

# Exhibit 3

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THE WHITE HOUSE

- WASHINGTON -  
PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

July 18, 1967

The Israeli Attack on the USS Liberty

#### The Attack

On the afternoon of June 8 (2:05 p.m., Israeli time), the USS Liberty while in international waters in the Eastern Mediterranean suffered an attack by Israeli aircraft and motor torpedo boats. When attacked the Liberty was approximately 15.5 nautical miles north of Sinai and was traveling in a westerly direction at a speed of five knots.

The initial attack consisted of five or six strafing runs by jet aircraft and was followed twenty-four minutes later with an attack by three motor torpedo boats.

The attack was executed with complete surprise, remarkable efficiency, devastating accuracy and deeply tragic results.

#### Israel's explanation the Attack

Israel's explanation of the attack is summarized as follows:

- a. The attack was an "innocent mistake--no criminal negligence was involved."
- b. Israel's Navy and Air Force had received a number of reports that El Arish was being shelled from the sea. These reports were later determined to be erroneous but, at the time they were received, they were accepted at face value by Israeli Naval and Air Force headquarters.
- c. Israeli officers who knew the Liberty had been identified earlier the same day did not connect her with the unidentified ships said to be shelling El Arish (and apparently the fact that a U. S. flag vessel was in the area was not communicated to subordinate elements of the Israeli Defense Forces (IDF)).
- d. A second "mistaken report" -- that the Liberty was steaming at thirty knots--was received by the IDF. When the Liberty was identified

on the morning of June 8, the IDF determined from Janes Fighting Ships that the Liberty's maximum speed was eighteen knots. The second "mistaken report" led to the conclusion that the earlier identification of the Liberty was erroneous and that the vessel allegedly traveling at thirty knots was an enemy ship.

e. IDF standing orders provided that any ships in the area cruising at speeds above twenty knots may be brought under attack without further identification. Thus the air attack was launched.

f. A third mistake" resulted in the execution of the second (motor torpedo boat) stage of the attack. This third error of the IDF was its mistaken identification of the Liberty as the Egyptian supply ship El Quseir.

g. Immediately following the air attack, serious doubts began to arise concerning the true identity of the ship, but these doubts were not communicated to the commanding officer of the motor torpedo boats before he launched the second stage of the attack.

h. Prior to launching the torpedo attack one of the Israeli boats sent an "A-A" signal (meaning "what is your identity?") to the Liberty. The Liberty, instead of identifying herself, responded with an "A-A" signal. Officers on the Israeli boats interpreted the return signal as an evasion and concluded that the vessel in question was Egyptian, whereupon the torpedos were launched.

i. The Liberty acted with lack of care by approaching excessively close to shore in an area which was a scene of war, without advising the Israeli authorities of its presence and without identifying itself elaborately. The Liberty tried to hide its presence and its identity both before it was discovered and after having been attacked.

### Our Findings of Fact

Based upon a thorough review of all information on the incident which has become available thus far, I wish to submit the following findings of fact:

a. At all times prior to, during, and following the attack, the Liberty was in international waters where she had every right to be. As a noncombatant neutral vessel she maintained the impartial attitude of neutrality at all times prior to the attack.

b. Prior to the attack no inquiry was made by the Israeli Government as to whether there were U.S. flag vessels in the general

area of the Eastern Mediterranean adjoining Israel and the United Arab Republic.

c. The weather was clear and calm in the area at the time of attack and throughout the preceding hours of June . Visibility was excellent.

d. At all times prior to the attack the Liberty was flying her normal size American flag (five feet by eight feet) at the masthead. The flag was shot down during the air attack and was replaced by a second American flag (seven feet by thirteen feet) five minutes prior to the attack by motor torpedo boats. The Liberty did not endeavor to hide her identity or her presence in international waters at any time prior to or during the attack.

e. The Liberty's U.S. Navy distinguishing letters and number were printed clearly on her bow. The Liberty's number was painted clearly in English on her stern. (Egyptian naval ships such as the El Quseir, with which the Liberty was allegedly confused, carry their names in Arabic script.)

f. The ship's configuration and her standard markings were clearly sufficient for reconnaissance aircraft and waterborne vessels to identify her correctly as the noncombatant ship Liberty.

g. At the time she was attacked, the Liberty was making only five knots. Her maximum capability is eighteen knots, a fact which had been ascertained by IDF personnel when she was identified on the morning of June 8.

h. Prior to the torpedo attack the Liberty neither received nor dispatched an "A-A" signal. The Israeli claim that the Liberty transmitted an "A-A'1 signal prior to the torpedo attack is demonstrably false. The Liberty's signal light capability was totally destroyed in the air attack which occurred some twenty minutes before the torpedo boats appeared on the scene. Intermittently prior to the attack Liberty personnel observed a flashing light coming from the center boat. The first intelligible signal received by the Liberty was an offer of help following the torpedo attack.

i. The Liberty was reconnoitered by aircraft of unidentified nationality on three separate occasions prior to the attack--5 hours and 13 minutes before the attack, 3 hours and 7 minutes before the attack, and 2 hours and 37 minutes before the attack. Personnel on the Liberty, who observed and in some instances photographed the reconnaissance aircraft, were unable to identify them fully. Positive evidence concerning their nationality is still lacking, however, there

are several grounds for assuming they were Israeli: (1) when the aircraft orbited the Liberty on three separate occasions the Arab-Israeli war was in its fourth day, the Egyptian Air Force had been substantially destroyed, and the Israeli Air Force was in effective control of the air space in the area; (2) [ ---- excised ----] received information from a reliable and sensitive Israeli source reporting that he had listened to IDF air-to-ground transmissions on the morning of June 8 indicating Israeli aircraft sighting of a vessel flying the U.S. flag; (3) in the course of advancing its explanation for the attack, the Israeli Government acknowledged that the Liberty had been identified by IDF officers early on the morning of June 8.

3. [ --- excised --- ] shortly after the torpedo attack, the Israelis began to have doubts as to the identity of the vessel and efforts were intensified to verify its identification. Ten minutes after the torpedo attack an Israeli ground controller still believed it to be Egyptian. Identification attempts continued, and forty-five minutes after the torpedo attack, helicopters were checking the masts, flag and bow number of the Liberty. By this time, there appears to have been no question in Israeli minds as to what had happened. The weight of the evidence is that the Israeli attacking force originally believed their target was Egyptian.

## Conclusions

Based upon a thorough review of all information on the incident which has become available thus far, I wish to submit the following conclusions:

- a. The information thus far available does not reflect that the Israeli high command made a premeditated attack on a ship known to be American.
- b. The evidence at hand does not support the theory that the highest echelons of the Israeli Government were aware of the Liberty's true identity or of the fact that an attack on her was taking place. To disprove such a theory would necessitate a degree of access to Israeli personnel and information which in all likelihood can never be achieved.
- c. That the Liberty could have been mistaken for the Egyptian supply ship El Quseir is unbelievable. El Quseir has one-fourth the displacement of the Liberty, roughly 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. In the heat of battle the Liberty was able to identify one of the attacking torpedo boats as Israeli and to ascertain its hull

number. In the same circumstances, trained Israeli naval personnel should have been able easily to see and identify the larger hull markings on the Liberty.

d. The best interpretation from available facts is that there were gross and inexcusable failures in the command and control of subordinate Israeli naval and air elements. One element of the Israeli air force knew the location and identification of the Liberty around 9:00 a.m. and did not launch an attack. Yet, hours later, apparently a different IDF element made the decision to attack the same vessel that earlier flights had identified and refrained from attacking.

e. There is no justification for the failure of the IDF--With the otherwise outstanding efficiency which it demonstrated in the course of the war--to ensure prompt alerting of all appropriate elements of the IDF of the fact that a U.S. ship was in the area. There was ample time to accomplish such alerting because the Liberty had been identified as a U.S. flag vessel five hours before the attack took place.

f. The unprovoked attack on the Liberty constitutes a flagrant act of gross negligence for which the Israeli Government should be held completely responsible, and the Israeli military personnel involved should be punished.

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