks.

Joseph M. Piland
Joseph M. Piland

| | | |
|--|---|---|
| JOB ORDER Contract for Repair and Alteration of Vessel(s) | | ITEM NO. 1 |
| NAME OF CONTRACTOR M62678-67-C-0018 | RECIPIENT OF PAYMENT ADDRESSEES Contractor's name: LIBERTY CONSTRUCTION CO., INC. Address: 132043E AUGUST 1967 | JOB ORDER NO. 60/68 |
| THIS JOB ORDER IS ISSUED PURSUANT TO 10 U.S.C. SECTION 874. | RECEIVED DATE OR NUMBER USS LIBERTY (AGTR-3) | DATE OF ISSUE 19 August 1967 |
| <input type="checkbox"/> APPROVING Signature: M62678-67-C-22 W. F. TALMAGE W. F. TALMAGE (S) | PERIOD FOR WHICH THIS CONTRACT IS MADE \$400,000.00 not to exceed EXPIRES 101 of Job Order per 1 | AMOUNT \$ 4,750.00 |
| NAME OF OTHER PERSON OR ENTITY TO WHICH TO REFER | | PLACE OF PERFORMANCE <input type="checkbox"/> CONTRACTOR'S PLANT <input checked="" type="checkbox"/> CONTRACTOR'S PLANT SPECIFICATIONS OR DRAWINGS U. S. Naval Amphibious Base OFFICIAL INFORMATION SOURCE DATA |
| NAME OF SUBCONTRACTOR Norfolk Shipbuilding & Drydock Corp. P. O. Box 2100 Norfolk, Virginia 23501 | Attached | |

ACCOUNTING AND APPROPRIATION DATA:

Appropriation & Subsidy: **1731804.3015**
 Object Class: **--**
 Ser. Contr. & Sub. Alter.: **54143**
 Auth. Acctg. Activity: **181**
 Transaction Type: **10**

Property Acctg. Activity
Cost Code
GSA
GSA

Base 98015
02-332P**

An order hereby placed with you under and pursuant to the contract of the above numbered contract between you and THE UNITED STATES OF AMERICA to effect the repair, completion, alteration and/or alterations to the above named (or numbered) vessel as described in the above numbered specifications and/or schedule. You shall furnish the following items at the price or prices specified thereon:

Item 1

DD-A-3 has been assigned this Job Order.

Clauses 45 applies to this Job Order.

CONFIRMED COPY

| |
|---|
| If this job order is issued on a registered basis, the Contractor shall execute the following acceptance: |
| Accepted this <u>19</u> , day of <u>AUGUST</u> <u>1967</u> |
| <u>Norfolk Shipbuilding & Drydock Corp.</u> |
| <u>John L. Price</u> |
| Vice President Navy Contracting |

THE UNITED STATES OF AMERICA

W. F. Talmage
W. F. TALMAGE
Title Name of Contractor Representative

1441

RECORDED AND INDEXED
P. O. Box 2100, Indianapolis, Indiana

U.S.S. INDIANAPOLIS (AOR-3) 18 AUG 1967

X

James M. Ennes, Jr. Research Papers

Rev. 1, Revised 1/67

SUPERVISOR OF SHIPBUILDING, USN
FIFTH NAVAL DISTRICT
P. O. BOX 213
Portsmouth, Virginia

GENERAL PROVISIONS
Pertaining to Specifications for
Repair and Alterations

The general provisions contained herein are applicable to, and form a part of the various items contained in specifications for work under a Master Contract for Repair and Alteration of Vessels (DD-A37R, Form No. 731).

1. Delays. In the event the contractor encounters difficulty in meeting performance requirements, or where anticipates difficulty in complying with the contract schedule dates, he shall immediately notify the Contracting Officer via the Naval Inspector, in writing, giving pertinent details; provided, however, that this data shall be informational only in character and that this provision shall not be construed as a waiver by the government of any delivery schedule or date for any rights or remedies provided by law or under this contract.

2. Plans and Test Specifications.

a. Labor, materials and equipment indicated on plans or test specifications as being provided by "shops", "codes", "manufacturer", or "government" or listed as required, which are required to complete work in these specifications are to be furnished by the contractor unless specifically listed as government-furnished in the specifications items. (Disregard all sources of supply referred to on the plans).

b. One non-reproducible (blueprint) copy of each plan referenced in the specifications will be furnished each contractor tendered an ITB and one reproducible copy of each plan will be furnished the successful bidder.

c. One non-reproducible copy of each test specification referenced in the specifications will be furnished each contractor tendered an ITB and three copies will be furnished the successful bidder.

3. Work Performance.

a. The contractor shall diligently perform the required work in accordance with an orderly schedule that will enable him to progressively complete the various phases of the work in a timely fashion. This work schedule shall be developed around certain milestone dates that are established in the specifications, including, but not limited to; drydocking, submission of various reports, post repair trials, and completion date.

b. Inspection and reports must be thorough and complete and made by experienced and fully qualified personnel, to assure an informed decision on necessary repairs. Sufficient time and manpower shall be scheduled by the contractor to make inspections properly and complete reports as soon as in the contract period or in accordance with the dates required in the specifications.

4. Tests:

a. Whenever a test is required by the specifications, it shall be witnessed by the Naval Inspector and by a ship's Inspector.

b. All work which requires acceptance tests shall be progressed in sufficient time to allow the contractor to complete such tests and correct deficiencies prior to the final job order completion date or at such earlier dates as may be directed in the specification.

c. Newly installed or reinstated electronics or ordnance equipment shall not be energized except with the prior approval of a representative of the Supervisor of Shipbuilding.

d. In every case where it is necessary to operate ship's equipment for purpose of contractor's test or work, permission shall be obtained from the appropriate department head or the duty officer of the vessel via the Naval Inspector before proceeding with such operation.

e. Any work or tests requiring the inspection and approval of the Naval Inspector are to be performed during normal working hours, unless prior approval of the Naval Inspector is obtained. Normal hours are 8:00 A.M. to 4:30 P.M., Monday through Friday except on Federal Legal holidays. Work or tests performed by the contractor during other than normal working hours will be subject to inspection and approval by the Naval Inspector upon his return to duty on the next working day.

5. Fire Prevention and Safety:

The contractor shall abide by the requirements of "Safety and Health Regulations for Ship Repairing" as required by Clause 29 of the NSR Contract. The following precautions supplement those required by the "Regulations":

a. Whenever it is necessary to bring a quantity, if any, inflammable liquid in excess of five (5) gallons aboard ship via portable container, the Naval Inspector shall be informed. The following precautions apply:

(1) The container is to be of quality, rotatable during handling, and while it is aboard ship.

(2) Provisions for confining any accidental spillage from such temporary storage tank to a small area are to be made by either filling a pit underneath or a covering around the tank with sufficient capacity to hold the entire contents of the tank.

(3) A "fire hazard zone shall be designated and plainly marked around the container.

(4) Appropriate firefighting equipment and material shall be at hand in the vicinity of the fire hazard zone.

(5) It shall be removed as soon as it has served the purpose for which it was brought aboard.

b. Where a significant quantity of wood is required for work inside a ship, as much of the wood as practicable shall be treated to make it fire retardant.

c. The contractor shall assure that a supply of adapters and spanner wrenches for mating shipboard firefighting equipment (hoses and nozzles) with facility and/or municipal fire equipment is readily available on each pier.

d. Prior to the commencement of any "hot" work, the contractor will assure that adequate fire watch is positioned at the scene of the operation and in adjacent areas where a fire hazard might exist. When fire hazard is increased due to a large number of persons working in a limited area, or by location of hot work or other physical factors, the fire watches and equipment must be increased accordingly. If the ship's fire main is inactivated due to repairs specified, sufficient temporary fire stations shall be installed with hose and fittings to reach any point aboard with not more than one-hundred (100) feet of hose.

e. Before any welding, burning or other "hot" work is undertaken, the contractor shall obtain a certificate from a certified chemist showing that all spaces, compartments, tanks, voids, etc., including pipe lines, in, adjacent to, or upon which such work is to be performed, are gas free and safe for work. Subsequent tests shall be performed as necessary. Signs shall be posted as required by Sub-part B of the "Regulations".

f. The contractor shall provide suitable precaution cards and post them in conspicuous places, on or near any equipment or material which offers a hazard to the security of the ship or the safety of personnel. Such warning signs shall be posted whenever precautions are necessary for the safe handling, stowage and security of dangerous materials, such as ammunitions, explosives or inflammables. Warning signs shall be posted whenever conditions of a hazardous nature are known to exist. Conditions which would prohibit smoking or welding, the presence of toxic or explosive vapors, acids or caustics, high voltage lines, breathing air supply lines, and radioactive materials are examples of conditions which would require the posting of warning signs. The contractor is also to assure that the protection afforded by such warning displays is further augmented by the familiarization of personnel with and the enforcement of, safety precautions.

4. Precautions against flooding.

- a. Whenever the list of a ship or boat while waterborne or the failure of docking or hauling facilities could result in flooding through unattended hull openings open for repair or examinations, the contractor shall, at the end of each work shift not immediately followed by a shift engaged in work on these openings, secure all intact seawater and overboard discharge valves or fit temporary closures to these valves to all other hull openings upon which work is being undertaken.
- b. When the area of shell plating removal makes temporary closure impracticable, the contractor shall secure each vulnerable compartment in order to minimize potential damage. To the extent permitted by scope and urgency of work, underwater hull operations shall be scheduled to maintain positive vessel stability and maximum hull watertight integrity in event of flooding.

7. Piping.

All piping disconnected in performance of work shall be suitably blanked to prevent entrance of foreign objects.

8. Classified Work.

Clause 34 of the NDA Contract sets forth the military security requirements for classified work under the contract. The contractor shall have a Facility Security Clearance co-existent with the degree of access required in order to undertake any classified work involved in attached specifications.

ACTR-3

INDEX

Item No.

Title

1. OIL AND DEBRIS; REMOVAL FROM COMPARTMENT.

UNITED STATES GOVERNMENT
Memorandum

TO : Code 527

Ser 06R-452
DATE: 8 8 Aug 67

FROM : Code 06R

SUBJECT: USS LIBERTY, 1078-3, Research Electronics System cost

Reference: (a) Chief of Naval Material letter serial 090:ETX dated 21 August 1967

Enclosure: (1) Estimated cost breakdown of Special Electronics in the Radio Research system on subject ship
(2) Statements of qualifications of personnel preparing estimates

1. As requested by reference (a) and enclosures thereto enclosures (1) and (2) are herewith submitted.
2. Equipment listed in paragraph 1 enclosure (1) can be broken down into detailed lists however this would require high security classification of the enclosure. Detailed back up information is available in this office if needed.

D. E. Ball
D. E. Ball

Enclosure (4) to NAVSHIPS
Ser 527-1050

Cost of Special Electronics in the Radio Research System
on the USS LIBERTY AGTR-5

I. Equipment Replacement Costs

| | |
|---|-------------|
| A. Major electronics equipment destroyed or damaged beyond repair. (based on INSURV Board Report) | \$972,678 |
| B. Portable test equipment destroyed. (based on INSURV Board Report) | \$ 30,922 |
| C. Spare parts destroyed. (based on ON-SITE PLANT estimates) | \$200,000 |
| D. Ancillary equipment destroyed. (based on "On-Site" survey and review of installation drawings) | \$189,560 |
| E. Antenna system components destroyed. (based on "On-Site" survey) | \$ 50,000 |
| TOTAL - | \$1,451,160 |

II. Damaged Equipment Refurbishment Costs

| | |
|--|-----------|
| A. Electronics Equipment. (based on contractors estimates) | \$390,700 |
| B. Antenna Systems. (based on manufacturers estimates) | \$15, ___ |
| TOTAL - | \$405,000 |

III. Design and Installation Costs

| | |
|---------------------------|-------------|
| A. Engineering | \$210,233 |
| B. Engineering overhead | \$149,365 |
| C. Manufacturing labor | \$ 19,435 |
| D. Manufacturing overhead | \$ 9,718 |
| E. Sub contract costs | \$851,435 |
| F. Other direct costs | \$ 68,243 |
| G. Material | \$102,806 |
| SUB-TOTAL - | \$1,414,125 |

| | |
|-------------------------------|---------|
| H. General and Administrative | 240,401 |
| I. Profit | 132,362 |

| | |
|---|-------------|
| TOTAL - | \$1,796,868 |
| IV. Cost on Items I escalation. (based on escalation of 4% per year 1964 to 1967) | \$175,139 |

| | |
|--|-------------|
| V. Total cost to replace Special Electronics (Items I, II, III and IV above) | \$3,901,187 |
|--|-------------|

ACTR-5

1. OIL AND DERRIS - REMOVAL FROM COMPARTMENTS (wh)

a. Remove all oil including oil film, water, and debris from decks, false decks, bulkheads, overheads, foundations, cabinets including equipment cabinets, lockers, storage racks, frame members, ventilation cables and wiring, and piping. This includes the interior surfaces of listed spaces, interior and exterior of ventilation, cabinets (except as noted below), and lockers and exterior surfaces of other listed areas.

b. Exceptions - This does not cover internal parts of equipments in Radio Research Room No. 2 3-52-2-C and dividers of cable runs.

c. Spaces to be cleaned.

- (1) 3-52-2-C Research Radio Room 2
- (2) 2-59-0-L Passage
- (3) 2-73-0-A Aviation Photo Lab
- (4) 3-52-1-C Special Electronics Room
- (5) 3-62-3-C Search Operations
- (6) 3-52-2-C Crypto II
- (7) 3-52-2-A Crypto I and Communication Center
- (8) 3-60-0-C Research Radio Room Number 1
- (9) 3-60-1-L Passage
- (10) 3-60-3-C Coordination Center
- (11) 3-69-1-A Classified Mail Store Room
- (12) 3-69-3-C Recorder Transcribing Room
- (13) 3-72-1-Q Operations Department Office
- (14) 4-32-1-Q Electronics Repair Shop
- (15) 4-32-3-A Spare Parts Store Room
- (16) 4-32-2-A Teletype, Typewriter Repair Shop
- (17) 4-32-4-A Spare Parts Store Room
- (18) 4-60-0-L Passage
- (19) 4-60-1-T Trunk
- (20) 4-60-3-C Heater Fan Room
- (21) 4-60-2-Q Training Class Room
- (22) 4-61-1-A Registered Publications Storage Room

NOTE: The internal compartment division bulkheads have been removed from compartments in paragraphs (8), (9), (10), (11), (12), (13) and (20) above.

CONTINUED _____ SHIPS REP _____ SUPSHIP REP _____ %

- James M. Eines, Jr. Research Papers
1. The cost figures submitted in enclosure (1) are estimates derived by Mr. Daniel R. Preces and Mr. Paul R. Freund of Code 6050 NAVSHIPS. Mr. Preces has been the Program Manager for the Naval Ships Engineering Center for the design and installation of Special Electronic Systems used for the research functions on AOTR type and other ships for the past two and one-half years. He has made operational cruises on these ships and made an on-site inspection of the damage to the LIBERTY in the drydock at MALTA. He is presently directing the efforts of NAVSHIPS in studies for future ships of this nature. Mr. Freund as Project Coordinator has worked on projects associated with the AOTR-type ships and many projects of a similar nature on other ships for the past year and one-half and is completely familiar with this type special system.
 2. As Program Manager and Project Coordinator respectively Mr. Preces and Mr. Freund are completely familiar with all technical and financial aspects involved in the Special Electronics System installed on the LIBERTY and are considered to be highly qualified experts in this area.

M. F. Ball
M. F. BALL

We, the undersigned, certify that to the best of our knowledge and belief the cost estimates shown in enclosure (1) to this memorandum constitute reasonably accurate estimates of costs to perform the stated tasks.

Daniel R. Preces
DANIEL R. PRECES

Paul R. Freund
PAUL R. FREUND

~~CONFIDENTIAL~~

| <u>CONT'D</u> <u>Item Number</u> | <u>Quantity</u> | <u>Unit Cost</u> | <u>Total Cost</u> |
|-------------------------------------|-----------------|------------------|-------------------|
| CD-1099/FRR | 4 | 800 | 3,200 |
| CV-137/URR | 3 | 3,000 | 15,000 |
| CV-391A/URR | 6 | 400 | 2,400 |
| CV-1089A/TLR-2B | 1 | 3,000 | 3,000 |
| CV-1P44/UO | 1 | 11,300 | 11,300 |
| DDG-Z1-4 | 1 | 1,000 | 1,000 |
| EDS-6-PT-330-8 | 2 | 1,700 | 3,400 |
| EY-483/FCC | 10 | 200 | 2,000 |
| LS-474/U | 13 | 100 | 1,300 |
| MX-27-H-ED | 1 | 1,000 | 2,000 |
| MX-2962/URR | 1 | 600 | 600 |
| MV-2 | 3 | 900 | 2,700 |
| PP-1787/UG | | 400 | 800 |
| R-390A/URR | 50 | 2,500 | 125,000 |
| R-1039/TLR-2B | 1 | 2,300 | 2,300 |
| R-1274A/URR | 2 | 800 | 1,600 |
| R-1275A/URR | 2 | 1,700 | 3,400 |
| RD-35A | 6 | 5,000 | 30,000 |
| SD-1048-4 | 2 | 1,500 | 3,000 |
| SB-15A | 1 | 2,300 | 2,300 |
| SB-3138/U | 1 | 100 | 100 |
| SB-1203A/UG | 6 | 400 | 2,400 |
| SB-1210/UO | 6 | 400 | 2,400 |
| TD-329/FRR | 1 | 1,300 | 1,300 |
| TD-687/URR | 2 | 1,000 | 2,000 |

~~CONFIDENTIAL~~

U.S.S. LIBERTY (AGTR-5)
PPG, NEW YORK 09801

ADM 100
400
Date 433
WFO 1000

From: Commanding Officer, USS LIBERTY (AGTR-5)
To: Commander, Naval Ship Systems Command

Subj: Ship's allowance material lost and/or damaged beyond repair as a result of Israeli attack on LIBERTY 8 JUN 67

Encl: (1) Category listing and estimated value of material lost

1. It is hereby certified that to the best of my knowledge and belief the list of categories contained in enclosure (1) and their estimated replacement value are correct and correctly reflect the ship's allowance material which was lost, damaged, or disposed of as hazardous to the health, safety, and comfort of the crew or safety of the ship as a result of the Israeli attack of LIBERTY 8 JUN 67 and must be replaced prior to the ship being fit for unrestricted service.

A. F. M. L. *[Signature]*
A. F. M. L. *[Signature]*
A. F. M. L. *[Signature]*

Copy to:
Commander Service Squadron Three
CONSEVALANT

Enclosure (6) to NAVSHIPS
Ber 527-1450

ENCLOSURE (1)

| CATEGORY | ESTIMATED VALUE |
|--------------------------------------|-----------------|
| Storeroom Items - Repair Parts, etc. | \$37,500.00 |
| Clothing, Bedding, etc. | |
| Protective Clothing | 5,050.00 |
| Bedding | - 2,542.00 |
| Crash clothing | 2,000.00 |
| | - 19,592.00 |
| Office Machinery, Supplies | |
| Typewriters, Adding Machines | 1,152.00 |
| Safe, supplies, etc. | 1,000.00 |
| | - 2,152.00 |
| Cleaning Gear | |
| Vacuum Cleaner | 580.00 |
| Sacks, brooms, etc. | 76.00 |
| | - 656.00 |
| Damage Control and Lifesaving Gear | |
| Life Preservers | 51,417.00 |
| Rafts | 27,360.00 |
| Motor Whale Boat | 10,000.00 |
| Hoses | 560.00 |
| Phones and PA System | 1,433.00 |
| Repair party apparatus | 1,180.00 |
| Fire Extinguishers, etc. | 1,375.00 |
| CBR Canisters | 89.00 |
| Lights | 260.00 |
| Shovels, wedges, etc. | 500.00 |
| Misc. | 335.00 |
| | - 544,609.70 |
| Medical Equipment and Supplies | <u>\$940.00</u> |
| Navigational Gear | |
| Binoculars | 1,450.00 |
| Compasses, bearing circles, etc. | 32,053.00 |
| Signal Flares | 607.00 |
| Signal Lights | 300.00 |
| | - 34,810.00 |
| Misc. | |
| .50 Cal. Machine Gun | \$16,000.00 |
| Small Arms | 233.00 |
| | - 16,233.00 |
| Powd and oil | |
| Misc. | - 31,115.00 |
| Lines | \$6,140.00 |
| Vehicle | 1,300.00 |
| Special Services Equipment | 2,051.00 |
| Still Picture Proj. | 365.00 |
| Multimeter | 118.00 |
| Point | 780.00 |
| Nose Utensils | 75.00 |
| Carpenter Shop Equipment | 350.00 |
| | - 31,179.00 |

ENCLOSURE (1)

ENCLOSURE (1)

Grand total of Ship's allowance material lost
and/or damaged beyond repair as a result of
Tarsali attack on LIBERTY 8 June 1947

\$141,655.00

*Above total estimates do not include portable electronics test equipment
which will be included in the listing of electronics equipment destroyed
to be submitted separately.

Manhours expended in debris removal, fire and security watches, and restoration
of habitability of ship in excess of that normally required to maintain
health and cleanliness standards:

25,000 man/hours.

Inventorizing, packing, and shipping
of personal effects:
Restorage of Shorerooms:

500 man/hours

200 man/hours

700 total man/hours

Total man hours expended: 25,700 man/hours

The undersigned solemnly swears that to the best of his knowledge and belief the individuals who prepared the detailed estimates enclosed herewith are recognized and regularly employed as experts in the field of naval repair, construction, and planning.

Paul T. Blair

PAUL T. BLAIR
Naval Architect
Naval Ship Systems Command
Code 527

Subscribed and sworn to before me this 1st day of
December, 1967.

Ira W. Blair

IRVING BLAIR
Commander U.S. Navy
Director of Auxiliary Ships Maintenance

My commission expires at the pleasure
of the President of the United States

Enclosure (b) to NAVSHIPS
Ser 527- 1450

OUTGOING TELEGRAM Department of State

Report of Events
Dated 10 June 1967

(21)

SECRET

Classification

ACTION Embassy TEL AVIV PRIORITY
USUN

STATE 2/21/67

LINDIS

MEHCON Between Amb Harman and Under Secretary Rostow 10 June 10⁰⁰

1. Under Secretary Rostow presented Amb Harman text of USG note concerning LIBERTY incident (sent sepcr). Before reading note Harman noted xMAURGOI was appointing a committee of inquiry to investigate incident.
2. Harman said he would refrain from commenting on xme note but expressed xme hope that any publication if it would follow xme line that this was a tragic mistake for which xme GOI accepted full responsibility. Rostow agreed xme incident was tragic mistake but added that xme circumstances surrounding it xme very mysterious. Next word used in our note was QTE incomprehensible UNQUOTE and we hope board of inquiry would take appropriate action against responsible parties

on investigation concluded.

TELETYPE: 6/11/67

2137*

S/6 Mr. Yosah

DEPARTMENT OF STATE A/CDC/NR

RECORDED BY Phone DATE 6/11/67

FOR SECURITY. DATE _____
TO AUTH. REASONABLE
REASONABLE MARKINGS
REASONABLE PERIOD
PA OR FOI EXCEPTIONS _____

SECRET

Classification

Liberty-P

Page 8² of telegram to TELAVIV USIN

~~SECRET~~
Classification

3. Rostow said USG presenting this case to GOI in same manner in which it would present similar case to any other government.
4. Harman noted three things: GOI did not know/ship, ~~XXXXXX~~ was scene of active hostility, and GOI had promptly apologized for this tragic episode.
5. In closing Harman again reiterated GOI desire to handle incident as tragic mistake for which GOI accepted full responsibility.

GP-3

RUSK

FORM 05-222A
GSA
CONTINUATION SHEET

~~SECRET~~

Classification

(S) (W) R (15) HCR
HFA/IRI - Mr. Arthur A. Houghton

November 1, 1977

L/C - Fabian A. Zwiatek #157 - Wishart

Talking Points Regarding USS Liberty Incident

I have taken the liberty of redrafting the draft Talking Points which you handed me on October 31. In doing so, I have incorporated many of the points contained in your paper, but also broadened the paper to include specific details, statistics and dates.

If you have any questions, please let me know.

Your draft paper is returned herewith.

Attachments:

1. Redraft
2. Original

| |
|--|
| U.S. DEPARTMENT OF STATE A/CDC/MR |
| REVIEWED BY <u>J. M. Ennes</u> DATE <u>11/13/73</u> |
| REFUGEE SUPPORT. DATE _____ |
| TS AUTH. <u>REASONABLE</u> REASONS |
| EXCERPT EXISTING Warnings <input checked="" type="checkbox"/> DECLASSIFIED/ RELEASED <input checked="" type="checkbox"/> |
| RELEASE DENIED <input type="checkbox"/> |
| PA or FOI EXEMPTIONS _____ |

TALKING POINTS

Claim of U.S. Government
for Damages to the USS Liberty

- As you know, the American people and numerous members of Congress are expressing a continuous interest in the facts and circumstances surrounding the attack by the Israeli Government on the USS Liberty, even though such incident occurred more than ten years ago. We are aware that some of the interest continues to be stimulated by unreliable and sometimes quite erroneous articles in the media. Nevertheless, residual aspects of the incident remain open and continue to elicit quite pointed questions about the policy of the United States regarding the Liberty Incident and toward the Government of Israel itself.
- The most important outstanding issue is that relating to the claim of the Government of the United States for damages to the USS Liberty. Let me briefly review the matter:
- (A) The Government of Israel attacked the USS Liberty without provocation and in international waters on June 8, 1967. Promptly following the attack, the Government of Israel informed the United States Government that it assumed responsibility

2

for the attack and was prepared to take amends for the tragic losses which occurred.

- (B) On December 29, 1967, our Embassy in Tel Aviv presented to the Government of Israel claims totaling \$1,123,500 on behalf of the families of the 34 men killed in the attack. After negotiations, the Government of Israel paid the full amount claimed on May 27, 1968. On March 28, 1969, our Embassy presented claims totaling \$3,452,275 on behalf of the 160 injured members of the crew. The Government of Israel paid the full amount claimed on April 28, 1969. In both cases, U.S. Treasury checks drawn on the funds received from the Government of Israel were sent to the claimants within a month after the Israeli payment was received.
- (C) On July 1, 1968, the Government of the United States presented to the Government of Israel a formal diplomatic claim for \$7.6 million based upon damages sustained by the USS Liberty. Interest was not included as an element of the claim. In August 1971 the Government of Israel offered to pay the Government of the United States \$100,000 "...in token of the Government of Israel recognition of its liability in the matter." In September 1971 the Department

rejected the offer because it was a token rather than a substantial offer of payment, that it had no relationship to the amount of damage actually sustained, and that such acceptance could establish an undesirable precedent.

- The Government of the United States last requested payment of the claim from the Government of Israel on or about September 22, 1971. Notwithstanding the non-payment or further communications from the Government of Israel about the matter, the Government of the United States considers the claim as an outstanding and valid obligation of the Government of Israel.
- As the Government of Israel will admit, the claim of the Government of the United States for adequate payment for damages sustained by the USS Liberty is valid. It is important that the Governments of the United States and Israel reach agreement at an early date on a figure that will permit us to put this tragic incident behind us. If this cannot be done, it will only create complications in our broader relationship and leave the way open for continued charges that Israel is ignoring its promises of payment and violating applicable principles of international law.
- It is becoming increasingly difficult for the Department to explain why there has been no settlement on this

legally valid claim more than ten years after the
vessel was damaged.

James M. Ennes, Jr. Research Papers

T/C: PAPwiatek:mb 11/1/77

37
PS 8-4

OUTGOING TELEGRAM Department of

CONFIDENTIAL
Classification

ACTION: Amembassy TEL AVIV #87

STATE:

LIMDIS

SUBJECT: U.S.S. Liberty Claims

REFERENCE: State 219537 & 223893; Tel Aviv 490

1. Unless objection perceived Embassy requested transmit following note:

Embassy refers to MFA note dated August 5, in reply to Embassy's Note No. 74, dated July 1. Ministry's note states that MFA considers that, in light of circumstances of attack on U.S.S. Liberty which have come to light in various inquiries carried out in Israel and US, Israel is not liable for damages claimed in Embassy's note.

Damages referred to in the Embassy's note occurred as direct result of unprovoked attack on U.S.S. Liberty by Israeli naval and air units on June 8, 1967. GOI formally assured USG that it recognized its responsibility for its tragic error in attacking U.S.S. Liberty, and that it was prepared to make amends for damage, including material damage, suffered in attack.

| | | | |
|---|--------------|---|------------------|
| NEA/LAI:JDL:Leonard L/L/G:ELK:Kerley:ams | 4967 5896 | Information contained and herein transmitted is confidential and is to be handled in accordance with the classification indicated above. | NEA - Mr. Battle |
| L - Mr. Salans NEA/LAI - Mr. Bandy NEA - Mr. Davies | 683 | D.O.D. - Mr. Schwartz NAVY OP-61, Rear Admiral O'Grady S/S - Mr. Walsh | |
| | | CONFIDENTIAL | |
| | | Classification | |

Page 2 of telegram to Anembassy TEL AVIV

~~CONFIDENTIAL~~

~~Classification~~

These assurances were stated in notes of Israeli Ambassador to US dated June 10 and June 12, 1967, and were quoted in Embassy's Note No. 26 to MFA, dated December 29, 1967, by which Embassy informed MFA of categories of claims, including a claim for damage to vessel, which would be presented.

Position stated in MFA note of August 5 is in contravention of express assurances of GOI regarding its responsibility for material and other damage caused by attack. USG not aware of alleged circumstances that have come to light in inquiries carried out since attack which would relieve Israel from its admitted responsibility.

In light of established facts regarding circumstances under which Liberty was attacked and of express assurances previously given by GOI, USG must reject as totally unacceptable position stated in MFA note of August 5 and reiterates expectation that the GOI will promptly ^{full} compensate cl. USG for amount claimed.

GP-3

RUSH

Form DS-323A
GSA
Revised 10-64

~~IDENTICAL~~

~~Classification~~

Sc. - ~~Confidential~~
G: Blow me
~~(Change date and object)~~

SECRET

DEPARTMENT OF STATE

10027

Approved in S/S
by Mr. Thompson
6/9/67

Memorandum of Conversation
Telephone

DATE: June 8, 1967
10:15 a.m.
11:00 a.m.

SUBJECT: USS Liberty

PARTICIPANTS: Mr. Yuri N. Tcherniakov, Soviet Chargé d'Affaires a.i.
Mr. Foy D. Kohler, Deputy Under Secretary

COPIES TO:

S/SEC.
SAC
UCC
HCC
GCC

EUR/BOV

MEA

Embassy Moscow

Embassy Tel Aviv

ORIGINAL/COPY TO TALK FOR
RECORDING & DISSEMINATION

JUN 11 1967

Mr. Kohler informed the Chargé that he had an urgent message for the Soviet Government. An American ship, the USS Liberty, was torpedoed a few hours ago off Port Said. We were not sure of the exact location where the incident took place. It is an auxiliary ship. We are sending eight aircraft from the Carrier Saratoga to investigate. We wanted the Soviet Government to know that this was the purpose and the only purpose of those aircraft approaching in that direction. The Chargé said he assumed these would be military aircraft since they came from the Saratoga, and he repeated his understanding that their purpose was solely to investigate.

Mr. Kohler called the Chargé again at 11:00 a.m. to inform him that we have just received the information that it was the Israelis who attacked the vessel. He emphasized, however, that this did not change the intent of the message he had given the Chargé earlier to the effect that our planes are going to the scene of the incident in connection with the vessel and not for any other purpose.

③
MICROFILMED
BY S/S: CMS

SECRET

DEPARTMENT OF STATE A/CDC/ME

REVIEWED BY *H. Kohler* DATE *6/8/67*

REF ID: A6700001

SEARCHED SERIALIZED INDEXED

FILED ATTACHED RETAINED

RELEASE DENIED

PA OR FBI EXEMPTIONS _____

U:Slow:ish:6/8/67

Approved 100, 174
June 8, 1967

DEPARTMENT OF STATE

Memorandum of Conversation
SECRET

1003..
FILE
RS/R

DATE: June 8, 1967
12:45 p.m. R

SUBJECT: USS LIBERTY Incident (Telephone Conversation)

PARTICIPANTS: Deputy Under Secretary Foy D. Kohler *fol*
A Counsellor of the Soviet Embassy in Washington

COPIES TO: SEC EUR **
U** WH **
H** DOD **
G** Embassy MOSCOW **
NEARC

ORIGINATOR/COPY TO NM/R FOR
RECORDING

Mr. Kohler asked to speak to Mr. Cherniakov but was informed by the Counsellor of the Embassy that the Charge was in a meeting. Mr. Kohler asked the Counsellor to pass a message to the Charge informing him that the message Mr. Kohler had given him this morning was also sent to Moscow via the "Hot Line." We now have a reply from Chairman Kosygin acknowledging receipt of the telegram and informing us that the information was immediately passed to President Nasser. Mr. Kohler asked the Counsellor to thank the Charge for his promptness and cooperation in passing the information to Moscow.

Mr. Kohler also noted that Chairman Kosygin had described the vessel concerned as a Liberty-type ship. In fact, USS LIBERTY was the name of the ship concerned.

DEPARTMENT OF STATE A/CDC/MR

RECORDED BY *D. Kohler* DATE *6/8/67*

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| ROUTING | REASON(S) |
| RECORDED EXISTING MARKINGS | <input checked="" type="checkbox"/> |
| DECLASSIFY/REFURBISH | <input type="checkbox"/> |
| RELEASE DUE DATE | |
| PA or PG EXEMPTIONS | |

SECRET

MICROFILMED
BY S/S: CMS

DM TH 3 EN. 9 23

SEARCHED INDEXED
SERIALIZED FILED
JUN 11 1967

PS 8-4 U.S.-UK ~~RE~~
Department of State **TELEGRAM**

LIMITED OFFICIAL USE

PAGE 81 TEL AV 82159 061245Z

54/17
ACTION L 83

INFO OCT 21 1968 13:45 AC 87-1198 87-1198 88-1198 89-1000 89-1000 89-1000

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R 060900Z JUN 69
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TO SECSTATE WASHDC 4348

LIMITED OFFICIAL USE TEL AVIV 2:9

CONFIDENTIAL REPORT FOR TEST

SUBJECT: USS LIBERTY CLASS

AFIA STATE 207222

1. IF WE ASK DOI FOR SUBSTANTIVE REP Y RE SHIP DAMAGE CLAIM
I WOULD ANTICIPATE RECEIVING A LEGALISTIC ARGUMENT PROBABLY
ALONG LINES OF ORIGINAL NOTE OF AUGUST 5 (TEL AVIV 4798)
ENDEAVORING TO DISCLAR LIABILITY WHICH ACTION WOULD NO
DOUT INITIATE A LENGTHY AND PROBABLY UNSUCCESSFUL NEGOTIATION.

RESM Envelope

CONSEQUENTLY BEFORE DOING SO SUGGEST THE DEPARTMENT
CONSIDER WHILE THERE IS, OF COURSE, NO REPEAT
NO QUESTION THAT THE ISRAELIS bear RESPONSIBILITY FOR THEIR
ERROR IN ARMING THE SHIP AND THEY ACKNOWLEDGE SUCH
RESPONSIBILITY AND EXPRESS THEIR WILLINGNESS TO PAY SUCH COMPENSATION
IN THOSE FIRST COMMUNICATIONS FOLLOWING THE DISASTER.
IT IS A FACT AND PUBLIC KNOWLEDGE THAT WE ISSUED
INSTRUCTIONS TO THE VESSEL, WHICH UNFORTUNATELY DID NOT
ARRIVE IN TIME TO MOVE OUT OF THE AREA IT WAS THEN OPERATING
BUT IT CAN BE ARGUED THAT THIS ACTION ON OUR PART CONFIRMED
OUR CONCLUSION THAT THE SITUATION IN THE SHIP'S AREA OF
OPERATIONS INVOLVED UNACCEPTABLE RISK AND THIS
RECOGNITION COULD BE CONTRIVED AS ATTENUATING AT LEAST
MORALLY IF NOT LEGALLY ISRAELI RESPONSIBILITY. FURTHERMORE
WE HAVE ALSO ANNOUNCED PUBLICLY THAT THE NAVY DOES NOT REPEAT
NOT INTEND TO REFIT THE LIBERTY WHICH APPARENTLY WILL BE

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4
VJ
*Department of State***TELEGRAM**

LIMITED OFFICIAL USE

PAGE #2 TEL AV 82159 861245Z

SCRAPPED+ FINALLY THE ISRAELIS HAVE PAID IN FULL OUR CLAIMS FOR DEATHS AND INJURY THUS DISCHARGING TO THE EXTENT COMPENSATION CAN DO SO THE CLAIMS WHICH HAVE A HUMANITARIAN PERSONAL BASIS.

3. IT IS RECOGNIZED THAT THE PRECEDENT INVOLVED IN THIS SHIP CLAIM MAY BE IMPORTANT TO US IN ITSELF IN THAT IF WE ARE UNABLE TO OBTAIN AT LEAST SOME COMPENSATION FOR MATERIAL DAMAGE TO THIS SHIP FROM A COUNTRY WITH FRIENDLY RELATIONS WITH THE US WE MIGHT DISJOICE OUR ABILITY TO COLLECT SIMILAR CLAIMS INVOLVING LESS FRIENDLY OR UNFRIENDLY STATES.

4. CONSEQUENTLY I SUGGEST THAT WE RECOGNIZE THAT OUR CLAIM IN THIS CASE IS IN FACT ATTENUATED AS SET FORTH ABOVE AND THAT AS A PRACTICAL MATTER WE ARE UNLIKELY TO OBTAIN ANYTHING LIKE FULL DAMAGES FOR THE SHIP CLAIM. AT THE SAME TIME AND IN VIEW OF THE DESIRABILITY OF OBTAINING SOMETHING IN SETTLEMENT I FURTHER SUGGEST THAT I BE AUTHORIZED IN THE FIRST INSTANCE TO SOUND OUT THE ISRAELIS INFORMALLY AS TO THE POSSIBILITY OF NEGOTIATING A SETTLEMENT INVOLVING ONLY SOME TOKEN PAYMENT.

5. DEPARTMENT'S COMMENTS SHOULD BE APPRECIATED.
HARBOUR

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3)

(54) (940)

UNITED STATES GOVERNMENT

REVIEWED BY *[Signature]* DATE *July 13, 1971*DATE *July 13, 1971*DECLASSIFIED *CONFIDENTIAL*RELEASE DATE *July 13, 1971*

PA OR FOIA EXEMPTIONS

DATE *September 3, 1971*

TO : NEA - Mr. Bisco

FROM : NEA/IAI - H. W. Stackhouse

SUBJECT: Suggested Reply to Informal Israeli Offer on Liberty Claim

After a three year silence on the subject the Israelis have finally responded to our prodding on the approximate \$1 million Liberty damage claim. They propose to settle for \$10,000 and would like to clear it all out with us informally before taking any formal steps. Ambassador Barbour's letter to Roy Atherton and the proposed Note they would transmit are at Tab B. The Ambassador recommends acceptance of the Israeli approach.

We have discussed this with L but not with DOD. Certainly the Ambassador is right in his estimate that our position to any token settlement such as the Israelis propose is likely to be strongest in DOD. We conclude with L that we should not accept this Israeli offer but should ask the Israelis instead to do what they have failed to do so far: engage in a dialogue with us about the merits of the case. Our suggested answer, to go in Roy's absence to Zurchellen over my signature, is at Tab A. Roy has cleared the suggested reply. Frogs and Coons of the Israeli approach are:

PRO

-- The Israelis settled the death and injury claims quickly and in full. We should be responsive to this offer of good will by accepting this token offer.

-- The ship itself has been scrapped along with others of its class. Thus why press a claim for a vessel for which we no longer have use?

-- We are unlikely to get any better offer and perhaps will not get any other offer at all.

-- It will remain an item of unpleasant, unfinished business in our relations.

CON

-- I know of no precedent for accepting an offer of such token magnitude. To do so would weaken our position in handling future claims from others.

CONFIDENTIAL

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CONFIDENTIAL

2

-- In spite of its quick settlement of the other Liberty claims, Israel has not dealt with us in a manner we might reasonably expect from a country with which we are in such close touch on other issues. Our Note on this subject of July 1, 1968 is still unanswered. To snap up this offer without further discussion would seem to reward such evasiveness.

-- This is an offer of one and one-half cents on the dollar. The Department would certainly be exposed to some public criticism if it accepts it. Israel as well could be criticized, especially in the light of the assistance it has been getting from us lately.

-- To leave the claim outstanding will not be a major irritant in our relations. But it will be a reminder to the Israelis that we expect them to be businesslike in such matters. (There are pending several other cases of American citizens deriving from IDF actions in the occupied territories. We have repeatedly asked the Israelis for information on these cases. These inquiries have been ignored almost as assiduously as those in relation to the Liberty claim.)

Recommendation:

That you clear the attached letter.

Approve _____
Disapprove _____

Attachments:

Tab A. Suggested Reply
Tab B. Ambassador Garbour's letter to
Roy Atherton and proposed Note

Re: 6/2/68

SEA/IAI:HHStackhouse:mc

701pm
Clearance: L/NZL:SBoyd

CONFIDENTIAL

UNITED STATES GOVERNMENT

Memorandum CONFIDENTIAL

TO : NEA - Alfred L. Atherton, Jr.

DATE: August 25, 1971

FROM : NEA/IAI - R. H. Stackhouse

SUBJECT: USS LIBERTY Claims

(251)
53

R

I have discussed with L Ambassador Barbour's letter to you of August 6, 1971, supporting a draft Israeli proposal of a \$100,000 token settlement of the outstanding claim for damage to the LIBERTY. I agree with me that the suggested sum is so small as to call clearly for a courageous rejection out of hand. You will find attached a suggested reply to Owen Durhellen, largely drafted by L. In sum, we think it better to keep the claim outstanding than to make a settlement unsatisfactory in so many ways. It would not be a serious irritant in our relations, and it would be a continuing reminder we are not that easy a mark.

Attachment:

Suggested Reply to
Mr. Durhellen

| |
|---------------------------------|
| DEPARTMENT OF STATE A/C/C 10 |
| REVISSED BY <i>Hoff</i> 8/25/71 |
| FORMER EDITION DATE |
| TO AGENT: FA Child |
| STORICAL INFORMATION: 1 |
| DECLASSIFIED: 10-14-68 |
| REFUGEE DATA: 1 |
| FA OR FOI EXEMPTIONS |

BU 4 87

NEA/IAI:GRG 8/25/71 120 10

CONFIDENTIAL

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

The Government of Israel hopes that the United States Government will be



CONFIDENTIAL

EMBASSY OF THE
UNITED STATES OF AMERICA
Tel Aviv, Israel

(235)

read 8/12/71

(49)

August 6, 1971

Mr. Alfred L. Atherton
Deputy Assistant Secretary
Bureau of Near Eastern and
South Asian Affairs
Department of State
Washington, D.C.

Dear Roy:

The Israelis have now decided to try to move ahead for a final solution on the Liberty claims. They have given us a draft note which they would like to have informally considered within the U.S. Government. If we are able to indicate to them that our reply to such a note would be affirmative, they will then present it to us formally. We understand that the note had been given final clearance within the COI, but they do not wish it a matter of record until assured that it will be acceptable to us.

In essence the note, reiterates the acceptance of liability and expression of regret by the COI, refers to the full payment of claims for deaths and injuries, and asks the U.S. to accept a payment of \$100,000 for the damage to the ship itself.

I am thoroughly convinced that acceptance of this Israeli offer would be in the best interests of the United States. If we continue to press them for a more substantial payment, we will only drag out the matter. I believe that this question requires a rapid and unequivocal decision at a political level in the government and would appreciate your taking it up in the way best calculated to produce agreement without bureaucratic wrangling. One way might be to ask Alex Johnson, whom the

DIA 6447F

| | |
|------------------------------|------------|
| DEPARTMENT OF STATE A/CDC/WP | |
| <i>[Signature]</i> | |
| REVIEWED BY | DATE |
| PCB - TO | TEL. PRACT |
| TEA - II | TRANS |
| AMC - | TELETYPE |
| ICIA - I | TELETYPE |
| INFOSEC | TELETYPE |
| DS/DO - | TELETYPE |
| DS or DSU - | TELETYPE |

CONFIDENTIAL

James M. Eanes, Jr.
Research Papers

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~~CONFIDENTIAL~~

Department's own concurrence has been obtained, to discuss the Israeli proposal at a high level in the Defense Department to gain their agreement and to leave it to DOD to satisfy the Navy that this solution is in the best overall interests of the United States.

Please let me know how this comes out.

With all best wishes,

Sincerely yours
C. J. M.
Waleditch, Major


100-42887

~~CONFIDENTIAL~~

Draft Note

Confidential

The Minister for Foreign Affairs presents his compliments to the Embassy of the United States of America and, referring to the Embassy's Note No. 74 of 1 July 1964, has the honour to respond as follows:

Following the attack by Israeli aircraft and torpedo boats on 8 June 1967 on the USS Liberty, the Government of Israel, as soon as it became aware of the tragic error, informed the United States Government of what had taken place, assumed responsibility for this error and conveyed its deep regret and apologies for what had occurred and for the grievous loss of life. The Government of Israel also at once took the initiative to offer to make amends for the loss of lives and the material damage.

In May 1968, the Government of Israel paid in full claims submitted by the United States Government, amounting to US \$ 3,770,000 to compensate those suffering loss as a result of the deaths of members of the ship's company.

In April 1969, the Government of Israel paid the additional amount of US \$3,566,457 in full and final settlement of claims submitted by the United States Government on behalf of the injured, as well as in settlement of claims in respect of medical treatment and destruction of personal property.

Prior to these payments it had been agreed that, to facilitate a mutually acceptable settlement, a United States Government claim for losses sustained by it as a result of damage to the vessel would be discussed when all remaining United States claims were ready.

The Government of Israel in no way wishes to shirk its responsibility in this matter. Taking into account the fact that the Government of Israel has, to the complete satisfaction of the United States Government, made compensation in full regarding the personal claims relating to loss of life and injuries, the Government of Israel suggests that the United States Government agree to accept in settlement of the still outstanding material claim a payment of US \$ 100,000 in token of the Government of Israel's recognition of its liability in the matter.

The Government of Israel hopes that the United States Government will be agreeable to such a settlement so that this tragic chapter may be closed.

11

(cont.)

| | |
|----------------------------|-----------------------|
| DEPARTMENT OF STATE WASHDC | |
| REVIEWED BY | <i>H. Kelly</i> |
| RELEASER ID | DATE <i>Sept 1971</i> |
| TS AUTH. | A 0711 |
| EXCISE X | 1000 |
| DECLASSIFIED | <i>1971-09-10</i> |
| RELEASE DATE | <i>1971-09-10</i> |
| PA OR FOIA EXEMPTIONS | |

Liberty 56

CONFIDENTIAL

SEP 9 1971

J. Owen Surhellen, Jr., Esquire
Charge d'Affaires
Tel Aviv

Dear Owen:

This is in response to the Ambassador's letter to Roy of August 6 regarding the Liberty claim.

We are naturally encouraged by the coherent Israeli decision to try to move toward a settlement of the U.S.S. Liberty claim. However, the amount offered in settlement is a token rather than a substantial payment, bearing no relationship to the amount of damage actually sustained by the U.S. Government in the attack on the ship. Considerations of precedent and principle preclude our accepting it.

We recognize the danger, to which the Ambassador's letter refers, that our unequivocal rejection of this token settlement offer could drag the matter out. Our note of July 1, 1971 presenting the ship claim has already gone unanswered for a longer period than seems appropriate in the relations between two friendly countries. The most promising means of avoiding substantial further delay, in our view, would be to initiate the discussion of the claim on the technical level, as we proposed in the note. In such discussions the documentation of the claim could be reviewed and the extent of the U.S. Government's loss could be demonstrated. The Israeli experts would be fully entitled, of course, both to test the U.S. position and to put forward reasons why a lesser amount is appropriate. By demonstrating our commitment to pursue the claim and engaging their attention on it in a less pressing atmosphere we would be following an avenue most likely to lead to settlement.

Consideration of legal precedent and principle aside, it is pertinent to note, as well, that our agreement

James M. Murphy, Jr.
Research Papers

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CONFIDENTIAL

to the Israeli suggestion would run the risk of re-kindling U.S. public interest in a touchy issue in a sense adverse to both the State Department and Israel. Although the matter has been quiet for some time, a body of public sentiment exists which could be expected to protest what might be interpreted as our abandonment of a position whose merit the ODI itself originally quickly recognized. Besides exposing the Department to criticism, we believe the adverse public reaction could also rebound against Israel itself. In this regard, the average American taxpayer would likely find it hard to reconcile a settlement of less than two cents on the dollar in the case of the Liberty with our recent large-scale support for Israel.

Sincerely,

R. H. Stackhouse
Country Director
Israel and Arab-Israel Affairs

Stackhouse
NEA/IN/Carella:cf
9/9/71 22030

6487

TO WHOM IT MAY CONCERN:

On December 17, 1977, I filed a request with the United States Department of State under the Freedom of Information Act for release to me of all documents pertaining to the 1967 Israeli attack on the USS Liberty. Because I was facing deadline for a book under contract with Random House, I specifically requested that documents be released to me individually as available, rather than withholding the package until all documents had been reviewed.

Although the request was acknowledged and was assigned case number 740846, I failed to receive any of the requested documents. Various followup requests to the State Department Freedom of Information Office by letter and telephone were apparently ignored. When I eventually appealed to my congressman for help, Congressman Lloyd Meeds informed me that the Department was "extremely reluctant to release any information dealing with the Middle East" but had promised nevertheless to "move more quickly" on my request. Nothing happened.

In May, 1980, still having received none of the requested documentation nor any specific reply, declaration of refusal to release the documents, I filed CIVIL ACTION #80-11726 in the United States District Court for the District of Columbia.

On June 10, 1980, the State Department responded (approximately from my suit) by releasing all or part of 55 documents among 183 then identified. Many other documents were referred to other agencies for review, and I was promised a further report. Over the next several months, various other documents slowly trickled out.

On February 25, 1981, I wrote informally to the Assistant U.S. Attorney representing the Department of State to request a more diligent search, since I had (and still have) reason to believe that a great many more documents exist. I was informed by telephone that no additional documents can be located. Soon thereafter I notified the Court that I would not pursue the matter further.

The Department did not respond to my FOI request until after it had been served with notice of my civil suit, among the documents it claims to be unable to locate are some that I have seen elsewhere marked as Department of State documents, including some that have been released to more persistent and better financed litigants. And, although the Department claims to have identified only 163 documents pursuant to my suit, I have been informed of a great many additional documents that it has identified and released pursuant to later suits.

By conclusion, that the Department of State was deliberately evasive and unresponsive both to my FOI request and later to my civil suit.

James M. Ennes, Jr.
19009 19th Avenue NE
Woodinville, Washington 98072

LLOYD NEEDS
In District, Washington

 FREEDOM OF INFORMATION ACT REQUESTS
 202-225-1800
 TELEFAX: 202-225-1801
 202-225-1802
 202-225-1803
 202-225-1804
 202-225-1805
 202-225-1806
 202-225-1807

COMMITTEE ON
RAILROADS

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS

COMMITTEE ON SMALL BUSINESS
PROBLEMS AND
PRODUCTIVE INDUSTRY
SUBCOMMITTEE ON

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 6, 1978

James M. Jones, Jr.

Dear Mr. Jones:

Thank you for your letter detailing the difficulties you were having with the State Department.

As you are probably aware the State Department has been extremely reluctant to release any information dealing with the Middle East for fear of jeopardizing the peace talks between the Egyptians and Israelis; however as a result of my inquiry the Freedom of Information division of the State Department has reported back to me that the Near East Bureau will now move more quickly than before on processing the documents specifically relating to your involvement in the U.S.S. Liberty incident.

I hope that this information has been of some assistance to you. Please feel free to contact me in the future if you encounter any further difficulties.

Again many thanks for writing.

Sincerely,

Lloyd Meeds
Member of Congress

LM:jmb



DEPARTMENT OF STATE

Washington, D.C. 20520

June 10, 1980

Mr. James E. Ennes, Jr.

Re: Freedom of Information Request #740846

Dear Mr. Ennes:

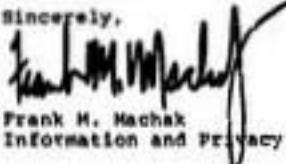
This refers to your request, under the Freedom of Information Act, for access to information maintained by the Department of State pertaining to the attack on the USS Liberty. I apologize for the delay in responding to your request.

Briefly, 163 documents pertinent to your request were located. 65 of these have been cleared for release and are enclosed with this letter. 78 documents are being denied. An additional 20 documents were originated by the Department of Defense and have been forwarded to that agency for their review and direct response to you. Also enclosed is a letter from the acting Deputy Assistant Secretary for Classification/Declassification which explains the review of these documents.

As you are no doubt aware, several persons have requested access to information about the USS Liberty incident. We are in the process of consolidating and coordinating our responses to these requesters to insure accuracy and thoroughness. This accounts for much of the delay in getting this information out to you. As the extent of our holdings becomes clear, please be assured that we will make available to you any additional information that may be located.

Again, my apologies for this delay in response. If you have any questions regarding this matter, please contact the case officer, Mr. Blair Hall, Information and Privacy Staff, FAIR/IS, Room 112, Department of State, Washington, D.C. 20520. His telephone number is (202) 632-0337 should you wish to call him.

Sincerely,



Frank M. Machak
Information and Privacy Coordinator



DEPARTMENT OF STATE

June 10, 1980

Mr. James M. Ennes, Jr.

Dear Mr. Ennes:

In reply please
refer to: #740846

We apologize for the delay in response. I refer to your letters of December 17, 1977, and August 23, 1978, requesting the release of certain Department of State documents concerning the attack on the USS LIBERTY, pursuant to the Freedom of Information Act, Title 5 USC Section 552.

A careful search of files under the Department's control has resulted in the retrieval of 163 documents considered relevant to your request. After careful review, we have determined that 46 of these documents can be released. Nineteen more can be released subject to excisions. Seventy-eight must be withheld from release.

Portions of 14 documents and 32 entire documents have been determined to be properly exempt from release under Paragraph (b) (1) of Section 552 as currently and properly classified under Executive Order 12065 and authorized by that Order to remain protected in the interest of national defense or foreign policy.

Three documents have been excised and 27 denied under Paragraph (b) (5) of Section 552 as specifically exempt disclosure as they constitute inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with this agency.

Two documents have been excised and 19 denied under Paragraph (b) (6) of Section 552 as they represent personnel or medical files and/or similar files the release of which would constitute a clearly unwarranted invasion

- 2 -

of the personal privacy of the individuals involved.

Twenty documents were found to have originated in the Department of Defense. We have therefore requested that agency to review those documents and reply directly to you.

With respect to the material den' or excised, you have the right to appeal this determination within 60 days. Appeals should be addressed to the Assistant Secretary for Public Affairs, Department of State, Washington, D.C. 20520. A letter of appeal should refer to the Freedom of Information case number shown above.

The covering letter from the Department's Foreign Affairs Document and Reference Center explains how the released material will be made available to you.

Sincerely,

Clayton E. McManaway
Clayton E. McManaway
Deputy Assistant Secretary
Bureau of Administration
Classification/Declassification
Center

DEPARTMENT OF STATE
Washington, D.C. 20520

October 21, 1980

Mr. James M. Ennes, Jr.

Re: Freedom of Information Request #740846

Dear Mr. Ennes:

I refer to my letters of June 10 and September 24, 1980, regarding the above captioned Freedom of Information Request. Under cover of those letters, you will recall, the Department of State released to you a total of 105 documents in full and 16 in part.

As a result of a recent decision of the Appeals Panel, we now are releasing to you the enclosed two documents. These documents were among the three that I indicated were pending appeal in another case in my letter of September 24.

In summary, of the 163 documents located pursuant to your request:

- 9 have been denied in full;
- 107 have been released in full;
- 16 have been released in part;
- 31 have been forwarded to other government agencies for review and direct response to you.

Should you have any questions, please contact Mr. Hall on our Information and Privacy Staff, Room 1239, (202) 632-0117.

Sincerely

Thomas W. Ainsworth
Acting Deputy Assistant Secretary
Bureau of Administration
Classification/Declassification
Center

Enclosures:
Document Nos. 140 and 143

DEPARTMENT OF STATE

Washington, D.C. 20520

September 24, 1980

Mr. James M. Ennes, Jr.

Re: Freedom of Information Request #740846

Dear Mr. Ennes:

I refer to my letter of June 10, 1980, regarding the above captioned Freedom of Information request. Under cover of that letter, you will recall, the Department of State released to you 46 documents in full and 19 in part out of the total 163 documents located. Twenty documents were referred to the Department of Defense for review and direct response to you. The remaining 78 documents were denied.

In the process of evaluating our response to requests for information pertaining to the U.S.S. Liberty, we have re-reviewed the 78 documents originally denied to you and the 19 documents originally denied in part. Based on this further review, we have determined that additional discretionary releases may be made.

Of the 78 documents originally denied in full, 46 are released to you in full at Tab A, 10 are released to you in part at Tab B, and 1 is being forwarded to the government agencies that originated them for review and direct response. 11 of these continue to be withheld. Three of the documents being withheld are currently on appeal in another case. I will let you know the disposition of these as soon as the appeals panel makes its decision.

Of the 19 documents originally released with excisions, 13 are released in full at Tab C, and 6 continue to be withheld in part.

To summarize, of the total 163 documents located pursuant to your request: 105 have been released in full, 16 are released in part, 31 have been forwarded to other government agencies for review and direct responses to you, and 11 have been denied in full.

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The documents withheld in full are exempt from disclosure under Exemption (b)(1) as confidential information, release of which could cause identifiable damage to the national security, and under Exemption (b)(5) as inter or intra-agency memoranda, release of which would have an inhibitory effect upon the deliberative processes of the Department.

Most of the deletions in the documents released in part are names of third parties. The information deleted is exempt from disclosure under Exemption (b)(1) and under Exemption (b)(6) as information from a personnel, medical, or similar file disclosure of which would constitute a clearly unwarranted invasion of those person's personal privacy.

As our evaluation and consolidation of requests for information about the U.S.S. Liberty proceeds, it is possible that additional information may be located and found to be releasable. If that is the case, please be assured that we will make it available to you. In the meantime, please contact McWoll on our Information and Privacy Staff, Room 1239, (202) 632-0337, should you have any questions.

Sincerely,

Thomas W. Ainsworth
Thomas W. Ainsworth
Acting Deputy Assistant Secretary
Bureau of Administration
Classification/Declassification Center

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES E. ENNES, JR.,)
Plaintiff,)
v.) Civil Action No. 80-1126
DEPARTMENT OF STATE,)
Defendant.)

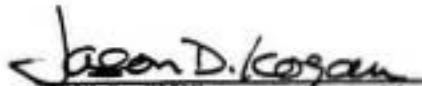
NOTICE OF FILING

Please take note that the defendant has filed with the Court
this date, the Affidavit of Clayton B. McManaway
dated December 30, 1980.


JASON D. KOGAN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of
Filing has been mailed this 30th day of December, 1980 to
Plaintiff pro se, James E. Ennes, Jr., 19009 - 194th Ave., N.E.,
Woodinville, Washington 98072.


JASON D. KOGAN
Assistant U.S. Attorney
U.S. Courthouse - Rm. 2804D
3rd & Constitution Ave., N.W.
Washington, D.C. 20001
(202) 633-4977

22

18 August 1978

Director, Freedom of Information Staff
Bureau of Public Affairs
Department of State, Room 2811
2201 C Street NW
Washington, D.C. 20520

Dear Sir:

I am writing again to inquire about the status of my Freedom of Information Act Case #740846 which has been pending for eight months.

My original inquiry was mailed to your office on 17 December 1977, and was acknowledged promptly. On 10 February 1978 Mr. Jim Wood of your office telephoned to tell me that 200 pages of documents relating to my inquiry had been identified and that they would be given a security review. Mr. Wood advised that it was impossible to comply with the ten day period required by law, but that the material would be reviewed and I would be informed of the results as soon as possible.

On 4 June 1978 I wrote again. I was informed that the material was still under review and was given a telephone number to call. Although I called that number many times, no one answered. When I called through the State Department operator, the person named could not be located.

Meanwhile I have moved from Washington, D.C., and now reside in Washington State. Would you please expedite your review and send me a list of the documents which are available to me?

Sincerely,

James H. Ennes, Jr.

copy to: Congressman Lloyd Needs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIAJAMES M. ENNES, JR.,
[REDACTED]

Plaintiff, CIVIL ACTION NO.
C 73-1126
-against-
DEPARTMENT OF STATE
2201 C Street, N.W.
Washington, D.C. 20520
Tel.: (202) 655-4000.
Defendant.

COMPLAINT (FOIA)

Plaintiff James M. Ennes, Jr., as and for his
complaint herein, alleges:

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, to order the production of agency records improperly withheld from plaintiff.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552 (a) (4) (B).

3. Plaintiff, James M. Ennes, Jr., is a citizen and a resident of the State of Washington, residing at 19009 19th Avenue NE, Woodinville, Washington.

4. Defendant, Department of State, is an agency of the United States and has possession of the records to which plaintiff seeks access.

5. On or about December 17, 1977, plaintiff made

(a) notes exchanged between Secretary Rusk and Israel's Ambassador Harmon on or about June 8, 9 and 10, 1967, concerning Israel's air and naval attack upon the USS LIBERTY which occurred on June 8, 1967; (b) an exchange of letters between Secretary Rusk and Representative Craig Hoamer in about September or October, 1967, concerning USS LIBERTY; (c) a claim submitted to Israel on December 19, 1967 for injuries suffered by plaintiff in the attack; (d) several notes, messages and letters between Washington, our embassy at Tel Aviv and the Israeli Government in 1967, 1968 and 1969 concerning negotiations for settlement of claims; (e) a note dated August 5, 1968, from the Israeli Ministry of Foreign Affairs concerning Israeli liability for damage; (f) a Rusk/Barbour exchange of messages or notes concerning the Israeli note of August 5, 1968; (g) an August 29, 1968, note from Secretary Rusk to the Israeli government responding to the Israeli note of August 5, 1968; (h) a claim submitted to the government of Israel on March 18, 1969, for injuries plaintiff suffered during the attack; (i) any White House comment on the circumstances of the attack; (j) any official American response, reaction or statement concerning the Israeli excuse for the attack; (k) any other documents or files pertaining to the attack or its aftermath, or any notes, messages or diplomatic exchanges between the United States and the Government of Israel or between Washington and the American Embassy at Tel Aviv concerning the attack or concerning compensation for deaths, injuries or property damage, including the loss of the ship. A copy of said letter is annexed hereto as Exhibit "A".

6. Under letter dated December 30, 1977, defendant acknowledged receipt of plaintiff's request and assumed freedom of Information Case #740846. A copy of

7. Under letter dated June 12, 1978, defendant responded to a followup inquiry by plaintiff and advised plaintiff that 163 documents consisting of 353 pages associated with plaintiff's request had been located and were under review. A copy of said letter is annexed hereto as Exhibit "C".

8. Under letters dated August 23, 1978, plaintiff requested expeditious action on his request, advised defendant of his new mailing address, and sought help from his Congressman in obtaining the requested material. Copies of said letters and of defendant's response are annexed hereto as Exhibits "D", "E", and "F".

9. The Freedom of Information Act ("FOIA") 5 U.S.C. § 552, as amended, provides that "any person...shall be deemed to have exhausted his administrative remedies if the agency fails to comply with the applicable time limit provisions..." which are established to be ten working days.

10. Plaintiff believes that he has exhausted his administrative remedies with respect to the Act, since the defendant has failed for more than two years to comply with the applicable time limit provisions.

11. Further, plaintiff believes that defendant's failure for more than two years to review and release the requested documents constitutes an unjustified and extra-legal denial of access.

12. Further, plaintiff believes that defendant's failure to grant access to the requested documents is frivolous, arbitrary and capricious, inasmuch as certain of the requested documents, although denied to plaintiff, have in fact been declassified and released to other members of the public by the same agency of the United States. One such document is annexed hereto as Exhibit "G".

13. Plaintiff is entitled to a review of the documents requested and to release to him of those documents not exempt by law, and the defendant's failure to grant access is without legal basis.

WHEREFORE, plaintiff prays that this Court enter judgment in his favor and against defendant: (1) ordering the defendant to produce any agency records improperly withheld from plaintiff in order that the Court may determine the matter *de novo*, and may examine the contents of such agency records *in camera* to determine whether such records or any part thereof shall be withheld under any of the exemptions; (2) ordering the release to plaintiff of any such records not found to be exempt; (3) awarding plaintiff his costs and disbursements incurred in this action; (4) granting such other, further and different relief as the Court may deem just and proper, including, if deemed appropriate, the waiver of copy charges for the materials released to plaintiff.

Dated: Washington, D.C.
May 1981

James M. Ennes, Jr.
JAMES M. ENNES, JR.

Plaintiff



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES M. ENNES, JR.

Plaintiff,

v.

Civil Action No. 83-1126

DEPARTMENT OF STATE,

Defendant.

PLAINTIFF'S RESPONSE TO DEFENDANT'S ANSWER

Response to the First Defense

Contrary to defendant's defense, plaintiff has stated a claim upon which relief can be granted. Defendant has failed for more than two years to respond to plaintiff's request for review and release of certain documents. Plaintiff's claim, as stated in paragraph 13 of his complaint is that he is entitled to a review of the documents requested and to release to him of those documents not exempt by law, and that the defendant's failure to grant access is without legal basis.

Response to the Second Defense

Contrary to defendant's defense, 5 U.S.C. 5552(a) (4) (b) provides authority for this Court to order production of records improperly withheld and to determine the matter *de novo*. Defendant's failure for more than two years to act upon defendant's request constitutes an improper withholding of agency records, and any token release of a portion of the requested documents once the matter is before the Court cannot correct defendant's failure and should not remove the matter from the jurisdiction of the Court.

Response to the Third Defense

Plaintiff reasserts the originally stated allegations, except to admit that certain of the requested documents were released to plaintiff after the matter was presented to the Court, while most such documents are still being withheld. Plaintiff prays that the Court examine these specific documents to determine whether such

records or any part thereof shall be withheld under any of the exemptions.

Dated: Washington, D.C.
1980

JAMES M. ENNES, JR.
Plaintiff
[Redacted]

PART II - DEFENDANT'S ANSWER
TO THE COMPLAINT IN CIVIL CASE NO. 12

1. Plaintiff, John Doe,

2. Plaintiff,

3. Plaintiff, U.S. Department of State,

4. Plaintiff,

5. Plaintiff, U.S. Department of State.

6. Plaintiff, John Doe, et al., et al.

Defendant.

First Defense:

The plaintiff fails to state a claim upon which relief can be granted.

Statement of facts:

The court lacks jurisdiction over the subject matter of this action in that no records have been improperly withheld from plaintiff within the meaning of § 552(a), 4552(b) and D.C. +

Third Defense:

Answering specifically to numbered paragraphs of the complaint, defendant admits, denies and avers as follows:

1-2. These paragraphs contain plaintiff's characterizations of this action to which no answer is required, but insofar as an answer may be deemed to be required, deny.

3-6. Admit.

7. Admit except to deny that the writing in the upper left corner of Exhibit C appeared on the original letter sent to Mr. Schiff.

8. Admit except defendant is without knowledge or information sufficient to form a belief as to the accuracy of Exhibit E.

9. This paragraph does not contain allegations of facts to which an answer is required, but insofar as an answer may be deemed required, deny.

101. Plaintiff purports to furnish defendant with facts
and documents in compliance with Rule 34. Defendant
has responded. (109)

102. Plaintiff purports to furnish defendant with facts
and documents in compliance with Rule 34. Defendant
has responded. (109)

103. Plaintiff purports to furnish defendant with facts
and documents in compliance with Rule 34. Defendant
has responded. (109)

104. Plaintiff purports to furnish defendant with facts
and documents in compliance with Rule 34. Defendant
has responded. (109)

105. Plaintiff purports to furnish defendant with facts
and documents in compliance with Rule 34. Defendant
has responded. (109)

106. Plaintiff purports to furnish defendant with facts
and documents in compliance with Rule 34. Defendant
has responded. (109)

Defendants deny that Plaintiff has furnished them with
any facts or documents in compliance with Rule 34.

CHARLES F. STONE
United States Attorney

ROBERT C. McLELLAN
Assistant U.S. Attorney

JASON D. POWELL
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was served upon the 12th day of April, 1990, on the undersigned, at the office of James M. Ennes, Jr., 1000 K Street, N.W., Washington, D.C. 20004.

James M. Ennes,
Assistant City Attorney
City of Sacramento - 1000 K Street
and a copy of the same, on the
undersigned, Esq., at the

James M. Ennes, Jr. Research Papers

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES M. ENNES, JR.,

Plaintiff,

v.

DEPARTMENT OF STATE,

Defendant.

District of Columbia

Civil Action No. 80-1126

DECLARATION OF CLAYTON E. McMANAMAY

I, Clayton E. McManaway, declare and say as follows:

1. I am the Deputy Assistant Secretary of State for Classification and Declassification and Director of the Department's Classification/Declassification Center (CDC). In this capacity I am the senior official of the Department of State directly responsible for review of documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). In this capacity I am authorized to classify or to downgrade and declassify national security information pursuant to Section 1 - 3 of Executive Order 12065 and Department of State regulations, 22 C.F.R. § 9.12. I am familiar with the complaint in the above captioned matter. I make the following statements based upon my personal knowledge and upon information made available to me in the performance of my official duties.

Processing of the Request

2. By letter dated December 17, 1977, plaintiff requested under the FOIA ten categories of information pertaining to an attack by Israeli armed forces on the USS Liberty in 1967. (Exhibit 1.) Plaintiff was a member of the crew of the USS Liberty and had sustained injuries as a result of that attack.

3. In response to plaintiff's FOIA request, the Department located and reviewed 163 documents.

4. By letter dated June 10, 1980, 48 documents were released to plaintiff in full and 19 were released in part. (Exhibit 2) An additional 20 documents were originated by the Department of Defense and were forwarded to that agency for review and direct response to plaintiff. After further consultation two of these, duplicate telegrams, were released to plaintiff by letter dated December 30, 1980. (Exhibits 3 and 4). The remaining 78 documents were withheld in full.

5. Following a further review of the documents that remained withheld, the Department determined that additional documents could be released. By letter dated September 24, 1980, (Exhibit 5) 46 of the 78 documents originally withheld were released in full and 10 were released with excisions. Of the 19 documents originally released in part, 13 were released in full. Further portions of the remaining 6 documents were disclosed while listed portions continue to warrant protection.

6. Also on September 24, 1980, 11 documents which originated with other government agencies were forwarded to those agencies for review and direct response to plaintiff, including 1 document originally classified by the National Security Agency and 1 originally classified by the Central Intelligence Agency. The Department of State has no control over the disposition of those documents. The remaining 9 referrals were forwarded to the Department of Defense for direct response.

7. As a result of an appeal in another case regarding the same subject matter, two documents which had previously been denied in full were released to plaintiff by letter dated October 21, 1980. (Exhibit 6). Portions of two previously denied documents were released on December 30, 1980. (Exhibit 7).

8. In summary, the disposition of the 163 documents located pursuant to plaintiff's Freedom of Information request is as follows:

| | |
|---------------------------------|-----------|
| Released in Full | 109 |
| Released in Part..... | 18 |
| Denied in Full..... | 07 |
| Referred to Other Agencies..... | <u>29</u> |

Description and Justification of Documents
Withheld in Full or Part

9. Of the 163 documents originally located, only seven have been withheld in their entirety and eighteen have been excised prior to release. The Department of State is not in a position to address the disposition of the documents referred to the Department of Defense, Central Intelligence Agency, and the National Security Agency. The Department of State documents that remain in dispute all pertain to the 1967 attack on the USS Liberty by the armed forces of Israel, the ensuing death and injury claims of the American armed services personnel and the negotiations undertaken by the United States and Israeli Governments for the compensation of American losses. The documents further reflect contemporaneous U.S. consultations with third party governments through diplomatic channels. Those few remaining withholdings have been made on the basis of FOIA Exemptions 1, 5, and/or 6 as more particularly described below.

A. Seven Documents Withheld in Full

- 1) [28] [✓] Nine page UNCLASSIFIED Memorandum dated October 2, 1967, from the Assistant Legal Adviser for International Claims to the Legal Adviser. This document discusses the pros and cons of alternative formulas to be used in calculating compensation to be claimed in death cases. It further addresses problems that could arise in calculating the compensation. Those problems are discussed in relation to relevant case law and precedents (pp. 1 - 4). On the basis of the relevant precedents the memorandum proceeds to propose a formula for consideration. That formula is broken down into three components each of which is analyzed and contrasted with further case law where applicable (pp. 4 - 9). Throughout the document, interlineations, questions and comments are handwritten which confirm the deliberative predecisional nature of this document. This document is purely analytical; any facts are stated by way of assumption for purposes of discussion. No segregable portion could be disclosed without compromising the governmental deliberations protected by Exemption 5.

[✓] Numbers do not total since those assigned to the documents

- 2) [158] Five page UNCLASSIFIED Memorandum dated November 1, 1977, from the Assistant Legal Adviser for International Claims to the Director of the Office of Israeli and Arab-Israeli Affairs suggesting arguments in the negotiation of the U.S. claim for damages to the U.S.S. Liberty. Described in the transmitting cover page as a draft, this document comprises a series of suggestions on how to characterize the attitude of the United States Government and people towards the attack on the United States Liberty. It recommends certain priorities and proposals to be advanced during the course of negotiations. It does not appear to have been intended as anything more than an internal briefing paper for the benefit of the negotiators. It is accordingly withheld in its entirety as a deliberative and advisory memoranda under exemption 5.
- 3) [127] One page SECRET Memorandum of telephone conversation between the Deputy Under Secretary of State and the Counselor of a foreign Embassy in Washington, dated June 8, 1967. This document memorializes an informal diplomatic exchange between the United States government and the government of a foreign power. It further reveals the diplomatic channels used as well as the frank manner in which such foreign consultations are carried out. Disclosure of any portion of this document could reasonably be expected to cause serious damage to the national security. The document is marked SECRET at the top and bottom. Appears to have been classified SECRET at its origination under authority of the Deputy Under Secretary pursuant to E.O. 10501. It does not bear any declassification schedule markings and would therefore be eligible for systematic declassification review 20 years after its date of origin under E.O. 12065 § 3-401 and the Department's regulations, 5 FAM 939.2. I have reviewed this document in light of Executive Order 12065 and have determined that it is currently properly classified SECRET both under E.O. § 1-301(a) involving military plans and operations and § 1-301(d) involving the foreign relations of the United States. It is accordingly withheld under exemption 1.
- 4) [128] One page SECRET Memorandum of Conversation between the

in Washington, dated June 8, 1967. This document reflects the frank manner in which the purposes and extent of certain military operations are disclosed in the conduct of our foreign relations. Disclosure of any portion of this document could reasonably be expected to cause serious damage to the national security. The document is marked SECRET at the top and bottom. It appears to have been classified at its origination under E. O. 10501 by authority of the Deputy Under Secretary. It does not bear any declassification schedule markings and would therefore be eligible for systematic declassification review 20 years after its date of origin pursuant to E. O. 12065 § 3-401 and 5 FAM 939.2. I have reviewed this document under Executive Order 12065 criteria and have determined that it is currently properly classified SECRET both under E. O. § 1-301(a) involving military plans and operations and § 1-301 (d) involving the foreign relations of the United States.

- 5) [96] One page CONFIDENTIAL Telegram (TEL AVIV 2159) from the American Embassy to the Secretary of State dated June 6, 1969, discussing options for approaching the Israeli Government concerning U.S. claims which were under negotiation for damage to U.S.S. Liberty. The first paragraph sets forth the anticipated response of the government of Israel to a United States initiative under consideration. The second paragraph reflects the author's opinions on certain legal issues under negotiation and suggests a number of alternative interpretations and arguments that might be advanced. The third paragraph analyzes the relation of this matter to other foreign policy considerations and the fourth paragraph sets forth the conclusions and observations of the author as to the likely outcome of the negotiations. This document in its entirety frankly sets forth the opinions, observations and suggestions of a Foreign Service Officer during the course of on-going negotiations. No segregable portion may be released without divulging the deliberative process itself. It is accordingly protected by exemption 5.

Under authority of E. O. 12065 § 1-606, I classified this document CONFIDENTIAL on June 19, 1980, as disclosure of any portion of this document could reasonably be expected to cause serious damage to the national security.

ifiable damage to the national security. The disclosure of the positions that were shared in confidence by the Government of Israel during the negotiation process, and the analysis by Foreign Service personnel of the relative merits of those positions, would raise doubts as to the ability of the U.S. government to keep information secure and thus inhibit future candid exchanges of information with the United States government. This is precisely the type of information that § 1-301(d) was intended to protect. This document is currently marked CONFIDENTIAL and is scheduled for systematic declassification review 20 years from its date of classification. It is accordingly withheld under exemption 1.

- 6) [89] Two page CONFIDENTIAL Telegram (State 230284) from the Department to the American Embassy in TEL AVIV dated August 29, 1968 relaying a message for delivery to the Government of Israel. This telegram summarizes an Israeli position previously transmitted and proceeds to comment in a frank manner on the U.S. perceptions of the Israeli position. Throughout the arduous negotiations over the USS Liberty incident, there were several bargaining positions and strategies that were not pursued. Disclosure of such confidential exchanges could only cause friction in our relations with the Israelis at a time when an amicable solution to the claims had been reached. This document was classified CONFIDENTIAL at its origination by the authorized Assistant Secretary. It bears markings that indicate it was included in declassification schedule Group 3 under former E.O. 1050. While Group 3 documents are downgraded at 12 year intervals until the lowest classification is reached, they are exempt from automatic declassification. I have reviewed this document under the criteria of the current Executive Order 12065 and determined that disclosure reasonably could be expected to cause identifiable damage to the national security. It logically falls within E.O. 12065 § 1-301(d) as concerning the foreign relations of the United States. It is accordingly withheld on the basis of exemption 1.

- 7) [142] Two page CONFIDENTIAL Telegram (State 210199) from the De-

and the Israeli Ambassador in Washington. The telegram summarizes frank deliberative exchange of views between senior U.S. and Israeli government officials and describes the manner in which each government intends to proceed in resolving the dispute over the USS Liberty incident. Such consultations are expressly covered by E.O. S 1-301(d) as they directly implicate the foreign relations of the United States. The telegram was classified SECRET at origination under authority of the Under Secretary. It bears markings that indicate it was included in declassification Group 3 under former E. O. 10501. While Group 3 documents are downgraded at 12 year intervals until the lowest classification is reached, they are exempt from automatic declassification. I have reviewed this document under the criteria of the current Executive Order 12065 and have determined that it continues to warrant that classification at the CONFIDENTIAL level because disclosure could reasonably be expected to cause identifiable damage to the national security.

B. Eighteen Documents Released in Part

- 8) [19] Three page DECLASSIFIED Memorandum dated August 26, 1968 from the Assistant Legal Adviser for International Claims to the Legal Adviser. The first paragraph which sets forth certain claims that could be asserted against the Government of Israel has now been released. The remainder of the document, which analyzes the theories and bases for these claims, remains withheld on the basis of exemption 5. The remainder of the first page contains observations on the manner in which those negotiations could be expected to proceed. It further describes the negotiating purpose of the memorandum. The second and third pages comprise three paragraphs, one for each claim enumerated on page 1. Each paragraph summarizes and analyzes the legal bases for computing the recommended rates of compensation for particular claims. The withheld portion of this document reflects the internal advice of an assistant legal adviser to his superior in preparation for future negotiations with the Israeli Government. No portion can be reasonably segregated and released without compromising the internal deliberations and conclusions of the assistant legal adviser that were the

3) (b) A compilation of four internal memorandums referred to a transmittal memorandum dated July 11, 1967 from the Assistant Legal Adviser for International Claims to the Legal Adviser. The transmittal memorandum has now been released. The four "Tabs" to memorandum have been held in their entirety as internal deliberative memoranda that are privileged and protected by exemption 5.

Tab A dated July 10, 1967, is an 11 page internal memorandum from a staff attorney to the Legal Adviser entitled "Measure of damages under international law for losses resulting from personal injury, death, and property loss or damage, and proper party claimants." This memorandum analyzes each category of claim under the relevant principles of international law. It is divided into four subparts one for each category of claim. Each subheading sets forth a proposal for computation and "illustrative comments," i.e., citations to and quotations from international law precedents. The memorandum further reflects the frank assessments of the author as to the value and relevance of various legal principles cited. This document contains nothing more than proposals and quotations of relevant legal theories. No segregable portion can be released without divulging the theories and opinions of the author. It is accordingly protected in its entirety by the deliberative process privilege and exemption 5.

Tab B dated July 10, 1967, is a seven page internal memorandum from the Assistant Legal Adviser to the Legal Adviser entitled "Procedure for preparing USS Liberty claims." The memorandum is divided into six subheadings, one for each category of claim proposed. Within each subheading the author identifies categories of facts that should be investigated and compiled in order to verify each claim, and proposes various sources of the evidence sought. The document contains no raw facts, merely the proposed strategy for compiling evidence and preparing the documentation necessary to support each claim. It is merely a recommendation for further action, and is advisory and deliberative in nature. It is accordingly protected in its entirety by exemption 5.

Tab C dated July 11, 1967, is a three page internal memorandum from the Assistant Legal Adviser to the Legal Adviser entitled "Estimated schedule for USS Liberty Claims." In an attempt to estimate the schedule for processing USS Liberty claims, the

author set forth for each category of claim the proposed procedures and problems anticipated during the preparation of each claim. The document is advisory and predecisional in nature. Because it was based on the assumption that certain procedural decisions would be made and appears to have been prepared in support of those procedural proposals, it is accordingly protected in its entirety by exemption 5.

Tab D dated July 10, 1967, is a seven page internal memorandum from the Assistant Legal Adviser to the Legal Adviser entitled "Life Insurance and the USS Liberty Claims." The first page of this memorandum raises the question of subrogated claims of life insurance companies and provides legal advice and recommendations concerning such claims. The author thereupon proceeds to analyze such claims under international law and practice, quoting relevant authorities and quotations of law. This document contains purely legal analysis. It does not reflect any facts relevant to the USS Liberty claims. It is withheld in its entirety as a privileged deliberative document and is accordingly protected by exemption 5.

- 10) (17) A one page UNCLASSIFIED letter dated May 27, 1969, from the Assistant Legal Adviser for International Claims to attorney Leonard Branan and a two page letter from attorney Leonard Branan dated May 23, 1969 acknowledging receipt of Treasury checks by several claimants. These letters have been released with the exception of the identity of individuals who received compensation for injuries resulting from the attack on the USS Liberty. The disclosure of the identity of those individuals injured on the USS Liberty, particularly in relation to the processing of their personal injury claims constitutes a clearly unwarranted invasion of their personal privacy and is withheld on the basis of exemption 6.
- 11) (23) Ten page UNCLASSIFIED Memorandum dated December 19, 1967, from the Assistant Legal Adviser for International Claims to the Legal Adviser discussing the claim for loss of future support in one of the cases arising out of the Israeli attack on the U.S.S. Liberty. This document has been released subject only

page 1. The memorandum describes in considerable detail the relationship of the claimant to his family and the financial circumstances of the family which support his claim. Such information is highly personal in nature and the identification of the individual claimant in relation to such personal facts would be an unwarranted invasion of personal privacy. The name is therefore withheld on the basis of exemption 6.

- 12) [33] One page UNCLASSIFIED letter of July 28, 1967 by which the Assistant Legal Adviser forwarded a draft questionnaire to the General Counsel of the National Security Agency. This document has been released subject only to the deletion of the identities of two NSA employees on whose behalf compensation claims were submitted. The identification of individuals in the context of this personal injury claims would constitute a clearly unwarranted invasion of their personal privacy. This information is therefore withheld on the basis of exemption 6.
- 13) [34] One page UNCLASSIFIED letter of July 24, 1967, by which the Assistant Legal Adviser forwarded copies of claims forms to the General Counsel of the National Security Agency. This document has been released subject only to the deletion of the identity of two NSA employees whose on whose behalf compensation claims were submitted. The identification of government employees in relation to their personal injury claims would be a clearly unwarranted invasion of their personal privacy. This information is therefore withheld on the basis of exemption 6.
- 14) (b) Three page UNCLASSIFIED letter of September 10, 1968, from the Assistant Legal Adviser to the Department of the Navy Bureau of Medicine and Surgery and a four page letter dated September 6, 1968, of attorney Leonard Braman to Assistant Legal Adviser for International Claims. Both letters pertain to operations performed on several victims of the Israeli attack on the U.S.S. Liberty. These letters have been released subject to the deletion of the names, medical conditions, and treatment of the individual claimants. The disclosure of such personal medical information of individual government employees would be a clearly unwarranted invasion of personal privacy. This information has therefore

- 15) [59] Six page UNCLASSIFIED letter of July 18, 1968, from Assistant Legal Adviser to the Office of the Judge Advocate General requesting further medical information in a number of U.S.S. Liberty personal injury cases. Each claimant is identified in relation to his medical condition and the status of treatment. All names and medical summaries, with the exception of that of the plaintiff, have been excised as disclosure would be an unwarranted invasion of personal privacy protected by exemption 6.
- 16) [61] Four page UNCLASSIFIED letter dated March 29, 1968, from Assistant Legal Adviser to the Office of the Judge Advocate General requesting additional medical information for fully developing claims for compensation in several U.S.S. Liberty personal injury cases. The only information withheld is the names, medical condition, and treatment of the individual claimants. The disclosure of such personal info would constitute a clearly unwarranted invasion of personal privacy. This information has therefore been withheld under exemption 6.
- 17) [160] Two page UNCLASSIFIED letter dated March 25, 1977, from the Assistant Secretary for Congressional Relations to Representative Virginia Smith concerning the settlement of the claim of one of the victims of the Israeli attack on the U.S.S. Liberty. This document has been released subject only to the deletion of the identity of the individual crewman who is the subject of the Congressional inquiry. The disclosure of the identity of the individual within the context of a discussion of his medical history and the conditions of his claim settlement would constitute a clearly unwarranted invasion of his personal privacy. Such information is protected by exemption 6.
- 18) [29] One page UNCLASSIFIED memorandum from the Director of the Office of Israeli and Arab-Israeli Affairs dated September 28, 1967, suggesting the content of a reply to a letter received by the Department regarding the Israeli attack on the U.S.S. Liberty. Name of the author of the letter to the Department who appears to have had a personal interest in the processing of the claims has been excised under exemption 6, as disclosure would constitute a clearly unwarranted invasion of personal privacy.

- 19) [104] Two page SECRET telegram (Kuala Lumpur 4694) dated June 8, 1967, summarizing conversation between the U.S. Ambassador and the Prime Minister of Malaysia on the Middle East situation. This document has been released with the exception of twelve lines of the first paragraph which consist of information given by a foreign government with the implicit assumption that it would be kept in confidence. I have reviewed this document under the criteria established by E. O. 12056 and have determined the excised portions warrant continued classification. The excised information, which reflects the official and personal attitude of a foreign government official, if disclosed could reasonably be expected to cause serious damage to the national security. Such information derived through confidential diplomatic consultations clearly falls within the purview of E. O. 1301(d) as it directly concerns the foreign relations of the United States. This document was classified SECRET at its origination by authority of the U.S. Ambassador pursuant to E. O. 10501. It is accordingly withheld under exemption 1.
- 20) [46] Three page SECRET telegram (State 211672) dated June 16, 1967, reporting a conversation between the Under Secretary of State and the Israeli Ambassador in Washington on June 14, 1967. This telegram consists of four paragraphs, the first of which has been released. Paragraphs 2, 3, and 4 have been deleted as they consist of information (completely extraneous to the Israeli attack on the U.S.S. Liberty) provided to the United States in confidence by a foreign government. Disclosure of this information could reasonably be expected to cause serious damage to the national security. All three deleted paragraphs detail a frank exchange of views between the respective governments on bilateral and multilateral political and military issues of international and regional concern. This information clearly falls within the purview of E.O. 1301(b) and 1-301(d) as it was provided by a foreign government official in the course of sensitive and confidential discussions and directly concerns the foreign relations of the United States. This document was classified SECRET at its origination under the authority of the Under Secretary pursuant to E. O. 10501. It bears markings indicating that

from automatic downgrading or declassification. I have reviewed this document under criteria established by E. O. 12065 and have determined the excised paragraphs warrant continued classification at the level of SECRET and are exempt from declassification. It is accordingly withheld on the basis of exemption 1.

- 21) (40) Four page UNCLASSIFIED letter, dated May 21, 1968, from the Assistant Legal Adviser to the Office of the Judge Advocate General requesting up to date medical evaluation of several victims of the Israeli attack on the U.S.S. Liberty. This document has been released subject only to the deletion of the names of the individual claimants (other than plaintiff) and descriptions of the specific medical examinations requested. The disclosure of such personal medical information of individual government employees would be a clearly unwarranted invasion of their personal privacy. This information has therefore been withheld on the basis of exemption 6.
- 22) (42) Two page UNCLASSIFIED letter, dated January 23, 1968, from the Assistant Legal Adviser to the Office of the Judge Advocate General requesting recent medical information on several men seriously injured in the Israeli attack on the U.S.S. Liberty. This document has been released subject only to the deletion of names and other data identifying individual claimants other than plaintiff. Disclosure of such personal medical information pertaining to government employees would constitute a clearly unwarranted invasion of personal privacy. This information has therefore been withheld on the basis of exemption 6.
- 23) (126) One-page SECRET telegram (Tel Aviv 4014) dated June 8, 1968, reporting Israeli attack on an alleged U.S. flag vessel. This telegram has been released with the exception of the last sentence. This sentence was deleted as it consisted of an Embassy assessment, intended solely for Department of State evaluation, of the impact of the incident on the foreign relations of the U.S. It is the type of information intended to be protected by E.O. § 1-301(d). Release of this information could reasonably be expected to cause identifiable damage to the national security. This document was classified SECRET by the U.S. Ambassador to Israel at its origination pursuant to E. O. 10501. It bears

while Group 3 documents are downgraded at 12 year intervals until the lowest classification is reached, they are exempt from automatic declassification. I have reviewed the document under the criteria established by E. O. 12065 and have determined that the excised portion warrants continued classification at the level of CONFIDENTIAL and is currently exempt from declassification.

- 24) [155] One page CONFIDENTIAL telegram (State 7098) dated January 11, 1978, requesting Israeli views on the status of outstanding U.S. claim for damages to the U.S.S. Liberty. This telegram has been released in full except for the deletion of the name of an Israeli government official who was intimately involved with the the U.S.S. Liberty claim pursuant to exemption 1. Release of the identity of this official could reasonably be expected to cause identifiable damage to the national security by making foreign officials more reluctant to provide information to the United States government. This information falls within the purview of E.O. §1-301(d). It was classified CONFIDENTIAL at its origination by Ambassador-at-Large for the Middle East negotiations. Under the general declassification schedule it is eligible for systematic review 12 years after its origination. I have reviewed this telegram and have determined that the excised portions warrant continued classification at the level of CONFIDENTIAL and is exempt from declassification.
- 25) [156] One page CONFIDENTIAL telegram (Tel Aviv 474) dated January 11, 1978, from the Embassy in Tel Aviv to the Department in response to Document #24 above (#155). This telegram has been released in full except for the name of an Israeli governmental official who was intimately involved with the U.S.S. Liberty claim. Release of the identity of this official could reasonably be expected to cause identifiable damage to the national security by making foreign officials more reluctant to provide information to the United States government. This information falls within the purview of E.O. §1-301(d). It was classified CONFIDENTIAL at its origination by the U.S. Ambassador to Israel. Under the general declassification schedule it is eligible for systematic declassification review 12 years after

mined that the excised portions warrant continued classification at the level of CONFIDENTIAL and are currently exempt from declassification. It is accordingly withheld on the basis of exemption 1.

I, Clayton E. McManaway, do this 27th day of December, 1980, affirm under penalty of perjury that to the best of my knowledge the foregoing is true and accurate.



742246

17 Dec. 77

Director, Freedom of Information Staff
Bureau of Public Affairs
Department of State, Room 2811
2201 C Street NW
Washington, D.C. 20520

Dear Sir:

This letter follows a telephone conversation of this afternoon with Mr. Jim Wood of your office. I was a member of the crew of USS ~~LIBERTY~~ LIBERTY on June 8, 1967, when the ship was strafed and torpedoed by Israeli forces in the Mediterranean Sea. Because of my personal interest and involvement in the incident, I would like to see any documents or files pertaining to the attack or its aftermath, or any notes, messages or diplomatic exchanges between our country and Israel or between Washington and our embassy at Tel Aviv concerning the attack, or concerning compensation for deaths, injuries or property damage, including the loss of the ship. I understand that several such documents have previously been released under the Freedom of Information Act and I request access under that Act.

I am interested in seeing any document pertaining to the ship, including but not limited to notes or messages covering the following:

1. Notes exchanged between Secretary Rusk and Israel's Ambassador Harmon on about June 8, 9 and 10, 1967, concerning the attack on LIBERTY.
2. An exchange of letters between Secretary Rusk and Representative Craig Nosser in about September or October, 1967, concerning LIBERTY.
3. A claim submitted to Israel on December 19, 1967, in my name for injuries I suffered in the attack.
4. Several notes, messages and letters between Washington, our embassy at Tel Aviv and the Israeli Government in 1967, 1968 and 1969 concerning negotiations for settlement of claims.
5. An August 1968, note from the Israeli Ministry of Foreign Affairs concerning Israeli liability for damage.
6. A Red/Harbour exchange of messages or notes concerning the Israeli note of August 5, 1968.
7. An August 29, 1968, note from Secretary Rusk to the Israeli government responding to the August 5 Israeli note.
8. A claim submitted to Israel on March 18, 1969, in my name for injuries I suffered in the attack.
9. Any White House comment on the circumstances of the attack.

JUN 10 1980

Mr. James M. Thomas, Jr.

Dear Mr. Thomas:

In reply please
refer to: #740846

With apologies for the delay in response, I refer to your letters of December 17, 1977, and August 23, 1978 requesting the release of certain Department of State documents concerning the attack on the U.S. LIBRARY, pursuant to the Freedom of Information Act, Title 5 USC Section 552.

A careful search of files under the Department's control has resulted in the retrieval of 163 documents considered relevant to your request. After careful review, we have determined that 46 of these documents can be released. Nineteen more can be released subject to excisions. Seventy-eight must be withheld from release.

Portions of 14 documents and 32 entire documents have been determined to be properly exempt from release under Paragraph (b) (1) of Section 552 as currently and properly classified under Executive Order 12815 and authorized by that Order to remain protected in the interest of national defense or foreign policy.

Three documents have been excised and 27 denied under Paragraph (b) (5) of Section 552 as specifically exempt from disclosure as they constitute inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with this agency.

Two documents have been excised and 19 denied under Paragraph (b) (6) of Section 552 as they represent personnel or medical files and/or similar files the release of which would constitute a clearly unwarranted invasion

of the personal privacy of the individuals involved.

Twenty documents were found to have originated in the Department of Defense. We have therefore requested that agency to review those documents and reply directly to you.

With respect to the material denied or excised, you have the right to appeal this determination within 60 days. Appeals should be addressed to the Assistant Secretary for Public Affairs, Department of State, Washington, D.C. 20520. A letter of appeal should refer to the Freedom of Information case number shown above.

The covering letter from the Department's Foreign Affairs Document and Reference Center, explains how the released material will be made available to you.

Sincerely,

Clayton E. McManaway
Deputy Assistant Secretary
Bureau of Administration
Classification/Declassification
Center

A/CDC/MS:Am. Rockwell:dcg

Middle East Perspective

A NEWSLETTER ON EASTERN MEDITERRANEAN AND NORTH AFRICAN AFFAIRS

VOL. XIV, No. 3

JUNE 1981

NEW YORK, N.Y.

"There is nothing more damaging to a journalist than a closed mind."

—Pierre Salinger

DIMENSIONS IN THE NEWS

By Dr. Alfred M. Lerner

* A most valuable book is *Taking Root*, dealing with Israeli settlements on the West Bank, the Golan and Gaza-Sinai 1976-1980. It is published by John Wiley and Sons as part of their Geographical Research Study Series, with excellent photographs, charts, maps, and complete in every detail. Written by William W. Harris of the University of Otago in New Zealand, this is a most objective and scholarly work in which the author details how and where the settlers were pushed out, what "legal" means were used, "the sad and what a tragedy this has been," says the author, "for all parties concerned."

* Author Herman Wouk found time to write an introduction to the Zionist tome, *The Letters of Jonathan Netanyahu*. These came from the pen of the Israeli Lieutenant Colonel who was killed during Israel's successful 1976 Entebbe airport raid. To further push the saga of perpetration and to assure success of the book, it was given by the Times for review to an Israeli writer who just happened to be an ardent Zionist protagonist. And so the planting continues ad infinitum.

* Dr. John H. Booth, as visiting minister at the Community Church in New York City during his May 1971 Week Sunday (honoring Buddha's birth) sermon, laments: "Is the ultimate in decadence for present-day Christians of the Holy Land, of the Prince of Peace, of the Magi, and of the Cross, to be manufacturing and selling to other nations the instruments for killing?" Although he had earlier in his sermon named the U.S. as "the number one merchant of death," it was his eighty-second reference to Israel that brought a bombardment of calls and threats of bombings to *New York Times* radio station WQXR, which, as customarily, was carrying the services directly from the pulpit renowned for the preachments of John Haynes

(continued on page 6)

ASSAULT ON THE LIBERTY: What Was Book Burning?

By James M. Ennes, Jr.

[Fourteen years ago this month 34 American naval personnel were killed,¹ 24 more wounded in an Israeli attack by air and sea on an American ship. Here is what happened to the authoritative book that dared tell this story.]

ASSAULT ON THE LIBERTY, The True Story of the Israeli Attack on an American Intelligence Ship, was published by Random House in January, 1980. This, my first book, was the first detailed, fully documented account of the 1967 attack on the USS *Liberty*, and it was almost the first public statement of any kind by a survivor.

From the very beginning I was warned by newsmen and others that the book would be ignored by major reviewers and book dealers because of its subject, but I could not accept that. Scores of major American daily newspapers had complained editorially in 1967 that the attack could not have been an accident. *Newsweek* published a scathing comment at that time. I felt confident that my well-documented account would command immediate news, review, and book store attention. I was wrong.

There was a flurry of excitement when the book was released, but not what one might expect. *The Washington Post* informed the publisher that they would not be reviewing *Assault on the Liberty*; *The New York Times* was silent; all New York City book reviewers and talk shows rejected the story; NBC Evening News, after having invited me to an interview in 1977 (which I had declined because I was still subject to military discipline and was forbidden by the Navy to speak freely), was not interested when I told them that I was now free to speak; *Good Morning America* invited me to an interview set for March 14, 1980, but cancelled after discussing the matter with the Israeli Embassy; *Newsweek* editors wrote a story about the book for their *Pentopac* column, and then cancelled without

(continued on page 2)

ASSAULT ON THE LIBERTY

(continued from page 1)

explanation just before press time; a San Francisco talk show producer called me at home to arrange an interview, then called the publisher in New York to cancel; a Seattle talk show producer called, then begged off due to "a full schedule." And a dinner party at the home of a leading Seattle newspaper editor ended prematurely in a shouting match after the host, having just returned from an all-expense-paid trip to Israel, failed to convince his guests that his executive decision not to allow a review of *Assault on the Liberty* to be printed in his newspaper was fair, unbiased, and in the best interest of a free press.

Time, *New York U.S. News and World Report*, *The New Yorker*, *New York Review of Books*, and most of the other important national news and book review media pretended that *Assault on the Liberty* had not been written. Jack Anderson, that fearless syndicated exponent of wrongdoing and chicanery who had announced finally in 1980 that the action was planned in advance, could find no room in 1980 for stories unfurling to Israel.

But many reviews did find their way into print, and almost every one was rave. Among the first published reviews was the widely-read *Hanford Courier* which called *Assault* "a balance between The Chief See and Misser Roberts, the most important book you'll read this year." *People* magazine did a two page spread on the book. *U.S. Naval Institute Proceedings* picked *Assault* as a book selection and eventually honored it as a "Notable Naval Book" and "the most important naval book of 1980." *The Washington Post* finally reversed itself, published a review which said *Assault* "reads like a thriller... the writing is first class," ran two news stories on the subject, and gave the book its highest rating, "Choice". Even the independent Jewish press publicized number of favorable reviews which called the book "in the best traditions of quiet investigative journalism."

Media Reception

For the next few months internet events, I did scores of radio interviews and talk shows, including two hours with Larry King on his huge national network and about seven hours on Washington, D.C. stations alone—none of which was paid for by the publisher because, Random House told me, they could see no benefit resulting from the publicity.

I did a television show in the nation's capital opposite an Israeli journalist, gave an interview for UPI Audio which was broadcast over 1,200 radio stations in four segments, and an interview which, along with remarks by Senator Adlai Stevenson, were on the UPI news wire. (Senator Stevenson said in the interview that the *Liberty* matter was not given more attention in the Congress "because Congressmen feel intimidated by a powerful Israeli lobby which takes its orders from an extremist group within Israel." Unfortunately, those remarks seemed to guarantee their limited publication. The story got almost no play, and many newspapers that did run it, pulled it from their pages in mid press run.) And the book was favorable endorsements from former chiefs of naval operations Admirals Arleigh Burke and Thomas Moorer, from Senator Barry Goldwater and Adlai Stevenson, from former Senators J.W. Fulbright

and James Abourezk, and from Pulitzer Prize-winning author Seymour Hersh among many others, while receiving highly laudatory reviews in all the official and semi-official military journals such as *Shipmate Seapower*, *Milites Review*, *Proceedings*, *The Armed Officer*, and *Naval War College Review*.

One would expect that such favorable comment along with extensive national publicity would sell books. Instead, my editor advised gloomily in late summer that sales were "scary". Each week more books were being returned from bookstores than were being ordered!

Campaign to Discredit

By then a pattern was becoming clear and I was beginning to see some evidence that at least some of the "attack of internet" in this book was apparently the result of an organized campaign. Paperback publishers were not only indifferent, but two notes that came me from leading paperback editors were down-right hostile. And a friend wrote to tell me privately that a fairly serious undercover campaign in New York and Washington, D.C., is underway to discredit the book.

Soon I noticed the same arguments against the book appearing time and again, particularly where there were connections with the Israeli Embassy. For instance, on the *Pancorama TV* show in Washington, D.C., after I had described Israeli reconnaissance aircraft that I had personally seen flying at masthead level directly over our ship, Israeli journalist Ron Ben-Yahu baldly insisted that there were no reconnaissance aircraft at all. An Anti-Defamation League chairman who was allowed to review *Assault* for the *Dallas Morning News* informed his readers that I was "too close to the event to be objective." ADL spokesman in San Diego, San Francisco, Seattle and elsewhere complained to and through the media that "Eason's conclusions fly in the face of logic and military facts."

What is remarkable about the campaign against the book is that it is usually conducted behind the scenes, usually directed to editors, station managers, and talk show hosts rather than to the public, and usually contains the same arguments, particularly when financed through ADL spokesmen. All arguments simply deny the facts in the book and ignore the evidence and documentation, insisting instead that the attack was a case of mistaken identity and that there was no reconnaissance and no identification, even though I have in my possession two Israeli documents which admit privately to the United States that there was reconnaissance, that the ship was tracked in the Israeli war room, and that she was correctly identified as to type, name, nationality and mission.

Retail Orders Sabotaged

And the campaign was effective. Most of my mail in 1980 consisted of complaints that the book was not available or that individual shopkeepers often refused to accept orders for it or falsely claimed that it was out of print. Reports from New York and Los Angeles were particularly consistent and

(continued on page 3)

ASSAULT ON THE LIBERTY

(continued from page 2)

candid booksellers in those cities routinely sold potential buyers that "we will not accept orders for that book."

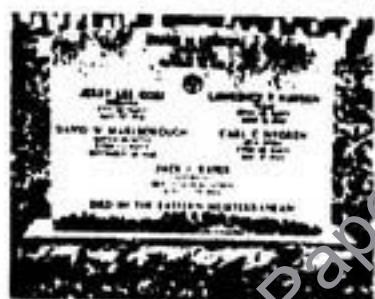
A man in Ohio phoned the found the author with no difficulty to say he had spent three days and \$70 in long distance calls before finding a store that would accept a special order. A man in Dallas took time to visit 32 bookstores; only two stores displayed *Assault*, while thirty stores admitted that they had received copies from Random House but intended to return them, unsold and undisplayed, because they did not like the topic.

Letter writers from New York, Baltimore and San Francisco wrote to tell me that when, as a last resort, they phoned Random House to place orders they were told by "jerks both in New York and at the warehouse in Maryland [in what must have been private sabotage, rather than reflections of corporate policy] that Random House had never published such a book, or had suspended publication."

In Seattle when I asked local booksellers about *Assault on the Liberty* I was told, "We get orders for it constantly, but it must be out of print—our wholesaler can't get it from Random House." Tracing that problem at my request, Random House discovered that a major national wholesale dealer (no doubt due to another private act of sabotage) had failed to forward orders to Random House. Ominously, all orders for *Assault on the Liberty* had been "lost." That snags was eventually unblocked, but not before orders from hundreds of stores were sidetracked for perhaps eight months. And the problem was not confined to the West Coast: even in Washington, D.C., a major bookseller told me that he could not get the book through his regular supplier for at least four months while demand was following several important reviews and talkshows, even though Random House had an abundance of books in hand at that time.

Even *The Washington Post* may have yielded to pressure. After two book reviews and two news stories about *Assault on the Liberty* within about four weeks, the East Coast book-burning faction inundated the Post in a well-organized campaign with hundreds of letters and telephone calls complaining about compensation being paid to this book. According to a Post staff member, "it seems that every phone in the building had someone calling to complain about our mentioning the book." And a few days later when a Seattle Bookseller called the Post to place an ad offering to sell *Assault on the Liberty* by mail, the ad clerk warned: "I don't know if we can accept an ad for that book. There have been a lot of complaints that we should not have reviewed such a controversial book."

Several weeks later, after repeated apologies for unexplained delays and missed publication dates, the Post returned the bookseller's check. The ad did not run. This, too, was probably an act of private sabotage rather than a corporate decision by *The Washington Post*, but the result is the same. And although the Post mentioned the attack six months later in a typically excellent Christmas Day editorial, they have not mentioned the book since the day their phones rang off the wall.



Greve #1972, Section 3d, of Argentine National University - The final resting place of the five sailors and one crew killed in the Israeli attack on the USS *LIBERTY*, June 8, 1967. Note the earlier column reference, "Died in the Eastern Mediterranean."

Despite the resistance, however, the book has slowly gained circulation and popularity—while the pressure has continued. In January, 1981, Dick Estell, the Radio Reader from Michigan State University, read *Assault on the Liberty* in its entirety over a 44 station coast-to-coast radio network—a reading which consumed nine hours of air time on each side over almost a month. Many stations broadcast the readings twice. And Dick Estell soon received a call from an Anti-Defamation League spokesman in New York City asking about his "book selection policy," while individual station managers received obviously ADL-inspired letters and petitions complaining about the decision to read this book.

Pressure Continues

In Seattle, when two producers on a widely heard talk radio station scheduled me for four talk shows over a period of a few weeks, the local ADL spokesman complained. All four shows were strangely truncated, and the last show, which had been scheduled for three hours, was abruptly cut to about 40 minutes by management at the last moment despite solid listener reaction. (I learned of the change only while enroute to the studio.)

Within the week both hosts were shifted to minor time slots, both producers were discharged, and authority to schedule guests was shifted from individual producers to a single executive producer—who would not accept or return my calls. Coincidental? Perhaps, but it is consistent with the pattern.

When I was invited to a widely heard San Francisco radio talk show, the station received five hundred complaining letters even before the show was aired, and during the show the host's life was threatened twice by off-the-air callers claiming to represent the Jewish Defense League and promising to ambush and kill the host as he drove home. He was escorted home by five San Francisco policemen with riot guns, and he promptly abandoned plans for a followup interview.

I had little hope of clearly identifying the source of the campaign against the book until, in December, I received a telephone call from an American newsman in Jerusalem. (continued on page 6)

DIMENSIONS IN THE NEWS

(continued from page 1)

Holmes Church pastor Donald S. Harrington — an extremely vocal Zionist — flew home from leave and banned any further reference to the Middle East conflict in the Unitarian minister's scheduled sermons. Anti-Defamation League pundit Arnold Foster was given time on WQXR to answer Booth's charge of "napalm from Nazareth and bombs from Bethlehem."

Today, ten years later, Israel's arms sales top the \$1-billion mark. The items include sophisticated war planes (the Kfir is powered by General Electric J-79 jet engines), ground-to-air missiles, missile boats, machine guns and ammunition. Much of this, as has been pointed out by our New Hampshire correspondent, goes to repressive regimes, according to the prestigious Stockholm International Peace Research Institute (SIPRI). Thirty-five percent of Israeli exports went to South Africa, 29 percent to Argentina, and 6 percent to El Salvador. Israeli arms have constituted 81 percent of that totalitarian regime's arms supply.

* The Vatican has again made it clear it does not believe it to be sufficient to protect "the right to visit the holy places while leaving Jerusalem a united Jewish city under Jewish rule." The Holy See has continuously opposed any unilateral initiative to modify the political "status" of Jerusalem. This had been emphasized in the communiqué issued following the meeting between Pope John Paul and Saudi Arabian Foreign Minister Prince Saad al-Faisal. The Papal statement also stressed the necessity for maintaining the "independence, territorial integrity and unity of Lebanon." Since that time, things have gone from bad to worse in that beleaguered country. As far as Jerusalem is concerned, we have been told that problem has been placed on a back burner.

* Millionaire property speculator Knesset member Shmuel Flatto-Sharon, who ran for and was elected to his seat to escape extradition to France where he had been sentenced to five years in prison, has now been sentenced to nine months in prison for election fraud. He is the first member of the Knesset sentenced on such charges (Israel has had no Abucam). After the French wanted him for fraud, Flatto-Sharon had been graded by portions of the Israeli press as "a true prophet. Most of our politicians amumble ahead the money they steal from here. He, at least, took to Israeli money taken abroad."

* Expanded agricultural and cattle-rearing cooperation between Egypt and Israel became a reality during the Isai-Moscow meeting between President Sadat and Israel's Ariel Sharon. We wonder how the Egyptian leader must have felt asking the help of the Israeli hero of the '73 War. Sharon had been responsible for the October 1973 massacre of 66 Palestinians in the attacks by Israel's notorious Unit 101 on the border village of Kibya and had commanded the 1973 eviction of Bedouin tribes from the Rafah Approaches to make way for Jewish settlements in the Sinai. While Gush Emunim's Geula Cohen mostly vociferates about it, Sharon has made expansionism a reality. And Sadat incessantly claims to have the best interests of the Palestinians at heart!

ASSAULT ON THE LIBERTY

(continued from page 3)

The newsmen had asked the Israeli government to comment on *Assault on the Liberty*, and the Israeli Foreign Office in Jerusalem had given him a four-page "draft" press kit designed to discredit the book. He sent it to me for comment. Voila! Here were the same arguments I had first heard from Israeli journalist Ben-Yehuda (after he had been briefed by the Israeli Embassy), and that had been emanating from the Anti-Defamation League ever since. "The attack was a tragic mistake. Liberty was thought to be Egyptian, Israel would not have wasted torpedo boats on an attack that could easily have been handled from the air. These conclusions fly in the face of logic and the most facts; the history of war is full of incredible incidents involving mistaken identity; Ennes allows his racism to override objective analysis."

Clearly the campaign to discredit and to frustrate sales of *Assault on the Liberty* is being conducted directly from Jerusalem through this very ADL document.

Adventure, Drama and Expose

Unfortunately, the Israeli spokesmen miss the point of the book. This book, for one, may say that Israel may not want known, is nor an attack on Israel. While I cannot be pleased to have been hospitalized for a year by Israeli bullets or to have seen so many innocents die in an Israeli attack, the main thrust of the book is to tell a readable story of adventure and drama and to expose a coverup which has blinded our leaders to the American military mistakes that led to the disaster.

As a result of the coverup, an enormous failure of military command, control and communications has never been exposed or fully acknowledged, and because it was not acknowledged we made many of the same mistakes again seven months later when the USS *Pueblo* was captured under very similar circumstances. Probably we are still vulnerable to the same failures today. But because Israel is offended by this story, and because Israel is widely, passionately, and expensively supported in our country, and apparently, as Adlai Stevenson said, because many of our elected representatives feel intimidated by the Israeli lobby, our leaders prefer to pretend that our attack did not happen.

By blinding ourselves to history, we condemn ourselves to repeat it.

Fortunately, this is a story that generates a great deal of interest. Despite the clear and very strong resistance, demand for the book is still increasing more than a year after it was published. More retail as well as wholesale dealers stock the book each month. And in the past several weeks Random House has ordered more printings. As this is written a fourth printing is in distribution. The future looks bright.

ABOUT THE AUTHOR

James Ennes retired from the Navy in 1978 as a Lieutenant commander after twenty-seven years of enlisted and commissioned service. He now lives and writes in the Pacific Northwest. And he continues to battle his way onto television and radio talk shows.

25

James M. Ennes, Jr. Research Papers

THE
AMERICAN
LEGION

THE VFW

ABBS AFFAIRS ARTICLE
(REBUTTAL TO ATLANTIC)

Folder 25



P.O. BOX 1055 - INDIANAPOLIS, INDIANA 46206-1055 - (317) 635-8411

November 2, 1984
7 - 97 - 7

Mr. James M. Ennes, Jr.
[REDACTED]

Dear Mr. Ennes:

While there is no way that we could accommodate a 300-500 word article describing the attack on the USS Liberty, we think it would make an excellent 1,500 word feature.

If you are interested in undertaking this assignment, please let us know so that we can work out details -- such as payment and deadline.

Sincerely yours,

Daniel S. Wheeler
DANIEL S. WHEELER
Editor

Enclosure: Writer's Guidelines



P. O. BOX 1055 • INDIANAPOLIS, INDIANA 46206-1055 • (317) 635-8411

November 19, 1984

F - 97 - 7

Mr. James M. Ennes, Jr.
[REDACTED]

Dear Mr. Ennes:

We are pleased that you are interested in writing a 1,500-word article for The American LEGION Magazine about the Liberty incident. Inasmuch as the article is not yet slated for a particular issue, the deadline is not pressing. A February 1, 1985 due date works well for us, and we will so schedule it unless we hear from you to the contrary.

Our usual rate for pieces such as you have described is \$650 for an acceptable article. We purchase only First North American serial rights.

The style of composition we prefer makes the main point of the article early in the lead, provides substantiating data next, and summarizes main points in conclusion. All articles are subject to legal review and our attorney frequently asks for documentation of key facts, especially if those facts or their interpretation appear controversial.

If the above terms are satisfactory, we shall look forward to reading your manuscript. If we may be of any assistance, please do not hesitate to ask.

Thank you for thinking of The American LEGION Magazine.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Wheeler".

DANIEL S. WHEELER
Editor



P.O. BOX 1055 - INDIANAPOLIS, INDIANA 46208-1055 - (317) 635-8611

January 10, 1984
7 - 97 - 7

Mr. James M. Ennes, Jr.
[REDACTED]

Dear Mr. Ennes:

After much struggling over your article "The Israeli Assault on the USS Liberty," the editorial staff here has concluded that this simply doesn't fit in with the Legion Magazine's approach.

I am personally sorry about this, inasmuch as I had ordered the piece in the first place -- and you have already put a great deal of effort into its doing. The least we can do, however, is to pay you a kill fee, so I'm enclosing a check for \$200.00.

Thank you for thinking of our magazine. Please try us again.

Sincerely yours,

DANIEL S. WHEELER
Editor

Enclosure



P O BOX 1055 - INDIANAPOLIS, INDIANA 46209-1055 - (317) 635-8411

October 1, 1985
34 - 97 - 34

Mr. James M. Ennes Jr.

[REDACTED]

Dear Mr. Ennes:

As stated in previous correspondence with you, we understand your consternation and disappointment concerning The American Legion Magazine's rejection of your article, "The Israeli Assault on the USS Liberty."

We reiterate that The American Legion no longer has a position on this subject and we do not think it advisable to publish an article on the Liberty incident at this time.

Sincerely yours,

Michael D. Le Bonne

MICHAEL D. LE BONNE
Editor



P.O. BOX 1086 • INDIANAPOLIS, INDIANA 46206 • (317) 838-6411

February 8, 1985
7 - 97 - 7

Mr. James M. Ennes, Jr.
[REDACTED]

Dear Mr. Ennes:

I can understand your consternation and disappointment concerning The American Legion Magazine's return of your article "The Israeli Assault on the USS Liberty."

As I stated in my earlier correspondence, The American Legion no longer has a position on this topic and we do not think it advisable to publish an article on the Liberty affair at this time.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Daniel S. Wheeler".
DANIEL S. WHEELER
Editor



September 6, 1985
36 - 97 - 34

Mr. Harrison Plum
1300 Center Avenue
Bay City, Michigan 48706

Dear Mr. Plum:

We have had numerous requests to publish information on the attack against the USS Liberty. Unfortunately, the bulk of the material we have seen has been too political in nature, which prevents us from using it. The American Legion is a congressionally chartered veterans organization that cannot support any particular political party or philosophy. Other material presented too many questions without answers and too much speculation on the events surrounding that incident. Should complete facts be made known in the future, we would consider using some or all of that material in a related article.

Sorry we couldn't have been more positive in our answer.

Sincerely yours,

M. D. Le Bonne

MICHAEL D. LE BONNE
Editor

b

copy for Lt Ennes

HARRISON PLUM
1500 CENTER AVENUE
BAY CITY CHICAGO 48706
419-695-5284

September 12, 1985

Mr. Michael D. La Bonne, Editor
The American Legion Magazine
Box 1055
Indianapolis Indiana 46206 1055

Dear Mr. La Bonne:

Thank you for your letter of September 6, 1985 regarding the attack on the U.S.S. Liberty by Israeli forces.

I can well understand your position as editor of the American Legion Magazine, the official news organ of a professionally chartered Veterans organization, regarding publishing politically slanted articles.

However, your some 3,000,000 veteran members look to you for reports on matters of interest to them pertaining to defense and service activities.

It would appear that the attack on the "U.S.S. Liberty" well qualifies for such articles.

You refer to the possible future availability of facts pertaining to this tragic occurrence.

It could well be that the facts mentioned are presently available from official Naval Board of Inquiry records and eye witness and participant statements.

While the facts are very evident, the reasons for the attack and the cloak of secrecy and semi-secrecy placed around it by government and news media are not.

I have the above material available and would be glad to send copies if desired.

It is felt you would do a real service to your readers in publishing an article or articles on this matter.
With very best regards,

Harrison Plum

Harrison Plum
Post 12
Bay City, MI

U.S. LIBERTY

Stan White, Chairman
Joseph L. Madore, President
Robert Clegg, Vice President
P.O. BOX 780, WOODINVILLE



VETERANS ASSOCIATION

John Davis, Secretary/Treasurer
Paul H. McMichael, Legal Advisor
James M. Bonne Jr., Historian
WASHINGTON 20078

copy

17 September 1985

Editor Michael D. La Bonne
The American Legion Magazine
PO Box 1035
Indianapolis, Indiana 46206-1035

Dear Mr. La Bonne:

Mr. Harrison Flum of Bay City, Michigan, has kindly forwarded to me a letter to him of September 6 which attempts to explain why the American Legion seems to fear the story of the USS Liberty.

I am astounded to read that "the bulk of material...has been too political...[while other material] presented too many questions without answers and too much speculation on the events surrounding that incident."

I presume the material to which you refer includes my article on the subject which was commissioned by The American Legion Magazine late in 1984 and then rejected by the Legion editorial board as "inappropriate."

Never was the suggestion made to me that my material was "too political" or speculative or presented unanswered questions. I was told only that the decision to reject my article was based on an ancient Legion policy of avoiding controversy—a policy which I submit is unsuitable for a modern veterans organization. The fact is, I included with my article about 100 pages of documentation to support every point that could possibly be considered controversial.

I was Liberty's officer-of-the-deck and was present on the bridge when the attack started. I conducted more than 12 years of intensive research into the attack and have compiled a research library of some 20,000 pages including many thousands of pages of declassified U.S. Government documents and many official Israeli documents. The story I tell is supported by key U.S. Government leaders of the time and by many known survivors of the attack. In fact, my Random House book on the attack ("Assault on the Liberty") was the subject of an intensive legal review before it was published; Random House legal officers told me when they were finished that they had never before published a book that was so thoroughly documented.

Is still the story that the American Legion finds "speculative"?

As you probably know, the article rejected by the Legion was later published in June, 1985, Retired Officer magazine. Far from being considered "controversial" or "political," the magazine's editor told me that they had a deluge of supporting mail from members and only two critical letters.

My shipmates and I will be pleased to document or give direct eyewitness testimony concerning any aspect of this affair for which you require further evidence. I look forward to your reply so that I may share it with other survivors of the attack.

Sincerely,

je

copy for Lt Ennes

HARRISON PLUM
1500 CENTER AVENUE
BAY CITY, MICHIGAN 48706
S17/895-5284

September 12, 1965

Mr. Michael D. La Bonne, Editor
The American Legion Magazine
P.O. Box 1055
Indianapolis Indiana 46206 1055

Dear Mr. La Bonne:

Thank you for your letter of September 6, 1965 regarding the attack on the U.S.S. Liberty by Israeli forces.

I can well understand your position as editor of the American Legion Magazine, the official news organ of a Congressionally chartered veterans organization regarding publishing politically slanted articles.

However, your some 7,000,000 veteran members look to you for reports on matters of interest and concern pertaining to defense and service activities.

It would appear that the attack on the "U.S.S. Liberty" well qualifies for such articles.

You refer to the possible future availability of facts pertaining to this tragic occurrence.

It could well be that the facts mentioned are presently available from official Naval Board of Inquiry records and eye witness and participant statements.

While the facts are very evident, the reasons for the attack and the cloak of secrecy and semi-secrecy placed around it by governmental and other officials are not.

I have the above material available and would be glad to send copies if desired.

It is felt you would do a real service to your readers in publishing an article or articles on this matter.
With very best regards,

Harrison Plum

Harrison Plum
Post 15
Bay City, MI



P.O. BOX 1055 INDIANAPOLIS, INDIANA 46258-1055 317-888-8441

September 6, 1985
36 - 87 - 34

Mr. Harrison Plum
1500 Center Avenue
Bay City, Michigan 48706

Dear Mr. Plum:

We have had numerous requests to publish information on the attack against the USS Liberty. Unfortunately, the bulk of the material we have seen has been too political in nature, which prevents us from using it. The American Legion is a congressionally chartered veterans organization that cannot support any particular political party or philosophy. Other material presented too many questions without answers and too much speculation on the events surrounding that incident. Should complete facts be made known in the future, we would consider using some or all of that material in a related article.

Sorry we couldn't have been more positive in our answer.

Sincerely yours,

M. D. Le Bonne

MICHAEL D. LE BONNE
Editor

b

National Headquarters, The American Legion

Fifty-Ninth Annual National Convention, Boston, Massachusetts
August 29, 30, 31, 1967

Resolution No. 506 U.S. LIBERTY INCIDENT
Subject RESTITUTION TO PAY BY THE ISRAEL GOVERNMENT FOR ATTACKING THE U.S.S. LIBERTY,
Referred to Committee on FOREIGN RELATIONS

THE LIBERTY INCIDENT

Resolution No. 506 (Proposed) has to do with the tragic attack by Israeli planes and torpedo boats against the U.S.S. Liberty, during the recent anti-Israeli war. The resolution is recommended for adoption, after amendment, as follows:

WHEREAS, on June 8, 1967, the U.S.S. Liberty — while operating in international waters in the Eastern Mediterranean — was the target of an unprovoked, deliberate attack by Israel's war planes and torpedo boats; and

WHEREAS, this unwarranted and unpromised attack killed 31 members of the Liberty's crew, and wounded 15 other U.S. Navy personnel; and, in addition to causing extensive damage to the ship; and

WHEREAS, the U. S. Government's official Inquiry covered the circumstances surrounding the incident, including the fact that the ship was "properly marked as to her identity and nationality, and in calm, clear weather" when attacked, but the public report fails to provide the American public with a satisfactory answer as to the reason for the attack; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Boston, Massachusetts, August 29, 30, 31, 1967, That The American Legion denounces and condemns Israel's irresponsible attack on the U.S.S. Liberty, a United States' ship and its crew; and be it

THAT RESOLVED, That The American Legion cautions that the United States Government conduct a complete and thorough investigation of this incident, with the results to be made public insofar as security permits; and be it

FURTHER RESOLVED, That the United States Government demand full payment from the Israeli Government for 1) compensation to the next of kin of the deceased, 2) compensation to the wounded for injuries and residual disabilities, and 3) damages to the property of the United States.



SEE INSTRUCTIONS ON REVERSE SIDE OF THIS FORM.

The American Legion



OFFICE OF THE
NATIONAL ADJUTANT

* NATIONAL HEADQUARTERS * P.O. BOX 1055 * INDIANAPOLIS, INDIANA 46205 *
1-317 635-8411 *

1000

January 7, 1986
2-77-2

Mr. William T. Edmonds, Jr.
Vice Commander
Dhahran Memorial Division
Generals Ward and Chennault - China Post One
Box 5718
Dhahran, Saudi Arabia

Dear Mr. Edmonds:

This will acknowledge receipt of your letter dated December 1, 1985. You asked two (2) questions:

- 1) What actions have been taken to fulfill the requirements of Resolution No. 508?
- 2) What is the current status of National Convention Resolution No. 508?

In reply, I can furnish you with the following:

- 1) A copy of Resolution No. 508 adopted at the 1967 Annual National Convention was delivered to the resident of the United States. Additionally, it was processed by the staff along with the hundreds of other resolutions to endeavor to get the United States Congress to agree with the position of The American Legion.
- 2) By Resolution No. 5 adopted by the National Executive Committee at its regular meeting in Indianapolis, Indiana, on May 9-10, 1984, Resolution No. 508 was rescinded as stated in Resolution No. 5. A copy of which is enclosed for your ready reference. Resolution No. 508 had already lapsed pursuant to a resolution adopted at the 1936 Annual National Convention which provides in part: ...that "mandates pertaining to legislative action by the Congress of the United States shall be effective only to the date of final adjournment of the Congress during which such resolutions were adopted by a national convention or the National Executive Committee, except that resolutions passed at the national convention or the National Executive Committee preceding the convening of a new Congress, shall be effective until the adjournment of such new Congress."

Mr. William T. Edmonds, Jr.

- 2 -

January 7, 1986

Attn:

I trust the foregoing answers your questions.

Sincerely,



ROBERT W. SPANGLER
National Adjutant

Enc.

cc: Dale L. Renaud, National Commander
Philip B. Onderdonk, Jr., National Judge Advocate
G. Michael Schlee, Director - National Security/Foreign Relations
Daniel S. Wheeler, Publisher/Editor-in-Chief - The American Legion Magazine

January 20, 1986

Joseph L. Headors, President
The USS Liberty Veterans Association
3 Burns Avenue
Hicksville, New York 11801
United States of America

SDS

To the Men of the USS Liberty Veterans Association.

This letter is a result of questions about the USS Liberty Incident raised during a meeting of the Dhahran Memorial Division, Generals Ward and Chennault - China Post One, American Legion.

The following questions were raised about American Legion Resolution No. Resolution 508 (Pennsylvania), 49th Annual National Convention, also known as USS Liberty Incident:

13. What actions have been taken to fulfill the requirements of Resolution No. 508?
23. What is the current status of National Convention Resolution No. 508?

Seeking answers to these questions, I wrote to the National Adjutant. In my letter I stated the questions listed above and indicated our members' strong interest in Resolution 508. I received a prompt reply (attached). I find no ambiguity in the answers provided by Mr. Robert W. Spangola, National Adjutant.

Resolution Resolution 508 was delivered to the President of the United States as well as the United States Congress in 1967. Resolution 508 remained in effect until the date of final adjournment of Congress in 1967. This is the standard practice with National Convention resolutions calling for legislative action by the US Congress. Resolution 508 notified the Executive and Legislative branches of the US Government and the American public of the outrage felt by Legion membership for the attack on Israel on a ship of the United States Navy. A review of the actions requested in Resolution 508 indicates that all items have been addressed, as follows:

13. American Legion condemnation of the Israeli attack on the USS Liberty is a part of public record.
23. The United States government conducted an investigation on the USS Liberty Incident, as called for by Resolution 508.
The government of Israel paid compensation to the victims and the Government of the United States, as called for by Resolution 508.

Let me say at this point that I feel that Resolution 508 has served its purpose and any further discussion of it would be beating a dead horse.

That is not to say that Item Two above has been adequately addressed. The key unanswered question is not why Israel attacked, but why the United States Navy and the United States Government failed to come to the assistance of the USS Liberty. I am not convinced that our government has answered this question truthfully, then or now. Rather it has retreated behind a cloud of empty words and "vital National Interest." Other unanswered questions come readily to mind, as follows:

- 1) Which Naval officers were relieved or reassigned as a result of this incident?
- 2) Which members of the Administration were fired?
- 3) Which members of the US Intelligence community were fired?
- 4) Why did the US Navy fail in its duty to its officers and men?
- 5) Who decided that the lives of American sailors were less important than the feelings and lives of an "ally?"

The introduction of a new USS Liberty resolution to address these and other questions at the next National Convention of the American Legion would be appropriate. However, to make your voice heard you must be a member of the Legion. Many of us believe your cause to be just. I urge you to join with us so that the truth may be brought to others.

William T. Edmonds, Jr.
Vice Commander
Dhahran Memorial Division
Generals Hard and Chennault -China Post One
Box 5710
Dhahran 31311
Saudi Arabia

Enc.

cc:
Dale L. Renaud, National Commander, American Legion
Robert J. Spanogle, National Adjutant
Philip B. Onderdonk, Jr., National Judge Advocate
G. Michael Schles, Director, National Security/Foreign Relations
Daniel S. Wheeler, Editor-in-Chief, The American Legion Magazine

HARRISON PLUM
1500 CENTER AVENUE
BAY CITY, MICHIGAN 48706
SIT7/895-5284

December 15, 1965

Mr. Daniel S. Wheeler
Publisher/Editor in Chief
American Legion Magazine
P.O. Box 1055
Indianapolis, Indiana 46206-1055

Dear Mr. Wheeler:

Thank you for your letter of December 12, 1965 replying to my letter regarding publication of an article on the attack of the U.S.S. LIBERTY by Israeli Units in June 1967.

Just what your reasons are for refusing to publish such an article, I am not sure. However I cannot help but feel this refusal is a disservice to your some 3,000,000 members as a sorry tribute to the widows and orphans of those who gave their lives in the service of our country, for those who bear the scars of wounds received and for those who, although not physically wounded, underwent the traumatic experience of the murderous attack.

Very truly yours,

Harrison Plum

Harrison Plum
Post 12 Bay City MI



December 12, 1965
7-58-7

Mr. Harrison Plum
1500 Center Avenue
Bay City, Michigan 48706

Dear Mr. Plum:

Inasmuch as National Commander Dale Renaud is currently traveling for The American Legion and is not present at National Headquarters, your recent letter concerning publication of the article submitted on the USS Liberty has been referred to me.

As was indicated in previous correspondence, it is our decision not to publish an article on this subject at this time.

Sincerely yours,

DANIEL J. WHIFF
Publisher/Editor-in-Chief

cc:
Dale Renaud, National Commander

HARRISON PLUM
1900 CENTER AVENUE
BAY CITY, MICHIGAN 48706
817/696-5284

December 24, 1965

Senator Carl Levin
Washington, D.C. 20510

Dear Senator Levin:

Re: Attack on U.S.S. ~~America~~ by Israeli planes and torpedo boats in June 1967.

Thank you for your letter of December 9, 1965 in response to my letter on the above.

I was pleased to learn you felt the anti-semitic feeling in the U.S. was no stronger than it has been in the past.

Unfortunately the circumstances surrounding the attack and the reactions of the governments involved, particularly our own, remain a mystery to me.

I wish you and your family a happy holiday season.

Very truly yours,

Harrison Plum
Harrison Plum



October 1, 1989

38 - 97 - 34

Mr. James M. Ennes Jr.
[REDACTED]

Dear Mr. Ennes:

As stated in previous correspondence with you, we understand your conservation and disappointment concerning The American Legion Magazine's rejection of your article, "The Israeli Assault on the USS Liberty."

We reiterate that The American Legion no longer has a position on this subject and we do not think it advisable to publish an article on the Liberty incident at this time.

Sincerely yours,

Michael D. La Bonne

MICHAEL D. LA BONNE
Editor

HARRISON PLUM
1500 CENTER AVENUE
BAY CITY, MICHIGAN 48701
517-895-5294

Copy to James Ennes
Conrad J. Ennes
September 30, 1965

Mr. Michael D. LaBonnie, Editor
The American Legion Magazine
P.O. Box 1055
Indianapolis, Indiana 46206 1055

Dear Mr. LaBonnie:

In our correspondence regarding the publication of an article regarding the attack in June 1967 on the U.S.S. Liberty by Israeli planes and torpedo boats. I appreciated your courtesy.

However, it is disconcerting and perplexing to a Legion member of 40 years that the editor of the official magazine should be apparently apprehensive to publish a factual documented article regarding this vicious, treacherous and murderous attack in which over 30 American seamen were killed, 171 were wounded and their relatively unarmed ship was nearly sunk by torpedo and gun fire.

It is sincerely hoped that the future will permit the publication of articles or articles on this tragedy, allowing Legion members and others to learn more of this atrocity.

Very truly yours,

Harrison Plum
Harrison Plum
Post 18, Bay City, MI

U.S.S. LIBERTY



VETERANS ASSOCIATION

Tom White, Chairman
Joseph L. Meadors, President
Robert Clegg, Vice President
P.O. Box 786, WOODINVILLE

John F. Haile, Secretary-Treasurer
Paul H. McHugh, Legal Advisor
James M. Ennes, Jr., Historian
WASHINGTON 98074

October 1, 1985

Mr. Michael D. La Bonne
Editor
The American Legion Magazine
P.O. Box 1055
Indianapolis, Indiana 46206-1055

Dear Mr. La Bonne:

Mr. Harrison Plum recently shared with our association your response to him concerning your reasons why The American Legion Magazine will not print articles concerning the USS LIBERTY.

It reminded me of the guy who killed his parents then hung himself on the mercy of the court because he was an orphan.

In their 1967 National Convention the American Legion passed Resolution Number 538 calling on the United States Government to conduct a "complete and thorough investigation" into the USS LIBERTY incident. This investigation would answer all of the questions surrounding the attack. In 1982 the American Legion withdrew this resolution. We have been unable to get any official reason from the American Legion as to why this was done.

Now you are telling us that the reason you will not publish a story about the USS LIBERTY is that there are "too many questions without answers and too much speculation on the events surrounding that incident."

How can the American Legion on one hand say that there are too many unanswered questions and on the other say that there should not be an investigation?

How can the American Legion say that they will publish an article "should complete facts be made known in the future" when in 1982 you took an active role in perpetuating the cover-up by withdrawing Resolution #538?

I am asking you, on behalf of the survivors of the attack, and the 34 who did not come back, to explain the inconsistent position The American Legion and The American Legion Magazine has taken with regard to the USS LIBERTY. Does the American Legion really want the questions surrounding the USS LIBERTY answered? If so, why was Resolution #538 withdrawn?

Sincerely,

Joseph L. Meadors
President
c/o Aramco, P.O. Box 1168
Dhahran, SAUDI ARABIA

cc: Harrison Plum
James M. Ennes, Jr.



P O BOX 1055 - INDIANAPOLIS INDIANA 46208-1055 (317) 638-6411

October 1, 1985
34-97-34

Mr. Phillip F. Turney
Public Affairs Officer
U.S.S. Liberty Veterans Association
P. O. Box 283
Arvada, Colorado 80001-0283

Dear Mr. Turney:

As we indicated to Mr. Ennes, Mr. Plum and several additional writers over the years who proposed to produce an article on the USS Liberty incident, The American Legion no longer has a position on this subject and we do not think it advisable to publish an article on the Liberty affair at this time.

Sincerely yours,

MICHAEL D. La BONNE
Editor

copy for Lt Ennes

HARRISON PLUM
1800 CENTER AVENUE
BAY CITY, MICHIGAN 48706
517/895-5284

September 12, 1965

Mr. Michael D. La Beouf, Editor
The American Legion Magazine
P.O. Box 10355
Indianapolis Indiana 46206 10355

Dear Mr. La Beouf:

Thank you for your letter of September 6, 1965 regarding the attack on the U.S.S. Liberty by Israeli forces.

I can well understand your position as editor of the American Legion Magazine, the official news organ of a constitutionally chartered Veterans organization, regarding publishing politically slanted articles.

However, your some 7,000,000 veterans members look to you for reports on matters of interest and concern pertaining to defense and service activities.

It would appear that the attack on the "U.S.S. Liberty" well qualifies for such article.

You refer to the possible future availability of facts pertaining to this tragic occurrence.

It could well be that the facts mentioned are presently available from official Naval Board of Inquiry records and eye witness and participant statements.

While the facts are very evident, the reasons for the attack and the cloak of secrecy and semi-secrecy placed around it by government and news media are not.

I have the above material available and would be glad to send copies if desired.

It is felt you would do a real service to your readers in publishing an article or articles on this matter.

With very best regards,

Harrison Plum

Harrison Plum
Post 18
Bay City, MI

U.S.S. LIBERTY

Bob White, Chairman
Joseph L. Meador, President
Robert Gossie, Vice President
P.O. Box 788, WOODINVILLE



VETERANS ASSOCIATION

John Deakin, Secretary-Treasurer
Paul H. McNamee, Legal Advisor
James M. Stover, Jr., Historian
WASHINGTON 20078

December 1, 1985

Mr. Clarence M. Bacon
National Commander
American Legion
P.O. Box 1055
Indianapolis, Indiana 46206

Dear Mr. Bacon:

To date we have had no response to our letter of November 1 (enclosed).

We are confused by the American Legion's apparent inability to respond to our question.

It would be logical to assume that the withdrawal of Resolution #508 would have been accomplished during a formal meeting of the Executive Committee of the American Legion. A review of the minutes of that meeting would clearly indicate the reason for that withdrawal.

Please review those minutes and provide this Association with a detailed explanation for the withdrawal of Resolution #508.

We also request the American Legion to:

1. Itemize what actions they took on Resolution #508 during the 15 years it was in effect, and
2. Provide this Association with a copy of the appropriate portions of the American Legion Constitution that refers to the procedure followed to withdraw a resolution.

Looking forward to your prompt response, I remain,

Sincerely yours,

Joseph L. Meador
President
c/o Xanaco, P.O. Box 1168
Dhahran, Saudi Arabia

U.S.S. LIBERTY

Bill White Chairman
Joseph L. Meadors President
Robert Clegg Vice President
P.O. BOX 788 WOODINVILLE



ASSOCIATION

John Clegg Secretary/Treasurer
Paul H. McInerney Legal Advisor
James M. Bacon Jr. Historian
WASHINGTON 20078

November 1, 1985

Mr. Clarence H. Bacon
National Commander
American Legion
P.O. Box 1055
Indianapolis, Indiana 46206

Dear Mr. Bacon:

On June 8, 1967, a United States Navy Ship, the USS LIBERTY, was attacked without provocation by the armed forces a foreign government under conditions that were suspicious, to say the least.

In addition to the total destruction of the ship, the attack resulted in the deaths of 34 of its American crewmen and the wounding of 171 others. The Congress of the United States has, for reasons only they can understand, not felt this incident worthy of a Congressional Investigation.

In June, 1982, the survivors of the attack met at a reunion in Washington, DC. At that reunion, we decided to form an association. The **USS LIBERTY VETERANS ASSOCIATION**.

One of the goals of the Association is to bring the incident to the attention of the United States Congress in order to convince them to conduct a complete and comprehensive investigation.

The American Legion recognized the gravity of the situation long before the survivors did. In its 1967 National Convention the American Legion passed Resolution #508 calling for a "complete investigation" into the attack. This Resolution is completely supported by the **USS LIBERTY VETERANS ASSOCIATION**.

It has been brought to our attention that Resolution #508 has been withdrawn by the American Legion.

With this letter, and on behalf of the survivors of the attack and the families of the 34 men who died, I am formally requesting you to explain to us the complete details behind the American Legion's decision to withdraw Resolution #508.

Sincerely,

Joseph L. Meadors
President

U.S.R. LIBERTY

Max White, Chairman
Joseph L. Meadors, President
Robert Gandy, Vice President
P.O. BOX 780, WOODINVILLE,



ASSOCIATION

Henry Gandy, Secretary-Treasurer
Paul H. McComb, Legal Advisor
James M. Ennes, Jr., Historian
WASHINGTON 98073

October 28, 1985

Michael D. La Bonne
Editor
The American Legion Magazine
P.O. Box 1055
Indianapolis, Indiana 46206-1055

Dear Mr. La Bonne:

Since I am well aware of the various reasons you have presented regarding your refusal to publish any article concerning the U.S.R. LIBERTY, I must admit I was more than a little confused by your letter of October 18.

I re-read my letter of October 7, looking for a passage for which your response would have been appropriate. I found none.

For your convenience, I am resubmitting my letter, highlighting the specific questions I am asking you to respond to.

Sincerely,

Joseph L. Meadors
President
c/o Aramco, P.O. Box 2165
Dhahran, Saudi Arabia

enclosure

cc: Harrison Plum (w/attachments)
James M. Ennes, Jr. (w/attachments)

U.S.S. LIBERTY



VETERANS ASSOCIATION

Ben White Chairman

Roger L. Neudorff President

Mark Casali Vice President

P.O. BOX 1168 WOODINVILLE,

John Davis Secretary Treasurer

Paul H. Rothhaar Legal Advisor

James M. Ennes Jr. Historian

WASHINGTON 98076

October 1, 1985

Mr. Michael D. La Bonne
Editor
The American Legion Magazine
P.O. Box 1055
Indianapolis, Indiana 46206-1055

Dear Mr. La Bonne:

Mr. Harrison Plum recently shared with our association your reasoning to him concerning your reasons why The American Legion Magazine will not print articles concerning the USS LIBERTY.

It reminded me of the guy who killed his parents then threw himself on the mercy of the court because he was an orphan.

In their 1982 National Convention the American Legion passed Resolution Number 508 calling on the United States Government to conduct "a complete and thorough investigation" into the USS LIBERTY incident. This investigation would answer all of the questions surrounding the attack. In 1982 the American Legion withdrew this resolution. We have been unable to get any official reason from the American Legion as to why this was done.

Now you are telling us that the reason you will not publish a story about the USS LIBERTY is that there are "too many questions without answers and too much speculation on the events surrounding that incident."

How can the American Legion on one hand say that there are too many unanswered questions and on the other say that there should not be an investigation?

How can the American Legion say that they will publish an article "should complete facts be made known in the future" when in 1982 you took an active role in perpetuating the cover-up by withdrawing Resolution #508?

I am asking you, on behalf of the survivors of the attack, and the 34 who did not come back, to explain the inconsistent position The American Legion and The American Legion Magazine has taken with regard to the USS LIBERTY. Does the American Legion really not the questions surrounding the USS LIBERTY answered? If so, what was Resolution #508 withdrawn?

Sincerely,

Joseph L. Neudorff
President
c/o Enesco, P.O. Box 1168
Dhahran, SAUDI ARABIA

cc: Harrison Plum
James M. Ennes, Jr.



P O BOX 1055 - INDIANAPOLIS, INDIANA 46208-1055 - (317) 835-8411

October 18, 1985
34 - 97 - 34

Mr. Joseph L. Meadors, President
U.S.S. Liberty Veterans Association
c/o Aramco
P. O. Box 1168
Dhahran, Saudi Arabia

Dear Mr. Meadors:

As we recently indicated to other members of your association, The American Legion currently does not have a position on the USS Liberty incident and we do not think it advisable to publish an article on the Liberty incident at this time.

Sincerely yours,
Michael D. La Bonne
MICHAEL D. LA BONNE
Editor



P.O. BOX 1058 - INDIANAPOLIS, INDIANA 46208-1058 - (317) 635-8411

WRITER'S GUIDELINES

The American Legion Magazine, a recognized leader among national general-interest publications, is published monthly by The American Legion for its 2.5 million members. These military service veterans, serving through 18,000 community-level posts, dedicate themselves to God and country and traditional American values; a strong national security; adequate and compassionate care for veterans, their widows and orphans; community service, and the wholesome development of our nation's youth.

We publish articles reflective of these aims and values to inform our membership and their families of significant current issues affecting our nation, the Free World and the way we live. The American Legion Magazine's primary focus is in the areas of national security, foreign affairs and contemporary problems and trends of national importance. However, we also report on a wide range of other subject matter including, but not limited to, analyses of key events in American history that have lessons for today; incidents that occurred in the wars of the 20th Century, and areas of general concern to all people, such as sports, hobbies, medicine and health, ethics and the arts.

We will consider purchasing interviews conducted with prominent national and world figures who address topics of current concern to our readership.

We place a premium on good taste, objectivity, accuracy, and tight and dynamic writing. Ground rules include no exposés, no partisan politics and no articles that ridicule the opinions, appearance or activities of any individuals or groups. We address only the issues, not the partisans involved.

Format and Style

Articles published in The American Legion Magazine generally adhere to a three-part editorial format: (1) statement of the problem, (2) explanation of the impact of the problem, (3) solutions. We like to see these points summarized early in an article, then expanded as needed to include vivid examples, facts and expert opinion needed to report the story in a dynamic, interesting manner.

Articles should be "three dimensional" in that each should cover a topic's breadth in terms of its relationship to other areas; depth in terms of basic significance and ways the subject matter affects people and the nation, and time in terms of putting it into perspective with present and future events.

Outline Required

Before being assigned an article, writers will be required to submit an outline showing the general thrust of the proposed article. The outline need not be long, but it must be thorough and it must demonstrate a writer's firm understanding of the proposed topic and the particular slant being recommended.

Documentation

When articles are submitted, writers are required to include appropriate documentation of pertinent facts and, whenever possible, citations verifying that key persons quoted in the article have reviewed quoted material for accuracy. This is especially important when writing people whose professional reputations could be damaged if misquoted or quoted out of context. Before the purchase of an article is authorized, a writer may be required to submit additional documentation and clearances as required by either the editor or the Legion's legal counsel.

Rights Purchased

We purchase First North American serial rights, unless otherwise negotiated.

Payment, Length, Queries

We generally pay from \$350 to \$1,200 depending on the complexity of subject matter and on our current needs. Kill fees and reimbursement of expenses are negotiable with writers working on assignment.

The minimum manuscript length is from 750 to 1,200 words for material written for specific departments; 1,300 to 1,800 words for general features, and up to 2,500 words for major, analytical features.

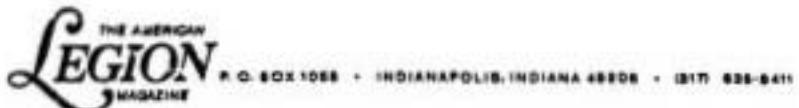
We report on queries within six weeks. Although we prefer queries, we will consider unsolicited manuscripts. Written queries are preferred to telephone calls.

Return Of Materials

Queries, unsolicited manuscripts and art must be accompanied by a self-addressed, stamped envelope if the submitter desires that they be returned. We will not return submissions without a SASE. We cannot assume any financial liability for the loss of any submissions, whether requested or not.

Samples

The best way to get a feel for our type of article is to read several issues of the magazine. Nominal cost - \$1.00 each.



FACTS ON THE AMERICAN LEGION

Since its founding in 1919 by 1,000 war-weary yet idealistic veterans, The American Legion has been one of the most effective public-policy action forces on the American scene. Author of this century's most progressive piece of veterans' legislation -- the GI Bill of Rights -- the Legion is today America's foremost advocate of strong national security. And through the years, The American Legion Magazine has been one forum in which these actions -- and the problems that made those actions necessary -- have been reported.

Chartered by Congress as a patriotic, community-service organization of honorably discharged war veterans, The American Legion is the nation's largest veterans organization, with more than 2.5 million members. These members, working through 38 governments and 16,000 community-level posts located in every state, the District of Columbia and 28 foreign countries, are the personification of volunteerism. In 1983 alone, these Legionnaires awarded \$1 million in scholarships to America's youth; supported more than 2,500 Boy Scout units; donated 250,000 pints of blood; volunteered 750,000 hours helping disabled veterans and working in VA hospitals; and, along with their American Legion Auxiliary counterparts, donated more than \$1 million and countless hours to help sponsor 23,000 handicapped children in the Special Olympics.

The American Legion has its national headquarters in Indianapolis, with offices in Washington, D.C. Handling on a day-to-day basis matters dealing with national security, foreign relations, veterans rehabilitation and employment, and legislative matters. In addition to thousands of volunteers on the Legion's 12 national commissions and the committees assigned to them, the national organization employs nearly 300 full-time employees.

At the national level, the Legion's most visible activity is its work on behalf of veterans, their survivors and dependents, and its continuing advocacy of peace through a strong national defense. While the Legion's charter forbids endorsement or support by the organization for any party or political candidate, the Legion is active in public debate involving current national issues germane to the organization's founding principles, and is frequently called upon to present congressional testimony on foreign policy matters as well.

Representing not only America's 28 million living veterans and their families, but also a great cross-section of Americans, The American Legion has served the United States through six decades of social and economic change. It will continue to do so in the future.



P.O. BOX 1068 • INDIANAPOLIS, INDIANA 46208 • 1-800-636-8411

WHO READS THE AMERICAN LEGION MAGAZINE?

Readers of The American Legion Magazine include 2.5 million members of The American Legion; another 1 million members of the American Legion Auxiliary; 4 million more professional associates, relatives and friends of Legionnaires, and thousands of additional leaders of government and industry, including all 535 members of Congress and top executives throughout local, state and federal government.

The average reader is a 55-year-old married man who owns his own home and may even own a second, vacation-type home. He's a family man, with a wife and two or three kids, of whom one or more also work full-time and another works part-time. He's slightly more likely to live in a suburban or rural area than he is to live in a city. He has a fair amount of disposable income, since he earns \$13,300 a year in a professional, managerial, proprietorial or other white-collar position. (However, 22.8 percent of readers earn over \$35,000 a year). He likes to go fishing, swimming and hunting, goes to the movies fairly frequently and is active around the house -- gardening, decorating and home repairs, mostly. He owns two cars, and may even own a truck.

He's a loyal reader, too, having read The American Legion Magazine for more than 17 years (almost 25 percent have read it for 30 years or more). He's likely to spend an hour or more reading his copy. He's reasonably well-educated: just under 76 percent of readers have graduated from high school, and 38 percent either have attended college or hold one or more undergraduate, graduate or advanced degrees.

Regardless of his educational background, however, he is a thoroughly aware, informed individual, who is as concerned about the quality of life in his own community as he is about the larger outside world. He is visibly interested in the security of the US, in foreign affairs and in advancing American interests and prestige worldwide. He is concerned with the adequate, compassionate treatment of veterans of the nation's wars, with the welfare of children of all ages and with the wholesome development of American youth generally.

He's politically active, as you'd expect of a US citizen with his breadth of interests and responsibilities. He's registered to vote (and he does vote), exercising his franchise as wisely as he knows how. He's as representative as he can be of traditional "grassroots" Americanism, and he's not in the least ashamed to wave the flag, to march in a parade, to salute the "old soldiers" of his and every other generation.

He's an American.

U.S.S. LIBERTY



VETERANS ASSOCIATION

F. W. Wink, Chairman
A. H. L. Weston, President
John Davis, Vice President
P.O. BOX 780, MCDONVILLE

New Jersey Secretary-Treasurer
Paul H. McGehee, Legal Advisor
James H. Davis Jr., Historian
WASHINGTON 26078

February, 1986

Fellow Survivors
Former Crewmembers
Valued Friends

A friend of mine (and supporter of ours) here in Dhahran, a Vice Commander of the Dhahran Memorial Division of China Post #1 of the American Legion, has made a suggestion and recommends we pursue it as quickly as possible.

His suggestion is to form a Memorial Division of China Post #1.

With this letter I am attempting to do two things: 1) briefly explain the unique position China Post #1 has in the American Legion, and 2) try to ascertain if there is any interest in establishing a Division.

In a nutshell, China Post #1 (with headquarters in Scottsdale, Arizona) is the closest to an average Post that there is in the American Legion. It is the only Post in which you can belong to it and another Post. Members need not live in the same geographic area. All you have to do to become a member is to be qualified for membership (or already a member) in the American Legion, pay you, \$26 China Post #1 dues (in addition to the dues you already paid to your local Division if you are already an American Legion member) and be recommended by a current China Post #1 member.

I do not have to tell you the implications of establishing a Memorial Division. We would have access to a membership of over 2 Million American Legion members and would be able to recommend and support our own resolutions at their National Convention. I'm sure you will agree an opportunity like this does not come along very often. But, bear in mind, this proposed Memorial Division is a part of the American Legion in every sense of the word. Along with the opportunity comes the responsibility that any American Legion member is familiar with.

According to a Vice Commander of China Post #1, the procedure to follow is:

1. Fill out the other side of this letter and mail it back to me. This will let me know you are interested in becoming a member.
2. Upon receipt of this letter, I will mail you a form to fill out.
3. Mail the form and money to me. (no cash, please. Checks made out to the American Legion)
4. When I get enough, I will mail them to the Post Commander of China Post #1 and let him know we are forming a Memorial Division.

For organizational purposes, I will suggest the same officers as are currently in office in the USS LIBERTY VETERANS ASSOCIATION, however, I would like to know if anyone else is interested in any of the posts available. Feel free to make your wishes known below.

I might be stealing a little thunder from the next edition of the USS LIBERTY NEWSLETTER, but we have also been invited by Mr. Howard E. Vander Clute, Adjutant General of the Veterans of Foreign Wars, to form our own USS LIBERTY SHIP OF THE VETERANS OF FOREIGN WARS. I haven't gotten any organizational material from the VFW yet so I don't know what the membership dues are. You must be qualified for membership in the VFW to qualify for membership in the USS LIBERTY SHIP OF THE VFW. Anyone on board the USS LIBERTY on June 8-9, 1967 is qualified because he is eligible for the Combat Action Ribbon.

Complete and mail this letter to me as soon as possible BY AIR MAIL at the following address:

J.C. Meadors
c/o Aramco, P.O. Box 1168
Dhahran, Saudi Arabia

If you have some friends or relatives who might be interested, pass a copy of this on to them.

What you have to ask yourself is, "Is it worth \$26 to gain access to the 2,000,000+ members of the American Legion." I think it is and I'm willing to accept the responsibility of getting things started. Won't you help?

Thanks,

VETERANS OF FOREIGN WARS
OF THE UNITED STATES

November 1982

OFFICE OF
DIRECTOR
NATIONAL SECURITY AND FOREIGN AFFAIRS

V. F. W. MEMORIAL BUILDING
100 MARYLAND AVENUE, N. E.
WASHINGTON, D. C. 20002

October 30, 1982

Commander X. Bender Tassill
4601 North Park Avenue
Chevy Chase, Maryland 20815

Dear Commander Tassill:

The Veterans of Foreign Wars of the United States and all true patriots salute you and all others responsible for taking those actions which led to the proper marking of our honored dead from the USS LIBERTY.

The failure of our government,毫不迟疑地 to respond to the calculated, repeated, and cowardly Israeli attacks on the LIBERTY during the 1967 Mid-East War was and is a national disgrace.

Again, our heart-felt thanks for keeping the faith.

Sincerely,

Ralph Jones
Ralph Jones, Col., USA (Ret.), Director
National Security and Foreign Affairs

FJ/MS

VETERANS OF FOREIGN WARS OF THE UNITED STATES



THE ADJUTANT GENERAL

November 7, 1983

Mr. Joseph L. Meadors, President
c/o ARAMCO
P.O. Box 1168
Dhahran, Saudi Arabia

Dear Mr. Meadors:

I am at a loss to understand why you have not had a reply from our Washington Office in regard to the status of your resolution in support of establishing a memorial honoring those lost on the USS Liberty. There is a possibility, however, that the correspondence went astray between this office and our Washington Office.

I am forwarding your most recent correspondence, along with a copy of my letter of April 5, to Cooper T. Holt, Executive Director of our Washington Office, requesting his response.

It appears that the delegates attending our 85th National Convention in Dallas, Texas, in August, did not consider any resolution in support of such a memorial.

As you are aware, all of our legislative objectives are administered to by our Washington Office staff. I assure you that Mr. Holt or an appropriate member of his staff will respond to your latest request for information.

Sincerely,

Howard L. Vander Clute, Jr.
Adjutant General

cc: JMK
Cooper T. Holt, Executive Director, VFW Washington Office

* NATIONAL HEADQUARTERS *

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VETERANS OF FOREIGN WARS OF THE UNITED STATES



THE ADJUTANT GENERAL

December 9, 1985

Joseph L. Meadors, President
U.S.S. Liberty Veterans Association
c/o Aramco
P. O. Box 1148
Shahran, Saudi Arabia

Dear Mr. Meadors:

I am writing in response to your letter and in further reference to Resolution 685 adopted by the 84th National Convention of the Veterans of Foreign Wars.

Resolution 685 entitled "Establish Memorial Honoring Men Lost on U.S.S. Liberty" was submitted for the consideration of the delegates to the 84th National Convention by the Department of Illinois pursuant to its adoption by the Illinois Department Convention. The resolution was initiated by Post 2240.

Each year following our National Convention, the Commander-in-Chief convenes our National Legislative and Security Committees to review the resolutions adopted by the National Convention, and, based on their review, to recommend Legislative and Security Priority Goals representative of their assessment of the most pressing needs and desires of our membership. As you will see from the enclosure, our priority goals for 1986 did not address the resolve of Resolution 685 that a fitting memorial be established by the United States honoring those men lost on the U.S.S. Liberty while in the service of our country.

In view of the above, it would be appropriate, and I will be pleased to recommend to our Commander-in-Chief, that the Resolution to establish a memorial honoring men lost on U.S.S. Liberty be reintroduced at our National Convention in Minneapolis.

As you know, Naval personnel who served on the U.S.S. Liberty on 8 and 9 June 1967, established their eligibility for the award of the Coast Guard Action Ribbon. Also, as you may be aware, holders of the Navy Commendation Ribbon are recognized as possessing the requirements of eligibility for membership in the Veterans of Foreign Wars.

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Joseph L. Meador
December 9, 1985

Page 2

It has occurred to me that members of your Association who are recipients of the Combat Action Ribbon, by virtue of their service on the U.S.S. Liberty on 8 and 9 June 1967, could be interested in membership in the Veterans of Foreign Wars. There is precedence for the chartering of SHIPS (in lieu of Posts) for units composed of Naval veterans. If you are interested in pursuing the organization of a U.S.S. Liberty Ship of the Veterans of Foreign Wars, I will provide the necessary organizational materials and will be pleased to assist in any way that I can to bring this about.

A-VFW-Ship-comprising-the-(liberty)-veterans-of-the-U.S.S.-Liberty-would send great force and influence in our accomplishing the objectives of the Resolution to memorialize those who were killed on the U.S. Liberty.

Sincerely,


Edward E. Vander Clute, Jr.
Adjutant General

HVC/B/mav
Encl.

cc: George G. Gorin, Jr., Adjutant
Department of Illinois, VFW
2401 E. Stevenson Dr.
Springfield, Illinois 62703

William D. Marshall, Commander
VFW Post 2240
2335 W. 111th Place
Chicago, Illinois 60643

U.S.S. LIBERTY



VETERANS ASSOCIATION

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Joseph L. Headora, President
Robert Clegg, Vice President
P.O. BOX 786, WOODINVILLE,

John Gaskin, Secretary-Treasurer
Paul H. McCombey, Legal Advisor
James M. Ennes, Jr., Historian
WASHINGTON 98072

January 5, 1986

Howard E. Vander Clute, Jr.
Adjutant General
Veterans of Foreign Wars of the United States
National Headquarters
VFW Building
Broadway at 34th Street
Kansas City, MO 64111

Dear Mr. Vander Clute:

I was pleased to receive your letter of December 9.

We appreciate the fact that you will re-introduce Resolution #685 to establish a memorial honoring men lost on the USS LIBERTY be reintroduced at your National Convention in Minneapolis.

I am very interested in pursuing the organization of a USS Liberty Ship of the Veterans of Foreign Wars and would like you to air mail me the organizational material at your earliest possible convenience.

Sincerely,

Joseph L. Headora
President
c/o Aramco, P.O. Box 1168
Dhahran, Saudi Arabia

cc: George G. Corbin, Jr.
William D. Marshall

January 5, 1986

Dear Comrade Ernest:

Enclosed is a copy of correspondence received from National and a copy of Resolution 685. The letter explains, at least superficially, what happened to the resolution.

I plan to take the following action during January: Arrange a meeting with Commander Weigant of Lake Washington Post 2995 at our upcoming District 11 meeting on Jan. 10th. I will request floor time at his next post meeting to present a summary of the situation and request that we hold a joint meeting of our two posts at their post home in which we can have you present to talk and show pictures.

I will also include invitations to the District 11 Officer Corps and propose that we draft a new resolution on debt of Washington approval and forwarding on to National. After reading the Illinois Resolution I think we can re-write it with somewhat more impact.

I will keep in touch and arrange a meeting time which is convenient with you as soon as I work out arrangements with Commander Weigant.

Incidentally, I found a copy of your book at Kingsgate Library and just finished it about a week ago. I found it to be timely, well researched and very well written. I hope I can obtain a copy soon as I would like to pass it along to my dad who is a retired former Coast Guard Officer. Although well up in years he still loves to keep up on current American history, especially that which involves Navy or Coast Guard activities.

Yours in Comradery,

Charles Fells

Commander, Post 6006

Woodinville

VETERANS OF FOREIGN WARS OF THE UNITED STATES



THE ADJUTANT GENERAL.

December 30, 1985

Charles Fells, Commander
VFW Post 6006
21009 46th S.E.
Bothell, WA 98021

Dear Commander Fells:

I am writing in response to your letter to State Commander Young of the Department of Washington in reference to Resolution 685 adopted by the 84th National Convention and the inquiry you received from Comrade James H. Evans, Charter Member of Post 6006.

Resolution 685 entitled "Establish Memorial Honoring Men lost on U.S.S. Liberty" was submitted for the consideration of the delegates to the 84th National Convention by the Department of Illinois. Pursuant to its adoption by the Illinois Department Convention, this resolution was initiated by Post 2240.

Each year following our National Convention, the Commander-in-Chief convenes our National Legislative and Security Committee to review the resolutions adopted by the National Convention, and, based on their review, to recommend Legislative and Security Priority Goals representative of their assessment of the most pressing needs and desires of our membership. Our priority goals for 1984 did not address the resolve of Resolution 685 that a fitting memorial be established by the United States honoring those men lost on the U.S.S. Liberty while in the service of our country and to our knowledge there has been no resolution of this matter.

Inasmuch as no action has been taken to date to establish a memorial honoring the men lost on the U.S.S. Liberty and since this resolution was not reintroduced at our last National Convention in Dallas, it would be appropriate for the Post, as suggested in your letter, to adopt a similar resolution so that this matter can be revived. I believe such a resolution would be supported by the Department of Washington Convention, and pursuant thereto, will be before our National Convention in Minneapolis.

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Charles Follis, Commander
VFW Post 5006

Page 2

Incidentally, in response to a letter from Joseph L. Meador, President of the U.S. Liberty Veterans Association, I informed him that I would be pleased to recommend to our Commander-in-Chief that the resolution to establish a memorial honoring men lost on U.S.S. Liberty be reintroduced at our National Convention in Minneapolis.

I am enclosing for your information and use a copy of Resolution 685 that will be helpful if your Post chooses to support its reintroduction.

Best personal regards,

Yours in cordiality,


Howard E. Vander Chile, Jr.
Adjutant General

HVC/B/mv
Encl.

cc: John Bram, Department Adjutant

APR 29 1968
Resolution No. 685

ESTABLISH MEMORIAL HONORING MEN LOST ON U.S.S. LIBERTY

WHEREAS, no known recognition has been given to the men who lost their lives aboard the U.S.S. Liberty operating in the Mediterranean Sea in 1967 due to Israeli aircraft action; now, therefore

BE IT RESOLVED, by the 64th National Convention of the Veterans of Foreign Wars of the United States, that a fitting memorial be established by the United States honoring those men lost on the U.S.S. Liberty while in the service of our country.

Submitted by Department of Illinois
To Committee on VETERANS SERVICE

Resolution No. 685

THE USS LIBERTY: BACK IN THE NEWS

James M. Ennes Jr.

*Mr. Ennes was a lieutenant on the bridge of the USS Liberty on the day it was attacked by Israeli forces. His book on the subject, *Assault on the Liberty* (London House, 1980), is a "Notable Naval Book" selection of the U.S. Naval Institute and was "editor's choice" when reviewed in *The Washington Post* in July 1980. The book is now in its fourth printing.*

The ill-fated American intelligence ship USS *Liberty* has burst back into the news. And supporters of Israel are not happy about it. This little-known subject, it seems, is finally coming out of the closet—albeit with some unintended help from Israel. Americans are asking their Congressmen about the *Liberty*. Articles are appearing in military magazines after years of silence. News stories, editorials, letters to the editor and national talkshows mention the subject regularly. Former heads of various government agencies are starting to speak out. And a retired chairman of the Joint Chiefs of Staff has called upon the Congress to demand for all to clear up the unanswered questions surrounding this tragedy.

On the fourth day of the 1967 Arab-Israeli six day war, Israeli naval, air and reconnaissance forces worked together to attack and almost sink the USS *Liberty*, a lightly-armed neutral ship in international waters. Thirty-four Americans died and

171 were wounded from a crew of 294. The crew vessel had to be sold for scrap.

This story vanished from the news like the political bombshell it still is. Israel says the attack was a mistake, and no amount of evidence to the contrary made any difference. Not the testimony of crewmen. Not CIA reports that Moshe Dayan ordered the attack against a ship he knew to be American. Not CIA findings that it was planned in advance. Not the opinions of a presidential advisor that the Israeli excuse was unbelievable nor an official State Department finding that it was untrue, nor the opinion of Secretary of State Dean Rusk that the attack was deliberate.

All evidence paled alongside the sad reality that friends of Israel wielded power in the Lyndon Johnson White House.¹ Murder of Americans could be tolerated; embarrassment of Israel could not. So the truth about the USS *Liberty* was buried in top secret files while crewmen and others who knew the story were coerced into silence.

¹For a comprehensive report on pro-Israel influence on the Johnson administration, see Donald Neff, *Warriors for Jerusalem*, New York: Linden Press/Simon & Schuster, 1984.

For 18 years the story has simmered on the back burners of public consciousness—known to a few, denied by both governments, never fully reported in any news media. Newspaper articles have explored the subject briefly. Several books have been written. A number of government and military leaders have spoken out. Lawsuits under the Freedom-of-Information Act have brought ever more damning evidence into the open and persistent pressure by survivors has kept the story alive. But until recently the story of the USS *Liberty* has never received the important national coverage it deserves.

In 1984, however, the Atlantic magazine commissioned two leading Israeli journalists, Zev Schiff and Hirsch Goodman, to write an article about the *Liberty* attack. This would be the first major American magazine to give the *Liberty* more than passing mention. From the start, unfortunately, there seemed little chance that this would be the objective account that the story calls for, exploring both sides and searching for the truth.

Atlantic is owned by Canadian Michael Zuckerman, whose goals for the magazine were outlined in a February 14, 1982, article in *The New York Times Magazine*. No articles would be allowed, said Zuckerman, that "challenge Israel's right to exist." That injunction may be open to interpretation, the magazine noted, citing an earlier \$10,000 Zuckerman grant to *The Nation*. Zuckerman cancelled the "no strings" grant when he objected to some of the reporting about Israel in *The Nation*. Thus it was not surprising when word came from Israel that reporters Schiff and Goodman expected their piece to "thoroughly discredit everyone who has written about the USS *Liberty*." Clearly that was the intent of the article: to tell a story supporting the Israeli position and to attempt to refute the stories told by sur-

vivors and others who have previously investigated the affair.

Meanwhile, writer Stephen Green (Fuking India, William Morrow & Co., 1984) appealed to Atlantic editors for a chance to review the Schiff-Goodman manuscript or to publish an opposing view. No deal said the editors. No opposing view would be entertained until after publication of the Schiff-Goodman piece, and then only in the letters-to-the-editor section. Green appealed personally to publisher Zuckerman. Still no deal.

After several unfulfilled delays, the article finally appeared in the September 1984 issue of *Atlantic* under the title, "The Attack on the Liberty." Ranting to more than 100 words, it was an imposing statement. "A new evidence throws light on this tragic accident," announced a subtitle, while an inset described the authors' credentials: "Hirsch Goodman is the defense correspondent of *The Jerusalem Post* and the Israel correspondent of *The Sunday Times* of London. Zev Schiff is the defense and military-affairs editor of the Israeli daily newspaper *Haaretz* and a senior associate of the Carnegie Endowment for International Peace."

"Was the *Liberty* attacked intentionally?" the authors ask rhetorically in an opening paragraph. "Countless magazine articles and several books . . . have been written . . . but the mystery remains." Then, having presumably disarmed critics by sounding like open minded investigators, the authors proceed to present all the arguments for the defense, sidestepping the many contradictions, while ignoring the case for the prosecution.

²⁰ Schiff and Goodman, in a letter to this writer defend their approach by writing that their purpose was not to present a balanced account, but to report "what was happening in Israel."

"Mistakes are common in war," the authors write. "Such tragic accidents have happened to every army in the history of modern war. But many reasonable people have not been able to accept Israel's attack on the *Liberty* as such an accident."

As examples of such nonacceptance, they cite "Remember the *Liberty*" bumper stickers (distributed by a surviving *Liberty* crewman at his own expense) and a *New York Times* 1984 memorial announcement for the men who died in the attack.

"Some groups, believed by Israeli intelligence to be funded by the Arabs, want to keep the issue alive," write Schiff and Goodman.¹¹ Then they present a sequence of the attack which, if believed, would convince most readers that the attack was indeed another tragic accident of war.

THE "NEW EVIDENCE"

For almost eighteen years, the Israeli government has insisted publicly that the *Liberty*'s presence in the area was unknown to Israel until after the attack, while admitting privately to the American government that the ship was correctly identified, and presenting an apologetic scenario to explain why the ship, after being correctly identified, was nevertheless attacked. This is the story, previously denied by the Israeli government, now told in the *Attack*.

According to this officially denied (but widely leaked and previously published) version, the *Liberty* was correctly identified by crewmen of a Nord reconnaissance aircraft eight hours before the attack and was properly marked on a chart in the

Israeli war room. Unfortunately, say the authors, a "Lieutenant Colonel [!] ordered the marker removed from the battle control table" in order to keep the table "as uncluttered as possible."¹²

That move, say Schiff and Goodman, wiped out all reference to the ship in the Israeli war room. When *Liberty* was again sighted several hours later, the alerting concluded with explosives then occurring at the nearby town of El Arish, and the now-unidentified *Liberty* was mistakenly presumed to be an enemy vessel in shore bombardment.

According to the same account, torpedo boats dispatched to investigate the mistaken report of "shore bombardment" sighted the *Liberty* on radar twenty nautical miles northwest of El Arish and mistakenly plotted the ship's speed at thirty knots—a high, under Israeli gunnery doctrine made the target an enemy who could be fired upon. A second radar check was ordered. This time *Liberty* was mistakenly determined to be moving in an evasive course at 28 nautical miles per hour (knots).¹³

Since 18 knots was also the top speed of the boats, "which were still twenty nautical miles away from the target," an air strike was called. According to Schiff and Goodman, two Mirage III C fighters on their way back to Israel from an air patrol over the Suez Canal were diverted to the target. The lead plane dropped to 3,000 feet and circled the ship twice

¹¹ Schiff and Goodman withhold the officer's name on the grounds that it is classified information. However, an unclassified official Israeli government report entitled "The Attack on the *Liberty* Incident" (published in 1982 by the Israel Defense Forces History Department in rebuttal to my book on the subject), and presented to senior officers of the U.S. Navy with a cover sheet proclaiming the article "the official version of the State of Israel," identifies the officer as a Commander—not Lieutenant Colonel—Lane.

¹² Here the authors seem to be suggesting, even before the late-1985 spy scandal in which Jonathan Pollard was caught selling American military secrets to the Israeli government, that Israeli intelligence is active within the United States.

searching for identifying marks, while the second aircraft circled the target once. Two "cannons" could be seen on the forecastle and the ship was determined not to be Israeli, but no markings could be seen.

The presence or absence of a flag, say the authors, is moot, since Israeli headquarters was left with the impression that the ship had no markings and acted on that basis.

The conviction that it was no accident is unanimous among known survivors and is supported by people who held key government positions at the time of the attack. They speak out publicly and give their names.

Each pilot strafed the ship four times before the arrival of two Super Mira jets armed with napalm bombs. The jets made two bombing runs each, but only one bomb hit the ship.

At 2:27 p.m., torpedo boat T-204 asked "What ship?" by flashing light. *Liberty*, according to this account refused to identify itself, insisting instead that the torpedo boats identify themselves first.

After an exchange of gunfire, the boats fired fragmentation bombs. Four missed. One exploded just below the water line.¹

Still trying to sink the ship and also to establish her identity, we are told, the torpedo boats crossed to the ship's left side, and while crossing the bow "noticed" the letters GTR on the hull of the ship. The time was 2:47. All firing ceased for fear the ship "could be Russian because of the letters on its hull."

At 3:20 p.m., after 33 more minutes of careful study from close range, the tor-

pedomen reported that the ship was American.

At 4:40 the Israelis offered help, which was refused.

At 5:00 the boats commenced their return to base.

At 5:50 the *Liberty* disappeared from their radarscopes.

Subsequent Israeli investigation concluded that "the attack on the ship was not conducted out of malice... nor was there any evidence of criminal negligence. It was a genuine mistake."

"To this day," the authors conclude, "the wounds have not healed. The over-resources personify, and with it the pain."²

A PRESS BLITZ SPREADS THE ISRAELI VERSION

In what looked like a well-coordinated press blitz, the *Atlantic* article and excerpts from it were widely reprinted, often with headlines proclaiming, "New Evidence Shows Attack on American Ship was a Mistake." Excerpts from the article and interviews with the authors were filed with United Press International in New York, while *The Baltimore Sun* correspondent in Jerusalem filed a detailed excerpt that appeared in many American newspapers.¹ A reporter in Beirut filed an excerpt with the Associated Press. *The Jerusalem Post International Edition* reprinted the original article,² as did some other newspapers.

While some newspapers did publish rebuttal letters and interviews with *Liberty* survivors, most efforts to present the American side of the story met with stony silence. *The Sacramento Bee* angrily

¹The Boston Sunday Globe, September 9, 1984, and others.

²The *Jerusalem Post-International Edition*, December 6, 1984, page 13.

refused any rebuttal space. United Press International ignored requests to present the American side. The *Sunday Times* of London asserted that printing a rebuttal in the *Times* would be "disloyal" to their correspondent and that, in any case, Schiff and Goodman have "credentials" which others presumably lack.

REACTION TO THE ARTICLE

Letters to the editor published by the *Atlantic* in December, however, were uniformly critical of Israel for attacking the ship and of the magazine for publishing a one-sided account.

Among the letters published in December is one from me showing that *Atlantic's* "new evidence" is not new at all, has been officially discounted by the American government as false, and is overwhelmingly refuted by other, more compelling material. "Anyone studying the entire body of evidence," I wrote, "will reach the same conclusions."

Author Stephen Green writes to say that Goodman and Schiff are selective in their presentation . . . a understatement. They were aware of literally hundreds of pages of detail [in other published sources]. One would have expected the authors to at least remark on the dozens of inconsistencies between their story and the [U.S. Navy Court of Inquiry] report, even if they preferred to accept the version given by their Israeli sources.

"Simply outrageous . . . the heart aches over such duplicity from an 'ally,'" writes a reader. ". . . Savage and inexcusable," says another.

In a counter-rebuttal, Schiff and Goodman reply: "We have in our possession the verbatim transcripts of the dialogue between the Israeli Naval War Room and the attacking vessels, the verbatim dialogue between Israeli Air Force HQ and the pilots, classified documents from three

commissions of inquiry into the affair, the Yerushalmi Report, the testimony of all the major participants to the various commissions of enquiry, transcripts of our own interviews with the Israeli principals and detailed charts."

What Mr. Ennes claims . . . is not the issue. What is relevant is the sworn testimony of the captain of the Israeli torpedo boat, and those around him . . .¹¹

A similar exchange of letters appeared in *The Journal* — and its international edition. It is, however, Schiff and Goodman who add, bitterly that criticism of their account amounts to a "personal attack" on the authors, and assert that "James Ennes has presented his own version of history."

The picture we paint is not complimentary to Israel," the authors confess. "In fact, we were told by many in Israel that we did the country a disservice for having written on the subject at all. . . . The *Liberty* was not attacked with malice aforethought. That is a myth that Ennes has chosen to perpetuate."¹²

"It is time," say Schiff and Goodman, "that the cloak of historical respectability and investigative objectivity was lifted from Ennes."¹³

¹¹This writer asked the two Israeli authors to release some of the material that might document their otherwise unsupported account. By letter the authors declined to do so on the ground that releasing their material would violate Israeli censorship laws.

¹²October 22, 1964.

¹³A standard tactic of critics of the Ederry story is to attempt to attribute the story exclusively to Ennes and then to attempt to discredit Ennes. As we shall see, however, Ennes did not invent this story. He is merely one of several telling the same story, including all known surviving crewmen, veterans and authors and serious researchers, and many senior U.S. government officials of the era.

¹⁴Schiff and Goodman attempt to do this by "revealing" that Ennes in 1963 appeared in New

Some *Atlantic* readers cancelled their subscriptions to protest what they saw as unbalanced reporting. By February, however, the tone had changed. Here readers praised the scholarship of the article and lauded the magazine for publishing it. A former U.S. Marine officer asserted that only malice or special interest could cause one to conclude that Israel had deliberately attacked an American vessel, while a political science professor from Rutgers published his professional opinion that the attack could not have been deliberate and a history professor from William Paterson College asserted that "Arab propagandists" are making "war through other means" by continuing "to exploit the *Liberty* incident."

Neither of the professors apparently looked beyond the one-sided *Atlantic* story. Neither questioned the fact that, except for some carefully selected background material, all of the "new evidence" cited by *Atlantic* came from Israel. No one apparently wondered why information from American government, military or intelligence sources was not included or why survivors of the attack were not questioned. No one, including historians, apparently bothered to check the voluminous files of the New Court of Inquiry or the State Department or other public records or wondered why the official American records told a different story. No one asked Schiff to provide sources or asked how they might be checked. And while the authors clearly did read my book

¹⁰ See "on a platform with anti-Israeli propagandist Alfred Lichtenthal and M.E. Michel of the American-Arab League," where he "left no doubt as to his sentiments" which they suggest are anti-Jewish. Although we know Lichtenthal (who is a Jew) and Michel (who is an Arab) are honorable men with whom I would be proud to share a platform, neither man was on the platform described by Schiff and Goodman.

on the subject—they used it for much of their background material—they chose to ignore the evidence and testimony provided there.

THE ASSOCIATED PRESS CHECKS IN

In New York, however, the Associated Press assigned veteran newsmen David Smyth to look into both sides of the story. Smyth sought out several survivors of the attack, plus key military, intelligence and diplomatic leaders of the day and reviewed pertinent U.S. government files.

The story he found is quite different from that told in *Atlantic*. Smyth discovered that, except for some names and other details, the story told by Schiff and Goodman is not new. It is the story told privately by the Israeli government to top U.S. government officials and rejected by them in 1967.

The Israeli report was prepared by Israeli Military Judge Lieutenant Colonel Yeshayahu Yerushalmi on July 21, 1967, and delivered by hand several days later to State Department Under Secretary for Political Affairs Eugene Rostow, along with urgent requests that it be withheld from the American public. There it was assigned to State Department legal advisor Carl F. Salans for review.

The Salans review was devastating to the Israeli excuse—so devastating that, along with the Yerushalmi report itself, it was classified Top Secret by U.S. government officials and locked away from public scrutiny.¹⁰ The report finally surfaced in 1983, only because a Minneapolis citizen invested \$15,000 in legal action under

¹⁰ See p. 104 for the complete text of the Salans report.

the Freedom of Information Act to pry it loose.¹⁰

The Yerushalmi report itself, the object of the sensitive analysis, is still officially withheld eighteen years later, even though it was leaked to *Liberty* survivors in 1980 and has been widely published.

THE STATE DEPARTMENT DISCOUNTS THE ISRAELI EXCUSE

The Salans report cites several embarrassing discrepancies in the Israeli story:

1. Israel claims the ship was traced at 28 to 30 knots on an evasive course. The U.S. Navy inquiry, however, shows that the ship's top speed was 18 knots and that during the pre-attack period she held a constant five knot speed "at steady course."

2. Israel claims that the only prior knowledge of the ship was an aircraft sighting at 6:00 a.m. The Court of Inquiry, however, shows that the ship was monitored by Israeli aircraft on eleven occasions during daylight (most of which were very low-level flights which I personally observed).

3. Israel claims the attacking aircraft made three runs over the ship moments before the attack in attempts to identify it. The ship's commanding officer, however, and two crewmen (I was on the bridge at the time) insist that no pre-attack reconnaissance runs were made by the attacking aircraft.

4. Israel claims the torpedo boats approached the ship before attacking and asked for identification, but that the ship answered with an "AA" signal meaning "identify yourself first." Salans discounts

this report as contrary to sworn testimony of surviving crewmen.¹¹

5. Israel claims that no flag or identification markings could be seen on the ship. The Navy Court of Inquiry established, however, that the ship's normal five-by-eight-foot colors flew at all times during and preceding the air attack, that they were quickly replaced after being shot down by the airplanes, and that an over-size seventeen-by-thirteen-foot flag was hoisted up five minutes before the start of the torpedo boat attack. Zohar, the navigation and standard markings, are clearly sufficient for identification, Salans notes. Her hull markings were clean and freshly painted. The ship name appeared in English on the ship.

6. Israel claims the *Liberty* was mistakenly identified as the Egyptian freighter *El Dorid*. Salans notes, however, that *El*

According to the Navy Institute, "AA" is safety or attention-getting signal used to establish flashing light communications and has never meant "identify yourself." Even that point is moot, however, as El Dorid's signalman reports that, although "AA" is a normal operating signal in flashing light communication "... he dispensed with "AA" due to the urgency of the situation and simply flashed "USS LIBERTY, U.S. NAVY SHIP" and the ship's call sign over and over until he was wounded and his lamp was shot out by the torpedomen.

"The Israelis make no effort to explain how experienced reconnaissance pilots and several trained officers on three torpedo boats could fail to recognize *Liberty*'s distinctive silhouette or to observe *Liberty*'s clear and oversized markings and identification signals even after examining them at length from very close range. The "cameras" described by Schiff and Goodman were 30 caliber machine guns with barrels perhaps three feet long and not much thicker than a man's thumb. If we are to accept the Atlantic account, the pilots and later the torpedomen could see the tiny guns but could not see the ship's name in letters two feet high on the stern or the ten foot high markings on the ship's hull or the eight foot long and over the thirteen foot long American flag flying freely from the highest part of the ship's tallest mast.

¹⁰James Miller vs the U.S. Department of State, filed in 1981 in Federal District Court, Minneapolis, Minnesota.

Qasir was roughly one fourth *Liberia*'s size, very differently configured, and lacked *Liberia*'s unusual antenna array and hull markings. Perhaps unknown to Salans but certainly known to the Israelis, *El Qasir* was actually a 40-year-old horse carrier for the Egyptian cavalry and was then in Alexandria waiting to be scrapped. Salans notes that even long-time Israeli supporter Clark Clifford officially described the *El Qasir* excuse as "unbelievable."

The Salans report does not contain an overall conclusion as to whether the attack was deliberate. Instead, the report is an item-by-item review of the main points of the Israeli excuse in which each Israeli argument is analyzed and rejected, point by point.

7. The Top Secret State Department report notes that if the Israeli forces believed that their target had been moving at 30 knots, they should have known immediately that the *Liberia*, which has a top speed of about 15 knots, was not their target.

8. The report notes that "any trained observer should immediately have recognized that the *Liberia* was incapable of a shore bombardment and thus could not have been the target the Israelis were supposedly looking for."

"They should also have noted that no ship of the *Liberia*'s size or configuration could possibly approach 20 or 30 knots. Realizing 'Set, it should have been clear that firing upon this "target"' was contrary to Israeli policy doctrine, which permitted firing upon an unidentified ship near the scene of a shore bombardment only if the ship was a 'high-speed target.' Firing upon the *Liberia*, then, under

9. The report notes that if the first sighting of the *Liberia* by torpedo boats was at 1:41 p.m. as claimed, and the report was then transmitted to headquarters, rechecked and verified by the torpedomen, retransmitted, a decision to attack then made, aircraft dispatched and the attack launched, all in the space of about fifteen minutes, then "no significant time was expended in an effort to identify the ship from the air before the attack was launched."¹⁸

WHAT THE DERAIMENT OF STATE DID NOT KNOW

Carl Salans had only limited information to work with: the U.S. Navy Court of Inquiry (¹⁹), which is deeply flawed and incomplete; and a report prepared for President Johnson by presidential advisor Clark Clifford (which has since vanished from government files).²⁰ Although the

three circumstances would have been open to a court-martial offense under Israeli military law. Also, although there was an explosion in the coastal village of El Arish during the morning, it is clear now and should have been clear then that there was no shore bombardment.

"The *Adenya* sources would partially explain the quick response by conveniently reporting that the assault were actually returning from an air patrol over the Suez and they were already airborne. Egyptian survivors, including this writer, however, recall that the attack was initiated by three fast twin-Migra aircraft that approached the ship from the northeast (El Arish or Shafid, not from the southwest or Delta). The airplanes were fully loaded with eighteen large rockets visible under each wing. It is extremely unlikely that these aircraft spared thousands of tiny Egyptian targets in their desert patrol area, returning fully loaded just in time to attack the USS *Liberia*.

"According to Lyndon Johnson's press secretary George Christian, it was the Clifford report which persuaded President Johnson not to demand of the Israelis a better excuse for attacking the ship. According to Christian, even though the story was far from complete and other evidence was yet to come in, Clifford's report had to provide "proof"

Salans report serves as a powerful indictment of the Israeli excuse; it would have been even more damning if Salans had interviewed *Liberty* survivors or had full access to Central Intelligence Agency records.

For instance, Salans had no way of knowing that the firing did not stop at 2:47 as the Israelis claim. The torpedo boats fired cannon and machine guns on the *Liberty* until 3:15, when they sank the ship's empty life rafts waiting in the water for evacuees.

Salans had no way of evaluating the Israeli claim that only four aircraft participated in the attack. Senior U.S. Navy officers estimated later that at least ten aircraft were required to inflict the 821 rocket and cannon hits the *Liberty* received.

Salans probably had no way of knowing that Israeli reconnaissance aircraft at 10:30 had been overheard by *Liberty* and other American radio intercept operators informing Israeli headquarters they could see the ship's American flag.

He probably had no way of knowing that the Israeli claim of having picked up the *Liberty* on radar at 1:30 p.m. was physically impossible. At that time the boats were about 27 miles from the *Liberty*; due to the curvature of the earth, they could not have detected a ship the size of the *Liberty* from more than about 15 miles.¹⁰

¹⁰The Israelis attacked deliberately. Therefore, in order to preserve good relations with the Israelis, the government decided not to press them for a more坦率的 inquiry while the "good will" was needed in the United States to achieve peace in the Middle East. Asked recently for more details of his mysteriously missing report, Clark Clifford claims to have no recollection of it whatsoever and claims not to recall participating in the emergency meetings dealing with the *Liberty*, even though there are White House photographs of Clark Clifford in the situation room with President Johnson during the crisis.

¹¹Even the official Israeli report, "The Attack on

Salans overlooked an official Court of Inquiry finding that the Israelis jammed the ship's radio frequencies in an attempt to prevent her call for help. The selective jamming could not have been accomplished without prior knowledge that the ship was American.

Salans did not mention the Israeli claim that pilots (and later, torpedomen) feared that the letters "USTR-S" meant that they had been flying on a Russian ship. Surely the Israelis are aware that Soviet ships write their hull numbers in Cyrillic (rather than Roman) letters and Arabic numerals on the hull near the bridge, not on the bow.

And Salans could not have known that while he was preparing his report, CIA officers were informing members of the Defense Subcommittee of the House Committee on Appropriations that the attack was deliberate. According to Stephen Green, who interviewed chairman Robert L.F. Sikes of Florida and other committee members, the CIA learned a day before the attack that the Israelis had already decided to attack the *Liberty* if she operated in Israeli coastal waters because they could not tolerate an electronic eavesdropper in the area.

The Salans report does not contain an overall conclusion as to whether the attack was deliberate. Instead, the report is an item-by-item review of the main points of the Israeli excuse in which each Israeli argument is analyzed and rejected, point by point.

Although the conclusion seemed obvious, Washington reporter David Walsh tracked down Capt. Salans recently to ask what conclusion he had drawn. "Oh, they

the *Liberty Incident*" acknowledges that the boat's maximum radar range is 12 to 15 miles and that their claimed detection at 23 to 27 miles is highly unusual. We submit that it is impossible.

knew the ship was American and attacked it deliberately," Salans said.

SURVIVORS AND GOVERNMENT LEADERS SPEAK OUT

Reporter Smyth weighed the Salans report against the Atlantic article and then contacted survivors and the American officials who were most directly involved. His findings were reported in two important Associated Press wire service stories that appeared in about 300 American newspapers in September¹¹ and October¹² 1984, as well as in numerous newspapers overseas. Although coverage was far from universal, the story nevertheless reached millions of Americans for the first time, plus more readers in overseas versions, and it set the story straight in the large-circulation news media.

After summarizing the Atlantic account and citing key discrepancies, the Associated Press stories reported the opinions of both survivors and key leaders of the era:

Liberty's engineer officer, Captain Golden: "I had proof that they [the who-

we were. We had monitored the communications between the Israeli planes and gunboats and their bases in which they referred to us as an American ship. I turned my proof over to an admiral, but I don't know what was done with it. The Court of Inquiry was a whitewash. There was also just too many people trying to put our men up. Somebody higher up was putting a squeeze on our people not to say anything about the incident. The information I had showed it was not an accident, and our government knew this."

T. James Ennes, *Liberty* officer-of-the-deck: "That very morning I had ordered a brand-new flag flying. It was streaming freely in a 12-knot wind."

Liberator crewman, Russell David: "[When the flag] was shot down by Israeli planes, I put up a holiday ensign that was three times bigger. When the Israeli gun-boats attacked, I kept flashing with my lamp 'U.S. NAVY SHIP' until my lamp was shot out and I was wounded. I knew then they wanted us all dead."

Liberty's chief radioman, Wayne L. Smith: "The Israelis jammed five of our six radio circuits as we tried to call for help."

Richard Helms, CIA director at the time: "To say that it was an accident is drawing a pretty long bow, in view of the evidence."

Dr. Louis Tordella, who was National Security Agency Deputy Director: "I believe it was a deliberately planned attack."¹³

Dean Rusk, Secretary of State at the time: "I have never believed the Israeli explanation."

¹¹Associated Press, September 1, 1984, "Liberty Controversy Still Hot," was reprinted in week-end editions of the *Richmond, Virginia, Virginian-Pilot* and *Charleston, South Carolina, News and Courier*, among others, but did not gain much attention, probably because it was released late Friday evening after most Sunday papers had been made up.

¹²Associated Press, October 29, 1984, "Americans Rebut Israeli Version of 1982 Attack on Ship." The much longer version ran in about 300 American newspapers and captured top front-page billing in dealing with banner headlines. It was featured in the *Los Angeles Times*, *Houston Chronicle* and *Independent*, in the *Buenos Aires-La Nación*, among others. *Charleston's News and Courier* ran the story along with a powerful lead editorial calling for an official re-investigation to allow surviving crewmen to tell their side of the story. Few papers with strong pro-Israel influence, however, such as the *Seattle, Chicago, New York or Washington, D.C., newspapers*, ran the story at all.

¹³Tordella and then-NSA Director General Marshall B. Carter both testified before the House Investigating Committee (mentioned above) that they considered the attack to have been deliberate. Their testimony, however, has so far resisted declassification efforts.

Former Joint Chiefs-of-Staff Chairman Admiral Thomas Moorer, now a senior consultant at the Georgetown University Center for Strategic and International Studies: "It's ridiculous to say this was an accident. In the real world there is no way it could have happened" the way the Israeli journalists describe it. "Congress should investigate this matter, even now."²³

THE STORY WON'T GO AWAY

Those who would have us believe that the attack was a "tragic mistake" must reluctantly wish the Atlantic had never brought the subject up, and they now seem once more content to remain silent in the hope that the truth about the *Liberty* will fade quietly into oblivion. It will not. Every new demonstration of Israeli intransigence brings the *Liberty* back into public consciousness; every new Israeli theft of American intelligence or technology, every new revelation of undue Israeli influence on American institutions, every new Israeli demand for American weapons systems or American money, moves more Americans to demand a better accounting of the Israeli attack upon the USS *Liberty*. And each letter to a Congressman leaves the government very slightly closer to telling the truth.

²³Associated Press via Adminal Charges Committee, September 7, 1985, *New York Times*, December 9, 1985, and December 10, 1985.

"Why should people believe survivors of the attack and disbelieve the story told by the government of Israel?" we're asked recently by *Israel Foreign Affairs*.²⁴

Our answer: Because survivors are believable. The conviction that it was no accident is unanimous among known survivors and is supported by people who held key government positions at the time of the attack. They speak out publicly and give their names. Their stories agree with one another. What they say can be verified in sworn testimony and public records available from the government of the United States. The Israeli excuse, on the other hand, keeps changing. It conflicts with eyewitness accounts of survivors. It conflicts with most previous Israeli excuses. Israel sources are anonymous or evasive or hide behind pseudonyms. Meanwhile, the evidence behind the Israeli excuse is locked away in Israeli files, released only to apologists and friendly journalists. If the attack were accidental, as the Israelis claim, surely the Israeli government could come up with a believable excuse, documented with verifiable sources, consistent with sworn testimony of survivors and compatible with the firm laws of physics.

²⁴*Israel Foreign Affairs* is "an independent monthly research report on Israel's diplomatic and military activities worldwide." Typical articles discuss Israeli arms sales to Iran, Israeli military links with South Africa, and the influence of Israel's Congressional lobby, AIPAC.

2,000 yards and that it was not possible for the *Liberty* to read the signals because of the intermittent blocking of view by smoke and flames. No reply signal was sent. Immediately after the *Liberty* was struck by a torpedo, the torpedo boats stopped at a range of approximately 500 to 800 yards and one signalled by flashing light in English "Do you require assistance?" Commander McGinnagle testified that he had no means to communicate with the boat by light but hoisted "CODE LIMA INDIA." ("I am not under command" i.e., not able to control movements of ship.)

V. FLAG AND IDENTIFICATION MARKINGS

The Israeli report indicates that the fighter aircraft which reportedly made an initial pass over the *Liberty* was looking for a flag but found none; likewise no other identification mark was observed. . . . Throughout the contact no American or any other flag appeared on the ship. . . . (Elsewhere the report had indicated that about the ship had been identified as the *Liberty*, "whose marking was GTR-5.")

The Navy inquiry confirms by testimony of five members of the crew that they had personally observed the Ensign flying during the entire morning and until the air attack. The Ensign was subsequently shot away during the air attack. During the torpedo attack, a second Ensign was hoisted. The Navy report also found that "hull markings were clear and freshly painted."

The Clifford report noted that "the *Liberty*'s U.S. Navy distinguishing letters and number were painted clearly on her bow. The *Liberty*'s name was clearly painted in English on her stern. The ship's configuration and standard markings were clearly sufficient for reconnaissance aircraft and waterborne vessels to identify her correctly. . . ." The report noted that at all times prior to the air attack the *Liberty* was flying her normal size American flag 15 ft. by 20 ft. at the masthead. Five minutes prior to the attack by the torpedo boats, the *Liberty* put up a flag measuring 7 ft. by 13 ft. to replace the flag which had been shot down in the air attack.

VI. IDENTIFICATION OF SHIP AS "EL-KASIR"

The Israeli report indicates shortly before the torpedo boat attack the torpedo boat Division Commander reported the certain identification of the vessel as an Egyptian transport ship named "El Kasir." Identification of the target was made both by the Division Commander and the commander of another torpedo boat. The Israeli Judge indicated in his decision that "on examining photographs of the two ships, I am satisfied that a likeness exists between them, and that an error of identification is possible, especially having regard to the fact, that identification was made while the ship was clouded in smoke."

The Clifford report noted, "That the *Liberty* could have been mistaken for the Egyptian supply ship *El Quseir* is unbelievable. *El Quseir* has one-fourth the displacement of the *Liberty*, roughly one-half the beam, is 180 feet shorter and is very differently constructed. The *Liberty*'s unusual antenna array and hull markings should have been visible to low-flying aircraft and torpedo boats. Trained Israeli naval personnel would have been able easily to see and identify the larger hull markings on the *Liberty*."

ADDITIONAL OBSERVATIONS REGARDING ISRAELI REPORT

I. SPEED OF "LIBERTY" AND "EL KASIR" AS IDENTIFICATION FACTORS

The Israeli report states that the initial speed of the target reported by the torpedo

AMERICAN ARAB AFFAIRS

boat commander at 1341 hours as 30 knots was verified within minutes and confirmed as a speed of 28 knots. The report notes that it was the speed of the target which led to the final conclusion that there was no reason for surmising that the target could possibly be the *Liberty*.

The reported speed would have ruled out the "El Kahir" as the target, as well as the *Liberty* since the top speed of the "Kahir," published in *Janes Fighting Ships*, is in the range of 14 knots. The *Liberty*'s top-speed is 18 knots.

II. FAILURE TO RELATE "LIBERTY" TO BOMBARDMENT CAPABILITY

The Israeli report emphasizes that the attack originated with reports that the El Arish area was being shelled from the sea. The implication of such reports was obviously that a ship capable of such shelling was present in the immediate offshore area, i.e., within gun range of the shore.

It would be clear to any trained observer that the armament aboard the *Liberty* was incapable of shore bombardment. It appears nevertheless that either the aircraft, torpedo boats, or command headquarters to which they probably report evaluated the ship's capability for shore bombardment.

III. TIME SEQUENCE OF ATTACKS

The Israeli report indicates that it had been agreed that as soon as the torpedo boats located the target, aircraft would be dispatched. At 1345 hours the torpedo boat located the target. "A few minutes later," the dispatch of aircraft was requested. The first air attack occurred at approximately 1400 hours.

Assuming "a few minutes later" would mean four or five minutes, the request for aircraft must have occurred about 1345. One may infer from the fact that within a period of approximately 15 minutes, the request was transmitted, received, a command decision made, aircraft dispatched, and the attack launched, that no significant time was expended in an effort to identify the ship from the air before the attack was launched.

IV. ATTACK BY TORPEDO BOAT AFTER "DO NOT ATTACK" ORDER

The Israeli report confirms that during the final attack by aircraft the marking "CPR-5" was noted on the hull. An order was transmitted to the torpedo boat division not to attack. The order was recorded in the log book of the flag boat at approximately 1420 hours. The torpedo boats nevertheless began their attack run at approximately 1428. The Division Commander later "claimed that no such message ever reached him." The Deputy Commander testified that "he received the message and passed it on to the Division Commander."

V. Assembly to the Charter, Cooperation Council for the Arab States of the Gulf

~~the States of the United Arab Emirates, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar, and the State of Kuwait.~~

Being fully aware of their mutual bonds of spiritual relations, common characteristics and similar systems founded on the Creed of Islam; and Based on their faith in the common destiny and destination that link their peoples; and in view of their desire to effect coordination, integration and interconnection between them in all fields; and

DOCUMENTATION

I. The *Liberty*: Discrepancies between Israeli Inquiry and U.S. Navy Inquiry

This is an exact duplicate of a document prepared on September 21, 1967, by Carl F. Sultan, the legal adviser of the Department of State for Secretary of State Dean Rusk and Under Secretary for Political Affairs Eugene V. Rostow. The document was classified TOP SECRET until January 24, 1983, when it was declassified and released in response to a \$15,000 law suit filed in Minneapolis Federal District Court after the State Department refused to release it under the administrative provisions of the Freedom of Information Act.

As you requested, we have compared the decision of the Israeli Judge, decided July 21, 1967, with the findings of the U.S. Navy Court of Inquiry, and the Cidifer 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*) 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 1132 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 states that testimony of various members of the crew indicate reconnaissance over-flights of the *Liberty* at 0515, 0830, 1030, 1056, 1126, 1145, 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.

The Navy Inquiry reports no such identification run. Commander McGonagle testified that he observed one air-reconnaissance flight approximately five to six miles from the ship at an altitude of 7,000 feet. He did not see it approach the ship. Within a couple of minutes, a large explosion was heard from the port side of the ship, apparently resulting from a rocket launched by a second aircraft.

IV. IDENTIFICATION BY TORPEDO BOATS

The Israeli report indicates that the torpedo boats approached the *Liberty* in order to establish visual contact and to identify it, and that in addition, the Commander of the torpedo boats signalled the *Liberty* requesting its identification. The *Liberty* reportedly answered, "Identify yourself first," and opened fire on the torpedo boats.

Commander McGonagle's testimony indicated that the only signals from the torpedo boats were those made during the high-speed approach from a distance of approximately

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James M. Ennes, Jr. Research Papers

MANUAL OF
THE NAVY JUDGE ADVOCATE GENERAL

—
THESE ARE THE RULES GOVERNING
CONDUCT OF COURTS OF INQUIRY

—
THEY SHOW THAT THE NAVY
COURT IN THE LEBEST CASE

DID
NOT
FOLLOW
THE
RULES!

|—————
| FOLDER 26

Chapter II

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- *d. Privacy Act compliance

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0101 GENERAL**a. Definitions.**

(1) An "administrative fact-finding body" is any one of a number of administrative, as distinguished from judicial, entities, including single individuals functioning as such, which is employed to collect and record information respecting some subject.

(2) A "JAG Manual Investigation" is an administrative fact-finding body constituted under any portion of the regulations set forth in chapters II through X of this manual.

b. Functions.

(1) The primary function of all administrative fact-finding bodies constituted under these regulations is to search out, develop, assemble, analyze, and record all available information relative to the matter under investigation. Such bodies are required to formulate clearly expressed and consistent findings of fact.

(2) The collateral function of a court of inquiry and, when expressly so directed by the convening authority, a formal fact-finding body, is to afford a hearing, of the nature and scope prescribed, to any person whose conduct or performance of duty is subject to inquiry or who has a direct interest in the subject of the inquiry.

(3) **Purpose.** The primary purpose of all administrative fact-finding bodies constituted under these regulations is to provide convening and reviewing authorities with adequate information upon which to base decisions as to actions involved. These bodies are administrative (not judicial); their reports are, therefore, purely advisory; their opinions, when expressed, do not constitute final determinations or legal judgments; and their recommendations, when made, are not binding upon convening or reviewing authorities.

(4) **Privacy Act compliance.** When an individual is requested by a Government representative to supply personal information, it is mandatory that there be compliance with subsection (e)(3) of the Privacy Act of 1974 (5 U.S.C. § 552a) in accordance with section 0108 and Appendix A-3a.

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0202 NEED AND IMPORTANCE

a. General. The collection and preservation of important information by fact-finding bodies constituted under these regulations are vitally necessary and useful in a great many respects. Some of the purposes served are described in the following subsections.

b. Efficient command or administration. Fact-finding reports may provide convening and reviewing authorities with information essential to the efficient operation of the Army, its medium, or improved administration of the Department of the Navy. The reports are also routed to interested Army systems commands and offices of the Navy Department. The reports thus may become the basis for various actions of importance, such as:

(1) Revision of operational practices or standards.

(2) Purchase and improvement of material or equipment.

(3) Modification or adoption of instructions, regulations, and procedures.

(4) Timely and accurate reply to inquiries concerning incidents of legitimate public interest, with accompanying improved public relations.

c. Proper disposition of claims for or against the Government. See chapters XX through XXIV.

d. Redress of injuries or property. See Article 139, UCMJ and chapter X.

e. Administrative determinations respecting personnel and former personnel. Reports of fact-finding bodies provide the basis for making administrative determinations respecting personnel and former personnel. Examples of such determinations within the service are: Whether the time required for treatment of an illness or injury must be "made up" after what should otherwise have been the end of an enlistment or period of obligated active service because such illness or injury is held to have been due to the individual's own misconduct; whether an illness or injury is the result of "intentional misconduct or willful neglect" within the meaning of disability

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separation statutes; whether an illness or injury was incurred in the line of duty while employed on inactive duty training or while duty for training;

whether, and in what degree any commendatory or adverse action respecting an individual should be

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taken. Examples of administrative determinations outside the service are entitlement of dependents of deceased personnel to dependency and indemnity compensation, based upon whether the evidence of record (not findings or opinion) indicates the death to have been due to the individual's willful misconduct; and whether personnel accountable for funds or property may be eligible for relief from personal liability for losses, based upon affirmative showings of record that there was no negligence, of commission or omission on the part of the accountable person which may have caused or contributed to the loss. Rights as a party (see chapter III) to formal fact-finding proceedings are accorded persons to afford them an opportunity to assure that all matter susceptible to them is set forth on the record to be available in connection with any future administrative determination.

0303 INVESTIGATIONS UNDER SPECIAL REGULATIONS

a. General. In addition to the investigations required by these regulations, various other investigative efforts are required by other regulations. A single incident requiring investigation may require only an investigation in accordance with these regulations or may require only investigation under other regulations not included herein. On the other hand, an incident may require investigation under these regulations and other regulations. In such case, dependent upon the other regulations involved, separate proceedings may be required, and combined proceedings may be permissible. Judgment must be exercised in determining what investigations may be required and to what extent the investigations may be combined. The following broad guidelines are set forth to assist in making this determination.

b. Single-jurisdiction investigations. If the only jurisdiction is for an investigation under regulations not included herein, then those regulations alone determine an administrative fact-finding body and these regulations should not be combined. For example, if there is no other basis for investigation than prospective disciplinary action, a preliminary inquiry under paragraphs 32b and 33a, MCM, or a partial investigation under Article 32, UCMJ, and paragraph 34, MCM, should be conducted without reference to the proceeding of a fact-finding body under these regulations.

c. Special situations wherein JAG Manual investigation communicated or to be conducted and report prepared and issued separately and apart from other required procedures. A JAG Manual investigation should normally not proceed at the same time as a law-enforcement type of investigation by the Federal Bureau of Investigation, Naval Investigative Service, local police department, command investigation, or armed services police unit. This will avoid conflict with law-enforcement type investigations.

d. Noncombinable investigations. An administrative fact-finding body under these regulations may be required and ordered in addition to, but not in lieu of, certain inquiries, the proceedings of which are controlled by other regulations. For example:

* (1) Situations where prescribed by articles 0319 and 0740, Navy Regulations, 1973, or other similar regulations prescribed by bureau manual or Departmental regulations.

(2) Investigations conducted by the Naval Investigative Service pursuant to SECNAV Instruction 5430.13 series. See 0312.

(3) Investigations conducted by an inspector general or his assistants.

(4) Hearings conducted pursuant to the Disability Evaluation Manual (NAVAF P-1990).

(5) Investigation of aircraft accidents pursuant to OPNAVINST P3750.6 series.

(6) Administrative letter reports respecting security violations prescribed by OPNAVINST 5510.1 series.

0304 TYPES OF ADMINISTRATIVE FACT-FINDING BODIES

a. General. On the basis of membership, there are three types of administrative fact-finding bodies that may be constituted under these regulations: courts of inquiry, boards of investigation, and single individual investigations. On the basis of procedure, there are two types of administrative fact-finding bodies: formal and informal. A formal fact-finding body is one which utilizes a formal hearing procedure, ordinarily

take all testimony under oath, often maintains a written record of all evidence, and may be authorized to designate parties. On the other hand, an informal fact-finding body normally employs the preliminary inquiry method of gathering evidence, using telephone inquiries, correspondence, and informal interviews to assemble the required information conveniently and expeditiously; it shall not be authorized to designate parties.

b. *Court of Inquiry.* The principal distinguishing features of a court of inquiry are as follows:

(1) It consists of at least three commissioned officers as members and a commissioned officer as general for the court.

(2) It is convened by a written appointing order.

(3) It must take all testimony under oath and record all proceedings verbatim regardless of whether such is directed in the appointing order.

(4) Persons subject to the UCMJ whose conduct is subject to inquiry must be designated parties.

(5) Persons subject to the DODMJ or employed by the Department of Defense who have a direct interest in the subject of inquiry must be designated parties upon their request to the court.

(6) It possesses the power to subpoena relevant witnesses (see Article 47 UCMJ which provides for prosecution in U.S. district court for failing to appear, to testify, or to produce evidence).

c. *Formal fact-finding bodies.* The principal distinguishing feature of a formal fact-finding body (other than a court of inquiry) are:

(1) It consists of one or more commissioned officers as members or members.

(2) It is convened by a written appointing order.

(3) The appointing order may direct that the body take all testimony under oath and/or record all proceedings verbatim.

(4) It utilizes a formal hearing procedure.

(5) Persons whose conduct is subject to inquiry or who have a direct interest in the subject of the inquiry may not be designated parties unless such designation is expressly authorized in the appointing order.

(6) It does not possess the power to subpoena witnesses (unless conferred under Article 139, UCMJ and chapter X of this Manual).

d. *Informal fact-finding bodies.* The principal distinguishing features of an informal fact-finding body are:

(1) It may consist of one or more officers, senior enlisted persons, or civilian employees of the Department of the Navy as members or members.

(2) It may be convened orally or in writing.

(3) It is ordinarily not directed to take testimony under oath or to record testimony verbatim.

(4) It utilizes informal procedures in collecting evidence.

(5) It shall not designate any person as a party to the investigation.

(6) It does not possess the power to subpoena witnesses.

695 SELECTION OF TYPE AND DESIGNATION OF PARTIES

a. *Selection of type.* The several types of fact-finding bodies described in the preceding section have been presented to accommodate the variety of situations which must be investigated in the naval service. Thus, the type of fact-finding body to be ordered should be determined in large measure by the powers which the fact-finding body will require, the paramount purpose of the inquiry, the relative seriousness of the subject of the inquiry, the probable complexity of the factual issues involved, and other such factors. Much must be left to the judgment and discretion of officers in command. In general, how-

ever, the following guidelines should be considered in the selection of the type of fact-finding body to be employed. Where it appears that the incident under investigation involves substantial loss of life or where significant international or legal consequences may be involved, either a court of inquiry or a formal board of investigation, depending generally upon whether the power to subpoena civilian witnesses is involved, should be considered. Other serious incidents requiring investigation, such as grounding of a ship, collision, flooding, and other major afloat casualties, particularly if significant loss of life resulted, should ordinarily be investigated by a formal board or formal single officer investigation, but in such cases the requirements of a verbatim record need not invariably be imposed. In other less serious cases, an informal fact-finding body will ordinarily be adequate. In any case in which there is doubt as to the type of fact-finding body which should be ordered, the matter may be referred to a superior in command for determination.

b. *Designation of parties.* In connection with the selection of the type of fact-finding body to be convened, the desirability of designating parties and affording the persons so designated all of the rights of a party would be considered; in general, the designation of parties before JAG Manual investigations is unnecessary because other regulations, which provide for further judicial or administrative proceedings before adverse action may be taken against an individual (see section 0304d), make adequate safeguards to protect the rights of persons so involved. If, however, the subject matter of the inquiry involves such disputed facts or fact that a risk of substantial injustice to a person or persons would exist if he or they were not afforded the rights of a party during the investigation, a court of inquiry or a formal fact-finding body which is expressly authorized to designate parties should be ordered. In other cases, subject to the considerations set forth in the previous subsection, a formal fact-finding body which is not authorized to designate parties or an informal fact-finding body will suffice.

0304 CONVENING AUTHORITY-POWER TO ORDER

a. *Courts of inquiry.* Any person authorized to convene a general court-martial, or any other person

designated by the Secretary of the Navy for that purpose, may convene a court of inquiry (Article 135, UCMJ).

b. *Other fact-finding bodies.* Any officer in command may order a board of investigation or a one-man investigation, either formal or informal. The appointing order of a fact-finding body other than a court of inquiry may be issued by an authorized officer who holds a delegation of authority, or with purpose from the convening authority. For the purposes of these regulations, "officer in command" means an officer authorized to convene any type of court-martial under Articles 22, 23, or 24, UCMJ, or authorized to impose disciplinary punishment under Article 15, UCMJ, including officers in charge. However, only a commanding officer empowered to convene a special court-martial, or superior authority, may order an investigation which involves redress of injury under Article 139, UCMJ.

0305 CONVENING AUTHORITY-POWER AND RESPONSIBILITY TO ORDER

a. *General considerations.* The officer in command of the unit or activity concerned is primarily responsible for initiating an investigation into an incident arising in his command. If the command is an afloat command, the investigation of incidents occurring ashore may be conducted by another appropriate command when the afloat command so requests and certifies that conduct of the investigation by the afloat command would not be feasible. In case of doubt as to who should convene the fact-finding body, the matter shall be referred to the area coordinator (normally the district commandant) who shall resolve the issue and ensure that any required investigation is conducted.

b. *Incidents far removed from location of command.* Activities required to make investigations under these regulations are often geographically far removed from the sense of locality for which they have investigating responsibility. A typical situation of this kind is one where personnel are injured or die under doubtful circumstances at a place distant from the activity to which they are assigned (see section 0304) or where mobile activities are required to move from the locality of an incident before a thorough investigation can be completed. In such cases, com-

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manding officers and officers in charge may refer the incident which is subject to investigation to another officer qualified to under the appropriate fact-finding body if the investigation can be more expeditiously accomplished by a different activity. In such instances the commandant of the naval district in which the incident occurred, or comparable authority, should be requested to cause the appropriate investigation to be conducted. The request shall contain all available information such as: Time, place, and nature of the incident; full names, grades, service numbers, and leave status of naval personnel involved; names and addresses of all known witnesses; all available evidence and statements; and copies of all reports of the incident made to the Navy Department or other superior authority under existing regulations.

c. Incidents involving injuries: If a member of the naval service is injured and is admitted to a naval hospital, the commanding officer of the hospital shall, if no investigation is being made of the incident, promptly report the matter to the commandant of the naval district in which the incident occurred or other comparable authority. The commandant, other comparable authority shall take action insofar that, if required (see chapter relating to duty/misconduct and claims), the necessary investigation is made. Similarly, if a dependent or member of the uniformed service is injured under circumstances involving a third person who is furnished hospital, medical, surgical, or dental care at government expense, the agency facility, or individual who provided such care will promptly notify the cognizant action TAG director (see section 2401a) so that he may assure that, if required, the necessary investigation is made.

d. Incidents involving more than one command: Whenever more than one activity is involved in an incident requiring investigation, a single investigation should be conducted if practicable. Such an investigation may be convened by the officer in command of any of the activities concerned and all activities concerned shall cooperate in the expeditious conduct of the investigation. If any difficulty or dispute arises in the convening of such an investigation, the matter should be referred to the common superior of all officers involved. If there is reason to believe that the conduct or performance of duty of the officer in command of any activity involved in the incident may be subject to inquiry, the common superior of

all the officers involved should convene the investigation. For example, when a collision occurs between ships of different type commands, a single investigation should be convened by the command superior of the operational chain of command. Whenever a joint investigation of an incident involving more than one activity is conducted, all activities involved shall provide all available information to the activity conducting the investigation.

0008 DISSOLUTION

A fact-finding body is considered dissolved when its duties have been completed, and no formal order to that effect is issued.

0009 THE RECORD OF PROCEEDINGS—GENERALLY

a. Content: The record of proceedings or the investigative report must be made as complete as possible to ensure preservation of evidence relating to the incident investigated and to give authorities in the Department of the Navy an adequate basis on which to take action. Illustrative facts which should be established and supported by enclosures in particular situations are outlined in chapter IX. These suggestions, however, are not all inclusive. Any information that will aid understanding or help reviewers weigh the evidence should be included. Except for facts of which a court may take judicial notice (see paragraph 147, MCMD), an administrative fact-finding body should not arrive at findings of fact which are not supportable by evidentiary enclosures or personal observation.

b. Copies: Each copy of the record of proceedings or investigative report must be complete within itself and should contain all enclosures and exhibits. Sufficient complete copies should be prepared to fulfill the requirements of section 0011a.

c. Classification: Because of the wide circulation in the Department of the Navy of records of some investigations, classified information should be omitted unless inclusion is essential. Information inherently not of a classified nature, although derived from classified messages, shall be paraphrased without identifying the original message by date-time group. A record or report containing information so derived

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and not be classified for this inclusion alone, provided that the information paraphrased is not classified. When classified matter is necessarily included in the record of proceedings or an investigative report, the record or report shall be assigned the classification of the highest subject matter contained therein. Encrypted versions of messages shall not be included in or attached to records of proceedings or investigative reports in which the content, substance, or purport of such message is divulged, regardless of the classification given the record or report. See Department of the Navy Security Manual for Classified Information, OPNAVINST 5510.1 series.

4d. Privacy Act compliance. When an individual is requested by a Government representative to supply personal information, it is mandatory that there be compliance with subsection (e)(3) of the Privacy Act of 1974 (5 U.S.C. § 552a) in accordance with section 0308 and Appendix A-3a. The record of proceedings must reflect the foregoing compliance.

0310 THE RECORD OF PROCEEDINGS: ACTION BY CONVENING AND REVIEWING AUTHORITIES

a. Intermediate routing

(1) The record of proceedings or report of a fact-finding body shall be forwarded to and reviewed by the appropriate authority and appropriate superior authorities in the chain of command. No precise rule can be laid down as to the identity of appropriate superior authorities in the chain of command. The subject-matter of the inquiry and the facts found will dictate the routing of the record or report for review. The record or report should be made available to all superior commanders who have a direct official interest in the recorded facts.

(2) District commanders and other area commanders of shore-based activities and immediate or adverse coordinators are considered to have a direct official interest in records or reports of investigations conducted by shore activities within the area of their cognizance and relating to a subject matter affecting their area coordination, command responsibility, or claims adjudicating authority, and, unless they direct otherwise, should be included as reviewing authorities whether or not in the chain of command.

(3) All flag and general officers in command may publish categories of subject-matter of investigations which are of direct official interest to them and

to their subordinates, and may direct that investigations involving other categories of subject matter be given exceptional immediate routing. For example, a type commander might direct that investigations involving safety of duty or manning and demobilization be routed directly to him bypassing all echelons of authority between him and the convening authorities.

* b. Review and forwarding. The convening authority and each field authority to whom the record of proceedings or record or report is routed shall transmit it by endorsement which will generally effect one of the following actions:

(1) Forward the record or report commenting that it has no matter of direct official interest to the authority and that it is therefore transmittal without comment or recommendation.

(2) Return the record or report for further inquiry, noting any incomplete, ambiguous, or erroneous action of the fact-finding body or a prior reviewing authority.

(3) Return the record or report for further corrective action, stating in detail the inadequacy or incompleteness noted.

NOTE: The authority who convened the fact-finding body has the primary responsibility to ensure that the investigation record is in compliance with the Privacy Act of 1974 before the record is forwarded. See section 0308. The officer exercising general court-martial jurisdiction who reviews the JAG Manual investigation record has the responsibility to review the record for compliance with the Privacy Act of 1974, and if the investigation fails to comply, he shall return it to the convening authority for remedial action prior to forwarding it to the Judge Advocate General.

(4) Forward the record or report setting forth appropriate comments and recording approval or disapproval, in whole or in part, of the proceedings, findings, opinions, and recommendations. For the benefit of subsequent reviewing authorities, each shall state clearly what action he has taken, or will take, and/or his recommendations as a result of matters contained in the record. If the investigating body is also conducting a claims investigation, the reviewing authority's action will be governed by the applicable provisions of chapters XXX through XXXV of this Manual; if the investigating body is also acting as a

board for review of injuries to property, the reviewing authority's action shall be governed by chapter X of this Manual; or if the investigating body is inquiring into the loss, compromise, or subjecting to compromise of classified information, the reviewing authority's action will be governed by chapter 8 of the Department of the Navy Security Manual for Classified Information, OPNAVINST 3510.1 Series.

c. Disciplinary action. Except where an individual has been fully accorded the rights of a party before a court of inquiry or a formal fact-finding body, non-judicial punishment may not be predicated exclusively upon the proceedings of a fact-finding body (see section 01016), nor may the record of proceedings or report of such fact-finding body be used in lieu of a formal pretrial investigation as authorized by Article 32 (c), UCMJ. Nevertheless, whenever punitive or nonpunitive disciplinary action is contemplated, initiated, or taken impacting any person as the result of the incident which was the subject of inquiry, such action (its specific nature, including current status) shall be noted in the endorsement of the investigating or reviewing authority. Punitive letters, copies or copies of recommended drafts thereof shall be included in an investigative report as evidence. Nonpunitive letters or copies, or recommendations drafts thereof, are privilege in nature and shall not be included as enclosures in an investigative report, but shall be separately forwarded to the appropriate commander for issuance.

d. Additional information. Each reviewing authority's action shall include any information known or reasonably ascertainable at the time of the review concerning actions taken or being taken in the case but not contained in the record or previous endorsement.

0211 THE RECORD OF PROCEEDINGS AND COPIES—DISPOSITION

a. Routing. Except as indicated below, the complete original record or report of every JAG Manual investigation shall be routed to the Judge Advocate General, Navy Department, Washington, D. C. 20370, in accordance with the intermediate routing provided in section 0210. Except when they have a direct official interest in the recorded facts and should be included as a via address, the routing of the record to other commands, bureaus and offices of the Navy

Department will be accomplished by the Judge Advocate General.

b. Special Routing.

(1) Records or reports of investigations which involve Marine Corps personnel and relate to shortages of public property or public funds, or contemplated or accomplished disciplinary action shall be forwarded to the Judge Advocate General via the Commandant of the Marine Corps.

(2) Records or reports of investigations into the loss of government property entrusted to an accounting officer shall be routed as prescribed in paragraph 10411.

(3) Records or reports of investigations which involve lost, missing, damaged, or destroyed property of the Marine Corps shall be routed to the Commandant of the Marine Corps as prescribed in paragraphs 104114 and 104115, Marine Corps Supply Manual.

(4) Records or reports of investigations which involved loss, compromise, or subjecting to compromise of classified information shall be routed as prescribed in paragraph 46-1048, Department of the Navy Supplement to the DOD Information Security Program Regulations, OPNAV INST 3510.1 series.

(5) If a record of investigation is to be used as a pretrial investigation pursuant to Article 32(c), UCMJ, and the original is desired in connection with a trial by general court-martial, the original shall be retained in the field for such purpose and a complete certified copy shall be forwarded to the Judge Advocate General via appropriate authorities.

(6) If a record or report of investigation involves a claims matter or review of injuries to property under Article 139, UCMJ, see chapter X and chapters XX through XXV as appropriate.

c. Routing of copies.

(1) One complete copy of the record or report of investigation shall be forwarded with the original for each intermediate reviewing authority. Additionally, if a shore command conducted the investigation upon request of an officer command, as provided in

sections 0207a and 0804, information copies of the investigation record or report shall be forwarded to concerned fleet commands. With respect to the right of a party to the investigation to receive a copy, see section 0304f.

(2) In serious cases and in cases in which the commanding authority considers that the Navy Department should have advance information, he shall forward an advance copy to the Judge Advocate

General. Additionally, if the record or report of investigation involves a possible admiralty claim, an advance copy shall be forwarded as soon as practicable to the Judge Advocate General (Admiralty Division). Regarding records or reports of investigation which may involve Medical Care Recovery Allowance, see section 2406c.

(3) U.S. Navy criminal authorities shall, where security classification permits, forward an

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advance copy of the record or report of investigation as soon as practicable in cases involving inquiry into material damage to a ship, submarine, or Government property (except aircraft) to: Commander, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23111. U.S. Navy commanders subsequently reviewing such record or report shall forward advance copies of their recommendations as above. In cases of aircraft accidents advance copies of recommendations and endorsements thereon will be forwarded to Commander, Naval Safety Center only upon his specific request.

(4) In cases involving postal losses or offenses, an advance copy of the record or report of investigation shall be forwarded by the convening authority to the Chief of Naval Operations (Postal Affairs Section). See paragraph 6202, U.S. Navy Postal Instructions, OPNAVINST 2700.14 series.

0212 INVESTIGATIONS BY NAVAL INVESTIGATIVE SERVICE

The investigative jurisdiction and responsibilities of the Naval Investigative Service (NIS) and the field components thereof are set forth in OPNAVINST 5430.13 series. Officers in command are cautioned to comply meticulously with the policies and spirit of that instruction. Matters pertaining to espionage, sabotage, subversive activities, and acts against the Government, and major violations of the UCMJ are included within the jurisdiction of NIS. Where the investigative service of NIS is utilized, the officer in command shall take appropriate measures to preserve evidence and to ensure that any other phases of investigation do not compromise or otherwise impede the investigative activities of NIS. In the event the officer in command deems it necessary to proceed with an inquiry by a fact-finding body prior to the completion of the investigative phase by NIS, he shall first communicate with the local NIS office and establish coordination of the investigative effort. Should the NIS office object to the initiation of the inquiry by a fact-finding body, the matter should be referred to the appropriate commanding officer of the naval district or comparable authority for resolution.

0213 PRELIMINARY INVESTIGATION OF MAJOR INCIDENTS

a. General. The investigation of major incidents is sometimes complicated by the premature appoint-

ment of a court of inquiry or other formal investigative body. Without ascertaining the sequence of events and which witnesses can give enlightened testimony, the proceedings are made longer and more difficult as the result of lack of preparation for formal hearings. The purpose of an investigative proceeding is to inform authorities in the Department of the Navy fully and concisely as to the incident, its causes, and the responsibility therefor.

b. Suggested procedure—In major incidents it may be advisable to conduct an informal one-officer interview or an informal board of investigation to assess the seriousness of the incident, to interview witnesses, and to prepare a summary of the findings. The convening authority may direct the commanding officer (oral or written) that the investigating body submit an interim oral report by a specified date. At the time of the oral report, the informal investigation may be terminated and the investigative effort directed into a court of inquiry or other formal investigation. Summaries of testimony or evidence developed in the informal investigation may be used as an aid by the later investigative body. Inasmuch as all courts of inquiry and most formal boards of investigation directed to inquire into major or complicated incidents have appointed counsel, consideration should be given to detailing the officer who conducted the informal investigation to assist counsel for the court or board.

c. Function. It is not the function of such preliminary investigation to fix responsibility for the incident or event. Its duties are to obtain statements of witnesses and to inform the convening authority as to the identity of the witnesses and the extent to which they can testify to pertinent facts.

0214 AUTHORITY TO ADMINISTER OATHS

A person on active duty appointed to perform investigative functions or to serve as counsel for an administrative fact-finding body within the meaning of these regulations is empowered to administer oaths in the performance of his duties. See Article 136, UCMJ.

Chapter III

PARTIES AND WITNESSES

0301 PARTIES-DEFINITIONS

- a. Party
- b. Subject to inquiry
- c. Direct interest

0302 DESIGNATION OF PARTIES

- a. Courts of inquiry
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0304 RIGHTS OF A PARTY

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- a. Previous testimony of witness thereafter designated as a party
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0305 WITNESSES

- a. Calling witnesses
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0307 WARNING WITNESSES

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0301 PARTIES--DEFINITIONS.

a. A "party" is an individual who has properly been designated at such in connection with a court of inquiry or a formal fact-finding body.

b. A person's conduct or performance of duty is "subject to inquiry" when the person is involved in the incident or event under investigation in such a way that disciplinary action MAY follow, that his rights or privileges may be adversely affected, or that his personal reputation or professional standing may be jeopardized.

c. A person has a "direct interest" in the subject of inquiry:

(1) When the findings, opinions, or recommendations of the fact-finding body may, in view of his relation to the incident or circumstances under investigation, reflect questionable or unsatisfactory conduct or performance of duty; or

(2) When the findings, opinions, or recommendations may relate to a matter over which the person has a duty or right to exercise official control.

0302 DESIGNATION OF PARTIES*a. Courts of inquiry.*

(1) Any person subject to the UCMJ whose conduct or performance of duty is subject to inquiry shall be designated a party before a court of inquiry.

(2) Any person subject to the UCMJ or employed by the Department of Defense who has a direct interest in the subject of inquiry shall, upon his request to the court or convening authority, be designated a party before a court of inquiry.

(3) Any member of the Naval or Marine Corps Reserve not subject to the UCMJ by virtue of his status whose conduct or performance of duty is subject to inquiry may, upon his request to the court or convening authority, be designated a party before a court of inquiry.

(4) No other person may be designated as a party unless expressly authorized by the Secretary of the Navy (Judge Advocate General).

b. Formal fact-finding bodies.

(1) When authorized by the convening authority, any member of the naval service subject to the UCMJ whose conduct or performance of duty is subject to inquiry may be designated a party before a formal fact-finding body constituted under these regulations.

(2) When authorized by the convening authority, any member of an armed force other than the Navy and Marine Corps subject to the UCMJ, any person employed by the Department of Defense, or any member of the Navy or Marine Corps Reserve not subject to the UCMJ by virtue of his status, whose conduct or performance of duty is subject to inquiry may, upon request to the fact-finding body, be designated as a party before a formal fact-finding body constituted under these regulations.

(3) No other person may be designated as a party unless expressly authorized by the Secretary of the Navy (Judge Advocate General).

c. *Informal fact-finding bodies.* No person may be designated as a party before informal fact-finding bodies constituted under these regulations.

d. Who may designate. Parties may be designated by the convening authority of a court of inquiry or formal fact-finding body, by any court of inquiry, or by a formal fact-finding body when expressly authorized by the convening authority, subject to the following considerations:

(1) When parties are to be designated, and it is apparent at the time of the issuance of the appointing order that a person or persons must or should be designated, the convening authority should include such designation in the appointing order. His power to designate continues during the entire proceedings before a court of inquiry or formal fact-finding body.

(2) If at any time during the course of an investigation by a court of inquiry or by a formal fact-finding body authorized to designate parties it appears to the court or body that any person not previously designated should be so designated, that person shall or may (see section 0302a and b) be informed of that conclusion, be designated a party, and be informed of and accorded his rights as such.

e. Effect of designation. The purpose and effect of designating an individual a party before a fact-finding body is to afford him a hearing respecting possibly adverse information concerning his conduct or performance of duty or relating to a matter over which he has a duty or right to exercise official control. The majority of investigations, although inquiring to some degree into the conduct or performance of duty of persons, result in relatively few instances in which adverse action is taken without separate administrative or judicial proceedings. The separate hearings in such cases are much more efficient and frequently are fairer to the person involved. Accordingly, as provided in section 0305b, it is generally undesirable to designate parties to investigations unless the subject matter of the inquiry involves such disputed issues of fact that a risk of substantial injustice to the person would exist if he were not afforded the rights of a party during the investigation.

0303 CHANGE IN STATUS OF A PARTY

If it no longer appears that a person previously designated as a party is involved in a material degree in the matter under investigation, his designation as a party may be withdrawn by the court of inquiry or formal fact-finding body upon application of that party, or upon the court or fact-finding body's own initiative.

0304 RIGHTS OF A PARTY

a. General. A person duly designated a party before a fact-finding body shall be advised of and accorded the following rights:

- (1) To be given due notice of such designation.
- (2) To be present during the proceedings, but not when the investigation is closed for deliberations.
- (3) To be represented by counsel. See subsection b below.
- (4) To examine and to object to the introduction of physical and documentary evidence and written statements.

(5) To object to the testimony of witnesses and to cross-examine witnesses other than his own.

- (6) To introduce evidence.
- (7) To testify as a witness.
- (8) To refuse to incriminate himself and, if accused or suspected of an offense, to be informed of the nature of the accusation and advised that he does not have to make any statement regarding the offense of which he is accused or suspected; and that any statement made by him can be used as evidence against him in a trial for the offense in question.
- (9) To make a voluntary statement, oral or written, to be recorded in the record of proceedings.
- (10) To make an argument at the conclusion of presentation of evidence.
- (11) To be properly advised concerning the Privacy Act of 1974. See section 0308 and Appendix A-3a.

NOTE: In courts of inquiry only, a party shall be advised of, and be accorded two additional rights:

- (12) To challenge members of the court of inquiry for cause stated to the court, Article 133(d), UCMJ; section 0414 of this Manual.
- (13) If charged with an offense, to be a witness at his own request and not to be called as a witness in the absence of his own request.

b. Right to counsel.

(1) The party is entitled to be represented during the proceedings of the court or investigation by civilian counsel provided by himself at no expense to the Government; by military counsel provided by the Government at no expense to the party. Such military counsel shall be of his own selection if reasonably available; or by military counsel appointed for him by appropriate military authority. Upon request for appointed military counsel, counsel qualified under Article 27(b), UCMJ should be appointed, if practicable, and must be appointed if the court or investigation is to be used as a pretrial investigation required by Article 32, UCMJ. There are no special legal qualifications required of civilian counsel provided by the party himself or of military counsel selected by him. In any case in which the court or

investigation is to be used as an investigation under Article 32, UCMJ, and the party is not his non-lawyer civilian counsel or requests non-lawyer military counsel, he must be carefully advised that he is entitled to the appointment of military lawyer counsel and that proceeding without lawyer counsel will be considered a waiver of this right. Appointed military counsel will be provided for a civilian party only under one of the following circumstances:

(a) The civilian party is in a status in which he might be subject to trial by court-martial, and the court of inquiry or investigation may be used as a pre-trial investigation under Article 32, UCMJ.

(b) Doubt exists as to the mental or physical competency of the civilian party, and he is not represented by counsel who seems capable of adequately protecting the party's interests.

(c) The convening authority directs such action on the ground that under the peculiar circumstances of the case, the interests of the Government would be best served by making military counsel available to represent the civilian party.

(2) It is the duty of counsel to represent the party to the best of his ability and to protect and safeguard the interests of the party by all lawful and legal means. If counsel for a party is absent, a court of inquiry or formal investigation shall not proceed until his return, or until new counsel for the party is retained by him or appointed for him. However, the party may waive his right to have counsel present provide the party understands his right to counsel and the effect of the waiver. The explanation of this right and any waiver thereof shall be reported verbatim in the record.

(3) In directing that a court of inquiry or formal investigation be conducted, and the medical officer states that a member to be designated a party is incompetent due to injuries or disease and will remain so for at least 60 days, the convening authority will ensure that a qualified lawyer counsel is appointed to represent the party during the proceedings of the court or investigation. Such counsel is obligated to exercise all the rights of the party as though the party were present.

c. Explanation of rights. At the outset of the proceeding of a court of inquiry or formal fact-finding body, all parties so designated shall be informed of the rights set forth in section 0104a, and shall be asked if explanation is desired regarding any of such rights. Further explanation shall be provided to any party who requests it. Counsel for any party may waive such information and explanation by stating to the investigative body that the party to the proceeding has been fully informed and understands his rights as a party. Upon designation of witness as a party during the course of the investigative proceeding, the same course shall be followed as regards information and explanation of rights, and a waiver may similarly be made by.

d. Examination of previous record by party designated during proceedings; recall of witnesses. The record of proceedings to the point the investigation has progressed will be made available for examination by a newly designated party and his counsel. Such a party may request that specified witnesses who have previously testified be recalled for cross-examination. If circumstances do not permit the recalling of a witness, evidence may be obtained from him by means of a sworn statement. In the absence of compelling justification, investigative proceedings shall not be suspended pending the obtaining of any such statement.

e. Previous testimony of witness thereafter designated as a party. Any testimony given by a person as a witness prior to his designation as a party remains in the record and is considered valid. Thereafter without regard to his subsequent designation as a party.

f. Person on witness stand when designated party. If a person is on the witness stand at the time he is designated a party, or is thereafter called as a witness, see section 0305 for the procedure to be followed.

3. Failure to accord rights.

(1) In cases where nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or formal fact-finding body before which the accused was not designated a party or accorded the

rights of a party, the procedures shall be as prescribed in section 0304.

(2) In cases where an adverse determination respecting the contracting or incurrence of a disease or injury in line of duty, or at the result of misconduct is contemplated on the basis of the record of a court of inquiry or formal fact-finding body before which the person concerned was not designated a party or accorded the rights of a party, the procedures shall be as prescribed in section 0815.

(3) In cases where a general court-martial is contemplated regarding an accused; the record of a court of inquiry or formal fact-finding body before which the accused was not designated a party or accorded the rights of a party may not be used in lieu of a formal pretrial investigation of the offense charged against the accused. See Article 32(c), UCMJ.

(4) In cases where charges have been brought against an accused before a court-martial, military commission, or other tribunal which is required fully to observe the rules of evidence as prescribed in the UCMJ and in chapter XXVII of the MCM, sworn testimony contained in the record of proceedings of a court of inquiry before which that accused was not designated a party or accorded the rights of a party may not be received as evidence by such court-martial, military commission, or other tribunal; such testimony is admissible independently of the provisions of Article 30, UCMJ.

b. Waiver of rights of a party. Waiver of rights listed in section 0304a which involve notice, information, or advice to be given a party (except regarding an officer of whom accused or suspected), may be effected only by explicit statement on the record by party or his counsel. Advice as to the nature of any offense of which accused or suspected, advice as to the right to refuse from making any statement regarding such offense, and advice as to the possible risk against him of any statement in a trial by court-martial may not be waived. See Article 30, UCMJ. Any other right is conclusively waived by the party's failing to exercise it, unless he has made, upon the record, a request to exercise it and such request has been denied.

i. Right to a copy of the record. A party to an investigation is not entitled to a copy of the record or

any part thereof, unless the record is to be used as a pretrial investigation under Article 32, UCMJ and trial of the party by general court-martial has been adjourned. Consideration should be given to conducting a separate pretrial investigation when the record or report of the investigation contains either classified material or any unclassified material which would be of assistance in the prosecution of such an action against the United States. If a letter of censure or other non-judicial punishment is imposed, see section 0304f (7) concerning the right of the individual concerned to have access to a copy of the record.

WITNESSES

a. Calling witnesses. Although only courts of inquiry and bodies convened for the redress of injuries to a service member (see Article 138, UCMJ and chapter 20) have powers to subpoena witnesses, all administrative fact-finding bodies convened under these regulations may request civilian witnesses to attend, whether or not they are connected in any way with the naval service, and may request cognizant commanding officers to make members of the Armed Forces and persons employed by the Department of Defense available to testify. No fact-finding body is confined to any Federal jurisdiction in its quest for relevant testimony.

b. Competency of witnesses. Any party or other person charged with an offense relating to the matter under investigation shall be a competent witness before a court of inquiry only at his own request. 18 USC 3481. A person is charged with an offense when he has been formally accused by indictment or information, or by the preferring of charges and specifications pursuant to Article 30, UCMJ. Subject to this statutory limitation, any party or other person, regardless of whether charged with or suspected of an offense, is competent as a witness before any formal or informal fact-finding body, and may be called whether or not he requests to be a witness.

c. Compulsory self-incrimination prohibited

(1) No witness shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him; nor shall he be compelled to make any statement or produce evidence if the statement or evidence is not material to any issue under investigation and may tend to

degree him. See Article 31 (a) and (c), UCMJ, paragraph 130, MCW. The fact-finding body should advise an apparently uninformed witness of his right to decline to answer any question which might tend to incriminate him.

(2) If a person called as a witness before a court of inquiry or formal board of investigation is suspected of or is charged with an offense, he shall be informed of the nature of the offense and the subject matter of the inquiry. He shall also be advised that he does not have to make any statement or give any testimony regarding the offense of which he is suspected or accused and that any statement or testimony made by him may be used as evidence against him in any subsequent trial. Article 31 (b), UCMJ. After being so informed, the right to refrain from testifying regarding the offense of which he is suspected or charged must be claimed by the witness. Despite assertion of such a right, however, the witness may be questioned on matters other than the offense of which he is suspected or charged.

(3) If a person suspected or charged with an offense is required as a witness in connection with an informal investigation, the procedure set forth in DODIG(2) will be followed.

4. Privacy Act compliance. When an individual is requested by a Government representative to supply personal information, it is mandatory that prior to compliance with subsection (x)(1) of the Privacy Act of 1974 (5 U.S.C. § 552a) in accordance with section 0308 and Appendix A-2a.

8006 WARNING REQUIRED BEFORE REQUESTING STATEMENTS REGARDING DISEASE OR INJURY

A member of the Armed Forces may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he has. Any such statement against his interests, signed by a member, is invalid. 10 USC 1219. Any member in the Armed Forces, prior to being asked to sign any statement relating to the origin, incurrence, or aggravation of any disease or injury that he has suffered, shall be advised of his right not to sign such a statement.

The spirit of this section will be violated if a person, in the course of a JAG Manual investigation, obtains the member's oral statements and reduce them to writing, unless the above advice was given first.

0307 WARNING WITNESSES

The fact-finding body in its discretion may direct witnesses who are subject to naval authority to advise their testimony with other witnesses or persons who have no official interest in the matter until the investigation is completed. Other witnesses may be requested, in a similar manner, to disclose their testimony. This warning may be given to ensure that the matter before the fact-finding body can be fairly heard and to indicate the possibility that disclosure of the substance of the testimony may inform the identity of witnesses still to be heard.

40308 ADVICE REQUIRED BY THE PRIVACY ACT

5. Privacy Act statements for JAG Manual investigations and claims investigations. Pursuant to SECNAVINST 3211.5 notes and the Privacy Act of 1974 (5 U.S.C. § 552a), the following procedures shall be applicable to JAG Manual investigations [chapters II through XI] and claims investigations [chapters XX through XXXVI], including interim reports and final reports.

(1) Advice required. When any individual is requested by a person acting on the Government's behalf to supply personal information about him, if in the course of a JAG Manual investigation or claims investigation, the person making the request shall first provide the individual, in duplicate, a Privacy Act statement containing the particular information prescribed in SECNAVINST 3211.5 notes. The original is to be signed by the individual and appended to the record of the investigation, and the copy should be retained by the individual. If the information is requested in an interview or hearing, the Privacy Act statement should also be orally summarized and explained as necessary to ensure that the individual fully understands it. The requirement for a Privacy Act statement is cumulative to other

PARTIES AND WITNESSES

0308

applicable warnings or advisements required by the provisions of the Manual, and warnings under Article 31, UCML, and related court-martial, where applicable.

(2) "Personal information" defined. Personal information is information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official functions. It ordinarily includes, for example, information pertaining to an individual's financial, family, social, and recreational affairs; his medical, educational, employment, or criminal history; or information that identifies, describes, or affords a basis for inferring personal characteristics, such as finger or voice prints or photographs. It ordinarily does not include such information as the time, place, and manner of, or reasons or authority for, an individual's execution or omission of acts directly related to the duties of his Federal employment or military assignment.

(3) Social Security numbers. An individual, even though a member or employee of the naval service, should not be requested to provide his social security number in connection with a JAG Manual investigation or claims investigation. This will obviate the need for giving the individual a social security number statement, which is generally required when an individual is requested to furnish his social security number, because JAG Manual investigations and claims investigations do not fall under the strict definition of "personal," "financial," or "medical" records, as these terms are used in SECNAVINST 5211.5 series. The number can generally be obtained from other available records if necessary in a particular investigation.

(4) Privacy Act statement content. Appendix A-3-a is a format which is intended to include every item of information that would be required for a Privacy Act statement in connection with any JAG Manual investigation or claims investigation. It should be used as a basis for tailoring a specific Privacy Act statement appropriate to the particular purpose and subject matter of each investigation and the role of the particular party or witness in relation to the matter under investigation.

(5) Local forms. Locally-prepared forms utilizing the format in Appendix A-3-a are authorized. Copies of local forms for Privacy Act statements prepared for use in JAG Manual investigations shall be filed on a current basis with the Judge Advocate General (Code 21). Those prepared for use in claims investigations shall be filed with the Judge Advocate General (Code 14C).

b. Reviewing authorities

(1) It is essential that each investigative record reflect that a good faith effort was made to comply with SECNAVINST 5211.5 series and the Privacy Act of 1974, and that the record contain the Privacy Act statement for each party or witness from whom personal information was obtained on or after 27 September 1974. Any indication of noncompliance shall be explained either in the preliminary statement or in the concluding endorsements. The officer exercising general court-martial jurisdiction (or, in the case of a claims investigation, the appropriate officer designated as an adjudicating authority) has the responsibility to ensure that remedial action, as appropriate, is taken to rectify noncompliance indicated in the investigative record prior to forwarding the record to the Judge Advocate General.

(2) If there is a reasonable possibility that an individual's interests may be adversely affected by the outcome of the investigation and no Privacy Act statement, or a substantially defective Privacy Act statement, was given to that individual, remedial action is required. Such remedial action may be effected by sending a letter to the individual, via his commanding officer in the case of an active-duty member or currently-employed Navy civilian employee, or by certified mail (return receipt requested) in other cases, informing him that he was not fully advised of his rights under the Privacy Act before he provided personal information about himself to the JAG Manual or claims investigation. The letter shall also include:

(A) A sufficient Privacy Act statement;

(B) Advice that the individual may, within thirty days following the date of the letter, withdraw

all or part of the personal information that he provided about himself to the JAG Manual or claims investigation, and may provide new or additional information; and

(c) Advice that if no action is taken by the individual within the thirty-day period, the personal information provided by the individual to the JAG Manual or claims investigation will be considered with all other information collected during the course of the investigation.

(d) Records of disclosures: Appendix A-3-A is recommended for use, as required, in recording and accounting for disclosures or information about identifiable individuals from records that are collected, used, or maintained pursuant to directives under the cognizance of the Judge Advocate General. Local reproduction is authorized.

Chapter IV

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Article 133, UCMJ (10 USC 933) concerning courts of inquiry is quoted as follows:

"(a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Secretary concerned for that purpose, whether or not the persons involved have requested such an inquiry.

"(b) A court of inquiry consists of three or more commissioned officers. For each court of inquiry, the convening authority shall also appoint counsel for the court.

"(c) Any person subject to this chapter [UCMJ] whose conduct is subject to inquiry shall be designated as a party. Any person subject to this chapter [UCMJ] or employed by the Department of Defense who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

"(d) Members of a court of inquiry may be challenged by a party, but only for disqualification to the court.

"(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.

"(f) Witnesses may be summoned to appear and testify before examined before courts of inquiry, as provided in the court-martial.

"(g) Courts of inquiry shall make findings of fact, but may not express opinions or make recommendations unless required to do so by the convening authority.

"(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu

of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel."

0402 APPOINTING ORDER

a. Authority to convene: As noted in the foregoing section, any person authorized to convene a general court-martial or any other person designated for that purpose by the Secretary of the Navy may convene a court of inquiry.

b. Form of appointing order: Courts of inquiry are appointed by an appointing order signed by the convening authority. The appointing order shall be in official letter form addressed to the president of the court. When circumstances warrant, a court of inquiry may be convened on oral or message orders. Written confirmation of oral or message orders will be issued in each case. Message orders and all confirmations of orders shall be included in the record of proceedings of the court.

c. Contents of appointing order: The appointing order of a court of inquiry shall name the president, the members, and the counsel. When appropriate, it shall designate parties to the inquiry. It shall specify the time and place for initial meeting. It shall recite the specific purposes of the inquiry and shall contain explicit instructions as to the scope of the inquiry. Inasmuch as the information developed by the court is used not only by the convening authority but in many cases by authorities remote from his command, the appointing order should contain ample instructions to ensure the accomplishment of the purposes for which the court was convened. The court shall be directed to report findings of fact. If the convening authority desires, he may also direct that opinions and recommendations be submitted. The appointing order may in appropriate cases provide for the appointment of reporters and interpreters. For an example of an appointing order for a court of inquiry, see Appendix 4a.

d. Seniority of members: No member of a court of inquiry should be junior in rank to any officer designated a party in the appointing order. Should an officer senior to any member be designated a party during the proceedings, the convening authority shall be notified so that he may review the membership in

accordance with the seniority principle, if practicable. Whenever it has not been practicable to adhere to the seniority principle in membership, the convening authority shall state the reasons therefor in his action on the record of proceedings. The seniority principle is not applicable to counsel.

a. Amendment: The convening authority may amend the appointing order at any time to change the membership of the court of inquiry, to limit or increase the scope of the inquiry, to name additional parties, or to provide additional instructions. An example is contained in Appendix 4b.

b. Advance copies: On occasion, it may be advantageous to forward an advance copy of the appointing order to interested superiors so that they may be apprised of significant occurrences and actions being taken in connection therewith.

9403 DUTIES OF THE PRESIDENT

a. General: The president shall administer the oath to the counsel for the court, preside over, and decide upon matters relating to the routine business of the court. He may recess or adjourn the court to meet at a time or place as will be most convenient and proper.

b. Rulings: Should a member object to the president's ruling on any matter, a vote shall be taken in closed session and the decision of the majority shall govern. In case of a tie vote, the decision of the president shall govern except as to challenges of members. See section 0414b.

c. Obtaining information: Whenever it appears desirable to members of the court that certain information be elicited or developed in the interest of establishing or clarifying a matter, the president will so advise counsel for the court and may direct counsel to call witnesses, to pursue further lines of questioning, or to adduce other evidence. The president and two members of a court may examine witnesses after completion of examination by counsel.

9404 MEMBERS

a. Attendance: The attendance at the proceedings of a court of inquiry becomes the primary duty of an

officer appointed a member. No member shall fail in his attendance at the designated time and place unless prevented by illness, ordered away, or excused by competent authority.

b. Absence: The court may, in the absence of a member, proceed with the inquiry only if authorized and directed to do so by the convening authority. Unless at least three members and a majority of the total membership are present, no business other than an adjournment shall be transacted. If it appears that a member will be absent for more than a short period of time and the absence endangers the court no less than three members, the convening authority shall be advised. He shall appoint additional members to ensure that at least three members will be present. Any substituted or additional member appointed shall examine the record of the proceedings conducted prior to his sitting as member, and the fact of such examination shall be noted on the record. After such examination, the substituted and additional member shall participate fully in the subsequent proceedings of the court and in its deliberations relative to findings of fact, opinions, and recommendations.

c. Temporary absence: When a member of a court who has been temporarily absent returns, the record of that part of the proceedings conducted in his absence shall be examined by him, and such examination noted in the record. Such temporary absence does not preclude that member's full participation in the deliberations of the court relative to findings of fact, opinions, and recommendations.

9405 COUNSEL FOR THE COURT

a. Requirement: The appointment of counsel for the court is required. Whenever practicable, counsel should be qualified under Article 27(b), UCMJ. Assistant counsel for the court may be appointed. If an understanding of the matters under inquiry involves a high degree of technical knowledge, convening authorities are encouraged to appoint an officer who possesses this technical knowledge as assistant counsel. Assistant counsel need not be qualified under Article 27(b), UCMJ.

b. Duties: Counsel for the court shall call witnesses and conduct the direct examination of all witnesses except those requested or called by a party.

He shall arrange for a place for the court to meet, and for the assistance of reporters, interpreters, orderlies, and clerical assistants. He shall administer the oath or affirmation to all members, reporters, interpreters, and witnesses. He shall also - serve the recording of the proceedings and the preparation of the record. He shall ensure that the Privacy Act is fully complied with prior to requesting an individual to supply personal information. See section 0308 and Appendix A-3a.

c. **Responsibility:** The primary responsibility of counsel is to exploit all practicable sources of information in order to bring out all the facts in an impartial manner without regard to the favourable or unfavourable effect on persons concerned.

d. **Absence of counsel:** If the counsel for the court is absent and there is an appointed assistant counsel, he may, in the discretion of the court, act as counsel and the proceedings may continue. Otherwise, the court shall adjourn, report the absence to the convening authority, and await the return of counsel or the appointment of a new counsel.

6406 PARTIES

See chapter III for provisions relating to parties, their rights, and their counsel.

6407 REPORTERS AND INTERPRETERS

a. **Reporters:** The reporters appointed to record the proceedings of a court of inquiry may use longhand, shorthand, or a mechanical or sound recording device. A written record of the proceedings shall be kept, except to the extent authorized in section 0431.

b. **Interpreters:** In all courts of inquiry where testimony is given in other than the English language, an interpreter shall be appointed. Prior to the assumption of his duties the interpreter shall swear to the court that he is fully conversant with the language to be interpreted and that he has a good command of the English language. If it appears to the court that the interpreter is experiencing difficulty in interpreting, or if there is an objection by a party that the interpreter is not fully and correctly interpreting, the court shall immediately inquire into the matter. If it appears that the interpreter is not able to interpret accurately and intelligently, the court shall report this

to the convening authority and request that a competent person be appointed. Until the appointment of another interpreter, no further interrogation of the witness whose testimony is to be interpreted shall be undertaken.

c. **Appointment:**

(1) If additional expense to the Government is involved in the employment of reporters or interpreters, the convening authority should follow the procedure set forth in section 0110 of this regulation.

(2) The details of the appointment of reporters or interpreters will not be set forth in the record of proceedings. Only the name of such individual and the fact that he was sworn to undertake his particular duty will be shown.

6408 GENERAL PROCEDURE

A court of inquiry is governed generally by the principles of military law, applying procedural rules analogous to those for trials by general courts-martial when appropriate and not otherwise prescribed. The court should refer to the Manual for Courts-Martial, Court Martial Reports, and other authoritative legal publications for guidance. However, the mission of the court shall be given primary consideration in the determination of procedural questions not expressly covered in these regulations.

6409 PRELIMINARY PROCEDURES

A court of inquiry shall assemble at the place and, as nearly as practicable, at the time named in the appointing order. The court may adjourn, when desirable, to any place as may be convenient to the court. The members shall take their seats in the same order as on court-martial. Courts of inquiry are usually cleared until the order constituting them and the instructions contained in the appointing order have been read and the manner of proceeding decided. Normally counsel for the court will not withdraw when the court is cleared for preliminary procedures.

6410 MEETING OF THE COURT

a. **Sessions:** The proceedings will be public unless the convening authority or the court, for security reasons or other good cause, directs that the entire proceedings or any portion thereof be closed to the public. The fact that the inquiry is not open to the

public does not require exclusion of the parties to the inquiry or their counsel. If the matter to be heard requires a security clearance and individual counsel has not been granted such clearance, the convening authority shall be advised thereof; see section 0921, Department of the Navy Security Manual for Classified Information, OPNAVINST 5510.1 series, with respect to necessary security clearance of personnel and procedures if such a person or civilian counsel is not so cleared, section 0140b of this Manual shall be followed.

b. **Clearing the court.** The court may be cleared at any time for deliberation or consultation, whereupon the parties and their counsel will withdraw. Counsel for the court will also withdraw unless requested to remain. During an open hearing when numerous spectators are present, the court may withdraw to another room for deliberation or consultation.

c. **Spectators-publicity.** As a general rule, the public will be permitted to attend open sessions of a court of inquiry. During any session of the court the taking of photographs in the courtroom or broadcasting of the proceedings from the courtroom (radio or television) shall not be permitted.

0411 RECESS AND ADJOURNMENT

Courts of inquiry may recess or adjourn for a period as may be necessary without permission of the convening authority. However, if the adjournment is for more than three days, the convening authority shall be informed by the presiding officer.

0412 RULES OF EVIDENCE

The court is not bound strictly by the rules of evidence prescribed for trials by court-martial. Admissibility of reliable evidence, notwithstanding a legal exclusion, is a matter of discretion. Nevertheless, the court must enforce constitutional and statutory personal privileges, and a general observance of the spirit of the rules contained in Article XXVII, MCM, will promote orderly procedure and ensure a full, fair, and impartial investigation. The rights of witnesses and parties shall be carefully safeguarded.

0417 PRESENCE OF PARTY AND COUNSEL

a. **All organization of court.** As soon as the court has determined the manner of proceeding and whether the court will be open or closed to the public, each party named in the appointing order shall be called before the court. Parties may be called individually, in groups, or all together. Any party represented by counsel may appear before the court with counsel at this time, and counsel may state waives record of either or both the reading of the appointing order and advice as to rights (except as to a party suspect of an offense) as to the party or parties represented by him. If such waiver, the appointing order shall be read to the party or parties before the court. The rights of a party, as defined in section 0304, shall be fully explained to the counsel for the court. The record may show only that the appointing order was read, the reading thereof waived, but advice as to rights shall be reported verbatim. If any party is not represented by counsel and desires no representation, the court shall recess until counsel is retained. If it is essential that the court take testimony which might otherwise become inconveniently obtainable, then, in lieu of record, the court shall appoint counsel (qualified under Article 27(b), UCMJ) to represent the party until he can obtain the attendance of counsel of his choice, and proceed with the taking of such testimony.

b. **Waiver.** A party to a court of inquiry may waive his right to be present during any portion of the proceedings. This waiver must be intelligently and knowingly made by the party or his counsel and the court shall carefully consider such waiver prior to proceeding in the absence of a party. Likewise, where the party is represented by counsel, the party may waive the presence of his counsel at any session of the court. In the event of the absence of a party or his counsel, the record shall show such absence and the express waiver by the party. The record shall also affirmatively show the beginning and the end of the absence of any party or his counsel.

0414 CHALLENGE

a. **The right.** Any member of a court of inquiry may be challenged at any time during the proceedings.

for cause stated to the court. The court will not receive a challenge to more than one member at a time. After disclosing his ground for challenge, the party may examine the member concerning that ground. This examination may or may not be under oath, at the discretion of the challenging party, but it shall be recorded verbatim. Counsel for the court may cross-examine the challenged member. After such examination and cross-examination, any other evidence bearing on the cause for challenge will be heard.

b. **Decision on challenge.** The burden of establishing the ground for challenge is on the party who made the challenge. The challenged member withdraws when the court is called to determine the challenge. A majority or six votes disqualifies the challenged member. The court decides the challenge according to the preponderance of the evidence. A sustained challenge is immediately reported to the convening authority. If it reduces the number of members below three, the court will adjourn until the convening authority appoints another member. If the membership is not reduced below three, the court may proceed with its inquiry unless otherwise directed by the convening authority.

9415 OATHS

a. **Reporter.** Every reporter shall, before entering upon his duties, make an oath or affirmation administered by counsel for the court, in the following form:

"You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

b. **Court members.** Before the court begins the inquiry prescribed by law, appointing order, counsel for the court shall administer to the members the following oath or affirmation:

"You, A, B, C, D, and E, do swear (or affirm) that you will faithfully perform all the duties incumbent upon you as members of this court, and that you will examine and inquire, according to the evidence, into the matter now before you without partiality. So help you God."

c. **Counsel.** When the oath or affirmation has been administered to the members, the president of the court shall administer the following oath or affirmation to the counsel for the court, and his assistant counsel, if any (Counsel for the parties are not sworn):

"You swear (or affirm) that you will faithfully perform the duties of counsel (assistant counsel) for this court. So help you God."

d. **Interpreter.** Every interpreter shall, after swearing upon his duties, make oath or affirmation, administered by counsel for the court, in the following form:

"You swear (or affirm) that you will faithfully perform the duties of interpreter to this court. So help you God."

e. **Challenged member.** If a challenged member is to be examined concerning such as to his fitness to serve, counsel for the court shall administer the following oath or affirmation:

"You swear (or affirm) that you will answer truthfully to the questions touching your competency as a member of the court in this case. So help you God."

f. **Witnesses.** All persons who testify before the court shall be examined on oath or affirmation, administered by counsel for the court before they first testify, in the following form:

"You swear (or affirm) that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth. So help you God."

NOTE: In the administration of an affirmation, the word "affirm" is used in lieu of "swear." The words "so help you God," should be omitted in (1) administering an affirmation to one who does not believe in a Supreme Being; or (2) administering an affirmation to one whose individual religious belief forbids both his use of the word "swear" and a reference to the Supreme Deity in a secular proceeding.

0416 ORDER OF PRESENTATION

Witnesses are usually called for examination in the following order: witnesses called by the counsel for the court; witnesses called by a party; witnesses called by counsel for the court in rebuttal; witnesses called by a party in rebuttal; and witnesses requested by the court. The order of examining each witness is usually direct examination, cross-examination, redirect examination, re-cross-examination, and examination by the court. Each witness will then be permitted to make a statement relating to matters pertinent to the inquiry not previously brought out in his testimony. Thereafter, counsel for the court or counsel for the parties will be permitted to examine the witness further concerning those matters as well as any matters touched upon in examination by the court. This foregoing order of presentation need not be followed when the court, in the exercise of its sound discretion, feels that a deviation therefrom will secure a more effective presentation of the evidence. However, such deviation shall not be permitted to prejudice the interests of any party to the inquiry.

0417 ATTENDANCE OF WITNESSES

It is the duty of counsel for the court to arrange for the attendance of all witnesses, both military and civilian. Witnesses may be summoned to appear and be examined before courts of inquiry in the same manner as provided for courts-martial. The provisions paragraph 115, MCM and sections 0138-0139 of this Manual are applicable except that terminally ill or disabled to courts of inquiry will be undertaken to apply where appropriate. A warrant of attachment (see paragraph 115, MCM) shall not be issued by a court of inquiry without prior approval of the Secretary of the Navy (Judge Advocate General).

0418 INTERVIEWING WITNESSES

Counsel for the court, any party, and counsel for any party are not prohibited from interviewing any witness at any time, regardless of whether such witness has previously testified. The Privacy Act of 1974 will be complied with if an individual is asked by counsel for the court to supply personal information. See section 0308 and Appendix A-3-a.

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0419 EXCLUSION OF WITNESSES

Witnesses other than a party ordinarily should be excluded from the courtroom except when they are testifying. In some cases expert witnesses may not be able to testify in an informed manner unless they are fully aware of all the circumstances surrounding the incident under inquiry. In such instances, and where the expert witness cannot give direct testimony concerning the incident, it is necessary to allow such expert to be present during the open sessions of the court in order that he may be sufficiently advised of the facts to give informed testimony as to the technical aspects of the incident. In these instances, the record must affirmatively show that the witness was present during the testimony of other witnesses.

0420 EXAMINATION OF WITNESSES

After a witness has been sworn, he should be informed of the nature of the inquiry unless it appears that he has been previously so informed. The court should prohibit every witness from improper questions, harsh, insulting treatment, and unnecessary inquiry into his private affairs. To prevent the false coloring of testimony through collusion, communication, other means, the court may request or direct a witness (see section 0307) to refrain from discussing his testimony or prospective testimony with other witnesses or any other person not having an official interest in the inquiry. See sample record of a court of inquiry in Appendix 42(6) for form of instruction. See section 0301d regarding the Privacy Act of 1974.

0421 AFFIDAVITS

a. Conditions for use of affidavits. When the testimony of a witness is desired by a court of inquiry, but it appears that the witness resides or is beyond the State, Territory, Commonwealth, or District of Columbia in which the court is sitting, or beyond the distance of one hundred miles from the place where the court is sitting; or that the witness, by reason of age, sickness, bodily infirmity, imprisonment, military necessity, non-availability to prove, or other reasonable cause, is unable or refuses to appear and testify in person at the place where the court is sitting; or that the present whereabouts of

the witness is unknown, an affidavit of such witness may be received in evidence by the court.

b. Situations in which depositions are desired. If a situation arises in which it would be desirable to take a deposition pursuant to oral or written interrogatories, this may be accomplished in such manner as the court of inquiry may deem preferable after hearing presentations by counsel for the court and any party concerned. If there is any likelihood that the deposition might be required in a subsequent court-martial proceeding, the procedures should comply with paragraph 117, MCM and guidelines prescribed in decisions of the Court of Military Appeals.

*c. Privacy Act compliance. The Privacy Act shall be complied with if an individual is requested by a Government representative to supply personal information in an affidavit. See section 0308 and Appendix A-3A.

0422 DOCUMENTARY EVIDENCE

The original of a document or writing is superior in evidentiary value to a copy. This is true even as regards modern photographic duplications which are susceptible to tampering through such devices as masking or page substitutions. Often, it is not feasible to incorporate originals in court of inquiry records due to such factors as inconvenience involved in obtaining them, or their required retention in official files, or for use in a subsequent court-martial or civil court proceeding. In such cases the record proceedings should reflect the location of the original, contain the most reliable copy practices possible, and indicate how its reliability is established, e.g., certificate of custodian of official records or comparison of copy with original documents by counsel and/or members of the court of inquiry. A court of inquiry may receive a photostatic copy of a document, noting upon the record at the time that later assurance of the capacity and authenticity of the document will be submitted to the court or to the convening or reviewing authorities for attachment to the record.

CLASSIFIED MATERIAL

See section 0309c of this Manual.

Source: D-R-1

0424 EXHIBITS

a. General. Exhibits will be numbered in the sequence in which they are received in evidence. It is ordinarily impracticable to attach oral evidence (physical objects such as weapons, clothing, pieces of equipment, etc.) to the record. Such exhibits should be clearly and accurately described in the record by testimony or other means (photographs, for example) so that they may be considered properly on review.

b. Clarity. At the conclusion of the inquiry, articles received in evidence should be delivered to the convening authority (his designee or representative), to be preserved for subsequent use if evidence if disciplinary action is to be taken. When final action has been taken in the case, the articles shall be returned to their rightful owners. If the owners are not known appropriate dispositions may be made of them.

c. Copies. When original deck logs, bell books, or other naval records are received as exhibits, an accurate copy may be submitted when the record is prepared for submission. If damage of an admiralty nature is involved, the procedure set forth in chapter XII will be followed.

0425 COMMUNICATIONS WITH THE CONVENING AUTHORITY

If at any time during the course of the proceedings it should appear, from the evidence adduced or otherwise, that circumstances exist in the light of which the convening authority might consider it advisable to enlarge or restrict the scope of the inquiry, to alter the composition of the court (whether by augmentation or substitution), or to cancel or otherwise modify any instruction set forth in the appointing order, a report should be made to the convening authority. The court may include recommendations in this report. The convening authority may take such action on this report as he, in his discretion, deems appropriate. Copies of all such communications and replies should be appended to the record.

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0426 VISITING SCENE OF INCIDENT

When practicable, it may be desirable to visit the scene of the incident. Usually no testimony is taken at the scene, the sole purpose being to acquaint the court with the physical characteristics of the scene. The court should normally be accompanied to the scene by counsel for the court, the parties and their counsel, and the reporter, but any party may waive attendance by either or both himself and his counsel.

0427 STATEMENTS OF THE PARTIES

Regardless of whether a party has previously testified as a witness, he may make an unsworn statement to the court after all the witnesses have testified and before the arguments. The party may not be cross-examined upon this unsworn statement. Counsel for the court or any of the other parties to the inquiry may, however, introduce evidence to rebut any statements of fact contained therein. The statement may be oral or written, and may be made by the party or his counsel. The statement should be factual, not argumentative, in nature.

0428 ARGUMENTS

After the testimony and statements by the parties, if any, the counsel for the court and the counsel for the parties shall be permitted to present arguments they so desire. The impartial role of the counsel for the court required by section 0401c shall be abandoned. If counsel for the court presents argument, his remarks should be in the nature of a summation of the evidence rather than partisan advocacy. The counsel for the court has the right to make the opening argument and closing argument is made on behalf of a party the closing argument. The court may set very reasonable limitation on the length of arguments.

0429 REPORT TO THE COURT

After all evidence is in and all statements and arguments have been resolved, the court shall declare the inquiry closed. The court will then consider the evidence, statements, and arguments, and the instruc-

tions contained in the appointing order shall be carefully re-examined and scrupulously followed. At the request of the court, counsel therfor shall assist in the preparation of the findings of fact, opinions, and recommendations, or any part thereof. The report of findings of fact, opinions, and recommendations shall become a part of the record.

0430 FINDINGS OF FACT

The court, after deliberating on the evidence admitted during the inquiry, shall first proceed to record the facts found which constitute a detailed description of the matter investigated. Care shall be taken to state only facts. The findings of fact shall include only those facts which the court believes the evidence establishes, and nothing further. A fact need not be proved beyond a reasonable doubt to be listed as such; believable evidence is sufficient to support the finding if adequate. See Appendix 4e(1).

0431 OPINIONS

If opinions are called for in the appointing order or required by regulation, the court shall list all of its opinions drawn from and supported by the facts. Depending upon the nature of the inquiry and the provisions of the appointing order, opinions include inferences drawn from the facts; opinions as to performance of duty by individuals concerned or as to performance of functions by equipment involved; and opinions required by regulation. For guidance as to what opinions must be expressed and opinions which will not be required or expressed in specific situations, see chapters VIII and IX and Appendix 4e(2).

0432 RECOMMENDATIONS

When the appointing order calls for recommendations the court shall make such recommendations as are specifically directed and any others that, in its opinion, are appropriate and advisable in view of the nature of the facts found and opinions expressed. If any member of the court recommends trial by court-martial, a charge sheet, signed and sworn to by a member who has so recommended, shall be prepared and submitted to the commanding authority with the record of proceedings. See paragraph 29, MCM. If a positive letter of reprimand or admonition is recommended,

a draft of the recommended letter will be prepared and forwarded with a record of proceedings. If a non-positive letter is recommended, a draft will be prepared and separately forwarded to the appropriate commander for issuance, but will not be included as a part of the record of proceedings. See Appendix A-1-a, A-1-b(1), A-1-c(1), and A-4-e(2).

0433 DISAGREEMENT AMONG MEMBERS

The report of the court shall be based upon the opinion of the majority. If a member does not concur with the findings, opinions, or recommendations of a majority of the court, he shall append his minority report to the record and state explicitly the parts of the majority report with which he disagrees and the reasons therefor. The minority report may also include additional findings of fact, opinions, or recommendations. See Appendix 4(e).

0434 OBLIGATION OF SECRECY

Although not prohibited by his oath, no member or counsel for the court, or other person officially connected with the inquiry, shall disclose or publish any findings, opinions, or recommendations of the court or of the individual members without prior approval of the Secretary of the Navy (Judge Advocate General).

0435 PREPARATION AND SUBMISSION OF THE RECORD

a. Composition. The record of proceedings of a court of inquiry shall include the proper appointing order and any other communications from the convening authority. It shall contain the verbatim testimony of all witnesses at all proceedings of the court, except that, at the discretion of the court, arguments presented on behalf of the Government and any purpose the inquiry may be summaried. Routine functioning of the court may, however, be described in general terms as actions taken in lieu of present term recording of language actually used by participants; but this shall not include advice provided to the rights of parties or statements or advice of parties respecting the exercise or waiver of their rights. The findings of fact, opinions, and recommendations shall be included as well as documents and exhibits received in evidence by the court. See section 0436. A copy of the findings of fact, opinions, and recommendations shall be prefixed to the record. See sample record in Appendix 4d.

b. Signing and authenticating. All convening members shall sign the record immediately under the findings of fact, opinions, and recommendations. This includes an officer who participated in only part of the proceedings (provided he participated at the time of the findings). Such limited participation shall be disclosed in the record of proceedings. In the case of a minority report, the respective reports must be signed by the members of the court concurred therein. The proceedings shall be authenticated by the signatures of the president and convening officer. In case the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president, and in case the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel (Art. 13(b), UCML). See Appendix 4(e).

c. Forwarding. The record of proceedings, together with the number of incomplete copies required by the circumstances, shall be forwarded to the convening authority by the president using a short letter of transmittal. See Appendix 4b.

d. Privacy Act compliance. When an individual is requested by a Government representative to supply personal information, it is mandatory that there be compliance with subsection (e)(3) of the Privacy Act of 1974 (1 U.S.C. § 552a) in accordance with section 0304 and Appendix A-3-a. The record of proceeding must reflect the foregoing compliance.

0436 ACTION OF THE CONVENING OR REVIEWING AUTHORITY ON THE RECORD

See section 0210 and Appendix 4c of this Manual.

0437 SAMPLE RECORD

The sample record of proceedings of a court of inquiry in Appendix 4d may be used as a guide in the conduct of the proceedings of a court of inquiry. Nothing in the sample record, however, shall be considered as authority to depart from the provisions of this chapter. Deviations from the sample proceedings, when not inconsistent with the provisions of this chapter, may be made when appropriate and necessary to execute the primary mission of fact-finding more effectively. When procedural steps are taken which are not covered in the sample record, the provisions of appendix 8, MCM may be consulted for general guidance.

Chapter V

FORMAL FACT-FINDING BODIES

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PART A - FORMAL BOARDS**0901 COMPOSITION**

A formal board of investigation shall consist of two or more commissioned officers. When practicable, the senior member should be at least a lieutenant commander in the Navy or a major in the Marine Corps.

0903 APPOINTING ORDER

a. Authority to convene. For persons authorized to convene a formal board of investigation, see section 0306b of this Manual.

b. Form of appointing order. Formal boards of investigation are convened by an appointing order signed by the convening authority. The appointing order shall be in official letter form addressed to the senior member of the board. When circumstances warrant, a formal board may be convened on oral message orders. Written confirmation of oral and message orders will be issued in such case. Message orders and all confirmations of orders shall be included in the record of proceedings.

c. Content of appointing order. The appointing order of a formal board of investigation shall name the members and, where appropriate, separate counsel and parties. It shall specify the time and place for initial meeting. It shall state the specific purposes of the inquiry and shall contain explicit instructions as to the scope of the inquiry. Inasmuch as the information developed by the investigating board is used not only by the convening authority but in many cases by authorities remote from the command, the appointing order should contain ample instructions to insure the accomplishment of the purposes for which the investigation was convened. All formal boards shall be directed to report findings of fact. If the convening authority desires, he may also direct that opinions and recommendations be submitted. The appointing order may direct the administration of oaths to witnesses and the verbatim recording of the proceedings. In addition, it shall in every case state whom the formal board is or is not authorized to designate parties to the investigation. This authorization may be withheld despite the fact that the convening authority has, in the appointing order itself, designated a party or parties. This authoriza-

tion may be granted broadly or it may be limited so that a. the formal board may be empowered to designate as a party any person whose conduct or performance of duty may be subject to inquiry (subject to the limitations contained in subsection 0302b); or it may be empowered to designate parties from a specified class of persons, for example, officers. The appointing order may provide for the appointment of reporters and interpreters.

d. Seniority of members. In those instances where the convening authority has designated or has authorized a formal board to designate parties, no member of the board should be junior in rank to any duly designated party. Should an officer senior to any officer designated a party during the proceedings, the convening authority shall be notified so that he may review the membership in accordance with the seniority principle, if practicable. Whenever it has not been practicable to adhere to the seniority principle in membership, the convening authority shall state the reasons therefor in his action on the record of proceedings. The seniority principle is not applicable to counsel except when the junior member of a formal board is also acting as counsel.

e. Amend. The convening authority may amend the appointing order at any time to change the membership of the formal board; to limit or increase the scope of the inquiry; to name additional parties; or to provide additional instructions.

f. Advance copies. On occasion it may be advantageous to forward an advance copy of the appointing order to interested superiors so that they may be apprised of significant occurrences and actions being taken in connection therewith.

0903 DUTIES OF THE SENIOR MEMBER

a. General. The senior member shall preside over, decide upon matters relating to the routine business of the board. He may recur or adjourn the board to meet at a specified time and place.

b. Rulings. Should a member object to the senior member's ruling on any matter, a vote shall be taken in closed session and the decision of the majority shall govern. In case of a tie vote, the decision of the senior member shall govern.

SPECIFIC TYPES OF INCIDENTS

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- (8) Type, model, and license number of aircraft involved.

(9) A description of flight path and maneuvers of the aircraft during flight, including manner of descent and impact.

(10) The positions of external control surfaces, landing gear, canopy, etc., during the flight.

(11) The presence, condition, and use of safety communication, escape, and survival equipment.

(12) A post-accident examination of the aircraft and a detailed description of all damage to the aircraft, including wreckage diagrams, disassembly and inspection reports, wreckage photographs, and data on engine, fuselage, and control surfaces.

(13) An examination of the scene of the accident with complete information as to its precise location and a detailed description of the extent of any damage to Government or private property.

(14) A description of rescue operations employed.

(15) Instructions in effect at the time of the accident concerning personnel relating to the particular flight (including applicable local and regional flight rules governing flights).

(16) The status of all personnel aboard, i.e., whether pilot, co-pilot, member of the crew, or passenger.

(17) Performance data on aircraft in question under prevailing wind, weather, and temperature conditions.

(18) All deaths resulting from the accident and the precise medical cause thereof (substantiated by medical records, autopsy, and death certificate).

(19) The cause, nature, and extent of any injuries inflicted as a result of the accident (substantiated by medical records), including misclassification of duty determinations in the case of injuries to naval personnel, if directed.

(20) The role of other aircraft in the accident.

(21) The roles of supervisory and controlling personnel.

d. Other Federal agency participation. Participation of Civil Aeronautics Board (CAB) or the Federal Aviation Agency (FAA) is covered by UNAVINST 3730.1.

995. VEHICLE ACCIDENTS

a. Motor vehicles. If the subject matter of the investigation involves any motor vehicle accident, the following facts are important and should be covered in the fact-finding report, if applicable:

(1) Speed of vehicles involved as evidenced by testimony of witness, skid marks, condition of roads, and the damage to the vehicles.

(2) Road factors, including all road characteristics, natural obstructions to the driver's vision, and traffic signs.

(3) Other vehicles, including any part played by them in creating the conditions that resulted in the accident.

(4) Traffic conditions at the scene of the accident and their effect on the accident.

(5) Traffic laws and regulations in force pertinent to the accident, including required safety devices.

(6) Light and weather conditions and their effect on driving conditions.

(7) Mechanical condition of the vehicles involved.

(8) Physical condition of the driver, or drivers, including sobriety, fatigue and exhaustion, and the effect of their physical condition on the accident.

(9) Driving experience of the driver or drivers.

(1) Safety devices installed and whether they were being used at the time of the accident.

b. Passengers: The following information should be provided with respect to passengers:

(1) Contact of passengers and the effect thereof on the driver.

(2) Prior relationship of passengers and driver which is relevant to knowledge by any passenger of any impairment of the driver (which may have caused the accident) at the time the passenger entered or had a reasonable opportunity to leave the vehicle.

(3) Safety devices installed and whether they were being used at the time of the accident.

0904 EXPLOSIONS

a. General: The report of the fact-finding body should cover the cause and responsibility for the explosion, the extent of injuries to personnel, the damage to property and probable monetary amount thereof, and all other relevant circumstances.

b. Specific items: The following information should be included in the record, if applicable:

(1) Date, time of day, place, and probable causes.

(2) Kind of explosive or ammunition and the quantity involved.

(3) Time intervals, if measurable, between explosions.

(4) Existence of barricades and effect upon them; the existence of any hill, bank, or other object intervening between the site of the explosion and the areas affected.

(5) Weather and atmospheric conditions and their effect on shock waves.

(6) Range and extent of damage. Where feasible, maps or photographs should be included, upon which all or most of the following data may be shown:

(a) Radius of complete destruction.

(b) Radius of structural damage beyond economical repair.

(c) Radius of repairable structural damage.

(d) Radius of general glass breakage.

(e) Distances to which significant missiles were projected (include kind and weight).

(f) Distance from locations, if explosives occurred at more than one location.

(g) Distances between ships and other vessels or structures affected and distances to nearby ships or structures not affected.

(h) Approximate shape and dimensions of crater, including depth and kind.

(i) Personnel involved and the extent of their involvement.

(j) If claims are involved, see applicable chapters XII and XX through XXIV.

0905 LOSS OR STRANDING OF A SHIP OF THE NAVY

a. General: The evidence from which the findings of fact are derived should include all pertinent logs, charts, orders, and registrations. The condition of the sea and weather, the rate and direction of the tidal stream, the time of the tide, and other factors involving natural elements should be stated. Any mechanical or electronic deficiency or failure in the ship pertinent to the loss or stranding should be investigated and reported. The primary objects of the investigation should be to ascertain the cause and individual responsibility for the loss or stranding and the damage resulting therefrom. See section 0907 concerning loss or stranding as a result of enemy action.

b. Determination of ship's position. Investigation should be made as to whether the proper chart provided by the Department of the Navy was used, whether the position of the ship at the last favorable

opportunity was accurately determined and, if not, why it was last accurately ascertained. In appropriate cases, a competent officer, not attached to the ship involved and not a member of the fact-finding body, should be directed to work up the reckoning of the ship from the data available to enable the investigation body to fix the true position of the ship at the time of her taking the ground. The officer appointed to perform this duty should be called as a witness and, upon the offering of his written work in evidence, be subject to cross-examination as to the accuracy thereof. The track of the ship as determined, as well as her position when aground, as determined by voice bearings taken from the log book or by other means, should be laid off on the chart by which she was navigated.

c. Navigation in pilot waters. If land was sighted and the distance estimated before the ship struck, it should be ascertained what steps were taken during the time land was in sight to correct the ship's course and speed. The extent to which applicable instructions (e.g., those contained in Coast Pilot or Sailing Directions) were observed should be particularly noted.

d. Procedure in case of loss of a ship. Whenever inquiry is made into the loss of a ship, the investigating body should call for the report of the commanding officer of such ship containing the narrative of the disaster. This report should be read to the investigating body in the presence of the commanding officer and all of the surviving officers and crew who may be assembled and should be appended to the final report of investigation.

9006 COLLISIONS

a. General. In the event of a collision involving a naval vessel or damage caused by a naval vessel to any non-ship structure, fish net or trap, buoy, or similar foreign object which results in property damage or personal injury, the appropriate officer in command should ensure that a fact-finding body is ordered to determine the responsibility for the accident, the extent of injuries to personnel, the damage and probable cost thereof, and other attendant circumstances. The record of a fact-finding body appointed to investigate a collision should contain the name, grade, class of service, permanent home address,

length of service, and marine experience of each material witness to the collision. See section 1203b with respect to the possible use of a letter report in minor cases which are of interest only from an admiralty claim standpoint.

b. Collision with vessel or shipwrecked by naval vessels to property other than that of the U.S. Navy. The appropriate officer in command should, in addition to complying with the admiralty claims procedure (chapter XIII), ensure that an appropriate fact-finding body is ordered to investigate the incident. No officer, pilot, agent of a non-Navy vessel involved in a collision with a naval vessel shall be designated a party to a board of inquiry or to be given the rights of a party without the concurrence of the Secretary of the Navy (TAG). Such person may be afforded an opportunity to appear and give evidence as a witness, and while testifying, he may be represented by counsel. Neither the witness nor his counsel has a right to be present when other witnesses testify. The non-Navy witness whose counsel may be furnished only with a copy of that portion of the record containing his testimony and any other matter derived solely from such testimony. Ordinarily, the proceedings of the fact-finding body ordered to investigate the incident described in the heading of this subsection should be in closed session in order to safeguard the interests of the Government. See section 1203b with respect to the possible use of a letter report in minor cases which are of interest only from an admiralty claim standpoint.

c. Damage to Navy vessels or property caused by non-Navy vessels. Incidents involving damage to Navy vessels or property caused by non-Navy vessels or floating objects should be investigated in accordance with subsections a and b above.

d. Other sources of guidance. See (Admiralty Claims), chapter XIII.

9007 ACCIDENTAL OR INTENTIONAL FLOODING OF A SHIP

a. Scope of investigation. In cases of grounding, collision, or structural or material failure which involve accidental or intentional flooding of parts of a naval ship, the report of the fact-finding body should contain the following information:

(1) Draft forward and aft and list of ship before and after damage. These drafts may have to be estimated from drafts recorded on departure from last port and on arrival in port after damage.

(2) General distribution and amounts of variable weights, particularly fuel and water, before damage.

(3) Compartments flooded and the rapidity of flooding of individual compartments, if available.

(4) Cause of flooding of each compartment; that is, whether the flooding was due directly to damage to structure or due to deficiencies of structure or closures such as doors, hatchets, valves, watertight closures, etc.

(5) The material condition of readiness in effect at the time of the casualty.

(6) Summary of steps taken to control damage and to correct list or trim.

(7) Performance of installations, such as fire control, automatic door and hatch closures, etc.

(8) Extent of damage (out, machinery, electronics supplies, cargo, etc.) including description and value thereof.

⁸ b. Enemy action. A JAG Manual investigation is not required for loss, damage, or flooding of a naval vessel or craft as a direct result of enemy action. The loss, damage, or flooding of a naval vessel or craft is a direct result of enemy action when it is due to hostile action or to an unknown cause in a hostile area. The foregoing does not dispense with the requirement of a JAG Manual investigation solely because the loss, damage, or flooding occurs in the course of combat operations or due to a collision when leaving port or returning from a mission by hostile forces. Further, a JAG Manual investigation is not precluded where damage is precipitated by operational or administrative error or omission; nor does the foregoing affect the inherent right of such commanders to investigate in order to gather, evaluate, or verify the facts of a combat engagement when enemy action has resulted in loss, damage, or flooding of a naval vessel or craft. This subsection relates to JAG Manual investigations only and does not affect any other reporting requirement, such as reports required under article 0739

and 0741, U.S. Navy Regulations, 1973. See also section 0204d of this Manual.

0908 PRETRIAL INVESTIGATION

a. Investigation of charges. If practicable, when a court of inquiry or formal fact-finding body is convened to investigate an incident which is likely to result in general court-martial charges, it should be provided with sworn charges and directed to investigate the charges in accordance with Article 32, UCMJ, and paragraph 34, MCM.

b. Investigation prior to court-martial. A JAG Manual investigation of the subject matter of an offense was conducted before the accused was charged with the offense, the investigation will be used in lieu of an investigation of the offense under Article 32, UC MJ, providing:

(1) The accused was present at such investigation.

(2) advised of the offense of which accused and of his right to be represented by counsel (see section 0304b) at the investigation;

(3) informed of his rights under Article 31, UC MJ;

(4) given full opportunity to cross-examine witnesses against him if they were available; and

(5) given full opportunity to present anything he desired in his own behalf, either in defense or mitigation.

(6) All statements of witnesses were given under oath or affirmation unless such requirement was waived by the accused; and

(7) The accused, after being informed of the formal charge against him, did not demand further investigation of the charges. In the event of such demand, opportunity shall be given to the accused to recall witnesses for further cross-examination and to offer any other evidence in his behalf. See paragraph 33e(1), MCM. This may be done by additional proceedings of the court of inquiry or formal investigation, or by referring the case to a single investigating officer to have and proceed such

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HIGHLIGHTS
OF
MILLER
VS
DEPT OF STATE

James M. Ennes, Jr. Research Papers

FOLDER 27

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 84-5161

James Miller,

Appellant,

v.

United States Department
of State,

Appellee.

*
*
* On Appeal from the United
* States District Court
* for the District of
* Minnesota.
*
*
*

Submitted: September 12, 1985

Filed: December 30, 1985

Before ROSS, McMILLIAN, and ARNOLD, Circuit Judges.

ARNOLD, Circuit Judge.

This case arises under the Freedom of Information Act (FOIA), 5 U.S.C. §552. Plaintiff James Miller requested certain information from the State Department. When, after the passage of a year, he had received only a handful of documents, and repeated inquiries to Department officials had borne no fruit, he filed this suit in the District Court,^{1/} seeking injunctive re-

^{1/} The Hon. Robert G. Renner, United States District Judge for the District of Minnesota.

lief against the Department and certain named employees^{2/} and also recovery of his costs of suit, including legal fees. After receiving evidence in the form of affidavits, the District Court granted summary judgment to the State Department on the ground that its response to Miller's request had been adequate under the statute. The District Court also denied Miller recovery of his legal fees. From that order, plaintiff appeals. We affirm as to the grant of summary judgment but reverse with respect to attorney's fees and remand for further consideration in the District Court.

2.

Plaintiff Miller, an amateur historian, requested on 23 July 1981 the following information from the State Department:

- (a) All State Department documents relating to the attack on the U.S. Liberty on 8 June 1967 by Israel.
- (b) Any documentary evidence which demonstrates that this attack wasn't deliberate.

Internal documents and documents between the U.S. and Israel were both requested . . . I assume that those were documents through Dec. 1980 when Israel agreed to compensation for the U.S.S. Liberty itself.

Correspondence involving compensation to victim of this attack is not requested.

Appendix at 7.^{3/}

^{3/} The District Court dismissed the complaint as to the individual defendants, holding that only the Department of State itself is a proper defendant in this FOIA action. Plaintiff does not contest this holding on appeal.

^{2/} The U.S.S. Liberty, a United States Navy vessel, was bombed, strafed, and torpedoed by units of the Israeli Defense Force on 8

On 31 August 1981, the State Department advised Mr. Miller that a search was under way for the documents which he had requested. During December of that year, Miller twice called the State Department to check on his request. During at least one of those conversations, he mentioned an earlier FOIA request on the same subject by one James Ennes. On 15 January 1982, after he had written the Department complaining of the delay in processing his request, he was informed that the Ennes file (containing 102 documents) had been located. The State Department employee who wrote him forwarded seven of the documents from that file and stated that any other releasable documents would follow as soon as the file was organized. The official indicated that since the Ennes request had been broader than Miller's,^{4/} few of the papers would be responsive to Miller's request. Miller was also told at this time that a search had been initiated several months earlier for documents related to Israeli compensation for the loss of the ship. (This information would have been outside the scope of the 1977 Ennes request, and therefore would not have been in the file assembled for it.)

On 26 February 1982, Miller wrote the State Department requesting the entire contents of the Ennes file^{5/} that defendants said they had located, and indicating his intention to file an

June 1967. Thirty-four members of the American military were killed and 75 were wounded in the incident, which was later held to have been an accident.

^{4/} Mr. Ennes, who was injured in the Liberty incident, had requested personal information on his claim under the Privacy Act (5 U.S.C. 552a), and had also requested information on individual compensation claims, which was not within Miller's initial FOIA request.

^{5/} Defendant State Department makes much of the "confusion" engendered by this change in Miller's request. However, as applicant pointed out in oral argument, the alteration in the request appears to have been an attempt by Miller to accommodate to the difficulties which the Department appeared to be having in sorting out the medical claims documents in the Ennes file.

appeal if the documents were not released by 31 March 1982. On 7 April 1982, after hearing nothing more from the State Department on his request, Miller filed an appeal with the Department under 5 U.S.C. §552(a)(6). Acknowledging his letter on 21 April 1982, the Department declined to process his appeal because the requested material had not been "formally denied" to him. In this letter, the Department explained its tardiness as the result of "an imbalance of requests and available resources." Miller heard no more from the Department until after he filed this lawsuit in the District Court on 23 June 1982.

Miller's complaint sought (1) a declaration that the defendants' failure to respond promptly to his FOIA request constituted a denial of the documents and estopped them to assert that he had not exhausted his administrative remedies; (2) a mandatory injunction compelling the defendants to release the documents which he had requested; (3) production of a itemized index identifying each document withheld under an exemption to the Act, and justifying such withholding; (4) recovery of attorneys' fees and costs under §552(a)(4)(E); and (5) that the District Court order the Office of Personnel Management to investigate the defendants' "arbitrary, capricious, and dilatory behavior" for the purpose of considering whether disciplinary measures might be appropriate against individual State Department employees, as authorized by 5 U.S.C. §552(a)(4)(F).

Three months after this complaint was filed, the State Department provided Miller with copies of 56 documents from the previously-released "Ennes" file. After Miller filed a motion for a pretrial conference, the defendants released a total of 231 additional documents and other agencies released four documents which had been referred to them by the defendants. All of these documents were in addition to the ones which had been released to Mr. Ennes under his earlier and "broader" request under FOIA and the Privacy Act. In February 1983, Miller's motion for discovery

was heard. Release of 31 additional documents followed, even though the defendants resisted the motion for discovery. A Miller motion to compel discovery in April 1983 was followed by three more documents. In May 1983 the defendants moved for summary judgment and averred that "all of the information relevant to this request is being released in full."^{5/} Yet at least 35 additional documents trickled in in succeeding releases by the State Department. By the end of September 1983, over two years after Miller's initial FOIA request and fifteen months after filing of this lawsuit, the State Department had released to him a total of 367 documents.^{2/}

On 27 April 1984, the Magistrate filed his report and recommendation (App. at 135-50), to which Mr. Miller objected in a detailed brief. On 11 July 1984, the District Court entered an order granting summary judgment to the defendants and denying Miller the recovery of attorney's fees.

II.

Appellant appeals the grant of summary judgment on two grounds: First, that the District Court erred in finding that plaintiff had failed to raise a substantial issue of fact as to the adequacy of the State Department's search for the documents which he had requested and as to the good faith of the government affidavits which explained the search and the delays which accompanied it; and second, that the Court erred in accepting the

^{5/} First Friedman Affidavit, App. at 25.

^{2/} This total is derived from our examination of the portion of the record which is available to us in Appellant's Appendix. The exact total is somewhat uncertain. Miller states in his brief (at 14) that he ultimately received 362 documents. However, in his Objections to the Magistrate's Report (App. at 151-89), he lists three different figures, ranging from 363 to 375. The confusion could have resulted from duplicate documents or from re-releases.

State Department's justification for withholding all or part of some documents under the FOIA's national-security exemption.

A.

Summary judgment is available to the defendant in a FOIA case when the agency proves that it has fully discharged its obligations under FOIA, after the underlying facts and the inferences to be drawn from them are construed in the light most favorable to the FOIA requester. Weisberg v. U.S. Department of Justice, 705 F.2d 1344, 1350 (D.C. Cir. 1983). In order to discharge this burden, the agency "must prove that each document that falls within the class requested either has been produced, is unidentifiable, or is wholly exempt from the FOIA's inspection requirements." National Cable Television Ass'n, Inc. v. Federal Communications Comm'n, 479 F.2d 183, 186 (D.C. Cir. 1973). The adequacy of an agency's search for requested documents is judged by a standard of reasonableness, i.e., "the agency must show beyond material doubt . . . that it has conducted a search reasonably calculated to uncover all relevant documents." Weisberg, 705 F.2d at 1351. But the search need only be reasonable; it does not have to be exhaustive. See, e.g., Shaw v. U.S. Department of State, 559 F. Supp. 1053, 1057 (D.D.C. 1983). An agency may prove the reasonableness of its search through affidavits of responsible agency officials so long as the affidavits are relatively detailed, nonconclusory, and submitted in good faith. Goland v. Central Intelligence Agency, 607 F.2d 339, 352 (D.C. Cir. 1980), cert. denied, 445 U.S. 927 (1980). It was the intent of Congress that agency affidavits be accorded substantial weight in national-security cases, see S. Rep. No. 1200, 93d Cong. 2d sess. 12, reprinted in 1974 U.S. Code Cong. & Ad. News 6286, 6290. "[T]hese affidavits are equally trustworthy when they aver that all documents have been produced or are unidentifiable as when they aver that identified documents are exempt." Goland, 607 F.2d at 352.

Despite this weight to be accorded to agency affidavits, the burden remains on the government to demonstrate that it has thoroughly searched for the requested documents where they might reasonably be found. If the agency has not made this showing, then the requester can avert a motion for summary judgment merely by demonstrating some reason to think that the document would have turned up if the agency had looked for it, e.g., by showing that the document originated with the agency or that the agency is set up to retrieve just that kind of document. See Weinberg, 705 F.2d at 1351. But once the agency has shown by convincing evidence that its search was reasonable, i.e., that it was especially geared to recover the documents requested, then the burden is on the requester to rebut that evidence by showing that the search was not in fact in good faith. Id. Summary judgment would be improper if the adequacy of the agency's search were materially disputed on the record, for such a dispute would indicate that material facts were still in doubt.

The State Department in this case furnished affidavits by responsible officers setting out in detail the search procedure used in responding to Miller's request.^{1/} As these officials explained, the State Department maintained no separate file on the subject "U.S. Liberty," at least prior to 1973. Before that date, State Department Central Files were indexed by fairly broad "concept terms." In order to retrieve documents on the U.S. Liberty incident, department personnel searched manually through the subject-matter files which were most likely to contain such material. Two such sets of subject-matter files were initially screened for Liberty documents: "POL 27 Arab-Israel" and "IS 8-4 U.S.-Israel." "POL 27" indicated "military operations"; "IS 8-4" covered "seizures and damages."^{2/} The

^{1/} P.A. 8-4, First affidavit of Frank N. Machak, App. at 58-61; Second affidavit of Jack Friedman, App. at 83-99.

^{2/} First Machak affidavit, App. at 61.

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search covered these files for the years 1967 to 1973. "The POL 27 Arab-Israel" file for the years 1967 to 1969 alone contained about 20,000 documents;^{10/} presumably the other files were also large. As documents relating to the Liberty incident were located in these files, they were removed for more detailed screening; each one was assigned a sequence number for the purposes of this FOIA request. Ultimately, a total of 619 documents were retrieved and numbered as a result of this and subsequent searches.^{11/}

Documents which had entered the State Department Central Files subsequent to 1973 were cross-indexed in a computer system by subject-matter, proper name, organization, and other categories.^{12/} For these materials, retrieval was possible under the category "U.S.S. Liberty" (assuming, of course, that all documents had been properly cross-indexed when they were first placed in the files) without laborious manual screening. In addition, the Department searched organizational files outside of the Central Files^{13/} and located a few Liberty-related documents, which were also included within the sequence numbered 164-619.

After retrieval of documents from the files, each document was reviewed to ascertain whether it was within the scope of Mr. Miller's request.^{14/} During this substantive review, documents which did not in fact relate to the Liberty incident were set aside, as were documents which were not responsive to

^{10/} Id.

^{11/} The first 163 documents in the sequence were the "Bnnes" file, which apparently had been maintained separately after Mr. Bnnes' FOIA request in 1977. See App. at 75.

^{12/} First Machak affidavit, App. at 61.

^{13/} First Machak affidavit, App. at 74-75.

^{14/} Second Friedman affidavit, App. at 84-86.

Miller's request, such as individual compensation claims.^{15/} Documents which were duplicated in the file were also removed.^{16/}

After substantive review of the retrieved documents, each document was reviewed in order to determine whether it should be withheld under one of the statutory exemptions under the FOIA. Documents which were deemed to be withholdable were removed from the sequence. Ultimately, Mr. Miller received about 367 out of a numbered sequence of 619 pieces. The processing procedure outlined above explains, at least facially, the numbering gaps which the appellant points to as evidence of "missing" and presumably unaccounted-for documents.

Since the State Department has provided affidavits which set out in detail and in non-conclusory terms the steps which the Department took in searching for the materials requested by Miller, it is incumbent on the Appellant to raise a substantial and material factual issue in regard to the reasonableness of the search. This can be done either by contradicting the defendants' account of the search procedure or by citing evidence of the defendants' bad faith. See, M.G. Branton v. Department of State, 636 F.2d 600, 606 (D.C. Cir. 1980), cert. denied, 452 U.S. 905 (1981). Miller has sought to do this by (1) evidence of existing but unreleased and unaccounted-for documents; (2) evidence that the Department released a number of documents long

^{15/} As noted above, Miller's initial FOIA request specifically excluded these materials. In February 1982, he amended his request to include all material which had been released under the Ennes request, but in August of that year indicated that he still did not want individual medical claims materials. See Second Friedman affidavit, App. at 86. However, when the plaintiff complained that the Department was deliberately withholding relevant material from the Ennes file, these medical claims documents were reprocessed and released to him. Third Friedman affidavit, App. at 104-05.

^{16/} First Friedman affidavit, App. at 24.

after it had averred by affidavit that all responsive documents had been released; and (3) evidence of the Department's delay in responding to his request.

Miller asserts that he has repeatedly identified for the State Department particular documents which were internally referred to in documents released to him. He argues that the fact that these referenced documents were not sent to him indicates an inadequate search on the part of the State Department. Essentially, he is attacking the competency of the search method because it did not uncover known and identified documents. However, the standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials. The fact that a document once existed does not mean that it no longer exists; nor does the fact that an agency created a document necessarily imply that the agency has retained it. Thus, the Department is not required by the Act to account for documents which the requester has in some way identified if it has made a diligent search for those documents in the places in which they might be expected to be found; it is not necessary "to create a document that does not exist in order to satisfy a (FOIA) request." Yeager v. Drug Enforcement Administration, 570 F.2d 315, 321 (D.C. Cir. 1982). Moreover, the filing system which an agency uses is designed in most instances to serve its internal needs; in responding to a FOIA request, the agency is required to make a diligent effort calculated to uncover the requested document but need not restructure its entire system in order to satisfy the request. See McGhee v. Central Intelligence Agency, 697 F.2d 1095, 1100 (D.C. Cir. 1983), modified in part on reh'g, 711 F.2d 1076 (D.C. Cir. 1983). The competence of a records search must be determined in relation to the circumstances of the case. If the applicant is able to show circumstances indicating that further search procedures were available without the Department's having

to expend more than reasonable effort, then summary judgment would be improper. See Founding Church of Scientology v. National Security Agency, 610 F.2d 824, 834 (D.C. Cir. 1979). The State Department here set out in detail the search methodology used to recover relevant documents. It explained that for documents filed before 1973 retrieval by reference was impracticable, although retrieval by subject matter (the method used) could be expected to locate relevant referenced documents. For documents generated after 1973, the Department was able to, and did, locate internally referenced material through computer search. Appellant has not shown here that other reasonable means would have satisfied his request. He alleges that the search was insufficient because the Department did not do all that it could; we agree with the District Court, however, that it did all the Act required.

Miller also argues that the affidavits of State Department officials were internally contradictory and artificially contrived to mislead as to the existence of undisclosed documents. In particular, he points out that the State Department on more than one occasion during the course of this matter suggested or openly asserted that all relevant documents had finally been released - only to disgorge, upon further prodding, additional documents. For instance, on 15 January 1982, before this lawsuit was filed, the Department informed Mr. Miller that it had located 160 Liberty documents and that "[n]ot very many of these relate directly to the attack and the reasons for it."¹⁷ Although this statement certainly carried the implication that there would not be many materials responsive to Mr. Miller's request, the statement when read in context clearly refers to the Ennes file, which subsequent affidavits showed was searched first by the Department in order to provide Miller with some documents he

¹⁷ See Blair P. Hall letter, App. at 10.

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could use while the rest of the search was being completed.^{19/}

A subsequent statement in the first Friedman affidavit, which was filed with the defendants' motion for summary judgment, is more troublesome. Friedman indicated that of over 500 documents retrieved in the search, only 269 were responsive to the request^{19/} and that with the exception of one classified document, "all of the information relevant to this request is being released in full . . ."^{20/} Clearly, the Department was stating here that the well was dry and that it had completed its search and released all that it could release. But over the next four months between 34 and 40 additional documents came to light and were belatedly released to Miller. He asserts that the tardy release of these documents is evidence of bad faith on the part of the Department and that this evidence is sufficient to raise a factual issue and avert summary judgment.

While the discovery of additional documents is evidence that the search was not thorough, Goland v. Central Intelligence Agency, 607 F.2d 367, 370 (D.C. Cir. 1979) (opinion modified per curiam), cert. denied, 445 U.S. 923 (1980), such discovery is not conclusive of agency bad faith. It may be indicative of administrative inefficiency; see Parry v. Block, 684 F.2d 121, 129 (D.C. Cir. 1982). It may, as in this case, indicate reluctant diligence by the agency under the goad of persistent litigation by a determined plaintiff. We note that the number of documents released after the Friedman declaration that all documents had been released is small when compared with the total; the record also shows that many of these documents were

^{19/} First Machak affidavit, App. at 74.

^{20/} See App. at 24. Apparently, the 269 documents did not include the "Ennes" documents previously released to Miller.

^{20/} App. at 25.

outside the scope of Mr. Miller's original request but were added later when he apparently broadened his request.^{21/} The Department's explanation of the release of these documents is plausible. The fact that they were in fact released after Mr. Miller broadened his request seems to us to be evidence of good faith and diligence rather than bad faith and dilatoriness. See Galand, 607 F.2d at 355.

Appellant points to the long delay he experienced in receiving these documents as more evidence of State Department bad faith. We agree that the Department's response to his FOIA request left something to be desired. The progress which was made in processing the request can at best be described as glacial, particularly before the lawsuit was filed.

The State Department explains its behavior as being the result of overwork or understaffing.^{21/} A large portion of the work of the Department personnel who process FOIA requests involves responding to information requests from the Department itself or from other government agencies. Approximately 24,000 such requests are processed each year. Since these requests are in the ordinary course of ongoing government operations, it is understandable that they receive priority processing. FOIA requests are dealt with in chronological order as they are

^{21/} See First Machak affidavit, App. at 63-64 and *passim*; Second Friedman affidavit, App. at 86; and Third Friedman affidavit, App. at 104-05. Thirteen of these documents were Department responses to Congressional inquiries on behalf of constituents. They were initially thought to have been outside the scope of Miller's request. Two were similar responses to inquiries from citizens. Three were letters from Congressmen, which arguably were also outside the scope of the original request. Six were documents from the Ennes file which dealt with injury and death claims. One document was initially thought to be a duplicate. The remainder were Ennes documents which through administrative error were not screened for release initially.

^{22/} First Machak affidavit, App. at 59.

received but after intragovernment requests are satisfied. Approximately 4,500 FOIA requests are received each year. Defendant claims that the crush of work has resulted in a continuous backlog of about 3,000 FOIA requests at any time, with resulting delays in the processing of individual requests.

Whether the backlog and delays result from understaffing or from misapplication of resources or from bureaucratic inertia is a matter of concern for State Department managers, but it is immaterial to our decision here, for none of these things by itself would constitute bad faith as to this plaintiff's request. Delay alone is significant only to the extent that evidence shows that the delay resulted from bad-faith refusal to cooperate. Appellant has shown us the delay and has concluded that it resulted from bad faith. However, that delay, when considered in the light of the ultimate disclosure of the documents which Miller requested and the State Department's tardy but eventually complete accounting of its search, is not enough to impugn the credibility of the affidavit which the Department submitted. Once the agency has demonstrated that it has made a reasonably thorough search in the places where the documents are likely to be found, and has accounted for the documents, and the requester has failed to show that such a search was not made, then the federal courts have no further statutory duty to perform under the Act.^{33/} We agree with the District Court that the defendants have documented an adequate search under the Act, and affirm the summary judgment on that point.

B.

Miller asserts that the State Department improperly exempted from disclosure twelve documents on the basis of FOIA exemption

^{33/} This is apart from the matter of attorneys' fees, which we take up in Part III infra.

(b)(1), the national-security exemption.^{24/} He states that the Department applied the wrong Executive Order in classifying these documents and claims that the fact that final classification in some instances did not occur until 1983, some sixteen years after the Liberty incident, points to agency duplicity. He appeals the District Court's order declining to order production of the classified documents for an in camera review of the propriety of the classification decision.

The national-security exemption is designed to accommodate the government's need for protecting sensitive materials to the general duty to disclose imposed by FOIA. Since the exemption runs counter to the dominant objective of the Act, the exemption is to be narrowly construed. Davis v. Central Intelligence Agency, 711 F.2d 858, 861 (8th Cir. 1983), cert. denied, 104 S. Ct. 1307 (1984). When an agency seeks to withhold classes of government documents under this exemption, the court is required to determine de novo the propriety of the agency's decision. See 5 U.S.C. §552(a)(4)(B). But since the agency has unique insight into the adverse effects which might result from public disclosure of certain classified information, substantial weight must be accorded to its affidavit justifying exemption. Military Audit Project v. Casey, 656 F.2d 724, 738 (D.C. Cir. 1981). However, the burden rests on the government to prove the propriety of the exemption. Since the government is in the best position to explain the exemption of particular documents and the party seeking disclosure presumably does not know the contents of those documents, the government cannot adequately carry its burden through "barren assertions" that the document is exempt. See Scientology Church of Scientology v. National Security Agency, 610 F.2d 824, 831 (D.C. Cir. 1979). Instead, it

^{24/} 5 U.S.C. §552(b)(1)(A) exempts from disclosure matters "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy . . .".

generally is necessary for the agency to provide affidavits which justify the claimed exclusion of each document by correlating the purpose for exemption with the actual portion of the document which is alleged to be exempt. See Vaughn v. Rosen, 484 F.2d 820, 827-28 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In the present case, the State Department provided a series of affidavits explaining in detail the reasons why twelve of the documents sought by Mr. Miller contained material which might damage the national security if it were released. This is sufficient to carry the Department's burden of proof unless the plaintiff can show that the affidavits were submitted in bad faith. Cox v. United States Department of Justice, 576 F.2d 1302, 1312 (8th Cir. 1978). No such showing is made here.

Miller claims that the Department applied the wrong Executive Order in determining that these documents were not subject to disclosure. The Order in effect when Miller first made his request (E.O. 12065, 3 C.F.R. 166 (1979)) contained, with some qualifications, an automatic declassification schedule of six years for all documents except those marked "top secret." Id. at §1-4, 3 C.F.R. at 193. However, the Department applied Executive Order 12356, 3 C.F.R. 166 (1983), which removed the automatic declassification schedule and left the decision to declassify to the discretion of agency officials. Id. at §3.1, 3 C.F.R. at 171-72.

We find Miller's objections on this point to be insubstantial. While the courts apply the Executive Order which was in effect when the classifying official finally acted, see Lesser v. United States Department of Justice, 636 F.2d 472, 480 (D.C. Cir. 1980), the agency has the power to reclassify at any time. Id. The agency may also apply a new Executive Order which becomes effective during pendency of the lawsuit, since to deny it that power would defeat the purpose of the FOIA exemption by forbidding the government from responding to changes in national-

security needs. See Afshar v. Department of State, 702 F.2d 1125, 1136 (D.C. Cir. 1983). Miller points out that the State Department never acted to classify some of these documents until after they were requested by him, some sixteen years after the Liberty incident. He argues, with some logic, that the statement of the Department that these documents contain sensitive national-security material ought not be accepted as trustworthy when the same documents apparently lay in the files unexamined for such a long period. The inference is not conclusive enough to carry the day. It would be unwise to forbid the agency to re-examine documents which may have been overlooked at an earlier time, since to do so would run counter to the purpose of the exemption. The mere fact of delay in declassification by an agency is insufficient to justify disclosure of information which may be damaging to the national security, so long as the substantive standards of the appropriate Executive Order were applied by the agency when the decision to classify was ultimately made. See Baer v. United States Department of Justice, 647 F.2d 1328, 1332-33 (D.C. Cir. 1980).

We hold that the District Court properly applied the law in granting the defendants' motion for summary judgment and in denying plaintiff's motions for in camera inspection of classified documents.

III.

Even though we hold that the plaintiff has not shown a disputable factual issue as to whether the defendants responded in good faith to his request, the conclusion seems inescapable that but for the plaintiff's persistent prosecution of his claim he would not have received the documents which he did. A review of the chronology of this case is illuminating. In January of 1982, the plaintiff received seven documents which had been released to James Ennes, an earlier FOIA requester. The State

Department indicated at that time that screening of the file was almost complete and that few other documents would be responsive to Miller's request, noting that the Ennes request had been broader than Miller's. Mr. Miller received no more documents from the Department until after he filed suit in June of 1982. Then, in September of that year he received 1 additional documents from the Ennes file. In October, plaintiff made demand for a pretrial conference, and in November he received 72 documents, these being material that had never been released to Ennes. One hundred sixty-one new documents arrived in January of 1983 as Miller continued to press his lawsuit. As pretrial motions and briefs were filed, more documents were disgorged, even after the defendants had repeatedly stated that they had sent all that were responsive. In all, Miller received 367 documents from the State Department prior to the District Court's decision in this case; all but seven of these were received after he filed the suit. It is significant that Mr. Miller ultimately received over double the number of documents that Mr. Ennes did, even though the Ennes request was perceived by the State Department as broader than Miller's. We note that Ennes also filed a lawsuit over his FOIA claim, but that he pressed his suit pro se.

Congress amended the FOIA in 1974 to authorize the award of attorneys' fees to parties who had "substantially prevailed."^{25/} In doing so the Congress left to the traditional equitable discretion of the trial court the decision whether such fees should be awarded in any particular case. Fenster v. Brown, 617 F.2d 740 (D.C. Cir. 1979). However, the discretion of the District Court is not absolute. Once a plaintiff has shown

^{25/} This passage reads in full: "The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed." 5 U.S.C. § 552(a)(4)(B).

himself to be "eligible" for attorneys' fees, the court must determine whether he is "entitled" to such an award, see Church of Scientology v. Harris, 653 F.2d 584, 587 (D.C. Cir. 1981), and this determination is reviewable for abuse of discretion.

A FOIA claimant is eligible for an award of attorneys' fees if he has substantially prevailed through his lawsuit. It is not necessary that the claimant have received a favorable judgment in order to have prevailed. But if the plaintiff has not received favorable judgment, then he must show, first, that prosecution of the action could reasonably be regarded as necessary to obtain the information, and, second, that the existence of the lawsuit had a causative effect on the release of the information. Ginter v. Internal Revenue Service, 648 F.2d 469, 471 (8th Cir. 1981). The facts set out above support a finding that this suit was necessary to force the release of the documents. The facts also support a finding that Mr. Miller's persistent litigation of his FOIA claim was the principal cause of the Department's eventual diligence in releasing these documents. This conclusion is not inconsistent with our holding in Part II, supra, that the State Department in the end responded adequately and in good faith to Mr. Miller's request, since that holding deals with the adequacy and good faith of the Department's belated search after it was prodded into action by this lawsuit. In these circumstances, Mr. Miller is eligible for reasonable attorneys' fees under the Act, and the District Court's implicit finding to the contrary is not permissible.

Having found that Miller was eligible for attorneys' fees, the court is required to determine his entitlement by considering all relevant factors. This decision is ultimately within the sound discretion of the trial court, but that discretion can be abused if the court fails to consider properly the relevant factors and document its reasoning sufficiently to provide a basis for decision. LaSalle Extension University v. FCC, 627

F.2d 481, 485 (D.C. Cir. 1980). Among the factors which the court should consider when determining a prevailing litigant's entitlement to attorneys' fees under FOIA are: (1) the benefit to the public to be derived from the case; (2) commercial benefit to the complainant; (3) the nature of the complainant's interest in the records which he seeks; and (4) whether the government's withholding of the records had a reasonable basis in law.^{26/} *Id.* at 483.

Probably the most important consideration in determining entitlement to fees in a FOIA case is the benefit to the public which is to be derived from release of the information sought. The underlying purpose of FOIA is to ensure that government is conducted in the open. Congress intended the public to have the maximum access to government records that was consistent with maintenance of national security and orderliness of government operations. Media requesters have an obvious claim to acting in the public interest, but that role is not to be denied to private parties such as Mr. Miller and other researchers and writers who seek to shed light on the actions of the government and the underlying circumstances of newsworthy events. The defendants protest that there is minimal public value in disclosure of information related to the Liberty incident, since it happened over eighteen years ago. Appellees' Brief 43-44. We strongly disagree. There is considerable public value in any disclosure which adds significantly to the fund of information which citizens may use in making political choices, see Blue v. Bureau of Prisons, 570 F.2d 529, 533-34 (5th Cir. 1978), and litigation which results in such disclosures is additionally beneficial when

^{26/} The source of these criteria is H. Rep. No. 854, 93d Cong., 2d Sess. 19 (1974), quoted in Fenster v. Brown, 617 F.2d 740, 742 n.4 (D.C. Cir. 1979). Although the criteria were deleted from the bill in its final form, the deletion apparently resulted from a sense that existing law already recognized these factors and that a formal reiteration of them in the statute would be unnecessary. See Fenster, 617 F.2d at 742-43 n.4.

it causes a government agency to take seriously its responsibilities under FOIA. Cuneso v. Eisenfeld, 553 F.2d 1380, 1386 (D.C. Cir. 1977).

A second factor, the commercial benefit to the claimant, is an inverse of the first. To the extent that the requester seeks government information primarily for private gain, his FOIA action is a matter of his own concern and expense and not of advocacy to serve a public interest. It was not the purpose of Congress to subsidize essentially private disputes with the government. Cuneso, 553 F.2d at 1386. Since the appellants do not allege that Miller is pursuing any commercial advantage through his request for government information, this factor is also in Miller's favor.

Similarly, the third factor (the nature of the complainant's interest in the records) must be resolved in favor of the plaintiff. When the FOIA requester acts on behalf of an articulated public interest, or when he seeks information for disinterested scholarly purposes, he is more likely to be furthering the purpose of FOIA than when his primary interest is to advance a purely personal goal. See Blue v. Bureau of Prisons, 570 F.2d 539, 534 (5th Cir. 1978); Nationwide Building Maintenance, Inc. v. Sampson, 559 F.2d 704, 712 (D.C. Cir. 1977). Appellees concede that Miller's interest in the records in this case is primarily scholarly. Appellees' Brief 44.

The fourth criterion which must be weighed in determining entitlement to fees is whether the government's withholding of the requested information had a reasonable basis in law. The State Department asserts that it had a sound reason for withholding the national-security material and certain other exempt documents (which are not subjects of this appeal). We agree with that contention, but it applies only to a few documents. The real issue here is whether the Department had a

We hold that Mr. Miller substantially prevailed in his objective of acquiring from the State Department the documents which were the subject of his FOIA request. He prevailed because his vigorous prosecution of this lawsuit compelled the Department to take his request seriously. Having prevailed, Miller was eligible to recover attorney's fees and the costs of his suit. We conclude that the District Court abused its discretion in its assessment of the four factors relevant to the award of fees. We therefore remand to the District Court for a determination of the proper amount of fees and costs to be awarded.

Affirmed on the merits, vacated and remanded with respect to attorneys' fees and costs.

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CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

No. 64-3161

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

JAMES MILLER,

Plaintiff-Appellant,

v.

UNITED STATES DEPARTMENT OF STATE,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

PETITION FOR REHEARING

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IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 84-5161

JAMES MILLER,

v.
Plaintiff-Appellant,

v.

UNITED STATES DEPARTMENT OF STATE,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

PETITION FOR REHEARING

INTRODUCTION

At the outset, defendant wishes to state that it considers the Court's decision on the merits in this action to be thorough and well-reasoned. It is only because defendant believes that the Court's decision reversing the district court's denial of attorney's fees does not accord sufficient deference to the district court's determination that plaintiff is not eligible for an award of fees that defendants feel constrained to petition the Court for rehearing.

In its slip opinion, this Court affirmed the district court's decision granting summary judgment for defendant on the merits of this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, but reversed the district court's denial of attorney's fees under the FOIA, 5 U.S.C. 552(a)(4)(E), because the Court drew different inferences from the chronology of this litigation. In reversing the denial of fees on this basis, however, the Court has exceeded the narrow scope of review of district court factual determinations, notwithstanding the Supreme Court's recent pronouncement that "[w]here there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous." Anderson v. Bessemer City, 105 S. Ct. 1512 (1985). Accordingly, defendant respectfully petitions the Court to vacate its reversal of the district court's denial of attorney's fees.

STATEMENT

The history of this litigation is fully set forth in this Court's slip opinion (2). Defendant does not take issue with the Court's recitation of the facts; defendant maintains only that in reversing the district court's denial of fees, the Court improperly substituted its own view of the history of the litigation for that of the district court, even though the district court's determination was based upon a "permissible view of the evidence."

Specifically, this Court concluded that plaintiff "substantially prevailed" in this action because the timing of defendant's document releases to plaintiff indicated "reluctant

diligence by the agency under the goal of persistent litigation by a determined plaintiff" (slip op. 12). The Court stated that the record "support[s]" this finding (id. 19). The district court, however, had carefully articulated the criteria for an award of attorney's fees under the FOIA and concluded that "[c]learly, the plaintiff has not met the criteria necessary to support such an award" (App. 199-202). There was ample support in the record for this determination, especially since the magistrate to whom the case had been assigned had previously recognized that delays in releasing material to plaintiff were due to defendant's administrative backlog in processing FOIA requests and to the ever-changing nature of plaintiff's FOIA request (App. 140-41, 148-49). This Court nonetheless saw fit to draw inferences from the chronology of the litigation contrary to those drawn by the district court, and to state that the district court's finding that plaintiff had not "substantially prevailed" was "not plausible" (slip op. 19), although the latter court's view had ample support in the record --- as this Court conceded elsewhere in its opinion (slip op. 12-14, 27).¹

* Indeed, the Court stated, with respect to material released after plaintiff filed suit, that "[t]he Department's explanation of the release of these documents is plausible" (slip op. 13). The Court reiterated this view elsewhere in its opinion (slip op. 22).

ARGUMENT

In Anderson v. Bremerton City, 105 S. Ct. 1504 (1985), the Supreme Court emphasized the limited scope of court of appeals' review of the district court's factual determinations. In reversing the Fourth Circuit's ruling and reinstating the district court's decision,² the Court stressed that "[w]here there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous."

Id. at 1512; see also Perfetti v. Commissioner of Internal Revenue, 762 F. 2d 638, 640 (8th Cir. 1985); Brenfert v. Board of Governors, No. 85-3648 (9th Cir. December 15, 1985) (reproduced in addendum). This Court should heed the Supreme Court's admonition in Anderson by vacating Part III of its decision reversing the district court's denial of attorney's fees in this action, since the district court's determination that plaintiff is not eligible for an award of fees under the FOIA plainly was based on a "permissible view" of the evidence.

As this Court recognized, the district court's decision to award or deny fees under the FOIA is reviewable under an abuse of discretion standard, but "the discretion of the District Court is not absolute;" plaintiff must satisfy both the "eligibility" and "entitlement" criteria of the FOIA attorney's fee provision. Slip op. 18-19. It is the "eligibility" test which is the focal point of the dispute in this case.

² Anderson was a Title VII case in which the court of appeals reversed as clearly erroneous the district court's finding that plaintiff was a victim of discrimination.

As the Court also recognized (*ibid.*), plaintiff is only eligible for an award of fees under the FOIA if he "substantially prevailed" in the lawsuit. Furthermore, for a FOIA plaintiff to be eligible for fees, it is not enough that the plaintiff has received documents after the suit was filed, Ginter v. Internal Revenue Service, 648 F. 2d 469, 471 (8th Cir. 1981);³ as the Court stated (slip op. 19), a plaintiff has "substantially prevailed" only if the suit: (1) was reasonably necessary to obtain the information; and (2) had a substantive-causative effect on the production of the requested information. It is the plaintiff's burden to demonstrate that he "substantially prevailed." Finally--and most importantly for purposes of this case--"the findings of the district court on whether the plaintiff has 'substantially prevailed' are to be

³ See also Weisberg v. Department of Justice, 745 F. 2d 1776, 1495-98 (D.C. Cir. 1984), in which the court of appeals vacated the district court's conclusory holding that the plaintiff had "substantially prevailed" simply because he received thousands of pages of material in the course of the litigation. There, as here, the government took the position that the plaintiff had received documents during the litigation as the result of the administrative processing of his request, and that much of the material that the plaintiff received was actually outside the scope of his request. Similarly, in Stein v. Department of Justice, 662 F. 2d 1245, 1261-52 (7th Cir. 1981) and Cox v. Department of Justice, 601 F. 2d 1, 6 (D.C. Cir. 1979), the court of appeals affirmed the district court's holding that the plaintiff had not "substantially prevailed" where he had received material in the course of the litigation as a consequence of the ongoing administrative processing of his request.

affirmed unless clearly erroneous." Ginter v. Internal Revenue Service, 648 F. 2d at 471 (emphasis added).

In the case at bar, the district court recited at great length (App. 199-202) the criteria for an award of fees before concluding that "[c]learly, the plaintiff has not met the criteria necessary to support such an award" (App. 202). There was ample evidence supporting the district court's denial of fees, and affirmance was therefore mandated under the standard articulated by the Supreme Court in Anderson and this Court's Ginter decision.⁴ First of all, the magistrate to whom this case had been assigned had recognized that the delay in releasing documents to plaintiff was due to both the tremendous backlog of FOIA requests (App. 140-41) and the confusion and uncertainty engendered by the constantly changing scope of plaintiff's request (App. 148-49). Cf. Weisberg v. Department

⁴ It is immaterial that the district court did not make express factual findings in this case. As this Court recognised (slip op. 19), the district court made an "implicit finding" that plaintiff had not "substantially prevailed" in this action. Moreover, the district court's order denying fees in this case is considerably less cryptic than the order denying fees in Ginter, which said only that "[t]he defendant's motion for summary judgment having been granted, the plaintiff's motion for attorney's fees is hereby denied." 648 F. 2d at 471, and which this Court affirmed on the ground that plaintiff had not "substantially prevailed" in the lawsuit. Here, as in Ginter, "an explicit indication of the factors before the district court appears in the record to enable [this Court] to conclude that the district court did not abuse its discretion" in denying fees. Id. at 471 n. 4. Since the district court's denial of fees in the instant case has adequate support in the record, there is no basis either for reversal of the district court's decision or for a remand. The district court's finding that plaintiff did not "substantially prevail" is based on a "permissible view of the evidence" and therefore should be upheld.

James M. Ennes, Jr. Research Papers

of Justice, 745 F. 2d at 1493-98, and Cox v. Department of Justice, 601 F. 2d at 6.⁵ Indeed, this Court also observed that both of these factors played a role in the delay (slip op. 12-14, esp. 13 nn. 21 and 22), and there was ample evidence in the record to support this view. See, e.g., App. 9, 10, 11, 13, 59, 63-64, 86, 104-106, 122.⁶ Nonetheless, this Court inferred (slip op. 12) that the delay was due to "reluctant diligence" by the agency, and stated that the district court's contrary view was "not plausible" (*id.* 19), notwithstanding the fact that there was ample support in the record for the district court's view.

The misapplication of the "clearly erroneous" standard of review in this case is further highlighted by the language of the opinion itself. The Court states that "[t]he facts set out above support a finding that this suit was necessary to force the release of the documents" and that "[t]he facts also support

⁵ In both Weisberg and Cox the court recognized the significance of administrative backlog and constantly changing requests for purposes of the "substantially prevailed" inquiry. Furthermore, in Weisberg the court observed that a plaintiff does not "substantially prevail" merely because the agency endeavored to accommodate him by supplying material outside of the scope of his request in the course of litigation. 745 F. 2d at 1498.

⁶ The cited portions of the appendix demonstrate that it was particularly unclear whether plaintiff's request encompassed congressional correspondence and compensation claims arising out of the U.S.S. Liberty incident. E.g., App. 63-64, 86, 104-106, 122. Accordingly, this Court stated that "[t]he Department's explanation of the release of these documents is plausible" (slip op. 13), and reiterated that view later in its opinion (*id.* 22).

a finding that Mr. Miller's persistent litigation of his FOIA claim was the principal cause of the Department's eventual diligence in releasing these documents" (slip op. at 19). This analysis is inconsistent with the Supreme Court's teaching in *Anderson* that "[w]here there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous." 105 S. Ct. at 1512. Here, the district court took a "permissible view" of the evidence regarding the chronology of the State Department's release of documents to plaintiff, a view which this Court conceded to have support in the record (slip op. at 12-14, 22). The Court nevertheless reversed the denial of fees to plaintiff, because it believed that the record also supported a contrary view of the evidence.⁷ This approach cannot be squared with the Supreme Court's *Anderson* holding.

⁷ In reversing the district court's denial of fees, this Court relied chiefly upon the chronology of the litigation and the fact that plaintiff received more documents than another requester, Mr. Ennes. As the *Ginter, Weisberg, Stein and Cox* decisions demonstrate, however, the mere fact that "the plaintiff has received material after commencement of the action does not necessarily mean that the plaintiff is a 'substantially prevailing party' for purposes of a fee award under the FOIA; the plaintiff must satisfy the two-part test identified in *Ginter*, 648 F. 2d at 471. See also slip op. at 19. Here, the district court determined that plaintiff did not satisfy this requirement, and its decision--which has extensive support in the record--is not clearly erroneous.

With respect to the Ennes file, the reason that plaintiff received more documents than Mr. Ennes--whose request was only "broad" in the sense that it sought information on medical and compensation claims arising out of the U.S. Liberty incident, as well as on the incident itself (App. 74, 86, 137)--is that plaintiff ultimately decided that he wanted the entire Ennes file (App. 11), and it was supplied to him, as was other material, such as congressional correspondence, which was outside the scope of plaintiff's request. All of this material
(CONTINUED)

Under these circumstances, it cannot fairly be said that the district court abused its discretion in denying an award of attorney's fees, or that its determination that plaintiff did not "substantially prevail" in this litigation is clearly erroneous. As we have shown, there was ample support in the record for this determination. Thus, in light of Anderson and Ginter it was inappropriate for this Court to reverse the district court's denial of fees. Accordingly, defendant respectfully ^{asks} the Court to vacate Part III of its opinion and to affirm the denial of attorney's fees in this action.

⁷ (FOOTNOTE CONTINUED)

was provided to him, however, after he indicated an interest in it. Thus, the statement that the Ennes request was "broader" has been taken out of context, and a comparison of the number of documents Ennes received with the number plaintiff ultimately received does not shed light on the issue of whether plaintiff "substantially prevailed."

In any event, the crucial point remains that the district court took a "permissible view of the evidence" in denying fees in this case. The denial of fees therefore should not be disturbed on appeal.

CONCLUSION

For the foregoing reasons, Part III of this Court's slip opinion should be vacated, and the district court's denial of attorney's fees in this FOIA action should be affirmed.

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JANUARY 1986

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January 1986, I served the foregoing Petition For Rehearing En Banc upon court by causing copies to be mailed, postage prepaid, to:

Gary Weissman, Esquire
French & Weissman
Suite 510 Sexton Bldg.
529 South Seventh Street
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Jol. 2. by
JOHN P. KOPPER
Attorney

ADDENDUM

James M. Ennes, Jr. Research Papers

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANNE ROLF BRAAFLADT,
Plaintiff-Appellant,
v.
THE BOARD OF GOVERNORS OF THE
OREGON STATE BAR ASSOCIATION, et
al.,
Defendants-Appellees.

No. 85-3648
D.C. No.
Civ. No.
83-1T-RE
OPINION

Argued and Submitted
November 8, 1985—Portland, Oregon

Filed December 26, 1985

Before: J. Blaine Anderson and Jerome Farris, Circuit
Judges, and Albert Lee Stephens, Jr., * District Judge.

Opinion by Judge Anderson

Appeal from the United States District Court
for the District of Oregon
James A. Redden, District Judge, Presiding

SUMMARY

Civil Rights/Courts and Procedure

Appeal from denial of attorney's fees under 42 U.S.C. §
1988. Affirmed.

* Honorable Albert Lee Stephens, Jr., Senior United States District
Judge, Central District of California, sitting by designation.

BRAAFLADT V. BOARD OF GOVERNORS, ETC.

Braafladt sued the Oregon Supreme Court in an attempt to void certain residency requirements of the Oregon Bar. The Oregon Supreme Court rescinded the challenged rule before final adjudication on the merits. After the 42 U.S.C. § 1983 action was dismissed, Braafladt's application for attorney's fees was denied.

[1] To recover fees under § 1988, the plaintiff must show a causal connection between the lawsuit and the practical outcome. [2] Chronological events are an important, but not a definitive, factor in determining whether a defendant can be reasonably inferred to have guided his actions in response to a plaintiff's lawsuit. [3] The district court was presented with the difficult task of choosing between two interpretations of the same sequence of events. Where there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous.

COUNSEL

Arnie Rolf Braafladt, Eureka, California; John Cummings, Eureka, California; Brian MacRitchie, Bend, Oregon; and Robert M. Lusk, Portland, Oregon, for the plaintiff-appellant.

Jeff Bennett, Assistant Attorney General, Salem, Oregon, for the defendants-appellees.

OPINION

ANDERSON, Circuit Judge:

Oregon attorney Arnie Braafladt sued the Oregon Supreme Court in an attempt to void certain residency requirements of the Oregon bar. The Oregon Supreme Court rescinded the challenged rule before final adjudication on the merits. After

dismissing the 42 U.S.C. § 1983 action, the district court denied Braafldt's application for attorney's fees. The district court found Braafldt did not qualify as a prevailing party under 42 U.S.C. § 1988. Braafldt appeals to this court and we affirm the district court's decision.

I. BACKGROUND

Braafldt, a member of the Oregon, Washington, and California Bars, challenged the constitutionality of an Oregon residency requirement, Oregon State Bar Association Rule 8.05 (hereinafter referred to as Rule 8.05). Rule 8.05 required non-resident bar members to appear in association with resident members when practicing before the Oregon courts.

Braafldt initially attempted to intervene in *Hollkider v. Oregon State Board of Examiners*, Civ. No. 82-937 (J.W. 1983), a case involving constitutional challenges to Oregon rules requiring residency before admission to the Bar. On November 15, 1982, the *Hollkider* court denied Braafldt's request for intervention, citing reasons of unfair prejudice to the parties and inadequate similarity of issues. The *Hollkider* plaintiffs subsequently prevailed on a summary judgment motion on March 15, 1983.

On January 5, 1983, Braafldt filed his § 1983 action against the Oregon Supreme Court (Oregon court). The action ran its procedural course with exchanges of interrogatories, answers and surreplies, judgment motions. During these proceedings, the Oregon court received a petition from the *Hollkider* plaintiffs on June 3, 1983. The request questioned the applicability of Rule 8.05 to members of the Bar who had never been Oregon residents. The Oregon court decided on August 12, 1983 that Rule 8.05 would not be enforced against members in a position similar to the *Hollkider* plaintiffs.

On August 23, 1983, an unofficial inquiry made by the Oregon court's counsel to Braafldt discussed the possibility of a

wavier of attorney's fees. Even though an agreement was not reached, the Oregon court rescinded Rule 8.05 on August 31, 1983. This action effectively mooted Braafladt's claim. The Oregon court filed an uncontested motion to dismiss on September 14, 1983. The district court granted the motion November 8, 1983. Braafladt filed an application for attorney's fees December 5, 1983. The district court found that Braafladt was not a prevailing party under § 1988 and denied the application on February 11, 1984.

II. DISCUSSION

[1] This circuit recognizes that the history of § 1988 indicates that a plaintiff need not obtain formal relief in order to recover fees. *American Constitutional Party v. Munro*, 650 F.2d 184, 187 (9th Cir. 1980); *South West Marine, Inc. v. Campbell Industries*, 732 F.2d 744, 746 (9th Cir. 1982). The plaintiff must show a causal connection between the lawsuit and the practical outcome. *South West Marine*, 732 F.2d at 746. The lawsuit must be a catalyst motivating the defendant to provide the relief sought. *Beach v. Smith*, 743 F.2d 1303, 1306 (9th Cir. 1984). Whether the litigant has shown the requisite causal relationship is a factual question for the district court. *McQuiston v. Murphy*, 707 F.2d 1064, 1065 (9th Cir. 1983). We review a district court's findings of fact under the clearly erroneous standard. *Oregon Engineers Pension Trust v. Charles Minor Equipment Rental, Inc.*, 766 F.2d 1301, 1303 (9th Cir. 1985).

Braafladt bases his claim of prevailing party solely upon the sequence of events. His action was the only lawsuit currently filed that challenged Rule 8.05. Braafladt contends that his action must have been a material factor calculated into the Oregon court's decision to rescind Rule 8.05.

[2] We apply, as do other circuits, the rule that chronological factors are important, although not a definitive factor, in determining whether or not a defendant can be reasonably

inferred to have guided his actions in response to a plaintiff's lawsuit. *Munro*, 650 F.2d at 188; *Nadeau v. Helpmore*, 581 F.2d 279, 281 (1st Cir. 1978); *Foreign Students Association v. Sawyer*, 639 F.2d 1160, 1163 (5th Cir. 1981). The district courts consider additional factors in determining if a causal relationship existed. *Munro*, 650 F.2d at 188. Here, the district court correctly included surrounding circumstances in its evaluation of any existing causal connection.

The constitutionality of Rule 8.05 was not a unique question for the Oregon court. Although the request was denied, the Oregon Bar Association had previously petitioned the Oregon court to rescind Rule 8.05. The *Halkides* case questioned the constitutionality of residency requirements in connection with admission rules, indirectly bringing the entire residency concept under scrutiny before Braafladt's suit. The *Halkides* plaintiffs then petitioned for a determination of the applicability of Rule 8.05 to them, thus presenting the Oregon court with a direct avenue to resolve the Rule 8.05 controversy. Braafladt contends, on the other hand, that his lawsuit, and not the *Halkides* petition, prompted the Oregon court to act. The threat of litigation or even litigation itself is insufficient to establish a causal relationship for a § 1988 award. *Munro*, 650 F.2d at 188 (quoting *Foreign Students Ass'n*, 639 F.2d at 1163).

The district court was presented with the difficult task of choosing between two interpretations of the same sequence of events. "Where there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous." *Anderson v. Bessemer City*, ___ U.S. ___, 84 L.Ed.2d 518, 528 (1985). In light of the record, the Oregon court's account of the events is plausible. Accordingly, the district court's decision to deny attorney fees is

AFFIRMED.

IN THE
United States Court of Appeals
FOR THE EIGHTH CIRCUIT

Circuit Appeal No.: 84-5161

JAMES MILLER,

Appellant,

vs.

UNITED STATES DEPARTMENT OF STATE -
Appellee.

APPELLANT'S BRIEF

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SUMMARY AND REQUEST FOR ORAL ARGUMENT

A. SUMMARY

This appeal arises from the District Court's grant of summary judgment to the Appellee ("the State Department") in a Freedom-of-Information Act ("FOIA") case. The Appellant ("Miller") made an initial request for information concerning the 1967 attack on the U.S.S. Liberty ("the Liberty") in June, 1981. After twelve months of unanswered letters, long-distance telephone calls, no reply to a written appeal, and the release of only seven documents, Miller brought suit.

During the two-year pendency of this litigation, the State Department has released 162 documents to Miller, some of them disclosed in response to Miller's identification of specific documents after the State Department's affiants insisted under oath that there were no more documents to be released. According to the State Department's own sequential numbering system, it has 619 Liberty documents. Consequently, Miller sought release of the remaining, unduplicated documents and requested interim attorneys fees as well.

The Magistrate (Hon. J. Earl Cudd) recommended summary judgment for the State Department and deemed the request for attorneys fees premature. The District Court (Hon. Robert Rennet, J.) adopted the recommendation as to summary judgment and denied Miller's motion for attorneys fees. It is from that order that Miller appeals.

B. REQUEST FOR ORAL ARGUMENT

The case law on the issues of summary judgment and attorney fees in FOIA cases is extensive, and the parties vigorously disagree about such factual matters as whether the State Department's affidavits were filed in bad faith and whether the litigation prompted the release of the 362 documents. Oral argument would enable the Court to question the parties' counsel closely on matters pertinent to resolving the factual disputes.

Twenty (20) minutes should be adequate for each side to present its argument.

(Miller respectfully requests that oral argument be scheduled in the Twin Cities)

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I. PRELIMINARY STATEMENT

A. District Court Judge and Decision:

Hon. Robert G. Renner
United States District Court
District of Minnesota
Order entered July 11, 1984 (Dist. Ct. File No. 3-82-1037)

B. Basis of Jurisdiction:

District Court: 5 U.S.C. Sec.552(a)(4)(B) (FOIA);
28 U.S.C. Sec.1331 (Federal question).

Court of Appeals: 28 U.S.C. Sec.1291 (Final decisions
of district courts).

II. STATEMENT OF ISSUES

- A. WHETHER THE DISTRICT COURT ERRED IN GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (AND, ACCORDINGLY, IN DECLINING TO GRANT PLAINTIFF'S MOTION TO COMPEL DISCOVERY).

Apposite statutory citations:

- 5 U.S.C. Sec. 552

Apposite case law:

- Dowdy v. Agnew, 712 F. 2d 1509 (1st Cir. 1983)
- McGehee v. CIA, 697 F. 2d 1093 (D.C. Cir. 1983)
- Weissman v. CIA, 565 F. 2d 692 (D.C. Cir. 1983)
- Fiumara v. Higgins, 572 F. Supp. 993 (D.N.M. 1983)
- Blakely v. Department of Justice, 549 F. Supp. 362 (D.D.C. 1981)
- Hydron Laboratories Inc. v. E.P.A., 560 F. Supp. 718 (D.R.I. 1983)

- B. WHETHER THE DISTRICT COURT ERRED IN DETERMINING THAT THE PLAINTIFF HAD NOT SUBSTANTIALLY PREVAILED AND, THEREFORE, WAS NOT ENTITLED TO RECOVER ATTORNEY'S FEES AND OTHER COSTS OF LITIGATION.

Apposite statutory citations:

- 5 U.S.C. Sec. 552(a)(4)(E)

Apposite case law:

- Ringo v. Rumsfeld, 553 F. 2d 1360 (D.C. Cir. 1977)
- Rego v. Stimson, 735 F. 2d 1037 (7th Cir. 1984)
- Church of Scientology v. U.S. Postal Service, 700 F. 2d 484 (9th Cir. 1983)
- Church of Scientology v. Mattis, 635 F. 2d 584 (D.C. Cir. 1981)
- Powell v. Department of Justice, 569 F. Supp. 1192 (N.D. Cal. 1983)
- Kaye v. Byrd, 411 F. Supp. 897 (S.D.N.Y. 1976)

III. STATEMENT OF THE CASE

A. NATURE: This is a Freedom-of-Information Act ("FOIA") case, brought pursuant to 5 U.S.C. Sec. 552(a)(4)(B).

B. PROCEEDINGS AND DISPOSITION: Plaintiff/Appellant ("Miller") made an FOIA request in July, 1981 and served a Complaint in June, 1982 (APPENDIX, p. A-1), requested a Pre-trial conference in October, and after some inconclusive negotiations propounded discovery requests in February, 1983. Instead of answering, Defendant/Apellee ("the State Department") moved to stay discovery until it could file affidavits (motion granted). Along with filing an affidavit, the State Department moved for summary judgment in May, 1983 (APPENDIX, p. A-19); and Miller countered with a motion to compel discovery in June (APPENDIX, p. A-44).

The Magistrate (Hon. J. Earl Cudd) permitted each side three rounds of briefs and presided at two hearings. In April, 1984, he recommended summary judgment for the State Department (APPENDIX, pp. A-135, A-150). Miller filed Objections to the Magistrate's Report and Recommendations and renewed his motion for attorney's fees, which the Magistrate had said was premature (APPENDIX, p. A-150).

The district court (Renner, J.) essentially adopted the findings of the Magistrate in an Order dated July 11, 1984, in which the court granted the State Department's motion for summary judgment. The court went on to deny Plaintiff's motion for attorney's fees. (APPENDIX, pp. A-194, A-202)

c. PERTINENT FACTS:

1. Miller. Miller is a civil servant in Minneapolis who is concerned about American foreign policy and who has a special interest in the 1967 attack on the U.S.S. LIBERTY. He is not affiliated with any corporation, nor does he have any commercial interest in the documents he has tried for three years to elicit from the State Department. He is an amateur historian who has written one article (not for remuneration) about his tribulations in obtaining public information from the Executive Branch.

2. Pre-litigation Activities. As set forth in his Complaint (APPENDIX, pp. A-1 through A-6) and in the Exhibits attached thereto (APPENDIX, pp. A-7 through A-13), Miller spent a frustrating twelve months seeking information about the attack on the LIBERTY and "documentary evidence which demonstrates that this attack wasn't deliberate" (APPENDIX, p. A-7). Six months after his initial request, the State Department sent him seven (7) unduplicated documents (See Exhibit attached to Miller's Third Affidavit, dated November 9, 1982 (APPENDIX, p. A-127)) and the State Department's admission that it sent only seven documents (Defendant's Answer, paragraph #9, APPENDIX, p. A-15). Owing to the excessive delay, Miller treated the Department's non-responsiveness as a denial of his request, and appealed that denial in April, 1982 (See Exhibit VI to Miller's Complaint, APPENDIX, p. A-12). The State Department replied by denying that he had no right to appeal (APPENDIX, p. A-13) but did not send him any further documents--or even any further correspondence--until after he filed suit.

3. Post-Complaint Release. Between the filing of the Complaint in June, 1982, and the pre-trial conference, held on February 15, 1983, the State Department released 252 documents to Miller, 140 of them in the 33 days prior to the conference. (See Friedman's First Affidavit, paragraphs 17 and 13, APPENDIX, p. A-23). Additional releases followed after each exchange of affidavits.

4. Affidavits.

a. The First Friedman Affidavit: Accompanying the State Department's motion for summary judgment was an Affidavit from the State Department's Deputy Director of the Office of Mandatory Review of the Classification/Declassification Center, Jack Friedman, dated April 28, 1983. Friedman asserted "under penalty of perjury" that "there were only 269 responsive documents retrieved in response to this request" (Friedman's First Affidavit, paragraph #17, APPENDIX, p. A-24).

Miller's First Affidavit: Miller countered with an Affidavit dated May 27, 1983 which arranged the released documents sequentially and identified several additional documents (whose existence Friedman had denied) advertised to in an affidavit by Assistant Secretary of State Clinton McManaway (in 1980) in a FOIA case entitled Ennes v. Department of State (APPENDIX, pp. A-47, A-61, A-53).

c. Friedman's Second and Nachek's First Affidavit. The State Department responded to Miller's allegations of additional documents with two affidavits: Friedman acknowledged

that there was a sequential numbering of 595 Liberty documents (Friedman's Second Affidavit, paragraph #6, APPENDIX, p. A-85) but tried to explain away the 172 documents Miller asserted were "missing" as duplicates, non-responsive documents, and documents in the custody of other federal agencies (APPENDIX, p. A-87). The State Department's Chief of Information Access and Services Division, Frank Machak, also submitted an Affidavit declaring that "there was no file entitled 'USS Liberty'" (Machak's First Affidavit, paragraph #7(a), APPENDIX, p. A-61) but acknowledging that the State Department lost 32 documents ("could not be located..."), and listing reasons why other documents which Miller identified were not released (APPENDIX, p. A-65 through A-73). Machak did admit that "due to administrative oversight [and]...error" (APPENDIX, p. A-74, A-78), some documents identified by Miller did exist and would be released. The State Department, accordingly, released some 34 documents beyond the 269 Friedman had said in his First Affidavit constituted the total.

d. Miller's Second Affidavit: In September, 1983, Miller filed a second Affidavit in which he challenged the contentions of the Machak-Friedman Affidavits of the previous month. He asserted that (1) there were still 75 documents missing from the 1-163 sequence (which had been released to another FOIA requestor, James Ennes); (2) three dozen remained unreleased from the 164-619 sequence; (3) most of the 32 "lost" documents comprised important reports and diplomatic notes; (4) not a single document had been released

either about separation payments or about evidence that the attack was not deliberate; (5) the State Department and the Defense Department were playing ping-pong with him on the release of several other documents; (6) there were still 28 identified but unreleased documents constituting Congressional correspondence about the Liberty incident (APPENDIX, pp. A-100 through 102).

e. The State Department's third-round of Affidavits:

At the end of September, the State Department filed Machak's Second Affidavit and Friedman's Third Affidavit. Both asserted that the Department conducted thorough searches of the files, denied that they withheld documents, and attached some additional documents (NOTE: these attached documents are not included in the APPENDIX). Miller argued in his Affidavit that some documents about the Liberty were classified despite an automatic declassification date [1973] built into the Executive Order under which they were initially classified (APPENDIX, p. A-111 through 113). Machak reiterated what he had said in his First affidavit, including the statement that Miller should not include in his "missing documents" list information released to FOIA requestor James Ennes because "[t]he request of Mr. James Ennes, who was injured as a member of the crew of the U.S.S. Liberty, was broader than [Miller]'s request." (APPENDIX, p. A-113).

f. Miller's Third Affidavit. In November, 1983, Miller filed an Affidavit asserting that he still had not received (a) reparations documents; (b) documents evidencing

that the attack was accidental; (c) various Congressional correspondence; (d) five documents which the State and Defense Departments had each said the other would release. Miller also challenged the explanations offered for the more than 100 still-missing documents and pointed out in reply to Machak that,

Although the State Department refers to James Ennes' FOIA request as broader than mine, he was given only 163 documents, and I have received 329, albeit tardily. (Paragraph #4, APPENDIX at p. A-126).

5. Disposition....DOCUMENTS. The Magistrate's Recommendation's, Miller's Objections, and the District Court's Order-and-Memorandum followed the affidavit exchange and are all set forth in the APPENDIX at A-131, et seq.

IV. SUMMARY OF ARGUMENT

A. Summary Judgment. The District Court should have resolved all doubts about the existence of genuine issues of material fact against the State Department as the moving party. Keys v. Butcher, Family and Children's Services, 668 F. 2d 356 (8th Cir. 1981).

Genuine issues in fact exist concerning the bad faith of the State Department's affidavits, the adequacy of the State Department's search for records, the reasonableness of the two-and-one-half-year delay in releasing responsive and non-exempt records, the propriety of invoking the national security exemption to justify the non-release of documents initially classified in 1983 about events that took place in 1967; the applicability of particular Executive Orders governing document

classification; the relevance of Treaty violations to the exemption process, and entitlement to discovery. Each of these separately should have warranted a denial of summary judgment. Plumare v. Higgins, 572 F. Supp. 1093 (D. N. H. 1983); Hydro Laboratories, Inc. v. EPA, 560 F. Supp. 718 (D. R. I. 1983); McGehee v. CIA, 697 F. 2d 1095 (D. C. Cir. 1983); Executive Order 12065 (3 CFR Sec. 190.11974); Executive Order 12354 (41 Fed. Reg. 14,874); Treaty of Friendship, Commerce, and Navigation (TIAS 2948, 5 UST Pt. 1, 550); Donovan v. Agnew, 712 F. 2d 1509, (1st Cir. 1983); Weissman v. CIA, 565 F. 2d 692 (D. C. Cir. 1977); Schaeffer v. Kissinger, 515 F. 2d 389 (D. C. Cir. 1974).

B. Attorneys Fees and Costs. Whether or not the decision granting the State Department's motion for summary judgment is reversed, Miller is entitled to attorneys fees and costs for having substantially prevailed (5 U.S.C. Sec. 552(a)(4)(E)). He met all four criteria appellate courts have used to gauge having substantially prevailed. Cuneo v. Rumsfeld, 553 F. 2d 1360 (D. C. Cir. 1977); Blue v. Bureau of Prisons, 570 F. 2d 259 (5th Cir. 1978). He also amply demonstrated his lawsuit was necessary for the divulgement of documents, and his vigorous prosecution of the action proximately caused the timing and quantity of documents released, two necessary elements in awarding fees. Church of Scientology v. Harris, 635 F. 2d 584 (D. C. Cir. 1981); Crocker v. Department of Justice, 632 F. 2d 916 (1st Cir. 1980).

Denying Miller attorneys fees and costs would thwart the legislative intent that FOIA requestors not have to subsidize

the extraction of public records from the Executive Branch.
Kaye v. Buffo, 411 F. Supp. 897 (S. D. N. Y. 1976).

Miller should be awarded those fees and costs now, on an interim basis, if for any reason the litigation continues on appeal or into discovery. Powell v. U. S., Dept. of Justice, 569 F. Supp 1192 (N. D. Cal. 1983).

C. Standard for Review. Even under the "clearly erroneous" standard (FRCP, Rule 52(a)), the District Court's failure to apply the summary judgment criteria, its resolution of material facts in issue against Miller (the non-moving party), and its refusal to carefully review the allegations of bad faith affidavits were abuses of discretion. Church of Scientology v. U. S., Estate of Peccole, 702 F. 2d 486 (9th Cir. 1983); Weisberg v. California, 565 F. 2d 692 (D. C. Cir. 1977). Similarly, the Court's failure to award attorneys fees in the light of the State Department's having released only seven documents before suit was joined and an additional 356 documents, many of them grudgingly, during the pendency of the litigation, was also clearly in error.

V. ELABORATES ARGUMENT

A. Standard for Review. The District Court predicated its decision on findings that (a) "there are no genuine issues for trial and, accordingly, summary judgment... should be granted" (Memorandum-and-Order, APPENDIX at p. A-199); and that (b) "[Miller] has not set the criteria to support...an award of attorneys fees" (id., APPENDIX p.A-202).

The Federal Rules of Civil Procedure ("FRCP") apply the "clearly erroneous" standard to appellate review of findings

of facts (FRCP, Rule 52(a)). Magistrates' findings are not protected by the clearly erroneous doctrine, however (Notes of the Advisory Committee on Rules to FRCP Rule 72(b), citing United States v. Raddatz, 417 U.S. 667 (1980)). Since the District Court did not explicitly adopt the findings of the Magistrate, pursuant to Rule 52(a), Appellant Miller presumes that the court's Memorandum-and-Order stands on its own. For the reasons set forth below, he asks the Court of Appeals to make the determination that the two findings are indeed clearly erroneous: Owing to the State Department's dilatoriness and bad faith affidavits, the grant of summary judgment should be overturned; and regardless of the Court's decision on the summary judgment question, Miller has substantially prevailed and is entitled to recover his attorney fees and costs.

B. Summary Judgment

1. Criterion. As the District Court noted in its memorandum, a court must consider a motion for summary judgment in a light most favorable to the non-moving party and to give that party the benefit of all reasonable inferences from the underlying facts. Any room for doubt about material facts resolves the question in favor of the non-moving party. Keys v. Lutheran Family and Children's Services, 668 F. 2d 356 (8th Cir. 1981).

In support of its request for summary judgment, the State Department contended that it fully responded to Miller's FOIA requests and it properly classified all of the materials for which it invoked statutory exemptions. In point of fact the State Department did neither; and the District Court

incorrectly accepted the State Department's declarations as truthful, resolving all the doubts against Miller.

2. Extent of disclosure. If the Executive Branch grounds its motion for summary judgment in a FOIA case on the claim that it has in fact accounted for all extant information, it cannot prevail unless it shows that each document has either been produced, is unidentifiable, or is statutorily exempt from disclosure. Blakely v. Department of Justice, 549 F. Supp. 382, 366 (D.D.C. 1982). Miller contends that scores of non-exempt documents remain unreleased (Miller's Third Affidavit, APPENDIX, pp. A-125, 126).

The State Department failed to meet its burden, and the District Court erroneously adopted its own the assertions of the State Department's affiant instead of acknowledging the genuine issues of material fact. The District Court should have denied the summary judgment motion when the only competent evidence offered by the State Department was a series of flawed and internally inconsistent affidavits. Plumage v. Higgins, 572 F. Supp. 1093, 1094 (J.N.H. 1983).

3. Affidavit procedure. Virtually all of the FOIA litigation on the validity of summary judgment motions has turned on whether and to what extent the resisting agency has demonstrated good faith in its affidavit(s) concerning the withholding of purportedly exempt data.¹ Courts are to accord

¹ Salisbury v. United States, 690 F. 2d 966 (D.C. Cir. 1982); Military Audit Project v. Casey, 656 F. 2d 738 (D.C. Cir. 1981); Haze v. Department of Justice, 647 F. 2d 472 (D.C. Cir. 1980); Halperin v. C.I.A., 629 F. 2d 144 (D.C. Cir. 1980); Hayden v. N.S.A.A., 608 F. 2d 1381 (D.C. Cir. 1979); Weissman v. C.I.A., 565 F. 2d 692 (D.C. Cir. 1977).

substantial weight to such affidavits (Carlisle Tire & Rubber v. United States Customs Service, 663 F. 2d 210 (D.C. Cir. 1980)); but every court which has invoked this affidavit procedure has hastened to qualify it with some version of the proviso "...if the affidavits evidence neither bad faith on the part of the agency nor a conflict with the rest of the record." See, e.g., Weisburg v. United States, 690 F. 2d 966, 970 (D.C. Cir. 1982), (emphasis added).

4. Adequacy of the search. In the instant case, although there is a secondary question about the reasonableness of the State Department's exemption claim (see discussion infra), that dispute applies at most to 1 or 12 documents. At issue here primarily is what Miller contends is the inadequacy of the search for over 100 identified, non-exempt documents. The "affidavit test," which arose in exemption cases, evidently applies as well to inadequacy-of-disclosure cases. Weisburg v. Department of Justice, 701 F. 2d 1344, 1351 (D.C. Cir. 1983); Pittsburgh v. C.I.A., 678 F. Supp. 704, 726 (D.D.C. 1983).

Even though the Weisburg and Pittsburgh courts both granted the target agencies' summary judgment motions, both courts made clear that the process to be utilized in deciding summary judgment questions places the burden squarely on the agency to "show no material doubt that it has conducted a search reasonably calculated to uncover all relevant documents responsive to [Plaintiff's] request." Weisburg, supra, at 1351; Pittsburgh, supra, at 726. Plaintiffs may cast doubt on the adequacy of the agency's search by showing that relevant records have not in fact been released. (Id.).

Had the District Court in the case at bar applied those standards, it would have refused to grant summary judgment owing to the following indicia of bad faith:

a. Dilatoriness: At least one Circuit has held that an agency's dilatoriness over two and a half years is in and of itself a manifestation of bad faith sufficient to vitiate the substantial weight to be accorded to agency affidavits. McGehee v. CIA, 697 F. 2d 1095, 1112 (D.C. Cir. 1983). The State Department has delayed releasing material to Miller for three years. Although the FOIA statute requires response within 10 days (5 U.S.C. Sec. 552 (a)(6)(A)(iii)), the State Department took six months to send him seven paltry documents and another 356 unduplicated documents over the next year and a half, batched in response to pleadings and affidavits which Miller filed with the court.

b. Disingenuousness: Tardiness is one thing; but disingenuousness under 552 is quite another.

(1) The State Department's initial affidavit assured the court "under penalty of perjury" (First Friedman Affidavit, APPENDIX, p. A-43) that "[e]ach document had been carefully reviewed" (*id.*, Paragraph 20, APPENDIX, p.A-25), and that there were only 269 responsive documents retrieved in response to this request" (*id.*, Paragraph 17, APPENDIX, p.A-24). Then when Miller filed his first affidavit enumerating some 114 specific documents of whose existence he was aware but which the State Department had never acknowledged, the Department tacitly conceded that it had not searched quite as

thoroughly as Friedman had led the Court to believe. The redoubled effort yielded 34 documents which had escaped the Department's earlier scrutiny. (First Machak Affidavit, APPENDIX, pp. A-74, A-78,79).

(2) The State Department's Blair Hall had written Miller in January, 1982, implying that there were only 160 Liberty documents, few of which, Hall stated, "relate directly to the attack and the reasons for it" (Exhibit 4 to Complaint, APPENDIX, p. A-10). But Friedman in his Second Affidavit admits that the Liberty documents had a numerical sequence [which] originally ran from 1 through 595 (APPENDIX, p.A-85). Thickening the plot further, Miller has received Liberty documents with sequence numbers as high as #619 (Miller's Second Affidavit, Paragraph 7, APPENDIX, p.A-101). sic., also, APPENDIX, p. A-97.

(3) Although the State Department's own Record Retention Policies require that Central Foreign Policy files containing information collected in the period 1950-1973 be maintained permanently, its explanation of why certain documents had not been released to Miller included 32 which had been lost ("could not locate"). (Second Machak Affidavit at para. 48., APPENDIX, p. A-122). Coincidentally, perhaps, many of the "missing" documents just happen to comprise significant reports and historically important diplomatic correspondence: THE Atherton Memo (#250); Israeli Note of August 5, 1968 (#92);

¹ State Department Records Retention Manual, Chap. 6 (FOIA Records), Appendix A. Though not a part of the designated APPENDIX, this document was attached to Miller's Third Brief and was therefore available to the District Court.

Israeli Foreign Affairs Note of March 7, 1968 (#105); Israeli Note of October 3, 1968 (#217); Navy Position Paper requested by State Department (#277); The Clifford Report (#419); Admiral Gaskill's letter of February 13, 1980 (#570); and the Korn Memorandum of December 10, 1979 (#554). Given the State Department's contention that some Liberty documents--despite being 17 years old--are still too sensitive to release (First Friedman Affidavit, Paragraph 25, APPENDIX, p. A-28), it is implausible that such key documents would in fact be lost.

(4) The State Department attempts to rationalize its conduct in this case by stating that "[t]here was no file entitled 'USS Liberty'" (First Machek Affidavit, paragraph 7(a), APPENDIX, p. A-51). But if the documents were maintained in non cross-indexed files, how did they get numbered sequentially? And if the Department had not classified the information until April 28, 1983, how could its officials know in 1981 that they contained sensitive information?

(c) Evidence of non-disclosure. Miller has filed three Affidavits and has produced charts accompanying every Brief identifying the specific documents mentioned in other documents released to him. Each time the State Department has grudgingly released a few more documents, but Miller's current list enumerates 95 sequentially numbered Liberty documents for which the State Department has not provided

The date does not appear in any of the State Department's affidavits. It does, however, appear in the State Department's Third Brief (at 17) (not part of the record) and recited by Magistrate Cudd in his Report and Recommendations (APPENDIX, p. A-145).

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adequate explanations for non-disclosure.

5. wrongfully...exempted...documents. The State Department has withheld about eleven documents, either in full or in part, on the basis of FOIA exemption sec.552(b)(1)--national security and foreign policy secrets. However, (a) all documents classified secret or confidential arising from the Liberty incident should have been declassified in 1973, pursuant to Executive Order 12065, Sec. 4(1); and (b) even under the present Executive Order 14176, the State Department may not lawfully classify information in order to conceal violations of the law (Section 1.6(a)).

6. de novo review of classification: When confronted with a claim for a statutory exemption, the District Court is required to conduct a de novo review of the agency's classification at the time classification took place. Miller v. Department of Justice, 636 F. 2d 472, 480-81 (D.C. Cir. 1980) (en banc added). When the classification took place is crucial both for determining whether the withheld material is in fact exempt and whether the State Department was being truthful in explaining its non-disclosures in this case.

(1) E.O. 12065: At the time Miller initiated his FOIA request (July, 1981), at the time he appealed

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Miller recognizes that he cannot submit a new affidavit to the Court of Appeals. But his Third Affidavit, though not as up-to-date, is a part of the record and was before the District Court. (See, APPENDIX, p. A-125)

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Liberty Document Nos. 46, 176, 273, 342, 348, 394, 399, 400, 405, 406, 411. Third Friedman Affidavit, Para.8(d), APPENDIX, p. A-114).

the State Department's denial of information to him (April 1982), and at the time he served the Complaint in this matter (June, 1982), E.O. 12065 (3 CFR Sec. 190.11974) was in effect. that Executive Order contained a durational restriction:

Except as permitted in section 1.402 (for top secret documents) at the time of the original classification each original classification authority shall set a date or event for automatic declassification no more than six years later.
(E.O. 11065, Sec. 1-401, emphasis added)

Most of the documents withheld from Miller pursuant to Exemption (b)(1) were classified as secret or confidential and, consequently, should have been declassified in 1973, six years following the attack on the Liberty. The six-year rule still applied in 1981 when Miller made his FOIA request.

(2) E.O. 12256: A new Executive Order #12256 (45 Fed. Reg. 34,874) became effective in August, 1982, a month after Miller filed his Complaint. The durational provision of the Executive Order (Sec.1.4) deleted the six-year sunset and substituted the value standard "...as low as is required by national security considerations." Even that purposefully non-restrictive formulation retained the prior requirement for a "specific date or event for declassification" which was to be set "at the time the information was originally classified."

Arguably, the new Executive Order's intentionally vague durational section is an unconstitutional usurpation of the legislative function. FOIA's subsection (c) provides:

This [statute] does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section.
(5 USC Sec.552 (c), emphasis added)

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the purpose of that subsection, and particularly the word "specifically," was "to make it clear beyond doubt that all materials of the Government are to be made available to the public...unless explicitly allowed to be kept secret by one of the exemptions..."

(Senate Report No. 10, 89th Cong. 1st Sess. (1965); House Report No. 11, 89th Cong. 1st Sess. (1965), as cited in Davis, Administrative Law Text (3d ed. 1972) at 57, n. 1, and 79, n. 1-2.)

(3) Reclassification. Although Miller's request, appeal, and Complaint were all filed before the promulgation of E.O. 12356, an agency may reclassify documents--even in the midst of litigation--in order that agencies can "respond quickly to changes [in national security]". Albar v. Department of State, 702 F. 2d 1135, 1136 (D.C. Cir. 1983) (emphasis added). But in the instant case, there were no quick changes to which Executive was responding. The attack on the Liberty occurred 17 years ago.

The State Department fineses the whole reclassification question by claiming that the initial classification of the Liberty documents was not completed until April 28, 1983, which just happens to be the date of Friedman's First Affidavit (APPENDIX, pp. A-21, A-43).

Miller should have at least been entitled to discover if the correct classification procedures were followed. Schaeffer v. Kissinger, 505 F. 2d 389 (D.C. Cir. 1974). To be entitled to discovery, of course, means that the

⁶ See note 3, supra.

summary judgment motion must be denied.

2. Treaty Violations. Even, however, if the Court deems that a proper reading of Lesser and Fisher permits the State Department to apply the 1982 Executive Order to Miller's 1981 FOIA request, the State Department is hoist by its own petard: E.O. 12356 expressly forbids the classification of information to protect unlawful conduct from public disclosure:

In no case shall information be classified in order to conceal violations of the law, inefficiency, or administrative error, to prevent disclosure to a person, organization, or agency (E.O. 12356, Section 1.6(i)(1))

The term "law" embraces treaties. And at the time of the Israeli attack on the liberty (1967), the Treaty of Friendship, Commerce and Navigation between Israel and the United States (TIAS 2948; 5 UST. Pt. I, 550) was in effect. That Treaty provides, in pertinent part, that

each party shall at all times accord equitable treatment to the persons, property, enterprises, and other equitable interests of nationals and companies of the other Party.

(Article I)

Between the territories of the two Parties, there shall be freedom of commerce and navigation.

(Article XIX, section 1)
Vessels of either Party shall have the liberty...to come with their cargoes to all ports, places, and waters of such other Party open to foreign commerce and navigation.

(Article XIX, section 3)

That treaties are part of the "supreme Law of the Land" has been a jurisprudential notion since the Constitutional Convention of 1787. See Federalist Paper No. 80, as reprinted in Hart and Wechsler, The Federal Courts and the Federal System (Second Edition, 1973) at 25-26.

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There shall be freedom of transit through the territories of each Party by the routes most convenient for international transit...for articles of any origin en route to or from the territories of such other Party.

(Article XX(c), emphasis added)

There can be no doubt that the Israeli air attack on the Liberty, even if inadvertent, violated the Treaty of Friendship, Commerce, and Navigation. It therefore constituted a violation of law, and, accordingly, may not be afforded protection of the exemption by the terms of the Executive's Order's own exception.

6. Judicial Review.-The moving party bears the burden of showing no genuine issue as to all material facts, necessary to entitle it to summary judgment. Donovan v. Agnew, 712 F. 2d 1509, 1515 (1st Cir. 1983); Early v. Eastern Transfer, 699 F. 2d 552, 554-555 (1st Cir. 1983). It is improper for a district court to merely defer to an agency's position about the adequacy of its search (Bell v. United States, 563 F. 2d 484 (1st Cir. 1977)); in fact it is affirmatively obliged to test the veracity of the agency's assertions. Weissman v. C.I.A., 565 F. 2d 692, 697 (D.C. Cir. 1977).

Here there were ample material facts in dispute. Even though the State Department was not obliged to ferret out every possible responsive document (Ground Saucer Watch, Inc. v. CIA, 692 F. 2d 770, 771-72 (D.C. Cir. 1981)), an adequate recital of an inadequate search should impel a denial of summary judgment. Hydrox Laboratories, Inc. v. E.P.A., 560 F. Supp. 718 (D.R.I. 1983), citing Perry v. Block, 684 F. 2d 121, 126 (D.C. Cir. 1982).

The District Court had before it a plethora of genuine issues of material fact concerning alleged bad faith affidavits, discrepancies, misstatements, administrative errors, which Executive Order applied, when had classification taken place, how many documents were in the Liberty file(s), whether the violations of the Israeli-American treaty violated the classification policy, and whether the Department had in fact lost important diplomatic notes about an incident it claims is still too sensitive to permit complete disclosure. The burden was clearly on the agency. Ray v. TUCONE, 587 F. 2d 1187 (D.C. Cir. 1978). But the Court erroneously resolved the issues of material fact (against the ~~non~~ party) instead of finding that genuine issues of material fact existed. A correct finding would have precluded summary judgment for the State Department.

SYNOPSIS OF ARGUMENT ON THE QUESTION
OF SUMMARY JUDGMENT

Several genuine issues of material fact remain in the case: (1) whether the State Department has in fact released all of the non-exempt data which Miller sought three years ago; (2) whether the State Department's affidavits are sufficiently flawed to vitiate the substantial weight accorded to agency affidavits submitted in good faith; (3) whether the agency applied the correct Executive Order in exempting approximately a dozen documents from disclosure; (4) whether, even if the correct Executive Order were applied, the violation of the Israeli-American Treaty forbids the invocation of the exemption; (5) whether the State Department's dilatoriness in and of itself

precludes summary judgment in its favor; (6) whether the State Department has properly withheld some documents on the ground that they contain some portion of information which would arguably invade third parties' privacy; (7) whether Miller is entitled to direct the procedures under which the State Department searched its files and applied classification schemes.

Instead of identifying and acknowledging the materially factual disputes which did exist, the District Court erroneously resolved the disputes and did so, improperly, in favor of the moving party.

C. ATTORNEYS FEES AND COSTS

Regardless of the Court of Appeals' decision on the summary judgment question, Miller is entitled to attorneys fees.

Attorneys fees had been omitted in the initial FOIA legislation but were included in the 1974 Amendments owing to Congressional dissatisfaction with the Executive Branch's response to the legislative policy of open government. Nationwide Building Maintenance, Inc. v. Sampson, 559 F. 2d 704, 710 (C. Cir. 1977).

The statute provides that "[t]he Court may assess against one United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed" (5 U.S.C. Sec. 552 (a)(4)(E)). And the Courts of Appeal have consistently applied the four criteria for "substantially

prevailed" enumerated in the Senate bill. Cunge v. Rumsfeld, 553 F. 2d 1360 (D.C. Cir. 1977); Yeremian v. Advocacy Council (VITA), 546 F. 2d 509 (2d Cir. 1976); Bline v. Success of Peisach, 570 F. 2d 529 (5th Cir. 1978); Education/Instruction v. HUD, 649 F. 2d 41 (1st Cir. 1981).

1. Prerequisites. In applying the four criteria, the courts have held that an absence of a court order will not preclude recovery of fees (Cunge, *supra*, at 1364; Sweatt v. Navy, 683 F. 2d 420, 423 (D.C. Cir. 1980)). Nor is voluntary disclosure of documents prior to judgment a bar to recovery. VLTAC, *supra*, at 513; Cunge, *supra*, at 1364; DeBold v. Stinson, 735 F. 2d 1037, 1040 (7th Cir. 1984). The trigger for attorneys fees seems to be etiology: "Did the institution and prosecution of the litigation cause the agency to release the documents obtained during the pendency of the litigation?" Church of Scientology v. Martin, 653 F. 2d 584, 587 (D.C. Cir. 1981); Accord, Church of Scientology v. U.S. Postal Service, 700 F. 2d 486, 491-92 (9th Cir. 1983). Even an unfavorable summary judgment motion will not necessarily preclude attorneys fees. JNTR v. Cal. B., 573 F. Supp. 377 (D.D.C. 1983); Ginter v. IRS, 648 F. 2d 469-71 (8th Cir. 1981).

2. The four criteria. In determining whether to award attorneys fees and costs, a court is to consider:

⁸ Freedom of Information Act and Amendments of 1974 (P.L. 93-502) Source Book, House Committee on Government Operations, Senate Committee on the Judiciary, 94th Cong., 1st Sess. (March 1975), 189-90.

- (a) the benefit to the public;
- (b) the commercial benefit of the complainant;
- (c) the nature of the complainant's interest in the records sought;
- (d) whether the government's withholding of the records had a reasonable basis in law.

a. Public Benefit. Public benefit is most frequently demonstrated by media or public interest group requestors⁹, but the criterion can also be satisfied by bringing the Executive Branch into compliance with the law (Cuneo v. Burstein, 553 F. 2d at 1366; Powell v. U.S. Dept. of Justice, 569 F. Supp. 1192, 1201 (N.D. Cal. 1983) or by adding to the fund of information the citizenry may use in making political choices (Blue v. Bureau of Prisons, 570 F. 2d 529, 534 (5th Cir. 1978)). It is even possible where the information is not of general significance so long as the plaintiff is not seeking it for commercial purposes.

b. Commercial Benefit. Commercial benefit is a negative criterion, i.e., to the extent that the plaintiff has a strong commercial benefit from the records, s/he or it will be denied fees. Lafayette Extension University v. FTC, 627 F. 2d 481 (6th Cir. 1980); Guam Contractors Ass'n v. U.S. Dept. of Labor, 570 F. Supp. 163 (N.D. Cal. 1983).

c. Complainant's Interest. Closely related to the second criterion, the complainant's interest criterion

⁹ Source Book, supra note 8, at 171.

favor scholarly, journalistic, and public interest oriented plaintiffs (Source Book issue 1978 A) at 171).

d. Government's withholding. Absent a reasonable basis for withholding data, the government's non-disclosure will give rise to an award of attorneys fees as a punitive measure (Grosas v. Snyder, 474 F. Supp. 380, 383 (N.D. Ind. 1978), particularly if the purpose is to impede the requestor or to avoid embarrassment. Blue v. Bureau of Prisons, 570 F. 2d 529, 534 (5th Cir. 1978). Unreasonable foot-dragging will also prompt an award of fees. Russell v. U.S. Dept. of Justice, 149 F. Supp. 1192, 1201 (N.D. Cal. 1957); Des Moines Register and Tribune Co. v. FBI, 563 F. Sup. 82 (D.D.C. 1983); Steenland v. C.I.A., 555 F. Supp. 901, 911 (W.D.N.Y. 1983); Coldstein v. Levi, 415 F. Supp. 303 (D.D.C. 1976).

3. Applying the GEISERIS to Miller. Miller is a civil servant, not affiliated in any way with a business enterprise, and will reap no commercial benefit from the documents. The nature of his interest is scholarly: He is an amateur historian and intends to write articles about the Liberty incident. Consequently, he satisfies the first three criteria. As to the fourth criterion, the State Department eventually released some 362 documents to him, but it took inquiries, letters, long-distance phone calls, an appeal, a Complaint, and vigorous prosecution of his lawsuit to extract the records. Moreover, it took more than two years and painstakingly crafted affidavits to induce the State Department to produce the last several batches, even though all were non-exempt documents. The State Department's protests that it was

overloaded with other FOIA requests strike a discordant note in the face of three years of episodic and cacophonous behavior surrounding the release of documents about a single historical incident.

4. Causation. Even if a plaintiff satisfies the four criteria in the Senate bill, in order to recover attorney fees and costs s/he must also show that the lawsuit was both necessary to obtain the data and had a causal nexus with the release. Cox v. Department of Justice, 603 F.2d 1, 7 (D.C. Cir. 1977). Crooker v. Department of Justice, 432 F.2d 916, 924 (1st. Cir. 1980).

Here the lawsuit made the difference. Before filing the Complaint, despite an appeal, Miller had received a total of seven unduplicated documents. Once he filed his Complaint, the State Department took his request seriously and began to release documents to him.

The litigation was not only necessary, it clearly provoked the quantity of documents as well. There have been a total of 16 other Liberty FOIA requestors. Half got no documents at all; none of those who failed to litigate received more than four or five dozen documents.¹⁰ The only other Liberty requestor who did litigate, James Ennes, proceeded pro se (APPENDIX, pp.A-178, 181); and despite the fact that Ennes' claim was broader (first Machak Affidavit, APPENDIX, p.A-74) because he had a privacy claim in addition to the FOIA claim, he got a total of 161 documents (Second Machak Affidavit, Para. 7,

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Based on data obtained in a separate FOIA request since the District Court decision.

APPENDIX, p. A-120). Miller, by retaining counsel and vigorously pursuing his lawsuit, pried 362 unduplicated documents out of the State Department, albeit painstakingly and slowly.

The State Department cannot claim with a straight face--as its counsel argued at one of the hearings before the Magistrate--that the timing of the release of each batch of documents by sheer happenstance paralleled the filing of Miller's Complaint, his request for a pre-trial conference, and the filing of each of his three briefs and accompanying affidavits. (See Attachment I, "Objections to the Magistrate's Report," APPENDIX, pp. A-173,174).

5. Discretion. Even if plaintiff passes all the litmus tests for having substantially prevailed, "awarding of attorneys fees is still discretionary with the court." Chamberlain v. Kurt, 589 F. 2d 827, 842 (5th Cir. 1976). But the Supreme Court of the United States has imposed some guidelines on trial courts' exercise of discretion in awarding attorneys fees: (1) Whether the fees are required by statute; (2) whether equity justifies fees owing to public benefit or bad faith or vexatious conduct on the part of the government. Avalon Pipeline Service Co. v. Wilderness Society et al., 431 U.S. 240, 95 S. Ct. 1612, 44 L. Ed. 2d 141 (1975).

The statutory language about attorneys fees is precatory, but the clear intent of that provision is to provide

a means for ordinary citizens to obtain information from the Executive Branch. Without attorneys fees the Executive Branch would be tempted, as the district court for the Northern District of California observed, "to make FOIA proceedings as lengthy as possible to discourage others from pursuing their rights under the Act." Dunway V. Webster, 519 F. Supp. 1022, 1066, n. 5 (N.D. Cal. 1981).

The D. C. Circuit has suggested that it might be an abuse of discretion for the district court to fail to consider all four of the enumerated criteria. Hillier Extension University V. FCC, 627 F. 2d 481, 484 (D.C. Cir. 1980); analogically, it is also an abuse of discretion to consider the four factors in a way that ignores the facts and thwarts the legislative goal. In the Miller case, the District Court overlooked the bad faith affidavits and the vexatious conduct on the part of the State Department, and it failed to take into consideration the public benefit and Miller's lack of commercial interest in the records. The Court merely exclaimed that Miller "had not met the criteria necessary to support such an award" (Memorandum and Order, Addendum p. 9, APPENDIX, p. 194). In Church of Scientology V. U.S. Postal Service, 700 F. 2d 486 (9th Cir. 1983), the Court of Appeals for the Ninth Circuit reversed the district court's denial of attorneys fees, holding that the lower court had a duty to specifically consider the circumstances and events surrounding the request for documents and the subsequent production in making the determination about whether the plaintiff had substantially prevailed. Miller prays

the Eighth Circuit to similarly overturn the District Court's decision in his case.

6. Reasons for not awarding fees. There is a paradigm to the cases where attorneys' fees have been denied even where plaintiffs have substantially prevailed: (a) a commercial benefit for plaintiff or its constituent members (Fenster v. Brown, 617 F. 2d 740 (D.C. Cir. 1980); DBE Contractors Ass'n v. Department of Labor, 570 F. Supp. 163 (N.D. Cal. 1983)); (b) a rush to the courthouse (VLIAC v. Gandy, 546 F. 2d 509 (2d Cir. 1976)); or (c) data sought to supplement discovery in an unrelated civil action (Nix v. United States, 572 F. 2d 998, 1007 (4th Cir. 1978)).

But Miller does not fit into that pattern. No commercial gain will attach to his receipt of Liberty documents; he waited a year before he filed suit (similar to the 16 months the district court for the Western District of New York deemed sufficient to generate attorneys fees in Steenland, *supra*, at 909); and he has no outside interest in the Liberty documents except intellectual curiosity.

7. Legislative objective. The FOIA statute is a legislative response to unwarranted suppression of information by the Executive Branch. Panoplistion Board v. Bowerscraft Clothing Co., Inc., 415 U.S. 1, 17, 94 S. Ct. 1028, 1035, 39 L. Ed. 2d 123 (1974). The State Department should not be permitted to sabotage Congressional intent by handling requests for information with what the First Circuit characterized as "glacial celerity" Irons v. Bell, 596 F. 2d 468, 470 (1979).

If the District Court decision stands unreversed, the object lesson will be clear to the Executive Branch: Reply quickly only to requestors who are wealthy; don't bother worrying about middle class and working class requestors because we can make it much too costly for them to litigate at no risk to the government. The district court for the Southern District of New York said it eloquently:

"...the salutary purposes of the Statute to encourage voluntary compliance with the FOIA, and to encourage suit where an agency has wrongfully withheld requested material could be too easily rendered nugatory if the government could force a party into litigation and then deprive that party of the right to recover expenses incident to bringing the action."

Salis v. Burns, 411 F. Supp. 897, 902 (1976).

8. Interim fees. Miller deserves to be reimbursed for his attorneys fees and costs even if the Court were to remand for further consideration or if the Court reversed the district court, and the State Department decided to appeal.

The notion of interim fees is relatively new to the FOIA arena. But two district courts have awarded interim FOIA attorneys fees during the past three years. The Southern District of New York, in 1980 (Gieberman v. FBI, 496 F. Supp. 263) and the Northern District of California in 1983 (Powell v. Department of Justice, 569 F. Supp. 1192).

The Powell court undertook an analysis of similarly worded statutes which had prompted the award of attorneys fees in Civil

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Rights actions.

It concluded that both the legislative history and discernable Congressional intent strongly support the award of interim attorneys fees in appropriate cases. Powell, supra, at 1197. "Without an award of interim fees," that district court pointed out, "many plaintiffs without the financial wherewithal to engage in such protracted litigation would be forced to abandon their FOIA lawsuits in mid-stream." Id. at 1199. That is precisely the situation in which Miller finds himself.

The criteria which the Powell court established to determine which cases were appropriate for awarding interim attorneys fees comprise (a) the degree of hardship attaching to a delay in the recovery of fees; (b) the extent of unreasonable delay by the Government; (c) and the length of time the case has been pending. Here, Miller has had to borrow money to subsidize the appeal; the State Department delayed sending him any documents at all for six months and then took another 2 1/2 years to send him the rest of the file; and the case has been pending since June, 1982. Miller clearly fits the criteria and deserves to recover interim fees.

Miller wants that he be reimbursed for his attorneys fees and costs to date, including those incurred in preparing this Brief.

11 Van Hoomissen v. Xerox Corp., 503 F. 2d 1131 (9th Cir. 1974); Yakowicz v. Commonwealth of Pennsylvania, 683 F. 2d 778, 781-82 (3d Cir. 1982); Bradley v. School Board of the City of Richmond, 416 U.S. 696, 94 S. Ct. 3007, 40 L. Ed. 2d 476 (1974); Hanrahan v. Hampton, 466 U.S. 754, 100 S. Ct. 1987, 64 L. Ed. 2d 670 (1980), as cited in Powell, supra, at 1194-96.

SUCCESS OF THE ATTORNEY'S FEE ISSUE

Miller's lawsuit was necessary to pry documents out of the Department of State, and his vigorous prosecution of the action was the proximate cause of both the quantity and timing of the eventual releases. Miller's interest in the Liberty data is scholarly, non-commercial, and consonant with the public well. Additionally, the State Department's conduct during the pendency of the litigation and in the year between Miller's initial request and his serving the Complaint was disingenuous and vexatious.

Accordingly, Miller satisfies all of the judicially established criteria for having "substantially prevailed". And he does so regardless of the outcome of the summary judgment motion.

It would thwart the legislative purpose of the FOIA if ordinary citizen-requestors of information under FOIA, like Miller, are forced to subsidize litigation to elicit data which the Congress has unequivocally stated should be available to the public for the asking. Consequently, the District Court erroneously concluded that Miller had not substantially prevailed, and it was an abuse of discretion to deny Miller his attorney fees and costs.

VI. CONCLUSIONS

1. The record casts grave doubts about the credibility, and hence the good faith, of the affidavits filed by the State Department in this case.
2. A number of genuine issues of material fact remain

concerning: (a) the complete release of non-exempt documents; (b) the legitimacy of the exemptions claimed for some of the documents withheld; (c) the adequacy of the State Department's search for documents; (d) which Executive Order should have applied to the classification of documents; and (e) the interplay between the violation of the Israeli-American Treaty and the authority to invoke exemptions.

3. A trial court considering a motion for summary judgment is only to determine whether genuine issues of material fact exist; it was improper for the district court to resolve those issues, particularly if in resolving them it does so in favor of the moving party.

4. The District Court's grant of summary judgment to the State Department was clearly erroneous.

5. Miller clearly satisfied the criteria to be applied in determining whether a FOIA plaintiff has substantially prevailed in his action.

6. Miller's lawsuit was both necessary and the causal element for the release of the data eventually disclosed to him. As a result of his lawsuit, Miller obtained approximately 200 more documents than a pro se litigant (James Ennis) whose FOIA/privacy request the State Department conceded was broader than Miller's.

7. Even if the litigation in this case continues on appeal or in discovery, Miller is entitled to interim attorneys fees and costs incurred up through the preparation of the Brief and oral argument on appeal.

8. It was a clearly erroneous abuse of discretion for the district court to hold that Miller had not substantially prevailed and to deny him his attorneys fees and costs.

Respectfully submitted,
FRENCH & WEISSEMAN, P.A.

by:
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Attorneys for
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dated: October 26, 1984

ADDENDUM

James M. Ennes, Jr. Research Papers

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

James Miller,

Plaintiff,

vs.

MEMORANDUM AND ORDER

Civil No. 3-82-788

George Schultz, Secretary of State; Blair P. Hall, Information and Privacy Staff Person; Henry Cohen, Policy/Appeals Office, United States Department of State.

Defendants.

Before the court are plaintiff's objections to the Magistrate's Report and Recommendation granting defendant's motion for summary judgment. Gary A. Weisbach, Esq. appears for plaintiff. Jose Sandoval, Esq. and Monica Butler appear for defendants.

BACKGROUND

The plaintiff, James Miller, is a resident of Minnesota. On July 23, 1981 the plaintiff made a Freedom of Information Act (FOIA) request to the State Department for: (1) all State Department documents relating to the attack on the U.S.S. Liberty on June 8, 1967 by Israel, and (2) any documentary evidence which would demonstrate that the attack was not deliberate. The plaintiff received a letter from the Information and Privacy Staff of the State Department informing him that his request had been received and was being processed. Over the next 11 months plaintiff and defendants exchanged correspondence concerning the

release of requested information. Dissatisfied with the amount of information released, and the procedure followed, plaintiff filed this suit pursuant to the Administrative Procedure Act, 5 U.S.C. § 552(a)(4)(B). Jurisdiction is founded on 28 U.S.C. § 1331.

DISCUSSION

In passing upon a motion for summary judgment, the court is required to view the facts in a light most favorable to the party opposing the motion and give that party the benefit of all reasonable inferences to be drawn from the underlying facts disclosed in the pleadings and affidavits. Keys v. Lutheran Family Children's Services, 668 F.2d 356 (8th Cir. 1981); Adickes v. S.H. Kress & Co., 398 U.S. 144 (1970). Thus, defendants must establish their right to a judgment as a matter of law; there must be no genuine issue of material fact and no room for doubt or controversy. Keys v. Lutheran Family & Children's Services, 668 F.2d 356 (8th Cir. 1981).

Plaintiff in his objection to the magistrate's report and recommendation claims there are three genuine issues which should preclude the granting of defendant's motion. First, defendants have not fully responded to his request. Second, defendants have not properly classified withheld documents, and finally he has substantially prevailed in this action entitling him to an award of attorney's fees. Defendants, on the other hand, submit that this court should adopt the report and recommendation of the magistrate and grant their motion for summary judgment.

It is well established that the adequacy of an agency's response to a FOIA request is measured by a standard of reasonableness. McGehee v. Central Intelligence Agency, 697 F.2d 1095 (D.C. Cir. 1983); Founding Church of Scientology v. National Security Agency, 610 F.2d 824 (D.C. Cir. 1979). The agency must show beyond material doubt that it has conducted a search reasonably calculated to uncover all relevant documents. Walberg v. United States Department of Justice, 705 F.2d 1344 (D.C. Cir. 1983). The issue is not whether any further documents exist but rather whether the government's search for reasonable documents was adequate. Prity v. Block, 684 F.2d 121 (D.C. Cir. 1982). To prevail, the defendants must show that each document in existence which has been requested has been produced, is unidentifiable, or is wholly exempt under the Act. Marks v. United States Department of Justice, 578 F.2d 261 (D.C. Cir. 1978); National Cable Television Association, Inc. v. F.C.C., 479 F.2d 183 (D.C. Cir. 1973). The government may rely upon affidavits to show it has conducted a reasonable search, as long as the affidavits are relatively detailed, non-conclusory, and submitted in good faith. Walberg v. United States Department of Justice, 705 F.2d 1344 (D.C. Cir. 1983); Goland v. Central Intelligence Agency, 507 F.2d 339 (D.C. Cir. 1974); Vaughn v. Egan, 484 F.2d 820 (D.C. Cir. 1973).

Plaintiff alleges defendants' dilatoriness, their refusal to provide any information about either reparations or data showing that the attack was accidental, and the discrepancies in their affidavits all constitute precisely the kind of bad faith

appellate courts have described when admonishing district courts not to swallow undigested the contaminated agency affidavits which are often filed.

Defendants, in their affidavits, submit that the reason for the delay in releasing responsive material on the U.S.S. Liberty attack stem from the elaborate and complex retrieval process involved and the enormous backlog of 3000 requests for information.¹ Defendants have met the affidavit requirements under the reasonableness standard.

Plaintiff also objects to defendant's classification and exemption of documents under Exec. Order No. 12356 and 3 U.S.C. § 552(b) as being unlawful. Plaintiff complains the magistrate incorrectly accepted without question the contention of the defendants that documents involving events which took place seventeen years ago impact national security today. Plaintiff further contends that application of Exec. Order No. 12356 to the requested documents was incorrect.

The defendants have the burden of demonstrating that the proper classification has been made. Lessor v. United States Department of Justice, 705 F.2d 472 (D.C. Cir. 1980); Hayden v. National Security Agency, 608 F.2d 1381 (D.C. Cir. 1979); Edwards v. Central Intelligence Agency, 512 F. Supp. 689 (D.D.C. 1981). The agency may satisfy the burden by filing affidavits that set forth in detail the description of the documents and information, without revealing the information.

¹ to mention the 1500 and 2500 within and between federal agency requests for information.

sought to be exempt from disclosure. The affidavits must also give ample justification in support of the claim that the information is exempt from disclosure. The court must accord "substantial weight" to these affidavits if the agency files a motion for summary judgment and supports it with affidavits within the claimed caption. Baer v. United States Department of Justice, 647 F.2d 1328 (D.C. Cir. 1980); Kasperin v. Central Intelligence Agency, 629 F.2d 344 (D.C. Cir. 1980); Salisbury v. United States, 717 F.2d 966 (D.C. Cir. 1983). Since the information contained in defendant's affidavits was neither controverted by plaintiff's affidavit, evidence in the record nor by evidence of agency bad faith, summary judgment is appropriate.

In reviewing plaintiff's second allegation, that defendants improperly classified documents, the court must first examine Exec. Order No. 13526. The Order exempts information which pertains to intelligence activities, sources, methods, and foreign relations, or activities of the United States. If information falls within one of these categories, it may be classified when an original classification authority further

determines that its unauthorized disclosure may cause damage to national security.² In Afshar v. Department of State, 702 F.2d 1125 (D.C. Cir. 1983) the court stated:

"The rationale for allowing the Executive to apply the new Executive Order to documents in a pending suit is that the needs of national security change and that the Executive should be able to respond quickly to them."

Id. at 1136. Defendants submit that all of the documents in this case were properly classified and exempt under 5 U.S.C. § 552(b). Defendant's also argue that their affidavits meet the requirements of the reasonable ness standard set out previously. This court agrees. Because there are no genuine issues for trial, summary judgment is appropriate and should be granted.

Based on the foregoing, the record, briefs, files, and oral arguments of counsel, defendant's motion for summary judgment is granted.

Finally, plaintiff seeks attorney fees pursuant to 5 U.S.C. § 552(e)(4)(D).

"The court may assess against the United States reasonable attorney's fees and other litigation costs incurred in any case under this section in which the complainant has substantially prevailed."

² "The conferees recognize that the Executive departments responsible for national defense and foreign policy matters have unique insight into what adverse effect might occur as a result of public disclosure of a particular classified record. Accordingly, the conferees expect that federal courts, in making review determination in Section 5 552(b)(1) cases under FOIA, will accord substantial weight to agency's affidavits concerning the details of the classified status of the disputed record." S. Rep. 93-1200, 93rd Cong., 2d Sess. 12 (1974), U.S. Code Cong. & Admin. News, 1974 pp. 6267, 6290.

The purpose of this section is to remove the often insurmountable financial barriers the average citizen faces when attempting to force the government to comply with FOIA, not to provide an award to any plaintiff who successfully forces the government to disclose the requested information. Lovell v. Alderete, 630 F.2d 428 (5th Cir. 1980); Ginter v. Internal Revenue Service, 648 F.2d 469 (8th Cir. 1981).

In interpreting this subsection the courts have uniformly held that the decision whether to award attorney's fees is within the discretion of the district court and will not be overturned on appeal unless the denial rises to abuse of discretion. Crooker v. United States Department of Justice, 632 F.2d 916 (1st Cir. 1980); Ginter v. Internal Revenue Service, 648 F.2d 469 (8th Cir. 1981). Further, the plaintiff carries the burden of demonstrating the propriety of the fees award, including a showing that the plaintiff has substantially prevailed. Lovell v. Alderete, 630 F.2d 428 (5th Cir. 1980); Ginter v. Internal Revenue Service, 648 F.2d 469 (8th Cir. 1981).

In establishing the standard for determining whether a plaintiff has substantially prevailed, the courts have proceeded by describing what does not bar an award. Ginter v. Internal Revenue Service, 648 F.2d 469 (8th Cir. 1981). The production of requested documents does not automatically bar an award of attorney's fees. Cook v. U.S. Marshals, 553 F.2d 3367 (11th Cir. 1977). Nor does the failure to give a favorable judgment preclude an award of fees if the plaintiff's action helped induce disclosure of the requested documents. President Univ. Inc.

Advocacy Council v. Usery, 546 F.2d 509 (2nd Cir. 1976). The plaintiff must show more than that the information was requested and that it was supplied. Absent a court order in the plaintiff's favor, the plaintiff must show that prosecution of the action could reasonably be regarded as necessary to obtain the information and that the action had a substantial effect on the delivery of the information. Cox v. United States Department of Justice, 601 F.2d 1 (D.C. Cir. 1979); Lovell v. Alderete, 630 F.2d 4 (5th Cir. 1980); Ginter v. Internal Revenue Service, 648 F.2d 469 (8th Cir. 1981).

Congress has enunciated guidelines that the courts are to use in evaluating the fundamental legislative policies underlying the Acts. Nationwide Building Maintenance, Inc. v. Sampson, 559 F.2d 704 (D.C. Cir. 1977). Once a plaintiff has substantially prevailed a court should determine whether the plaintiff is entitled to the award in light of these criteria:

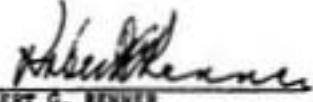
- (1) the benefit to the public deriving from the case;
- (2) the commercial benefit to the complainant;
- (3) the nature of the complainant's interest in the records sought; and
- (4) whether the government's withholding of the records sought had a reasonable basis in law. Lovell v. Alderete, 630 F.2d 428 (5th Cir. 1980); Ginter v. Internal Revenue Service, 648 F.2d 469 (8th Cir. 1981). The plaintiff feels he has substantially prevailed in this matter and furthermore has met

the requirements of the four part test. The court cannot agree. Clearly, the plaintiff has not met the criteria necessary to support such an award.

Based on the foregoing, the record, briefs, and filed, and oral arguments of counsel, IT IS HEREBY ORDERED that George Schulte, Secretary of State; Blair P. Hall, Information and Privacy Staff person; Henry Cohen, Policy/Appellate Officer and Jack Friedman, Deputy Director of the Office of Mandatory Review should be dismissed as defendants from this action, and only the United States Department of State is the proper party defendant.

IT IS FURTHER ORDERED, that defendant's motion for summary judgment be granted.

Dated: July 6, 1984.



Robert G. Benner

United States District Judge

James M. Ennes, Jr. Research Papers

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FIRST SERIOUS
ARTICLE ON THE
LIBERTY

5 SEPT 67

NATIONAL REVIEW

J. KILPATRICK

1 FOLDER 28

Wm. F. Buckley Jr. on
Bishop Sheen's About-Face

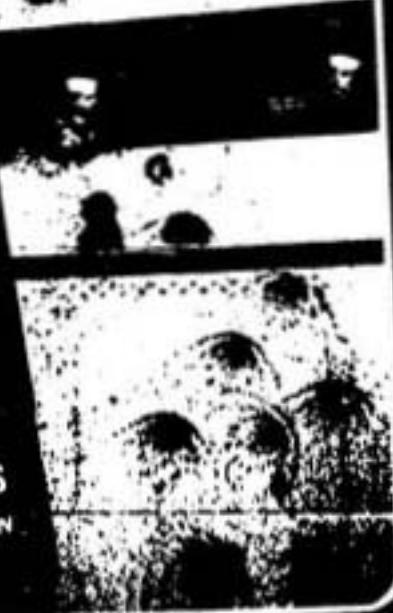
NATIONAL REVIEW



The Israeli Bombing of U.S.S. Liberty

by JAMES JACKSON KILPATRICK

A DEBATE ON SOVIET PROGRESS
EUGENE LYONS vs. ROGER FREEMAN



James M. Ennes, Jr. Research Papers

June 8, at 1400 hours

The story of USS Liberty is only in part a story of a secret ship, an inexplicable assault, some lost messages. It is also a story of brave men.

JAMES JACKSON KILPATRICK

MS-1
AM-1
JUL-10
The USS Liberty, a communications vessel attached to the Sixth Fleet, took on fuel and provisions at Rota, Spain, on June 2, 1967. She left that same day, under orders to proceed at top speed to an assigned position off the Sinai coast ~~100 miles~~ to the east. She carried a crew of fifteen officers and 279 men. Three civilians identified cryptically as "technical representatives" from the Department of Defense (DOD), also were aboard. She arrived on station early on the morning of Thursday, the 8th. It was the fourth day of the six-day war between Israel and the Arab nations. That afternoon the Liberty was to undergo an attack without precedent in modern naval history. Thirty-four men would die, among them one of the DOD technicians; another 33 would be wounded. Well over a third of her total company would be casualties of an unprovoked assault in an undeclared war, victims of an incomprehensible "mistake" on the part of the part. Or so the incident is described.

What follows here is nothing but an exposé of the Liberty's clandestine role in the Mediterranean and an explanation of the Israeli trigger-happy attack; those aspects of the affair are at present unknowable. What follows is no more than an account, drawn largely from official records, of what happened. This is, in brief, a sea story; nothing more. Yet sea stories alone are worth the spinning, and the story of the Liberty, that blazing summer afternoon, speaks of enduring values that men too often forget: loyalty, and discipline, and courage under fire.

As she chugged eastward across the Mediterranean, the Liberty surely was no thing of remarkable beauty. She had started her maritime life as a freighter of the old Victory class, her keel laid down in Portland, Oregon, late in February 1943. These were the days of Roche the Riveter; merchant ships were not long in ge-

tation. This product of the assembly line was delivered to the Maritime Commission a little more than two months later. During the closing months of World War II and for some years thereafter, she plied the Pacific Far East. She saw considerable service during the Korean conflict. In 1958, an old tub, she went into the Reserve Fleet, mobilized in Puget Sound, there to slumber for nearly five years.

Out of mothballs

Meanwhile, the Navy embarked upon a program of developing special communications services. Three old Liberty freighters were out of mothballs, to emerge on the West Coast as Oxford, Gloucester and Jamestown. In the summer of 1963, two additional conversions were ordered from the aging Victories on the West Coast. The former Iron Victory returned to service in November of 1964 as the decommissioned; and on December 30, 1964, the former SS Sylvania Victory went back to sea as the USS Liberty. By general acknowledgment, the five vessels make up our own fleet of "Russian trollers." In the short word, they are spy ships.

We pick her up in early June: 455 feet long, 82 feet at the beam, her topside exhibiting a puzzling collection of masts and antennae, a "Big Ear" turning inquisitively amidships, assigned to the Sixth Fleet, in the Mediterranean. Down below, in the forward compartments, walled off from the operating crew, were the communications technicians. And with them, by general report, were specialists not merely from DOD, but more precisely from the super-secret National Security Agency. Among them, it is said, were experts in code-cracking and cryptographic machinery. One can only guess at the devices the Liberty had aboard for receiving, recording, transmitting. It is

known that the ship could pick up messages from a hundred miles away. And in that war briefly raging between Israel and the Arab nations, the Big Ear was ordered to listen to Sinai.

In April of 1968, Commander William Loren McGonagle, USN, had assumed command of Liberty. Born in 1926—he had been raised in Goleta, California. He was graduated in 1943 from the University of Southern California at Los Angeles, an ensign in the V-12 program. He served for nearly three years on a radar picket destroyer, then as executive officer on the minesweeper Kite on combat patrol off Korea. Tours of duty followed at San Francisco and Bremerhaven and Philadelphia; he was back at sea for two years on the heavy cruiser Rochester; then came his first command on Minot, an ocean-going tug. He returned to shore for special training at the University of Idaho; spent two more years at sea, commanding the salvage vessel Reclaimer; then put in another two years of staff operations in the Pacific. Finally came his assignment to Liberty.

Where Were the Orders?

Now, none of this experience, it will be seen, had prepared McGonagle precisely for what was to happen on the afternoon of June 8. To be sure, he had known hazardous duty on Kite, and he had put in some anxious moments picking up mines in the Baltic in 1952. On the record, however, one may surmise that he had never heard a shot in anger. We meet him, this summer day, at age 41, a professional naval officer, doing the same job he had been doing for fourteen months.

So he brought the Liberty to her assigned position early on the morning of June 8, a hot day, the sun bright, the sea calm. His orders were

to maintain patrol from "a point thirteen nautical miles from the coast of the United Arab Republic at 31-21-2N and 34-00E (point Alpha), thence to 31-22-3N and 33-42E (point Bravo), thence to 31-21N and 33-00E (point Charlie), retracing this track until new orders might be received." As events were to turn out, some new orders were in fact dispatched that very morning, but those messages strangely were "misunderstood, delayed, and not timely received."

The *Liberty* steamed methodically along her southerly course until she reached point Alpha at 8:49. The ship's normal American ensign, a flag 3 x 8 feet, fluttered loosely in the tepid air. Then she turned to the southwesterly leg. At about that moment, an unidentified jet aircraft approached and circled the ship. This was at 8:50 by the log. Some forty minutes later, the tall minaret at El Arish became visible, thirteen miles away. McGonagle asked for a bearing on the minaret, in order to make certain of his position within the established operating area. Everything checked out nicely. An hr. later, at 10:26, with the *Liberty* nudging along at five knots, two unidentified aircraft again orbited the ship. The presumption is strong—indeed, the presumption is inescapable—that these were Israeli reconnaissance planes. They circled the ship three times, at a distance of approximately five miles. At 10:36, another aerial [redacted] turned up—an aircraft, possibly an American flying boat—which passed astern at a distance of three to five miles. "The plane circled the ship around the starboard side, proceeded forward of the ship, and headed back toward the Sinai peninsula." Visibility was good.

The Unmarked Plane

"Unmarked aircraft," McGonagle was to testify at the Navy Court of Inquiry, "continued to return in a somewhat similar fashion, approximately at thirty-minute intervals. It was not possible to see any markings on the aircraft, and the identity of this aircraft remains unknown."

McGonagle was not greatly worried by the surveillance. He was clearly within international waters, by anyone's international law. At 11:52, passing point Bravo, he altered course

to 360 true, and plodded along his westward leg. During the morning, he was approached by the engineering officer, Lieutenant George Golden, asking permission to let the number two boiler cool for gasket repairs. The permission was granted, and the boiler began to cool at noon.

At 1:10, the ship went to general quarters for a routine non-combatant drill in chemical attack procedure. Just as the 30-minute drill began, a billowing cloud of black smoke arose from the Sinai beach, some fifteen to twenty miles west of El Arish. The drill went off satisfactorily, but McGonagle saw an opportunity to put in a timely word. Every naval officer knows the problem of maintaining interest in damage control drills; other shipboard exercises can be successfully simulated, but drills in damage control have a way of demanding more imagination than normally can muster.

From the transcript:

Before disengaging from our general drills, I called the crew—a short talk about the system, reminding them of the importance of vigilance, corresponding to general quarters... in the event of an actual attack so that they would be informed. I pointed out to the crew at one time that the column of black smoke should be sufficient evidence that the ship was in a potentially dangerous location. I had no evidence or indication that an attack would actually be made on the ship.

Ordinarily, as McGonagle would recall, it was his practice after a

drill to join the officers for a cup of coffee in the wardroom, in order to go over the performance with an eye to improvement. This time, he was generally pleased with the exercise. His ship was secure; morale was high; some of his off-duty sailors were about to take sunbaths. He lingered on the bridge, chatting casually with his executive officer, Lieutenant Commander Philip McCoshan Armstrong Jr. A few others were there—Lieutenant George H. Bennett of Pittsburgh, Lieutenant James M. Ennis Jr. of Norfolk, and Lieutenant Commander Tom, the son of retired naval Captain Joseph C. Tom, of Virginia Beach. Lieutenant James G. O'Connor, who had served as officer of the deck during the general quarters drill, was ready to go off duty for lunch. Lieutenant (j.g.) Lloyd Clyde Farmer checked up the ladder to replace him.

For no particular reason, except that such reasons always stir in a naval captain's head, McGonagle put his own eyes to the radar screen for one more bearing on the minaret at El Arish. The landmark was then 22.5 miles distant; the bearing was 162, comfortably within the bearing he had established earlier as a danger point against shore waters. It was 1:35. Palmer had officially relieved O'Connor as officer of the deck. Ensign Malcolm Pat O'Malley of Minneapolis had just assumed the conn. McGonagle was ready to go below. Still he lingered.



Ship and survivors found safe harbor in Malta, where Cdr. McGonagle inspected the damage. According to Navy sources, the *Liberty* sustained \$21 million in damage from rockets and mortars alone. (Department of Defense Photo)

At 8 o'clock, looking just above the bridge reported Jr aircraft approaching. McGonagle moved to the starboard wing of the bridge to have a look at them with binoculars. He was able to observe one aircraft "of similar characteristics, if not identical, to the two aircraft which were sighted earlier in the day." The plane was about five or six miles away, at an altitude of perhaps 3,000 feet. It appeared to be traveling on a parallel course with the ship. There was no evidence of a hostile attitude. McGonagle put down the binoculars and again turned away.

The first explosion came, as best he can recall, within a couple of minutes. He sounded a general alarm, and dashed to the port wing of the bridge. Two 55-gallon gasoline drums, stored alongside on the main deck, were burning furiously. The outside port ladders were blocked; he ordered Armstrong to go down the starboard side and get the drums pushed overboard. O'Connor, who also had lingered on the bridge, moved to go with him. The two men had just reached the top of the starboard ladder, when a second bomb struck, this one near a whaleboat stored just aft of the bridge. The explosion killed Armstrong outright and flung the others back into the crowded room. Suddenly the whole of the tiny bridge was a mass of blood and debris.

"All Ahead Flank!"

McGonagle grabbed for the engine order transmitter, remembering his dismay that the number two boiler was cooling. He desperately rang up all ahead full. To his vast relief, smoke belched from the stack, and the wounded *Liberty* seemed to pick up speed. He ordered a message sent by the ship's command radio to the Chief of Naval Operations, advising that *Liberty* was under attack. He glanced at the helm and saw that his helmsman had been seriously injured by the second bomb blast. Quartermaster Third Class Francis Brown, of Troy, N.Y., had leaped to the helm in his place. In less than half an hour, Brown himself was to die.

The second attack continued. Whether there were two planes or three, McGonagle cannot recall. They came over the *Liberty* in criss-cross runs a minute or so apart, passing the ship with machine guns, rockets,

and fragmentation bombs. After the first or second run, McGonagle reached for a phone to relay more commands, but the phone circuits had been destroyed. The public address system went out. Shouting through the smoke, he saw that Ensign John D. Scott of Charlotte, N.C. was rallying damage control parties to fight a raging fire in the vicinity of the whaleboat. Ensign David G. Lucas managed to make his way to the bridge, stepping over the bodies of the dead and wounded men. Together, they assigned numbers to relay orders to the repair parties and to other vital stations.

It may have been on the third run that McGonagle himself was hit. He could not recall pain or even shock. He looked down, and saw his right leg turning red. At the subsequent Navy Court of Inquiry, he was asked about the wound. He testified during his first appearance on the witness stand:

I was knocked off my feet and only shaken up and it made me turn around a little bit, but I did not appear to move or feel any consequences. I was sitting down on my starboard knee and I noticed blood coming on my trousers right leg. Since I could walk and there was no apparent pain, I gave no further consideration to that minor injury.

The hostile planes kept hounding in. A moment or so later, Ensign Lucas reappeared in painful surprise. He had taken a piece of shrapnel in his forehead. McGonagle opened the bridge safe, got out a camera, and struggled to the port wing in order to take pictures of the attackers. For the remainder of the assault, he kept the camera close at hand.

It was now about 2:30. The *Liberty* was still on her course of 230 true, plodding toward point Charlie. She was still moving along at something in excess of five knots. The attacking planes abruptly wheeled off. Through the smoke, McGonagle caught a glimpse of three high-speed torpedo boats approaching from the northeast at 22 to thirty knots.

From the transcript:

It appeared that they were approaching the ship in a torpedo launch attitude, and since I did not have direct communication with gun control or the gun mounts, I told a man from the bridge, whose identity I do not recall, to proceed to mount 51 and take the boats under fire. The

boats continued to approach the ship at high speed and on a constant bearing, with decreasing range.

About this time, I noticed that our ensign had been shot away during the air attack, and ordered Signalman [Russell O'Reilley] Davis to hoist the largest ensign we had in the locker. He ran up the holiday ensign (17 x 11 feet). It was flying before the boats attacked.

Old menaces stormed back. McGonagle's mind, if he turned the *Liberty* to port, in order to avoid the torpedo boats, overlooked the mortal shreds. If he turned to starboard, he gave his crew an even better target. McGonagle or O'Connor and pray for God's bounties to give him maximum speed.

From the transcript:

When the boats reached an approximate range of 2,000 yards, the center boat of the formation was approaching to us. Also, at this range, it appeared that they were flying an Israeli flag. This was later verified. It was not possible to read the signals from the center torpedo boat because of the intermittent blocking of view by smoke and flames. At this time I pulled to machine gun 51 to hold fire. I realized that there was a possibility of the air attack having been conducted in error. I wanted to hold fire to see if we could find the signal from the torpedo boat, and perhaps avoid additional damage and personnel injuries. The men on machine gun 51 fired a short burst at the boat before he was able to understand what I was attempting to have him do.

Then, to McGonagle's consternation, he saw that one of the aft machine guns, gun 53, had erupted into extremely effective action. "It's Qu'iteen," he said to Ensign Lucas. "He's blanketing that boat. Go around the port skylight and tell him to hold fire." Lucas clambered off, but later would testify that it wasn't Boatswain's Mate Anthony A. Quintro at all.

From the transcript of Lucas's testimony:

The first thing I noticed was that the mount 54 [on the port side] was vacant. Flames had reached it and chased everyone out of there. I ran toward the gun mount, and I laid over the skylight from the engineering spaces. I had a clear view of mount 53 [the starboard mount, which was firing]. None, any, the water up, and there was no one on mount 53. The flames from the motor whaleboat were coming over the lip of the mount. I assume that the bullets that were in the gun, or bullets that were in the ready service

ammunition box, very near there, were exploding off and firing.

At 2:14, the torpedo boat opened fire with their own guns. A cannon shot caught Quartermaster Brown mortally wounded, to fall from the helm. Seconds later, three torpedoes sped toward the *Liberty*. One passed astern by 30 yards. A second may have passed beneath the ship. The third struck the *Liberty* forward, on her starboard side, immediately below the waterline. In the instant of the explosion, 28 men died—most of them highly skilled technicians. The ship went dead in the water, her steering control and all power lost. But there was no additional fire, and a nine-degree list to starboard presented no immediate danger of sinking. McGonagle's weary brain began to re-calculate the shoal waters, with the thoughts of grounding his ship if he had to.

"Go to Hell!"

It was 2:40. In the midst of the bizarre nightmares, it seemed not at all surprising that the commanding torpedo boat made a swift turn, stopped dead some 300 yards astern, and began signaling in English: "Do you require assistance?" McGonagle had no light left to return the signal. He ordered the flag "Line India" hoisted, signifying that "I am not under control." (Somewhat later, an Israeli sailor was to say that "an officer appeared and shouted 'Go hell!'" After a moment or two—enough for McGonagle to attach a photograph of the assassin—the torpedo boat moved away from him. Two minutes later, two helicopters bearing Star of David marks appeared. They hovered about the smoking ship, circled her repeatedly, flew off for about 30 minutes, returned once more, and vanished.

McGonagle's mind turned to the dead, to wounded, the problems of rescue, storage. Scott's damage control parties were working at fever pitch, the sailors stripped to the waist, the deck a mass of twisted metal and burning gear. But the watertight bulkheads were holding; the starboard list was no worse, and Lieutenant Richard H. Kiepler of Brooklyn, a Navy doctor, had done a superb job of organizing a main battle dressing station in the mess

hall. Most of the slain men were trapped in the forward compartments, but three or four mangled bodies, streaming blood, were still on deck. They were in plain view of the inspecting helicopters. By this time, McGonagle's wounded leg was giving increasing pain. He stretched out and tried to keep the limb elevated. Then, to his horror, he looked up. The two jets were coming back from the starboard side, "in similar fashion to that which preceded the initial attack." He called an alert in the possibility of renewed assault, but the jets disappeared.

It was 3:15. McGonagle ordered the ship's international call sign boosted, and turned again to the problem of getting the *Liberty* back under steam. Both boilers came briefly back on the line, but lost their fuel oil suction almost at once. The gyro compass was a week—it was impossible to learn the ship's heading. The ship's surviving communications technician, however, were able to manage the impossible. They rigged a temporary

radio-telephone circuit, and restored communications with the Sixth Fleet.

McGonagle leaned against a bulkhead. The whole bridge spun around him. He clutched to the d-r-g giddily from lack of blood. A communications technician, Jeffrey Robert Carpenter of Norfolk, cut away his right trouser leg and applied a tourniquet. McGonagle refused to give up. The cuts he had suffered at 2 o'clock he was to retain the cuts until 3:30 the following morning.

A thousand demands filled his attention. Some of the crew members had dropped their rations. McGonagle sent a messenger to tell them to leave the helldests alone. The boats weren't needed now, but they might be needed later. He sent a message to the fleet command, detailing the wounded, dead and casualties. Friendly fighters from the carrier *America* were around him. Back in Washington, President Johnson had been on the hot line to Moscow, advising Premier Kasygin of the situation. The



Liberty's log, June 8, 1967-1968 (from the manuscript).

international uproar was beginning. McCaughey's principal concern was to keep the *Liberty* moving. The engine room, thank God and George Goldstein's crew, managed to get the turbines going again. To his delight, the ship turned up a brisk eight knots. McCaughey ordered a course estimated at 340 magnetic, and arranged for emergency manual steering.

From the transcript:

The amount of rudder was given to after steering over emergency rigged sound-powered telephones. They would apply the rudder. When the ship had come to the approximate magnetic heading, the rudder would be shifted to starboard to maintain that heading. It was possible to maintain within plus or minus 30 degrees of the ship's heading most of the time.

The salinity of the setting sun provided a rough guide to help the *Liberty* along. The barometer was still working; it reported 28 fathoms, and he knew—plenty of water for the moment, but the junks were somewhere near at hand and it was only a guess whether the magnetic compass had been knocked awry. McCaughey toyed with the idea of dropping anchor, and even directed Lorus to get up an anchor party and go to the forecastle. His thought was to wait until it got dark, then take a visual bearing on the North Star, because "once I was able to sight the North Star, I would know in which direction the ship was actually proceeding." Then another thought prevailed: He ordered the engines backed two-thirds, and for eighteen minutes the *Liberty* backed safely away from the threatening shallows.

"How much water?" he was asking. When the turbines began to stall, he drew a long breath and ordered the rudder around to a bearing of 345 magnetic. The engineers produced power, though the like of pressure had never brought trouble. By 4 o'clock, *Liberty* was moving at a creditable ten knots, with 80 fathoms under her keel.

At 4:15, a lookout went word to the bridge that another Israeli helicopter was approaching.

"What do they want?" asked McCaughey.

"Sir, they're trying to land a man aboard."

McCaughey was in no mood for social visitors or for boarding parties.

He thought of the dan, iron clutter on the forecastle, and ordered a wave-off. The helicopter then dropped a message to the deck. Written on the back of the calling card of Commander Ernest Carl Cudie, Naval Attaché for Air, U.S. Embassy, Tel Aviv, it read: "Have you casualties?"

From the transcript:

We attempted to advise them by flashing light with an Aldis lamp that "affirmative," we did have casualties. I'm not sure that wounded men were still lying around the deck, as such. By that time, most of our wounded had been taken to the casualty collection stations.

McCaughey ran the names. In amplification of the Admiral's question, was there not a considerable amount of blood on the decks that would be obvious from a reasonable distance?

The witness: That is correct. There were numerous blood streams, the full length from the forecastle to the main deck at machine gun mount 11, where one body was still lying. I recall that now. There was also one other body in the vicinity of mount 11.

After ten or fifteen minutes of unsuccessful attempts at communication, the helicopter left. And darkness fell.

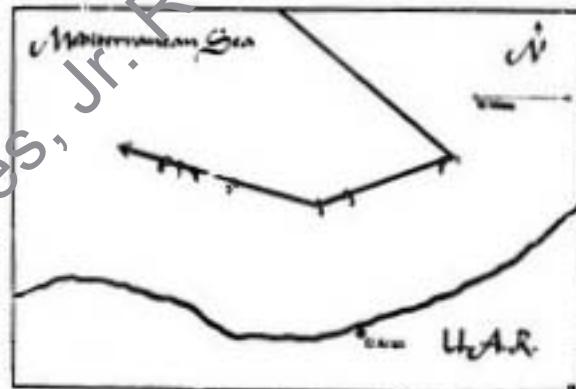
In a Navy that delights in tales of seamanship, men will be talking for years of the night that McCaughey brought the *Liberty* back from Sinai. At the Court of Inquiry's hearings, McCaughey was recalled to the stand.

From the transcript:

However, not too soon, I have no further questions. Does any member of the Court desire to question the witness?

The witness: Captain McNaughey, in our previous discussion, told me a story which I have since tried to identify as a remarkable combination and self-reliance on your part, which I presume induced you not to mention in detail the way you navigated this area of dangerous waters in the dark. Will you please tell the Court how, while lying on your deck, with no compass except the magnetic compass, and based on your recollection of the magnetic compass errors in relation to the North Star book, you used the sun and subsequently the North Star to steer the area?

The witness: Admiral, after a time on the bridge, when I had received minor injuries, I lost considerable blood, and when attempts to stem the flow of blood by self-help were unsuccessful, I noticed myself beginning to lose consciousness. I immedi-



COURSE OF THE USS LIBERTY—June 8, 1967

1. 0000: Liberty changes course at "Point Alpha".
2. 0000: unidentified jet circles ship.
3. 0000: Israeli "Samar" comes to an abrupt stop, circles ship, returns to Israel.
4. 0000: Ship changes course at "Point Beta".
5. 0000: Helicopter, covered Q: enters deck, after which Cdr. McCaughey remarks his view that Liberty is "in a potentially dangerous situation."
6. 0000: Another jet appears; Liberty banks and steers.
7. 0000: Searching jets fly away; torpedo boats flying Israeli flag approach the ship.
8. 1430-1440: Liberty torpedoed.

stably lay down flat on my back on the port wing, and raised the bleeding leg as high as possible, resting it on my port bridge chair, and there a first class communications technician by the name of Carpenter and other persons whom I don't recall at this time, applied a tourniquet to my right leg which effectively stopped the flow of blood. I sat in time lost consciousness and had my full faculties at all times.

I realized at that time I had lost considerable amounts of blood because it was sloshing in my shoes.

But since the flow of blood had stopped, I gave no further consideration to I didn't consider I had any real problem in that area.

I crossed the ship by looking off and by being able to see the wake of the ship I was able to tell after steering which way to apply the rudder and how long to leave it on to attempt to average out the course that I felt the ship should travel to stand clear of possible shoal areas. I remained on my back for approximately an hour and a half. I then felt that I had regained sufficient strength that I was able to get up from the deck and move the ship from the wing of the ship and from the pilot house.

It seemed to me that my remaining on the bridge—this would be utilized to lessen the shock that the rest of the crew had received.

The Navy doctor, Lieutenant Kiepler, saw McGonagle during the evening but made no effort to get him below to a battle dressing station. "The Commanding Officer at that time was like a rock upon which the rest of the men supported themselves," he told the court. "To know that he was on the bridge grievously wounded, yet having the composure calm through the night calling every change of course, was the most terrible told the men, 'We're going to live.' When I came to the bridge I saw this, I knew that I could only insult this man by separating that he be taken below for treatment of his wounds. I do believe suggested it."

Dr. Kiepler's own performance was in the best naval tradition. He performed the major operation immediately after the engagement. He and two hospital corpsmen stayed on duty for 28 hours.

From the transcript of Dr. Kiepler's testimony:

"Any time we needed one volunteer, we'd get ten. If anything had to be done, there were hands everywhere. When asked for two pints of blood for transfusion, we had people on the



Commander William E. McGonagle

adjacent tables who were saying, 'If you need some hands for this type,' those were probably already wounded."

During the night, McGonagle ordered three messengers to identify the dead. He and his remaining officers bent to the task of preparing a casualty message. He witnessed at the first of these Mrs. Philip McC. Armstrong Jr., of 423 West Main Street, Dalton, Pennsylvania. His executive officer, a 38-year-old graduate of the Naval Academy, had left a young widow and five children behind. Lieutenant James C. Pierce had died, and Lieutenant Stephen Teth. The list included Allen M. Rhee, one of the DOD specialists. And the sailors: Allebaugh, Blanchard, Brown (he would recommend Brown for posthumous commendation), Campbell, Converse, Eisenberg, Goss, Graves, Hayden, Hersey, Higgins, Hoar, Keene, Lewis, Linn, Lupton, Marggraf, Marchbaugh, Mendle, Nygren, Raper, Rehmeyer, Shokal, John C. Smith and Melvin D. Smith, Spicher, Thompson, Thornton, Tredtke, Walton.

Most of them were naval communications technicians. "Died in the forward compartment," who died in the torpedo's explosion.

Early on the morning of June 9, a lookout sent word that the U.S. destroyer *Doris* was in sight, ready for escort duty. Helicopters arrived from the carrier *America*, to transfer the wounded. During the morning, the fleet tug *Papage* also arrived. The heavy cruiser *Little Rock* joined the parade. The little convoy moved slowly off to Malta, the *Liberty* still listing badly and 25 bodies still entombed in the flooded water of the communications tanks. They arrived at Valletta on the 11th. Freed workers in the shipyards started 825 separate hits upon the hull and superstructure by hand, shovels and machine guns until the trailing hole 1-ft. 4-in. wide torpedo explosion measured 28 feet across.

II

A Navy Court of Inquiry opened hearings in London on July 11, and continued them aboard the *Liberty* at Malta through June 17. Admiral J. C. Kidd served as President of the Court; other members were Captains Bernard J. LaFelt and Bert M. Atkinson, both attached to headquarters of Admiral John S. McCain Jr., commander in chief of U.S. Naval Forces in Europe.

Almost all of the testimony taken by the court remains in classified status. Some excerpts have been released from McGonagle's transcript. A few quotations from the evidence supplied by Ensign Lucas and Dr. Kiepler also have been made public. No supporting material whatever, having to do either with *Liberty's* mission or with the Israeli "mistake," has been released. For the time being, there is no way for the outside observer to form an independent judgment, from the record, upon the Court's conclusions.

We are told that the Court determined that "USS *Liberty* was in international waters, properly marked as to her identity and nationality," at the time the attack occurred. The Court produced evidence "that the Israeli armed forces had ample opportunity to identify *Liberty* correctly," but the Court "had insufficient information before it to make a judgment on the reasons for the decision by Israeli aircraft and motor torpedo boats to attack."

These reasons must remain a mat-

ter of speculation. There is some evidence, wholly apart from considerations of diplomacy and logic, to sustain the position taken by the Israeli government, that the attack was a tragic mistake. On a windless day, the smudge first sensed by Liberty may well have been drooping unrecognizably from the mast. The second, "holiday" smudge, isolated just before the torpedo attack, may indeed have been obscured by the smoke. This was the explanation advanced by Misha Lissner, an Israeli Naval reservist, in an article written for the Associated Press on July 6. Lissner was aboard one of the three torpedo boats.

"About 2,000 yards from the ship," he wrote, "the high mast and many wire antenna showed that this was a warship. The side of the vessel was blotted out by smoke, and apart from three numbers along her side, we could not discern a thing. We could see no flag on the mast, nor was anyone to be seen on the decks and bridge."

The Niggling Question

By Lissner's account, the Israeli torpedo boats attempted repeatedly to get some identification from the Liberty, but received no response to their signals. Then "a sailor started firing at us with a heavy machine gun from the bridge," and "thus there was no doubt that we were fired by the enemy." It was not until after the torpedo struck home that one of the Israeli boats picked up an object from the sea and saw that it was a rubber lifeboat bearing the name of the U.S. Navy.

Another line of speculation, apart from Lissner's generally interesting statement, was advanced by the Navy Court of Inquiry in an appendix to its report. The court noted that Liberty "which may have been mistaken for the Egyptian supply ship El Qantara, the Court went on to say, had Queen bears only a 'highly superficial resemblance' to Liberty. The Egyptian ship is less than half the size of the American vessel; its superstructure is entirely different—and of course it has none of the elaborate antennae and distinctive radar devices that instantly identify the Liberty.

In a statement on June 18, the Pen-

tage mildly rejected published reports that some unidentified Pentagon spokesman believed that "a plausible explanation" could be found in human error. Assistant Secretary for Defense Phil G. Goulding said that "we in the department cannot accept an attack upon a clearly marked non-combatant U.S. naval ship in international waters as 'plausible' under any circumstances whatsoever. The suggestion that the United States flag was not visible and the implication that the identification markings were in any way inadequate are both unrealistic and inaccurate. The identification markings of U.S. naval vessels have proven satisfactory for international recognition for nearly 200 years."

During the past month, press interviews with survivors of the attack have turned up a uniform conviction that the attack was deliberate. Sailors point to the morning-long aerial surveillance; the presence of the flag; the known configuration of the Liberty, her name in Arabic on the stern (Egyptian naval ships carry their names in the more ancient Arabic script); "we saw people in the international waters." And other factors happen, the crew's conclusion that the assault was no accident.

Opposed to this argument is the line of reasoning which holds that the Israeli government was heavily dependent upon the goodwill of the United States; that it would have been utterly irrational for the Israelis, knowing to have launched an attack on a U.S. ship, and that the only reasonable explanation is that the incident was a "mistake arising from the natural tensions and fallible judgments of a hot war."

So, too, does the mystery of what happened to the orders sent to McGonagle "early on the morning of June 8." All that we are told of these messages—in the plural—is that 31 the orders came directly from the Joint Chiefs of Staff. If the orders were "to move farther from the coast," and 31 the orders were "misroute, delayed, and not received until after the attack."

No commander's son system is infallible. Humans make errors; the ionosphere plays tricks; power goes off at critical moments; even carriers operating off Vietnam have significant blackout periods when they can

either send or receive. Greatful. When these possibilities have been given full account, the bare statement that the orders were "misroute and delayed" remains incredible. One would like to know a great deal more about these "misroute and delayed" messages. Did they exist? What precisely did they say? Who saw them? When? Where? How did they go astray?

One would also like to know a great deal more, of course, about the specific purpose sought to be served by Liberty's position so close to the Sinai shore. Why this maneuver out? Or twelve, or fifteen, or whatever it was? Again, the Pentagon's statement strains credulity. The first explanation, recalling that fateful moment when the unarmed U.S. was only a minute or two earlier, was that Liberty might be close to shore in order to use the morse for message relays. The second explanation was that Liberty's only job was "to serve communication between U.S. Government posts in the Middle East and to assist in relaying information concerning the restoration of American dependence and other American interests." This is hardly impressive. Skeptical observers will continue to assume that Liberty was engaged upon a general mission of intelligence-gathering and code-breaking; and they will wonder what might have been received, translated, tape-recorded, and fed into computers between, say, 10 o'clock and noon on June 8 that resulted in the pinpoint destruction of the very full compartments—frames 53 to frame 66—where the electronic gear was housed.

The unanswered questions nag for answers. For the time being, one puts them to the side. On great ships of war, operating in war zones, one comes to expect death, destruction, and terrorism. The fire on Okinawa last fall, the terrible inferno on Forrestal on July 26, were terrible reminders of the violence of war. Men rise to the crises superbly. They were in the true sense, heroes. It is a little different when a virtually unarmed communications ship, navigating peacefully under a neutral flag, is taken by surprise. There too, as Admiral McCain remarked, "terrorism was the order of the day." Commander McGonagle has been recommended for an appropriate award.

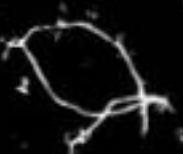
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