

US NAVAL COURT OF INQUIRY

USS LIBERTY

-FIRST DAY-

Let the record show that a Court of Inquiry is in session, convened by Commander in Chief, U. S. Naval Forces, Europe at London, England. The hour is 2314, the date is 10 June 1967.

Present:

Rear Admiral Isaac Kidd, U. S. Navy;
Captain Bernard J. Lauff, U. S. Navy;
Captain Bert M. Atkinson, Jr., U. S. Navy, members.
Captain Ward Boston, Jr., U. S. Navy, counsel for the court

I will now read the appointing order, original prefixed, marked exhibit A. Commander in Chief, U. S. Naval Forces, Europe, serial 1550/13 of 10 June 1967, from Commander in Chief, U. S. Naval Forces, Europe to Rear Admiral Isaac C. Kidd, U. S. Navy, 111645/1100; Subject: Court of Inquiry to inquire into the circumstances surrounding the armed attack on USS LIBERTY (AGTR-5) on 8 June 1967; Reference (a) JAG Manual. In accordance with section 0402 of reference (a). a Court of Inquiry is hereby appointed to inquire into the circumstances surrounding an armed attack on USS LIBERTY (AGTR-5) which occurred at approximately 1230Z, 8 June 1967, while steaming in the vicinity of 31o23' North Latitude, 33o25' East Longitude. The Court will convene at Headquarters, U. S. Naval Forces, Europe, London, England at 2000 on 10 June 1967, or as soon thereafter as practicable. The Court shall consist of you as president, and Captain Bernard J. LAUFF, USN, 007651/1100, and Captain Bert M. ATKINSON, Jr., USN, 44705?/1100, as members. Captain Ward Boston, Jr., USN, 41906?/1620, a lawyer qualified in the sense of article 27(b) of the Uniform Code of Military Justice, is hereby designated counsel for the Court, and Lieutenant Commander Allen FEINGERSCH, USN, ?13119/1100, is hereby designated assistant counsel for the court. The court is directed to inquire into all the pertinent facts and circumstances leading to connected with the armed attack damage resulting ??? ??? of and injuries to naval personnel. After ??????mntoin the Court shall submit its findings of fact. The duty of the Court to designate

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individuals as parties to the inquiry during the proceedings, when appropriate, is set forth in section 0102(?) of reference (a). The Court is directed to take the testimony of witnesses under oath and to submit(?) a verbatim record of this proceedings. Military witnesses will be warned of their rights in accordance with article 31 of the Uniform Code of Military Justice prior to the taking of their testimony. The Court will conduct its proceedings in closed session. Commander in Chief, U. S. Naval Forces, Europe, will furnish the necessary reporters and other clerical assistance to the Court for the purpose of recording the proceedings and preparing the record of this Court of Inquiry. Signed John S.(?) McCain, Jr.

All matters preliminary to the inquiry have been determined and the Court will sit in closed session. Counsel for the Court will now administer the oath to the members and the recorder and the President will administer the oath to the counsel for the court.

The appointed reporter, YNC Joeray Spencer, U. S. Navy, the members of the court and counsel for the court were sworn.

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

DIRECT EXAMINATION

Questions by counsel for the court:

Q. State your name, rank, organization and present duty station.

A. I am Captain Leonard Robert Raish, I am the Assistant Chief of Staff for Communications, Commander in Chief, U. S. Naval Forces, Europe.

Q. Captain, this Court of Inquiry has been convened to inquire into the circumstances attendant with the armed attack on USS LIBERTY. On 8 June 1967. Will you please state your whereabouts.

A. I was on duty in CINCUSNAVEUR Headquarters.

Q. Will you please state(?) to the Court what, if any knowledge you have ??????????deployment(?) of USS LIBERTY (AGTR-5) in the Mediterranean

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A. Yes, as Assistant Chief of Staff, I have the privilege of participating in the daily operations and intelligence briefings held in the Headquarters. An essential part of these briefings are the movements of ships in the NAVEUR command area. The LIBERTY passed through the Straits of Gibraltar, entered the Mediterranean, and took, a generally easterly course, culminating in the position at which she was hit.

Q. What identification is relevant to the AGTR-5.

A. This ship is a commissioned ship of the United States Navy, designated USS LIBERTY. She is a technical research ship commanded by a line officer.

Q. Do you have in your custody as Assistant Chief of Staff for Communications, any official records from the files of CINCUSNAVEUR concerning the deployment of USS LIBERTY in the Mediterranean?

A. Affirmative, I do. I have with me tonight messages pertaining to communications problems and events prior to and following the time that she was hit.

At this time, Counsel for the Court will request the

reporter to mark, as exhibits for the record, these messages which are offered into evidence of the proceedings of this Court of Inquiry. These messages will be marked Exhibits 1,2,3,4,5.

There being no objection, the exhibits were received in evidence.

I now request Captain Raish to read these messages.

Captain Raish: Exhibit 1 is a Joint Chiefs of Staff Secret message 011545Z JUN 67 from JCS to USCINCEUR, info CNO, CINCLANTFLT, CINCUSNAVEUR, COMSIXTHFLT, CTF 64, USS LIBERTY, DIRNSA, NSAEUR, DIRNAVSECGRU, ADIRNAVSECGRU, DIRNAVSECGRULANT, DIRNAVSECGRUEUR, subject USS LIBERTY SKED, reference DIRNSA G/104/311906Z (NOTAL-BOM). 1. When RFS request sail LIBERTY in accordance with the following schedule: A. 2 June depart Rota. B. 2-8 June ENROUTE VIA GIBRALTAR STRAIT CPA AS PERMITS. THEN VIA NORTHERN AFRICA COASTAL ROUTE TO POSIT 32-00N 33-00E. CAP MOROCCO MALTA 8 NM CLAIMED DIST 3 NM. CPA SPAIN TUNISIA SARDINIA SICILY CRETE 7 NM CLAIMS EFBIDIT(?) 6 NM. CPA ALGERIA LIBYA UAR 13 NM CLAIMED DIST 12 NM. C. 9-30 JUNE CONDUCT OPS SOUTH OF 32-00N AND BETWEEN 33-00E AND 34-00E.

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WHILE CONDUCTING OPS CPA UAR 12.5 NM CPA ISREAL 6.5 NM. 2. REQUEST JCS (JRC) CNO CINCLANT (JRC) CINCLANTFLT BE INCLUDED AS INFO ADDEES ON ALL MOVREPS, DAILY SITREP AND INCIDENT REPORTS. 3. ENROUTE TECH TASKING LAW RE?. 4. PROCEDURES FOR DEVELOPING JULY SKED FOLLOW. Exhibit 2 is a Joint Chief's of Staff message, Confidential 072230Z JUN 67, from JCS to USCINCEUR, info CNO, CINCLANT, CINCLANTFLT, CINCUSNAVEUR, COMSIXTHFLT, CTF 67, USS LIBERTY, HQNSAEUR, NASAEUR OFF GERMANY, DIRNSA, DIRNAVSECGRU, ADIRNAVSECGRU, DIRNAVSECGRULANT, DIRNAVSECGRUEUR, subject USS LIBERTY, reference JCS 6724/011545Z JUN 67. 1. IN VIEW PRESENT SITUATION EAST MED, OPERATING AREA SPECIFIED REF FOR GUIDANCE ONLY AND MAY BE VARIED AS LOCAL CONDITIONS DICTATE. 2. CHANGE CPA UAR TO 20 NM, ISRAEL 15 NM. Exhibit 3 is a Joint Chiefs of Staff Top Secret message 080110Z JUN 67, from JCS to USCINCEUR, info CNO, CINCLANT, CINCLANTFLT, CINCUSNAVEUR, COMSIXTHFLT, CTF 64, USS LIBERTY, HQNSAEUR, NSAEUR OFF GERMANY, DIRNSA, DIRNAVSECGRU, ADIRNAVSECGRU, DIRNAVSECGRULANT, DIRNAVSECGRUEUR, subject USS LIBERTY, references A. JCS 7337/072230Z JUN 67, B. COMSIXTHFLT 071503Z JUN 67 (NOTAL), 1. CANCEL REF A. 2. REQ LIBERTY COMPLY NEW OP AREAS DEFINED LAST SENTENCE PARA 2 REP B, UNTIL FURTHER NOTICE, I.E., NOT CLOSER THAN 100 NM TO ISRAEL, SYRIA, EGYPT AND 25 NM TO CYPRUS. Exhibit 4 is a COMSIXTHFLT Secret message 080917Z JUN 67, from COMSIXTHFLT to USS LIBERTY, subject USS LIBERTY OPERATIONS, references A. JCS 011545Z JUN 67, B. JCS 080110Z JUN 67, C. COMSIXTHFLT 062349Z JUN 67. 1. PARA 1 REF C is MODIFIED BY REF B. PROCEED IMMED TO OPERATE WITHIN A 25 MILE RADIUS OF POSIT 33-40N/32-30E UNTIL FURTHER NOTICE. DO NOT APPROACH COAST OF UAR, ISRAEL, SYRIA OR LEBANON CLOSER THAN ONE HUNDRED MILES AND CYPRUS CLOSER THAN TWENTY FIVE MILES. 2. NO TASK, ORGANIZATION ASSIGNED TO LIBERTY, 3. ACKNOWLEDGE. Exhibit 5 is a COMSIXTHFLT Secret message 101205Z JUN 67, from

COMSIXTHFLT to CINCUSNAVEUR, references A, CINCUSNAVEUR 101036Z JUN 67, B. JCS 080110Z JUN 67. 1. REF A TAKEN FOR ACTION, 2. ACCORDING TO CO, USS LIBERTY, REF B AND ALL ASSOCIATED MESSAGES TO PASS CONTENT OF REF F WERE NOT RECEIVED ON BOARD LIBERTY PRIOR TO ATTACK.

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Q. From the information in the exhibits, was USS LIBERTY at the time of the attack, at the position that she was ordered to proceed to?

A. Yes, however, she did not receive two key messages which in effect canceled the orders under which she was operating.

Q. Which are the two key messages you are referring to.

A. JCS 080110Z and COMSIXTHFLT 080917Z.

Q. Will you please explain to the Court, in a narrative manner, the substance of these messages and the applicability of the messages to USS LIBERTY ?

A. LIBERTY was operating pursuant to a JCS message, 011545Z, June 67, which directed her to proceed to position 32o North, 33 East. These orders were later modified by JCS 072230Z, which specified that the operating area specified in JCS 011545Z was for guidance only and may be varied as local conditions dictate. This message also indicated "change the CPA to UAR to 20 NM and Israel 15 NM. The next message, JCS 080110Z, a Top Secret message directed USCINCEUR to change the operating area of LIBERTY such that she remained at least 100 miles off the coast of Syria, Israel, and UAR, and at least 25 miles off the coast of Cyprus. This message was also info to several addrees including CINCUSNAVEUR, COMSIXTHFLT, and USS LIBERTY. Action on this message was directed to COMSIXTHFLT.

Q. Is there any information available that LIBERTY received the JCS message 080110Z?

A. The LIBERTY did not receive that message.

Q. On what basis do you form that opinion?

A. I form that opinion on the information received from COMSIXTHFLT, who had queried the Captain of the LIBERTY, COMSIXTHFLT 101205Z.

Q. In other words, it is clear and certain that USS LIBERTY did not receive the message directing it to stay outside of 100 miles of the coast?

A. Yes. Additionally, COMSIXTHFLT, by his 080917Z repeated the substance

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of the JCS 080110Z when he directed the LIBERTY to comply with the later message.

Q. What response to indicated from the LIBERTY?

A. The LIBERTY did not receive that message either.

Q. As a communications specialist, will you please advise the Court of your opinion predicated on the exhibits in evidence, why these two messages were not received by LIBERTY?

A. Yes. The analysis reveals that the JCS message, 080110Z, was erroneously routed by the communications center serving the JCS to NAVCOMSTAPHIL for delivery to USS LIBERTY. At 080449 NAVCOMSTAPHIL took the correct action and re-routed JCS 080110Z to NAVCOMSTA MOROCCO for delivery to LIBERTY. Up to the current time this message has not arrived at NAVCOMSTA MOROCCO, and we are still attempting to trace the reason for non-delivery to NAVCOMSTA MOROCCO. COMSIXTHFLT's 080917Z which directed LIBERTY to comply with JCS 080110Z and essentially repeated its text as well, was sent from the LITTLE ROCK at 081058. The elapsed time in getting this message off the ship was about one hour and 45 minutes. NAVCOMSTA MOROCCO routed COMSIXTHFLT's message to Asmara via San Pablo Spain Defense Communication System - USAF major relay. At 081200, COMSIXTHFLT's message was received by the U. S. Army Communications Center at Asmara for further relay to NAVCOMMSTA ASMARA for placing on the broadcast to USS LIBERTY. At 081215Z the U. S. Army Communications Center Asmara relayed the COMSIXTHFLT message erroneously to NAVCOMMSTA GREECE for relay to LIBERTY. At 081506, and there is some question about the preciseness of this time, NAVCOMMSTA GREECE returned the COMSIXTHFLT message back to the U. S. Army Communications Center Asmara. At 081510 U. S. Army Communications Center Asmara then relayed the COMSIXTHFLT message correctly to NAVCOMMSTA Asmara and it was placed on the broadcast at 081525. Clearly, LIBERTY had not received this message as she was hit at least three hours before.

Q. In recapitulation, the official records from CINCUSNAVEUR, which you have read into these proceedings, indicate that at the time USS LIBERTY

[6] was under attack, she had not received either of these two messages, COMSIXTHFLT 080817Z and JCS 080110Z?

A. Yes, that is correct. Do any members of the Court have questions of the witness?

Captain LAUFF: Q. Can you give an opinion, based on your experience, as to why these failures to deliver occur in our system?

A. Yes, in my opinion these errors in routing turned out to be human errors on the part of the persons doing the routing in the Communications Center serving the JCS and in the Army Communications Center at Asmara. I would like to further point out that at the time these mis-routes occurred we were several days in a critical situation in the Mid East with a tremendous volume of high precedence traffic being handled and that the undoubtedly young kids who were doing this work were up against traffic volume and probably lack of experience. Communication systems like weapons systems these days are sophisticated but still perform as well as

the people who operate them.

Q. Under the conditions such as you have just described, what do you estimate a normal delay time of the precedence of the JCS message 080110Z or the COMSIXTHFLT message 080917Z - what would be the delay time to the ship on average?

A. It would be unrealistic to give you an average because there are so many contingencies. The DCA has established standards which we use for guidance, however, meeting these standards is difficult to achieve particularly under the circumstances that we have been involved over the past week.

Q. Had the errors connected with the routing of the messages in question not occurred, would the messages have been received by LIBERTY in a timely fashion?

A. The answer to that to yes.

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Rear Admiral KIDD: Do you gentlemen have any more questions?

No Sir.

Captain, I have two or three questions I would like to ask.

Q. Are all of the terminals in the system related to delivery of the messages in question, to the best of your knowledge. now on-line crypto- equipped?

A. Affirmative.

Q. Has the introduction of the on-line system, in your experience, introduced a situation where we are perhaps becoming increasingly confident and dependent upon automation in general terms, beyond that which existed before the on-line systems were made a part of the communications network?

A. Yes sir. We are both confident and dependent, and in my opinion this is all to the good due to the increased capability of the system and increased speed of handling messages.

Q. Has the incidence rate of identifiable problems typified by these two messages increased, decreased, or remained about the same since the introduction of on-line crypto?

A. I have no way of comparing that sir, this in like saying were there more automobile accidents in the 1947 model automobiles compared to the 1967 automobiles.

Q. I think captain, you have really answered the question indirectly in the affirmative, that there to an increased incidence rate because with the increased capability, has not the volume increased also?

A. It wasn't my intention to give you that impression, sir. Yes, there has been a quantum increase in volume, ergo, the chances for errors would be greater, I grant you that. But on a percentage basis, I doubt it. On the old system, you

were dependent on human beings all along the line. Under the new system, of course, you are still dependent on human beings, but in fewer places.

Q. Are the human beings on whom we are depending now of the same or different qualification and experience levels?

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A. Depending on the point you make the comparison, but prior to on-line systems we use to have officer coding boards usually made up of junior officers. Now coding boards are generally a thing of the past and enlisted men operating on-line equipment do this work. I would say, quality of personnel in some respects is down, particularly in the communications field, because reenlistment for hard driving communicators is not the best. In my opinion, the Navy is accomplishing with youngsters, that is with strikers and third class petty officers, that which commercial communication companies wouldn't attempt to do unless they had personnel with considerably more experience. Efficiency of personnel is a relative thing as I see it, associated with experience. We are operating a sophisticated communications system with a substantial percentage of first term personnel. On the officer side, we are doing the job with essentially a hard corps of LDO's and the rest are young reserve officers, the great majority of whom are short timers.

Q. When a message of the precedence of the two in question is received in a communications terminal, what if any alarms or other signals are used to alert the individuals at the receiving point that a particularly important message has arrived?

A. The communicators are governed by precedences. They do not have the time nor are they expected to analyze texts of messages in addition to determining importance. Flash messages are associated by either alarm bells or a warning light of some kind. As I recall, neither of these were flashed. Operational immediate messages and the practice in communications centers to shout out "op immediate coming through" or something similar so that personnel concerned have their attention drawn to the fact that an op immediate is being processed.

Q. Now, when you have hundreds of op immediate messages arriving in the same center, then I would imagine that this system collapses of its own weight?

A. I wouldn't say it collapses, but human beings might tend to lose respect for the precedence because of its obviously excessive use.

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However, wherever I have been, they say "op immediate coming through". Sometimes several times a minute - they still say it - they try.

Q. The point I am seeking, Captain, relates to the order in which these messages could expect attention by the

individual who would first address himself to it after it left the mechanical and electrical machines in order to first identify, in this case, an error in routing indicator.

A. The basic rule of communicators is "first in, first out by precedence". Thus, if there were twenty op immediates in process and the 21st came in, it would wait its turn and then move along.

Q. Does my recollection serve me correctly, Captain, that during the period of time under consideration, the days preceding, and immediately following, the LIBERTY's attack, the circuits were relatively well choked; or perhaps that is an over-statement with FBIS intercepts and similar traffic transmitted at a very high precedence?

A. We were very busy with traffic of that nature, particularly with FBIS intercepts. All of which were at least op immediate. However, these conditions had little, if anything to do in directly causing the mis-routes.

Q. My point, Captain, is that a mis-routed message arriving - it seems to me would have to wait its turn to find the mis-route and identify it, is that correct?

A. You are correct, sir, it would wait its turn under the first in first out by precedence rule.

Q. My next question, Captain, relates to possible safeguards in the communications system wherein a message originated with a particular precedence and which experienced inordinate delay, what safeguards, if any are available for intermediate stations to raise the precedence where delays have been experienced up to the time of receipt where the delay is identified?

A. Here is where experience counts. An experienced communicator will notice this and do something about it. This is something you can't legislate, sir. A mechanical safeguard is not feasible, but an experienced person can do something about it.

[10]

Q. Have you, in your career, had occasion to personally observe instances where precedences have been raised under such circumstances?

A. The assignment of a precedence to the responsibility of the originator, thus the communicators would not raise the precedence per se, however, depending on their experience, they could handle it in a manner as though it had a higher precedence; and this I have seen done often. For example, sir, in many cases there are either direct circuits or the NAVCOMOPNET available and messages can be sent over such circuits and taken out of competition with all other general traffic.

Q. Did Asmara, or does Asmara have such a NAVCOMOPNET?

A. Affirmative.

Q. I would gather then that the two critical messages in

question did not enjoy this type of service, is that correct?

A. Certainly, the one message from COMSIXTHFLT was not routed over that circuit, it went over DCS circuits.

Q. Would the situation that we have just been discussing, Captain, come under the heading which you mentioned earlier, of lack of experience being a key to identifying a message that had been delayed, in this particular incident?

A. Possibly, sir, in the case of the COMSIXTHFLT message. This message was mis-routed by the Army's comm center in Asmara and sent to NAVCOMMSTA GREECE. The soldier who did the mis-route may have been inexperienced, or what have you, but then NAVCOMMSTA GREECE apparently was a little slow in getting this message back to Asmara and here experience might have been a factor. On the other hand, we know NAVCOMSTA GREECE had been handling a lot of FBIS type messages and the delay could have been under the first in first out rule. Also, the NAVCOMSTA GREECE personnel could have returned this message direct to NAVCOMSTA ASMARA had the experience factor been present. Mind you, this business is surmised because I do not know the rate and enlistment time of the traffic handlers involved.

Let the record show at this point that Captain Raish has been asked to develop a set of questions for submission to communication officers,

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Relay stations, and centers involved to ascertain the reason for the delays experienced by the two messages under discussion.

The witness was duly warned and withdrew.

The Court adjourned at 0250 hours, 11 June 1967, to be reconvened at the call of the President.

The President, Counsel to the Court and Reporter proceeded to Souda Bay, Crete and boarded USS LIBERTY at sea enroute to Malta. The Court met aboard LIBERTY at 0630 hours, 12 June 1967, but adjourned until arrival of LIBERTY at Malta to meet with full court.

-SECOND DAY-

At Malta, the hour 0755, the date 13 June 1967. This court of inquiry is now in session again. All persons connected with the Court who were present when the Court adjourned in London, England on 11 June 1967 are again present in Court except that the Assistant Counsel for the Court who is now present will be sworn.

The Assistant Counsel for the court, Lieutenant Commander Allen Feingersch, U. S. Navy, was sworn.

Ensign David G. Lucas, U. S. Naval Reserve, took the stand as a witness, was duly sworn, advised of his rights under article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by counsel for the Court:

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

A. Ensign David G. Lucas, First Lieutenant and Gunnery Officer, USS LIBERTY (AGTR-5).

Let the record show that this witness is being called out of order in order that he may be medically evacuated to a hospital ashore for [deleted] and that he is experiencing considerable physical discomfort at this time.

Q. Mr. Lucas, as you are well aware, this Court of Inquiry has been convened to inquire into the circumstances attendant with the armed

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attack on the U. S. Naval vessel, USS Liberty, which occurred on 8 June 1967. Will you please describe to the court the circumstances of that incident that you recall?

A.. Yes Sir. We had a general quarters drill which secured shortly prior to 1400. After securing from the drill I came to the wardroom and was in the presence of Lieutenant Golden and Ensign Scott. Ensign Scott left the wardroom and we heard the word passed over the LMC to stand clear of the motor whaleboat while testing engines. Very shortly after that word was passed we heard what sounded like a very loud thump or crash. Mr. Golden and I half jumped from our seats, we looked at each other, and both thought that the motor whaleboat had fallen from its davit onto the deck. We went to the closest porthole, pulled the curtains, and did see some dust and black smoke rising. It was at this time that the general quarters alarm was sounded, and we knew that we had been attacked. I went into the passageway outside the wardroom via athwartships passageway to the starboard side of the main deck and from there used the ladder to go to the bridge, the 03 level. Upon arriving on the bridge I got my battle helmet and my life jacket from the starboard gear locker and was just getting ready to go to my general quarters station which is on the 04 level, the flying bridge. We were hit by what I assume to be the second pass of aircraft. Another man was next to me. I think he was a signalman. We both hit the deck just outside the starboard hatch leading to the pilothouse. Three or four shells hit in our area. After that shelling had ceased, I went into the pilothouse, didn't figure it was too safe to go to the 04 level at that time. Another pass was made and everyone in the pilothouse hit the deck. When I did enter the pilothouse, the officer of the deck for general quarters, LT. O'CONNOR, had already been injured and had been carried into CIC, which is just aft of the

pilothouse. The junior officer of the deck at general quarters, LT ENNIS, was lying in the after portion of the pilothouse and appears to have [deleted]. I can't recall what other personnel were on the bridge at that time. It consisted

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of several phone talkers and a third class quartermaster, BROWN, was at the helm, which was his general quarters station. I left the pilothouse, came to the wardroom to learn the condition of LT. O'CONNOR and LT Ennis. Came down the ladder in the superstructure. When I got to the 02 level, the men were carrying the Executive Officer LCDR ARMSTRONG, down to the wardroom for medical aid. At the time I saw him, he appeared to be in shock, was very pale, and was not saying anything. Mr. ENNIS had gotten partially down - they were having difficulty carrying him down and he was in the passageway outside his stateroom, waiting for attention to his leg. I came into the wardroom and there were at least half a dozen casualties in there being treated. Several of the enlisted men had been in the spaces forward of the superstructure, and the IC shop and the emergency diesel room. These areas had been shelled very heavily on one of the first passes. I found out the emergency diesel did not work and that the gyro was not functioning either. I left the wardroom area. Somehow we received word that there was a fire burning on the 01 level, port side. It was in the vicinity where two 55 gallon drums of P-250 fuel was stored. Some enlisted men in the passageways got a hose and were putting out the fire. The fire had spread aft of the P-250 cans and the four life rafts were burning on the 01 level. I can't remember the exact amount of time that I did spend in the superstructure area. When I was in the passageways, I hear we did receive some more shelling. I returned to the bridge. To the best of my knowledge, when I did return to the bridge, the only people present were the Commanding Officer, one phone talker, who was lying on the deck in the chart room, quartermaster BROWN on the helm and myself. Before I went back to the bridge, we had received word over the phones that were working, we had very little communication as such, the LMC was hit and not functioning. The only communications we had were via sound-powered phones. We had received the word "standby for a torpedo attack". It was very shortly after I returned to the bridge the Commanding Officer hollered in to pass over all circuits, "standby for another torpedo attack, starboard side".

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The torpedo hit and it seemed like within a matter of seconds we had a ten degree starboard list. Shortly after that the Commanding Officer called me to the starboard wing, asked me to get some glasses to try to help him identify the patrol craft. He had been using his binoculars and was also taking photographs of the aircraft and of the three patrol craft. I did not actually see any of the aircraft. I was able to read the hull number on one patrol craft as it passed abeam to starboard, going in exactly the opposite

direction that we were going, and it was at this time I told the Commanding Officer what the number was. He said, "log it". Which I did, in the quartermasters notebook. At that time, there was no quartermaster available. This was the first entry that I made in the log. I continued to make entries for approximately the next 45 minutes. There were still just the four people on the bridge. This was the Commanding Officer, third class quartermaster BROWN on the helm, and seaman LAMAR on the sound-powered phones, and myself. The Captain warned us to take cover, the shelling started again. Everyone took cover as best we could. There were shells, or fragments of shells, flying in through the starboard hatch, which no one had been able to secure. A quartermaster, when these shells started flying, stepped back from the helm to get as much protection from the corner of the chart room as possible. He still had his hand, one hand on the wheel. I was two paces to his left, and two paces behind him. A fragment hit him, I think from behind. It must have come through the bulkhead in the chart room. He let out a gasp, fell backwards into the chart room, and within, say a minute, was dead. I grabbed the helm, noticed that I had no power at all, the gyro repeater was not functioning, the rudder angle indicator was not functioning. None of the instruments there were working. We had been attempting to get away from the area as fast as possible, on an approximate course of 000. The Captain asked what the current heading was. We were turning in a fairly good sized arc at that time. I had no indication of how much rudder I had on. I could not correct it to steer something close to 000 magnetic. We get the phone

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talker to contact after steering and shifted control to after steering. Even after control was shifted, the people back there were having a difficult time. I think to start with, they were steering by hand. There was some firing from the patrol boats. They had periodically fired at us. There was now a lull in the firing. And yet, it sounded as if the men at mount 53, this would be the 03 level starboard side aft of the pilothouse, it sounded as if they were firing at the patrol craft who at that time were within a thousand yards at an approximate relative bearing of 120. The Commanding Officer was on the starboard wing and had these patrol craft in view. He ordered me to tell the men on mount 53 to cease firing. A fire had started at this time on the starboard side. The hit had occurred somewhere in the vicinity of the bridge. The flames had gone back to the motor whaleboat, and it was burning rapidly at that time. I could not see mount 53 from the starboard side. I went out the port hatch. The first thing I noticed was mount 54 was vacant. The flames from the liferaft and the P-250 fuel had reached mount 54 and chased everyone out of there. I ran back to mount 54, looked over the skylight from the engineering spaces. Had a clear view of mount 53 from, say the waste level up, and there was no one on mount 53. The flames from the motor whaleboat were coming over the lip of the mount. I assume that the bullets that were in the gun, or bullets that were in a ready service ammunition box, very near there, were cooking off and

firing. I ran back, reported to the Commanding Officer, that there was no one firing from mount 53, that the flames must be causing the bullets to cook off. Mount 51 and 52 on the forecastle had been long silent by this time. Many of the men, there were three assigned to each mount, many of the men were killed on the first strafing attack. When I first did look forward at the mounts, there was one man cut in half on mount 51, and it looked as if there were at least two men in mount 52 who were severed. After that time, I believe there was just one more shot fired. A seaman, LARKINS, was told to man mount 51, either told or he volunteered to, and he got off one shot, the Commanding Officer hollered for him to cease

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fire, which he did. I can recall no further firing from either side after that time. The Commanding Officer hollered "cease fire", and it was approximately at this time the patrol craft were bearing approximately 160 relative. One of them was trying to signal us. The smoke from the motor whaleboat almost completely obscured the patrol craft from us. There was a second class signalman, DAVID, on the starboard wing. None of us were able to determine what the signaling was - the smoke was too intense. Shortly after that, another patrol craft approached us from the starboard side and did manage to get clear of the smoke. The signalman took the message, "do you need help? ". The Commanding Officer told signalman DAVID to give a negative reply. We still did not know the identity of the patrol craft itself other than the fact than we had gotten the hull number earlier. This appeared to be one of the same three boats that had attacked us earlier. The patrol craft then appeared to rendezvous at two to three thousand yards astern of us, a relative bearing of 200. A helicopter was sighted, and then a second helicopter. Signalman DAVID who is very knowledgeable on aircraft and who had also been looking at Janes Aircraft several days prior to the attack, stated, "those aren't ours, they're Russian made, Sikorsky models". One of the helos came close to the port wing, came down to our level, and we tried to communicate with each other, but had no success. I was told to go to the forecastle to see if I could aid in a sling drop. It appeared as if they wanted to lower someone on the ship. We still could not get our signals straight. When I did get on the forecastle, I saw the Commanding Officer waving his arms in a negative sign. We waived the helicopter away from the area of the forecastle. It went back to the port wing again. Eventually, someone in the helo wrapped up a package of some sort and threw it to the people on the bridge. To the best of my recollection the people on the bridge were the Commanding Officer, signalman DAVID and a Chief petty Officer THOMPSON. The package had a calling card attached to it and it either said, "U. S. Naval Attach,, Tel Aviv", or merely, "Naval Attach,, Tel Aviv". We did

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get the numbers of both helicopters in the quartermasters log. They were either "04 or D4" and "08 or D8". There also appeared to be a "Star of David" on the side of the

helo. The helo was waved away shortly after the calling card was thrown over, we saw no more of the helos. Now it was the matter of still trying to get the ship out of the area. We had no idea whether we would be attacked again or not. The list had held steady at approximately 10 degrees. After steering was able to keep us on somewhat of a northerly course, although we were weaving anywhere from 30 to 40 degrees either side of our chosen magnetic course of 000. I was getting the rudder angles to steer for awhile called back to after steering and then the Commanding Officer was giving them after that. The Commanding Officer had been injured in his right leg on what must have been the first aircraft pass. He was bleeding profusely. The Captain had been administered first aid and he had a belt tourniquet around his leg. He insisted on being everywhere that he could. He was on both wings, in and out of the pilothouse, taking pictures. I believe at the time I was giving orders to after steering the bleeding had started again on the Captains leg wound. I'm just theorizing that the shell fragment that was lodged in the leg had been discharged by his movement. We called the corpsman, and the Captain was stretched out on the port wing, being administered first aid. He was still calling orders in to me to relay on to after steering. Bleeding did stop and the Commanding Officer once again was, well, this time he was placed in his chair on the port wing. He gave orders there for quite awhile. It was also a matter of identification. We, ourselves, were asking the question, "Who made the attacks?", "And why?". There was a time when I was in the pilot house that I heard the Commanding Officer holler to someone, perhaps signalman DAVID, to get the Ensign, the colors, off the deck. I went out to the starboard wing, and there was an Ensign on the deck. I went out a little bit further and looked up and we were flying our Ensign. I found that later all of the starboard halyards or hoists had been shot down and that signalman DAVID had run up another Ensign.

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Things quieted down somewhat at this time. We still had no indication if we were still under attack or not. I know that there were several times later in the afternoon and early evening that we did take cover at the order of the Commanding Officer when some aircraft did approach at a distance. We were still doing the best we could to head due North. We still had considerable deviation from the base course. I can't recall what speed we finally did attain. I think we tried to make turns for 8 knots, and found it too difficult at that speed to hold the course, and dropped back to all ahead 1/3. We had main control make turns for five knots. There were several times when we were almost dead in the water. Believe that just before or just after the torpedo attack we had no turns. Another time that I can recall that lube oil suction was lost. Both boilers were on the line. We had to wait until that situation was corrected. Seems as if there were several other occasions when it was not possible to get power. After the attack from the patrol boats had stopped, and before we had steadied up, or successfully steadied up on an approximate course of 000, I was checking the fathometer, which was the

only piece of equipment on the bridge that I know was functioning and it was only functioning on the 100 fathom scale at the time. Our readings started decreasing rapidly. Commanding Officer ordered me to go to the forecandle, get some men and to standby to let go an anchor. We proceeded to the forecandle, had the starboard anchor ready for letting go, the bridge said "make the port anchor ready". We were trying to pick up the chain stopper, but the pelican hook was up almost against the stopper and we could not raise the stopper. I grabbed a bar of some kind, another man grabbed a sledge and we were pounding at the stopper to try to raise it. We received an order from the bridge that was shouted to us from the Commanding Officer to let go the port anchor, and we could not let go the port anchor. We finally pried the stopper up, this was maybe a minute later, the ship was backing down at that time, all back 1/3. The readings were increasing, the fathometer readings. We received an order not to let go the port anchor. After backing down,

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getting a sufficient depth under the keel, we then come around to our northerly course again. After we got on our northerly course, the Commanding Officer came in to his chair inside the pilothouse and gave all orders to after steering. Later, this would have been perhaps 1800 or so, steering was shifted from after steering back to the bridge.

Rear Admiral KIDD: Q. I'd like to interrupt and ask you a question at this point. Was the Commanding Officer on the bridge all this time?

A. The Commanding Officer never left the bridge, was there from the time CQ was sounded. Perhaps he had stayed there since the drill had secured. He did not leave the bridge until, I'd say, 0400 the following morning to make a head call. He made two or three head calls in the course of the morning, but he did not leave the bridge until the DAVIS was alongside the following morning at 0700, on the morning of 10 June. We weren't positive that our magnetic compass was responding correctly. Every now and then the Commanding Officer would go out on the wing and would make minor course adjustments by sighting the North Star. Sometimes after sunset, a message was delivered to the bridge from radio central and it stated that the attack had in fact been made by Israeli forces and that they had extended their apologies. Prior to this message, we had received word from the Sixth Fleet that help was on the way. I believe, initially, they just said, "help". Later on we learned that two destroyers were coming to rendezvous with us. During the night, as I said previously, the Commanding Officer left the bridge only to make a head call and all during the evening, night, and following morning until the arrival of the DAVIS, there was an officer with him at all times. Either LT BENETT, LTJG PAINTER or myself.

Questions by Counsel for the Court: To your knowledge, was the Commanding Officer requested to leave the bridge by the doctor in order to obtain medical attention?

A. I didn't hear the order, it's quite possible, but it would have taken ten people the doctor's size to even begin to get him off the bridge.

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Q. How would you describe his reaction to his injuries

A. He was in great pain, there were several times when he was still walking around, but it was obvious he was in great pain. He had lost a considerable amount of blood. At several times felt dizzy. He would not leave, but if he started to get dizzy, he would turn to me, or if Mr. BENNETT or Mr. PAINTER were there, he would say this to what course were on, what speed to make. He would give instructions.

Q. Backtracking to a point during the heat of combat, did you observe the Captain when he was initially wounded.

A. Yes, I did.

Q. And he continued on in this condition without stopping for assistance by medical?

A. That is correct. It was quite awhile before he did slow down enough to have the belt tourniquet put on the leg. I assisted with that. I used my belt, and after that a corpsman came up just long enough to adjust the tourniquet and take a look at the Commanding Officer. He did not want any further medical attention and he did not receive any more until the bleeding started a second time, when I think the shell fragment was worked loose.

Q. What period of time had elapsed?

A. Over an hour. I can't say for sure, but it had been at least an hour. How he managed to stay up on the bridge and keep on his feet, to keep the cool head the way that he did, is beyond me. He was giving orders to us in the pilothouse, he was taking photographs of the aircraft, the patrol craft, attempting to identify them with his binoculars, giving orders to the gun mounts when they were still manned, was directing the fire fighting parties, seemed like he was everywhere at one time. Also giving commands to get the ship out of the area, away from land as fast as we could.

Questions by Captain ATKINSON: Q. Mr. LUCAS, approximately when did you receive word that the Israelis

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had attacked - about how long after the attack?

A. It was right around sunset.

Q. Until that time, you all felt you might be subject to re-attack?

A. That is correct.

Questions by Counsel for the Court: Q. At this point I would like to interrupt your narrative testimony in order to present this exhibit to the record. I have in my custody as Counsel for the Court, the quartermasters notebook, USS LIBERTY. I show you page 102 dated 8 June and ask you if this is the page you referred to when you testified to making entries in it?

A. That is the page, starting with the entry at the time 1446, and I continued making entries until 1655.

Q. Let the record also show that page 102 is considerably splattered with what appears to be blood.

A. It is.

I request the reporter to mark this exhibit number 6. At this time, the Counsel for the Court offers the quartermasters logbook into evidence, A true copy thereof will be substituted in its place.

Q. Will you please read this first entry?

A. "1446, one gunboat tentatively identified as number 206-17." And this was seen by both the Commanding Officer and myself from the starboard wing. I mentioned earlier, the patrol craft was going exactly the opposite direction that we were. This number was read when it was abeam to starboard at approximately 500 yards.

Counsel for the Court: It is requested that the Court note page 138 of Janes Fighting Ships for 1966, which has Israeli vessels described on that page 138. I will now ask the witness to identify the patrol craft on page 138, and ask if it is similar to the one he saw?

A. The patrol craft here, THOMAS, appears to be the exact same one that I identified. If I had had a camera and taken a picture of it, I would have gotten the same angle, same presentation, as is present here in this photograph. There is one slight difference, there is no dash between the first three and the last two digits, and what I thought to be 17,

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I found out later from Mr. BENNETT, when I examined this book, that it was an Israeli symbol that looks like a 17, but is connected by a horizontal line at the bottom. It's quite possible that, well I know that, it was difficult to read the number, not because of the distance, but because of the bow wake coming over and obscuring the numbers.

Counsel for the Court: I will now ask the court members if they have any questions on the exhibits that have been introduced.

Captain ATKINSON: Q. You say communications were bad. What communications were you referring to?

A. I don't know much about the communications or research setup at all.

Q. This is not the bridge communications?

A. That is correct. I believe that was outgoing communications from the transmitter room.

Q. Were there voice communications passed to the bridge?

A. Not from radio central. We had communications with main control, damage control central and after steering.

Q. In radio communications do you know where the hicom net is?

A. We knew nothing of what was going on. All messages, outgoing and incoming were hand carried up to the bridge from the radio central personnel. We had been receiving, monitoring Sixth Fleet communications several days prior to the attack, but during the attack the only way we could get hold of somebody was after transmitter room and everything that was sent out or received came up to the bridge via handed message.

Q. Do you know specifically what circuits were being monitored when you said you were monitoring Sixth Fleet communications before the attack?

[23]

A. I don't know the call signs of the ships involved or still on the status board in the pilothouse, I can't recall.

Q. You mentioned that there were fathometer readings decreasing. Where were you getting this information from?

A. The only fathometer that was working was in CIC, just aft of the pilothouse, and at that time it was only working on the 100 fathom scale.

Q. Do you recall the depth?

A. I believe they rapidly approached the middle teens. You see, we had no radar. This was knocked out, evidently, on the first air pass. We had to DR from our last fix to give an approximate 1400B position. We included that position in the message requiring assistance.

Q. Were you in sight of land at about the time of the pass?

A. Yes we were. After dinner, as is customary on here, we often go to the 01 level forward on deck chairs to soak up some sun.

Q. Excuse me, you mean noonday?

A. Noon. There were six officers on the 01 level forward until turn to at 1300. There was smoke visible from land off the port side and also during the general quarters drill. When I was on the 04 level more smoke was visible

and the land itself was barley visible. This was through the telescope or high powered binoculars on the 04 level.

Q. In the first portion of your testimony, you mention shelling, what did you intend to convey by the word "shelling"?

A. The first hit, the first noise that LT GOLDEN and I heard when we were in the wardroom was obviously a heavy hit. I assumed this was aircraft and it sounded to us as if it hit on the starboard side. Like I said, we thought it was the motor whaleboat falling from its davit onto the deck. I mentioned shelling again just as soon as I had put on my battle helmet and life jacket on the bridge. This again, I would say was aircraft cause there was a whistling sound several seconds before the actual burst and noise itself came. After I had gone inside the pilot- house and was on the deck, there was another series of whistling sounds preceding the hits. Here again, I assume it was aircraft. When I had

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come down to the wardroom, was lending a hand to getting the hose to fight the fire on the port side, there were more easily discernible whistling sounds, even in the passageways, that were aircraft hits. The two men who were handling the hose were keeping an eye out for aircraft. They would put out the fire until another plane came over and then they ducked back inside.

Q. Did the motor torpedo boats fire on you with ordnance other than torpedoes?

A. Yes, they did. This we could easily hear. I can recall it coming from the starboard side on several occasions. At the time quartermaster BROWN was on the helm, the fragment that caught him came from the starboard side and I can't be sure if it was from the gun boats or from our own shells baking off. I'm pretty sure it was from the gun boats. And there were several other occasions of obvious shelling from the torpedo or motor boats themselves.

Q. Do you have any idea how many aircraft were involved?

A. I did not actually see any of the aircraft. There were definitely three motor boats.

Q. Are you the Gunnery Officer?

A. Yes, I am.

Q. Do the surface lookouts come under your glance at general quarters?

A. There, at general quarters the lookouts are on the 04 level. The actual lookout training was done by the Navigator or another member of the Operations Department. They had received refresher training, this was sometime since we left Rota on the 2nd of June, and had been refreshed on reporting all surface contacts to include

relative bearing, approximate range, and target angle. Had also been given refreshers on reporting aircraft properly, on elevation, what angle, other factors pertaining to properly reporting all surface and air contacts to the officer of the deck. This had been stressed heavily in the first week in June, before we did reach our operating area.

Q. Was their method of reporting via sound-powered telephone?

[25]

A. When we were normally steaming at our modified condition three, the lookouts were on the port and starboard wings, so it was just a matter of shouting into the officer of the deck directly. We had stationed, or had one man in each of the two forward gun mounts. We had ammunition at the guns, but not actually in the breech. These two men had sound-powered phones on. We could call them from the bridge anytime, but for them to call us on the circuit, they would blow a whistle and we would pick up the phone on the bridge. I can't recall what circuit it was, but at a toot of a whistle they could have someone on the bridge alerted to pick up the phone and talk with them.

Q. During the time that you were on the bridge, did you receive any lookout reports via sound-powered telephones?

A. During the attack?

Q. During the attack.

A. When I got up to the bridge, as I said I did not get to the 04 level which was my general quarters station. During general quarters, the two air lookouts were on the 04 level, but they had not made it up there either. I cannot recall seeing a surface lookout on either side of the bridge when I got there. The shelling from the aircraft had either injured them, or they had taken cover inside the pilothouse.

Q. During, and after the attack, did you have sound-powered communications with your gun mounts?

A. To the best of my knowledge, we never had contact with the gun mounts. Let me explain the connection there. My general quarters station is on the 04 level at gunnery control. To get an order to the gun mount, it was easier for the bridge to call a phone talker stationed on the 04 level. He in turn would convey the message to a second phone talker who had communications with all of the mounts. No direct communications from the mounts themselves to the pilothouse, and since no one was able to be on the 04 level, there was no direct communications. At one time, while the torpedo boats were firing at us, my man in charge of mount 53, seaman QUINTERO, hollered to me, "should I fire back?", and I gave him an

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affirmative on that. This was before he and the other men in mount 53 had been chased away by the fire and flames from the motor whaleboat. On the forward mounts, I said we had no communications up there. My third class gunner's mate, THOMPSON, according to several witnesses, and to the members of repair two, which is located directly beneath mount 51, said that petty officer THOMPSON went to mount 51 when GQ sounded. He was below decks. His station is with me on the 04 level. Guess he figured he didn't have time to get up there. He went to the closest gun and from the account given by the people in repair two, it sounded as if he got off half a box of ammo at the aircraft. They somehow missed him on the first strafing attack. Several witnesses said that he had the aircraft under fire while it was circling for the second pass and it was during the second pass that he was cut in half by a rocket, but he had the aircraft under fire and got off at least half a box of 50 caliber ammo.

Q. Do you recall how long the Ensign was down?

A. I cannot recall for sure. From the first air attack, the radar was made inoperative, the antenna on the mainmast was damaged, obviously on the first air pass and the Ensign would be flying just below it and just aft of it. Evidently, the shelling that got the radarscope, well it could have very possibly severed the halyard lines at that time. I do not recall when the Commanding Officer saw the Ensign on the deck and told someone to pick it up, but I do recall going out on the starboard wing, looking up and seeing that there was an Ensign flying.

Q. Do you remember the time frame when you looked and saw the Ensign flying, was it during the surface or the air attack?

A. I can't set an exact time on it. I do believe that I recall that at this time the patrol craft was off our starboard side at an approximate bearing of 120. It seems to me that this might have been around the time when I investigated the firing coming from mount 53 and found it was bullets cooking off as opposed to men being there actually firing.

[27]

Q. Did you look and see the Ensign flying before the torpedo hit, or was it after?

A. I cannot honestly recall whether it was before or after.

Q. When did you receive your injuries?

A. As soon as I had gotten to the bridge and put on the battle helmet, I mentioned what I assumed were rockets from the aircraft hit in the immediate vicinity. I hit the deck and picked up several pieces of [deleted] One of them was bleeding enough that I took out my handkerchief and wrapped it around [deleted]. The piece of fragment that hit me in the [deleted] occurred much later, after I had been to the

wardroom, returned to the bridge, and after the quartermaster had been killed on the helm. The commanding Officer came from the port wing into the pilothouse, and he said "standby for another attack". I don't recall if it was surface, air, or torpedo. He said "take cover". I heard some firing, some ricocheting off the starboard side. I assumed it was from the patrol craft. I was in the rear portion of the pilothouse and tried to crawl behind the water fountain as best I could, and I got most of me back when I felt something hit me just to the right of [deleted] it started bleeding rapidly. I tore off the [deleted] over the wound and just continued on from there.

Q. When did you receive treatment for your wounds?

A. I didn't know that I had any metal in me as such, [deleted] I had no pain. I would guess the first time that I was looked at was on the 10th of June. I went back to sickbay. The night before I had a little bit of swelling, so went back to have the doctor have a look at it. This was just the injury. He took an xray and did find that there was a chunk of metal in there. I believe he said it was [deleted]

Q. Do you recall that the patrol boats strafed the ship after the torpedo attack, and if so, how many times?

A. Sir, I cannot honestly answer that.

[28]

Q. Let me put the question a little bit differently - earlier in your statement you observed that the patrol boats were attempting to communicate with flashing light?

A. This was definitely after the torpedo attack.

Q. The flashing lights from the boats were after the torpedo attack?

A. Yes, that is correct.

Q. I also understood from you that the ship was unable to respond to the flashing lights from the boats?

A. To the first signaling, that is affirmative, because the smoke that was between the patrol craft and us.

Q. And I believe, also, the starboard wing 24-inch searchlight had been shot away earlier in the action. Is that not correct?

A. The only signaling light we had available was a small portable light, the face of which was approximately six inches in diameter.

Q. I believe that is called an Altis Lamp and the intensity of that light, from personal knowledge, would probably be completely inadequate to penetrate the smoke?

A. Yes sir. All power to all of the other lights was off. Even if it had been on, there was only one operative light on either the 03 or 04 level. The only one that had not been hit.

Q. To the best of your recollection, after the motor torpedo boats signaled, were there any further attacks from them?

A. No, there were not. After this first signaling, I don't believe so. After they signaled "do you need help?", and we answered in the negative, I am positive there were no more attacks after that time.

Q. With regard to the signal from the torpedo boats, when did you first observe the signaling, with respect to the torpedo attack?

A. The first signaling that I observed was the unsuccessful attempts to determine what they were signaling us, and of course, we did not have a chance to answer back to them. This was after the torpedo attacks. The only other signaling that I recall seeing is when we did successfully receive their message and sent a negative answer to it

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Q. Mr. LUCAS, did you bring with you any examples of ordnance or shrapnel recovered aboard USS LIBERTY subsequent to the attack?

A. With the exception of one fragment that was located this morning, the remainder of these fragments and shells were brought up to the pilothouse in the course of the evening and the following morning after the attack. These were turned in by various personnel throughout the ship. Several of these have been turned in since the night of the 8th and the morning of the 9th.

Counsel for the Court: At this time it to requested that these examples be marked exhibit 7, that they be introduced into evidence and copies of photographs be made for record purposes.

President: Let the record also show that these fragments are but a cross-sectional sample of the type of bullets and shrapnel which "holed" the ship.

President: Q. A question if you please - would you be kind enough to expand on the performance of duty of a young man mentioned earlier in your testimony, named LARKINS?

A. Seaman LARKINS helps man mount 54, 03 level, port side, as his general quarters station. He was on that mount, and stayed on that mount, until the fire coming from the 01 level chased him away. He did recall seeing a plane approaching from the port side and lobbing a cylinder that was attached under the wing. A cylinder five to six feet long, approximately ten inches in diameter. This cylinder approached the 01 level port side in an end over end fashion. After it hit, and the fire started, he climbed over the skylight to mount 53 and helped the gun crew there

until the fire from the motor whaleboat drove all people away from that mount. I later personally saw him helping to extinguish the fire on the port side and still later, he, by himself, manned mount 51 and fired one shot before he received a cease fire from the Commanding Officer.

President: No further questions - before you leave to go to the hospital, the Court would like to express itself with a feeling of great pride to

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be associated with the service's uniform you wear, young man, and we thank you very much for your cooperation and fine testimony.

Mr. LUCAS: Thank you, Admiral.

The witness was duly warned and withdrew.

The Court recessed at 1045 hours, 14 June 1967 from taking further testimony in order to examine exhibits received by the Board.

The Court opened at 1300 hours, 14 June 1967. All persons connected with the inquiry who were present when the court recessed are again present in court.

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

DIRECT EXAMINATION

Questions by counsel for the court: Q. Please state your name, rank, organization and present duty station.

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

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

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

A. At the time of the incident, LIBERTY was performing her mission in accordance with JCS message dtg 011545Z June 1967. At the time of the incident, the ship was operating under the operational control of Commander, U. S. Sixth Fleet. The ship had arrived in its assigned operating area on the morning of 8 June 1967 after having departed from Rota, Spain on 2 June 1967. The ship was steaming in international

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waters and was so at all times. A condition of readiness three modified was set. The condition three modified watch consisted of normal steaming watch with the exception that one man was stationed in the forward two 50 caliber machine guns 51 and 52. Lookouts on the bridge were designated to man machine guns 53 and 54 in the event of surprise air or surface attack. Each machine gun had a box of ammunition attached to the machine gun with a round up to but not in the chamber of each mount. During the 0800 to 1200 watch on the morning of 8 June at about 1030, a flight of two unidentified jet aircraft orbited the ship at about 10,000 feet three times at a distance of approximately two miles. It was not possible to identify any insignia on the aircraft and their identity remains unknown. A locating two report was submitted on this sighting. It is not known at this time whether the sighting report was transmitted from the ship or not. Records are not accessible at the time. It was also possible to see on the 8 to 12 watch in the morning the coastline of the Sinai peninsula. Aircraft activity of an apparent propeller patrol type flying at very low altitude and parallel to and over the coast in the vicinity of El Arish was noted. It is estimated that the altitude of this plane was approximately 500 feet. At no time did this plane approach the ship in any fashion. His distance remained approximately 12 to 15 miles. It was possible to visually sight the minaret which is quite conspicuous at El Arish. This was used as a navigational aide in determining the ship's position during the morning and afternoon of 8 June. It became visible at about 0930 and the ship's position was verified, and was within our established operating area. Radar ranges were taken on the nearest land on the same bearing as the minaret. The minaret was also identifiable by radar. There were no other conspicuous or outstanding navigational features in the area. At about 1056 in the morning of 8 June, an aircraft similar to an American flying boxcar crossed astern of the ship at a distance of about three to five miles. The plane circled the ship around the starboard side, proceeded forward of the ship and headed back toward the Sinai peninsula. A locating three

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report was submitted. It is not known if this report was transmitted. This aircraft continued to return in a somewhat similar fashion approximately at 30 minute intervals. It was not possible to see any markings on the aircraft and the identity of this aircraft remains unknown. This aircraft did not approach the ship in any provocative manner. It made no attempt to signal the ship. The ship made no attempt to signal the aircraft. At 1039B the Minaret at El Arish was bearing 189o T, 17 miles. At the time the ship was on a course of 253 at speed five knots. At 1132, the ship changed course to 283 true, speed five knots and was on this course and this speed at the time of the attack. At about 1310, 8 June, the ship went to general quarters for drill purposes to conduct training for a mandatory non-competitive exercise to exercise the crew in chemical attack procedures. The drill was performed in a satisfactory manner. Nearly all of the top-side personnel were exercised through the chemical decontamination station and were absent from their

battle station for varying periods of time while performing this phase of the drill. After top-side personnel that had been designated to proceed through the decontamination station (these personnel were all gun crew personnel and secondary con personnel) returned to their battle stations and the performance of the crew judged to be satisfactory the crew was released from battle drills at about 1350 and condition three modified was again set. At the commencement of the drill it was possible to see a large billowing cloud of black smoke rising from approximately 15 to 20 miles to the west of El Arish on the beach. The exact identity of the cause and the location of this explosion is not positively known, although it was believed to be near the beach in that area. This was noted at about 1300. At about 1330 a smaller cloud of black smoke was noted to the east of El Arish estimated five to six miles and also along the coastline. Before dismissing the crew from general drills, I gave the crew a short talk on the PA system, reminding them of the importance of expeditiously responding to general quarters and the setting of condition Zebra for drills and in the event

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of an actual attack. So that they would be impressed I pointed out to the crew at that time that the column of black smoke on the beach should be sufficient evidence that the ship was in a potentially dangerous location. I had no evidence or indication that an attack would actually be made on the ship at the time that statement was made to the crew. The statement was made to encourage them to set condition Zebra in a more expeditious manner than they had done for the drill held that afternoon. As I recall all battle stations were reported manned and ready within three minutes for the afternoon drill, but the report of condition Zebra had not been received on the bridge until about four minutes forty-five-seconds after the drill commenced. This I considered to be excessive. After conducting general drills, it is my usual practice to go to the wardroom and have a cup of coffee and critique the drill with the Executive Officer, Lieutenant Commander Armstrong, the Engineering Officer, Lieutenant Golden, and the Damage Control Officer, Ensign Scott, if I have not been particularly satisfied with the drill. If the drill has been satisfactory, usually I contact the officers on an individual basis at some later time during the day and indicate to them that I was satisfied with the drill and point out some of the errors in which improvement could be made and point out also to them the things that I felt had been done properly. With the exception of the length of time that it took to set condition Zebra I was satisfied with the performance of the crew for the afternoon drill and did not assemble the above mentioned officers in the wardroom for a critique. After general quarters was over from the drill, I lingered on the bridge for a few minutes. As I recall, the following officers were present on the bridge: LCDR ARMSTRONG, LT ENNIS, LT O'CONNOR, who is normally officer of the deck during general quarters, LT TOTH, the Operations and Navigator, also Intelligence Officer. LTJG PAINTER came onto the bridge after general

quarters to assume the watch as the officer of the deck. As he assumed the officer of the deck watch, he indicated that he was having difficulty in obtaining an accurate ship's fix. At that time, and the

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time was approximately 1400. I personally sighted the Minaret at El Arish to be on a bearing of 142 from the ship and the range as I recall from the radar was approximately 25.5 miles. I do not know that this radar range can be verified from the records available at this time. I had also earlier in the day established a danger bearing on the Minaret at El Arish to be 119 degrees true from the ship. The danger bearing was established to insure that the ship remained clear of shoal areas to the south of the southwesternmost edge of our operating area. It was not known if the Minaret would still be visible when we approached the southwest corner of our operating area or not, but the danger bearing was established to be used if the Minaret was visible when the ship arrived at that location. At this point in the preparation of my statement, I referred to the quartermaster's notebook. 12-1600 watch. Thursday, 8 June 1967. I referred to this log for the purpose of refreshing my memory as to the initial moments of the unexpected attack. The log shows that at 1355, LTJG PAINTER relieved LT O'CONNOR as officer of the deck. The log also shows that at 1355, ENS O'MALLEY, as junior officer of the deck under instruction assumed the con. The 12-1600 watch on Thursday, 8 June 1967 has no entry from the time frame 1356 until 1446. I shall relate in my own words and to the best of my knowledge and belief all events of which I have personal knowledge which occurred during that time frame. About 1400 the lookouts, who were stationed on the 04 level, immediately above the bridge, reported that jet aircraft were sighted in the vicinity of the ship. At that time, I went to the starboard wing of the bridge with my binoculars and there observed one aircraft of similar characteristics, if not identical to the two aircraft which were sighted earlier in the day and upon which a sighting report had been submitted. The relative bearing of this plane was about 135. Its position angle about 45 to 50 degrees. Its elevation approximately 7,000 feet, and it was approximately five to six miles from the ship. It appeared to be on a parallel course traveling in the same direction as the ship. While I observed this

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aircraft, I did not see it approach the ship directly in a hostile attitude. Within a couple of minutes, a loud explosion was heard that appeared to me to come from the port side of the ship. I immediately ordered the general alarm to be sounded, and this was done. I went from the starboard wing of the bridge to the port wing to see the area of damage. I immediately noticed that the two 55-gallon gasoline drums stowed on the 01 level, portside amidships, were burning furiously. It was evident that it would not be possible to reach the quick release lever by proceeding down the outside port ladders of the ship. I ordered the Executive Officer to go to the starboard side of the ship

and proceed down to the 01 level, cross over to the port side, and there release the gasoline cans. Lieutenant O'CONNOR was still on the bridge and he joined the Executive Officer and both proceeded to the starboard wing of the bridge, 03 level. Approximately the time they reached the top of the ladder to proceed down the ship received an apparent bomb hit in the vicinity of the whaleboat stowed on the 02 level starboard side, immediately aft of the bridge. Mr. ARMSTRONG, Mr. O'CONNOR and others in the bridge area were thrown back into the bridge and other personnel in the pilothouse were blown from their feet. At this time, I grabbed the engine order annunciator and rang up all ahead flank. Up to this time, the ship had one boiler on the line steaming at speed five knots. The other boiler was not on the line but pressure was being maintained in order to be able to respond to speeds in excess of that which is capable with one boiler, approximately 11 knots, should it be necessary. Earlier in the day, the Engineering Officer had requested permission to let number two boiler cool so that he could replace a steamline gasket. This permission had been granted and the boiler had started to cool from about 1200 on 8 June. I do not know whether the engine room acknowledged by the engine order telegraph the flank bell or not, but smoke immediately commenced coming out of the stack and I assumed that they did. It seemed to me that shortly there- after the ship increased speed. At this time I ordered a person, who

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I believe to have been LT BENNETT, to report to CNO via the highcom that LIBERTY was under attack by unidentified jet aircraft and that immediate assistance was required. I do not recall whether I ordered any course changes to have the ship zig-zag or not. One helmsman was seriously injured in the starboard bridge bomb blast, and he was replaced by Quartermaster Third BROWN. I do not recall who had the helm at the time of the initial attack. The response of the crew to general quarters was very expeditious. I do not recall whether all of the bridge personnel ever arrived on station or not, but the public address system, the 21MC, and most sound powered phone circuits were severed or destroyed during the initial first or second of the total number of six to eight strafing attacks that occurred. It seemed to me that the attacks were made in a crisscross fashion over the ship, with each attack coming at approximately forty-five second to one minute intervals. After the starboard bridge bomb hit, I ordered personnel to be organized for a fire fighting party to put out the fire in the vicinity of the whaleboat. The whaleboat was burning furiously. It is estimated that the total air attack was completed in approximately five to six minutes. About midway during the attack, Ensign LUCAS was noted on the bridge and at that time he became my assistant and assisted me in every way possible. Runners were used to relay my orders to the repair parties, to main control and other vital stations. Sometime after the starboard bridge bomb hit while on the starboard side of the pilothouse, another attack from the starboard quarter proceeding forward was made and I was hit with flying shrapnel. I was not knocked off my feet, I was only shaken up and it made me dance

around a little bit, but my injuries did not appear to me to be of any consequence. I noticed slight burns on my starboard forearm and I noticed blood oozing on my trousers right leg. Since I could walk and there was no apparent pain, I gave no further consideration to these minor injuries. Shortly after this I opened the bridge safe and took out a camera which was maintained on the

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bridge to take pictures of foreign ships and aircraft. I immediately took the camera to the port wing of the bridge and there was able to take several pictures of the planes as they had passed over the ship after their attack. In an effort to obtain documentary evidence to establish the identify of the aircraft, I retained this camera in my possession throughout the remainder of the attack. Later I took pictures of the torpedo boats before and after the torpedo attack, also the helicopters which approached the ship after the attack was over. This film has been turned over to the USS AMERICA for development and further disposition. On what appeared to be the last air attack on the ship, I observed a cylindrical object dropped from one of the aircraft as it was passing from port to starboard ahead of the ship. This object landed in the water an estimated 75 to 100 yards directly ahead of the ship. There was no explosion from this object, but it shattered into several pieces. It appeared to me that it might have been an empty wing tank but I am not certain of this. In the latter moments of the air attack, it was noted that three high speed boats were approaching the ship from the northeast on a relative bearing of approximately 135 at a distance of about 15 miles. The ship at the time was still on course 283 true, speed unknown, but believed to be in excess of five knots. At no time did the ship stop during the air attack. It is believed that the time of initial sighting of the torpedo boats, the time was about 1420. The boats appeared to be in a wedge type formation with the center boat the lead point of the wedge. Estimated speed of the boats was about 27 to 30 knots. They appeared to be about 150 to 200 yards apart. It appeared that they were approaching the ship in a torpedo launch attitude, and since I did not have direct communication with gun control or the gun mounts, I told a man from the bridge, whose identity I do not recall, to proceed to mount 51 and take the boats under fire. The boats continued to approach the ship at high speed and on a constant bearing with decreasing range. About this time I noticed that our Ensign had been shot away during the air attack and ordered DAVID, signalman, to hoist a second

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Ensign from the yardarm. During the air attack, our normal Ensign was flying. Before the torpedo attack, a holiday size Ensign was hoisted. ? ??????? ??? ????? ?? ????? I could to standby for torpedo attack from starboard. I did not have an accurate ship's position at this time, but I knew that to the left of the ship's course at that time lie shoal waters and by turning to the left I would be approaching land closer than had been given me in directives which I held in

that instant in time. I realized that if I attempted to turn to starboard, I would expose a larger target to the torpedo boats. I elected to maintain a heading of 283 at maximum speed. When the boats reached an approximate range of 2,000 yards, the center boat of the formation was signaling to us. Also, at this range, it appeared that they were flying an Israeli flag. This was later verified. It was not possible to read the signals from the center torpedo boat because of the intermittent blocking of view by smoke and flames. At this time, I yelled to machine gun 51 to tell him to hold fire. I realized that there was a possibility of the aircraft having been Israeli and the attack had been conducted in error. I wanted to hold fire to see if we could read the signal from the torpedo boat and perhaps avoid additional damage and personnel injuries. The man on machine gun 51 fired a short burst at the boats before he was able to understand what I was attempting to have him do. Instantly, on machine gun 51 opening fire machine gun 53 began firing at the center boat. From the starboard wing of the bridge, 03 level, I observed that the fire from machine gun 53 was extremely effective and blanketed the area and the center torpedo boat. It was not possible to get to mount 53 from the starboard wing of the bridge. I sent Mr. LUCAS around the port side of the bridge, around to the skylights, to see if he could tell QUINTERO, whom I believed to be the gunner on Machine gun 53, to hold fire until we were able to clarify the situation. He reported back in a few minutes in effect that he saw no one at mount 53. As far as the torpedo boats are concerned, I am sure that they felt that they

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were under fire from USS LIBERTY. At this time, they opened fire with their gun mounts and in a matter of seconds, one torpedo was noted crossing astern of the ship at about 25 yards. The time that this torpedo crossed the stern in believed to be about 1426. About 1427, without advance warning, the ship sustained a torpedo hit starboard side forward, immediately below the waterline in the vicinity of the coordination center. The ship immediately took a 9 degree list to starboard. Oil and debris were noted coming from the starboard side following the explosion. There was no major resultant fire from this explosion. The explosion caused the ship to come dead in the water. Steering control was lost. All power was lost. Immediately, I determined that the ship was in no danger of sinking and did not order the destruction of classified material and did not order any preparations to be made to abandon ship. It was my intention to ground the ship on shoal areas to the left of the ship's track to prevent its sinking, if necessary. I believed that, if the ship was in a sinking condition, we would not be able to reach sufficiently deep water to avoid recovery of classified material on board. Immediately after the ship was struck by the torpedo, the torpedo boats stopped dead in the water and milled around astern of the ship at a range of approximately 500 to 800 yards. One of the boats signaled by flashing light, in English, "do you require assistance"? We had no means to communicate with the boat by light but hoisted code lima india. The signal intended to convey the fact that the ship was maneuvering with difficulty and that

they should keep clear. Reports received from damage control central indicated the location of the torpedo hit and that flooding boundaries had been established and that the flooding was under control. During the strafing by the torpedo boats, and immediately prior to being hit by the torpedo, quartermaster third BROWN, who was acting as helmsman at the time, was felled at his station. The mess decks were designated casualty collection station and casualties were taken to the collection station by repair party personnel and other members of the

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crew able to assist. Following the torpedo hit, those personnel from the research area who were able to do so, left their stations. One of the torpedo boats was identified by a hull number of 204-17. Pictures were taken of the torpedo boats prior to and subsequent to the attack. About 1515, two helicopters approached the ship and circled around and around the ship at a distance of about 100 yards. The ensignia the Star of David was clearly visible. Hull number on one of the helicopters was 04 or D4. The other had a hull number of 08 or D8. It was not known whether these helicopters intended to strafe the ship or not. However, they did not approach the ship in a hostile manner, but kept pointed parallel to the ship as they continued around and never made a direct approach as such. They were not taken under fire by Liberty, nor did they fire at us. The torpedo boats left the general area of the ship at about 1515. About 1537, after they had departed the ship and gone to a range of about five miles, they again headed toward the ship at high speed. Their intentions were unknown. At about this same time two unidentified jet aircraft were also noted approaching the ship from our starboard side, in similar fashion to that which preceded the initial attack. All hands were again alerted to the possibility of repeated attacks. No attacks occurred however, and the jets disappeared from the scene. To further assist in identification of the ship, at 1611 I ordered the ship's international call sign hoisted. Both boilers had been put back on the line at approximately 1520, but at 1523 lube oil suction was lost to the main engines and the ship again became dead in the water. The heading of the ship at this time is not known. About 1555, communications were restored, and at 1600 a message was sent providing additional information concerning the attack by unidentified aircraft and the fact that the torpedo boats had been identified as Israeli. Preliminary estimate of the number of dead and casualties, as well as the condition of the ship, was also provided. At the time this message was being dictated to Lieutenant Bennett on the port wing of the bridge, I was laying on the deck with a

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tourniquet being applied to my right leg at the thigh. A few moments prior to this I felt myself blacking out from loss of blood, and called for assistance of CT1 Carpenter to apply a tourniquet. I had assumed the con immediately upon the air attack and retained the con until rendezvous was affected with the destroyers about 0630 on the morning of 9

June 1967, leaving the bridge only about 3 times during the night hours to make brief head calls on the 02 level. No bodies were noted in the area of ship following the explosion. Several life rafts, however, were released and placed into the water by various crew members whom I was unable to communicate with prior to their placing the boats in the water. They exercised their initiative on the scene, and no fault can be found with their estimate, not having the information that I had. When the messenger was sent to tell them to leave the lifeboats alone, that the ship was in no danger of sinking at that time, but that the lifeboats might be needed at a later time, no additional lifeboats were placed in the water. Misinterpretation of the situation by personnel in combat following the order to prepare for torpedo attack to starboard also resulted in the ship's radar being purposely destroyed. Again, I find no fault with this action under the circumstances. At about 1637, the torpedo boats commenced retiring from the area without further signal or action. At this time, the ship was attempting to make good a course of 340 magnetic, at speed 8 knots. Emergency manual steering was being conducted from after steering. The amount of rudder was given to after steering over emergency rigged sound powered telephones. They would apply the rudder. When the ship had come to the approximate magnetic heading, the rudder would be shifted to attempt to maintain that heading. It was possible to maintain within plus or minus 30 degrees of the ship's heading most of the time. The exact position of the ship was not known at this time. At 1653 an attempt was made to steer and make good a course of 000 magnetic. It was not known what effect the nearby explosions might have had on the pilot house magnetic compass. The gyro compass was

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out. It was not known what the azimuth of the setting sun was, but this was used as a rough guide and it appeared that the magnetic compass had not been unduly affected. The ship's fathometer in combat was working following the attacks. At about 16??, the fathometer sounding reported approximately 26 fathoms under the keel. I realized at this point that the ship might be south of its track and could be approaching the shoal areas outside of our operating area. Since I was not positive of the ship's position, I ordered Mr. Lucas to round up as many personal as he could, and proceed to the forecandle and standby to anchor. My intentions was to anchor until it became night so that I could visually sight the North Star to see whether the magnetic compass had been unduly affected or not. Once I was able to sight the North Star, then I would know in which direction the ship was actually proceeding. Mr. Lucas and personnel did go to this forecandle, and at one point I did order the port anchor to let go. But before the port anchor could be let go, I reversed my decision and backed all engines two-thirds to see if I could back clear of the apparent shoal area. I commenced backing the ship at about 1704 and continued backing until 1722, at which time the fathometer reading was approximately 48 fathoms under the keel. With the ship going ahead two-thirds and right full rudder we quickly came to a magnetic heading of about 350

magnetic and continued on to a heading of 025 magnetic about 1729. The ship was at this time making a speed of about 8 knots. At 1730, the ship lost lube oil to the main engines, and all engines were stopped. At, 1731, the ship was on a heading of 022 magnetic with 50 fathoms of water under the keel. Lube oil pressure was regained to the main engines within a very short period of time, and the ship continued right to a magnetic heading of 040 at 1737, at which time 72 fathoms was indicated under the keel. At 1743, the ship's heading was 068 magnetic and 82 fathoms of water under the keel. At this time I considered the ship to have stood clear of the immediate danger of grounding and at 1748 increased speed to ten knots on a magnetic heading of 050. The ship remained at general

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quarters, and reports from damage control central were to the effect that all water tight boundary bulkheads were holding satisfactory. Dr. KEEFER, and the two corpsman, were doing outstanding work in assisting injured crew members. They advised me from time to time of the number of casualties, the extent of injuries, and efforts being made. At 1750, a message was received from COMSIXTHFLT to the effect that escorts were on the way and that the ship was to proceed on a course of 340 magnetic at maximum speed until 100 miles from present position, then turn 270 magnetic. The ship attempted to carry out this directive. At 1757, COMSIXTHFLT advised that escorts were proceeding to rendezvous with us at maximum speed of destroyers. At 1841, an Israeli helicopter approached the ship and hovered at bridge level approximately 30 feet from the ship. They made various attempts to indicate by visual means that they wished to land a man on board. At one point, I considered granting the request, but considering the obstructions in the area of the forecandle, signaled a waveoff to them. Lettering on the tail of the helicopter was SA32K. On the fuselage were the numerals 06 or D6. At 1857, the helicopter dropped a message on the forecandle. The message was written on the back a calling card, identified as Commander Ernest Carl Castle, Naval Attach, for Air Embassy, USA. The message on the back read as follows: "Have you casualties". We attempted to advise them by flashing light with an Aldis lamp that, "affirmative", we did have casualties. It was evident that they were unable to understand what we were saying. After some ten to fifteen minutes of unsuccessful efforts to communicate between the helicopter and the ship, the helicopter departed from the area, at a time unknown, but as dusk was approaching the ship. Three musters were taken during the night to identify the dead, the seriously injured, and to determine those who were missing. It was believed that those initially reported as missing are entrapped in compartments in the forward part of the ship as a result of the torpedo explosion and resultant flooding. As of 1900,

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11 June, two of the persons previously reported missing, have been recovered. One by removing him directly from the space on board ship. The other was recovered by the PAPAGO,

a Fleet tug steaming approximately six miles astern of the ship on the morning of 11 June. It is not known at this time whether any of the other individuals reported missing have drifted free of the space through the torpedo hole and vanished from the area. It will not be possible to determine until the ship has been drydocked and the compartment dewatered and remains recovered. Preparation of casualty messages were completed as expeditiously as possible upon the completion of the musters, and necessary message notifications sent. The ship rendezvoused with the two destroyers on the morning of 9 June. Commander Destroyer Squadron Twelve reported on board to inspect damage and confer with the Commanding Officer. Personnel from the USS DAVIS immediately boarded the ship to render assistance with damage control and treatment of injured personnel. I have no complaint to lodge against any officer, or man on board USS LIBERTY for any acts of commission or omission during the attack and post attack phase. I have nothing but the greatest admiration for their courage, their devotion to duty, and their efforts to save the ship. As the result of my personal knowledge of the manner in which the following personnel performed their duties during the attack and post attack phases, I intend to commend Ensign LUCAS; Signalman DAVIS; Quartermaster Third BROWN; Lieutenant George GOLDEN, Engineering Officer; and Ensign SCOTT, Damage Control Assistant. I have requested the officers and the petty officers of the ship to advise me of any other individuals, who, to their personal knowledge, performed in such a manner as to warrant special recognition. I also intend to address a letter of appreciation to Lieutenant Commander Bill PETTYJOHN, Chief Staff Officer, COMDESRON TWELVE, for the outstanding manner in which he has assumed the responsibilities of assisting the Commanding Officer in sailing the ship from point of rendezvous to destination of Malta. A message of condolence from the ship has been sent to BUPERS with the request that it

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be delivered to the next of kin at the funeral or memorial services conducted for the deceased and those missing in action. A personal letter from the Commanding Officer to the next of kin will be prepared and sent at the earliest possible time. Dr. KEEFER, and the two pharmacist mates will also be awarded letters of commendation from the Commanding Officer. It is not known at this time the extent of probable compromise of classified material. Destruction of superseded RPS- distributed material was conducted immediately prior to the attack. Lieutenant PIERCE, Communication Officer and RPS-Custodian discussed the matter with the Commanding Officer on the morning of 8 June, and it was decided at that time that we would make the June burn before the scheduled 15 June date, in view of the location at the ship, and we intended to burn superseded key cards on a daily bases as they were superseded. A report to this effect was released by the Commanding Officer. It is not known, however, whether this message was transmitted or not.

The court recessed at 1620 hours, 14 June 1967

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

DIRECT EXAMINATION

Questions by counsel for the court:

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

A. I would like to relate some additional information which may be of some help to the court. USS LIBERTY departed Norfolk, Virginia 2 May 1967 in accordance with COMSERVRON EIGHT message dtg 281502Z April 1967. This was to be the fifth deployment of the LIBERTY to foreign station since its conversion and commissioning as a technical research ship in Seattle,

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Washington 30 December 1964. The deployment initially commenced under the operational control of COMSERVRON EIGHT. The first port of call was Abidjan, Ivory Coast with a scheduled arrival of 22 May 1967. LIBERTY arrived at Abidjan, Ivory Coast on the scheduled date. LIBERTY was scheduled to spend four days in Abidjan, Ivory Coast to depart on 26 May 1967. The operation order was similar to that under which the LIBERTY had deployed on four previous occasions. On the morning of 24 May, approximately 0345Z, a message was received from COMSERVRON EIGHT with a dtg of 240020Z, May 67 in effect directing that LIBERTY get underway immediately and proceed to Rota, Spain for further operations in the Eastern Mediterranean. Immediately upon receipt of this message, LIBERTY commenced preparations for getting underway. It was not possible to get underway, however, until about 0730 on the morning of 24 May 1967. The delay was due to awaiting for pilot, tug, and proper tide conditions for transit of the Vridi Canal. USS LIBERTY cleared the Vridi Canal approximately 0745, 24 May 1967, and set course via coastal route direct to Rota, Spain at best speed. An average of about 15 knots was maintained during the transit. During the transit from Abidjan, Ivory Coast to Rota, Spain, operational control of LIBERTY was changed from COMSERVRON EIGHT to USCINCEUR. The reference for this operational control change is COMSERVRON EIGHT 300202Z May 1967. This reference is not immediately available to me. Operational control of LIBERTY was again shifted from USCINCEUR to CINCUSNAVEUR in accordance with USCINCEUR 300932Z May 1967. This change of operational control occurred as LIBERTY arrived at the sea buoy off the port of Rota, Spain at about 0930 local time, 1 June 1967. After completion of fueling, loading provisions, and accomplishing repairs to the special communications relay system (TRSSCOMM) the ship was RFS at about 1330, 2 June, and at that time got underway in accordance with CINCUSNAVEUR move order 7-67, dtg of this move order was CINCUSNAVEUR dtg 311750Z May 67 modified by CINCUSNAVEUR dtg 011305Z June 1967. JCS message dtg 011545Z June 1967 is considered pertinent in LIBERTY'S schedule from the period

02 June until the time of the incident. This message gives departure date from Rota, route to

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follow, point to proceed to, and the operating area of Liberty during the period of 9 to 30 June 1967. Paragraph 1C of this message is particularly pertinent. At 070001Z June 1967, operational control of Liberty again changed from CINCUSNAVEUR to COMSIXTHFLT in accordance with CINCUSNAVEUR dtg 061357Z June 1967. This change of operational control was made by message in which Liberty indicated to COMSIXTHFLT that Liberty was reporting to COMSIXTHFLT in accordance with the CINCUSNAVEUR message 061357Z. This message also included Liberty endurance and provisions, dry, frozen, and chill. It indicated that the ship had on board approximately 85% fuel and utilized approximately 1% fuel per day while on station. The message also indicated that Liberty self-defense capability was limited to four 50 caliber machine guns. The dtg of this message is 062036Z June 67. USS Liberty was operating under the operational control of COMSIXTHFLT at the time of the incident. No additional messages were in hand onboard Liberty concerning area of operation or other guidance for the performance of our mission than previously mentioned in the JCS message of 011545Z June 1967. COMSIXTHFLT message dtg 080917Z June 1967, which directed Liberty to proceed and operate within a 25 mile radius of 33.40 North, 32.30 East until further notice was not received until delivered by hand on 10 June 1967. Had this message been received anytime prior to the attack, Liberty would have attempted to open the range on the coast of the countries indicated in the message to at least be 100 miles specified. The existence of this message was not known by the Commanding Officer of the Liberty at the time of the incident and no action was taken to comply with it. During the four previous deployments of USS Liberty, the ship aroused unusual curiosity only during the first and second deployments. The configuration of the ship with unusual mast antennae arrangements and deckhouse structures caused, so I understand stand inasmuch as I was not on board as Commanding Officer at the time, some surveillance, primarily surface, from the Southwest African countries during its first two deployments. Lieutenant GOLDEN, who was aboard at the time, my be

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able to provide the Board with additional details in this area. There are probably many reasons why the aircraft were unidentified. One reason would be that the distance, and the speed at which the aircraft flew, was such that it was extremely difficult to make out any distinguished characteristics by personnel on board who do not normally observe any jet aircraft in the area of the ship's operation. The ship normally steams on independent duty along the West Coast of Africa. These countries do not have sophisticated air forces with the possible exception of Angola. Angola does have some jet aircraft but they have been noted to fly over the ship only on one occasion to the Commanding Officer's personal knowledge, while the ship was at anchor in Luanda Harbor. An occasional piper cub or

helicopter working an oil rig along the coast and infrequently commercial jet aircraft is about the extent of air activity observed by personnel aboard LIBERTY. A recognition manual for Israeli, UAR, aircraft and surface ships was not on board prior to proceeding to the area. General ship characteristic and plane characteristic recognition manuals are on board and were used to hold occasional recognition training sessions. These sessions were primarily devoted to ship recognition. It was not known whether any U.S. aircraft were in the area, but no known U.S. aircraft were sighted by anyone onboard at any time prior to or after the incident. On further recollection of the event involving machine gun 53 firing, the effectiveness of the firing leads me to believe that a person, whom I believe to be QUINTERO, Boatswain Mate Seaman, to have been on station at machine gun 53 and took the torpedo boats under fire. It is possible that he evacuated his station as a result of the fire and flames from the motor whaleboat prior to Ensign Lucas' arriving to determine who was on the mount. For clarification purposes, the 50 caliber machine guns that are onboard USS Liberty are Browning machine guns, M2, heavy barrel, with a rate of fire of 450 to 500 rounds per minute. These machine guns are mounted on pedestal and are air-cooled weapons. Two men can effectively serve the gun. One as gunner, who uses

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an open sight; the other individual, the loader, who keeps ammunition up to the chamber. These machine guns are manually controlled. There is no director means of controlling the fire. The limiting stops for arc of fire of these weapons consist of piping, bent in a shape to prevent the gun barrel from being pointed at a direction which would harm the ship or any portion of its structure, and the outer edge of the gun tubs themselves which offer very limited splinter protection. The machine guns themselves do not have any splinter shields attached. These machine guns are not considered mounts in the normal Navy terminology of a mount. They should be considered more as pedestal mounted machine guns. The time gap in the Quartermasters notebook resulted from the fact that there were insufficient number of people in the bridge area to maintain an accurate record of events as they occurred and execute the orders of the Commanding Officer simultaneously. With communications to various stations limited various personnel, as they were noted on the bridge, were used as messengers. At one time during this time frame, the only individuals seen on the bridge were Quartermaster BROWN, who was on the helm, Ensign LUCAS, and Myself. Ensign LUCAS was busy relaying my instructions to the various battle stations. The smooth log will be a reconstruction of events as recalled by the Commanding Officer, who was present on the bridge throughout the entire incident and maintained his faculties at all times during the incident. At this time, I have related all of the events that are considered pertinent and should be brought to the attention of the Board of Inquiry. One additional fact, which should be noted by the board, is the fact that the chart used for plotting the ship's position and for laying out the operating area is identified as Portfolio A3259, Chart BC3924 Nov, Second Edition, September

30, 1963 (revised 5/4/64). This chart shows the approach to the operating area that the USS LIBERTY made, a diagonal transit from northwest to southeast. It lists point A, B, and C as the proposed southernmost limit of the operating area and the intended track of LIBERTY.

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

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

Counsel for the Court: I'd like to offer this into evidence as exhibit number 8, and to serve as identification, if there is no objections, I would like you to read it now?

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

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

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

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

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

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

A. Admiral, if you mean the helicopter which the attach, was in, I'm not sure that the wounded were still lying around the deck, as such. By that time, most of our wounded had been taken to the casualty collection stations.

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But there were people that were wounded. Whether they were evident to the Naval Attach, from his position in the helicopter I do not know. There were injured on deck, however.

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

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

Counsel for the Court: I'd also like to introduce in evidence at this point, separately from the chronological file of messages, DAO Tel Aviv 082100Z, as Exhibit 10.

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

A. Yes sir, I do.

Counsel for the Court: I request the recorder to mark such charts exhibits 11 and 12 and request photos be substituted in the record.

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

A. From exhibit 12, this is a chart of the Mediterranean Sea from Antalya Korfezi to Alexandria including Cyprus. It is further identified by Chart No. BC3924 November, second edition, September 30, 1963, revised 5-4-64. This chart shows points A, B, and C. These three points limit the southern operating area in which Liberty intended to operate in carrying out the directives of the JCS message 011545Z.

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

A. Those points represent a point greater, a distance from the beach, greater than that specified in the JCS message, but closely approximate those limits. The lines between point A, B, and C were the intended track of Liberty during the forenoon and afternoon watch of 8 June 1967. It was planned on arrival at point C to reverse course to the right and proceed again to point B, thence to point A, and continue a back and forth motion along these tracks during our entire stay in the operating area. It was planned to move point C to where longitude 33o W bisects the 100 fathom curve should it not be possible to obtain accurate fixes as the ship approached point C. The latitude and longitude of these points are as follows: Point A -- 31.27.2N 34.00E. This point is thirteen nautical miles from the nearest land. The coordinates of point B are: 31.22.3N 33.42E. This point is 14.6 nautical miles from nearest land. The coordinates of point C are: 31.31N 33.00E. This point is 18 nautical miles from nearest land. Closest point of approach to

nearest land on a line between points A and B is 13 nautical miles. The closest point of approach to nearest land between points B and C is 14.1 nautical miles. Verbal instructions to the officers of the deck were that the ship was not to be to the south of a line connecting these points at anytime. Exhibit number 12 is a chart. The course between point A and B is 253 true. The course between point B and C is 283 true.

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

No response.

Witness: Exhibit number 13 is a Mediterranean Sea chart of Egypt and coastline from Damietta to Alarish. This is further identified as chart No. 3975, seventh edition, March 1931, revised 2/3/64. This chart has on it the previously described points A, B, and C. It also has on it the danger

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bearing established on the conspicuous Manaret at Alarish of 119 degrees true from the ship. The shoal areas of five fathoms or less are circled in red to easily call attention to their location.

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

A. Yes, sir, I do.

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

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

No responses.

The witness was duly warned and withdrew.

[54]

Lieutenant Junior Grade Lloyd C. PAINTER, United States Naval Reserve, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rank and organization?

A. Lloyd C. PAINTER, Lieutenant (jg), USNR.

Q. On 8 June 1967, at about 1400 hours, an incident

occurred aboard USS LIBERTY in which the vessel was attacked. Would you please relate to this Court of Inquiry what you recall concerning that incident?

A. Yes sir. I was at this time, the officer of the deck. I had the 12 to 1600 watch that afternoon, and we had had a practice general quarters drill at 1300 and secured from that at approximately 1345, 1350. And during general quarters I left the bridge and went to my general quarters station, which is repair three, located on the mess docks. After this drill was over, I went back up to the bridge to relieve the watch, and when I came up to the bridge, I was

Q. What time was that?

A. Sir, I think it was 1350, thereabouts. I came back up to the bridge and relieved Mr. O'CONNOR who was the general quarters OOD, and assumed the watch. The first thing I was concerned with was getting a fix, and I remember distinctly checking the radar, and the nearest point of land on the radar at approximately 1355 was 17.5 miles. And I remember distinctly asking the Captain if I could come back to our base course, which I believe was set at about 14 and a half miles. We were about three miles outside of base course. About this time, it was around 1400, the Captain was on the starboard wing. He was watching some jet aircraft. The Captain was on the starboard wing, and he was looking up in the air at a couple of jet aircraft. He called me out there and said, "you'd better call the forward gun mounts." He said "I think they're going to attack," or words to that effect. So, I ran into the bridge area and tried to call the port and starboard gun mounts forward. I couldn't get them; I called them about three times, and about the third

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time I said, "bridge, gun mounts 51 and 52." They were hit. I can't testify exactly which one was hit first, port or starboard; they were both hit so fast. I believe the starboard one was hit first. At this time, I still had the phone in my hand, I was looking through the porthole at the gun mounts. I was looking through the porthole when I was trying to contact these two kids, and I saw them both; well, I didn't exactly see them as such. They were blown apart, but I saw the whole area go up in smoke and scattered metal. And, at about the same time the aircraft strafed the bridge area itself. The quartermaster, quartermaster third class POLLARD was standing right next to me, and he was hit, evidently with flying glass from the porthole. I don't know why I came out without a scratch. I was standing, as I said, right next to him. Finally, about this time they started strafing and we both hit the deck, as well as Mr. O'MALLEY, who was my JOOD at the time. As soon as the first strafing raid had been made, we sounded general quarters alarm. The Captain was on the bridge, He was in the pilot house at this time. I don't know whether he was hit then or not, I can't remember. It was so smokey. I took off for my general quarters station, which, as I said before, was repair three on the mess decks. On the way down I was running as fast as I could. By the time I got to the Chief's Lounge, the entrance through the lounge to the mess

docks, I saw SPICER, our postal clerk, lying there cut in half with strafing and the hospital corpsman was applying mouth to mouth resuscitation. This I later found out failed. He died right there. Well, anyway, I got down to the mess decks and all my men were assembling there as fast as possible. They went to full battle dress, and so did I. I can't recall exactly how long we were waiting for the strafing raids to be over, but I believe it was approximately 20 minutes. At this time someone, I believe it was one of the quartermasters, came down and called me to the bridge. He said, "the Captain's hurt and the operations officer was dead, and the executive officer was mortally wounded." I ran up to the bridge. And when I got up there, the Captain was laying on the stretcher up there while trying to get underway. He thought for a while I think, I'm not sure, that he would pass out, and he wanted somebody up there to take over. He wanted somebody up there in case

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he did. I'm not sure, but I think that is why he had called me up there. I don't know whether he called me up there, or the quartermaster just took it on his own to get me up there. I never found out. So, I was up there for a few minutes and it looked like the strafing raids were over, and some of the people were coming out and looking around and my repair chief had come out to assess some of the damage. When I saw him on the 01 level aft, I told him to take over Repair Three as I would be on the bridge. Well, by this time, the Captain had regained consciousness and told me that I would best be needed in Repair Three.

Q. Was that the Captain?

A. Yes sir. So I left and went back to Repair Three, and, I don't know how long, time was slipping by so fast at this time, after that we had our first torpedo attack. It came over, well the LMC was out, it came over the sound powered phones, "prepare for torpedo attack starboard side." So, we prepared for a torpedo attack starboard side, which we received in midships. I can't say exactly what time it was, maybe 1435. Well, the ship at this time as soon as the torpedo hit midships, we began to develop a starboard list very quickly. So quickly that I felt as though we were probably going to lose it. At this time, the DC central passed the word to prepare to abandon ship. We then filed out to our life rafts which were no longer with us because they had been strafed and most of them were burned, so we knocked most of them over the side. At this time the torpedo boats, three of them, that had torpedoed us, were laying off, waiting for us to sink, I believe. Anyway, they didn't come near us at this time. However, we were able to maintain the ship and stabilize it. It didn't sink. So the Captain said that everyone could go back to general quarters stations. At this time I went back to Repair Three on the mess decks along with the rest of my repair party. All during this time in Repair Three, my men were fighting fires and knocking burning liferafts, etc. So we were kept fairly busy down in Repair Three the whole time. Also they were checking bulkheads and shoring where needed. After I went back there, after the torpedo attack, we waited for what

seemed like many, many hours but I

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imagine it was only 20 or 30 minutes; and in that time we were checking out the torpedo hit midships and doing what was necessary to prevent further flooding. About 30 minutes later we had word from the Captain that torpedo boats were approaching us again and to prepare for another torpedo attack starboard side. And I know that if another torpedo had hit us, it would have sunk us, so I told the men to standby to abandon ship. We prepared to abandon ship in case we were hit the second time. At this time we were dead in the water with no steerage. However, we were able to regain our steerage by manual means and able to make approximately five to six knots. The pit log was out, we were just guessing by the number of turns that were being made. We tried to maintain a course, this time, I'm not really sure, it was either 300 or 320 to take us out of there. After we had gotten underway, an Israeli helicopter came out and asked us if we wanted aid; well, they didn't ask us, they just came along side and acted like they wanted to help, but we waved them off. We maintained this course as best we could throughout the night. I was up on the bridge most of the night with the Captain, up until the destroyer, DAVIS, I believe it was, came alongside the next morning. Repair Three on the mess decks was designated a casualty station because the wardroom, which was the normal casualty station, was so badly strafed that we couldn't keep them up there. The mess deck was a bloody mess that night. People were dying. It was a ghastly sight. That's about all I have to say.

Counsel for the Court: Did you have occasion to see the national ensign flying?

A. Yes sir, I did. I saw the national ensign flying after the, it was at the time I believe when we were going to abandon ship. I ran out on the main deck to get the life rafts ready. I remember distinctly looking back up and seeing the Ensign flying. This was, I think, after the air raid, after the torpedo attack.

Q. Had you seen it earlier that morning?

A. I saw it earlier that morning when I came up, I don't know when it was.

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I came up on and off that morning checking a patrol plane that had been flying over us. The quartermaster, DAVID QM2, had told me that the night that he was wounded that he had put the flag up at 0730 that morning.

Q. So you, in recollection, recall seeing the flag flying in the morning and after the torpedo attack?

A. Yes, before and after the torpedo attack.

Q. Do you know whether or not it was the same flag?

A. I couldn't tell you sir. The way I thought at one time,

what the heck was it, I noticed there was something funny about it. I might have seen the flag twice, because once I saw one that had been shot up and it was ragged, and the next time I looked at it I didn't notice whether it was ragged or not. I couldn't say either way whether it was the same flag.

A. Earlier in your testimony you mentioned that the LIBERTY was 17.5 miles from nearest point of land. How did you arrive at this?

A. By radar navigation.

Q. Did you take a fathometer check?

A. Fathometer checked, yes sir. Either 33 or 31 fathoms under the keel at this time.

Counsel for the Court: Does any other member of this Court have questions of this witness?

President: No further questions.

The witness was duly warned and withdrew.

Ensign John D. SCOTT, U. S. Naval Reserve, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your full name, rank, and organization.

A. John D. SCOTT, Ensign, USNR.

Q. Mr. SCOTT, you know that this Court of Inquiry is interested in the incident involving USS LIBERTY on 8 June 1967. Would you please tell the Court what you recall of that incident?

[59]

A. Yes sir. On the morning of the 8th, I had the 4 to 8 Officer of the Deck watch on the bridge. It was a routine watch. The only thing out of the ordinary was we had one reconnaissance plane that flew by us and made a few circles off our port beam. He circled around about three or four times, then took off.

Q. About what time?

A. About 0515, I was not able to identify the aircraft. We looked at it with the binoculars. Due to the distance we could not see any markings or insignia of any sort on it.

President: That was local time, Mr. SCOTT?

A. Yes sir. The plane circled around several times then took off in a true direction towards Tel Aviv. About 30 minutes later I got a call from coordination, sir, and Chief CT SMITH was on the phone; wanted to know if I had an air

contact that was fairly close in the last half hour. I told him I did and he wanted to know which direction it went after it left the vicinity of the ship. I told him, "Tel Aviv." He said, "Fine, that's all I want to know." I did manage to take four pictures of the aircraft with the camera on the bridge. I didn't know what type it was. It was a double fuselage, twin-engine type. It looked somewhat like an old P-38 or a small flying boxcar. That's about the only significant thing that happened on the 4 to 8.

Q. Do you recall the flag or the national ensign flying?

A. Yes sir, it was flying. I noticed at first light that the ensign was flying. I looked up to it to check the wind direction just in the event I had to blow tubes and I wanted to have a favorable wind direction. That's about all I recall about the flag being up on the day and night while we were over here. I don't recall seeing it down at all. That's about all I have to say about the 4 to 8.

Q. Continue on during the day?

A. I wasn't aware of any aircraft overhead. I did notice that at about the noon hour there was smoke on the horizon. Could see results of bombing on the horizon. I had gone out and taken a picture. I wasn't aware of aircraft. After we secured from general quarters, I came in to

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the wardroom and I just left when I heard the first hit. With that, I took off running to DC central. I did not come topside again until about 0500 the following day.

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

Presidents: Tell us a little bit about your damage control measures when the ship was hit from starboard.

A. Yes sir. When we were first hit, the first orders we got were, "two fires, one port side in the vicinity of the gas drums, one starboard side vicinity of the motor whaleboat." I ordered fire fighting parties out. Next we were ordered to pick up the wounded. We had a number of calls, repeated calls to pick up the wounded. I called back and said that every available stretcher was in use. They were using blankets and mattresses to haul the people back. After the fires were out, they burned for quite awhile before we got them under control. The next thing, we were told by the bridge to stand by for torpedo attack starboard side. The torpedo hit at approximately, somewhere between 1425 and 1445. As soon as the torpedo hit, I called main control. I don't keep a damage control log as such, my repair parties do. They log messages they receive in a book. Neither one of them, as soon as the attack started, kept a log. I kept message blanks coming into repair parties, but they were not timed. I had about ten or twelve message blanks prior to the torpedo hitting. I had the main damage, I had the large hole in the back berthing compartment, I had the hold in the diagnostic room, I had the two fires, the fires under control and one of them logged as out. But when the torpedo

hit, the logroom in damage control central was in a shambles, the safe door blew open, logs went flying off the shelves, we were knocked on the deck, and shortly thereafter the order was passed down to set the destruction bill. And with that, we didn't bother to write down our messages anymore. Myself, my 1JV talker, and my 2JV talker commenced burning all confidential messages and pubs in DC central.

Q. That's fine. Tell me a little about your shoring.

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A. It was necessary, after we investigated the diagnostic room, which is directly above the vicinity which the torpedo hit, I went in, it was next to DC central, I went in with the DC investigator from repair two. We saw the level of the water rising. I stuck my hand in the hole. It came out with black, black oil. With that I said, "It's still rising, we're going to have to shore-it." We brought shoring in and mattresses from the engineering berthing compartment and commenced shoring. We found another rupture out in the passageway and it was bulged out, but we had that area pretty well under control.

Q. To establish the watertight boundary after the torpedo attack, was there any question about anyone being left alive in the spaces below?

A. No sir. When I saw the black oil coming up, I knew it had ruptured the fuel tanks. I went down to main control. I called them first and told them I had ruptured tanks up here, and told them not to take inspections from these tanks. Later on in the morning, I went down to main control and told them to take inspections from starboard tanks but not those two to correct the list. We went over to twelve degrees, and came back to ten. About 0500 in the morning we were down to about a 6 degrees list.

Q. Who was in charge of the forward repair parties at that time?

A. Ensign TAYLOR. He was the Repair Officer. He was hit before he ever got to the repair locker. He wandered off on his own. He came down the passageway, stuck his head in DC central. I could see he was hit very bad. He said, "Scottie, I've been hit." I said, "I can't help you, go to the mess decks. I'll call them and tell them you're coming." I don't have a plotter or messenger, and there were just three people in DC central, so none of us could leave. Next, there was Chief THOMPSON, and I got the word that he was hit, but not bad. A little later the bridge called wanting a signalman. Both my signalmen had been hit, and I called repair and asked them if they had any signalmen, anybody, even enlisted men. Chief THOMPSON volunteered and went to the bridge. Then DEMORI, shipfitter third, took over.

President: This was Chief THOMPSON who volunteered, who was already wounded?

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A. Yes sir. And DEMORI was the on-scene leader.

Q. Is DEMORI still around?

A. Yes sir.

Q. Have you been to damage control school, Scottie?

A. Yes sir. I went ten weeks ago.

Q. Was it worth it?

A. Yes sir. I'd recommend it to anybody.

President: Scottie, I'm proud of you. Thank you very much, son.

The witness was duly warned and withdrew.

Lieutenant George H. GOLDEN, United States Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rank, and present duty station.

A. George H. GOLDEN, Lieutenant, Engineering Officer, USS LIBERTY.

Q. Lieutenant GOLDEN, you know that this Court of Inquiry has been convened to look into the circumstances incident to the attack on USS LIBERTY. Will you please tell the Court what, if anything, you recall about that incident?

A. Yes sir. At approximately 1145, I completed eating lunch, and went to the 01 level forward to sunbathe along with the Captain and some of the other officers. I have a lounge chair, most of us do have; while laying on my back sunbathing, I noticed a plane flying over. I dozed off, and approximately 25 minutes or so later on, I woke up and saw a plane circling again coming from the port beam, crossing the ship. While watching it, I glanced up and noticed it just crossing over the stack area, and I noticed a small amount of smoke coming out of my stack, and also the flag was flying.

Counsel for the Court: Was it extended?

A. Yes sir, there was a slight breeze blowing.

Q. Where was the flag flying from, Lieutenant GOLDEN?

A. The foremast.

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Q. And It was standing out where it could be seen?

A. Yes sir. Not completely the full length, but it was standing out. At approximately 1255, I left the 01 level

forward, and then went forward because I knew that the Commanding Officer was going to have a surprise chemical attack for a drill between the crew. We went to general quarters at 1310. Immediately after we went to general quarters, the Commanding Officer addressed the crew concerning setting Zebra. He explained to them that anything could happen at any time. It took us four minutes to set Zebra, we should improve on that time. He explained that there was smoke coming from the beach area, and that there was possible fighting in that area. After completing general quarters, I came from the engineering and went to the port side of the ship, the motor whaleboat started smoking instantly, and walked into the wardroom to have a quick cup of coffee before going to my office. I sat down in the forward part of the wardroom, and I had no more had set down when the word was passed to stand clear of the motor whaleboat while testing. Immediately, there was a bang, and the first thought came to my head that the whaleboat had been dropped into the water. I jumped to the porthole, looked out, and there was black smoke coming up from the side of the ship. I immediately ran to the door to the wardroom to go outside. The second I hit the door, I heard the word passed, "General Quarters, all hands man your battle stations." And then the alarm went off. Before I had gotten clear of the door, the word was also passed over the PA system, which sounded like the Commanding Officer's voice, telling radio central to notify high command that we were under air attack. When I hit the deck plate in the engineroom main control in front of the throttle board at 1405, I knew it was this time because the tachometers were ringing up at the same time flank speed. I had informed over the LMC the Captain it would take me a couple of minutes to bring the other boiler on the line, as we had just secured it to repair a gasket. The Commanding Officer told me to get it on as soon as possible and give him all the turns possible. Within a few minutes we were doing 86 rpms, until there

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was a hit and I lost electrical power. We went dead in the water.

Counsel for the Court: Lieutenant GOLDEN, how many years have you been in the naval service actively?

A. Twenty-six years sir.

Q. This Court has heard many instances of loss of life, and the Court has viewed the inordinate amount damage to the vessel. Would you please tell the Court the nature of your personal possession loss incident to the damage to your stateroom?

A. There were two shells which could be 20mm, I'm not sure. There was one six inches in diameter, and another one approximately 7 or 8 inches in diameter, just aft of the center of my stateroom. Fragmentation from these two shells damaged the stateroom considerably. One came through the overhead of the stateroom. Bullets of unknown caliber came through the closet where my clothes hanged. The bullets went completely through one of them through the other,

ripping all of my clothing apart. Bullets entered the bottom of the room, into the drawers where I keep my shoes, tearing those up. The fire fighting water from where the repair party was fighting the fire on the starboard side of frame 80 came through these holes, both from the 01 level and the 02 level, and ruined the tape recorder which I had setting on my desk.

Counsel for the Court: Value of the tape recorder?

A. \$219.00 sir.

President: Let the record show at this point that Lieutenant GOLDEN's testimony on his personal loss is introduced as being typical of the type of personal loss realized by the officers of the LIBERTY. The effectiveness of aircraft strafing and rocketry against the topside of the ship virtually eliminated the usability of any and everything inside the staterooms themselves.

Counsel for the Court: Mr. GOLDEN, as Engineering Officer, do you have in your custody, engineering logs?

A. Yes sir.

Q. Do you also have the gyro compass record in your custody?

[65]

A. Yes sir. I do. I have that one particular record with me at this time, sir.

Counsel for the Court: Request the recorder mark the engineering log as exhibit 16, the gyro compass record as exhibit 17, and request they be accepted into evidence as 16 and 17.

Counsel for the Court: Would you please read pertinent extracts from these logs?

A. Aye, sir. In the engineering smooth log on the 12 to 1600 watch on 8 June 1967 - The log is signed by R. J. BROOKS, Machinist Mate Chief, at 1405, general quarters under attack. 1406, granted permission to fire room to light fires in number two boiler. At 1406, informed throttleman to maneuver at various speeds, to draw steam no less than 400 pounds. 1407, reported condition Zebra set. 1408, secured number one and number two distilling units in order to have more steam or speed. 1435, lost electrical power due to hit believed to be torpedo. There was a vibration from this hit that knocked two people in the engine room off of ladders from the upper platform to the lower platform. It vibrated a light out of its socket. It knocked both generators off the line. Also lost communications to the bridge at this time. 1450, put number three generator to atmospheric ballast. 1453, generator on the line. During this period of time, there were both 20mms and two other smaller caliber bullets coming through the bulkhead from the starboard side from approximately frames 80 to 95. The last entry in the engineer's bell book was for 1405 when the bridge rang up for flank speed. There were no

more entries in the engineer's bell book after 1405.

President: Tell me again, Lieutenant GOLDEN, how long your records or your memory indicates that you were without power after your circuit breakers tripped out and you lost the load?

A. From 15 to 20 minutes, I think sir.

Q. And your record shows that you lost the load at what time?

A. Lost electrical power at 1435 and regained electrical power at 1453.

President: Let the record show at this point, as a matter which is germane to all of the testimony wherein sequential and accurate times are

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desirable but unavailable. That the early rocket attack against this ship shot and stopped, in some cases permanently and in others only temporarily, ships clocks through the ship. This fact has become increasingly evident throughout testimony received as well as in informal discussions with LIBERTY personnel.

The witness was duly warned and withdrew.

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Ensign Malcolm Patrick O'MALLEY, United States Naval Reserve, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rank and organization?

A. Malcolm Patrick O'MALLEY, Ensign, USS LIBERTY AGTR-5

Q. And your duty status?

A. Assistant Operations Officer and Ship's Secretary.

Q. How long have you been in the Navy?

A. Since January 13th, 1967.

Q. Approximately six months?

A. Yes sir.

Q. Mr. O'MALLEY, directing your attention to 8 June 1967, will you please tell this court what you recall of the attack.

A. Yes sir. I had the con on the 12 to 1600 watch. From 1220 to 1230 is when an Israeli twin-engine plane, well we didn't know it was Israeli, just a twin-engine plane very

similar to a flying boxcar, circled us once in a long elliptical circle and they drew near. We found out on questioning, after they went away, Mr. ENNIS said the plane had come out almost periodically every 20 to 40 minutes, and would make one pass in a high circle and head back to land. At 1310, I was relieved on the con by Mr. ENNIS, who was the JOOD for general quarters. Mr. O'CONNOR wasn't there so he stopped in the deck and relieved the con. When we went to general quarters, I went to my general quarters station in CIC. It was an extremely dull general quarters - we didn't do anything. We didn't have any contacts or anything significant to do. Some place between 1335 and 1350 I again assumed con from Mr. ENNIS. At about 1402, 03, or 04, something like that, I was looking at the radar screen, and

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trying to get a fix. I noticed three contacts coming off the shore and I said, "Lloyd, I think I have three contacts here." He said, "I think I'll talk to the gun mounts on the phone circuits." He tried to talk to them, and before I knew it, just as he was about to say "gun mounts 51 and 52" a jet opened up. It was just, "boom, boom, boom, boom, boom, boom, boom," and all of a sudden I found myself down on one knee. Someone yelled general quarters, I yelled general quarters, and I left the bridge, and as I went passed, I noticed that the general alarm was sounding. I went into CIC. To return to what had elapsed, well, by the time I took over the con it was 12 o'clock, and the time I was relieved it was approximately 1345.

Counsel for the Court: Who relieved you?

A. Lieutenant James Ennis. When we got up there, we only had one thing to shoot, and that was a tower, a signal tower. I can remember how it stood on the beach. What happened, was Mr. Painter and I were trying desperately to get a fix, to get an accurate fix, what we were trying to do was get a fix and we couldn't do it.

Counsel for the Court: Do you recall the national ensign flying?

A. No sir, I don't because we were not allowed to go to the 04 level, and from here I couldn't see it. I did see the torpedo boats when I came up to the bridge.

Captain ATKINSON: Are you also the CIC officer?

A. Yes sir

Counsel for the Court: Mr. O'MALLEY, do you have in your possession the DRT log?

A. Yes sir, I do.

Q. Do you have the radar bearing book of USS LIBERTY also?

A. Yes, I do.

Request the recorder to mark the radar bearing book as exhibit number 18

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and the DRT log, exhibit number 19. I now offer them into evidence, and request Mr. O'MALLEY to read pertinent extracts from 1400 hours, on the 8th of June.

A. The radar in CIC went out on the first attack.

Q. Try 1200 hours.

A. I have at 1145 a bearing on 173 at 13.9 miles.

Q. Any subsequent entries? DRT from 1300 on hours?

A. Nothing from 1300 hours.

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

Captain ATKINSON: What was the last entry in the DRT log?

A. I believe it was 1300. 1300, yes.

President: What would be the reasons for no DRT entries after 1300?

A. I don't have any idea. Mr. Toth use to help me with the thing.

Q. What do you mean, he use to help you?

A. Well, he use to take charge of CIC.

Q. During general quarters?

A. No, not during general quarters. Actually, it was Mr. BENNETT's station. I was there in training. Mr. BENNETT wasn't there on that day.

Counsel for the Court: Mr. O'MALLEY, you indicated that you were in the Navy for about six months?

A. Yes sir.

Q. Is this your first time at sea?

A. Yes sir, four months on the LIBERTY, sir.

Q. And your primary duty on USS LIBERTY is?

A. Ship's Secretary.

Q. Ship's Secretary?

A. Yes sir.

Q. Collateral Duty?

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A. My collateral duty is Assistant Operations Officer with CIC.

Captain ATKINSON: Was the navigation plot maintained in

combat?

A. No, we he maintained our navigational plot.

Q. Who's he?

A. COCNAVITCH did, but he was doing what he said was contour fixes and he was just checking if they agreed with the OOD on the bridge in the chartroom. You see, we had two charts. We had one in the chartroom and one in CIC. We did have fixes - like I had a 1220 fix spotted on the chart when the tower was bearing 148, 16.5 miles.

Q. In combat?

A. No, in the chart house.

Q. What happened to that chart?

A. There was an overlay.

President: Would you repeat that fix and time again, Mr. O'MALLEY?

A. At 1220 the tower beared 148 at 16.5 miles.

Q. Was it normally the ship's practice to use an overlay on a chart which they planed to use for a protracted period in a particular spot?

A. To my knowledge, no. This was the first time that I had seen it. As a matter of fact, he was putting it on when I came up.

Q. Have you ever been in a ship when it had a patrol station in a spot for a protracted period before this?

A. No, not really. We had gone up and down the coast of Africa, but that was not a patrol.

Assistant Counsel for the Court: I may have missed what you said before. I'm not clear as to whether it's normal practice or not to maintain a navigational track in CIC?

A. The reason why we didn't have it up in CIC, the reason why we hadn't, been doing it for a long period of time, was because we had just come in sight of land on the previous watch, and that is why.

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The witness was duly warned and withdrew.

Counsel for the Court: The next witness will be LTJG Malcolm N. Watson, United States Naval Reserve.

Lieutenant Junior Grade Malcolm N. Watson, United States Naval Reserve, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Counsel for the Court: Will you please state your name,

rank, and duty station.

A. Malcolm N. Watson, Lieutenant (jg), I'm MPA aboard the LIBERTY.

Q. Mr. Watson, did you know this Court has been convened in order to ascertain the circumstances attentive with the attack on USS LIBERTY on 8 June 1967? Would you please tell the Court what you recall of that incident?

A. Well, we had a practice GQ approximately 1310. My GQ station was the fire room down in the engine room. When we had secured from the practice GQ, I had come up. I was standing by the wardroom pantry when the attack came. I ran back down the officer's ladder and went down to my station in the fire room. And shortly I was called up to sick bay. I'm narcotics custodian, and I had to open the narcotics locker. I came up from the fire room, went through the mess decks, up to sick bay. I got the key from the first class corpsman, and a seaman KERNER went with me back down to the mess decks, forward along the passageway, into the engineering berthing compartment, down the hatch, into the narcotics locker. I opened the locker, removed morphine, gave half of it to KERNER and told him to go on back up and I took the other half and left the safe unlocked but closed. I locked the door behind me, I came back up. As I passed by DC Central, I stopped in there and told them I had opened xray fittings to get down to the narcotics locker and had reclosed it. At this time, DC Central is just forward of the diagnostic room,

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under which the torpedo hit. And at this time the torpedo had not hit the ship cause I would have known it because of the way the passageway was torn up. I went back up into sick bay with the morphine that I had, and gave the key back to the first class corpsman and told him what I had done and that I had left the locker open. There was a seaman laying on the operating table, and they didn't have too many people helping in sick bay at the time, so I helped them move the seaman off the operating table, and I helped move third class gunners mate EASON onto the operating table. The Doctor told me where to get two bottles that he wanted. I thought we were done. And I helped him prepare things for operation, and by that time more people had just come into the sick bay to help out. So I said, "If you don't need me, I need to go back to my GQ station." And he said at the time, "go ahead". So I went back down to my GQ station and from then on in we had one machinery casualty right after the other. High water, low water in the boilers, I lost the lube oil, just all kinds of machinery casualties. From there on out, I really don't know the sequence of events of anything that had happened. But I know that when I happened to think to look at my watch, it was 7 o'clock in the evening.

Counsel for the Court: Excuse me, any time prior to the attack, did you notice the national colors flying?

A. Yes sir. At lunch that day, we were discussing the situation and Mr. Golden made the statement that someone had

said something about the ensign flying so the people would know who we were. Mr. Golden made the statement something like, "Don't we have a bigger flag we can fly, maybe the holiday colors?" Then after lunch we went out on the 01 level forward and most of the officers were around there sunbathing immediately preceding 1300. At approximately 1245, an aircraft flew over approximately 5,000 to 8,000 feet, and his line of flight took it over the radar mast, and I was watching it and made a comment about it that it looked

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like a C119 flying boxcar. And as it flew over the radar mast, the ensign was flying from the gaff. I noticed that it was flying, at this time there was a breeze.

Q. Extended?

A. Yes sir.

President: Was it from the mast aft or the mast directly over the bridge?

A. The mast directly over the bridge, sir.

The witness was duly warned and withdrew.

Lieutenant Richard F. Pfeiffer, MC, U.S. Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Counsel for the Court: Will you please state your full name, rank, and duty status.

A. Richard Frank Pfeiffer, Lieutenant Medical Corps, duty station U.S. Naval Hospital, Portsmouth, New Hampshire.

Q. On 8 June 1967, where were at this time?

A. I was attending to my duties as medical officer, USS LIBERTY.

Q. Will you please tell this Court the circumstances as you recall them incident to the attack on the USS LIBERTY?

A. Well, we had secured from the General Quarters drill. I was standing in the passageway outside the pantry, which is on the main deck. Suddenly, we heard a sound as a jet plane flying low and the steward to whom I was talking and myself thought that something had happened to one of the steam lines. Immediately after that, we heard an explosion, and we sounded general quarters. My general quarters station is on the main deck aft, the main battle dressing station. I went across the main deck, and at that point I saw another plane passing over the ship and letting loose its supply of rockets on the ship. It was passing from the starboard bow to the port side and aft. I went into the main dressing station as quickly as possible and awaited the flow of casualties that would come in. We sent the third class

corpsman to the forward battle dressing station

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which was in the wardroom. In the main dressing station was the first class corpsman and myself. When I was in the main battle dressing station, we were relatively sealed off and we didn't hear very much of what was happening outside. At that point I would have thought it was a single or two planes that had strafed the ship once or twice. I didn't have an idea exactly how much had been done. And when they brought in the first aid patient who was a seaman with a collapsed lung, we thought he would be one of the few casualties that we got, and immediately took care of him, which involved an incision in his chest and packing of a pretty good sized chest cavity to remove the blood and air to make it possible for him to breathe again. We then found Mr. Watson, who had the combination to our narcotics safe in the medical storeroom. I sent the corpsman to get Mr. Watson to get me a supply of morphine and we started administering to the men. The time at this time was about a quarter to two, and it would be before the torpedo had struck. Someone told me that they wanted me on the bridge, and to get there I went through the mess decks which had a number of casualties there already, I passed the wardroom and found the forward battle dressing station was somewhat flooded by casualties, and went to the bridge where at that point, the Captain was the only person who was still functioning and the Captain had helm. Again, the Captain had not been injured at that time. I took a look outside the bridge and saw two decks below the remains of our Navigator, Mr. Toth, The helmsman had died where he stood at the helm, and at that time there wasn't anything I could do for any of the men on the bridge except administer morphine to those who were injured and yet living and get men up with stretchers to evacuate them. It so happened the fire in the starboard side, the men had under control, and I returned to the wardroom where again we started caring for the casualties as best we could. We took care of the men in the wardroom and in the passageway on the main deck there were men wounded sitting shoulder to shoulder the full ????? of the passageway. On the port side in a stretcher was the executive officer who had compound fractures of three bones on one leg and two bones on the other leg, the senior research officer, Mr. Lewis, who had semi--flash burns of his face and had been temporarily blinded, and all the men that had been injured.

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I found our third class corpsman, Shulman, with our mail clerk, Spicer, who had suffered [deleted] and was [deleted] Shulman was performing, or had finished performing [deleted] him breathe.

President: Shulman's a third class?

A. Yes sir. And, one of the other men had his arm in a sling and was operating the foot- powered suction pump enabling him to activate the man's trachean lungs to get the secretions from there.

President: Doctor, is this the foot-powered trachean pump which supports the microphone into which you are speaking?

A. Yes sir. Sir, in the chief's mess, we found another man, this was Payon, who was also having difficulty breathing. He had a [deleted] that time we did not have the facilities on board to care for a second [deleted] so the only thing I could do at that point was [deleted] [deleted] There was another man with a broken leg who we were just able to splint. As it turns out the last thing that we bought before we left Norfolk was a supply of air splints that were just coming in and being used as many as we had, and we could have used more. Then I returned to the main dressing station. At this time again I was going through the mess decks and there were more people there. I got to the main dressing station and found people on the floor, people in the beds, in the isolation room, and the clean room. One of the men in the bed was Blanchard, a man who had sustained [deleted] [deleted] The first class corpsman and I had examined him and we realized that we might have to operate on him. At that point we had also agreed though, unless it was an absolute matter of being certain he would die otherwise, we would not do anything to him. Then someone told me in a moment that the wardroom had been hit, and that the Captain

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had been hit. We went by the wardroom and found fortunately that the hit had been away from where the people were being taken care of. A message while I was in the main battle dressingstation, they had announced to be prepared for a torpedo attack, and the torpedo hit and suddenly the ship started listing to starboard, rolled, becoming 9 degrees in a matter of a few seconds. At that time, Van Cleave and myself and as many people as we could get, we went down to the mess decks to try to evacuate anyone that we could from there in case the ship started going down. We were told that the destruction bill had been put into effect. The ship was stabilized after a couple of minutes and then I got the word to go to the wardroom and to the bridge. When I got to the bridge, the Captain had put a tourniquet on his own leg. He had lost a large amount of blood, but there was nothing I could do at this time. He was the only officer aboard at that time. The only other officer that I could find was Ensign O'Malley. I told him of the situation on the bridge, where the Captain had been injured and was the last officer I could find up there and suggested that he be prepared to go to the bridge if necessary. We then returned to the main dressing station, just in time to have a rocket land on the overhead near the clean room, and at this time the lights in the main dressing station went out. We decided at that time that we certainly couldn't care for the wounded in the situation that we were. We were told to brace ourselves for a second torpedo attack, and the only thing we could do was go inside and find a couple of the wounded on the floor to find places where they weren't wounded and lay across their bodies so in case the torpedo did hit they wouldn't be thrown around. I could hold on to one of the uprights, but they certainly couldn't. We

decided at that time, that the only place where we could take care of the men was on the mess decks. The ship had stabilized. We went to the engineroom to find out what had happened, if the engines had been damaged, or, if it would be a point of moving the men to the mess decks and then having the ship go down than having them die there. We found that as far as it went that the damage had been brought under control. We evacuated the men to the mess decks. We had just that morning finished reesterilizing supplies in the

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forward battle dressing station. They were still in the autoclave. When we went to the autoclave, we got as many men who could walk as possible, took them to the main dressing station and gave them supplies, it was dark and we couldn't really see what we were handling then, and they took it to main deck and piled it on the table. At that time was the first time we could evaluate the condition of the wounded. There was no question of our ability to keep records or anything at that point. We just couldn't. The only way we could tell if someone had been given morphine, when we gave it to him, we stuck a needle through an article of clothing on him. We got some gauze and hung the bottles from the lights in the mess decks. At that time it became evident that many of the men were going to require further surgery, but we established in a major hospital surgery is something that is done by three doctors, two nurses, and a support team outside, and that here we would be able to have myself and one corpsman. We obviously weren't going to do any unless it was a life or death emergency. So we went on with it and tried to stabilize the people who were in shock, giving fluids. Then I organized a couple of teams of men. At that time we still had not found out what had happened. The men were confused, they couldn't understand where was the Sixth Fleet or where was the Air Force. Someone had told us that there was an Israeli helicopter outside, and it bolstered our morale a little bit, but we tried to find out the answers to the question, "is anybody going to help us?" "Or can we get messages out?" Does anyone know we're hit, and how badly?" At this time, sir, we had organized teams to start from one end of the mess decks, we'd gotten surgical soap and water, supplies of sterile dressings, and started cleaning the wounds again as best we could. I went up to the bridge to see the Captain. The Captain had lost a tremendous amount of blood and was showing symptoms of early shock. The men who were showing symptoms of shock, the people that we couldn't get fluids to had just overrun the medical facilities for the while. We had been giving out water, salt pills, bicarbonate soda, just to replace the fluids with anything that we could.

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Now we had intravenous fluids that we were able to give them, but the Captain was showing the early symptoms. He said that he was feeling weak every time that he got up and was perspiring and was beginning to show one of the earlier signs of shock which is excessive anxiety. It's hard to think of how anxiety at that point could be described as

excessive, but he had been talking about medical things that he had ascribed as a tremendous urgency to, and I just had interpreted this as a sign of shock. I told Mr. Lucas, the First Lieutenant, who was at the bridge about this and told him to be on the watch for this, dress the Captain's leg, remove the tourniquet, and went back below. There's not really much more tell of this, except how we should give the individual men, at that time someone had gotten a supply of brandy down to the men below and we were dispensing this to the men who were dazed or who were confused or anything, or excited. At one thirty it became obvious that Blanchard was not going to survive the night without an operation.

President: One thirty in the morning?

A. One thirty in the morning. We went to the mess decks again, got some empty blood transfusion packs, collected two pints of blood from men who were his blood type, and took him to the wardroom to operate on him. Unfortunately, his wounds were such that any attempts were hopeless. We determined this and closed the incision. We rendered final anesthetic which the first class and I administered, but he died during the operation. Again, after that, It was just a question finding, doing certain mechanical things for the men, getting them all cleaned, getting new dressings on, treating their pain if this was required, and awaiting the arrival of help.

Counsel for the Court: Of the many injured was Blanchard the only one who died after an operation?

A. Blanchard was the only one that died. The Executive Officer died soon after having been brought to the mess decks but we had seen him on the main deck, and the next time I saw him on the mess decks was to

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pronounce him dead.

Q. How many other operations of a major nature did you perform?

A. Only this operation and the insertion of the tube in the man's chest.

Q. How long were you on your feet before you were able to rest?

A. 28 hours.

Q. Do you have a list of the personnel who died as a result of the attack?

A. Yes sir, I do.

Counsel for the Court: Request the reporter mark this exhibit number 20. I now offer exhibit number 20 into evidence. Will you please read this for the record?

A. The following is a list of the dead personnel. The bodies' of these persons have been recovered.

LCDR ARMSTRONG, Philip M.	569825/1100
SN BLANCHARD, Gary R.	771 77 22
QM3 BROWN, Francis (n)	778 76 70
CT3 HIGGINS, Alan (n)	788 62 97
SN HOAR, Carl	774 46 48
CT2 MENDLE, Anthony	777 62 87
ICFN SKOLAK, David	B50 17 83
PC2 SPICHER, John C.	473 41 77
GMG3 THOMPSON, Alexander	770 47 21
CT3 THORNTON, Thomas R.	997 97 91
LT TOTH, Stephen S.	669613/1100
CT1 WALTON, Frederick J.	236 31 86

Q. Did you bring a list of personnel who were declared missing in action during the attack?

A. Yes sir, I did.

Counsel for the Court: Request the reporter mark the missing in action list as exhibit number 21. I now offer exhibit number 21 into evidence. Will you please read this for the record?

A. Personnel missing

CT3 William B. ALLENBAUGH	CT3 Duane R. MARGRAF
CT2 Ronnie J. CAMPBELL	LT James C. PIERCE
CT2 Jerry L. CONVERSE	CT1 John Caleb SMITH
CT2 Robert B. EISENBERG	CTC Melvin D. SMITH
CT1 Curtis A. GRAVES	CT3 Phillippe C. TIEDTKE
CTSN Lawrence P. HAYDEN	CT3 Carl C. NYGREN
CT1 Warren E. HERSEY	CPL Edward E. REHMEYER
CT2 Richard W. KEENE	SGT J.L. RAPER
CTSN James L. LENAU	CT3 Jerry L. GOSS
CTSA David W. MARLBOROUGH	CT1 James M. LUPTON
CTC Raymond E. LINN	* Civilian Allen M. Blue

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Counsel for the Court: Did you bring a list of the injured with you that you treated during the attack?

A. Yes sir, I have.

Counsel for the Court: Request the reporter mark the injured list as exhibit number 22. I now offer exhibit number 22 into evidence and will you please read it?

A. Wounded Transferred

Name	Rate	Ser	No.	Diagnosis
[deleted]	SN	796	66 15	Compound Fracture Skull
[deleted]	SN	913	50 66	Compound Fracture Skull
[deleted]	SN	997	55 71	Wound Left Eye, Left Forearm
[deleted]	SH2	609	22 48	Mult. Puncture wounds, Pneumonitis
[deleted]	CTSN	998	13 79	HEMOPNEUMOTHORAX
[deleted]	GM3	969	84 98	Pneumothorax
[deleted]	EM3	773	35 21	Perforated Bowel, Hemothorax
[deleted]	CT1	594	81 55	Cpd.Fx. L. Tibia and Fibula Pneumothorax
[deleted]	LT	671765		Penetrating wounds, back & Kidney
[deleted]	BM3	775	76 78	Hemopneumothorax, Post Laparotomy
[deleted]	SN	999	88 63	Penetrating wound back-to colon

[deleted] YN3 Multiple Puncture Wounds
 [deleted] EMFN 914 73 89 Fracture L. Tibia Remained aboard
 [deleted] SSGT Flash burns face
 [deleted] LT Cpd Fracture L Femur
 [deleted] LCDR Flash burns, face & eyes
 [deleted] ET3 Compound Fx. Radius & Ulna
 [deleted] CT1 Multiple Punctures, Cervical Sprain
 [deleted] EMS Multiple Puncture wounds
 [deleted] ICI Fracture - Forearm
 [deleted] SN (deck dept) Multiple bullet & Shrapnel wounds
 [deleted] SN " Multiple Shrapnel wounds
 [deleted] SN " Multiple Shrapnel wounds
 [deleted] SN " Multiple Shrapnel Wounds
 [deleted] SN " Shrapnel-chest, amputated toe
 [deleted] SN " Shrapnel Neck, Fractured Mandible
 [deleted] SN " Shrapnel hand, leg
 [deleted] SM2 Shrapnel wounds, leg & Back
 [deleted] SN Shrapnel, Guteal area
 [deleted] SMSN Shrapnel, L. Ankle
 [deleted] QM3 Shrapnel, R. Flank
 [deleted] CTSN Multiple Shrapnel Wounds
 [deleted] TN Shrapnel, Knee

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Name	Rate	Ser No.	Diagnosis
[deleted]	SN		Shrapnel, Gutral & R. Thigh
[deleted]	CT1		Fracture, L. Ankle
[deleted]	CT3		
[deleted]	CTSN		Multiple Shrapnel wounds
[deleted]	CT3		
[deleted]	CT1		Multiple Shrapnel wounds
[deleted]	CT1		Multiple Shrapnel wounds
[deleted]	CT2		Multiple Shrapnel wounds
[deleted]	CTSN		Shrapnel wounds Skull
[deleted]	CTSN		Multiple wounds shrapnel
[deleted]	CT3		Multiple shrapnel wounds
[deleted]	CT2		
[deleted]	CT2		
[deleted]	CTSN		Shrapnel, abedonen
[deleted]	CTSN		
[deleted]	CTSN		
[deleted]	CT1		
[deleted]	CT2		
[deleted]	ENS	710515/1105	Foreign bodies R. Temple, hand L. arm
[deleted]	CDR	494467/1100	Puncture wounds-multiple- with F.B.
[deleted]	LT	625125/1610	Mult Puncture wounds- flash burns face
[deleted]	LT(MC)		Puncture wound hand-lacerations mult contusions
[deleted]	CTC	471 37 37	Foreign body left wrist
[deleted]	EM1	298 39 72	Lacerations R. hand
[deleted]	EM3	353 98 33	Contusions and Abrasions - back
[deleted]	FN		Foreign body, 2nd digit R.
[deleted]	LTJG	692274/1105	Lac. R. hand. Henatoma R. flank
[deleted]	CTC	518 69 45	Lac. R. hand, contusion back
[deleted]	SN3	546 83 16	Abrasions L. calf
[deleted]	SN	796 43 22	Puncture wound R. shoulder
[deleted]	BT3	B70 41 42	Mult. contusions, arms, L Knee
[deleted]	BT2	549 85 64	Mult. contusions, F.B. R. hand
[deleted]	FN	699 53 81	Contusions L. shoulder
[deleted]	BT3	776 08 93	Contusions L. hand
[deleted]	MR3		Back strain, contusions shoulders

[deleted] SN 918 44 65 Mult. lacerations hand & arms
 [deleted] CS3 904 30 77 Lac. L. hand
 [deleted] FN 779 52 59 Lacerations and contusions L. hand, burns L. arm
 [deleted] MMFN 998 07 12 Abrasion & contusion R. leg & CALF Fracture Tibia
 [deleted] CS3 B10 42 33 Contusion L. lower leg
 [deleted] SA 998 70 04 Cerebral concussion
 [deleted] FN B10 22 23 Abrasion R. calf
 [deleted] FN 290 54 86 Lac R. arm
 [deleted] FN 354 81 55 Contusions chest, arms, legs
 [deleted] FA B51 81 56 F.B. L 5 (digit (hand)
 [deleted] FN 917 52 08 Mult. contusions ext's
 [deleted] CS3 796 37 68 Mult. lac hands
 [deleted] FN B10 43 15 Lac. arms (mult)
 [deleted] CTSN B61 44 71 Lac, cont hands, knees, chipped R. Low. can

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Name	Rate	Ser	No.	Diagnosis
[deleted]	FN	916	29 05	Contusions Legs (bil)
[deleted]	CTSN	B20	04 91	Burns R. Foot, Soft tissue inj. R. Knee
[deleted]	FN	796	18 83	Contusions Knee, bil
[deleted]	SK2	370	92 58	Abrasions and Strain-Lower Back
[deleted]	MM3	998	19 47	Burns -Arms
[deleted]	SK3	776	42 83	Contusions, R. Calf & Thigh
[deleted]	RD3	794	71 33	Abrasions, Lac., contusions R. Forearm
[deleted]	CS2	428	92 84	Abrasions, Cont, R. Lat Thorax
[deleted]	CT1	539	00 34	Abrasions Lcts, Bil & Gluteal
[deleted]	CT2	796	85 28	Abrasions L. Thigh
[deleted]	CT3	775	06 25	Low Back Strain, Lac Fingers
[deleted]	CT3	795	25 54	Mult. Contusions lgs, bil
[deleted]	CT2	774	27 59	Punct. Wd. R. Knee, Burns R. Leg
[deleted]	CTSN	777	19 71	Thaumatic Hemarthorsis R. Knee
[deleted]	CT2	914	81 10	Lac Finger, Puncture L. Calf, Thigh, Arm
[deleted]	CT1	535	78 10	F.B. Thigh, Contusions R. Arm
[deleted]	CT2	599	79 51	Puncture R. Thigh, Contusions Buttocks
[deleted]	CT3	918	25 70	Lac R. Hand
[deleted]	CTSN	797	04 78	Lac. L. Leg
[deleted]	CT2	776	28 26	Lac. R. Shoulder, L. Calf
[deleted]	CT2	778	80 00	Lac. R. Parietal, L. Calf

Counsel for the Court: I have no further questions of this witness. Do any members of the court have questions of this witness?

President: Approximately how many patients during this period did you have, Doctor?

A. At nearest number, 200.

Q. 200? How many man are on the ship, Doctor?

A. I think approximately 300.

Q. Then we had two thirds casualties, one way or another?

A. Yes sir.

Captain ATKINSON: Are you a surgeon?

A. Yes, I am.

President: From this very harrowing experience that you went through, do you have any thoughts or ideas that the

Navy might find useful?

A. Yes sir, I have.

Q. What are they?

A. First, when we were on the mess decks, as I said, we had placed our equipment into a single pile, and in somewhat a disorganized fashion.

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When we would start a single intravenous transfusion on a person, what we would need was a bottle of intravenous solution, a supply of gauze to hang the bottle from one of the light fixtures overhead, a second set of tubing for this bottle, a needle through the man's shirt, some alcohol sponges to clean the area. This is a bottle containing a sweeter, a sterile dextrose, or sale and water which is administered intravenously. And, I think, many of these things are disposable, when they find themselves with the wrappers for them in their hands and no where to put them. One also finds with needles in hand there are some of the metal things that have been the seals that have been taken off the bottles. What I thought might be useful would be a vest sort of garment they could put on with large pockets in front with a supply of gauze, tape, needles, alcohol sponges, morphine syrettes, and a pocket in the back into which waste might be placed to enable one to more efficiently go through a large area and take care of more than one person on one trip. A second thing might be, as I put it out before, when we give an injection of morphine, about three hours later if the man was complaining of pain again, we would not know - we'd know if he had been given morphine, but we wouldn't know if he had been given it ten minutes before, and that his pain was still pain that he had because the morphine had not had a chance to be absorbed in his blood stream, or that it had been given three hours before and that his pain might just be a recurrent sort of thing, or that he had been given none and that his pain might be an early symptom of shock and at time the morphine might take away his body's protective mechanism. What I thought might be useful there would be a strip of copper with a oxidizing agent to it that could be taken off and pasted on the patient, that the mixture of copper and catalyst might be such that the copper would oxidize and thus change color from red to green in a specific amount of time, and that by then looking at the patient you would be able to tell; first, had he had morphine; second, how

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long ago had he had it. A red strip would tell you give him no more, but a green strip would be the green light to tell you to go ahead and give him some. And that something of the same sort of an oxidizing copper strip might be available for use with intravenous solutions. As we did when a patient received intravenous solution, we just left the bottle hanging over him so that at a glance you could tell that the person had received one liter, three liters. If the person had received sugar, solution, salt, plasma, or

blood. But, again we'd probably do well to have the period in which they had been administered those.

President: Did you have enough medical supplies?

A. Yes sir, we did. Another thing I forgot to mention was also during the night we broke into our supply of penicillin and the first class corpsman showed one of the seaman how to dilute this with sterile water and this man prepared a supply of diluted penicillin, and again we started all the men on antibiotics, so that by the time the other doctors from the Davis, and the Surgeons from the carrier came aboard, we could tell them that all the morphine had been taken care of. Everyone who was in shock had been taken care of. All the people had been started on antibiotics as a preventative measure for addiction.

Counsel for the Court: What was the primary cause or death?

A. Primary cause of death on some man was penetrating wounds of chest and lungs which made it impossible for them to breathe. Would to the heart, contracting injury with damage to brain. On The Executive Officer, I don't really know because of the way he died. Blanchard, the man on whom we operated, had massive injuries to his liver and to his right kidney, and he just died of blood loss and shock.

Q. Did you see many burns?

A. We had a moderate number of burn injuries. None of which were major burns.

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Q. Was there any substance similar to napalm causation?

A. Some persons may have been. I never inquired of anyone because again we had burns of hands, a few flash burns of face. But I didn't treated anyone that I would think of as having a napalm burn.

President: We have no further questions, Doctor. We have nothing but the highest admiration for the success which you enjoyed. It's my understanding that none of those you treated and evacuated has subsequently died. Is that correct?

A. That is true, sir.

President: This speaks volumes for your professional competence and the efficacy of your preliminary casualty treatment. Let me ask you one question here that just occurred to me. What did you do and who did you use to do it to get the dead out of the way so that they wouldn't clutter up your sick bay?

A. Well, anytime we needed one volunteer we'd get ten. That, if anything had to be done, people to be put on the stretchers, there were hands everywhere. When we asked for two pints of blood for transfusion, we had people on the adjoining tables who were saying, "if you need some, I have this type."

President: These were people already wounded?

A. These were people already wounded.

Q. What would you say about the morale subtribution on the ship during that trying period of the action and person of the Commanding Officer?

A. The Commanding Officer at that time was like a rock upon which the rest of the men supported themselves. To know that he was on the bridge grievously wounded, yet having the con and the helm and through the night calling every change of course, was the thing that told the men, "we're going to live." When I went to the bridge and I saw this, I should say that I knew that I could only insult this man by suggesting that he be taken below for treatment of his wounds. I didn't even suggest it.

Q. Although it was needed, medically?

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A. Yes sir.

President: Well, Doctor, I am very proud to be wearing the same uniform that you are. Thank you very much for your most informative, profes- sionally competent illuminating, and very valuable statement. I'm very grateful to you.

Doctor: Thank you sir.

The witness was duly warned and withdraw.

Chief Communications Technician Harold J. Thompson, U.S. Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Questions by counsel for the court:

Q. Please state your full name and rate.

Harold Jessie Thompson, Chief Communications Technician, U.S. Navy, USS LIBERTY AGTR-5.

Q. Do you know this Court of Inquiry has been convened to ascertain facts incident to the attack on USS LIBERTY?

A. Yes sir.

Q. Would you please tell this Court the event you recall of this attack?

A. We had just secured from general quarters drill and I had gone on main deck with petty officer HAROLD to discuss training and some of the attitudes toward training, when I heard a rocket come past and hit. At this time, I wasn't sure it was a rocket. I thought it was a shore battery, and I was either knocked down or I ducked quick. Then I got up and started running across the deck to repair two locker which is inside the forecandle. I was knocked down again, but made it inside to start breaking out the damage control

equipment, getting stretcher bearers on deck, and taking stock of the situation. The attack appeared to last, I would say about 20 minutes to half an hour. Time is difficult to recall. Then I was alone and word was passed over sound powered phones to DC Central to standby for a torpedo attack. This was passed two or

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three times, and I believe it was on the first time it was passed that we got hit. It seemed to take quite awhile for the torpedo to hit. The explosion wasn't too loud where we were. The deck lifted about a foot I'd say, and then we settled right way to a starboard list to about ten degrees. Although at the time it seemed a little greater. Then we were strafed at about the same time. I couldn't say whether it was before or after by the patrol boats. At first I thought it was the ammunition box over the repair locker where the ammunition had gotten hot and was exploding, then we determined that it was a strafing attack. The sound would coupled with my sighting of the torpedo boats later would indicate 50 caliber and 40 mm. There were several holes in the forecastle and the area around the repair locker. Nobody was hit inside. Later on the bridge asked for signalmen from various places on the ship. Nobody seemed to be available so I said I couldn't read flags but I could read light. They said they didn't need me at this time and that they wanted me to stay in the repair locker. Word was passed again to standby for torpedo attack starboard side and again the word went out for signalmen. Once again I told them I could not read flags, but if I could be of service. I was asked to report to the bridge, which I did. When I got up there, signalman David was attempting to rig a hand light. I assisted him. We went to the starboard wing of the bridge and one torpedo boat was making a run straight at us off the starboard beam while the other two stood off. At the Captain's directions, David sent "US Naval Ship" "US Naval Ship." When they were about 500 yards off, the torpedo boat turned astern and came up on the stern on the starboard side and flashed, "do you need help?"

Q. Was this before the torpedo hit?

A. This was after the torpedo hit us, and we were surprised by the attack. The Captain was giving us word. He said, "no, thank you." We sent this back to the boat, and our steering was somewhat erratic and they came up on the port side then. David went across, I followed him, and saw on the last part of that message, David said, "Do you want us to

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standby?" I passed this word to the Captain. He said, "no, thank you." We sent this to the patrol boat. They came up along port side, I say roughly 100 yards off, flashed "good luck" and dropped astern along with the other two which had come up to the stern, to a mile or a mile and a half back, just about out of sight. Then they made one high speed run directly astern and somewhere between a quarter and a half mile back made a U-turn and disappeared. That was the last

we saw of them. Shortly afterwards, and Israeli helicopter came, hovered off the bridge and tried to hand signal us, and dropped a note on the forecastle which was brought to the bridge. It was a card from the Naval Attach,, U.S. Naval Attach, in Tel Aviv, asking if we had casualties and could he come aboard. The Captain signaled to him, "Yes, we did have casualties, and no, he did not want him to come onboard." One time I forgot to mention is after the torpedo attack, before I went to the bridge, there was a pass made by an Israeli helicopter. One of the men in the repair locker stepped outside the forecastle and said it was a helicopter with a blue star on a white shield, I believe the colors are, and we determined it to be Israeli by this. I stayed on the bridge with the Captain and signalman David, who finally went below for medical assistance. We then posted a lookout and maintained a watch throughout the night. I was on the bridge off and on and on the mess decks.

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

President: Have you been to damage control school, Chief?

A. Yes sir. I went the last in-port period.

Q. How long?

A. I went to one week basic, and one week advanced.

Q. Have all of the research personnel gone to damage control school?

A. No sir. We sent a number, I can't give any figures, but people who we assigned to repair parties as their GQ station, we sent them to either fire fighting or damage control school. We have to have a damage control petty officer in research, and we have one in each watch section, sometimes

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two, and these people we always send to DC school and the others when we can, to fill out the ship's quotas for fire fighting school.

Q. What was the condition of the Captain during the period you were on the bridge?

A. When I arrived on the bridge, the Captain was lying on the deck by his chair on the port wing of the bridge with his leg propped up and they were applying a tourniquet. It seemed to me a rather large wound. He was perfectly rational, in command. He asked for the Executive Officer to report to the bridge and was told the XO was wounded, and he said, or indicated that he got the message. The Captain stayed on the bridge all night and propped himself in his chair. He'd get up periodically to insure circulation.

President: Thank you very much, Chief, I certainly appreciate your kindness.

Chief Thompson: Thank you very much, sir.

The witness was duly warned and withdraw.

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Carl Francis LAMKIN, CTC, USN, took the stand as a witness, was duly sworn, warned of Article 31, under the Uniform Code of Military Justice and testified as follows: DIRECT EXAMINATION

Questions by counsel for the court: Q. State your name, rank, organization and place of duty?

A. Carl Francis LAMKIN, CTC, USN

Q. You are aware Chief that this Court of Inquiry has been convened to ascertain the facts concerning the attack on the USS LIBERTY on 8 June 1967. Would you please relate what took place on that day?

A. Yes, sir, I was secured from GQ drill shortly before the attack and at the time of the attack I was in the disbursing office, I noticed the initial shock and immediately headed for my GQ station which is repair three. As I was going to my GQ station the word was passed that we were being attacked by aircraft. Upon arriving to my GQ station I immediately started dispensing the gear, settling the men down.

Q. Your GQ station is where?

A. Repair Three. After there we got together. We had the men lay low on the deck, you could hear the strafing. At this time the word was passed that they had a fire in shaft alley and I took approximately four men and went down to shaft alley. The fire in shaft alley was under control in a matter of minutes. When I came back up they were calling for stretcher bearers and the men were dispensed for that. At this time they said they had a fire on the bridge in the motor whale boat and they were calling for assistance. I took repair three alpha plus some other men that were there and headed for the motor whale boat. As I was up on deck, portside by the U boat I was knocked down by some sort of explosion. I got up and went up and the men were already fighting the fire in the whale boat. It was pretty well destroyed at the time. As I was standing there we were strafed again and one of the men to my left fell. I don't remember his identity, he was picked up and drug inside. I turned to run forward when I came across the body of Mr. Toth who was pretty well messed up. I remember getting kind of sick at my stomach for a second or so. At this time I remember they had the fire pretty well under control. I went back down to my GQ which is repair three. I don't remember any of the time lapse during that time but I do remember them announcing to prepare for a torpedo attack starboard side. I told the men to brace themselves, to lay down on the deck if at all possible. The torpedo hit, it seemed like it was quite a while before the torpedo actually hit and the time we were told to prepare ourselves. The torpedo hit, there

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was an explosion, immediate smoke and immediate list. Again we sent parties forward to investigate the resulting damage, so on and so forth, and any assistance that was needed. At this time I went back up, I was going to radio central I asked the men there if any kind of message had gotten out and they said it had. I asked them if they had means of communication there and they said they hadn't a voice transmitter they could key there in the blind. They weren't keying it at the time. I told them to keep keying it in the blind as often as possible. They immediately did so. From this time on I just spent most of my time from repair three and the radio trans- mitter room. There was quite a time lapses, I don't remember exactly how long. The thing I do remember is I started out the door and I could hear the motor torpedo boats or at least one of them to our port side. I looked out, but all I could see was the top of it. I immediately came back in and told the men to hit the deck. There was no firing or anything like this which surprised me, because at the time I figured they were just coming in to finish us off. Again, I say I don't remember the time lapse, but I was in there quite awhile when I heard aircraft. They first announced that an aircraft was coming in our area. I told all men to stay inside and keep low.

Q. How did your men react to this?

A. The men reacted fantastic as far as I'm concerned in the repair party. We had men that had never had experience before. There was one occasion where a man panicked on me, he started crying and screaming. I gave him a hit, and he came out of it. I remember seeing one boy throwing up. He had evidently seen one of the bodies that they had brought down. Other than that the response was excellent. There seemed to be naturally the fear that you would expect, but no panic.

Counsel for the Court: Very good, are there any questions from members of the court?

President: What can you tell me with a little more detail, chief, about this keying the transmitter? Who was in there in charge?

A. I can't remember his name sir, our second class radioman. I'm sorry, I can't think of his name. I remember the man explicitly, he was in there, there was a couple of radiomen in there, there was also an ET in there, working with the different transmitters. They told me they had them trans- mitting and a message had gotten out. The ET was doing everything possible checking the various transmitters. They only had one that was capable of transmitting voice at that time. I did tell them to keep keying it re- gardless. Each time he was keying it he noted that he was keying in the blind.

Q. But no receivers?

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A. Yes sir, no receivers. He did keep trying it continuously.

Q. What was he transmitting?

A. The exact words, I can't remember but he was transmitting, I don't remember the call, he was transmitting that we were under attack, we had been attacked by aircraft, we had sustained a torpedo hit, and the list I believe of the ship.

Counsel for the Court: Did you hear any report of the possible jamming of the transmitter?

A. Yes, sir I did. I heard this later from Radioman Chief SMITH. He said that definitely that he had notice that the jamming was so loud that, the jamming was so loud that he thought at first that it was our transmitters which were malfunctioning but he noted, regardless of frequency, this loud jamming noise. At that time we weren't aware of what they were transmitting at radio central. This is one reason I stressed the fact that the men keep transmitting.

Mr. Feingersch: Do you know Chief what circuit they were trying to transmit on, which net they were on?

A. No sir I don't, all I know is that it was voice transmission and I really couldn't say. I did ask them if they had receiving capability and they said no they were transmitting in the blind.

President: What repair party has the responsibility of buttoning up up there in the research spaces?

A. The research spaces up forward, I believe that is repair two sir, But at this time there were men dispensed all over. I had repair three men up there, also repair three alpha, which is an assist party. They were dis- pensed. We were also fighting this fire.

President: What outfit was up there after the torpedo hit? Would that have been repair two?

A. We dispersed repair three then, immediately, I was trying to think because right after we sustained the hit, I believe it was petty officer Neece, which is one of damage control petty officers. I have two damage control petty officers, petty officer Neece and Smith, and to my recollection it was Neece who grabbed the men and went up there.

President: Thank you very very much, We certainly appreciate your kindness.

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The next witness will be Chief Wayne Smith.

Chief Wayne Smith, United States Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, Uniform Code of Military Justice and examined as follows:

DIRECT EXAMINATION

Counsel for the Court: State your name, rate, and present duty station.

A. Wayne L. Smith, RMC, duty station aboard the USS LIBERTY.

Q. Chief Smith, as you know, this Court of Inquiry is investigating the circumstances of the attack on the USS LIBERTY on 8 June 1967. Will you please tell this Court the facts that you recall on that date?

A. Yes sir. On that date at approximately 1400 local time, we had heard a loud blast. I was in radio central at the time with my second class who was on watch at the time. We immediately set Zulu and closed the porthole covers, and as soon as we had gotten them closed, the second blast sounded and the word was passed on the LMC to pass over hicom that we were being attacked, to any station. I immediately picked up the hicom transmitter which was on UIC 32, auxiliary radio. We started to transmit with it. No station heard us, and five minutes or so later the transmitter was reported to have blown out. I immediately switched to a work two transmitter in the transmitter room, and we couldn't get out on that either, so, in between attacks by this time, I had went down to transmitter room and I found or discovered that somebody had accidentally knocked the frequency dial one KC off. I corrected this and ran back to the radio shack and we got hold of stations schematics on which we passed the attack message. We did authenticate, and he authenticated correctly because he got a roger for it, my second class. Immediately after that, after we passed the word on the bridge that the message had got out, we had a power failure. After the power failure, I discovered that my control lines, remote lines were disconnected or in some way inoperable, so we passed control on the transmitter direct, but we still maintained a receiver on hicom. From that time on we passed all our traffic from the transmitter room and at 1227 they took control.

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Counsel for the Court: Did you have occasion to see the national colors flying?

A. Yes sir. At the time I ran out of the radio central space to the transmitter room.

Q. What time was this?

A. I would say about 1225, this was about two minutes either way. And this was Zulu time because I'm basing it on the log here. I had occasion to look at it because I was under the impression we were being attacked by UAR, and I wanted to see, and by the time that report came down to us from the bridge that they were Israelis, I wanted to check myself personally to see if our flag was flying because I couldn't understand it. For some reason I saw the flag flying at that time. If this was the original flag or not, I do not know sir.

Counsel for the Court: I ask you if you have with you today in your custody the radio log for the 8th of June 1967 for the USS LIBERTY?

A. Yes sir, I do. I have the original log from 1227Z on, and I have the smooth log covering the total time at 1158Z. At this time, from 1158Z to 1227Z, it is a reconstruction and we did not keep a log in radio central.

Counsel for the Court: Request the recorder mark the original radio log exhibit number 23, and the smooth log exhibit number 24. I now request that they be admitted into evidence and request you read the pertinent times to the Court.

A. In our log 0430Z was the last entry, on hicom log. At 1158Z is when we started to call any station, this is ROCK STAR. We passed a Zulu precedence to this message. At 1200Z ROCK STAR was called by schematic saying "you are garbled". "Say again". We repeated three times to them that we were under attack. At 1204Z we had to switch transmitters. We called at 1208Z schematic and repeated three times that we were under attack. Immediately after 1208Z, still in the same minute, they rogered for the message. At 1209Z we repeated again we are under attack and this time we added "we need immediate assistance". At this time schematic asked ROCK STAR for authentication, at which time we gave them the correct

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Authentication. At 1214Z they rogered that. About 1217Z we called schematic again saying "be advised that we have been hit by torpedo, listing about 9 degrees, request immediate assistance". At 1220Z this message was received and rogered for. At 1224Z three unidentified aircraft approached the ship. We told this to schematic. At 1227Z they rogered for that message and that's when we had our power failure. We immediately shifted to the transmitter room.

Assistant Counsel for the Court: Which hicom?

A. E4.4.

Q. You're sure chief - the CINCUSNAVEUR hicom net - E4.4?

A. Yes sir. E4.4 At 1233Z we had placed the emergency destruction bill in effect and I took it upon myself, not having any communications with the bridge, to hold emergency destruction. I only started emergency destruction on phase 1 and phase 2, which does not include unclassified matter. It only included RPS material that I had on hand. Well, we started to burn, and then the word came down from the bridge, finally, that there was never any order given to do this, so I had them halt and replaced all the ashes and the foreign material in the weighted bags.

Q. Did you throw anything over the side?

A. No sir. Nothing was thrown over the side. I have everything that we had up there. From 1233Z until 1323Z no signals were sent or received via hicom. All the traffic

that we wanted to get out was out by the time the attack was over. At 1355 power was restored, passed down from radio central that the phone was inoperable and we shifted the control to transmitter room complete. By this I mean we had the receiver earlier. We gave them the receiver too.

Q. Did you note any Jamming on the hicom circuit?

A. Yes sir. We did have jamming in my estimation. I was unable to determine this exactly, but every time it seems when an attack was made on us, or a strafing run, it was preceded by, anywhere from 25 to 30 seconds, carrier on our hicom circuit, and I had ascertained to check

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this by calling the transmitter room and they said that they had not keyed the transmitter. This prevailed during the attack and quite a bit after the attack, intermittently.

Assistant Counsel for the Court: Chief, can you tell me ordinarily what circuits are you normally up on?

A. We're normally up on hicom, and we carry 500KCS receive only for distress and our 243.0 and 121.5 distress. On this occasion we had 339.4 set up, which, I'm not sure what frequency it is but it's a COMSIXTHFLT frequency.

Q. This is in addition to the hicom?

A. This is in addition to the hicom, yes. And we did have 277.8 fleet common up at the time.

Q. How do you normally handle your ship-shore traffic that's classified?

A. All traffic went out from down below except those they couldn't get on regular skeds. In which case they would off-line and we would send them out CW and this was no schedule, this was just on a case basis.

Q. The ship's general communication spaces doesn't have on-line capability?

A. No sir, they pass all traffic from down below on these circuits.

Q. What do you mean by down below?

A. I mean crypto one and crypto two. They had the equipment.

Q. I assume you copy fleet broadcasts in your spaces?

A. No sir, we do not. They copy fleet broadcasts down below.

Q. Do you know when the ship shifted from KR to JR?

A. This I have no knowledge of at all.

Q. You said that at the time 1204, I understood you said that prior to that time you had transmitted an attack report to schematic?

A. Yes sir.

Q. Did they acknowledge?

A. I am not able to say right now.

Q. And you said that you did not authenticate under initial transmission?

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A. No Sir, we did not.

Q. Authentication took place at time 1214?

A. That's when they rogered for it, yes sir. We authenticated at 1209.

Q. Were you challenged?

A. Yes sir, we were challenged by schematic.

Q. And at 1214 they rogered for your authentication?

A. Yes sir. The first rogered transmission was at time 1208 and the first rogered authenticated transmission was at time 1214 on the CINCUSNAVEUR hicom net between LIBERTY and schematic --CTU 60.2.9.

Counsel for the Court: As Counsel for the Court I hereby submit exhibit number 25, which is a statement by Captain R. L. Arthur, Sixth Fleet Maintenance Officer. I now offer it into evidence and will read it.

"1. A preliminary estimate of the time required to make permanent shell repairs and repairs to necessary associated interior strength members is two to three weeks.

2. A firm estimate will require a detailed survey, not expected to commence until 15 June."

[98] THIRD DAY

Let the record show that the Court reconvened at 0820 on 15 June 1967, and the first witness having already been sworn and duly warned will be Eugene Aiken Platzek. Commander would you be kind enough to state your name, rank, and duty station.

A. Eugene Aiken Platzek, Commander, United States Navy, 433313.

Counsel for the Court: Commander this Court is convened to look into the prior circumstances and aftermath matters related to the incident involving the USS LIBERTY on 8 June 1967. It is the Court's understanding that you arrived at the scene in Malta in a technical capacity. If that is correct, will you tell the Court the capacity in which you are currently on board?

A. I'm currently on board as the representative of the Director of the Naval Security Group, OP94G, and I am part of the Task Force 100, designated as 100.4, under Captain

Carl M. Smith.

President: Commander, the first question this morning, we will handle separately and introduce this part of your evidence into the medical portion of the report. In order to provide a record that is not disjointed, we will introduce you a second time, formally, and place that testimony in the material side if this is agreeable with you?

A. This is agreeable.

Q. The first and only question, then, relative to the medical side has to do with your personal continuing participation in the recovery of those in compartments which were flooded by the torpedo explosion and the question goes like this -- You were in the space the whole time assisting in the recovery of the remains. This was from my personal observation. From those remains recovered by you what in your judgment was the possibility of any of those remains having been alive after the initial torpedo explosion?

A. There was no possibility of any being alive after the initial torpedo explosion.

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Q. An I understand it, Commander, the degree of dismemberment and conditions of the remains are the facts which cause you to arrive at this conclusion. Is that correct?

A. That is correct.

The witness was duly warned and withdrew.

Lieutenant Maurice H. Bennett, United States Navy was recalled as a witness, reminded that he was still under oath.

DIRECT EXAMINATION

Questions by Counsel for the Court: Q. Do you think anyone could have survived after the torpedo struck the compartment?

A. There is no possibility of any of the people being alive after the torpedo hit. This conclusion was reached, or is based on the degree of dismemberment and conditions of the remains upon recovery.

President: Thank you very much Lieutenant Bennett.

The witness was duly warned and withdrew.

Material Section

Commander PLATZEK was recalled as a witness, reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

President: You, in your technical capacity, are knowledgeable on installation and acquisition costs of the

technical equipment in LIBERTY at the time of the attack, which now will require replacement, and/or rehabilitation of remaining equipment where possible. Would you be kind enough to address yourself to this area and give the Court of Inquiry your best estimate at this time of how long it would take to reacquire LIBERTY's technical capability through the acquisition of long-lead time procurements, new purchases, and rehabilitation of old equipment, in terms of time and dollar, cost if you please?

A. The equipment aboard the LIBERTY is relief equipment as much as it is research equipment. The length of time it would take to acquire this equipment would be approximately one year. The cost of this equipment, in my opinion, would be approximately six to eight million dollars. This

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does not include the installation costs of this equipment. This is strictly procurement dollars.

President: Thank you Commander PLATZEK. Does any other member of the Court have questions at this time to which Commander PLATZEK might address his particular technical competence?

Counsel for the Court: Will the repairing of this equipment be done in the United States?

A. The repairing of this equipment will have to be done in the United States. I don't believe anyone else has the technical capability.

Q. What would be your estimate of completion date of repairs needed?

A. This I couldn't say until such time as I found out the extent of damage by actually taking equipment and testing, but I presume with all of the shocks that this equipment has taken, that it would have to be completely remanufactured or procured new.

DIRECT EXAMINATION

Questions by Counsel for the Court: Captain Russell L. ARTHUR, took the stand as a witness, was duly sworn, advised of his rights under Article 31, UCMJ and examined as follows.

Q. Captain, would you be kind enough to state your name, rank, and duty station, and the reason why your technical competence finds itself here on this scene at this time?

A. Captain Russell L. ARTHUR, 415894, my permanent duty station is Fleet Material Officer, Service Force, COMSIXTHFLT, I have been ordered here in connection with the repairs to LIBERTY and have been designated as Task1 Group 100.2.

Counsel for the Court: Captain, based upon your preliminary estimate of both the topside structural and internal damage resulting from the attack on 8 June, what is your estimate in terms of time and dollar cost for the complete

restoration of LIBERTY into the condition she enjoyed prior to the attack in question?

A. Admiral, including ripout restoration of all structure, foundations, cabling, and on the assumption that the equipment that is necessary to

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install is pierside at the time we require it during the period of the reconstruction program, I would estimate that we could restore everything to the condition existing prior to the attack in approximately four months for a cost of about two million dollars. This includes everything except the cost of the equipment, installation, checkout, testing, and restoration of all of the habitability features that were existing.

President: Captain, as a professional shipbuilder, would you be kind enough to explain in simple terms for the Court of Inquiry how Commander PLATZEK's estimate of one year for long-lead and procurement relates to your statement just made of four months for accomplishment of the repairs. How, in the shipbuilding business is this time separation or apparent disparity accommodated?

A. Generally, on new construction ships, of course, this is planned so that the equipment is dockside in accordance with the erection schedule. In this case, the ship would be immobilized and unable to carry out its mission until the equipments were actually provided, and the estimate that I gave was based strictly on the structural and the reinstallation of existing items before. But the only way we could accommodate this is to delay the ship which would add to the cost of the repairs.

Q. Let me see if I understand this now, in simple terms, your estimate of four months presupposes availability before you start, of everything that is going to be in the ship at the time you finish?

A. Yes sir.

President: Do the other members of the Court have any questions?

Counsel for the Court: Your figure did not include cost of equipment?

A. No sir, not at all.

Q. For record purposes, the cost to repair the damage to the ship itself would be the figure you stated?

A. Yes sir, approximately two million dollars.

Q. In, four months?

A. Yes sir.

Captain ATKINSON: And this includes all equipment plus hull repair exclusive of research equipment, is that correct?

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A. Yes sir.

President: Now for the summary which I feel might be appropriate at this time, as I understand it, Captain, we would properly add your two million to Commander PLATZEK'S six to eight million and come up with a high figure of ten million dollars and one year loss of the capability of this ship?

A. Yes sir, that's correct, Admiral.

Q. That's the way you do this, is that correct?

A. Yes sir.

Counsel for the Court: One last question, Captain. At the last meeting of the Court, not knowing you would be a witness before this Court, I had a statement received from you entered in the record, in which you indicate that it would be two or three weeks time to make the necessary shell repairs in order for this vessel to proceed back to the United States. What is your estimate of the cost of temporary repairs being made in this shipyard?

A. About fifty to sixty thousand dollars, and I have received no estimates from the yard. This is a rough estimate based upon the knowledge of how much general costs are in this area.

President: So that three week period and sixty thousand dollars would be additive to your two million and six month figure, is that correct?

A. Two million and four months, yes sir, that is correct.

President: Any further questions?

President: Thank you very much, Captain. Before you, leave, would you be kind enough to confirm my understanding that you and Commander PLATZEK are having photographs taken, under your personal supervision, of the internal torpedo damage and the external hull damage, significant parts thereof, for inclusion in the record which we will introduce upon processing of the film?

A. Yes sir, that's being arranged now, Admiral.

President: Thank you very very much, Captain. We certainly appreciate your time. (The witness was duly warned and withdrew).

Let the record show at this point that for completeness, this Court of

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Inquiry does not consider itself competent at this time, with witness available, to address itself to such hidden cost as salaries of personnel, gratuities to those lost, loss of service of personnel injured, hospitaliza- tion

costs, loss of use of the vessels, and similar cost which are incalculable based upon available information, but which should and must be included if there is an effort made to arrive at a total dollar value loss of this particular attack against the United States Navy.

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DIRECT EXAMINATION

The witness took the stand, was duly sworn, and advised of his rights under Article 31, Uniform Code of Military Justice, and examined as follows:

Counsel for the Court: Please state your full name, rate, and present duty station.

A. Joseph Paul Carpenter, 794 84 55, CT2, USS LIBERTY.

Q. You have been called before this Court or Inquiry to give information which you may possess concerning an incident which occurred on 8 June 1967, namely the attack on USS LIBERTY. I now turn over questioning to the Assistant Counsel for the Court.

Q. CARPENTER, I understand that the ship maintains, other than distress frequencies, that basically communications topside here consists of the CINCUSNAVEUR hicom net, unclassified voice hicom net. I'm curious, if you can tell me what broadcast you were copying upon inchop to the Med, and then whether or not you shifted to any broadcast there, and what broadcast you shifted to?

A. When we came into the Mod, we were copying XR broadcasts and KR broad- casts, and then, I can't remember the exact day but I think it was approximately 4 June, we shifted to JR broadcasts.

Q. It's significant when you shifted to JR, and I'd like you to try and be sure, and if you're not sure, then I think we my have to try and research a little bit and come up with a specific time of shift. Now, after you switched to JR, do you recall any difficulty in copying the Asmara fleet broadcasts?

A. Sir, every time I was on watch, the JR broadcast was up five by, we had no missing numbers.

Q. Now, you say every time you were on watch, do you remember what time frame we're talking about commencing with 070001Z June?

A. On 7 June, I had the evening watch, that was from 1600 to 2330 that night and then I had the day watch which started at 0630 in the morning.

Q. Now when you came on the watch at 071600 local time, were you missing any numbers since shift time according to your records?

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A. Well, sir, to my knowledge, we had no missing numbers at

that time.

Q. Could you tell me what your procedures are when you are missing numbers?

A. When we're missing a numbers, the first thing we do, we have a missing number sheet, we mark it down on that sheet. And it stays on there until it comes back again, and then we will cross it off, we will mark how it came back, whether we serviced it or whether it was a rerun but on JR broadcast they have so many reruns that everything came back. We never had to service it.

Q. What would you estimate on an average, was the period of time that you are actually missing a number until it was rerun without a rerun request?

A. Is this on a JR broadcast?

Q. JR.

A. On the JR broadcast we'd usually wait about a day and a half because they rerun so much. We found out that on that broadcast they'd rerun as many as two to three times each day.

Q. I don't understand what you mean by a day and a half. Do you wait a day and a half, then if you didn't get a rerun you would request it?

A. Yes sir, because they would rerun three times. We figure if we're going to miss it three times, we better service it then.

President: Let me ask a layman's question here. Does this mean that the JR, and I'm really addressing this question to Commander FEINGERSCH, in his technical communications competence, does this mean that the load of Asmara would be so low as far as units are served that they could afford the luxury of rerunning a whole schedule three times, is that what he's saying?

A. Yes sir, Admiral. Asmara only has a handful of subscribers and they can run up to a thousand messages a day and they're probably running in the neighborhood of two or three reruns.

President: At this point let the record show that the accommodation of communication traffic in LIBERTY was physically arranged where the torpedo hit has eliminated records to which the present witness and the following witnesses on the matter of communications, might logically be expected to

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refer to. Therefore, any hesitancy or inability of communication witnesses must necessarily be viewed and read with this fact in mind. They are dealing entirely from personal memory. That's true?

A. Yes sir.

Q. You say that while you were on watch you had no trouble of copying JR?

A. On the JR broadcasts, we never had very much. Down by Africa we had trouble.

Q. No, I mean while you were in the Med?

A. While in the Med, we, just when the actual changeover, we had a little bit of trouble first getting it in. Just what I've been told, I was not actually on watch.

Q. More specifically, getting to the 8th of June, let us say from 080001Z, do you recall whether you were missing numbers on that particular day?

A. I recall one time when I was down there that WALTON, CT1 was down there, and he mentioned that he had no missing numbers at that time. I believe that was the day before the attack. He was the one that was primarily watching the broadcast at that time because we were so busy in the other room. We had such a backlog.

President: Where's WALTON now, son?

A. He's dead now, he was trapped in crypto.

Q. Do you recall missing very many numbers on the 7th of June an JARAD?

A. I don't recall, sir. There might have been a few KR numbers but no JR numbers.

Q. Getting away from the broadcast for a moment now, on your ship-shore termination, what type terminations did you establish, how often, and with whom?

A. Well, for the past few days we had come up anytime we were able to, and we would come up ship-shore to Greece most often because they were the best as far as ship-shore ORESTES were concerned. We had one sked, I believe, in the last two days we were out and it was with NAVSECGRU Morocco, and we went through Greece, using their transmitters and their antennae in passing it from there to Morocco.

Q. I understand that you do not maintain a permanent ship-shore termination neither ORESTES nor VFTG. Is a ORESTES circuit, that

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you come up with when you have traffic periodically?

A. Yes sir. And then only real hot traffic.

Q. Without stating the reason, are there reasons why you, at certain times, can't come up on ORESTES ship-shore circuit due to what the ship may be doing?

A. Definitely, sir.

Q. Definitely there are reasons why you cannot?

A. Yes sir.

Q. During these periods when you cannot come up are they usually extensive periods of time, specifically can you recall on the 7th and 8th of June having extensive periods of time, where because of what the ship was doing, you could not come up and terminate the circuits and request missing broadcast numbers if you wanted to do so.

A. Yes sir, there were some times, it wasn't necessarily a long period of time that we couldn't come up, it's just that we didn't have enough time in between to get everything set up and get going before they would tell us to shut down again.

Q. What the ship was doing?

A. Yes sir.

President: As I understand it, young man, these limitations on ability and inability to come up on a transmitter whenever you might wish to deal in this area of your technical research. As I recall, Admiral MARTIN mentioned you did some work on wave propagation, and from a layman's point of view, would it be reasonable to even assume that a transmitter of high power would affect your wave propagation research efforts?

A. Yes sir.

Q. Then, to be sure we're perfectly clear on this point, on missing numbers on the 7th and 8th of June, very possibly could have not been requested because of the transmitter interfering with the ship's research mission?

A. Well sir, we got all the general service out on the 7th. Every general service message that we had that I can remember.

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Q. I'm talking about broadcast traffic missing numbers coming in from Asmara, particularly on the 8th?

A. You mean we wouldn't be able to service this?

Q. You wouldn't have asked for a rerun because the ship was involved in its research mission, and you couldn't just come up on a transmitter because you were missing, say five numbers?

A. No sir, we probably couldn't have.

Q. Then, you would wait for the second or third rerun, which could take maybe 24 to 36 hours, in lieu of disrupting what the ship was doing?

A. Yes sir. [109]

Q. Do you recall any missing numbers on the 8th, JARAD?

A. No sir, I don't.

President: Young man, is this procedure that you have described typical of the condition that exists aboard this

ship anywhere you might be operating?

A. Yes sir, it is.

Q. In other words, this is not something new?

A. No sir.

Q. In other words, you have never felt compelled to service a number immediately, you have always felt comfortable in waiting for a rerun whether it was coming from Asmara, Anapolis, Philippines, Guam, or wherever, is that correct?

A. The only time we would service immediately is if we had had an outage of a period of time, say ten, fifteen, twenty minutes, as quite a few numbers would have been missed.

Q. You mean a receiver outage?

A. Yes sir.

Q. And you had no such receiver outage?

A. No sir.

Q. Let me put that question - it will be the same question, son, but put a little bit differently. You have had no cause for concern to feel compelled to take extraordinary measures such as telling somebody you had to stop listening to the moon, for example, in order to get a service on Asmara. Is that correct?

A. No sir, we never did.

Q. You never had to do that?

A. No sir. We did it once when we had some flash traffic to send out, and some immediate traffic we'd tell them what we had to get out, and then they would...

Q. I'm talking just about traffic you would be receiving. I'm not talking about outgoing traffic.

A. As far as traffic we were receiving, they never bothered us at all.

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Q. Ordinarily, how many KW37's do you have on a broadcast simultaneously?

A. We have two KW37's and we try to keep both of them on different signals so if one will drop out we have the other one as a backup. At that time I don't believe we did because we couldn't handle more than two signals and we had those two in diversity.

Q. Ordinarily, you have no reason to suspect copying two freqs on the same broadcast simultaneously. You have no reason to suspect that you're going to miss a number?

A. We had no reason at that time to suspect that we were going to because they were so five by.

Assistant Counsel for the Court: I have nothing else.

Captain ATKINSON: One question, on the average since LIBERTY chopped in the Med, what was your daily traffic addressed to LIBERTY?

A. Addressed to LIBERTY, I would say around - well, it would vary from day to day. I'd say at the most we would get 25 and at the least we would get 7 or 8.

President: Would this be a comparably normal load, son?

A. That would be a normal load, yes.

Q. For any day, any place?

A. For any day, any place, sir.

President: Does any member present have for the record a feeling toward the number of subscribers of Asmara?

Assistant Counsel for the Courts: Yes sir.

Q. Is it in the hundreds?

A. No sir, just COMIDEASTFOR basically. No sir, it's KR they use ordinarily. And a ship like the LIBERTY, very few. Five or six, not even a dozen, sir. Very few, except if we had a contingency in the Red Sea and we sent additional ships down.

President: Is this your first ship in the Navy?

A. Yes sir, this is my first ship.

Q. So you have nothing to compare, equipment-wise, from personal experiences, the equipment on this ship with any other ship?

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A. Well, I've been in the radio shack in other ships.

Q. What would be your opinion as to the comparability of the equipment that you were using in LIBERTY and the equipment as far as being modern, up to date, and the equipment in some of the other radio shacks you've been in?

A. I guess I could best describe that by what I heard a workman say when he came down there. He said "you have the best equipment I've ever seen in any radio shack anywhere."

President: Thank you very much.

Assistant Counsel for the Court: I have one more question that may be pertinent, Admiral. Do you recall ever getting much off-line encrypted top secret traffic on JARAD or KR aboard LIBERTY?

A. As long as I have been on here, we have never received anything off-line. Top secret off-line, never on JR broadcast. We never even received anything off-line.

Q. How long have you been aboard the ship, son?

A. This was my third cruise.

President: Put on your thinking cap, son. Try to remember back, what you had till midnight on the 7th?

A. My watch on the 7th was the evening watch from 1600 local to 2330.

Q. On the 7th?

A. On the 7th, yes sir.

Q. And did we establish that when you came on watch, you did or did not have any known missing Asmara numbers?

Q. From a technical point of view again, we're using Commander FEINGERSCH as a technical expert. Would that JARAD number have been transmitted by 1600 on the 7th?

A. Yes sir. Probably for the second time.

Q. Probably for the second time?

A. Yes.

President: And the witness indicates that to the best of his knowledge, that there were no missing numbers. What conceivable explanation, and again we're theorizing and the Court is asking a technical witness in the

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person of Commander FEINGERSCH, what could be an explanation for this apparent non-delivery?

A. To be perfectly honest, Admiral, there is none. A message receives a signed broadcast number, and then each subsequent message gets a consecutive number. Asmara has their logs where here, of course, they've been destroyed. Asmara has checked their logs and has said this number, and it's a repeat though garbled, was transmitted at such an such a time. I think we have to assume that Asmara, since he does have his logs, that this message was in fact sent at this time and the ship in fact did miss it.

President: I do not accept that. Just because I'm hard headed. I will accept it if we can find two other users of Asmara who can prove to this Court that they received that number prior to this young man coming on watch at 1600 on the 7th. And that alone will satisfy me that that message went on the JARAD as advertised. And the reason for my doubt is because we already know that Asmara has made critical errors before.

Assistant Counsel for the Court: We can, if you so desire, sir, verify this.

President: Make that so, by phone, this morning to CINCUSNAVEUR.

Captain ATKINSON: One final question - did you have any missing numbers when you were relieved?

A. As far as I can remember, there was no change in status on relief.

President: Now, from a layman's point of view and in anticipation of there being other laymen vis a vis communications, reading this record, what way does a subscriber have of knowing that there is a message for him that he has missed?

Assistant Counsel for the Court: He does not know the missed number is specifically addressed to him, sir. He only knows that he has missed a message and he is required to maintain a continuous file of numbers. So, he must somehow, somehow, get that missed number and then he can determine whether or not if it is for his info or action. By the number itself, there is no way. He must see the message.

President: Let the record show at this time that the lack, as the result of destruction of LIBERTY records and files, combined with LIBERTY communications procedures, which will be expanded upon by subsequent testimony by

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Lieutenant GOLDEN, the ship's communications officer, that if LIBERTY missed a JARAD number, and for example, had outgoing traffic to send, of both a technical nature relating to her mission and operational nature, all of this type of traffic had been and would have been in the hypothetical case being discussed, packaged together and sent to a single addressee for action, namely Naval Security Group Morocco. It is the Court's understanding that the burden would then be on the Naval Security Group Morocco to sort out the traffic received from LIBERTY, transmitted during one of the periods she could afford to transmit without interference with her technical mission, and then the recipient, Naval Security Group Morocco, in the case of missed JARAD numbers, would have informed radio Asmara via NAVCOMSTA Morocco of LIBERTY's requirements. This is going to be possibly germane to this Court's inquiry to determine whether or not such was done, and the time delay experienced in Morocco which station is understood to have been saturated during this period of Middle East Tension, despite the fact that radio Asmara, by virtue of few subscribers, would have had a relatively low operational load.

The witness was duly warned and withdraw.

Lieutenant Maurice H. Bennett, Jr., United States Navy, took the stand as a witness, was duly sworn, advised of his rights under article 31, Uniform Code of Military Justice and testified as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rank, and present duty station.

A. Maurice H. Bennett, Jr., Lieutenant, USN, 628125, present duty station USS LIBERTY.

Q. Lieutenant Bennett, as you are well aware, this Court of Inquiry has been convened to ascertain the circumstances attendant with the attack on USS LIBERTY on 8 June 1967. The Assistant Counsel for this Court will now ask you a few questions pertinent to the attack and to the duty station that you had.

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Q. Do you recall whether any JARAD numbers were missing on the 7th and 8th. Was it reported to you that any numbers were missed?

A. To the best of my knowledge, no numbers were missing. I was not the communications officer at the time of the incident, therefore, I have no reason to have direct knowledge of any missing numbers.

President: Who was the communications officer, Lieutenant Bennett?

A. Lieutenant James C. Pierce, who is now deceased. He was killed in the attack.

Q. Was the mission of the ship such on the 7th and 8th that it would have disrupted the mission of the ship if you had transmitted ??????? messages at this time?

A. Excessive transmissions would. If I might add, however, the very nature of the situation dictated that we did come up in communications more frequently than normal in order to pass pertinent high precedence traffic originated by the ship.

Q. Who did you pass this traffic to on the 7th and 8th?

A. On the 7th and 8th of June, due to the inability to contact NAVCOMSTA MORROCO, the majority, if not all, of the high precedence traffic was off- line encrypted and passed to NAVCOMMSTA Greece for further delivery.

Q. During these periods of transmission, if you were in fact aware of the missing number, would you have serviced it at that time?

A. In most instances, no, because it was an individual message which dictated that this message go out, and again going back to the mission of the ship, to preclude undue interference with the mission, we only came up long enough to get the one or two high precedence messages out and then the transmitters were shut down.

Q. Why did you shift the JARAD on the 7th of June?

A. I don't know the exact reason. It was my understanding that this is hearsay, and where I heard it from I don't recall. But, in communication instructions from whom I don't know, that there is a designated geographical (?) point that you shift broadcast.

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Q. This is 100% true. It is in JANAP 195. I was just curious if you were directed to shift to JARAD for any particular reason, or if you shifted just as a matter of normal communications procedure?

A. To the best of my knowledge we shifted in accordance with the known communications procedure. And, again to the best of my knowledge, and in accordance with past known practices, Mr. Pierce who was the communications officer, notification of the shift is usually sent out, I would presume within 24 to 48 hours in advance.

President: I'd like to ask a stupid question. I just don't understand why, when you're in the Eastern Mediterranean, you listen to radio Asmara which, even to my unpracticed eye, is closest, and yet when you want(?) to(?) talk to somebody, you go to Morocco, and everybody I've heard comment indicates that they have had difficulty copying Morocco. Now, is Asmara incapable of listening?

Assistant Counsel for the Court: No sir, Asmara to not incapable of listening, but in the case of this particular ship, and the type of research traffic they are passing, the traffic is destined, or initially destined, to go to NAVSECGRUDET Morocco. It would serve no purpose to the ship to send it to Asmara because Asmara first of all would have to be off-line encrypted because Asmara would not be permitted to read it, and Asmara would have to relay it to SECGRU Morocco, it would have to be decrypted, and would just introduce many many delays. It would serve no advantage in the case of this particular ship to send it to anyone but NAVSECGRU Morocco.

President: Now, would you expand on that a little bit more and tell me how Navy Radio Marathon(?) fits into this picture, which is still even closer than Morocco but not as close as Asmara.

A. In the case of this ship they had difficulty, I understand, in establishing their on-line secure circuit with NAVSECGRU Morocco. Consequently, they terminated a circuit with Greece and they transitists(?) to take this circuit and pass it on to NAVSECGRUDET(?) Morocco (?) So the signal is going through Greece(?) encrypted(?) electronically(?)

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a boost, so to speak, at Greece, but it still winds up in Morocco. If it's general service traffic that Greece personnel can read, they would have terminated the circuit, which they did on high precedence general service type traffic.

President: But, not always?

A. But, not always.

Q. In other words, this package transmission that we talked about would go to Morocco off-line encrypted?

A. If it went to SECGRUDE(?)T it would have went on-line all the way, sir, because the proper people are handling it at the other end. ??? a mixed package as recalled.

President: Does the Court have any further questions of Lieutenant Bennett?

No Response.

The witness was duly warned and withdrew.

Communications Technician Second Class Thorp L. Long, United States Navy, took the stand as a witness was duly warned, advised of his rights under article 31, Uniform Code of Military Justice and testified as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. State your name, rate, and present duty station.

A. My name is Thorp L. Long, CT2, present duty station is USS LIBERTY.

Q. Long, you've been called before this Court of Inquiry because of the circumstances attendant with the attack on USS LIBERTY on 8 June 1967. The Court is very interested to ascertain certain information from you which you might possess. Would you now answer questions that the Assistant Counsel for the Court will put before you.

A. Yes sir.

Q. Did you stand watch as far as the broadcast is concerned on the evening of 7th and 8th of June?

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A. Yes, I did sir. On the morning of the 8th I had the mid watch. I got off work at about 7 o'clock in the morning.

Q. Do you recall any difficulty in copying the JARAT broadcast from Asmara during that period of time.

A. No sir. It was fairly clear. There were a couple times that we had some problems because some equipment went down and we had to get out material man to repair it, but on the whole it was a good signal and we were able to copy it.

Q. When you say equipment, did you drop out of sync?

A. No, it was the printer. The page print was being garbled because of some malfunctions within the gear.

Q. Were you getting the tape?

A. Yes sir.

Q. And the tape was five by?

A. Yes sir.

Q. When you relieved the watch, do you recall any report or any indication that any numbers on the JARAD broadcast had been missed?

A. There were some that had been missed. I'm almost positive.

Q. Do you have a feel for the volume. Was it a matter of a few, or was it a matter of a whole block indicating maybe you dropped out of sync for an hour?

A. It appeared to me, as I remember, it may have been four or five, or maybe six messages that had been missed through some malfunction.

Q. Now, this is on the morning of the 8th, do you recall whether these messages were basically missing over a period of 12, 24, 48 hours, I know it's hard but generally speaking, do you have any feel for that?

A. No sir. The ones that I remember, there was a blank space on the message number log that we kept.

Q. As best your memory serves, while you had the watch and you had some trouble, can you recall at the time you were relieved of the watch, whether or not any numbers were missed during your time of watchstanding,

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from 080001 to 7 or 8 o'clock in the morning?

A. I don't believe we did, sir, because when we came on watch, we thought that we would very possible be very busy, and we switched - we were using the reprinter from one place and the page print from another place, so that we could use the good page print for running off copies that had to be distributed. We did this right at the beginning of the watch. We had some malfunction with the page printer, but we checked the tape to see how many of the messages that we did not have page prints on were to us.

Q. Under normal procedures, when you come on watch or you've just been relieved, do you more or less depend on your log of consecutive numbers - take a glance at that to see if there were any missing numbers, or is it usually passed word of mouth, or just how do you know when you come on watch whether or not you're missing numbers on any particular gear regardless or what broadcast you're copying?

A. If the message had been missed that day, there would be blank spaces on the message number log. If it had been prior to that day, there was another page where numbers of all missing messages were noted, and when we got out a message or received a repeat on it, if we did not need it then it was logged out that we didn't need it; if we did need it, then it was copied down.

President: Then, on this sheet which was sort of a backlog sheet for time prior to the watch, were there any numbers on that backlog sheet for a couple, three days before?

A. Yes sir, there were. When we first picked up the JR broadcast, we were having bad copy with them it would keep going out and we missed several numbers.

Q. When you say, it would keep going out, we're not communicators, what's going out?

A. The signal was fading. The transmission was weak. We were just having trouble from the weak signals we were receiving. And we just don't know if there were some missed because of that. It would be good for awhile and then it would fade out. It would become too weak for awhile. It would go good and it would go bad. It just kept doing that.

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Q. Now here's a real hard one - during the period of 6, 7, and 8 June; or I should say 7 and 8 June, could you give us any feel for what percentage of reliability JARAD was having, was it 50% reliable, was it 98% reliable, what would be your feeling?

A. It seemed to me that it was 85 to 90 per cent reliable. It was very good. I had the day watch on the 7th and I didn't lose the signal once. I copied it all day and didn't have trouble.

Q. On the 8th when you had the watch, did you establish a ship-shore termination to pass traffic to the beach an ORESTES. Do you know if one was established when you had the watch?

A. On the 7th, they tried to, but there were some problems that came up and they never did get established as far as I know.

President: I just haven't got a feeling for what I heard. Now you said that you copied solid on the 7th when you had a day watch. You had a readable signal throughout.

A. Yes sir.

Q. Now, does that mean that you had no missed numbers on your watch?

A. I cannot remember any, sir. To the best of my knowledge, there were none.

Q. There were no missed numbers on the day watch. That would have covered what period of time, on the 7th?

A. The day watch started -- we relieve about 6:30 to 6:45 local in the morning and we relieve for lunch at approximately between 11 and 11:15. We ate and came right back. I don't know exactly what time that was but we ate and came right back to work. We were relieved again approximately 4:30 in the afternoon.

Q. So, from 6:30 you can testify to the best of your knowledge you had no missed numbers on JARAD?

A. Yes sir.

Q. And when you came on watch in the morning, there were some missed numbers, is that correct?

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A. I seem to remember some.

Q. How many on that missed number sheet could you recall checking off on the reruns that occurred during your watch?

A. None, sir, because the JR broadcast was sending reruns from a period before we started the copying. They had not reached the missing numbers that we had.

President: I see. Well this is interesting then. The rerun repeats that we hear Asmara has been able to do two or three times in a 24-hour period does not necessarily constitute 100% reruns?

A. No sir. The numbers we were receiving on the rerun were numbers from earlier in that month.

Q. Earlier in the Month?

A. Before we had started copying the other broadcast.

Q. Now, a technical question, a procedure question for Commander Feingersch (asst. counsel), How does a transmitting station decide what they're going to rerun. Are they requests from users?

A. That's one source. They'll be requested from various people then during certain periods of the day when they feel that their propagation is at the least bit of efficiency, they will take the numbers that were run during that period of day without any requests and rerun those if capacity of work units permits. If they run 500 numbers and they have a capacity of 900, there's no reason why they shouldn't take 400 of those 500 and rerun than anyway. The transmitters there, traffic's off the air. But it's requests, and it's to their professional knowledge of propagation and location of ships, how many minutes do we run, what numbers do we run.

Q. One last question, son. When you were relieved of the watch, and turned over to your relief these sheets of paper showing missed numbers, I want to ask you again, had you added to that list in your handwriting, during your period of time on watch?

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A. I don't believe that I had, sir. If I did, I might have added some numbers while we were having trouble with the page print and then I remember I went back and I checked the reproof tape and read on to see if it was for us and checked them off.

Q. So, you didn't add any new ones. You don't remember whether you checked off any old ones?

A. I know that I did not check off any old ones.

Q. You did not check off any old ones, and as I understood

you that was because what they were rerunning was stuff before you even picked up the broadcast?

A. Yes sir.

Q. When you assumed the watch on the 8th, you said there were some numbers missing before they shifted to the JARAD broadcast. KR numbers you said. Do you recall after shifting to the Asmara broadcast of anyone taking any action to get the, regardless of the number, missing KR numbers?

A. No sir, I don't. I was not on watch when they changed broadcast. They changed broadcast they were copying while I was in between strings of watches. I was out on a break when they changed, so I do not know if they took any action of if they did, what action they took.

The witness was duly warned and withdrew.

Chief Warrant Officer Jack E. WICKHAM, U.S. Navy, took the stand as a witness, was duly sworn, advised of his rights under Article 31, UCMJ and testified as follows: DIRECT EXAMINATION

Questions by Counsel for the Court:

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

A. Chief Warrant Officer Jack E. Wickham, 537928/7742, I am the assistant salvage and diving officer for Commander Service Squadron Eight, Norfolk, Virginia.

Q. You are well aware this Court of Inquiry has been convened to ascertain

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certain information attendant with the attack upon USS LIBERTY on 8 June 1967. You have been called as a witness, to answer certain questions you may be able to answer. At this time, the President, Admiral Kidd would like to ask you a few questions.

Q. Mr. Wickham, your reputation is known to me in the salvage business, and if I recall correctly you have been involved in salvage operations, the recovery of the remains, and lengthy details incident to marine salvage for some 20 years. Is that correct?

A. That is correct, sir.

Q. The question that I am going to ask you will be included in the medical portion of this report, and it goes like this. In your professional experience and based thereon what would be your opinion, from your duties yesterday incident to the recovery of the remains from the torpedoed compartment of the USS LIBERTY, as to the possibility or probability of any of those remains having been alive after the explosion?

A. In my experience with explosion of this type aboard naval vessels, I have no doubt of any kind that any person could have survived the initial explosion down there. I

think death was instantaneous for every person in the immediate area.

Q. Now, to extend just a bit. Some of the people down there got out. There is the ever present possibility in the minds of next of kin, that in our determination to button up the ship quickly, that we might inadvertently trap men below. Now, would you comment on this aspect of this situation. As I understand it, from what you said, those who got out, got out because they were able to get out, and the rest were dead on the explosion?

A. Yes sir, that is my opinion.

Q. And from previous discussions with you, I understand that this opinion derived from the degree of dismemberment and like facts which caused this conviction?

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A. Yes sir. Every body that I observed down there, there is no doubt in my mind that that person was dead at the time or the explosion.

President: Thank you very very much, Mr. Wickham The witness was duly warned and withdrew.

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

DIRECT EXAMINATION

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

A. Yes sir, I did.

Q. Is this it?

A. Yes sir, it is.

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

Q. Will you please read pertinent extracts from that.

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

Q. Is that 30 March 1967 a timely inspection?

A. Yes sir, it is. The ship's gyro in required to be inspected whenever possible by tender or yard personnel specifically trained in this responsibility once each quarter. I would like to indicate that the log shows that the error at the time of this inspection was .10 westerly.

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

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

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your magnetic compass error in relation to the gyro compass book, you used the sun and subsequently the North Star to clear the area.

A. Admiral, after a time on the bridge, when I had received minor injuries, I lost considerable blood and attempts to stem the flow of blood by self-help were unsuccessful, I noticed myself beginning to lose consciousness. I immediately laid down on the deck flat on my back on the port wing and raised the bleeding leg as high as possible, resting it on my port bridge chair, and there a first class communications technician by the name of Carpenter and other persons who I don't recall at this time, applied a tourniquet to my right leg which effectively stopped the flow of blood. I, at no time, lost consciousness and had my full faculties at all times. I realized by that time I had lost considerable amounts of blood because it was sloshing in my shoes and my right leg was completely soaked with blood. They cut the right pant leg off to get it out of the area of the wounds. I looked at my wounds at that time and they still did not appear to me to be serious and since the flow of blood had been stopped I gave no further consideration to - I didn't consider I had any more problem in that area. I asked them to bring me coffee, fluids, a couple of salt tablets, and so forth. I coned the ship by looking aft and by being able to see the wake of the ship I was able to tell after steering which way to apply the rudder and how long to leave it on to attempt to average out the best course that I felt the ship should travel on to stand clear of possible shoal areas. I remained on my back for approximately an hour and a half. I then felt that I had regained sufficient strength that I was able to get up from the deck and con the ship from the wing of the ship and from the pilot house. I couldn't get my leg in a comfortable position so I moved from one place to the other. I couldn't stay in any one place for too long a period of time. It seemed to me that my remaining on the bridge, this would be able to lessen the shock that the rest of the crew had received.

Counsel for the Court: Captain, predicated on your testimony at the last hearing in which you testified, the Court propounded certain questions for you to answer. Will you please now give the Court the answers to those questions?

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A. Yes Sir, I will. The questions concern the followings:

Q. The basic directives for your operations in the Eastern Mediterranean appears to be those contained in JCS message

011545Z which indicated you would operate south of 32o N during the period 9-30 June. Did you receive any directive to commence these operations before 9 June?

A. Directives received both before and subsequent to JCS 011545Z indicated the urgency of initiating operations in the Eastern Mediterranean as soon as possible. For example: COMSERVRON 8 message 240020Z directed LIBERTY to depart Abidjan immediately and proceed at best speed to Rota for logistics and subsequent employment in the Eastern Mediterranean. My 241732Z indicated ETA Port Said area about 061400Z June. This estimate allowed five hours at Rota to fuel, reprovision, and again get underway. Heavy seas and boiler casualty delayed LIBERTY'S arrival Rota. Repairs to an antenna system were undertaken at Rota and the ship was directed to remain at Rota until repairs were completed. On the basis of telephone authorization LIBERTY departed Rota at 021230Z for the Eastern Mediterranean and reported that best speed would be utilized enroute (LIBERTY 022108Z).

LIBERTY 021330Z indicated that the ship would arrive at 32-00N 3300E at about 080300Z and commence operations within 50 miles from 32-00N 33-30E.

LIBERTY SITREP 070908Z indicates that PIM would be stationary at 072300Z and operations would be within 30 miles of 31o 45N 33-30E.

CINCUSNAVEUR 061357Z, which refers to both LIBERTY 021330Z (MOVREP) and 022108Z (SITREP on departure Rota), directed that COMSIXTHFLT operate LIBERTY to derive maximum benefit from special capabilities.

LIBERTY chopped to COMSIXTHFLT by message at 070001Z.

No messages were received which would indicate that the expressed intentions of LIBERTY was at variance with the implied desires of all higher commands concerned to effectively employ the unique capabilities of LIBERTY at the earliest possible time. Daily SITREPS/PIM reports were

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submitted LIBERTY messages: 032020Z June, 042050Z June, 051934Z June, 061844Z June, 070908Z June, 080634Z June pertain.

In spite of the fact that outgoing transmissions were undesirable for research purposes in view of the operational importance of these messages to the ship's technical/operational commanders I directed that the SITREPS that these messages be sent Irregardless of their undesirable effects on the effectiveness of the research mission, especially in view of the increased precedence for transmission directed and prior length of time to obtain TOD for further routing of the SITREPS submitted 3, 4 and 5 June.

JCS 062050Z June Priority (TOR 08/0555Z Jun) contains procedure to be utilized in developing and promulgating LIBERTY schedule and changes while operating in USCINCEUR's

area of responsibility. Note that LIBERTY is not included in the framework of developing the schedule or changes and a specific note was included in paragraph 3 of that message to the effect that "... on all messages pertaining to skeds for (sic or) sked changes USS LIBERTY is not an addee on these msgs." Since LIBERTY was not privy to background of schedule of changes there was no reason to believe that the reported actions and intentions of LIBERTY were not acceptable to operational/technical commanders nor was there any way to know that they were considering revisions to that schedule until a message is received which directs the ship to change its area of operation.

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

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A. Yes sir, we have.

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

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

A. Yes sir, I do.

Q. Would you provide it, please?

A. Here it is.

Counsel for the Court: Request this be marked exhibit number 27 and request that it be introduced into evidence. Will you please now read exhibit number 27 to the Court?

A. Exhibit number 27 Is COMDESRON TWELVE Secret Message 150016Z JUN 67 to CINCUSNAVEUR.

FOR ADMIRAL MCCAIN FROM KIDD. DELIVER AT [deleted]
[deleted], YOUR 141740Z NOT RCVD AS OF 142355Z; HOWEVER
REQUESTED 8 JUNE CHROMOLOGY FOLLOWS:

A. APPROACHING LAND FROM THE WEST DURING THE EARLY MORNING HOURS OF 8 JUNE, PROJECTED OPERATIONS OF LIBERTY FOR THE MORNING AND AFTERNOON OF THE DAY WAS TO PROCEED TO A POINT 13 NAUTICAL MILES FROM THE COAST OF UAR AT 31-27.2N 34-00E (POINT ALPHA) THENCE TO 31-22.3N 33-42E (POINT BRAVO) THENCE TO 31-31N 33-00E, (POINT CHARLIE) RETRACING THIS TRACK UNTIL NEW ORDERS RECEIVED, SHIP WOULD OPERATE NORTH OF THIS TRACK LINE AT ALL TIMES, IF FIXES COULD NOT BE ACCURATELY OBTAINED AS POINT CHARLIE WAS APPROACHED IT WAS INTENDED TO HEAD DUE NORTH UNTIL THE 100 FATHOM CURVE WAS CROSSED AND THE TRACK

MOVED TO THE NORTH TO MORE OR LESS MOVE BACK AND FORTH ON THE GENERAL AVERAGE OF THE 100 FATHOM CURVE. NORMAL STEAMING SPEED WAS TO BE FIVE KNOTS. NORMAL STEAMING COLORS WERE FLOWN AND NORMAL NAVIGATIONAL LIGHTS LIGHTED AT NIGHT. THERE WAS NO INTENTION TO STEAM AT DARKEN SHIP AT ANY TIME

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AND THE SHIP DID NOT EVEN EXERCISE AT DARKEN SHIP DRILL DURING THE DEPLOYMENT

2. ALL TIMES BRAVO UNLESS OTHERWISE INDICATED 0754 STEAMING ON 130T, SPD 10 KNOTS

0849 PASSED THROUGH POINT ALPHA CHANGED CSE TO 253T

0850 SINGLE JET A/C (UNIDENTIFIED) CROSSED ASTERN DISTANCE 3 - 5 MILES - CIRCLED SHIP FROM STBD TO PORT AND RETURN TO UAR MAINLAND. LOCATING TWO TRANSMITTED (LIBERTY 080742Z JUN).

0905 DECREASED SPD TO 5 KNOTS

1056 ANOTHER A/C CIRCLED SHIP-HIGH

1126 ANOTHER A/C CIRCLED SHIP LOCATING THREE DRAFTED FOR TRANSMISSION AT 081022Z (BUT MAY NOT HAVE BEEN TRANSMITTED)

1132 PASSED THROUGH POINT BRAVO C/C TO 283T

1310 EXERCISED AT G.Q. DRILL

1348 SECURED FROM G.Q. DRILL.

1351 3 SMALL SURFACE CONTACTS HELD ON RADAR 32,000 YARDS BEARING 082T - REJUHEED TO BRIDGE AS 3 SURFACE CONTACT

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

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

1403 LOUD EXPLOSION - PORT SIDE AMIDSHIPS

1405 SOUNDED GENERAL ALARM - LARGE FIRE IN VICINITY OF FRAME 85, 01 LEVEL WHERE FUEL FOR MOTOR DRIVEN FIRE PUMPS ARE LOCATED.

1405 ALL AHEAD FLANK SIGNALLED BY ENGINE ORDER TELEGRAPH.

1405 - 1410 SHIP UNDER REPEATED AIR ATTACK WITH TWO OR MORE A/C MAKING COORDINATED STAFING, ROCKET, AND INCENDIARY RUNS OVER SHIP. THREE MAJOR FIRES TOPSIDE COVERING LARGE AREAS OF SHIP WITH FLAMES AND HEAVY SMOKE A TOTAL OF EIGHT MEN WERE KILLED OR DIED AS A RESULT OF INJURIES RECEIVED DURING THE AIR A

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ATTACK, ONE KILLED AND ONE MORTALLY WOUNDED ON BRIDGE, TWO KILLED AT MACHINE GUN 51, ONE KILLED AT MACHINE GUN 52, ONE

DIED FROM WOUNDS RECEIVED ON THE MAIN DECK STARBOARD SIDE AND TWO DIED OF WOUNDS RECEIVED ON THE 01 LEVEL PORT SIDE. APPROXIMATELY SEVENTY FIVE WOUNDED, INCLUDING COMMANDING OFFICER, THROUGHOUT TOPSIDE AREA FROM SHRAPNEL AND SHOCK OF EXPLODING ROCKETS.

141 BEGAN MAKING TURNS FOR 18 KNOTS.

1424 3 MTB'S SIGHTED ABAFT STARBOARD 1BEAM DISTANCE 4 -5 MILES

1426 NOTICED NORMAL STEAMING ENSIGN SHOT AWAY DURING AIR ATTACK HOLIDAY SIZE ENSIGN HOISTED ON PORT YARDARM.

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

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

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

1431 WORD PASSED TO STANDBY FOR TORPEDO ATTACK TO STARBOARD. MTB COMMENCED STRAFING STARBOARD SIDE OF SHIP

1434 TORPEDO PASSED 75 YARDS ASTERN OF SHIP.

1435 TORPEDO HIT STARBOARD SIDE AMIDSHIPS. TWENTY SIX MEN DIED AS A RESULT OF THE TORPEDO HIT AND MTB STRAFING FIRE.

1435 LOST ELECTRICAL POWER THROUGHOUT THE SHIP.

1436 LOST STEAM PRESSURE - SECURED ENGINES AND BOILERS - MANY GUAGES AND METERS IN FIREROOM AND ENGINE ROOM WERE KNOCKED OUT. TORPEDO HIT IN RESEARCH COORDINATION CENTER WHERE APPROXIMATELY TWENTY MEN WERE AT G.Q. STATIONS. THESE SPACES FLOODED INSTANTLY AND MOST PERSONNEL IN THIS SPACE DIED OF EITHER BLAST OR DROWNING. NO SIGNS OF LIFE EMINATING FROM COORDINATION CENTER AND ADJACENT SPACES WHICH COULD NOT BE OPENED WITHOUT

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DANGER OF FLOODING OTHER SPACES.

1440 MTB'S STANDING AWAY FROM THE SHIP. ONE MTB HAS HULL NUMBER 206-17

1503 ONE MTB RETURNED TO SHIP AND SIGNALLED "DO YOU NEED HELP" IN ENGLISH C.O. SIGNALLED "NEGATIVE"

1505 MTB'S RETIRED TOWARD SHORE

1507 HELICOPTER BEARING STAR OF DAVID MARKINGS APPROACHED SHIP. PORT SIDE, HOVERING AT ABOUT 500 YDS DISTANCE.

1508 SECOND HELICOPTER APPROACHED SHIP. MARKINGS ON HELICOPTERS ARE 04 AND 08 OR D4 AND D8 HELICOPTER MADE REPEATED PASSES AROUND AND OVER SHIP. THEY WERE NOT OBSERVED TO PICK UP ANY BODIES, PERSONS OR DEBRIS.

1519 POWER RESTORED TO BRIDGE BUT RUDDER DID NOT ANSWER - CONTINUED STEERING FROM AFTER STEERING.

1536 MTB'S APPROACHING SHIP STARBOARD SIDE 7-8 MILES DISTANT. DURING NEXT HOUR AND A QUARTER THE MTB'S RETURNED TO THE SHIP _____HOVES AND BY 1713 THEY HAD RETIRED OUT OF SIGHT OVER THE HORIZON.

1615 TWO UNIDENTIFIED JET A/C APPROACHED SHIP FROM THE STEB SIDE AND RECONNOITERED FROM A DISTANCE.

1620 ATTEMPTING TO CLEAR AREA STEERING NORTHERLY COURSE AT SPEEDS VARYING FROM 0 TO 8 KNOTS. PERSONNEL CASUALTIES WERE TREATED IN THE WARDROOM ON A CONTINUING BASIS, DAMAGE CONTROL AND FIRE FIGHTING CONTROLLED FLOODING AND DAMAGE, ENGINEERING CASUALTIES WERE RESTORED BUT STEERING WAS BY HAND FROM AFTER STEERING.

1845 ISRAELI HELICOPTER APPROACHED SHIP - CIRCLED CLOSE ABOARD AND ATTEMPTED TO SIGNAL - THEY APPEARED TO DESIRE TO LOWER SOMEONE TO THE DECK - C.O. CONSIDERED RECEIVING HIM ON FORECASTLE BUT RULED THIS OUT AS TOO HAZZARDOUS, REPEATED ATTEMPTS TO

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COMMUNICATE WERE UNSUCCESSFUL. AND AT 1852 COPTER DROPPED A MESSAGE PACKET ON FORECASTLE, THE MESSAGE, WRITTEN ON A CALLING CARD OF THE U.S. NAVAL ATTACHE TEL AVIV, ASKED "HAVE YOU CASUALTIES" SHIP TRIED BY SEVERAL MEANS TO INDICATE, DURING NEXT TEN MINUTES THAT THERE WERE MANT CASUALTIES BUT THERE WAS NO INDICATION THAT THE MESSAGE WAS UNDERSTOOD, THE MUTILATED BODIES OF THREE DEAD CREW MEMBERS HAD NOT YET BEEN REMOVED FROM THE FORECASTLE AND MUST HAVE BEEN OBSERVED FROM THE HELICOPTER. THE HELICOPTER DEPARTED THE SHIP SHORTLY BEFORE SUNSET (ABOUT 1905) SHIP CONTINUED STEAMING THROUGH NIGHT TO RDVU WITH ESCORTS DISPATCHED BY COMSIXFLT 3. FOREGOING CONSTITUTES DETAILED RECONSTRUCTION FROM QM NOTEBOOK, CIC LOG, BELL BOOK AND BEST RECOLLECTION OF CO/CHIEF ENGR/ GUN OFF/BRIDGE PERSONNEL. ALL CONCUR GP-3 BT

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

A. Yes sir, I have.

Counsel for the Court: This will be exhibit number 28, the modified condition of readiness three. Exhibit number 29 will be the guide for gunnery officers, I request that they be admitted in evidence.

Counsel for the Court: Captain, do you have with you today another chart which was requested by the Court of your projected track in relationship to the prescribed areas of operation.

A. Yes sir, I have, and the information requested by the Court has been placed thereon.

Counsel for the Court: I request this chart be marked by the reporter as exhibit number 30 and be admitted in evidence at this time. I also request that the reporter mark the following three exhibits, 31, 32, 33, exhibit 31 and 32 are

maneuvering boards, exhibit 33 is bullet and projectile mark photographs. I request that these exhibits be entered into evidence as exhibits 31, 32 and 33.

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

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

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

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

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

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

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

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

A. The open fire doctrine is that, except in a melee, all fire will be controlled by the Commanding Officer through his normal gunnery control organization. At surprise air and surface attacks, the gunnery personnel

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on the mounts are authorized to open fire if they are unable to communicate with gun control or the bridge

Presidents: Let the record show at this point that the grizzly business of recovery of remains from the torpedoed compartments yesterday and last night resulted in starting out looking for 22 unrecovered bodies. We actually recovered 18 of whom we are reasonably confident that we identified accurately 15. Wholesale dismemberment resulting in many remains virtually being blown to bits made the recovery particularly difficult and identification even more complicated. It cannot be conclusively determined that the four missing of the 22 being sought are not in pieces in the spaces themselves. On the other hand, it is possible that we did lose four floating free after the attack or we may have lost those four immediately at the time of the attack dropping through the hole in the bottom. The degree of dismemberment was so extreme as to be typified by the fact that the last few cases we packed in the small hours this morning contained for example, a head, and an arm in one and similar partial bodies.

The Court recessed for lunch at 1200 hours on 15 June 1967.

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After recessing at 1200 hours on 15 June, the Court met

again at 1330 hours on 15 June 1967.

Counsel for the Court: All persons who were present when the court recessed are again present in court. The Captain, USS LIBERTY is still on the stand and under oath. Commander, do you have anything else you'd like to present?

Commander McGonagle: I gave the list of recommendations to the yeoman and I hadn't completed writing out the last one, but the last one in substance that I would recommend that ships that are engaged in special operations of this type or others of which I'm not aware but that may be of critical importance that they be advised of the decisions of higher authority which are under consideration and could be of value to the ship in being able to respond to the desires of higher command in more timely fashion.

Counsel for the Court: Do any of the members have questions of this witness?

Assistant Counsel for the Court: Yes, I have a question, Captain, if I may. In general, could you tell me what the normal everyday procedures are, as relates to determination of when to come up on a transmitter for the purpose of establishing a ship-shore circuit.

A. Usually, the number of messages - of course, we have no way of knowing what the contents of a missing message number is. I check with the communicators, it is my usual practice to go to the research spaces every morning. At about 0815 there, I receive a sort of informal briefing on the research operations, I review the special traffic. The general service board is usually brought to me before I go down to the research spaces. And, the decision as to whether to come up on a transmitter or not would depend on the urgency of the message that I wanted my superior to be aware of. Generally, I try to deal with routine messages to the maximum extent possible. There are many items which cannot be handled at this level of course. With our defcon operation there were times where there would be only a few hours difference when it was working between coming up on a normal transmitter and reducing our research effectiveness, or waiting a matter of a couple of hours until we got moon time to relay via the moon. In this case I might say wait and send this one by the TRSSCOM if possible. There were a couple of times after minimize was imposed in the area where I felt that I could send a

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message not meeting minimize criteria by the TRSSCOM system because it would not involve any of the Mediterranean. ships that were a transmitter receive station. I was discussing the matter of that I had authorized release of a routine message which would not normally qualify for transmission under minimize conditions. I specifically put on the bottom of this message "transmit via TRSSCOM equipment only" and it was for a spare part for the TRSSCOM system and we knew that this would go from the ship direct to Washington via the moon in fact the relay station.

Assistant Counsel for the Court: I was wondering, Captain, in your routine scanning the traffic, was it a normal function for the Comm officer or what have you some personnel to inform you or to keep you cognizant about numbers of missing messages from broadcast files?

A. Not as an everyday occurrence. I did check to see what the backlog of outgoing messages were, sometimes two or three times a day. As usual there would be many times when we would have a backlog of several messages without specifying the number. They would usually let me know in the morning also what the backlog of messages for the night was. This leads me to believe that if we were able to get out we usually had no problems with incoming traffic.

Assistant Counsel for the Court: Would there have been any reason, Captain, on the days of 6,7, and 8 June for it to be unwise to transmit on a ship- shore circuit terminating with a NAVCOMMSTA?

A. I'm not sure what you mean by unwise.

Q. You are steaming along doing your job, at 1500 on June 7th, let us say, would it have hurt things if all of a sudden you came up with a 500 watt transmitter on the line?

A. I can't answer that question specifically because I'm not an expert in that area, although my research officer requested that we hold the number of transmissions to an absolute minimum because we did know that whenever we transmitted our research capability was reduced, and I did this for the most part and the primary exception was the messages which I directed to be sent, PIM reports specifically, that I new my operational and technical commanders were vitally concerned with receiving in a short period of time. I directed

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the transmitters come up and transmit those messages regardless of the consequences upon the research function.

Q. The comm officer is deceased, I understand?

A. Yes, he is.

Q. Was he an Ensign?

A. No sir, he was a Lieutenant. A very capable individual. He had been in his particular specialty for a considerable period of time, the exact number of years I'm not sure, but he had been associated with tem for ten or fifteen years anyhow. The last seven or eight as an officer, and he had been on the ship approximately 11 months at the time.

Q. He was more of specialist than an operational type of officer, is that right?

A. Yes, he was and LDO and quite competent in his duties, and very thorough and conscientious.

Q. President: Captain McGonagle, before you is a message (Defense Attach, Tel Aviv 091520) provided by the Court of Inquiry, purporting points advanced by the Israeli Government as justification for their unprovoked attack on USS LIBERTY on 8 June. Would you be kind enough to address yourself to those points.

A. Yes sir, LIBERTY never approached the nearest land closer than 14 NM. The ship was in international waters at all times prior to, during and after the unprovoked attack. To my knowledge there was no declared war zone recognized or sanctioned by the United States Government. I had heard on VOA various statements broadcast by Mr. Rusk and Mr. Goldberg in the UN to the effect that the U.S. attitude of the U.S. Government was neutral in the conflict between Israel and UAR and did not intend to take a position for or against either side. The VOA broadcast and BBC indicated that Israel indicated a willingness to abide by the cease fire that the UN had asked for to be effective about 072000 local time. The above considerations coupled with the right of innocent passage recognized in international law refutes this allegation categorically.

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As Counsel for the Court, I have in my possession a file containing messages from the official records of Commander in Chief, U.S. Naval Forces, Europe. I received these messages from the communications officer, CINCUSNAVEUR, and they are available for the use of the Court relative to this case. Do any of the Court members desire to examine this file at this time?

Captain ATKINSON: This file contains all pertinent messages concerning USS LIBERTY operations from 24 May to 11 June, in this correct?

Counsel for the Court: Yes.

The President of the Court adjourned the Court at 1445 hours, 15 June 1967, and will meet at his call in London, England.

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FOURTH DAY

Counsel for the Court: This Court of Inquiry is in session again after having adjourned on 15 June 1967 on board USS LIBERTY in Malta. Today the date is 16 June, the time is 1345, the place is London, England Headquarters Commander in Chief, U.S. Naval Forces Europe.

Captain Leonard Robert RAISH was recalled as a witness, reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. Captain RAISH will you now advise the court of

information that you have to present in amplification of your prior testimony.

A. At the beginning of the court of inquiry I was directed by Admiral KIDD to prepare sets of questions to obtain detailed information on the attack of the LIBERTY. I did prepare sets of questions for NAVCOMMSTA PHILIPPINES, NAVCOMMSTA GREECE, NAVCOMSTA MOROCCO, Army Communication Facility Asmara, and NAVCOMSTA ASMARA and I produce now the messages that answered the questions.

Counsel for the Court: These messages that I have received from Captain RAISH will be marked by the reporter as exhibits numbers 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, I now offer them into evidence, and hand them back to you Captain RAISH to read to the court.

FROM: CINCUSNAVEUR TO NAVCOMMSTA PHILLIPPINES CONFIDENTIAL
141631Z JUN 67 SUBJ: USS LIBERTY COMMUNICATIONS (C) 1.
FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY
NOW IN SESSION:

- A. DID YOU RECEIVE JCS 072230Z JUN AND JCS 080110Z JUN FOR RELAY? IF ANSWER TO 1 IS YES:
 - B. FROM WHOM AND AT WHAT TIME DID YOU RECEIVE THEM? TO WHOM DID YOU RELAY THEM AND AT WHAT TIME?
2. SUBMIT REPLY ASAP BY PRIORITY MESSAGE. GP-4

FROM: NAVCOMSTA PHILLIPPINES TO CINCUSNAVEUR CONFIDENTIAL
150346Z JUN 67

A. YOUR 141632Z JUN 67

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B. JCS 072230Z JUN 67

C. JCS 080110Z JUN 67

D. NAVCOMSTA PHIL 130041Z JUN 67

1. REF B OR 133E/08 FROM NAVRELSTA KUNIA TOD 1700Z/08 TO DCS RELSTA DAGIS
2. REF C TOR 0400Z/08 FROM NAVRELSTA KUNIA TOD 0449Z/08 TO NAVCOMMSTA GUAM
3. REF D TRACER ACTION BY NAVCOMSTA PHIL PERTAINING TO REF C.

FROM: CINCUSNAVEUR TO NAVCOMSTA GREECE CONFIDENTIAL 141629Z
JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY NOW IN SESSION:
 - A. FROM WHOM DID YOU RECEIVE COMSIXTHFLT 080917Z JUN 67? AT WHAT TIME?

B. WHO WAS NAVCOMMSTA GREECE TO PROTECT FOR IN REGARD TO THIS MESSAGE AS ASSIGNED BY THE ROUTING INDICATORS?

C. WHAT ACTIONS DID YOUR PERSONNEL TAKE WITH REGARD TO COMSIXTHFLT 080917Z?

D. HOW LONG DID IT TAKE FOR YOUR PERSONNEL TO RECOGNIZE THAT COMSIXTHFLT 080917Z JUN HAD BEEN MISROUTED TO NAVCOMSTA GREECE AND START ACTION TO RECTIFY?

E. COULD YOUR PERSONNEL, ONCE THE MISROUTE WAS RECOGNIZED, HAVE RECOUPED SOME OF THE LOST TIME BY REROUTING DIRECTO TO NAVCOMMSTA ASMARA? IF SO, WHY DIDN'T THEY?

F. HOW DOES THE MESSAGE TRAFFIC HANDLED BY NAVCOMSTA GREECE FOR THE WEEK 3-9 JUN 67 INCLUSIVE COMPARE WITH THE PREVIOUS WEEK (I.E., 29 MAY - 2 JUN INCLUSIVE) AS REGARDS VOLUME AND PRECEDENCES USED? HOW DOES IT COMPARE TO A REPRESENTATIVE WEEKS, SAY IN FEB 67?

G. WHAT IS THE PERSONNEL ALLOWANCE OF NAVCOMSTA GREECE? HOW MANY DO YOU HAVE ON BOARD?

H. WHAT IN GENERAL IS THE LEADERSHIP AND EXPERIENCE LEVEL OF PERSONNEL ENGAGED IN MESSAGE HANDLING OPERATIONS?

I. SUMMARIZE IN NARRATIVE STYLE COMMUNICATIONS PROVIDED AND ACTIONS OF NAVCOMSTA GREECE INCIDENT TO AND FOLLOWING THE ATTACK ON USS LIBERTY.

2. SUBMIT REPLIES ASAP BY PRIORITY MESSAGE. GP-4

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FROM: NAVCOMSTA GREECE TO CINCUSNAVEUR CONFIDENTIAL 150731Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS

A. YOUR 141629Z JUN 67

1. IAW REF A FOLLOWING INFO FORWARDED. SUB-PARAGRAPHS KEYED TO REFERENCE.

A. COMSIXFLT 080917Z RECEIVED FROM MAJRELSTA ASMARA (AEZ) AT 081238Z.

B. NAVCOMSTA GREECE WAS INADVERTANT RELAY POINT. NORMAL DELIVERY PATH FROM ORIGINATOR TO ADDEE WOULD HAVE BY-PASSED THISTA. ONCE RECEIVED, HOWEVER, NAVCOMMSTA GREECE HAD TO PROTECT FOR RUQPNA NAVCOMSTA ASMARA.

THIS WAS THE ONLY ADDEE IN THE ROUTING LINE WHEN RECEIVED THISTA.

C. HANDLED AS ANY OBOE MSG ALONG WITH OTHERS OF EQUAL AND HIGHER PRECEDENCE. DCS RELAY HANDLED 251 FLASH MSGS ON 08 JUN RADAY. OBOE TRAFFIC COUNT SUBSTANTIALLY HIGHER, ESTIMATE 1500. EXACT COUNT WOULD REQUIRE SEVERAL DAYS EFFORT. TOTAL TRAFFIC HANDLED IN THIS TORN TAPE RELAY ON 08 JUNE WAS 5718 MSGS.

D. NO PERSONNEL RECOGNITION OR SPECIAL ACTION REQUIRED ON THE PARTI- CULAR MSG AS IT CARRIED A VALID ROUTING MULTIPLE

ADDRESS PROCESSING UNIT (MAPU) AUTOMATICALLY RE-ROUTED MSG BACK TO MAJRELSTA ASMARA (AEZ) SEND POSITIONS. MAPU IS A MEMORY CORE DEVICE PROGRAMMED WITH PRE-DETERMINED ROUTING INDICATORS. ALL RUQP TRAFFIC, REGARDLESS OF RECEIVE ORIGIN, WILL BE DIRECTED TO THE AEZ SEND POSITIONS BY THIS DEVICE.

E. DUE TO EXTREMELY HEAVY TRAFFIC CONDITIONS, IT IS DOUBTFUL THAT THE MISSENT (NOT MISROUTED) MSG WAS EVER CONSIDERED FOR RE-ROUTE ACTION. THISTA HANDLES MANY OBOE MSGS TO NAVCOMSTA ASMARA WITHOUT REQUIREMENT TO PASS VIA DIRECT CIRCUITRY. DIRECT CIRCUITRY CARRIES A DIFFERENT ROUTING THAN DCS COMMON USER CIRCUITRY AND DELIVERY MEANS IS DETERMINED BY THE ORIGINATOR, NOT THE RELAY STATION. RE-ROUT??? ??? ??? DIRECT TO NAVCOMSTA ASMARA WOULD HAVE ENTAILED ????? ????? A NEW ????? ?????????? BY HAND, THEN PASSING TO A COMPL????????? ??????????????????RELAY (NAVCO?????????????YSTA FOR DELIVERY VIA DIREC? ??NSIDER NE????????????????? ?????? OF LOST TIME BY THIS METHOD.

F. TRAFFIC VOLUMES 29 MAY - 2 JUN WERE APROX THREE-FOURTHS AS HEAVY AS PERIOD 3 - 9 JUN. PRECEDECES 29 MAY - 2 JUN MUCH LOWER. VERY LITTLE FLASH AND OBOE TRAFFIC PASSED. VOLUMES FEB VERSUS JUNE LESS THAN TWO- THIRDS AS HIGH. NO HIGH PRECEDENCE TRAFFIC OF CONSEQUENCE IN FEB. DIRECT COMPARISON FIGURES CAN BE FURNISHED BUT WILL REQUIRE TIME FOR COMPILATION.

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G. TOTAL PERSONNEL ALLOWANCE FOR NAVCOMMSTA GREECE IS 299. ON BOARD COUNT IS 292. RM/CYN COMMUNICATIONS PERSONNEL ALLOWANCE IS 175. ON BOARD 139. THESE ALLOWANCE FIGURES ARE FOR BOTH RECEIVER AND TRANSMITTER SITES. CONTROL/TRAFFIC PERSONNEL HAVE BEEN IN A THREE SECTION WATCH STATUS FOR THE PAST 14 MONTHS.

H. LEADERSHIP AND EXPERIENCE LEVEL CONSIDERED MARGINAL BUT NOTHING LACKING IN ENERGY AND ENTHUSIASM. EXAMPLE: 54 RM2 ALLOWED, 27 ON BOARD; 12 RMSN ALLOWED, 25 ON BOARD.

I. AT 081234Z JUN NAVCOMMSTA GREECE INTERCEPTED INITIAL LIBERTY ATTACK REPORT FROM THE USS SARATOGA ON THE CINCUSNAVEUR E04.04 VOICE HI-COM NET. THIS WAS PUT IN TTY FORMAT AND RELAYED VIA NAVCOMOPNET AND XRA BCST AS A NO DTG MSG, NAVCOMMSTA GREECE TIME OF FILE 1239Z/8 JUN. SUBSEQUENT TO THE INITIAL REPORT, SARATOGA AND NAVCOMMSTA GREECE PASSED ALL AMPLIFY INFO OBTAINED VIA XRA BCST, HI-COM NET, AND DIRECT TTY CIRCUITRY. DUE LIBERTY DESTRUCTION OF CLASSIFIED MATERIAL ALL COMMUNICATIONS TO/FROM SHIP WAS LIMITED TO VOICE TRANSMISSIONS. AFTER INITIAL ATTACK REPORT THISTA SHIFTED TO BEAMED ANTENNAS SEND/RECEIVE TO IMPROVE SIGNAL QUALITY UNDER EXTREMELY NOISY CKT CONDITIONS. RELIABLE COMM WITH SARATOGA AND LIBERTY WERE MAINTAINED BY THIS ACTION ALTHOUGH CIRCUIT DEGRADATION OCCURED TO OTHER STATIONS ON THE NET. NAVCOMMSTA GREECE ASSUMED RELAY RESPONSIBILITIES FOR LIBERTY AND COORDINATED SPEED, COURSE, AND ESCORT RDVU INSTRUCTIONS FROM COMSIXTHFLT. COMDESRON 12, ASSIGNED AS ESCORT, TERMINATED FULL PERIOD ORESTES THISTA AT 0030Z/9 JUN AND RDVU EFFECTED 0424Z/9 JUN. COMDESRON 12 ASSUMED COMM GUARD FOR LIBERTY AND MAJORITY OF

TRAFFIC PASSED AFTER RDVU WAS VIA DIRECT SHIP/SHORE
TERMINATION.

2. COMDESRON 12 REMAINS TERMINATED NAVCOMMSTA GREECE UNTIL
FURTHER NOTICE. GP-4

FROM CINCUSNAVEUR TO NAVCOMMSTA MOROCCO CONFIDENTIAL
141628Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF
INQUIRY NOW IN SESSION:

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A. AT WHAT TIME DID YOU RECEIVE JCS 072230Z, JCS 080110Z,
AND COMMSIXTHFLT 080917Z ALL JUNE AND FROM WHOM?

B. FOR WHOM WAS NAVCOMMSTA MOROCCO ASSIGNED TO PROTECT ON
THESE MESSAGES? HOW AND WHEN DID YOU DELIVER THEM?

C. DID YOU RECEIVE THESE MESSAGES FOR DELIVERY TO USS
LIBERTY? IF SO, AT WHAT TIME AND FROM WHOM?

D. WHAT WAS THE GENERAL COMMUNICATION LOAD FOR THE
MEDITERRANEAN AREA DURING THE WEEK OF 4 JUNE? HOW DOES
THIS COMPARE TO AN AVERAGE WEEK OF, SAY, FEB 1967?

E. WHAT IS YOUR WATCH SITUATION? IF ANSWER IS LESS THAN 1
IN 4, HOW LONG HAS IT BEEN AT THIS TEMPO?

2. SUBMIT REPLIES ASAP BY PRIORITY MESSAGE. GP-4

FROM NAVCOMMSTA MOROCCO TO CINCUSNAVEUR CONFIDENTIAL 142255Z
JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

A. YOUR 141628Z JUN 67

B. MY 131659Z JUN 67

C. MY 091745Z JUN 67

I. IAW REF A, THE FOLLOWING SUBMITTED:

A. JCS 072230Z INITIALLY RECEIVED FROM SAN PABLO AT
080523Z. RECEIVED AGAIN FROM WASHDC 081959Z. JCS 080110Z
RECEIVED FROM WASHDC AT 080430Z. COMSIXTHFLT 080917Z
RECEIVED FROM COMSIXTHFLT AT TPZ.

B. JCS 072230Z: NAVCOMMSTA MOROCCO DELIVERY RESPONSIBILITY
FOR COMSIXTHFLT ON INITIAL RECEIPT AND SENT TO COMSIXTHFLT
VIA DIRECT CIRCUIT AT 080724Z. SECOND RECEIPT, MOROCCO HAD
DELIVERY RESPONSIBILITY FOR LIBERTY AND CTF 67. SENT TO SAN
PABLO FOR FURTHER DELIVERY TO ASMARA AT 082012Z FOR LIBERTY,
AND TO NAPLES FOR DELIVERY TO CTF 67 AT 082135Z. JCS 080110
MOROCCO HAD DELIVERY RESPONSIBILITY FOR COMSIXTHFLT. SENT
TO COMSIXTHFLT VIA DIRECT CIRCUIT AT 080639Z. COMSIXTHFLT
080917Z: MOROCCO HAD DELIVERY RESPONSIBILITY FOR USS
LIBERTY. SENT TO SAN PABLO FOR FURTHER DELIVERY TO ASMARA
081100Z.

C. JCS 072230Z: AS NOTED ABOVE SECOND RECEIPT WAS FOR LIBERTY AT 081959Z FROM WASHDC. COMSIXTHFLT 080917Z RECEIVED 081050Z FROM COMSIXTHFLT

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D. DURING PERIOD 4-10 JUNE HIGH PRECEDENCE MESSAGE TOTALS MOUNTED RAPIDLY WITH PEAK OCCURRING 8 JUNE. DUE TO IMPOSITION OF MINIMIZE BY USCINCEUR ON 5 JUNE THERE WAS A SIGNIFICANT REDUCTION IN ADMINISTRATIVE TRAFFIC WHICH PARTIALLY COMPENSATED. AS NOTED IN REFERENCE B, FLEET RELAY TRAFFIC WAS ALMOST THREE TIMES THAT OF AN EQUAL PERIOD IN FEBRUARY 67.

E. COMMENCED ONE IN THREE WATCHES ON 5 JUNE IN ANTICIPATION INCREASED COMM LOAD.

F. REF C REFERS ALSO. GP-4

FROM: CINCUSNAVEUR TO USASTRATCOMFAC ASMARA CONFIDENTIAL 141627Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. ON BEHALF OF AND TO ASSIST NAVY COURT OF INQUIRY NOW IN SESSION PLEASE FURNISH ANSWERS TO FOLLOWING QUESTIONS:

A. AT WHAT TIME WAS COMSIXTHFLT 080917Z JUN RECEIVED AT YOUR STATION FOR RELAY TO NAVCOMMSTA ASMARA? AND FROM WHOM?

B. WAS YOUR STATION HANDLING AN ABNORMALLY LARGE AMOUNT OF HIGH PRECEDENCE MESSAGE TRAFFIC ON 8 JUNE 67? IF SO, STATE ROUGHLY THE PERCENTAGE INCREASE OVER A ROUTINE DAY.

C. AT WHAT TIME DID YOUR STATION RELAY COMSIXTHFLT 080917Z JUN 67 TO NAVCOMMSTA GREECE? AT WHAT TIME DID YOU RECEIVE IT BACK FROM NAVCOMMSTA GREECE? AT WHAT TIME YOU RELAY IT TO NAVCOMMSTA ASMARA?

2. REQUEST REPLY ASAP BY PRIORITY MESSAGE. COMMENTS IN ADDITION TO ABOVE QUESTIONS INVITED. GP-4

FROM: CO USASTRATCOM FAC ASMARA ETHIOPIA TO CINCUSNAVEUR CONFIDENTIAL 150520Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

REF: CINCUSNAVEUR MSG 141627Z JUN 67 (PASEP)

1. COMSIXTHFLT MSG 080917Z JUN 67 WAS RECEIVED BY THIS STATION FOR RELAY TO NAVCOMMSTA ASMARA AT 081200Z JUN 67. IT WAS RECEIVED FROM MAJOR RELAY STATION SEVILLE SPAIN.

2. THIS STATION WAS HANDLING AN ABNORMALLY LARGE AMOUNT OF HIGH PRECEDENCE

MESSAGE TRAFFIC ON 8 JUN 67. THE FOLLOWING IS THE MESSAGE TRAFFIC RATE

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FOR A ROUTINE DAY AND 8 JUN 67:

ROUTINE DAY (4 MAY 67)		8 JUNE 67		
NR OF	PCT OF	NR OF	PCT OF	PCT OF
MSGS	DISTR	MSGS	DISTR	INCREAS
FLASH	0	0	198	2.5
INDETERMINATE				
IMMEDIATE	649	2388	30.2	
268	12.7			
PRIORITY	1778	3860	49.0	117
	34.8			
ROUTINE	2682	1447	18.3	-85
	52.5			
TOTAL	5109	7893		54

3. COMSIXTHFLT MSG 080917Z JUN 67 WAS RELAYED TO NAVCOMMSTA GREECE AT 081215Z JUN 67. IT WAS RECEIVED BACK FROM NAVCOMMSTA GREECE AT 081503Z JUN 67 AND RELAYED TO NAVCOMMSTA ASMARA AT 081510Z JUN 67. GP-4

FROM: CINCUSNAVEUR To NAVCOMMSTA ASMARA CONFIDENTIAL 141626Z JUN 67

SUBJ: USS LIBERTY COMMUNICATIONS (C)

1. FOLLOWING QUESTIONS FORWARDED ON BEHALF OF COURT OF INQUIRY NOW IN SESSION:

A. AT WHAT TIME WERE THE FOLLOWING MESSAGES RECEIVED AT YOUR STATION FOR PLACING ON THE NAVCOMMSTA ASMARA BCST BEING GUARDED BY USS LIBERTY:

- (1) JCS 072230Z JUN 67?
- (2) JCS 080110Z JUN 67?
- (3) COMSIXTHFLT 080917Z JUN 67?

B. FROM WHAT RELAY STATION DID YOU RECEIVE THE MESSAGES IN QUESTION AND AT WHAT TIME?

C. WHAT WERE YOUR "IN-HOUSE" HANDLING TIMES FOR THE ABOVE MESSAGES?

D. ACCORDING TO YOUR INFO, AT WHAT TIME DID USS LIBERTY SHIFT TO THE ASMARA FLEET BROADCAST (JRTT)?

2. SUBMIT REPLIES ASAP BY PRIORITY MESSAGE. GP-4

FROM: NAVCOMMSTA ASMARA TO CINCUSNAVEUR CONFIDENTIAL 141956Z JUN 67

USS LIBERTY COMMUNICATIONS

A. YOUR 141626Z JUNE 67

1. IAW REF A FOLL DATA IS SUBMITTED

A. JCS 072230Z JUNE 67 WAS RECEIVED BY THISTA AT 082125Z

JUN 67

- B. JCS 080110Z JUN 67 CANNOT LOCATE ANY RECORD WHICH WOULD TEND TO INDICATE RECEIPT OF THIS MESSAGE TO DATE. HAVE INSPECTED FILED PAGE COPIES AND TAPE REELS OF ALL CIRCUITS TERMINATING THISTA FROM

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080000Z TO DATE WITHOUT SUCCESS.

- C. COMSIXTHFLT 100917Z JUN 67 WAS RECEIVED BY THISTA AT 081510Z.

2. JCS 072230Z JUNE 67 AND COMSIXTHFLT 080917Z JUNE 67 WERE RECEIVED FROM THE MAJOR DCS RELAY STATION ASMARS (U.S. ARMY STRATEGIC COMMUNICATIONS FACILITIES, ASMARA), AT THE TIMES LISTED PARAS 1A AND C ABOVE.

3. IN HOUSE HANDLING TIMES WERE:

- A. JCS 072230Z JUN 67 -- 10 MINUTES
- B. COMSIXTHFLT 080917Z JUN 67 -- 15 MINUTES

4. USS LIBERTY SHIFTED TO JRJT AT 070001Z JUNE 67. GP-4 BT

Q. Captain, will you now give your conclusions drawn from the answers received from your queries?

A. Yes sir, the queries have confirmed information already available that the LIBERTY did not receive JCS 080110Z; that JCS 072230Z, being a priority message in competition with all the FLASH and OP IMMEDIATE messages, did not get on the Asmara Broadcast until too late; that COMSIXTHFLT's 080917Z also did not get on the Asmara Broadcast until too late. I conclude also that there was a tremendous surge of high precedence traffic injected into the communication system. For example, on 8 June alone NAVCOMMSTA Greece handled 250 Flash messages, about 1500 operational immediate messages, and a total of 10,499 of all types of messages. Although the communication system was heavily loaded, it did not breakdown and undoubtedly we had reader saturation rather than communications saturation. My final conclusion is that the queries confirm previous information as regards personnel in that the communication system continues to be short in both manning level and experience level.

CAPT RAISH: Gentlemen, in addition to the foregoing, I have here additional information that was assembled at the request of the JCS Fact finding group headed by MGEN Russ. This information is in the form of complications of messages handled by NAVCOMMSTA Greece, NAVCOMMSTA Morocco, NAVCOMMSTA Asmara, NAVCOMMUNIT London. This information was compiled for the first 12 days of June for comparison purposes. We have compiled similar information for a similar period, namely 1-12 Feb. This in to give you an illustration of the burden on the system during this critical time as compared to normal operations, for example for the first 12 days in February NAVCOMMSTA Greece handled 69,122 messages, for the first 12 days in June NAVCOMMSTA Greece handled 1,190 flash messages. Gentlemen, the same comparison is made on all the stations and the objectives is to demonstrate to you the

strain on the system at this time. I shall now read these into the record.

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MEMORANDUM FOR RADM KIDD DATED 16 JUNE 1967 FROM CAPT L. R. RAISH, USN, ASSISTANT CHIEF OF STAFF, COMMUNICATIONS.

1. ENCLOSED ARE COMMUNICATIONS MESSAGE HANDLING FIGURES FOR SELECTED NAVAL COMMUNICATION STATIONS IN THE EUROPEAN AREA DURING THE PERIOD 1 JUNE- 12 JUNE 1967. FOR COMPARISON PURPOSES A COMPILATION HAS BEEN MADE FOR A SIMILAR PERIOD IN FEBRUARY 1967.

2. THE ATTACHED INFORMATION WAS ASSEMBLED AT THE REUQUEST OF THE JCS FACT FINDING GROUP HEADED BY MGEN RUSS. IT IS FORWARDED TO YOU AS A MATTER OF INTEREST.

Very respectfully,

/s/ L. R. Raish

ASSISTANT CHIEF OF STAFF

COMMUNICATIONS

NAVAL COMMUNICATION STATION GREECE

I. MESSAGE HANDLED

1 FEB	5,901	1 JUN	10,178
2 FEB	6,775	2 JUN	10,702
3 FEB	6,240	3 JUN	10,119
4 FEB	5,506	4 JUN	8,113
5 FEB	3,892	5 JUN	8,414

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6 FEB	5,160	6 JUN	9,906
7 FEB	5,941	7 JUN	9,750
8 FEB	6,521	8 JUN	10,074
9 FEB	6,539	9 JUN	9,959
10 FEB	6,935	10 JUN	10,499
11 FEB	5,293	11 JUN	8,073
12 FEB	4,419	12 JUN	7,835
TOTAL	69,122	TOTAL	113,622

II. FLASH MESSAGES HANDLED

5 JUN 96

6 JUN	206
7 JUN	114
8 JUN	251
9 JUN	182
10 JUN	341

TOTAL 1,190

III. SERVICE MESSAGES HANDLED

5 JUN	134
6 JUN	218
7 JUN	162
8 JUN	181
9 JUN	181
10 JUN	179

TOTAL 1,055

NAVAL COMMUNICATION STATION MOROCCO

I. MESSAGES HANDLED

1 FEB	7,596	1 JUN	11,317
2 FEB	7,663	2 JUN	10,871
3 FEB	8,083	3 JUN	9,991
4 FEB	7,870	4 JUN	8,049
5 FEB	6,283	6 JUN	8,794

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6 FEB	6,943	6 JUN	9,636
7 FEB	7,361	7 JUN	9,512
8 FEB	8,153	8 JUN	11,195
9 FEB	8,058	9 JUN	9,878
10 FEB	8,355	10 JUN	9,192
11 FEB	7,393	11 JUN	7,722
12 FEB	5,205	12 JUN	8,771

TOTAL 87,963 TOTAL 114,928

II. FLASH MESSAGES HANDLED

5 JUN	23
6 JUN	16
7 JUN	25
8 JUN	124
9 JUN	12
10 JUN	3

TOTAL 203

III. SERVICE MESSAGES HANDLED

5 JUN	109
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6 JUN	107
7 JUN	133
8 JUN	258
9 JUN	52
10 JUN	90
TOTAL	749

NAVAL COMMUNICATION STATION SPAIN

I. MESSAGES HANDLED

1 FEB	6,873	1 JUN	9,023
2 FEB	7,182	2 JUN	9,418
3 FEB	7,639	3 JUN	8,184
4 FEB	6,645	4 JUN	5,990
5 FEB	4,467	5 JUN	7,224
6 FEB	5,906	6 JUN	7,073
7 FEB	6,620	7 JUN	7,191

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8 FEB	7,351	8 JUN	8,409
9 FEB	7,796	9 JUN	7,342
10 FEB	7,716	10 JUN	6,768
11 FEB	6,909	11 JUN	5,885
12 FEB	4,999	12 JUN	6,561
TOTAL	80,103	TOTAL	89,068

II. FLASH MESSAGES HANDLED

5 JUN	37
6 JUN	29
7 JUN	31
8 JUN	95
9 JUN	13
10 JUN	18
TOTAL	203

III. SERVICE MESSAGES HANDLED

5 JUN	163
6 JUN	155
7 JUN	119
8 JUN	89
9 JUN	73
10 JUN	93
TOTAL	692

NAVAL COMMUNICATION STATION LONDON

I. MESSAGES HANDLED

1 FEB	968	1 JUN	1,538
2 FEB	927	2 JUN	1,705
3 FEB	969	3 JUN	1,278
4 FEB	872	4 JUN	909
5 FEB	846	5 JUN	1,406
6 FEB	842	6 JUN	1,717
7 FEB	695	7 JUN	1,648
8 FEB	704	8 JUN	1,775

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9 FEB	818	9 JUN	1,589
10 FEB	858	10 JUN	1,382
11 FEB	914	11 JUN	1,030
12 FEB	954	12 JUN	1,268
TOTAL	0,367	TOTAL	17,245

II. FLASH MESSAGES HANDLED

5 JUN	2
6 JUN	2
7 JUN	20
8 JUN	17
9 JUN	8
10 JUN	28
TOTAL	77

III. SERVICE MESSAGES HANDLED

5 JUN	153
6 JUN	148
7 JUN	176
8 JUN	292
9 JUN	201
10 JUN	244
TOTAL	1,214

NAVAL COMMUNICATION STATION ASMARA

I. MESSAGES HANDLED

1 FEB	1,019	1 JUN	1,568
2 FEB	1,233	2 JUN	1,891
3 FEB	1,229	3 JUN	1,696
4 FEB	1,054	4 JUN	1,652
5 FEB	974	5 JUN	1,570
6 FEB	828	6 JUN	1,575
7 FEB	1,039	7 JUN	1,579
8 FEB	1,094	8 JUN	2,228
9 FEB	955	9 JUN	1,837

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10 FEB	880	10 JUN	1,430
11 FEB	772	11 JUN	1,394
12 FEB	925	12 JUN	1,275
TOTAL	12,002	TOTAL	19,695

Captain RAISH was asked the following questions from court members:

Q. What is the significance relative to the Naval communications system's capability of this increased volume of message traffic?

A. This reflects in my opinion the manner in which the Navy personnel rise to the occasion when called upon because this

tremendous traffic load was handled by the same personnel without augmentation. The gratifying thing is that under this surge of traffic, I am not prepared to say how much of a surge we could have taken before the system had become saturated; however, considering the circumstances, the communication system was clearly responsible to the operational requirements of the time.

CAPT RAISH: Gentlemen, to assist you in evaluating all these high precedences from ACP 121, an official Defense Department publication, is available.

COUNSEL TO THE BOARD: This will be marked exhibit 46 and received into evidence as exhibit 46. Captain Raish, I will not ask you to read exhibit 46 as it will be appended to the record.

CAPT RAISH: I would like to call your attention to one point to illustrate what I mean by definit flash. Flash is reserved for initial enemy contact messages of extreme urgency, brevity is mandatory.

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If one station handles 251 flash message in one day it is obvious that the use of precedences is being abused. I call this subject to your attention because it was not unusual for high precedence messages to be of a very lengthy character going back to the queries and answers a conclusion can be drawn that is confirmed that the experience level and the manning level is low in the NAVCOMMSTAs probably academic throughout the services and must be taken into account when a crisis develops.

Questions from Capt Lauff:

Q. Of the total traffic load indicated of Radio Asmara during the period 4 to 9 June approximately how many of those messages had to be introduced on to the JIATT circuit which provided the principle means of communications with the USS LIBERTY?

A. The JIATT broadcast was relatively light during this time and had no more than 500 messages that is 300 to 500 total first run traffic daily during that period.

Q. Even though the load on the broadcast Asmara was light this does not mean in itself that a priority message would get on that broadcast in a priority fashion. Such a message would first have to compete with all the flash and op immediate traffic and priorities ahead of it in the system before it gets to Asmara.

Captain Raish was warned not to discuss his testimony and excused.

CDR C.G. JORGENSEN, USN, Staff CINCUSNAVEUR was called as a witness, was sworn in and advised of his rights pursuant to Article 31, UCMJ and testified as follows:

Q. What is your duty on CINCUSNAVEUR Staff?

A. I am a Command Center Duty Officer, sir.

Q. Directing your attention to 8 June 1967 at or about 2330 through 0800, where you at this time?

A. I was the Command Center Duty Officer.

Q. In the capacity of Command Center Duty Officer were you advised of any incident involving the USS LIBERTY?

A. Yes, sir.

Q. I ask you now if you have a chronological incident report of the

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watch that you stood on that day?

A. I have a chronological run down of incident to the LIBERTY,

Q. Request the reporter mark this exhibit 47 and I introduce it into evidence as exhibit 47. CDR will you now read exhibit 47.

A. MEMORANDUM From: Contingency Watch Team, To: CINCUSNAVEUR, VIA: Deputy Chief of. Staff, dated 12 June 1967/N62 FOR OFFICIAL USE ONLY Subj: USS LIBERTY Incident

1. The following to a reconstruction of the sequence of events prior to and after receipt of JCS 080110Z by the Contingency Watch Team composed by Captain R. D. STEELE (Duty Captain), Commander G.D. JORGENSEN (Command Center Duty Officer), and Lieutenant E.L. GALAVOTTI (N3 Duty Officer) for the period of 2230Z, 7 June to 0630Z, 8 June.

TIMES EVENTS

072350Z Major BREELOVE, JRC WASHDC, called the CINCUSNAVEUR Command Center on the Vocom and asked to speak to the Operations Duty Officer. LT GALAVOTTI, the N3 Duty Officer, took the call. Major BREELOVE gave him a verbal directive to have the USS LIBERTY comply with the latest COMSIXTHFLT operating area restrictions as delineated in the last sentence, paragraph 2, of

COMSIXTHFLT message 071503Z until further notice; that is, not to operate closer than 100 nautical miles to Israel, Syria, UAR, or closer than 25 nautical miles to Cyprus. Major BREELOVE, when questioned, did not have a message date/time group, but said a message would follow later.

LT GALAVOTTI then informed the Duty Captain, CAPT STEELE. The Command Center Duty Officer was aware of the message, and that LT GALAVOTTI, under CAPT STEELE's direction, was originating a message to COMSIXTHFLT.

080001Z LT GALAVOTTI and CAPT STEELE were ready with their message to COMSIXTHFLT.

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TIMES EVENTS

080010Z CDR JORGESEN and CAPT STEELE advised CAPT HANLEY of the call from Major BREELOVE, and of the message which had been drafted for release to COMSIXTHFLT.

CAPT HANLEY directed us to hold up release of the message. He was concerned because JRC came direct to CINCUSNAVEUR with only a verbal directive and without a date/time group of a message and had by-passed USCINCEUR. He wanted something more concrete than just a phone call since we had been burned in the past when a phone call directive was not backed up with a message. CAPT HANLEY directed the Command Center Duty Officer to call USCINCEUR, advise them of the phone call from Major BREELOVE, and that we were ready to comply, and requested that USCINCEUR confirm this directive with JRC and get us a date/time group. CAPT HANLEY further stated that we were to release our message to COMSIXTHFLT if we received the date/time group from USCINCEUR.

080030Z The Command Center Duty Officer, as directed, called USCINCEUR and advised LCOL WAGNER of the call from Major BREELOVE. The above information from CAPT HANLEY was passed. LCOL WAGNER said he would call back.

080325Z The Command Duty Officer called USCINCEUR, LCOL RUSSELL, and asked what action had been taken on the USS LIBERTY. LCOL RUSSELL asked what action CINCUSNAVEUR had taken and was advised that we were still waiting for a call back from LCOL WAGNER. The Command Duty Officer then suggested that LCOL RUSSELL call Major BREELOVE, get a date/time group, or give us a directive (date/time group) from USCINCEUR.

LCOL RUSSELL called back shortly with JCS date/time group 080110Z. As he was relaying this information the Duty Yeoman handed the JCS 080110Z message, which had just been received, to CDR JORGENSEN.

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TIMES EVENTS

080325Z The Command Center Duty Officer then had communications (cont) set up a Telecon to COMSIXTHFLT so that he could talk to COMSIXTHFLT staff duty officer.

080355Z Considerable delay was caused by atmospheric difficulties. After being unable to establish a Telecon circuit CDR JORGENSEN had the radio operator contact COMSIXTHFLT by SSB and request a Telcon with the Staff Duty Officer as soon possible.

080410Z Two way Telecon was established, with COMSIXTHFLT still having difficulty receiving CINCUSNAVEUR. CDR SLUSSER, COMSIXTHFLT Staff Duty Officer, informed CDR JORGENSEN they did not hold JCS 080110Z. CDR JORGENSEN passed it to him three times before receiving an acknowledgment at 0440Z. He followed this immediately with a wirenote "FROM CINCUSNAVEUR COMMAND DUTY OFFICER To COMSIXTHFLT DUTY OFFICER BE ADVISED TAKE JCS 080110Z FORAC. OFFICIAL MESSAGE FOLLOWS."

CDR SLUSSER advised CDR JORGENSEN didn't hold JCS 7337/072230Z (Reference A to JCS 080110Z) and requested a copy. Since CINCUSNAVEUR did not hold JCS 072230Z CDR SLUSSER was advised that we would call USCINCEUR for it.

080507Z CDR SLUSSER was advised that CINCUSNAVEUR FORAC message was 080455Z.

080515Z After talking to LCOL RUSSELL at USCINCEUR, CDR JORGENSEN sent the following message to CDR SLUSSER "RECEIVED FROM USCINCEUR FOR YOUR INFO JCS 072230Z WAS GENERAL GUIDE LINES CONCERNING "USS LIBERTY" OP AREA WITH DISTANCE RESTRICTIONS FROM MID EAST COUNTRIES. HAS SINCE BEEN OVERTAKEN BY EVENTS AND THUS CANCELLED. THE RESTRICTIONS IN JCS 080110Z ARE MORE STRINGENT."

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TIMES EVENTS

080521Z Receive receipt for above.

2. The times and events listed in paragraph I indicate every action the watch team took within its authority to insure that the USS LIBERTY received the new operating restrictions as expeditiously as possible.

3. This statement is submitted after a careful review of all logs kept by each individual watch team member and constitutes the events as they took place.

Signed: CAPT R.D. STEELE, USN CDR G.D. JORGENSEN,
 USN LT E.L. GALAVOTTI, USN

The witness was duly warned and, withdrawn.

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Gentlemen: The JAG Manual provides that the responsibility of Counsel for the Court is to exploit all practicable sources of information and to bring out all facts in an impartial manner without regard to the favorable or unfavorable effect on persons concerned.

I believe that the record of proceedings of this Court of Inquiry will reflect that all facts and information which are available concerning the unprovoked attack on USS LIBERTY on 8 June 1967, have been brought to your attention.

The only remaining responsibility which I have, while this Court is in session is to give summation of the evidence introduced observing the caveat that the summation must be an impartial argument and not amount to partisan advocacy.

Even though I intend to temper my remarks within the peripheral limits of such a guide line, I must confess however, that after living intimately with the facts of this case for the past week, I have become more and more appalled that such a tragedy should have over occurred. Therefore, I shall attempt to synopsize those salient facts which have influenced my judgment in this summation.

You have heard testimony and viewed incontrovertible documentary evidence which established the following factual setting:

USS LIBERTY, pictured, defined and described in Janes Fighting Ships as an unarmed U.S. Navy technical research ship, deployed to the Mediterranean pursuant to official orders and, on 8 June 1967, was on station in accordance with such orders. However, the Commanding Officer, USS LIBERTY, had not been appraised that LIBERTY's orders had been modified, apparently because of the Middle East War so, instead of the previously assigned area of operation being in international waters contiguous to the coast of the United Arab Republic, the modification provided for removal to an area of operation 100 miles from the coast. The evidence clearly reflects that any dereliction for USS LIBERTY not having knowledge of the modification in orders is not attributable to LIBERTY. Nor is there any evidence of probative value establishing culpability in non-receipt.

Accordingly, no matter what conclusions are reached as to the cause of the incident, the horrendous impact of the effect should disturb even the most impassioned.

I will not depict again the awesome combined firepower of the aircraft and torpedo boats which was brought to bear on this helpless vessel resulting in inordinate injuries and loss of life to her personnel.

In conclusion, I respectfully submit that USS LIBERTY wrote another chapter in the great heritage of Navy gallantry and that her personnel, from Commanding Officer to the most junior seaman, deserve the highest accolades and

acknowledgment it is possible to bestow for their valor and acts of courage.

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no further witnesses were called and the President closed the Court at 1645, 16 June 1967 in order to deliberate and prepare findings of fact.

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PROCEEDINGS

The Court of Inquiry experienced no unusual difficulties incident to conducting the subject proceedings except for the necessity of investigating such a major naval disaster of international significance in an extremely abbreviated time frame. However, because of the high degree of cooperation and assistance rendered by USS LIBERTY personnel in conjunction with the outstanding performance of duty evinced by clerical personnel assigned to the court, it was possible to complete the preparation of the record of proceedings in the allotted period of time. In regard to the aforementioned exemplary performance by clerical personnel, special recognition is given to Joeray SPENCER, YNC, CINCUSNAVEUR Staff and Robert W. JOHNSON, YN2, COMFAIRMED Staff.

The following FINDINGS are enumerated as a recitation of those facts established by the evidence of record; however, in those areas of interest wherein the Court could not affirmatively establish a fact per se, an ostensible supportable inference was stated.

The Court, after inquiring into all the facts and circumstances connected with the incident which occasioned the inquiry, and having considered the evidence, finds as follows:

FINDINGS OF FACT

1. Available evidence combines to indicate the attack on LIBERTY on 8 June was in fact a case of mistaken identity.
2. The calm conditions and slow ship speed may well have made the American Flag difficult to identify.
3. The ship's westerly heading at the time of attack - in the general direction of Egyptian ports may have reinforced elements of doubt in the minds of the several Israeli pilots who looked the ship over in the forenoon.
4. The colors were shot down early in the action and were replaced prior to the PT attack.
5. The immediate confusion milling around astern followed by peaceful

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overtures by the attacking surface forces after launching only two torpedoes of the six presumed available (two on

each PT boat), indicate these craft may well have identified the colors for the first time when they got in close enough to see clearly through the smoke and flames billowing, at times above the mast head.

6. There are no available indications that the attack was intended against a U. S. Ship.

7. LIBERTY'S position at the time of the attack has been previously ordered changed farther to seaward by JCS; however, the messages relating to these changes were not known to the ship before the attack took place. The reasons these messages were not known to the ship can be determined in all instances except for one. Since LIBERTY records and knowledgeable personnel were lost in the action, it is impossible to determine the disposition of the message.

8. The communication delays and mis-routing errors which caused these several non-deliveries combined with delays in initiating follow-up actions on operational instructions received, all contributed to the ship itself being unaware of plans and decisions made for her repositioning. A detailed accounting of the five pertinent messages are attached as appendices one through five.

9. The absence of any identifiable threat to the ship apparently caused the foregoing referred to operational actions to be taken and implemented in routine manner, i.e., without resorting to highest precedence (Flash) traffic.

10. USS LIBERTY was assigned technical research tasks to be performed in the eastern Mediterranean by the Joint Chiefs of Staff. LIBERTY first became aware of this new tasking when she received sailing orders from Abidjan on the Ivory Coast on the 24th day of May 1967. The precise tasking by which LIBERTY was ordered to depart Abidjan is significant. In this tasking language, LIBERTY was directed to proceed to her new operating area in the eastern Mediterranean via Rota for pick-up of specifics at "best speed."

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11. LIBERTY received her basic operational and mission guidance from the JCS through her new operational chain in JCS 011545Z. LIBERTY proceeded to comply.

12. The Commanding Officer, USS LIBERTY conducted the operations of his ship in accordance with the intent of directives received by him. The operating area of LIBERTY on 8 June was in accordance with the announcements of intended movement promulgated by the Commanding Officer USS LIBERTY. Such operating areas were normal to the accomplishment of LIBERTY'S mission. These announcements were addressed to, and presumably received, by all seniors in the chain of LIBERTY'S operational command. LIBERTY received no directive, prior to the attack, that higher authority desired that the ship operate at least 100 miles from the coastline of the UAR.

13. LIBERTY responded to her newly assigned mission by departing Abidjan promptly within some four hours from the time of receipt of her sailing orders. LIBERTY experienced

minor engineering difficulties enroute Rota which caused her arrival there somewhat later than originally planned. On departure Rota, LIBERTY filed her movement report and declared therein her intention to make best speed in compliance with the JCS detailed tasking assignments set forth in JCS message dtg 011545Z June 1967. It is significant to note that in this JCS tasking, two time frames were identified, one covering the period between 1 June through 8 June, the second covering the period 9 June to 30 June. During the first period (1 through 8 June), LIBERTY's movements were prescribed by the JCS to cover her transit along the north African littoral; and therein were prescribed minimum closest points of approach allowed to national maritime boundaries. The terminal point in this 1 through 8 June time frame was to be a navigational position at latitude 32 North, longitude 33 East. The second time frame addressed by the Joint Chiefs of Staff, assigned LIBERTY an operating area bounded on the North by latitude 32 North, the north African/Israeli littoral on the south and between longitudes 33 East and 34 East. It might well occur to some that LIBERTY's attack occurred on 8 June, which would have placed her considerably farther to the North of the African coast, had she conformed explicitly with the aforementioned JCS directive. However, as LIBERTY proceeded eastward through the Mediterranean from Rota, she filed three separate messages

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reports of position and intent which advised superiors of her plans to anticipate arrival on station - that is, to arrive somewhat earlier than prescribed by the Joint Chiefs of Staff. Moreover, LIBERTY advised superiors of her specific intentions to proceed to and operate in the closer of the two areas to the north African coast - that is south of latitude 32 north. Finally in this regard, LIBERTY reported her arrival at her final destination to appropriate addressees.

14. It is understood from representatives of the JCS Fact Finding Group that it was receipt of LIBERTY's 7 June SITREP/POSIT report which stated her final destination which prompted concern in the JRC as to her proximity to the African coast on the night of June 7th. This concern by responsible authorities, who initially has tasked LIBERTY, resulted in follow-on actions and directives to the ship which were either never received or were transmitted on the fleet broadcast from NAVCOMMSTA Asmara after the attack has taken place.

15. Pertinent to the findings of fact is the matter of communication conditions regarding USS LIBERTY during the period of 1 and 8 June. The ship is known not to have received at least five messages sent prior to the attack, each of which was not only important but, in that respect, critical to the events which terminated in the aggravated attack on this ship on June the 8th.

16. Higher authority modified LIBERTY's original operational guidance between June first and the attack on the eighth, which, if she had received it, would have

resulted in her being further off shore.

17. Combination and compounding of many delayed communication deliveries related to LIBERTY incident denied the ship the benefit of command decisions actually made prior to the attack which, among other things, would have caused the ship, as a minimum, to be heading further off-shore from her 081200Z actual position.

18. Pre-attack overflights of LIBERTY: (First air attack occurred at 1403 local) Unidentified aircraft circled LIBERTY at:

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0850 (5 hours 13 minutes prior to attack) (080742Z refers)
1056 (3 hours 7 minutes prior to attack) 1126 (2 hours 37 minutes prior to attack) 081022Z refers

Hull markings were clean and freshly painted - ensign was flying from foremast halyard.

19. Aircraft attack on LIBERTY Attack initiated by single aircraft, making a run similar to previous overflights. First warning that this aircraft had attacked ship was a rocket explosion abaft the bridge, port side. In five of six attacks, from various angles, two or more jet aircraft at a time conducted strafing, rocket and incendiary attacks.

20. Motor Torpedo Boat attack on LIBERTY. Twenty minutes following air attack, MTB's closed ship to a position 2000 yards on starboard quarter and signaled ship by flashing light. At this time ship had been making turns for FLANK speed for 9 minutes (Estimated SOA 15-17 knots). Holiday ensign was flying from the starboard yardarm for at least five minutes before torpedo attack was launched. LIBERTY 50 cal. guns opened fire while the MTS was signaling. The torpedo attack was launched shortly after the MTBs were fired upon, and MTB's strafed the ship with machine gun fire as, at least, one MTB passed down the starboard side.

24. Offers of assistance. Post air attack signaling by MTB's (before torpedo attack), may have been an offer of assistance.

Thirty minutes after attacking LIBERTY the MTBs signaled in English, "Do you need help?"

Two hours and 10 minutes after torpedo attack (2 hours 40 minutes after air attack) an Israeli helo apparently offered assistance.

Israeli defense forces reported they conducted air and surface searches for survivors at the scene of the attack responding to a U. S. request.

22. Groups of up to two and three jet and propeller aircraft begin coming

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out from shore and circling ship at altitudes ranging from 500 up to several thousand feet at about eight hundred local

on day of attack. Planes in question were otherwise active over El Arish on Sinai north coast which was plainly visible from the ship some sixteen miles off shore.

Ship's navigation was sound and practical, using bearings on minaret in El Arish and radar range to beach at that point.

23. The ship had exercises at full G. Q. and secured only a short time prior to the unprovoked attack. After securing from G. Q., the Commanding Officer had admonished all hands over the PA system that large billowing clouds of black smoke ashore were evidence of intense military activity, therefore, crew should be "heads up ball players" as long as she was in that close.

24. From the time of first air attack onward, attackers were well coordinated, accurate and determined. Criss-crossing rocket and machine gun runs from both bows, both beams, and quarters effectively chewed up entire topside including ship control and internal communications (sound powered) network. Well directed initial air attacks had wiped out the ability of the four 50 cal. machine guns to be effective.

25. PT attack first developed from starboard side and was identified as a high speed run in. Center and lead PT began flashing signal light and very shortly thereafter the Commanding Officer identified the Star of David flag on this lead boat. LIBERTY's signal light had been shot away requiring dependence upon an Aldis lamp to try and penetrate the smoke on the bearing of the PTs.

26. The Commanding Officer had passed word to stand by for torpedo attack and the forward starboard 50 cal. fired a very short burst in the direction of the boats on the gunner's own initiative. Having seen Israeli flag on the PT, the Commanding Officer waved to the forward gunner to cease firing. The after starboard gun, opened up at this point, with apparently no one pulling the trigger. The bridge could not see this gun for smoke and flame on the starboard side, so the Commanding Officer sent a runner to tell him cease fire. Before this runner could reach the after starboard

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gun, effective high volume fire from this gun was peppering the water around the middle PT. It appears as though 50 Cal. ammunition was cooking off from intense fire. The gun was seen to be firing with no one manning it.

27. The reaction of all three PTs immediately after launch, when they stopped and milled around close aboard LIBERTY and then offered help by signal light, combine to indicate this was the first time the U. S. large colors flying were actually positively identified. Not having signal lights available, the Commanding Officer then made the international flaghoist meaning, "Not Under Command."

28. Flat, calm conditions and the slow five knot patrol speed of LIBERTY in forenoon when she was being looked over initially may well have produced insufficient wind for

steaming colors enough to be seen by pilots.

29. USS LIBERTY had installed communications equipment whose reliability and degree of sophistication produced a feeling of maximum confidence in operators, the Communications Officer, and the Commanding Officer regarding the reliability of reception on fleet broadcast which minimized the number of missed numbers.

30. In amplification of the preceding statement, the superior communication capability inherent in LIBERTY's embarked element for technical research purposes combined with interests of economy in personnel have dictated that during LIBERTY's operation in her present configuration she used the best embarked equipments and personnel available to serve both her technical research requirements as well as operational and administrative requirements for the ship itself. The resulting consolidation of functions found LIBERTY organized internally in a way such that, in the person of a single officer we find both LIBERTY's Communication Officer and the Assistant Director of Technical Research. This system had well. After the attack, those LIBERTY personnel left alive who had been serving in combined capacities of this sort reported their conviction that such practices should continue.

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31. The aforementioned facts relative to communication procedural peculiarities unique to ships of LIBERTY's mission resulted in the ship transmitting under the scheduling control of the research department. This practice permitted optimum performance by the research department, scheduling outgoing transmissions during lull periods of research activities; furthermore, when available research lull periods were short, the practice had grown up, quite naturally, to combine into single transmission packages all of the outgoing traffic which had accumulated. Such procedures necessitated transmission of each ships communication package under a classification applicable to the highest classification of any single element within the package itself. Such transmission packages would frequently contain research material, ship position reports, and, periodically, requests for messages missed on the regular ship broadcast schedule. A built-in delay factor exists in this procedure however, inasmuch as not all shore-based terminals are equipped to accommodate research material. In the case of LIBERTY during the time period under consideration, the closest available eligible terminal for LIBERTY research material was NAVSECGRUDET Morocco, rather than NAVCOMMSTA Asmara, which happened to be serving LIBERTY as a subscriber at the time of the attack. The above conditions are detailed to point up occurrence of delays which must be anticipated in any such system. In summary, if LIBERTY had a normal outgoing message requesting missing sked numbers, it would first have to wait, under normal circumstances, for transmission during a lull period. It would next, by virtue of leaving the ship as part of a package containing research data, go to NAVSECGRUDET Morocco where the combined communication package would be broken down in its component parts; thirdly, the element of

the package requesting retransmission of missed fleet broadcast numbers would then have to be sent from NAVCOMMSTA Morocco back to NAVCOMMSTA Asmara for action, Asmara being the transmitting station serving LIBERTY at the time.

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32. Detailed questioning of available surviving communication witnesses disclosed that LIBERTY had never before found missing messages, subsequently requested and received, to have been critical to ship's operational commitments.

This fact was explained by ship's personnel as being due to the very few messages ever missed. This condition was attributed to superior equipment in the ship coupled with the fact that the ship operated independently as a regular practice and had not found herself wanting at any time previous.

33. It is important to be aware at this point that there are no logs and or records available in LIBERTY. There are no communication officers left alive with first hand knowledge of the missed message backlog on 8 June. It could only be determined from testimony that the ship had been copying transmissions from NAVCOMSTA Asmara with no apparent difficulty from 700001Z and the time of the attack. One witness who was on watch on the Asmara broadcast between the hours of 0645 and 1615 on 7 June stated that he had logged no missed message numbers during the period of his watch and that the reception of the JRAIT broadcast was excellent.

34. LIBERTY's technical mission was one that made it necessary, in exercising the aforementioned close cooperation, to use minimum electronic transmissions and radiations on certain frequencies - radio transmissions particularly. LIBERTY was continually subjected to and used to the prejudicial effects such transmissions would on the degree of efficiency of her primary functions. In summary on this point, ships of LIBERTY's configuration, like submarines, are members a "silent service" all their own.

35. It is found that it has been, and continues standard practice, in ships of this type to cultivate great patience with regards to desires to get electrical traffic off the ship because of the prejudicial effect on the ship's mission.

36. It is evident that communications procedures for ships of this type would be improved were they to be considered in a communication category analogous to submarines.

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37. On the matter of operational control of LIBERTY vis a vis the precise directives to the ship governing the application of her embarked capabilities, it is important to understand LIBERTY's situation as a mobile platform, under naval command, transporting capabilities belonging to a service or agency other than the Navy. This condition and situation, while not unique to naval platforms, requires a complete awareness and understanding of the very close

coordination and cooperation between those responsible for operation of and positioning of the platform itself in relation to those responsible for the embarked capabilities. Detailed testimony discloses that LIBERTY found absolutely no difficulties accommodating to this conditions, unique within the navy to ships off this particular type.

38. The on-line crypto capability has engendered a dangerous willingness to send more classified traffic than in days of manual decoding without required proportionate increase in experienced supervisory personnel to ride herd on traffic quantum increases. Conversely, we find often very inexperienced personnel being the first to give attention to misrouted messages such as those in question.

39. Key messages critical to international relations were not in this case, paralleled on other circuits.

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

41. LIBERTY's embarked "warning" capabilities apparently gave no indication of impending danger during the period prior to the attack.

42. LIBERTY had experienced periodic reconnaissance on this and other operating stations which tended to create a feeling of "acceptance without undue concern" conditions as they were on 8 June 1967.

Reconnaissance experiences known to LIBERTY and other ships of LIBERTY's class in other parts of the world minimized concern by LIBERTY personnel

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over recon efforts on 8 June.

43. Commanding Officer LIBERTY appropriately reported recon early on A.M. of 8 June through her "locating two". This report was transmitted promptly by ship despite temporary interruption of her mission, at the direction of the Commanding Officer.

44. Up to the time of the attack, testimony disclosed no reasons to abort LIBERTY's mission in accordance with paragraph 1A of Appendix B to SM 676-66 of 19 August 1966.

45. The degrees of coordination and accuracy of the air and surface attacks combined first to wipe out defense and shipboard control capabilities, followed by the crippling blow of a torpedo.

46. The Israeli aircraft rockets penetrated topside steel easily, leaving roughly five inch holes, with innumerable shrapnel pock marks on the inside of spaces penetrated.

47. The heroism displayed by the Commanding Officer, officers and men of the LIBERTY was exceptional. The Commanding Officer is being recommended for the Congressional Medal, and the ship for an appropriate unit

citation. These planned actions are fully supported by testimony to the Court.

48. LIBERTY apparently experienced a phenomenon identified as electronic jamming of her voice radio just prior to and during air attacks. This jamming was described as a steady carrier without modulation.

49. Disparities in reported times relating to sequence of events can well be attributed to the number of ship's clocks on board hanging askew and often stopped from shock at various times. It was necessary to reconstruct time sequences, because QM notebook was incomplete from 1355 to 1446 since the QM was killed during the first attack.

50. Extent of Damage. The major material damage to LIBERTY resulted from the torpedo explosion, as follows:

A. SHELL DAMAGE: Hole centered at FR 60 and extending 24 ft downward from just below second deck and longitudinally from frame 53

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to frame 66 (39 feet). The hole was teardrop in shape, larger at bottom.

B. Interior structural damage: Outboard 15 feet of first platform and associated structure badly damaged. Lesser damage to second platform deck (tank top). Second deck and frames buckled from frame 52 to frame 62 and extending inboard 15 feet.

C. Major damage to all interior joiner bulkheads below second deck frame 52 to 78, entire width of ship.

In summary of above, the two research compartments, which extend the entire width of the ship, suffered severe structural damage and were flooded. Installed equipment and fittings were reduced to twisted wreckage.

Topside damage resulting from aircraft strafing and rocked attacks and from MTB strafing (ship was hit by more than 821 shells and rockets, many of them incendiary) summarized as follows:

Pilot house and signal bridge forward deck house, all gun tubs, many antennas including radar antenna, numerous bulkheads and decks holed by explosive rockets. Whale boat destroyed in davits by incendiary rockets and many life rafts holed or burned in their stowages. Flag bags burned and numerous fires resulting from incendiary munitions.

The gyro compass, air conditioning plant and many minor items of equipment, located in superstructure spaces, were damaged or destroyed. Numerous living spaces and personnel effects damaged by holing, shrapnel and wetting during firefighting.

Cost estimated - Value of destroyed research equipment \$6-8 million, 12 months lead time. Structural repairs to ship and ship's equipment \$2-4 million, 3-4 months.

51. The Israeli government set forth 7 points of rationale to explain their position relative to the attack on LIBERTY in USDAO Tel Aviv message DTG 091520Z. Legal opinion and other comments on each is appended hereto (Appendix VI).

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52. That any killed or wounded personnel attached to the USS LIBERTY during the attack are eligible for the Purple Heart under the provisions of SECNAVINST. P1650.1C Chapter TWO SECTION THREE ARTICLE 231 PARA 12 b. sub-paras (4) and (5). The Commanding Officer, USS LIBERTY is preparing a listing of eligible personnel to be recommended.

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[signature] Isaac C. KIDD, Jr.
Rear Admiral, U.S. Navy
President

[signature] Bernard J. LAUFF
Captain, U.S. Navy Member

[signature] Bert N. ATKINSON,
Jr. Captain, U.S. Navy Member

[signature] Isaac C. KIDD, Jr. Rear Admiral, U.S. Navy
President

[signature] Ward BOSTON, Jr. Captain, U.S. Navy Counsel for
the Court

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