TO: U - The Under Secretary
THROUGH: S/G #
FROM: L - Carl F. Solars #
SUBJECT: "The Liberty" - Discrepancies Between Israeli Inquiry and U.S. Navy Inquiry

September 21, 1967

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

The following discrepancies are noteworthy:

I. Speed and Direction of the "Liberty"

- The Israeli report indicates that the torp. boat Division Commander reported and reconﬁrmed the target's (Liberty's) speed at 20 to 30 knots and that it had changed its navigational direction shortly after 1341 hours.

- The U.S. Navy Inquiry established that the target had been on a steady course at 5 knots from 1132 hours until the attack.

II. Aircraft Surveillance

- The Israeli report indicates that a ship was reported in the area by reconnaissance aircraft at 0600 am, but another report was received of a contact between an Israeli aircraft and a surface vessel about 0900.

- The Navy Court finding of facts, plus testimony of various members of the crew indicate reconnaissance over-flight of the Liberty at 0515, 0850, 1038, 1126, 1145, 1200, and 1240.

III. Identification by Israeli Aircraft

- The Israeli report indicates that the fighter aircraft carried out a run over the ship in an effort to identify it.
Commander McGarrage testified that he observed the aircraft of similar characteristics to those in earlier reconnaissance flights approximately five to six miles from the ship at an altitude of 7,000 feet. He did not see it approach the ship. Within a couple of minutes, a loud explosion was heard from the port side of the ship, apparently resulting from a rocket launched by a second aircraft.

IV. Identification by Torpedo Boats

- The Israeli report indicates that two torpedo boats approached the Liberty in order to establish visual contact and to identify it, and that in addition, Commander of the torpedo boats signalled the word, "Liberty, identify." The identification, The Liberty replied, "Identify yourself first," and opened fire on the torpedo boats.

- Commander McGarrage's testimony indicated that the only signals from the torpedo boats were heard during the high-speed approach from a distance of approximately 2,000 yards and that it was not possible to release the Liberty to read the signals because of the interposition of smoke and flames. The reply of the Liberty was immediate. Immediately after the Liberty was struck by rockets, the torpedo boats stopped at a range of approximately 2,000 to 4,000 yards and signalled by flaring a white light and the word, "Do you require assistance?" Commander McGarrage testified that he had no means to communicate with the boat by light but hoisted "CQDS BLM INDIA". ("I am not under command", i.e., not able to control movements of ship).

V. Plan and Identification Markings

- The Israeli report indicates that the fighter aircraft which reported made an initial pass and the Liberty was not spotted; it was not found until no other identification marks were observed. "It was not the Liberty but a vessel of any kind spotted by the ship...." (Elusive: the report had indicated that at this point the ship had been identified as the Liberty "whose marking was GTR-57")
The Navy Inquiry consisted of a panel of five members of the Navy, the Navy's legal advisor, a Navy Ensign flying during the entire morning and up until the air attack. The Ensign was subsequently shot away during the air attack. Before the torpedo attack, a second Ensign was hoisted. The Navy report also found that "hull markings were clear and freshly painted."

The Clifford report noted that "the Liberty" U.S. Navy's distinguishing letter and number were painted clearly on her bow. The Liberty's name was clearly painted in English on her sides. "The ship's configuration and the standard markings were clearly sufficient for reconnaissance aircraft and waterborne vessels to identify her correctly...." The report noted that at all times prior to the air attack the Liberty was flying her normal size American flag (9 ft. by 14 ft.) at the masthead. Five minutes prior to the attack by the torpedo boats, the Liberty put up a flag measuring 7 ft. by 13 ft. to replace the flag which had been shot down in the air attack.

VI. Identification of Ship as "El-Kasir"

The Israeli report indicates that shortly before the torpedo boat attack the torpedo boat Division Commander reported the certain identification of the vessel as an Egyptian transport ship named "El Kasir". Identification of the target was made both by the Division Commander and the commander of another torpedo boat. The Israeli Judge indicates in his decision that "on examining photographs of the two ships, I am satisfied that a likeness exists between them, and that an error of identification is possible, especially having regard to the fact, that identification was made while the ship was cladded in smoke."

The Clifford report noted that the Liberty could have been mistaken for the Egyptian supply ship El Kasir is unbelievable. El Kasir has one-fourth the displacement of the Liberty, roughly one-half the beam, is 180 feet shorter, and is very differently configured. The Liberty's unusual antenna array and hull markings should have been visible to low-flying aircraft and torpedo boats. ... Trained Israeli naval personnel should have been able easily to see and identify the larger hull markings on the Liberty."
Additional Observations Regarding Target Model

I. Speed of the Target

- The Israeli report states that the initial speed of the target reported by the torpedo boat commander was 30 knots. However, within minutes the speed was reduced to 24 knots. The report notes that the torpedo boat had no reason for surmising that the target possibly be the Liberty.

- The reported speed would have made it impossible for the Liberty to have as the range of a Liberty's top speed is 14 knots.

II. Failure to Relate "Liberty" to Bombardment

- The Israeli report emphasizes that the report originated with reports that the El Arish area was being shelled from the sea. The implication of such reports was obvious that a Liberty capable of such shelling was present in the immediate area, i.e., within gun range of the shore.

- It would be clear to any trained observer on the scene that the Liberty was incapable of such bombardment. It appears now that neither the aircraft, the torpedoes, nor the command headquarters to which the mechanics reported evaluated the ship's capability for such bombardment.

III. Time Sequence of Attacks

- The Israeli report indicates that it had previously agreed that a. as soon as the torpedo boats located the target, aircraft would be dispatched. At 1341 hours the torpedo boat located the target. A few minutes later, the dispatch of aircraft was requested. The first aircraft attack occurred at approximately 1400 hours.

- Assuming "a few minutes later" would be approximately five minutes, the request for aircraft must have occurred about 1345. One may infer from the fact that within a period of approximately 15 minutes, the request was transmitted, received, a command decision made, aircraft dispatched, and the attack launched, that no significant time was expended in an effort to identify the ship from the air before the attack was launched.

IV. Attack by Torpedo Boat After "Do Not Attack" Order

- The Israeli report confirms that during the final attack...
By aircraft the marking "CFL-2" was noted on the ship and an order was transmitted to the torpedo boat division not to attack. The order was recorded in the log book of the flag boat at approximately 1420 hours. The torpedo boats nevertheless began their attack run at approximately 1425. The Division Commander later "claimed that no such message ever reached him." The Deputy Commander testified that "he received the message and passed it on to the Division Commander."